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Women and Combat: Impediments to the Total Integration of Women in the Military

Sylvia Marie Rafels
Western Michigan University

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WOMEN AND COMBAT: IMPEDIMENTS TO THE TOTAL INTEGRATION OF WOMEN IN THE MILITARY

by

Sylvia Marie Rafels

A Dissertation Submitted to the Faculty of The Graduate College in partial fulfillment of the requirements for the Degree of Doctor of Public Administration School of Public Affairs and Administration

Western Michigan University Kalamazoo, Michigan December 2001
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Sylvia Marie Rafels
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CHAPTER I

INTRODUCTION

The integration of women in the military services has been an evolutionary process. All branches of government have struggled with the issue of the role of women in the military. There has been a gradual shift toward allowing women to serve in more and more positions in the armed services, with women now only restricted from service on submarines, amphibious assault vehicles, and specific combat designated specialties. While woman's role in public life has gradually expanded, full equality has yet to be reached. Contributing to the full equality of women is the full integration of women in the military.

Much of the shift toward women serving in expanded roles in the military can be attributed to women's increased inclusion in public life. More generally, Elshtain (1987, pp. 47-56) argues that war has created the greatest gender gap; war is historically a male activity and thus reinforces the woman's role as a noncombatant. She further argues that politics gave birth to, and thus was tantamount to, war for the Greek city-state. Since women were thus barred from public life and politics, the seed was planted for today's social constraints on women in combat situations.

Tavris (1992, p. 63) argues that without understanding what involvement in war accomplishes for women elsewhere in society, we only perpetuate the argument that men love war and women hate it. She believes the current debate on women and
war, based on women's nature and their ability to fight, deflects attention from the real issue of what women could gain or lose by the decision to allow women in combat.

Although not official policy, combat duty is viewed by military promotion boards as valuable experience. Women as well as men with combat duty will be promoted ahead of those who do not have such experience. This is borne out by Dr. Laura Miller's survey research (Presidential Commission on the Assignment of Women in the Armed Forces, 1992) that indicated 60% of the female officers and 54% of the female enlisted believed lack of combat duty hurt women in promotions. This may be one explanation for why only the following four women have achieved the rank of three-star general and no woman has ever been promoted to four-star general: Army Lieutenant General Claudia J. Kennedy who was promoted in 1997 and was the Deputy Chief of Staff for Intelligence before her retirement in June 2000; Vice Admiral Patricia A. Tracey of the Navy, Deputy Assistant Secretary of Defense for Personnel, promoted in 1996; Lieutenant General Leslie F. Keene, Air Force, Commander of the Electronic Systems Center at Hanscom Air Force Base, promoted in 2000 and; Lieutenant General Carol A. Mutter, United States Marine Corps, retired, promoted in 1996.

Problem Statement

Combat exclusion laws fail to consider the prevailing opinions of both the men and women who serve in the military as well as other expert testimony. Marshall
(1987, pp. 18-243) offers first-hand accounts of women facing combat from World War II to the invasion of Grenada and Operation Desert Shield/Operation Desert Storm. These women believed themselves to be in combat by their proximity to the fighting. Smith (1992, pp. 87-124) wrote of her experiences as a combat nurse serving in an intensive care unit in Saigon where casualties were brought in, only minutes away from the battlefield.

Women have made noteworthy contributions that seem to have gone unnoticed or, at best, were recognized and dismissed as an exceptional circumstance. Those who support the full integration of women in the military, as exemplified by testimony before the Presidential Commission on the Assignment of Women in the Armed Forces (1992, pp. 3, 22-23), believe the assignment of soldiers into combat positions should be based on need, not on gender. As the U.S. becomes more involved in serving as the world’s peacekeeper, more and more women will be sent into situations that expose them to direct combat, rendering the military services’ exclusion laws and policies antiquated and in need of revision.

Significance of the Study

Women in military service have moved from total segregation to partial incorporation, but have not yet achieved full integration. This study will examine the impediments that have kept women from becoming part of a fully integrated military. A conceptual model will be developed based on the careful analysis of primary historical documents. These will include the Declaration of Independence, the United States
Constitution, the Bill of Rights and other relevant Amendments that address the role of women including the aborted Equal Rights Amendment. The *Congressional Record*, public papers of the presidents, and finally lower court decisions and subsequent Supreme Court decisions with regard to women and the draft will be examined. For the period of time from 1983-2000, activity related to the issues of women's role in military service is examined and newly enacted laws are discussed. This qualitative analysis will identify the salient themes and sub-themes that identify the impediments to the full integration of women in the military.

Women have made great strides in the past nineteen years toward equal opportunity within the armed services. Most recent advances with regard to the opening of Navy and Army combat ship and aircraft positions and the repeal of the risk rule signify a gradual loosening of the restrictions placed on women. As more research is conducted on the issue of women being allowed to serve in combat designated positions, public debate will ensue and perhaps ignite further reforms. This research will hopefully serve as an impetus toward broadening that public debate.
CHAPTER II

LITERATURE REVIEW

Few studies have been conducted on the subject of women serving in combat positions. This is largely because the debate on women serving in combat positions is relatively recent. The issue has received increased attention as more and more women are deployed into potential combat situations. Additionally, comparison of studies between men and women in combat is difficult in that studies of men and combat stress often lack rigorous evidence, are usually anecdotal, or are the product of experiments that tend to be unrealistic or unethical (Holmes, 1985, p. 216). Holmes cited research by W.D. Fenz, where the heart rate, respiration rate, and basal conductance and skin responses of parachutists were measured in order to determine when a soldier is most stressed. Because the research was not conducted in a battlefield environment, it was concluded that the findings had only limited relevance with regard to actual combat. Holmes suggests that personal accounts are most helpful when measuring changes in men's sensations during battle (Holmes, 1985, p. 217). There are, however, seven studies that examine the impacts of women serving in various combat roles. The results of these studies are depicted in Table 1 and are also outlined in detail in the following discussion.

Women's role in the military has been addressed differently outside the United States, particularly in Canada, Denmark, and most recently Germany. Since February
## Table 1

**Previous Studies**

<table>
<thead>
<tr>
<th>Date</th>
<th>Conducted by</th>
<th>Study Design</th>
<th>Sample</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>1989</td>
<td>Canadian Army</td>
<td>Experimental</td>
<td>48 women</td>
<td>94% of the women failed Infantry training course; 30% men failed</td>
</tr>
<tr>
<td>1989</td>
<td>Danish Defense Forces</td>
<td>Experimental</td>
<td>1 Mechanized Infantry Company of mixed sex</td>
<td>Women had higher drop out rate; women better in endurance; all positions in DDF now open</td>
</tr>
<tr>
<td>1991</td>
<td>Newsweek</td>
<td>Survey (telephone, random)</td>
<td>610 adults</td>
<td>53% said women should get combat positions if they want them; 57% said women should be held to same physical standards as men; 89% are somewhat to very concerned about mothers leaving small children; 51% said women being allowed to serve in the Infantry would be a burden on the military</td>
</tr>
<tr>
<td>1992</td>
<td>Laura Miller</td>
<td>Survey (mail, random)</td>
<td>868 female officers; 783 male officers</td>
<td>34% men vs. 42% women said they would definitely or probably leave service if women were compelled to serve in combat; 52% men vs. 15% women said physical fitness standards should be the same for both sexes; 60% female officers and 54% female enlisted said combat exclusions definitely to probably hurt promotion opportunities, while 25% male officers and 24% male enlisted said same; 22% women in ODS believed they served in combat; 73% female officers and 79% female enlisted said women should be allowed to volunteer for combat, while only 31% male officers and 51% male enlisted agreed</td>
</tr>
</tbody>
</table>
Table 1--Continued

<table>
<thead>
<tr>
<th>Date</th>
<th>Conducted by</th>
<th>Study Design</th>
<th>Sample</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>Roper Organization</td>
<td>Survey (telephone, random)</td>
<td>1,500 adults</td>
<td>53% favored volunteer-only assignment to combat aircraft; 51% to combat ships; 45% to direct ground combat; 52% said women should be drafted in a national emergency; 65% said married women w/children should not be assigned to combat; 69% said same for single mothers; 55% said with dual parents, mother should be exempt from combat</td>
</tr>
<tr>
<td>1992</td>
<td>Roper Organization</td>
<td>Survey (mail, random)</td>
<td>8,000 military personnel</td>
<td>57% favored current laws and policies; 41% said assignment of women to combat positions would have a negative impact on national security; 17% said women in combat positions would decrease the likelihood they would stay in the military; 41% said change in policy would have an adverse impact on unit cohesion; 54% said it would cause an increase in fraternization; 74% indicated adverse loss time due to pregnancy/other health issues</td>
</tr>
<tr>
<td>1992</td>
<td>Presidential Commission on the Assignment of Women in the Armed Forces</td>
<td>Survey (mail, not random)</td>
<td>6,109 retired flag and general officers</td>
<td>90% opposed women in the infantry; 76% opposed women in combat vessels; 71% opposed women in fighter/bomber aircraft; 56% believed in a negative impact on cohesion</td>
</tr>
</tbody>
</table>
of 1989, the Canadian Armed Services have allowed women to serve in any Army, Navy, or Air Force job other than submarine duty; women only have to meet the same physical and performance standards as their male counterparts during training. Since this opening of such jobs as infantryman and artilleryman to women, the Canadian military has kept statistics on the success of the program. Forty-five of the 48 women who attempted infantry training in 1989 failed, whereas only 30% of the total male population attending infantry training failed. The total number of women on active duty, however, increased from 9.4% to 10.3% and from 17.5% to 19.3% in the reserves. Approximately 450 women have enrolled in jobs previously closed to them. Reaction to the expanding role of women in the Canadian Armed Forces was mixed. One self-identified pro-peace feminist group was concerned about the militarization of the economy; while another believed it would expand opportunities for women to learn marketable skills (Suh, 1989, pp. 71-72).

In 1989 the Danish Defense Forces undertook a trial whereby women were allowed to volunteer for all branches of service. The trial involved providing for one mechanized infantry company of mixed sex and training them to required standards. After the trial period of six months, it was found that the women did not appreciably perform any worse than the men, and in some cases, better, especially in endurance. There was, however, a much higher dropout rate of women. Those women who remained were highly praised by their commanding officer for being hard working and just as proficient as the men. Consequently, all positions in the Danish Defense Forces are now open to women (Danish Armed Forces, 1991). The same is true for
Germany; as of January 2001 all positions in the German military are open to women.

As early as the Spring 1983 Conference of the Defense Advisory Committee on Women in the Services (DACOWITS), a body of civilians appointed by the Secretary of Defense responsible for making recommendations as to the utilization of women within the military, strongly urged each military service (www.dtic.mil/dacowits):

...to re-examine the limits imposed by law and regulation as to ‘Combat Restrictions’ or ‘Combat Exclusion,’ with a view toward establishing a narrow interpretation of restrictions and thus broadening the opportunity for women (particularly with respect to unit and occupational specialty assignments).

The DACOWITS continued to make similar recommendations throughout the period of this study. In the Fall 1989 Conference it recommended that the Army conduct a four-year test opening all positions to women within that service. Repeatedly from the Spring 1983 Conference through the 1994 Spring Conference the DACOWITS called for the repeal of Title X United States Code (USC) Section 6015 and Section 8549. Section 6015 forbids women from serving on combat ships, and Section 8549 forbids women from serving on combat aircraft. In the Spring 1992 Conference DACOWITS recommended the services adopt a gender-neutral assignment policy with regard to women in military aviation. Finally, in the Fall of 1994 the DACOWITS issued a statement of appreciation to the Secretary of Defense for allowing greater opportunity for women by increasing the number of positions open to them, thereby signifying progress with regard to the opening of combat positions to women (www.dtic.mil/dacowits).

An article in the Army Trainer (Schrader, 1990, pp. 50-51) outlined the
physical differences between male and female soldiers that, if not attended to during routine physical training, may hamper the female in a combat situation. Army Major Henry C. Schrader described four distinct physical differences between men and women: (1) body size and composition—men are on average 4 to 5 inches taller and 30 to 40 pounds heavier; (2) cardio-respiratory system—men have more endurance due to their larger lung capacity; (3) musculoskeletal form—men have more muscle mass, higher strength levels, and, consequently, more speed and power; and (4) anatomical structure—men have a higher center of gravity and thus more efficient knee joints. Although many would believe these differences alone suffice as evidence enough to keep women out of combat units, Major Schrader suggests that with proper training and command support, these differences can be recognized and training plans developed to benefit the soldier regardless of sex (Schrader, 1990, pp. 50-51).

In a speech delivered at the Harvard Law School in April of 1991, retired Marine Corps Colonel and United States Naval Academy Professor Paul Roush (1991) argued that the combat exclusion policy rests on a number of ill-conceived assumptions. The first of these assumptions is that women will undercut our ability to wage war due to lack of ability physiologically, in leadership, and in the number of lost days due to illness. Secondly, the presence of women on the battlefield will inhibit male bonding and have an adverse effect on men and the camaraderie necessary in combat situations. Tradition is cited as another reason; just as the systematic exclusion of blacks was once considered acceptable within the military, women too have suffered this argument. Finally, many argue that the status quo cannot be
disturbed. Roush believes “business as usual” means a loss of 50% of the nation’s brainpower, a continuation of the perception of women as second-class citizens, and the reinforcement of bigotry.

Retired Major General Jeanne Holm (1991), in an unpublished paper, argued that on today’s battlefield reality and theory part company. The combat exclusion laws are intended to keep women in the rear, away from enemy fire and away from the risk of being taken prisoner of war. Recent events in Panama and Operation Desert Shield/Operation Desert Storm have proven otherwise. She argues that the fear in repealing the exclusion law is the possible effect on readiness; the presence of women will distract men and hinder male bonding. Former Congresswoman Patricia Schroeder presented a similar argument to the House Armed Services Committee Subcommittee on Military Personnel and Compensation in March 1990 when she stated the exclusion law is flawed because it is based on theoretical proximity to the battlefield. She argued the law does in fact weaken the military because it must draw on a larger pool of less qualified men simply because it bars women from certain jobs. Further, she emphasized that the law does not reflect prevailing public opinion.

Linda Bird Francke (1997, p. 260) argued “the culture wars will never end” with regard to the conflicts between men and women in the military services. She believes female combat aviators are on a “collision course” with the “male need for masculine reassurance” (p. 260); the warrior spirit will suffer, and men will not be able to cope with a woman being a better pilot than a man. Finally, Francke argues that the military culture is forcing men and women apart and when judged against the...
“majority male model” women are found to have the “wrong stuff” (1997, p. 260).

Stephanie Gutmann believes the military has “bungled gender-integration policies of the last decade” (2000, p. 278-280). She proposes several remedies to what she sees as “rock bottom” morale within the services as a result; among them are to eliminate all recruiting quotas for women, separate the sexes in boot camp, and restore high and equal physical and moral standards. She argues that:

We have lost the depth on the bench that we once had, and along with it the luxury to have decorative soldiers and reparational billets. In the downsized military everyone must be the real deal. The women we want in the military (in fact, everyone we want in the military) understand this. Our freedom and prosperity is dependent on getting the best people for the job. There are enough women in the pipeline so that sometimes a woman will be that best person. But the best person for the job will usually be a man (2000, p. 284).

Finally, Gutmann argues that we live in a politically correct state; we must learn instead to live in the “real world” over a utopian world pushed on us by social reformers (2000, p. 285).

Kathy Snyder (1990/1991, p. 93) argues that the combat exclusion law is a violation of the Fifth Amendment. The Fifth Amendment of the Constitution prohibits the federal government from making unreasonable classifications. The combat exclusion law discriminates against women as a class. Further, the law violates Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972. In this act, “military departments” cannot discriminate on the basis of sex. The question of whether this applies to the uniform services has yet to be answered.

Conversely, Brian Mitchell (May 1990, p. 36-37) contended that women are
less aggressive or altogether lacking in aggressiveness and are physically incapable or less physically daring than men, thus making them unfit for combat duty. Women would disrupt morale and discipline and would be less inclined to take necessary risks should they be allowed to serve in combat positions. Mitchell goes on to argue that: "The simple facts are that women are no longer needed in the military and their expanding presence is destroying the military body and soul" (1998, p. 341).

He believes there are several lies that must be exposed with regard to women in the military services. The first is that women meet the same standards as men with regard to physical standards and promotions and assignments. He cites the differing physical standards between men woman and the use of quotas as the method to determine promotions and assignments. Another lie is that the presence of women in the military has a positive effect on military readiness; Mitchell believes their presence has only served to soften military service. Finally, he believes that women are the "most victimized where they are the most liberated," that is, that women are free to "live as coarsely and brutally as men," yet blame the "old ways" when they are offended (Mitchell, 1998, p. 342-343).

Conservative Phyllis Schlafly, in a speech at the Heritage Foundation in June 1991, argued that women serving in combat positions are contrary to our culture, contrary to the importance of family and motherhood, and contrary to our respect for men and women. She contended that the qualities that make men good soldiers are absent in women: aggressiveness, risk taking, and enjoyment of body contact competition. Pregnancy and motherhood in her view are not compatible with military service.
In August of 1991 (Congressional Record, 1991), *Newsweek* magazine published the results of a telephone survey of 610 randomly selected adults in the USA (margin of error ±5%). Of those surveyed, 53% said women should get combat assignments only if they want them, and 57% said those women who qualify for combat roles should be held to the same standards of physical stamina and endurance as men. One half said women should be required to participate in the draft, but 89% said they were either somewhat or very concerned about mothers leaving small children at home. The majority, 51%, said allowing women to serve as infantry soldiers would be a burden on the military.

Dr. Laura Miller (Presidential Commission, 1992), currently teaching in the Sociology Department at the University of California Los Angeles, conducted a survey of 868 female and 783 male Army officers and enlisted personnel during the spring of 1992. The study indicated that: (a) 34% of Army men said they would definitely or probably leave the service if women were compelled to serve in combat, (b) 42% of Army women said they would leave if women were compelled to serve in combat, (c) 52% of Army men said physical fitness standards should be the same for men and women, (d) 15% of Army women said fitness standards should be the same, (e) 60% of Army female officers and 54% of Army enlisted women said combat exclusions definitely or probably hurt promotion opportunities for women, (f) 25% of male Army officers and 24% of Army enlisted men said the exclusions definitely or probably hurt promotion opportunities for women, and (g) 22% of women who served in Operation Desert Shield or Desert Storm said they believed they had served in
combat. An overwhelming majority of women, 73% of the female officers and 79% of the female enlisted, said women should be allowed to volunteer for combat. Only 31% of the male officers and 51% of the enlisted men agreed. Miller's findings were presented to the Presidential Commission on the Assignment of Women in the Armed Forces (1992, pp. D-5-D-7).

In 1992 the Roper Organization was commissioned by the Presidential Commission on the Assignment of Women in the Armed Forces to conduct two surveys: one of the general population and the other of military personnel. The first study sampled 1500 adults in a random telephone survey. The survey found that if women were allowed to serve in combat roles on a volunteer-only basis, 53% of those surveyed would favor assignment of women to combat aircraft. Further, 51% would favor assignment to combat ships, and 45% would favor assignment to direct ground combat positions. In the event of a national emergency or threat of war, 52% said women should be drafted. These views changed, however, when parenting and motherhood were introduced. A significant amount, 65%, said married women with children should not be assigned to combat. Similarly, 69% said the same for single mothers and 55% said where both parents are members of the military, the mother should be exempt from combat (1992, pp. D-1 – D-4).

In the second Roper study, 8,000 military personnel were surveyed. This study found that 57% favored the current laws and policies restricting women's participation in combat assignments. Were there to be a change in that policy, 41% felt that it would have an adverse impact on unit cohesion; 54% that it would cause an
increase in fraternization; and 74% that it would cause adverse lost time due to preg-
nancy and other women's health issues. However, only 17% said allowing women in
combat positions would decrease the likelihood they would stay in the military (1992,

The Commission also conducted its own survey on 6,109 retired flag and gen-
eral officers. Unlike the two Roper studies that were random surveys, this survey was
sent to all retired flag and general officers. These officers strongly opposed women in
combat positions, with 90% stating they opposed women in the infantry; 76% op-
posed women in combat vessels; and 71% opposed women in fighter/bomber aircraft.
A majority, 56%, believed women in combat positions would have a negative impact

The Commission also contained in its findings the General Accounting Office
study on women's performance during Operation Desert Shield/Operation Desert
Storm. Christopher John, Assistant Secretary of Defense for Force Management and
Personnel, ordered the report. The study, entitled Utilization of American Women in
Operations Desert Shield and Desert Storm, showed women to be less deployable
than men and to have a higher rate of return-from-theatre, but both rates were reported
as too small to hamper military operations. The Department of Defense defines
deployment as (www.dtic.mil/doctrine/jel/doddict/): "The relocation of forces and
materiel to desired areas of operations. Deployment encompasses all activities from
origin or home station through destination, specifically including intra-continental
United States, intertheater, and intratheater movement legs, staging, and holding
areas." The report indicated that only 2% of men versus 9% of women considered for deployment were classified as non-deployable due to medical reasons. Pregnancy accounted for approximately half of those women classified as non-deployable (Presidential Commission, 1992, p. D-14).

The Presidential Commission on the Assignment of Women in the Armed Forces, established in 1991 by President Bush under Public Law 102-190, used existing DoD documents, reports from a variety of research and educational organizations, books, articles, testimony, and fact-finding trips to vote on 17 issues as they relate to the assignment of women in the armed forces. The panel appointed by the president was to be "diverse with respect to race, ethnicity, gender, and age" (Presidential Commission, 1992, p. A-1). Panel members and their positions at the time of the Commission hearings were (Presidential Commission, 1992, pp. J-1-J-3): General Robert T. Herres, Air Force, retired, and Commission Chairman; Major General Mary Elizabeth Clark, Army, retired; Brigadier General Samuel G. Cockerham, Army, retired; Elaine Donnelly, former member of DACOWITS, 1984-1986; Brigadier General Thomas V. Draude, Marine Corps, Director of Public Affairs for the Marine Corps; Captain Mary M. Finch, Army, West Point graduate; Doctor William Darryl Henderson, Army, retired; Admiral James R. Hogg, Navy, retired; Newton N. Minow, lawyer; Charles C. Moskos, Professor of Sociology at Northwestern University; Meredith A. Neizer, former Chair of the DACOWITS and Merchant Marine Academy graduate; Kate Walsh O'Beirne, Vice President of the Heritage Foundation; Ronald D. Ray, lawyer; General Maxwell Reid Thurman, Army, retired, and; Sarah F. White, Master
Sergeant, Air Force Reserve. The panel voted not to allow the placement of women into ground combat units or onto warships. Generally speaking this may have been caused by what several of the panel members saw as a pre-determined agenda on the part of unnamed panel members. Panel members Brigadier General Thomas V. Draude, Captain Mary M. Finch, and Major General Mary E. Clark referred to this in their statements, citing that “no amount of facts or testimony would change their minds,” some displayed “bias in their questions, their comments, and their absences during testimony with which they disagreed,” and cited the “conservative make up of the Commission did not allow for objective assessment” of the issues (Presidential Commission, 1992, pp. 98, 104, 106).

More specifically, those commissioners who voted to retain the current restrictions on women in ground combat assignments cited the “effectiveness of ground combat units” to be the most significant criterion which drove their decision. The ten commissioners who voted to retain the restrictions believed the ground combat environment to be too physically demanding and hazardous for women. They also cited the possible negative effects of unit cohesion and the risk of capture by enemy forces as further reasons to retain the current policy (Presidential Commission, 1992, pp. 24-27). The eight commissioners who voted to allow women on all combat vessels except amphibious vessels and submarines cited the close confines of these types of vessels, limiting privacy, and the cost of modifying berthing areas to accommodate women as reasons for the exclusion (1992, pp. 31-33).

Those commissioners that opposed the above two findings cited several
reasons for their dissension. With regard to ground combat, the three commissioners who dissented believed unit cohesion is “not a single gender experience,” but instead a “function of good leadership, trust, competence and shared experience” (Presidential Commission, 1992, pp. 90-92). They believed servicewomen know and accept the risk of capture by the enemy, currently train under the harsh conditions of combat, and can perform basic soldier skills such as having to fight as an infantry soldier. The seven commissioners who believed women should be allowed on amphibious vessels and submarines cited flexibility as their primary concern. Placing limits on the ships where women may serve prevents the Secretary of the Navy from fully utilizing all his resources (1992, p. 96).

Many of the same reasons opponents give for not allowing women into combat positions are the same barriers women police officers face. The National Center for Women and Policing completed its third annual study on the status of women in law enforcement. The study was conducted from July 1999 to November 1999 and consisted of a survey of 180 law enforcement agencies with 100 or more sworn officers. Of those surveyed, 126 agencies responded. The survey resulted in eight key findings, many of which represent the same difficulties women in the military face, include discrimination and inability to be promoted to the higher ranks.

Four key findings are outlined below, beginning with what comes through in the research as the largest single barrier women face (www.feminist.org/police):

Research concludes that the single largest barrier to increasing the numbers of women in policing is the attitudes and behavior of their male colleagues. For example, national studies consistently find that discrimination and sexual harassment are pervasive in police departments and that supervisors and com-
manders not only tolerate such practices by others, but also are frequently perpetrators themselves. Hostile environments and systemic discrimination keep women from joining police agencies in more significant numbers and from being promoted up the ranks to policy-making positions, thus perpetuating a style of policing that is outdated, ineffective, and enormously costly to communities.

Among the other key findings were biases based on physical abilities, rewarding violent behaviors, and harassment. With regard to physical abilities the survey found that (www.feminist.org/police):

Entry exams, with their over-emphasis on upper body strength, favor men and wash out qualified women—despite studies showing that physical prowess is less related to job performance than verbal and mediation skills. In fact, no research has shown that strength is related to an individual’s ability to successfully manage a dangerous situation. While discriminatory height requirements were finally discarded in the early 1970’s, today’s tests that over-emphasize upper body strength continue to bar highly qualified women from entering policing.

Aggressive, violent behavior is promoted and often rewarded, as are these behaviors in men in the military. Similarly those with combat duty are seen as being promoted over those who have had no such duty (www.feminist.org/police):

Many law enforcement agencies continue to promote an outdated model of policing by rewarding tough, aggressive, even violent, behavior. This ‘paramilitary’ style of policing results in poor community relations, increased citizen complaints, and more violent confrontations and deaths. Redefining law enforcement to a community-oriented model of policing would attract more women who are repelled by policing’s trademark aggressive and authoritarian image.

Harassment was found to be common in those police agencies surveyed. Much the same can be said about the military. Prominent harassment cases such as Lieutenant General Claudia J. Kennedy and Major General David R. E. Hale entering into public debate (www.feminist.org/police):
Once on the job, women are frequently intimidated, harassed, and maliciously thwarted, especially as they move up the ranks. In Los Angeles, male officers formed a clandestine organization within the LAPD called ‘Men Against Women’ whose purpose is to wage an orchestrated campaign of harassment, intimidation and criminal activity against women officers—just one example of the kind of organized harassment women experience in law enforcement. A large number of women across the country have been driven from their jobs in law enforcement due to unpunished, unchecked, and unrelenting abuse.

The study cited the negligible increase in the number of female law enforcement officers, up only one-half of 1% in a one-year period. It concluded that women have made only small gains and their numbers are increasing at a slow rate (www.feminist.org/police): “Until law enforcement agencies enact policies and practices designed to recruit, retain, and promote women, gender balance in policing will remain a distant reality.” Given the current rate of growth, it will be several generations before women will achieve equality in law enforcement agencies.

The fourth annual study, released in April 2001, found the number of female police officers actually decreased from the 1999 study to 13%, but attributed this to the increased response rate from the agencies surveyed. The study was conducted from July 2000 to November 2000 and consisted of a survey of 349 law enforcement agencies with 100 or more sworn officers. Of those surveyed, 291 agencies responded. The results of this survey indicate that entry exams emphasize upper body strength thus “wash out” many otherwise qualified women. Further, the study concluded that:

...many women are discouraged from applying to law enforcement agencies because of their aggressive and authoritarian image, an image based on the outdated paramilitary model of law enforcement that is still in widespread use. Once on the job, women often face discrimination, harassment, intimidation, and are maliciously thwarted, especially as they move up the ranks.
The emphasis on physical strength, discrimination, and harassment are the same barriers women face with regard to their integration into the military services. As this study indicates later in detail, lawmakers and the judiciary, when addressing the issue of women in combat roles, reflect these issues.

Women firefighters also face similar barriers with regard to their integration into a previous all-male bastion. Women in the Fire Service, Incorporated (WFSI) addresses the issues women firefighters currently face. They argue that the issues that face women firefighters in the early 2000s are the same issues any “traditionally excluded group beginning to make inroads in a new workplace” face. WFSI cites the tradition of firefighting as a male endeavor and argue that societal constraints regarding “men’s and women’s roles and perceived capabilities” limit women’s full participation in firefighting (www.wfsi.org/WFS.basicinfo.html). It further emphasizes that women represent change to the culture of fire service and threaten, “the ways male firefighters perceive the job, themselves, and women in general” (www.wfsi.org/WFS.diversity.html).

Biernat and Crandall (1998, p. 301-317) studied the influence of both race and sex with regard to judgments about leadership competence. They surveyed Army Captains participating in a nine-week course at Fort Leavenworth, Kansas. These Captains were asked to rate their classmates on a scale of one to five on their leadership competence. They were then asked to rank order themselves and their classmates, using the same scale, on leadership competence. The result was “men were
consistently judged to be better leaders than women, but this effect was reliable only for rankings and not for ratings” (Biernat & Crandall, 1998, p. 308). From a racial standpoint: “the pro-male sex bias was more pronounced on rankings than on ratings, but in the case of race, white judges evaluated whites more favorably than non-whites, regardless of judgment” (1998, p. 309).

The authors also found that women judged themselves more negatively than men judged themselves. They found that white officers showed “marked evidence of pro-white bias” in their evaluations. Women judged themselves as less competent than men judged themselves, and sex and race were distinguishing characteristics when judging leadership competence.

Moore and Webb (2000, pp. 215-239) conducted a study within the U. S. Army to determine whether minority men were more satisfied with the equal opportunity climate than women and whether minority women were less satisfied with the climate than non-minority women. They concluded that white women are more satisfied with the equal opportunity climate than are Hispanic men and women; African American men and women were the least satisfied. The authors concluded that:

...while there is a lot of room for improving gender relations in the military, active-duty Army women are not as disgruntled about the EO climate as some of the scholarly literature and the media imply. All statistical tests of this study show race to be a more powerful variable than gender.... (2000, p. 233)

The Moore and Webb study will prove pertinent to this study.

Summary and Conclusions

As this review indicates, the studies that have been conducted on the topic of
women serving in combat roles in the military services have been topical in nature, that is, only surveys that measure opinions on the subject. The Presidential Commission produced significant recommendations, some of which are law today, but fell short of recommending the opening of all combat positions to women; perhaps this was due to the conservative make up of the commission itself. Throughout the previous studies and commission recommendations, unit cohesion, physical ability, the possibility of capture, and the rigors of combat are mentioned as the primary reasons women are and should be continued to be restricted from combat duty. The Biernat and Crandall study suggests there is a bias within the military favoring white male leadership; the Moore and Webb study, however, indicates the equal opportunity climate within the military, although needing some improvement, may be better than the literature or media imply.

Although Canada, Denmark, and Germany allow women into virtually all positions within their respective militaries (except submarine duty in Canada), this did not seem to influence survey opinions or commission findings. Arguments are made that combat restrictions violate the Fifth Amendment and that current battlefield technologies make combat exclusion laws obsolete, but to no avail. Conversely, conservatives such as Schlafley, Mitchell and Gutmann essentially do not believe women are suited for military service, while Francke acknowledges an ongoing culture war between men and women in military service. The literature also suggests that women in law enforcement and firefighting face similar challenges with regard to their integration into their respective organizations.
Combat exclusion laws for women in the United States military services have been defined and re-designed throughout history; yet, they still prohibit women from serving on amphibious assault vessels, submarines, and specific combat designated specialties. As the following historical review indicates, much progress has been made in opening combat related jobs to women, but impediments remain with regard to total integration of women in the military, enabling them to serve in positions that would expose them to combat. This study seeks to identify those impediments through a careful analysis of executive, judicial, and legislative documents, resulting in a comprehensive conceptual model of the issues.
CHAPTER III

HISTORICAL BACKGROUND

Women’s role in the military, though somewhat limited, can be traced to the Revolutionary War when Deborah Sampson enlisted as a man in the Fourth Massachusetts Regiment and was given infantry duties. She was later honorably discharged, receiving compensation from the government for performing the “duty of a soldier in the late Army of the United States” (Jones, 1997, pp. 226-228). It was not uncommon for women to serve in the medical field during the Civil War. Clara Barton, for example, personally collected and distributed medical supplies to Union soldiers. Dr. Mary Walker served as a nurse in the Union Army during the Civil War, since women were not accepted as doctors. She was eventually commissioned the first female doctor in the Army and awarded the Congressional Medal of Honor (Jones, 1997, p. 238).

These examples of the intentionally limited female role in the military can be attributed to traditional western cultural views and the absence of women in public roles generally. The Declaration of Independence supports the notion that governance, hence roles in public life, is the exclusive arena of men (www.nara.gov/exhall/charters/):

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from
the consent of the governed...

No women signed the Declaration of Independence and it was “respect to the opinions of mankind,” emphasis added, that drove the content of the document. Lloyd (in Pateman & Gross, 1986, pp. 63-76) argued that both war and citizenship are traditionally male preserves in Western culture. It was not until the 19th Amendment that women were given a vital role in public life by being given the right to vote. Specifically Section I of Article 19 of the Constitution states “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex” (www.nara.gov/exhall/charters/). Prior to the 15th Amendment, which states under Section I that the right to vote “shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude” (www.nara.gov/exhall/charters/), the vote was limited to white males. As women’s roles as citizens expanded, it followed that their right or even obligation to participate in the nation’s defense would expand as well. As the role of women changed in the public forum, so did their rights and their responsibilities in relation to military service as an obligation of citizenship. World War I proved an important event in facilitating this recognition.

World War I Through 1982

The Navy, citing projected personnel shortages as the result of imminent war, began enrolling women into the Navy Reserve in 1917 as yeoman, radio electricians, draftsmen, translators, and recruiters. Then Secretary of the Navy, Josephus Daniels,
was convinced the United States was heading for war and the Navy could not meet its requirement for clerical personnel. His rationale for enlisting women was simple: "Is there any law that says a yeoman must be a man?" (Holm, 1993, p. 9). One year later the Army also allowed women to serve, though only as nurses, and the Navy expanded its role for women recruiting nurses as well. The Marine Corps enlisted women for clerical work and by the end of World War I the Army and Navy Nurses Corps, the Navy Reserve and the Marine Corps included a total of 34,000 women (Holm, 1993, p. 10).

Russia used women as combatants during World War I. Based on the success of a female fighting unit in the defense of the provisional government in Petrograd in October 1917, all-women units were formed called Battalions of Death. Consisting of about 250 women each, these units performed bravely under fire winning medals for heroism on the front lines (Jones, 1997, p. 133). One battalion soldier stated:

I had no sensation except to rid my country of an enemy. There was no sentimentality. We were trying to kill them and they were trying to kill us—that is all. Any Russian girl or any American girl in the same position would have the same feeling. (Jones, 1997, p. 133)

Serbia had an all-women counterpart to the Russian Battalions of Death. During World War I Serbia had an all-woman company called the League of Death, with 2,400 women volunteers (Jones, 1997, p. 134).

As women in the United States became more active participants in the military, they were segregated into their own Corps in keeping with Congressional intent not to place women in combat situations, namely, the Women’s Army Corps (WAC), the Women in the Air Force (WAF), the Women in the Marine Corps, and the
Women Accepted for Voluntary Emergency Service (WAVES). The Women’s Army Auxiliary Corps (WAACs), originally established under Public Law 554 in May 1942, became the WACs in July 1943 when the law was re-written to provide equity of pay and benefits between the WAACs, WAVES, and women Marines. The WAAC bill was not without opposition. One such representative was quoted in Holm (1993, p. 24):

I think it is a reflection upon the courageous manhood of the country to pass a law inviting women to join the armed forces in order to win a battle. Take the women into the armed service, who will then do the cooking, the washing, the mending, the humble homey tasks to which every woman has devoted herself. Think of the humiliation! What has become of the manhood of America?

The WAVES and Women in the Marine Corps were established under Public Law 689 in July 1942. The WAFs separated from the Air WACs and gained their first Director in June 1948. This segregation of women is not unlike the segregation of male blacks into their own units through World War II; however, the women’s Corps did allow for the inclusion of blacks. In 1942 the first iteration of 440 WAAC trainees, selected from a pool of 30,000 applicants, included 400 white women and 40 black women (Holm, 1993, p. 28).

Prior to the passage of the Women’s Armed Services Integration Act of 1948, the women in these Corps were not considered a part of the regular and reserve forces of the military and were limited in the duties they performed. World War II, with the time-consuming confusion of varying policies between services in employing women, caused Congress to address a single policy for women in the services. President Harry Truman signed the Women’s Armed Services Integration Act in 1948. In the
words of Colonel Mary Hallaren, Director of the Women's Army Corps, at the time:

It would be tragic if, in another emergency, a new generation had to start from scratch; had to duplicate effort; make the same mistakes twice... It would be foolhardy to wait for another war to find out how and where women could best be used in the national defense. To write, ‘finis’ to women’s contribution... would be turning back time. (Holm, 1993, p. 113)

Hearings on the bill’s passage were held in Congress. The physical abilities of women were called into question, but were quickly put to rest by the Navy Surgeon General:

The commonly held idea that women are invalidated in their middle years by the onset of the menopause is largely a popular fallacy. It is well known that men pass through the same physiological change with symptomatology closely resembling that of women. (Holm, 1993, p. 116)

The Act was supported by many men, including Generals Dwight D. Eisenhower and Omar Bradley of the Army, Admiral Chester Nimitz of the Navy, Air Force General Hoyt S. Vandenberg, and Marine Corps General A. A. Vandergrift. Admiral Nimitz, as Chief of Naval Operations at the time, stated with regard to women and the Navy:

Their skills are as important to the efficient operation of the naval establishment during peacetime as they were during the war years... The Navy’s request for the retention of women is not made as a tribute to their past performance. We have learned that women can contribute to a more efficient Navy. There, we would be remiss if we did not make every effort to utilize their abilities. (in Holm, 1993, p. 117)

This Act integrated women into the Regular and Reserves of the military services, but placed a 2% ceiling on the number of women in those services. It also limited female officer promotions and duty assignments. The debate surrounding the Act included the issue of women in combat.
The debate did not include whether or not women should serve in combat positions; instead it was to insure women remained as non-combatants. To do so was easy for the Air Force, Navy, and Marine Corps. Specifically, Title 10 United States Code (USC) Section 8549 forbade women from serving on Air Force aircraft engaged in combat missions, Section 6015 forbade women from serving on Navy vessels or aircraft which can be expected to be in combat, and Section 3012 allowed the Secretary of the Army to set its own policy based on its interpretation of congressional intent and policy. This was because the Army could not adequately define combat.

As Colonel Mary Hallaren stated during the hearings:

> It is possible for us to exclude the use of women in combat, that is on either aircraft or ships, and while it is up to the War Department to limit the utilization of women in the Army to noncombat jobs, it is impossible for the War Department to outline combat areas in the future since the experts advise that modern warfare makes the entire United States vulnerable as a combat area in the future. (Holm, 1993, p. 118)

Because all women in the Army at this time were assigned to the Women’s Army Corps, the Corps, by its very nature, excluded women from serving in positions designated as most likely to encounter direct combat (Congressional Record, 1985, May 2, pp. S-5236-38).

During World War II, Germany had women’s auxiliaries that served from 1940 until the end of the war. These women served in very much the same capacity as the women in the United States military auxiliaries, namely, in radar and searchlight batteries. Britain used women in World War II as couriers and spies. Both countries experienced women being captured and subjected to harsh treatment. The Germans captured 53 British women and of them twelve were executed. German
women captured on the Eastern Front were rumored to be subject to abuse, internment in labor camps, and execution (Presidential Commission, 1992, pp. C-60-61).

The Russian military used women during World War II to a greater extent, culminating in approximately one million women serving in a wide variety of positions and comprising about eight percent of the total force at the end of the war. For example, more than 1,000 women graduated in 1942 from sniper school and were credited with killing approximately 12,000 enemy soldiers. That same school also trained 250,000 women in the use of mortars, machine guns, and automatic rifles. Women served in the infantry, armor, artillery, anti-aircraft defense and most notably in aviation units. One regiment was nicknamed the Night Witches for its nearly 75 percent casualty rate. By war's end 91 women had been awarded the title of Hero of the Soviet Union for their battle feats (Presidential Commission Report, 1992, pp. C-62-65).

Shortly after the conclusion of World War II in the United States, the Defense Advisory Committee on Women in the Services (DACOWITS) was in established in 1951. This body consists of civilian men and women from business and public service whose job it is to meet annually and advise the Secretary of Defense (SECDEF) on issues concerning women in the military services.

As the result of a DACOWITS recommendation, Public Law 90-130 was enacted in 1967. This law allowed women to be promoted to Flag or General Officer rank and allowed women other than medical personnel to join the National Guard. With the dissolution of the draft in 1973 and the onset of an all-volunteer force the
Reserve Officer Training Corps (ROTC) was opened to women in 1972. The WAVES were abolished in March 1973, the WAFs in June 1976 and the segregated women in the Marine Corps unit in June 1977. The WACs were disestablished in October 1978 and women were permanently assigned to the branches to which they were once detailed.

The Navy took the first step in abolishing the WAVES and incorporating women into the Navy. The Director of the WAVES at the time, Captain Robin L. Quigley, supported this integration and stated:

If we women fail to shoulder the Challenge of Change as it affects us, to turn the corner with the rest of the Navy, then we will be relegated—and rightly so—to the perimeters of this profession tomorrow and forever (Holm, 1993, p. 281).

The WAFs abolition was based on the recommendation of the Director, Colonel Bianca Trimeloni. The reasons cited for her recommendation were the exploding WAF strength and the demands it created on the staff of the Director.

The 26th Commandant of the Marine Corps, General Louis H. Wilson, disbanded the Women Marines. He believed men and women should be recruited and trained as a single Corps. The Director, Women Marines Colonel Margaret A. Brewer, did not disagree and set about to disband the office. The WACs were abolished with much debate. The hearings held to study the abolishment of the WACs saw the retention of the organization as "cover to provide the opportunity for continued discrimination" (Holm, 1993, p. 285). It was observed that there was no "Black Corps" or "Texas Corps." When the WACs were finally disestablished, the Army's Chief of Staff General Bernard W. Rogers stated:
Qualified women now have the opportunity to serve in all but a few specific combat units and combat specialties. In availing themselves of that opportunity, women, like their male counterparts, must accept the responsibility for sharing all risks and enduring all hardships inherent in their specialty. Some people believe that women soldiers will not be deployed in the event of hostilities: that they are only to be part-time soldiers—here in peace, gone in war...The first considerations in the assignment of women in the Army have been, and will continue to be, the mission of the Army itself, and the uniquely demanding nature of Army service in wartime. Within that context, women can make many important contributions; indeed they are doing so now. The burden which rests on leaders at every level is to provide knowledgeable, understanding, affirmative and even-handed leadership to all our soldiers. (Holm, 1993, p. 286)

With the WACs gone, the Army was faced with revamping its combat exclusion policy. As part of that policy, the Army assessed each position for the probability of that position having to engage in direct combat. As a result, women were banned from serving in military occupational specialties (MOSs) that carry a Direct Combat Probability Designator (DCPD) of "P1." These specialties, such as "11B—Infantryman," are considered to have the highest likelihood of facing direct combat as defined by the Department of Defense (DoD). Women are confined to "P2" through "P7" specialties designated as combat support and combat service support. This confinement reduces the probability that women will be sent into situations that would expose them to direct combat.

The military services instituted an all-volunteer force in 1973, just prior to the end of the Vietnam conflict. At the cessation of the draft, known as the Selective Service System, women accounted for only 2.5 percent of the total force (Congressional Record, September 23, 1988). In the history of the United States, women have never been subject to Selective Service System registration or a military draft.
The Selective Service System Homepage provides an outline of why women are not required to register. The following is an excerpt from the homepage:

Why Women Aren't Required to Register

Women do not have to register with the Selective Service System.

Here's why:

THE LAW

Selective Service law as it's written now refers specifically to "male persons" in stating who must register and who would be drafted. For women to be required to register with Selective Service, Congress would have to amend the law.

THE SUPREME COURT

The constitutionality of excluding women was tested in the courts. A Supreme Court decision in 1981, Rostker v Goldberg, held that registering only men did not violate the due process clause of the Constitution.

DEPARTMENT OF DEFENSE

At President Clinton's request, the Department of Defense reviewed this issue in 1994. DoD noted that America's prior drafts were used to supply adequate numbers of Army ground combat troops. Because women are excluded by policy from front line combat positions, excluding them from the draft process remains justifiable in DoD's view. Although no conclusions were reached, DoD recognized that policies regarding women need to be reviewed periodically because the role of women in the military continues to expand. The Selective Service System, if given the mission and additional funding, is capable of registering and drafting women with its existing infrastructure.

(www.ssa.com)

When the draft ended in 1973, the Selective Service System was maintained on a standby status in the event it was required in a crisis. Beginning in March 1975, men no longer had to register and Selective Service was placed on standby. In 1980 President Carter reactivated the registration process for men in response to the "Soviet
invasion of Afghanistan and in reaction to reports that the standby Selective Service System might not meet wartime requirements for rapid manpower expansion of the active and reserve forces" (www.ssa.com). President Carter sent to Congress a plan for reforming the law providing for the registration and induction of persons for military service, to include presidential authority to register, classify, and examine women for service in the Armed Forces. Their use would be based on the needs and missions of the services but would not include assignment to combat positions.

Congress agreed to reactivate registration but did not permit the registration of women. The primary reason cited by Congress for not expanding registration to include women was the combat exclusion laws and policies. Other reasons included agreement by both civilian and military leadership that there was "no military need to draft women and congressional concerns about the societal impact of the registration and possible induction of women" (www.ssa.com).

1983 Through 1993: A Period of Expansion for Women in the Military

Legislative

It is from 1983 through 1993 that women experienced tremendous growth in the positions open to them in the military. Women moved from being barred from combat ships and aircraft to serving as equals with their male counterparts on fighter aircraft and naval destroyers. The following section traces the legislative history of this growth for women in the military.

The Equal Rights Amendment (ERA) fueled the debate on women serving in
combat positions in the military. Written by suffragist Alice Paul in 1921 and first introduced in Congress in 1923, the ERA states:

Section 1 – Equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex; Section 2 – The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article; and Section 3 – This Amendment shall take effect two years after date of ratification. (www.now.org/issues, www.encarta.msn.com)

The ERA was passed by Congress in 1972, but failed to obtain ratification by the required 38 states by the July 1982 deadline despite being granted a three year extension for approval (www.now.org/issues, www.encarta.msn.com).

The debate in Congress over the ERA in 1983 and 1984 with regard to the military included the potential for women to be drafted and serve in combat. In testimony by Carolyn Becraft, director of the Women’s Equity Action League National Center on Women in the Military, as submitted by Representative Olympia J. Snow to the Congressional Record (November 8, 1983, pp. 31628-29), Becraft argued that “entry to every service branch, opportunities to be promoted, education and training, are all routinely denied to women solely and exclusively on the basis of gender.” She believed the combat exclusion laws were written to control women’s participation in the military and must be overturned, not maintained, as the ERA opponents contended. Opponents such as Representative Elwood Hillis were concerned that the ERA would mean women were subject to the draft. He would only offer support if the ERA “did not tamper with the existing military structure” (Congressional Record, November 15, 1983, p. 32789). He could paint to an opinion rendered by then Assistant Attorney General William H. Renquist in 1971 when he stated:
The question here is whether Congress would be required either to draft both men and women or to draft no one. A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service, including combat duty. We believe that the likely result of passage of the equal rights Amendment is to require both of those results.... (Holm, 1993, p. 263)

In 1984 before the Senate Subcommittee on the Constitution, Professor Eliot Cohen of the Harvard School of Government presented four likely effects the ERA would have on the ability of the armed forces to perform its mission. Those four effects were that: (1) the ERA would require the abolition of the combat exclusion policy and send women en masse into combat, (2) the American public remains opposed to sending women into combat, (3) No other nation has adopted such a policy of sending women into combat on the scale the ERA would impose, and (4) The ERA would “sap the fighting effectiveness of our military forces” (Congressional Record, March 27, 1984, pp. S6734-6). He further argued against the financial burden the drafting of women would impose, the effects of pregnancy, and concerns for privacy in a field environment.

While the ERA failed ratification, the debate on women’s role in the military continued in Congress. Tables 2 and 3 outline the key legislative events that were introduced into Congress and either passed to become law or were referred to committee. The following outlines in detail some of those key events.

In October 1986, Senators William Cohen and William Proxmire introduced Senate Bill 2906 (S. 2906) that would have modified the language of Title 10 USC. The bill would have allowed the assignment of women to Army combat support units, Navy combat support vessels (ships of the Mobile Logistics Support Force) and
## Table 2

### Congressional Action Passed

<table>
<thead>
<tr>
<th>Congressional Action/Military Service Affected</th>
<th>Air Force</th>
<th>Army</th>
<th>Marine Corps</th>
<th>Navy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948 Women's Armed Services Integration Act - gave women Regular and Reserve status in the military services.</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>Imposed 2% ceiling on the number of women in the Regular of each service; limited female officer promotions;</td>
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<tr>
<td>limited duty assignments for women in all services.   Title 10, Section 8549 of this law applies to the Air</td>
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<td>Force, Section 6015 to the Navy/Marine Corps. Army</td>
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<td>governed by its own interpretation of congressional intent and policy.</td>
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<tr>
<td>1951- Establishment of the Defense Advisory Committee on Women in the Services (DACOWITS). Consists of males and</td>
<td>x</td>
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<tr>
<td>females from business and public service. Advises Secretary of Defense (SECDEF) on issues regarding women in</td>
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<td>the services.</td>
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<tr>
<td>Public Law 90-130 of 1967 - Enacted as a result of a DACOWITS recommendation. Lifted 2% ceiling imposed by 1948</td>
<td>x</td>
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<tr>
<td>act. Allowed women to be promoted to Flag/General Officer rank; allowed females other than medical personnel</td>
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<td>to join the National Guard.</td>
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<tr>
<td>1972 - Reserve Officer Training Corps (ROTC) open to women.</td>
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<tr>
<td>1978 - Women's Army Corps (WAC) abolished.</td>
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<tr>
<td>1983 - Direct Combat Probability Code (DCPC) system introduced by the Army. Allows the Army to assess each</td>
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<td>position for the probability of that position having to engage in direct combat. Women cannot be assigned to</td>
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<td>positions designated as P1 and are limited to positions designated as P2 through P7.</td>
<td>x</td>
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</tbody>
</table>
Table 2--Continued

<table>
<thead>
<tr>
<th>Congressional Action/Military Service Affected</th>
<th>Air Force</th>
<th>Army</th>
<th>Marine Corps</th>
<th>Navy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986 - In November, the Navy re-names the Mobile Logistics Support Force the Combat Logistics Force and re-classifies the supply ships within this force as &quot;combatants&quot;, excluding positions on these ships from women.</td>
<td></td>
<td>x</td>
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<tr>
<td>1986 - In November, the Army opens approximately 10,000 combat support jobs to women. These positions are in Forward Support Battalions, but exclude infantry and tank system support team positions.</td>
<td>x</td>
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<tr>
<td>1986 - In December, the Air Force opens 1645 positions to women on reconnaissance and electronic warfare systems on RC-135 and EC-135 aircraft.</td>
<td>x</td>
<td></td>
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</tr>
<tr>
<td>1987 - Government Accounting Office (GAO) report released on &quot;Combat Exclusion Laws for Women in the Military.&quot; Concluded that while the services were making a concerted effort to apply the statutes accurately, military women were being impeded from progressing in their chosen field. This report is considered a preliminary report to a larger undertaking by GAO. See 1988 GAO report.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1988 - DoD defines the Risk Rule. Defines circumstances under which non-combat positions will be closed to women. Rescinded by SECDEF in 1994.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1988 - GAO Report released on &quot;Women in the Military: More Military Jobs Can Be Opened Under the Current Statutes.&quot; Resulted in five recommendations to DoD.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1991 - S.1515 - establishes the Commission on the Assignment of Women in the Armed Forces. Passed Aug 91.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>
### Table 2—Continued

<table>
<thead>
<tr>
<th>Congressional Action/Military Service Affected</th>
<th>Air Force</th>
<th>Army</th>
<th>Marine Corps</th>
<th>Navy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991 - Amendment No. 948 to H.R. 2100 - allows secretaries of the services to prescribe conditions under which women can be assigned to duty on aircraft engaged in combat missions. Passed; effective 1 Oct 91.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1991 - Amendment No. 949 to H.R. 2100 - waives the combat restrictions on a test basis so the Commission (see S.1515) can conduct comprehensive research and analysis on the subject. Passed; effective 1 Oct 91.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1993 - SECDEF Aspin announces directive to allow women to compete for assignments in combat aircraft. Repeal of this exclusionary law was Amendment 948 to H.R. 2100.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1993 - S.847 - Congressional action to amend Title X per the SECDEF directive above. The language of this bill changed the SECDEF directive to include combat ships.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1993 - Amendment 787 to 1994 Defense Authorization Act - to allow women to serve on combat aircraft and surface ships except amphibious assault vessels and submarines (see S. 847).</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

Note: All entries derived from the Congressional Record. Specific references are:

1. Congressional Record, S5236, May 2, 1985;
2. Congressional Record, S2408, February 26, 1987;
3. Congressional Record, S16725, November 30, 1987;
4. Congressional Record, S5498, May 12, 1988;
5. Congressional Record, S13134, September 23, 1988;
6. Congressional Record, S10554, July 22, 1991;
7. Congressional Record, S11412, July 31, 1991;
8. Congressional Record, H2135, April 23, 1993;
9. Congressional Record, S5178, April 29, 1993;
### Table 3

**Referred to Committee**

<table>
<thead>
<tr>
<th>Congressional Action/Military Service Effected</th>
<th>Air Force</th>
<th>Army</th>
<th>Marine Corps</th>
<th>Navy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986 - Senate Bill 2906 (S. 2906) - modified language of title 10, United States Code (USC). Allowed assignment of women to Army combat support units, Navy combat support vessels, and allowed women duty in reconnaissance, training, transport, or tanker aircraft. Referred to committee.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1987 - S. 581 - Service of Women in Armed Forces Act. Re-submission of S.2906. Referred to committee.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1987 - S.1398 - to amend title 10 USC, Section 8549. Would allow women to receive fighter pilot training. Referred to committee.</td>
<td>x</td>
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</tr>
<tr>
<td>1987 - H.R. 2719 - companion bill to S.1398. Referred to committee.</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1987 - H.R.3786/3798 - directs the SECDEF to conduct a 2 year test program under which women are assigned to combat support units, vessels, and aircraft. Referred to committee.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>1990 - H.R.3868 - directs Secretary of the Army to conduct a 4 year test program to examine the implications of removing restrictions on assignment of female members to combat and combat support positions. Referred to committee.</td>
<td>x</td>
<td></td>
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</tr>
<tr>
<td>1991 - S.1076 - allows secretaries of the services to prescribe conditions under which women may be assigned to duty in aircraft engaged in combat mission. Amends title 10, USC. Referred to committee.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

**Note:** All entries derived from the Congressional Record:

1. Congressional Record, S14828, October 3, 1986;
2. Congressional Record, S2408, February 26, 1987;
3. Congressional Record, S8396, June 19, 1987;
4. Congressional Record, S10641, July 24, 1987;
5. Congressional Record, H11610, December 17, 1987;
reconnaissance, training, transport, and tanker aircraft. It was referred to the Committee on Armed Services, re-introduced in February 1987 as S. 581, the Service of Women in the Armed Forces Act, with its companion bill from the House H.R. 2719, and referred again to Committee (Congressional Record, October 3, 1986, p. S14828; Congressional Record, February 26, 1987, p. S2408).

In response to the possible assignment of women to combat support vessels, the Navy in November 1986 re-named the Mobile Logistics Support Force as the Combat Logistics Force and re-classified the supply ships within this force as combatants, thus excluding positions on these ships from women (Congressional Record, October 3, 1986, pp. S14828-29). As the result of a policy review directed by Secretary of Defense Caspar Weinberger, however, the Army in November 1986 opened approximately 10,000 combat support jobs to women in Forward Support Battalions but excluded infantry and tank system support team positions. One month later the Air Force opened 1,645 positions to women on reconnaissance and electronic warfare systems on RC-135 and EC-135 aircraft (Congressional Record, February 26, 1986, pp. S2408-10).

Senator Dennis DeConcini introduced S. 1398 in June 1987 that would have amended Title 10 USC, Section 8549, thereby allowing women to receive fighter pilot training. The bill was referred to committee (Congressional Record, June 19, 1987, pp. S8396-97). Within months the General Accounting Office (GAO) released a report entitled *Combat Exclusion Laws for Women in the Military*. It concluded that while the services were making a concerted effort to apply the statutes accurately,
military women were being impeded from progressing in their chosen field. This was a preliminary report to a larger undertaking by the GAO in 1988 entitled *Women in the Military: More Military Jobs Can Be Opened Under the Current Statutes* discussed in detail later in this section (Congressional Record, November 30, 1987, pp. S16725-27).

Shortly thereafter in December 1987, Representative Beverly Byron introduced House Bill 3786 (H.R. 3786) that directed the Secretary of Defense to conduct a two year test program under which women would be assigned to combat support units, vessels, and aircraft. The resolution was referred to committee (Congressional Record, December 17, 1987, pp. H11610-11).

In order to lend consistency across the military services to the assignment of women, DoD defined the Risk Rule in 1988. The Risk Rule barred women from combat units and certain high-risk combat support and combat service support units. The rule allowed women serving in specific positions during peacetime to be removed and replaced by men once the unit was deployed into combat, thus assuring compliance with Title 10 USC combat restrictions. According to then Army Chief of Staff General Gordon Sullivan, rescinding this rule would have opened approximately 7,000 positions to active-duty women, 1,000 positions to women in the Army Reserve, and 10,000 positions to women in the National Guard. These positions are found in maneuver brigade headquarters, division military police companies, chemical companies including reconnaissance and smoke platoons, smoke platoons of mechanized smoke companies, division forward support battalions' forward
maintenance support teams, engineer companies' medium-girder bridge and assault float bridge units, collection and jamming companies in military intelligence battalions, and Washington, D.C. ceremonial units.

In January of 1994, Secretary of Defense Les Aspin rescinded the risk rule effective October 1 of that year. The new guidelines replaced the rule barring women from serving in units that had a possibility of direct ground combat engagement, exposure to hostile fire, and a high probability of physical contact with enemy forces.

In September 1988 the General Accounting Office released a report to Senators William Cohen, Dennis DeConcini, and William Proxmire entitled Women in the Military: More Military Jobs Can Be Opened Under the Current Statutes. The report made five recommendations to the services that would allow women to compete for all jobs not closed by statutes or program needs. Specifically, those recommendations were that the Secretary of the Navy direct the Marine Corps to provide open access on a gender-neutral basis to noncombat assignments now equally divided between men and women to reflect the gender composition of the general population; the Secretary of the Navy consider berthing area configurations when establishing the male/female distribution of noncombat sea duty positions; the Secretary of the Air Force allow all unrestricted pilot and navigator openings be available for competition based on individual qualifications without regard to gender; the Secretary of the Army remove limits resulting from the implementation of accession goals for women enlistees; and finally, the Secretary of the Navy review procedures for determining female accession goals for women officers to eliminate unnecessary restrictions on job
Representative John P. Slattery introduced a bill into the House (H.R. 3863) that would have directed the Secretary of the Army to conduct a four year test program to examine the implications of removing restrictions on the assignment of female service members to combat and combat support positions (Congressional Record, January 23, 1990, pp. H36). The bill was referred to the House Armed Services Committee. Later that year Representative Patricia Schroeder, a member of the DACOWITS, proposed legislation that would allow women to serve in combat-designated specialties within the Army on a four-year test basis. Supporters of the bill included the National Organization for Women, the Women's Equity Action League, and Brigadier General Evelyn Foote, former deputy Inspector General of the Army. It was Foote's contention that the bill would provide the necessary documentation to prove that women can perform as adequately as men in combat. Conversely, Representative H. Martin Lancaster, D–North Carolina, said the bill wasted training money, citing the training failures of the Canadian Army. In a later article, an Army spokesperson commented on the rejection of the Schroeder plan, saying that the “current policy reflects the intent of Congress by excluding women from the highest risk of direct combat” (“Army Rejects,” April 1990, p. 2).

The proposal was rejected, but in May 1991 Representatives Patricia Schroeder and Beverly Byron proposed an Amendment that would have lifted combat restrictions on aircraft for women in the Air Force, Navy and Marines. With regard to
the 770 women who served in the invasion of Panama, known as Operation Just Cause, Beverly Byron, D–Maryland and then Chairwoman of the Military Personnel and Compensation Subcommittee of the House Armed Services Committee, interviewed women who did and did not serve during the operation. Based on her interviews, she concluded that women should not be allowed in front-line combat units but could fly combat aircraft. Also during the operation two Army women were investigated and cleared of charges that they refused to drive their transport trucks into the area of the Panamanian Defense Forces where there was reported heavy fighting (Roth, 1990, p. 26). This Amendment made it to the Senate floor as S. 1076 and included Army aircraft but was referred to committee (Congressional Record, May 15, 1991, pp. S5899-901).

In July Senator Sam Nunn introduced a bill (S. 1515) to establish the Commission on the Assignment of Women in the Armed Forces. The bill passed in August, and the Commission was given the task of conducting a thorough study of all matters relating to the assignment of women in the armed services (Congressional Record, July 22, 1991, p. 10554). In its report issued November 1992, the commission recommended that women serve on certain combat vessels such as destroyers but be excluded from amphibious warships and submarines. The commission also recommended legislation that would exclude women from ground combat assignments in the Infantry, Artillery, and Armor branches of the Army.

Two pieces of legislation passed in late 1991. It took the actions of almost 35,000 women who served in Operation Desert Shield/Operation Desert Storm to
convince the Senate to vote on adding an Amendment to the 1992 defense authorization bill overturning the ban on women flying combat aircraft. This operation proved, through such grim statistics as 12 women killed and two taken as Prisoners of War (POW) that women are not protected from harm simply by being denied combat positions (Rothstein, 1991, pp. 6-7). The public, it seems, is now used to seeing women as full-fledged soldiers (Wright, 1991, pp. 16-17). Colonel David Hackworth (1991, pp. 24-29) agreed that Operation Desert Shield/Operation Desert Storm proved women are smart and capable. He contended, however, that women in the battlefield would hurt combat readiness and that they could not “stand the savagery for long.”

Amendment 948 to H.R. 2100 allowed the service secretaries to prescribe the conditions under which women could be assigned to duty on aircraft engaged in combat missions. This Amendment became part of the National Defense Authorization Act for Fiscal Years 1992 and 1993, but interestingly omitted combat vessels. Amendment 949 waived combat restrictions on a test basis so the Commission established under S. 1515 could conduct comprehensive research and analysis on the subject (Congressional Record, July 31, 1991, pp. S11412-37).

In 1993 Secretary of Defense Les Aspin announced a directive to allow women to compete for assignments in combat aircraft per Amendment 948, essentially the implementation of the 1992 and 1993 Defense Authorization Act (Congressional Record, April 29, 1993, p. H2135). Senator Carl Levin introduced S. 847 which amended Title 10 USC per this directive to include the combat ships that were not covered under the 1992 and 1993 Authorization Act Amendment (Congressional
Amendment 787 to the 1994 Defense Authorization Act allowed women to serve on combat aircraft and surface ships except amphibious assault vessels and submarines (Congressional Record, September 13, 1993, p. S11520). Amendment 787 was the last major legislative action relative to women serving in combat-designated jobs within the military services.

Judicial

State and U.S. Supreme Court decisions have upheld the exclusion of women from combat positions. Two lower court decisions were instrumental in bringing the issue of drafting of women to the Supreme Court. The United States District Court for the Eastern District of Pennsylvania, in Rostker versus Goldberg (Civil Action Number 71-1480, February 19, 1980) heard arguments on five counts regarding the draft: the taking of property without due process, involuntary servitude, impermissible discrimination between males and females, invasion of the rights to free expression and peaceful assembly for the petition of grievances, and the illegality and unconstitutionality of the Vietnam War. The court found that count three only, the impermissible discrimination between males and females, warranted consideration by the court.

The court justified its findings by citing numerous previous cases on this very issue: Rowland versus Tarr (No. 72-1367, May 11, 1973), United States versus Reiser (No. 75-2351, January 26, 1976), United States versus Baechler (No. 74-1597, December 23, 1974), United States versus Bertram (No. 72-1568, April 27, 1973),
United States versus Camara (No. 71-1222, December 2, 1971), United States versus Fallon (No. 16828, March 5, 1969), United States versus Yingling (Criminal Action No. 73-275, December 20, 1973), United States versus Dorris (Criminal No. 70-149, December 8, 1970), and United States versus Cook (Criminal No. 69-104, March 31, 1970). In each of these cases the courts rejected the argument from the plaintiffs that their rights to equal protection of the law were violated. The plaintiffs argued that because males only are subject to the draft, their chances of actually being drafted increase by the exclusion of females (www.findlaw.com, www.lexis-nexis.com).

Having ruled on the initial five counts, the United States District Court for the Eastern District of Pennsylvania was now prepared to hear arguments on count three (Goldberg versus Rostker, Civil Action No. 71-1480, July 18, 1980). In ruling on count three, the court found that the Military Selective Service Act unconstitutionally discriminated between males and females. The court cited numerous previous cases when rendering its decision. Following is a discussion of those cases.

The case of Frontiero versus Richardson (411US677, May 14, 1993) determined that statutory classifications based on gender are unconstitutional unless there is an "important government interest." In this case a female service member sought to have her husband declared a dependent and as such receive increased quarters, medical, and dental allowances. At the time of this case, service men could declare their wives as dependents, but service women could not declare their husbands dependents unless they proved their husbands relied on them for over one-half of their support. In Califano versus Webster (No. 76-457, March 21, 1977), the court held that the
disparate treatment of Webster with regard to his social security payment served important governmental objectives and did not violate the Fifth Amendment. In this case Webster claimed the lower social security payment he received, when compared to a woman of the same age and possessing the same earnings record, was discriminatory. The same was held with regard to the Fifth Amendment in both Craig versus Boren (No. 75-628, December 20, 1976) and Schlesinger versus Ballard (No. 73-776, January 15, 1975). Additionally in Craig versus Boren, the court determined that statutory classifications must not only serve important governmental objectives, but also be substantially related to the achievement of those governmental objectives. The district court concluded on count three that the exclusion of women served neither an important governmental interest nor was it substantially related to any governmental interest (www.findlaw.com, www.lexis-nexis.com).

The Supreme Court reversed the decision in count three of the United States District Court for the Eastern District of Pennsylvania in the case of Rostker versus Goldberg (453US57, No. 80-251, June 25, 1981), upholding the constitutionality of the exclusion, in ruling there was no violation of the due process clause of the Fifth Amendment (Congressional Record, October 4, 1992, p. E3005). The Supreme Court based its decision on the combat exclusion laws; it reasoned that since the purpose of registration was to create a pool of potential inductees for combat, males and females are not “similarly situated” and therefore could be treated differently. The court also held that Congress’ decision to exclude women from the draft “was not the accidental byproduct of a traditional way of thinking about women.” In deference to Congress,
the Supreme Court also held that Congress enacts draft registration requirements under its constitutional authority to raise armies and navies.

This deference also extends to the issue of competency. The court recognized it does not possess the competency, or knowledge, to adequately rule on issues of the military and thus deferred to Congress on such issues. The Court also observed that in 1980 Congress considered but rejected a proposal to expand registration to women.

In writing for the *Cornell Law Review* (78 Cornell Law Review 252, January 1993, [www.Lexis-Nexis.com/Universe](http://www.Lexis-Nexis.com/Universe)), Pamela R. Jones addressed the issue of the Supreme Court’s deference to Congress and discussed the political question doctrine as an alternative to the principle of deference. While she cites the Frontiero, Schlesinger, and Rostker cases as three important military related gender discrimination cases, Jones saw three major differences between the Rostker case and the others:

Rostker was the first military—related gender discrimination case decided after Craig v. Boren. In Craig v Boren, the Supreme Court declared an Oklahoma law unconstitutional because it authorized the sale of beer to eighteen year—old women but not to eighteen year—old men. The Craig decision established the current test used in analyzing gender classifications: the important governmental interest/substantial relationship test. Though not as strict as the standard used in analyzing racial and other suspect classifications, the intermediate level of review requires that the government prove that gender classifications “serve important governmental objectives and are substantially related to the achievement of those objectives.” Second, Rostker involved traditional military issues whereas Frontiero and Schlesinger dealt with nonmilitary, administrative employment issues. Because the Court viewed the conscription issue as involving a military decision as opposed to a bureaucratic decision, the focus of its opinion is different. Third, the Rostker majority granted a higher degree of deference to Congress than either Frontiero or Schlesinger. ([www.Lexis-Nexis.com/Universe](http://www.Lexis-Nexis.com/Universe))

She believed the current Supreme Court would hold that combat exclusion is constitutional. This conclusion was based on the conservative make-up of the current
Jones further maintained that the combat exclusion rules fit the political question doctrine. This doctrine is a “judicially self-imposed limitation on the powers of judicial review” (www.Lexis-Nexis.com/Universe). Political questions are those that cannot be solved by the judicial process. She believes the Court has three options when addressing the combat exclusion law: “...decide the issue as it would any other constitutional issue; decide the issue in the light of extreme deference to the military; or decline to review the issue because it involves a political question” (www.Lexis-Nexis.com/Universe). Jones argued that as long as Congress views combat exclusion as an issue of national security versus equal opportunity, the chances for women expanding their roles in combat decrease.

Michael J. Frevola also cited the importance of the Frontiero and Schlesinger decisions when writing for the Connecticut Law Review (28 Connecticut Law Review 621, Spring, 1996, www.Lexis-Nexis.com/Universe). He surmised that although gains were made in terms of equal protection in the Frontiero case, those gains were limited by the Court’s acceptance that men and women are not similarly situated with regard to serving in combat units. He believed the greatest hindrance to overturning the combat exclusion laws is the Court’s deference to Congress on military matters.

He also felt that the arguments for the current combat exclusion are “inadequate,” and used Operation Desert Shield/Operation Desert Storm as the basis for his stand. Inferior strength, fear of female casualties, pregnancy, loss of unit cohesion, and lack of leadership qualities were all invalidated by the performance of women
during these operations. The only legitimate justification in his view for combat exclusions is economics. It is simply not economical for the United States to procure or retrofit aircraft that will accommodate a woman’s height, nor is it economical to modify submarines to accommodate female berthing.


Much like Frevola, Milko systematically dispels the traditional arguments against women serving in combat positions, to include their lack of physical abilities, the risk of harm, pregnancy, lack of aggressiveness, and the societal and stereotypical views of women as mother and keeping “the home fires burning.” Milko thus states:

> The Persian Gulf War has shown that the policies excluding servicewomen from combat no longer serve a fully justifiable purpose. Warfare has acquired a strikingly advanced nature that rewards the possessor of superior technology. Technological advances, in combination with current military strategies, thwart old-fashioned attempts to protect women by segregating them from positions of direct combat. ([www.Lexis-Nexis.com/Universe](http://www.Lexis-Nexis.com/Universe))

Milko believes opening combat positions to women on a volunteer basis would not change the draft registration law, and therefore should not be considered a justifiable reason to exclude women from combat positions.

Campbell similarly dispels traditional myths about women serving in combat, using the Persian Gulf War as the basis of her argument. She cites pregnancy, the
image of woman as procreator, parental concerns, privacy, and the possibility of becoming a prisoner of war as issues that were overcome by the deployment of 37,000 women to the gulf and their subsequent outstanding performance. She refers to the Gulf War experience as “an encounter with reality” with regard to the “schemes, myths, fears, and stereotypes” (www.Lexis-Nexis.com/Universe) that have structured the debate on women serving in combat positions.

While Milko and Campbell argue that the Gulf War dispelled the myths of women serving in combat, Kingsley R. Brown uses similar arguments as a justification to continue the current combat exclusion laws (49 Buffalo Law Review 51, Winter, 2001, www.Lexis-Nexis.com/Universe). He believes the attitudes of men toward women in combat are deeply rooted and may never change. Some of the more likely consequences of women in combat in his view are a reduction in unit cohesion, morale and combat effectiveness and an increase in sexual frustration and jealousy. He argues that no amount of leadership or education is going to eliminate the problems of gender integration. Brown concludes:

We should proceed more cautiously in assessing the proper role of women in the military, especially in light of the potential costs of being wrong. We should also guard against an arrogance that convinces us that we are the first society wise enough to recognize that men and women are interchangeable in combat roles, given that the mankind’s vast experience with warfare has been to the contrary. (www.Lexis-Nexis.com/Universe)

Browne believes that the civilian and military leadership should give high priority to understanding the social dynamics of gender integration and be prepared to accept the possibility that psychological differences between men and women are sufficient to differentiate them in terms of their ability to serve in combat roles.
Linda K. Kerber argues that we have witnessed, through events such as the invasion of Panama and the Persian Gulf War, an erosion of the category of noncombat (1993 University of Chicago Law School Roundtable 95, 1993, www.Lexis-Nexis.com/Universe). She addresses this in terms of our civic obligation to risk one’s life in military service. Kerber writes:

...the erosion of the combat exemption does not necessarily or directly tell us about Americans’ understanding of whether all women, like all men, have an obligation to bear arms, to put their lives at risk when the Commander-in-Chief decides it is appropriate. The use of women in the Gulf War may increase the likelihood, but does not ensure, that women will also be drafted—that is, that all women will be understood to have a military obligation. (www.Lexis-Nexis.com/Universe)

Kerber concludes that many “traditional women” would not understand the perceived advantage of increased opportunities within the military at the cost of their historical immunity to obligatory military service.

In May 1994, President Clinton asked the Secretary of Defense to review the Selective Service System requirements to include an examination of the arguments for and against excluding women from registration. The Secretary of Defense’s position remained that “the restriction of females from assignments below the brigade level whose primary mission is to engage in direct combat on the ground provides justification from exempting women from registration (and a draft) as set forth in the decision of the U.S. Supreme Court in Rostker versus Goldberg” (453US57, No. 80-251, June 25, 1981, www.ssa.com).

The Supreme Court also became involved in allowing women to serve in what had been traditional all-male, publicly funded, military institutions: The Citadel and
The Virginia Military Institute (VMI). The Citadel, located in Charleston, South Carolina, was established in 1842 and its Cadets participated in the Civil War as Confederate soldiers, once firing upon a U. S. steamer, Star of the West in 1861. VMI purports to be the oldest state-supported military college in the U.S., having been founded in 1839 (www.citadel.edu, www.vmi.edu). These two schools commissioned approximately 2,700 officers of the total 19,325 officers commissioned at the end of the 1998 Fiscal Year (www.defenselink.mil).

In 1989 an anonymous woman was refused admission to VMI, causing the Department of Justice to sue the state of Virginia for violating the equal protection clause of the Fourteenth Amendment. After losing the initial case, VMI established a parallel program for women located at Mary Baldwin College, called the Virginia Women’s Institute for Leadership (VWIL). As Justice Ruth Bader Ginsburg stated in the majority opinion, the VWIL program did not match that of the VMI and the women were not “offered the same adversative training and military lifestyle that bond VMI’s citizen-soldiers” (www.now.org/nnt/11-96/vmi.html). She further went on to state:

Virginia’s categorical exclusion of women from the educational opportunities VMI provides denies equal protection to women...The remedy proffered by Virginia-maintain VMI as a male-only college and create VWIL as a separate program for women-does not cure the constitutional violation...The United States maintains that the Constitution’s equal protection guarantee precludes Virginia from reserving exclusively to men the unique educational opportunities VMI affords. We agree. (www.caselaw.lp.findlaw.com)

Further, VWIL graduates were not afforded the benefits of a VMI degree. Signing on as a friend of the court during the litigation Major Rhonda Cornum,
Operation Desert Storm veteran and POW, supported the admitting of women to the VMI:

Everyone should be allowed to compete for available jobs, regardless of race or gender. There is no question that the average woman is not as tall, heavy or strong as the average man...But what does that mean? I'd say that it means if the job requires someone to be tall, heavy, and strong, then fewer women will be competitive than men. But at least let them compete. Who cares what percentage qualifies? Just pick the best...The qualities that are most important in all military jobs--things like integrity, moral courage, and determination--have nothing to do with gender. (www.now.org/press/01-96/)

The Supreme Court ruled, 7-1, that the VMI must admit women in its Certiorari to the United States Court of Appeals for the Fourth Circuit (No. 94-1941, June 26, 1996). Within days of this ruling The Citadel announced it would admit women. Students and staff from both schools expressed dismay at the decision.

Prior to the Supreme Court ruling and while the VMI was undergoing litigation, The Citadel was fighting an on-going battle with Shannon Faulkner over admitting women. Faulkner applied for admission to The Citadel in 1993, omitting any reference to gender in her application. She was accepted but the college withdrew its acceptance once it was discovered she was a woman. In March 1993 she sued The Citadel. In August 1993 the U.S. District Court ruled she could attend day classes but could not join the corps of cadets or participate in military training until her lawsuit was settled. The 4th U.S. Circuit Court of Appeals supported this ruling and Faulkner began day classes in January 1994. In July the District Court allowed Faulkner into the corps of cadets after completion of the trial on her discrimination suit. The Citadel appealed and the 4th Circuit Court ruled in 1995 that if a court-approved parallel program for women was established, then Faulkner could attend it instead of
The Citadel. In May of that year Converse College in Spartanburg agreed to create a Women’s Leadership Institute, but the U.S. District Court ruled there was insufficient time to hold a trial on the alternative program prior to Faulkner enrolling as a cadet. While The Citadel was appealing to the Supreme Court, it requested in July 1995 that she not be allowed to enroll as a cadet. The Citadel attempted to use Faulkner’s physical condition as a reason not to enroll, citing her weight and a bad knee. The Supreme Court refused to hear the case, citing the on-going case of VMI. Justice Scalia wrote:

Whether it is constitutional for a State to have a men-only military school is an issue that should receive the attention of this Court before, rather than after, a national institutional as venerable as the Virginia Military Institute is compelled to transform itself. This petition, however, seeks our intervention before the litigation below has come to final judgment. The Court of Appeals vacated the judgment that had been entered in favor of petitioners, and remanded the case to the District Court for determination of an appropriate remedy... We generally await final judgment in the lower courts before exercising our certiorari jurisdiction. (www.supremecourtus.gov)

Within one week of reporting to The Citadel, Faulkner dropped out, observing that the stress of the prior years made her unable to perform as part of the corps (www.detnews.com/menu/stories/13948.html).

Executive

Presidential speeches, comments, remarks and interviews all contain insight into identifying the impediments women face in the total integration of the armed services. Presidents Reagan, Bush, and Clinton each praised the contributions women made to the armed services during their tenures in office. Specifically during
times of national crisis, such as the bombing of Libya during the Reagan presidency, operations Just Cause and Operation Desert Shield/Operation Desert Storm during the Bush presidency, and the humanitarian relief mission to Somalia and Operation Allied Force during the Clinton presidency, all three made clear their support and appreciation for the contribution of women in uniform. For the purposes of this study, those documents will be a part of the primary documents analyzed. They include, for example, the debate surrounding women serving as combat aircraft pilots and on combat vessels that began during the Bush presidency that was eventually resolved under Clinton. The Presidential Commission appointed by Bush served as the impetus that brought about final legislative action on the issue under Clinton.

Each of these three presidents also took varying degrees of actions toward opening more opportunities for women in the military. It was under the Clinton administration, however, that the last piece of significant legislation was passed.

The Clinton Years

The 1992 Presidential Commission on the Assignment of Women in the Armed Forces examined the issue of registration and conscription of women, which later became of interest to the Clinton administration. The Commission voted 11 to 3 to recommend that women not be required to register for or be subject to conscription, citing the Rostker versus Goldberg (453US57, No. 80-251, June 25, 1981) decision upholding the exclusion of women from registration.

In May 1994, President Clinton asked the Secretary of Defense to review the
Selective Service System requirements to include an examination of the arguments for and against excluding women from registration. The Secretary of Defense position remained that the restriction of females from assignments below the brigade level whose primary mission is to engage in direct combat on the ground provides justification from exempting women from registration (and a draft) as set forth in the decision of the U.S. Supreme Court in Rostker v Goldberg (453US57, No. 80-251, June 25, 1981). (www.ssa.com).

Senator Charles Robb (D-VA) in 1998 requested that the General Accounting Office address several questions related to gender equity in the military. The GAO included an examination of the budgetary and resource implications of requiring women to register with Selective Service System. The General Accounting Office concluded that not registering women was consistent with the laws and policies of excluding women from direct combat. Despite not currently allowing women to register, the Selective Service System is clearly capable of registering and drafting women should the need arise.

While studying the issue of the draft, the Commission looked at other countries and their varying forms of mandatory military service. Russia and France have mandatory military service for men only. France is currently revising its conscription policy and now only those men born before 1979 must serve ten months in uniform. Germany does allow women to voluntarily serve in the military and beginning in January 2001 all positions in the German military will be open to women. Israel conscripts both men and women but for different periods of time; men are conscripted for three years, women two-and-a-half and the periods of basic training differ from six...
months to three weeks. The Israel Defense Forces (IDF) policy for conscripting women is to use them to free men for operational or combat duties (Presidential Commission, 1992, pp. C-56-57).

At the time when Amendment 787 was approved as part of the 1994 Defense Authorization Act, women comprised 16 percent of the recruits, an increase of 13.5 percent from 1973. As women become a larger, more integral part of the total force, combat exclusion laws and policies become less practical and have the potential to inhibit the flexibility and mission accomplishments of the armed services. Future conflicts will see a continual increase in the number of women not only used in non-traditional roles in the military but also exposed to combat situations, taken as prisoners of war, and dying for their country. This may result less on the desires of societal, military, or lawmaker preferences, but instead out of necessity. There simply may be an inadequate number of males to service the needs of the military, as was pointed out in the dissenting opinion in Rostker versus Goldberg (453US57, No. 80-251, June 25, 1981). Further, modern weaponry that reaches beyond the traditional front lines of battle blurs the distinction between combatant and noncombatant. Women may very well find themselves the victims of what has traditionally been a male domain -- sacrificing their lives for their country.

Summary and Conclusions

The passage of the 1994 Defense Authorization Act marked the last year in the twentieth century when significant legislation was passed regarding women serving
in combat roles. There are no references to proposed or passed legislation in the Congressional Record beyond 1993. The last court case heard regarding women and the draft was Rostker versus Goldberg in 1981 (453US57, No. 80-251, June 25, 1981). The reasons for this reduced attention are explored later in this study.
CHAPTER IV

RESEARCH METHODOLOGY

Conceptual Framework

As history indicates, there is a bias within the three branches of government toward women serving as combatants. Though there are periods when progress toward integration of women into the military services is made, total integration has not yet been achieved. This bias partly appears to surround the issue of the draft and the deference to Congress with regard to establishing, revising and maintaining the United States Code as it relates to the military. Both former presidents and the courts have deferred to Congressional authority to raise armies and navies as well as to Congressional intent with regard to the purpose of the draft as an acceptable rationale not to allow women into combat positions. Additionally, the literature suggests numerous other themes and sub-themes that are depicted in the following conceptual framework for this study. These themes and sub-themes result in the identification of the impediments women face in the total integration into the armed services.

The major themes include social, physical, military, mental, political, and cultural themes and are identified in Figure 1 in the arrowed boxes. The sub-themes for each of these areas are identified in the boxes adjacent to its respective major theme. An underlying theme of technology and its implications to the integration of women in the military is also identified.
As the literature review and historical background suggest, there are many arguments made both for and against women serving in combat positions in the military services. These arguments come not only from an informed public or scholarly research, but from the lawmakers and court system as well. The issue of the total integration of women in the military services has yet to be resolved; women are still only partial players in service to their country. This study identifies those impediments that are preventing the total integration of the military services. The research
question posed in this study is as follows: What impediments exist that prohibit women from being placed in combat designated positions in the military services?

Definitions

Impediments. Any explanation or idea given for not fully integrating women or allowing women in combat positions in the military services.

Combat Positions. Those positions specifically designated by the military services as having the highest likelihood of facing direct combat and as such are closed to women.

Direct Combat. As defined by the Department of Defense:

Engaging an enemy with individual or crew-served weapons while being exposed to direct enemy fire with the highest probability of physical contact with enemy personnel and a substantial risk of capture. Direct combat takes place when closing with the enemy by fire, maneuver, and shock effect to destroy or capture him while repelling his assault by fire, close combat, or counter attack.

Combat Situation. Any event, occurrence, or conflicts that indicates direct combat.

Physical. Any physiological factor, such as strength and endurance, indicated as affecting the performance of a woman in a combat situation.

Mental. Any intellectual or emotional factor indicated as affecting the performance of a woman in a combat situation, such as stress and leadership.

Social. Any factor reflective of broad based beliefs within U.S. society and indicated as affecting the performance of a woman in a combat situation. Examples include motherhood, citizenship, childcare and others.
Cultural. Any factor reflective of shared beliefs and attitudes within the U.S. military and indicated as affecting the performance of a woman in a combat situation, to include unit morale, unit cohesion, equality of opportunity and others.

Political. Any factor relating to the conduct or practice of government and indicated as affecting the performance of a woman in a combat situation, such as public reaction.

Technology. State of the art military weaponry and its employment on the battlefield.

Military. Any factor indicated as affecting the performance of an armed forces unit as it relates to the integration of women. Includes readiness, flexibility, and deployability and others as indicated in the conceptual framework.

Research Methodology

Qualitative Analysis

The research methodology used in this study will consist of a qualitative analysis of historical documents in order to pinpoint the plausible causes and identify the major impediments preventing the full integration of women into the United States military. Such an explanatory study can identify the events, beliefs and attitudes that shape the impediments women face and reveals how these forces interact to result in the phenomenon. As Marshall and Rossman suggest, document analysis is an accepted data collection technique for an explanatory study and is useful for documenting major events and social conflicts (1999, p. 33).
This study consists of a content analysis of the major historical documents pertinent to this phenomenon. These will, as indicated in Figure 2, include the Declaration of Independence, the United States Constitution, the Bill of Rights and other relevant or proposed Amendments such as the aborted Equal Rights Amendment of 1921.

The documents contained in Figure 2 were derived from the *Public Papers of the Presidents of the United States*, the *Congressional Record*, and two websites that contain legal documents; www.lexis-nexis.com and www.findlaw.com. This study reviews the *Congressional Record*; Presidential speeches, comments, remarks and interviews, as contained in the *Public Papers of the President of the United States*, from Presidents Reagan, Bush, and Clinton on the subject of women in the military; and finally lower court decisions and subsequent Supreme Court decisions with regard to women and the draft. This qualitative analysis identifies the salient themes that serve as impediments to the full integration of women in the military. While the emphasis is on the years 1983 through 2000, the earlier documents of our nation are also reviewed to see how women were viewed by the founding fathers. References are also included from 1983 and 1984 addressing the effect the Equal Rights Amendment would have on women in the military and serving in combat positions. The last significant legislation affecting women and combat exclusion passed in 1993. No further reference to proposed or passed legislation regarding women serving in combat positions is present in the *Congressional Record* from 1994 to 2000. This may have been due to 1992 being an election year. Furthermore, with a change in
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<td>Presidential speeches, interview, comments, and remarks as contained within the Public Papers of the Presidents for Presidents Reagan (beginning 1983), Bush and Clinton</td>
<td>1948 Women’s Armed Services Integration Act</td>
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<td>United States v Yingling, Crim A. No. 73-275</td>
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<td>United States v Bertram, No. 72-1568</td>
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<td>S. 1515 Establishes the Commission on the Assignment of Women in the Armed Forces, 1991 with report issued in 1992 (Public Law 102-190)</td>
<td>Rowland v Tarr, No. 72-1367</td>
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<td>Frontiero v Richardson, 411 U.S. 677</td>
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<td>S. 847 Amends Title X (see next), 1993</td>
<td>United States v Camara, No. 71-1222</td>
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<td>Amendment 787 to the 1994 Defense Authorization Act, 1993</td>
<td>United States v Dorris, Crim No. 70-149</td>
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<td>Certiorari to the United States Court of Appeals for the Fourth Circuit, No. 94-1941, June 26, 1996</td>
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Figure 2. Primary Documents.
administration came a change in the national agenda.

Data from the *Congressional Record* was obtained by searching under "women and combat" in the *Congressional Record* Index. Hard copies of the specific references to this topic were then obtained from the *Congressional Record*.

Documents are analyzed from Supreme Court and lower court decisions that focus on women and the draft. Supreme Court and lower court decisions were found using Lexis-Nexis and searching on the keywords "selective service system" and narrowing the search with the additional terms "women and draft." The Supreme Court, Federal District Courts, Federal Court of Appeals, and State Case laws were searched using all available dates.

Presidential speeches, remarks, comments and interviews contained in the public papers of Presidents Reagan, Bush, and Clinton on the subject of women in the military and specifically women serving in combat positions were analyzed. President Clinton's papers are available on-line through the Government Printing Office (GPO) and a search on "women and combat" was used to obtain documents from his two terms. The papers of Presidents Bush and Reagan were obtained through a search of the index of the *Public Papers of the President of the United States*, specifically looking at documents contained under the headings of Armed Forces, U.S., the Departments of the Army, Navy (includes Marine Corps), and Air Force, Department of Defense, Defense and National Security, Panama, and the Persian Gulf. The earlier documents including the Constitution, Amendments, and the Declaration of Independence were reviewed to identify how women were viewed...
and to provide an historical perspective on the issue of conscription and combat.

The greatest strength of this study is that it is unobtrusive and non-reactive. The data was analyzed without disturbing the setting in which it was created, the procedure for analysis is clearly delineated, and the information and actual analysis can be checked. The weakness lies in the fact that the study relies solely on the written word. The written word is subject to the abilities of the researcher and as such may contain errors and omissions (Marshall & Rossman, 1999, p. 117).

The primary documents have been read several times to become thoroughly familiar with the content. Quotes were highlighted with different colored pens. Each colored pen represented a major coding category, i.e., physical, mental, social, cultural, military, and political. Each highlighted area was then noted with the subcategory under which it falls. For example, the color yellow indicates "physical" and the highlighted quote was noted with the appropriate subcategory, such as "strength." The data, consisting of actual highlighted quotes from the primary documents, was entered into spreadsheets that contain the coding categories mentioned above. There are separate sets of spreadsheets for Legislative, Judicial, and Executive documents. Each set of spreadsheets is broken down into separate spreadsheets for each major coding category that in turn contains each subcategory. Additional categories and subcategories were generated as the research dictated. The analysis of the coded data resulted in a conceptual model that outlines the impediments preventing the total integration of women in the military.
Operationalization

The major themes and sub-themes for this study were derived from a review of the literature. The primary documents examined in this study were analyzed focusing on the terms found in the literature and identifying additional words and phrases that may reflect societal biases and dominant attitudes. These major themes and sub-themes serve to identify the impediments women face in the total integration of the military services. These themes and sub-themes are identified in the conceptual framework found above.

Once identified, these major themes and sub-themes were analyzed. The resulting analysis is depicted in the conceptual model of the impediments women face in the total integration of the military services and is explained in the next chapter.
CHAPTER V
FINDINGS

The following analysis identifies the themes and sub-themes illustrated in the document review that shape the current combat exclusion laws. These themes and sub-themes serve to identify the impediments precluding the total integration of women in the military. These findings reflect the review of all of the documents from the Judicial, Executive, and Legislative branches. The resulting conceptual model, based on the document review, identifies the impediments.

This chapter begins with the findings of the judicial branch documents, and then moves to the executive, and finally the legislative branch. The initial discussion of the judicial branch documents, with its focus on women and the draft, sets the framework for the debate generated in the findings of the executive and legislative branches.

Figure 3 shows the conceptual model derived from the coding and analysis of the primary documents. For each major and sub-theme the number of references is indicated in parentheses. Immediately following the model is a detailed discussion of the findings.

Judicial

Numerous court cases were analyzed for this portion of the study. These court...
IMPEDIMENTS TO FULL INTEGRATION OF WOMEN INTO THE MILITARY

Figure 3. Conceptual Model.

cases focus on women and the draft and the various arguments presented on both sides of the issue. The focus of the court cases chosen for this study is on the landmark Rostker versus Goldberg decision (453 US 57, June 25, 1981). These court cases were all referenced in this case as pertinent to the decision, which has remained untouched for the past 20 years.

Physical

In analyzing the Fourth Circuit Court of Appeals case, US versus Baechler (Number 74-1597, December 23, 1974, Fourth Circuit Court of Appeals, as contained

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in www.lexis-nexis.com), the issue of the physical and mental capabilities of women arose, specifically with regard to the physical capabilities of women and the obligation to subject them to the draft equally with men. In this case the appellant did not register for the draft as required by law. His argument was that the law was invalid under the due process doctrine of the Fifth Amendment, specifically by requiring males to register and not females. Baechler lost his appeal, and in the decision the court concluded:

While it is true that women may and do perform vital services in the armed forces of the United States, and their physical and mental capabilities are valued contributions to the nation in both peace and war, these characteristics and accomplishments do not create a constitutional obligation upon the government to subject them to call equally with men. (www.lexis-nexis.com)

There are two additional references to physical strength and the drafting of women within the courts. In US versus Cook (No. 69-104, March 31, 1970, US District Court for the Western District of Pennsylvania, as contained in www.lexis-nexis.com), the defendant claimed the Military Selective Service Act (MSSA) was unconstitutional because it did not provide for the induction of women. In his opinion Judge Max Rosenberg wrote:

As they are born so are they created and no amount of legislation or modernization will change their distinguishing physical characteristics. While each of the sexes has its own innate characteristics, for the most part physical strength is a male characteristic, and so long as this is so, the United States will be compelled to establish and maintain armed forces of males, which may at least be physically equal to the armed forces of other nations, likewise composed of males, with which it must compete. (www.lexis-nexis.com)

Judge Christina A. Snyder expressed a similar opinion in US versus Yingling (No. 73-275, January 20, 1973, US District Court for the Western District of Pennsylvania, as
contained in www.lexis-nexis.com). In this case the defendant claimed the MSSA denied him equal protection under the law because it required the registration of males and not females. In her opinion, Judge Christina A. Snyder cited the findings of US versus Cook.

**Political**

There was only one reference to any political concerns from the bench with regard to the integration of women in the military, and it was expressed in terms of public reaction. In his majority opinion in Rostker versus Goldberg, William Rehnquist noted the "considerable attention" and "wide-ranging public debate" that the draft issue caused, but these considerations did not appear as a factor in the majority opinion (453 US 57, June 25, 1981).

**Mental**

Again, there was only one reference with regard to the mental capabilities of women and it specifically focused on women's mental capability to serve in a combat role. In US versus Baechler (No. 74-1597, December 23, 1974, Fourth Circuit Court of Appeals, as contained in www.lexis-nexis.com), the court addressed both the physical and mental capabilities of women, and in this case specifically focused on the capability of women to be called upon equally in a draft with men. In this case the appellant did not register for the draft as required by law. His argument was that the law was invalid under the due process doctrine of the Fifth Amendment, specifically
by requiring males to register and not females. Baechler lost his appeal, and in the decision the court concluded:

While it is true that women may and do perform vital services in the armed forces of the United States, and their physical and mental capabilities are valued contributions to the nation in both peace and war, these characteristics and accomplishments do not create a constitutional obligation upon the government to subject them to call equally with men. (www.lexis-nexis.com)

Military

The greatest concerns with regard to military issues from the bench were flexibility and the impact drafting women would have. This was addressed several times in the Supreme Court case of Rostker versus Goldberg, and in the preceding District court case of Goldberg et al versus Rostker (No. 71-1480, July 18, 1980, District Court for the Eastern District of Pennsylvania, as contained in www.lexis-nexis.com). In Goldberg et al versus Rostker, the court heard testimony from the Senate Arms Services Committee that concluded:

Military flexibility requires that a commander be able to move units or ships quickly. Units or ships not located at the front or not previously scheduled for the front nevertheless must be able to move into action if necessary. In peace and war, some rotation of personnel is necessary. We should not divide the military into two groups, one permanent combat and in permanent support. (www.lexis-nexis.com)

The defendant argued just the opposite, that in times of mobilization combat troops are required and in order to increase flexibility women should be excluded from the MSSA. However, the majority opinion found that:

The President, the Director of the Selective Service System, and representatives of the DoD informed Congress that including women in the pool of registrants eligible for induction would increase military flexibility...
military flexibility might call for less utilization of female inductees than male inductees in a given crisis situation, it is the antithesis of 'flexibility' to exclude women from the pool of registrants that could be called upon in a time of national need. (www.lexis-nexis.com)

The Supreme Court overturned the lower court ruling. Justice William Rehnquist in the majority opinion stated that the District Court had exceeded its authority by ignoring congressional testimony that suggested there would be ample female volunteers to staff noncombatant jobs in a time of national crisis. In the dissenting opinion Justices Byron White and Thurgood Marshall contended that:

...the Court asserts that 'Congress determined that staffing noncombat positions with women during mobilization would be positively detrimental to the important goal of military flexibility.' None would deny that preserving 'military flexibility' is an important governmental interest. But to justify the exclusion of women from registration and the draft on this ground, there must be further showing that staffing even a limited number of noncombat positions with women would impede military flexibility. I find nothing...to provide any basis for the Court’s representation that Congress believed this to be the case. I cannot agree...that drafting very large numbers of women would impair military flexibility, as proof that Congress reached the entirely different conclusion that drafting a limited number of women would adversely affect military flexibility. (www.lexis-nexis.com)

Combat readiness was also addressed in these same two court cases. When the District Court reviewed the testimony of Robert Pririe, Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics to Congress as part of the proceedings, the court focused on the expanded need for women in the case of war:

Q: So that when you say in case of war, it would still be true that the women in the armed forces are doing work essential to the readiness and capability of the forces and that the number doing similar work would inevitably expand beyond the peacetime number, that is in full contemplation of there being a draft during the war situation? A: Yes. (www.lexis-nexis.com)

Pririe also argued that it is in the best interest of national security to mobilize rapidly,
and part of that ability to mobilize includes drawing on the best-qualified people in a
draft, including women. As part of the dissenting opinion in Rostker versus
Goldberg, there was concern over combat readiness and the need for volunteers:

I would also have little difficulty agreeing to a reversal if all the women who
could serve in wartime without adversely affecting combat readiness could be
predictably obtained through volunteers...the number of women who could be
used in the military without sacrificing combat readiness is not at all small or
insubstantial. (www.lexis-nexis.com)

In another case, Schlesinger v Ballard (419 US 498, January 15, 1975, as con­tained in www.lexis-nexis.com), the court held that the due process clause of the Fifth
Amendment was not violated by the different statutory treatment of men and women
officers, since the statutory classification was completely rational. In the dissenting
opinion, Justices Brennan, Douglas, and Marshall expressed concern over combat
readiness and the traditional deference to congress with regard to military affairs:

...the invocation of the deference due Congress in determining how best to
assure the readiness of our Armed Forces for battle cannot settle the issue
before us...the fact that an equal protection claim arises from statutes concern­
ing military personnel policy does not itself mandate deference to the congres­
sional determination, at least if the sex-based classification is not itself rele­
vant to and justified by the military purposes. (www.lexis-nexis.com)

Combat effectiveness in conjunction with personnel needs was also addressed in
Rostker versus Goldberg, in the dissenting opinion:

...the Government cannot rely on volunteers and must register and draft not
only to fill combat positions and those noncombat positions that must be
filled by combat ready men, but also to secure the personnel needed for jobs
that can be performed by persons ineligible for combat without diminishing
military effectiveness. (www.lexis-nexis.com)

Furthermore, from the dissenting opinion continued: “To be sure, there is no ‘military
need’ to draft women in the sense that a war could be waged without their
participation. The fact is, however, irrelevant to resolving the constitutionality of the issue.” A similar discussion ensued between the District Court and Supreme Court cases cited above with regard to social issues identified by the bench.

Social

The most predominant theme from the bench with regard to social issues is the opinion that women are noncombatants and as such should be treated differently from men with regard to the draft. The Summary of Rostker versus Goldberg (453 US 57, June 25, 1981) reflects this view:

...women as a group, unlike men as a group, not being eligible for combat, the exemption of women was closely related to the congressional purpose in instituting registration which was to prepare for a draft of combat troops and, rather than being invidious, realistically reflected the fact that the sexes were not similarly situated. (www.lexis-nexis.com)

From the majority opinion of the same case, Justice William Rehnquist expressed the opinion of the court with regard to both the intent of the draft and Congressional intent:

Congress determined that any future draft, which would be facilitated by the registration scheme, would be characterized by a need for combat troops...The purpose of registration, therefore, was to prepare for a draft of combat troops. Women as a group, unlike men as a group, are not eligible for combat...The existence of combat restrictions clearly indicates the basis for Congress’ decision to exempt women from registration. The purpose of registration was to prepare for a draft of combat troops. Since women are excluded from combat, Congress concluded that they would not be needed in the event of a draft, and therefore decided not to register them. (www.lexis-nexis.com)

Conversely, in the dissenting opinion, Justices Byron White and Marshall argued that the draft could serve to fill noncombat positions as well:
I perceive little, if any, indication that Congress itself concluded that every position in the military, no matter how far removed form combat, must be filled with combat-ready men... On the contrary, the record as I understand it, support the District Court’s findings that the services would have to conscript at least 80,000 persons to fill positions for which combat ready men would not be required... the Government cannot rely on volunteers and must register and draft not only to fill combat positions and those noncombat positions that must be filled with combat ready men, but also the personnel needed for jobs that can be performed by persons ineligible for combat without diminishing military effectiveness.

In the earlier District Court case, the testimony of General Bernard W. Rogers, Chief of Staff, United States Army, before the Subcommittee on Manpower and Personnel on the Rejection of Legislation Requiring the Registration of Young Women, was included in the findings of the case. In his testimony he observed:

Now if that support base and that operating base to the rear consists in large measure of women, then we don't have that opportunity to reach back and pull them forward, because women should not be placed in a forward fighting position or in a tank, in my opinion. So that, too, enters the equation when one considers the subject of the utility of women under contingency conditions. (www.lexis-nexis.com)

Tied to the idea that women are noncombatants is the concept of motherhood and the effect the draft would have on families. This is reflected in the same subcommittee report contained in the District Court findings:

Under the Administration’s proposal there is no proposal for the exemption of young mothers of young children. The Administration has given insufficient attention to necessary changes in Selective Service rules such as those governing the induction of young mothers, and to the strains on family life that would result from the registration and possible induction of women. (www.lexis-nexis.com)

The administration responded, making it clear to the court that the issue of drafting mothers with young children, as with any policy that would defer or exempt certain individuals, should be left up to Congress.
The issue of the draft as an obligation of citizenship was addressed in *U.S. versus Fallon* (No. 16828, March 5, 1969, US Court of Appeals for the Seventh Circuit, as contained in www.lexis-nexis.com) where the defendant argued the MSSA violated both due process of law and the equal protection clause. The court disagreed, and in the opinion written by Judge Kevin T. Duffy contended that

Also appropriate is the statement by Chief Justice Byron White in speaking for the Court in Selective Draft Law... 'It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it.' (www.lexis-nexis.com)

Similarly, in the dissenting opinion in *Rostker versus Goldberg*, Justices Byron White and Marshall concluded: “It upholds a statute that requires males but not females to register for the draft, and which thereby categorically exclude women from a fundamental civic obligation” (www.lexis-nexis.com). Woman as noncombatant, motherhood and citizenship were the only three social issues addressed by the court. By far, the most significant issues addressed by the judiciary were cultural in nature.

**Cultural**

The courts mentioned male chauvinism, the stereotypification of women, and the integrity of women with regard to their qualifications and capabilities during their various proceedings. There were also mention made of tradition, equality of opportunity, and most significantly discrimination. The following is a discussion of the findings from this arena.
Male Chauvinism, Stereotypes, Integrity of Women, and Tradition

There was only one mention of male chauvinism, and that was during the Rostker versus Goldberg case. The discussion surrounded the passing of the Military Selective Service Act in 1948 and the pervading culture at the time:

When the MSSA was adopted in 1948 an aura of male chauvinism permeated Congressional attitudes toward women in the military... An example from the Congressional Record-House, June 2, 1948, page 6970, is illustrative: Let me point out the position of the enlisted man. There is not a member of the House committee on Armed Services who has not received a telephone call or a call in person from enlisted men objecting to the idea of having to take orders from a WAVE officer. Put yourself in the position of the enlisted man and I am sure you will agree with them. (www.lexis-nexis.com)

The Court thus focused on the issue of the 1948 Women’s Armed Services Integration Act and the stereotypical view of women that was in place at the time the Act was passed. In that same case, the Court concluded with regard to that Act:

Outdated stereotypical notions are not a valid basis for gender discrimination.... The government has acknowledged that the legislative history of the 1948 Act is of little use to their case...it is replete with and unfortunately replete only with the kind of sexual stereotypes...that will not support the constitutionality of a legislative act of Congress. (www.lexis-nexis.com)

Much along this same theme, the Court addressed the integrity of women, specifically with regard to their capabilities and qualifications. In US versus Fallon (No. 16828, March 5, 1969) the opinion read:

Defendant argues: Women are just as capable as men at performing a wide range of useful jobs in the military, from punching typewriters to pulling triggers...It seems only fair that if women as well as men can sit on draft boards, then women as well as men should be subjected to the draft. (www.lexis-nexis.com)

With regard to women’s qualifications, the Court heard the argument in
Goldberg versus Rostker (No. 71-1480, July 18, 1980):

...plaintiffs claim the draft creates an irrebuttable presumption that women are unqualified and that such a presumption should give rise to the highest level of scrutiny...Equal protection involves protection from seemingly well-intended classifications that in fact relegate women to an inferior status. (www.lexis-nexis.com)

It was mentioned in three cases—Schlesinger versus Ballard 419 US 498, January 15, 1975), Craig versus Boren (429 US 190, December 20, 1976) and Rostker versus Goldberg (453 US 57, June 25, 1981)—that decisions regarding the draft were not an “accidental by-product of a traditional way of thinking about women.” In all three cases the courts were explicit in expressing their opinions that their decisions were not based on broad generalizations regarding women. This leads us to the next set of findings regarding equality of opportunity for women and discrimination.

Equality of Opportunity and Discrimination

While only Goldberg versus Rostker (No. 71-1480, July 18, 1980) and the subsequent Supreme Court case Rostker versus Goldberg (453 US 57, June 25, 1981) addressed the issue of equality of opportunity for women with regard to the draft, all cases in this study with the exception of United States versus Baechler (No. 74-1597, December 23, 1974) and United States versus Camara, (No. 71-1222, December 2, 1971) referenced discrimination, specifically with regard to the registration of men and not women.

The equal opportunity issue came to light based on the Executive Branch’s argument regarding why women should be drafted. In the cases mentioned above, it
was argued that President Carter’s decision to register women was based on equity. This equity, it was argued, was based on the fact that women were already serving successfully in the military and it only follows that they should be subject to registration and possibly a draft. The majority opinion rejected this argument, while the dissenting opinion concluded that equity is actually a simple matter of equal protection under the law.

The dissenting opinion in Roskter versus Goldberg sums up very well the myriad of court cases that argued against the discriminatory practices between men and women with regard to the draft. In the dissenting opinion, Justices Byron White and Thurgood Marshall wrote, “there is no adequate justification for the discrimination between men and women.” For those that argued that the discrimination is legal, Judge Kevin T. Duffy outlined the defendant’s argument in US versus Dorris (No. 70-149, August 1, 1970):

The assertion that the Act is invidiously discriminatory because it excepts females in toto, is unfounded...Such classifications as age and sex are not arbitrary or unreasonable, and the classifications are justified by the compelling government interest which is to provide for the common defense. (www.lexis-nexis.com)

Judge William E. Doyle rendered a similar opinion in U.S. versus Bertram (No. 72-1568, April 27, 1973):

...the registration requirement discriminates against members of the male sex...we must reject the contention that there was unlawful discrimination. As of the present moment at least it is not arguable that Congress was powerless to adopt different requirements for men as opposed to women. The action of Congress in this regard is not to be regarded as arbitrary. (www.lexis-nexis.com)

Rostker versus Goldberg remains the final decision with regard to women and
the draft. The majority opinion concluded that discrimination between men and women in this case is legal for several reasons, one of which is that they are not "similarly situated". This distinction is drawn because women are not eligible for combat positions as are men, thus they are not "similarly situated".

Summary

As the preceding indicates, there were discussions regarding the physical and mental capabilities of women and their ability to adequately perform in a combat role. From the bench we heard arguments regarding the integration of women in the military in terms of public reaction it would cause. The greatest concern with regard to military issues was flexibility and the impact drafting women would have, while social issues brought to light the argument that women are noncombatants and as such should be treated differently from men with regard to the draft. From a cultural perspective, the courts mentioned male chauvinism, the stereotyping of women, and the integrity of women with regard to their qualifications and capabilities during their various proceedings, although not to a significant degree. There were also mention made of tradition, equality of opportunity, and most significantly discrimination.

Executive

The Public Papers of the Presidents of the United States were analyzed for this study, beginning in 1983 with the presidency of Ronald Reagan through the end of the Clinton presidency. The following are the findings from the analysis of those
Physical and Political

There were no references to any physical or political factors from any president in this study, unlike the documents of the judicial branch or, as we shall see, the legislative branch. The possible explanations for this difference are found in the next chapter.

Military and Mental

There were three specific references to military readiness and effectiveness with regard to women, all presented from a positive viewpoint. President Bush in his remarks to the Annual Conference of the Veterans of Foreign Wars (Public Papers of the Presidents of the United States, March 6, 1989, p. 175) remarked, “we need to keep our forces ready and well trained” and the “dedicated men and women who serve our country deserve no less.” President Clinton twice referred to military readiness and effectiveness that included references to women in uniform. In his letter accepting the resignation of Les Aspin as Secretary of Defense (December 15, 1993, www.access.gpo.gov), Clinton listed the following among Aspin’s accomplishments: “Together with the Joint Chiefs of Staff, you skillfully managed difficult issues—such as…women in combat—that could have proved both deeply divisive and damaging to our military effectiveness and readiness.” President Clinton also commented on the several combat and humanitarian relief missions both the men and women in uniform
responded to despite the hardship (Remarks on Defense Readiness and an exchange with reporters, December 1, 1994, www.access.gpo.gov):

During these past 2 years, our military has time and again demonstrated its readiness and its war-fighting and peacekeeping capabilities. From Korea to Macedonia to Rwanda and Haiti, we have placed burdens on our men and women in uniform, and they have responded magnificently...Secretary Perry and I have repeatedly stated that our number one commitment is to the readiness and well-being of our men and women in uniform...I still believe the people of this country expect us to do right by our men and women in uniform and maintain our readiness and preparedness and to plan for the future.

With regard to mental factors cited by the presidents, only risk-taking was mentioned and it was presented from a neutral perspective and not as negative or inhibiting, but simply recognition that women in the military services do incur risks. In his Proclamation 5738-National Women Veterans Recognition Week, 1987, (Public Papers of the Presidents of the United States, November 6, 1987, p. 1297), President Reagan referred to the risk assumed by women in uniform: “During wartime and peacetime American women in every branch of the Armed Forces have defended our country and our ideals with devotion and distinction. Such service, of course, is neither easy nor without risk.” President Bush also referred to women in uniform risking their lives for the country in his Remarks Commemorating the National Days of Thanksgiving in Houston, Texas (Public Papers of the Presidents of the United States, April 7, 1991, p. 340) when he said, “But we should thank God Almighty for men and women who will risk their lives to save the lives of others.” Later that year in his Remarks at a Memorial Service in Arlington, Virginia, for Those Who Died in the Persian Gulf Conflict (Public Papers of the Presidents of the United States, June 8, 1991, p. 627), President Bush stated: “...we dared risk our most precious asset--our
sons and daughters, our brothers and sisters, our husbands and wives—the finest troops any country has ever had.” This concludes the findings with regard to references to physical, political, military, and mental impediments. Though somewhat limited in numbers, these references indicate recognition of the risk women in uniform assume as well as their contributions to military readiness and effectiveness.

Social

There are numerous references with regard to social issues, specifically motherhood, sexual harassment, citizenship, and woman as noncombatant. With regard to motherhood, the issue was prevalent only with President Bush and only during the Persian Gulf crisis. On three separate occasions he mentioned parents leaving children behind to serve in the gulf, and on two of these three occasions specifically mentioned a woman, by name, leaving her children. In his Christmas Message to American Troops (Public Papers of the Presidents of the United States, December 24, 1990, p. 1819), President Bush stated:

I think of Lieutenant Mary Danko, the flight nurse who volunteered for Saudi Arabia. Her husband, a C-130 navigator, was already flying in support of Desert Shield. And when asked if leaving their baby with relatives was a hard thing to do, Mary said, ‘It’s the right thing to do. We’re needed.’ And when asked, ‘Now, what about the kid?’ Mary explained, ‘We’re doing it for the kid.’ Well, she’s right. Mary’s right. She knows that when peace and freedom triumph, it’s not a triumph for one particular country or one particular people but a triumph for our children, a triumph for all humankind.

A further reference was made during his Remarks at a Memorial Service in Arlington, Virginia, for Those Who Died in the Persian Gulf Conflict (Public Papers of the Presidents of the United States, December 24, 1990, p. 1819):
So, let me close with a story of how a woman, Debbie Wyatt, returned from naval duty in the Gulf. As her three young children leaped into her arms crying and hugging her, a reporter asked her if she’d do it again. And she replied simply, ‘I’d go back tomorrow if my country called.’

In his Remarks to Community Members at Fort Stewart, Georgia (Public Papers of the Presidents of the United States, February 1, 1991, p. 96), President Bush made a general reference to the parents who served in the Gulf:

And let me say to all the children here with parents that are serving over there in the Gulf, keep in mind no matter how much you depend on your parents, your country depends on them too. And you’ve read at school about the great generals and some of the Presidents—all about American history and American heroes. Well, you see, that’s just a part of the great story about our country because your moms and dads are the heroes, too, doing the hard work of freedom right now, half a world away.

With regard to sexual harassment, only the Tailhook incident generated even the slightest concern on the part of the presidents. President Bush’s Press Secretary, Marlin Fitzwater, commented on the resignation of the Secretary of Navy H. Lawrence Garrett, III, stating President Bush would conduct a “full, thorough, and expedited investigation” into the incident and stating that “sexual harassment will not be tolerated” (Public Papers of the Presidents of the United States, Statement by Press Secretary Fitzwater on the Resignation of H. Lawrence Garrett, III as Secretary of Navy, June 26, 1992, p. 1025). Later that same year President Bush, in his Statement on Signing the Veterans Health Care Act of 1992 (Public Papers of the Presidents of the United States, November 4, 1992, p. 2156), addressed the effects of sexual harassment on female service members and the assistance available to such victims:

H. R. 5193 also authorizes VA to provide counseling services to women who suffer the trauma of being sexually assaulted or harassed during their military service. Sexual harassment of women in any setting is abhorrent. We must
continue working to make certain that such behavior does not occur. Never­
theless, when it does occur, we must be prepared to assist the victims.

This portion of the Act clearly indicates recognition of the problem of sexual
harassment within the military services and the effects it can have on the fighting
force. This ties directly into the concept of military service as an obligation of citizen­
ship. If we expect military service to be an obligation of citizenship, then we must
have the expectation that service will be conducted without undue harm to the citizen
beyond that which military service could reasonably require. President Clinton recog­
nized the ties between military service and citizenship when he said (Interview with
Janet Langhart Cohen of the Armed Forces Television Network, February 25, 1999,
as contained in www.access.gpo.gov):

I have been...on 30 different occasions with our men and women in uniform,
and I see them doing national security work overseas; I see them in training
operations here and overseas; I see them dealing with disaster situations...And
the overwhelming impression that you get is that they’re not only superb at
what they do but that they’re really good people and good citizens.

President Clinton made other such comments, referring to the men and women in uni­
form who volunteered to “serve this country” (Remarks Honoring African-American
Veterans of WW II, September 16, 1994, and Remarks to Troops in Baumholder,
Germany, December 2, 1995, as contained in www.access.gpo.gov).

The vast amount of material with regard to social issues addressed women in
the armed services as noncombatants. President Reagan was obviously uncomfort­
able with the idea of woman as combatant in this exchange with a reporter (Public
Papers of the Presidents of the United States, The President’s News Conference,
January 5, 1983, pp. 19-20):
Q. Yes, it's true, sir a lot of those high school graduates, don't forget, are women. There are more women high school graduates than men. [Laughter] But I want to point out to you that what he said—it was denouncing the intelligence of the men. It was just saying that these weapons are too complicated for anyone to use in battlefield conditions, and therefore, they have many, many factory representatives who have to go to war with the troops.

The President. Sarah, I have to say that there's only one criteria, and that is, if we're going to ask an American young man or woman—but I don't think we'll put the young women in those combat front ranks—

Q. We're ready. [Laughter]

The President. I'll tell them they've got one volunteer already. But if we're going to put these young men out there, they're entitled to have every technological aid that can ensure that they can do the job and that will protect their lives.

Despite his obvious misgivings about women in combat roles, he repeatedly referred to the sacrifices and contributions women have made during numerous armed conflicts. In his Radio Address to the Nation on the Observance of Independence Day (*Public Papers of the Presidents of the United States*, June 2, 1983, p. 1009), he references 81 nurses who were held as Prisoners of War (POWs) during World War II:

They were nurses who'd been captured in the Philippines during World War II and then spent nearly 3 years in prison camps. Lieutenant Colonel Madeline Ullom, who was captured at Corregidor, has described tending wounded Soldiers during the long months of siege: 'Our atmosphere was one of dusty pall, ever present, in which we moved, worked, tried to hear, tried to breathe in an endless nightmare,' she said. In Santa Tomas Prison Camp, Colonel Ullom and her fellow nurses quickly organized into shifts and began to care for other prisoners. They fought against diseases and starvation. They lacked medicine and equipment and food. But miraculously, every one of the 81 American women POWs had survived. These women would not describe themselves as extraordinary Americans; they simply volunteered to serve their country, and they chose to serve it with courage and hope.

Similarly, twice he refers to women fighting in wars, in his Remarks at a White House Ceremony Marking the Observance of National P.O.W./M.I.A.
Recognition Day (Public Papers of the Presidents of the United States, June 20, 1984, p. 1063) and in his Proclamation 5619—Women's History Month, 1987 (Public Papers of the Presidents of the United States, March 16, 1987, p. 249). In the White House ceremony, he stated: “Four times in this century we have been forced, painfully and reluctantly, to send our men and women to fight in wars on foreign shores.” In the proclamation he states: “Women have served our Nation with valor and distinction during wartime, nursing the wounded, piloting airplanes, performing vital jobs in defense plants.” This contradiction in viewing the issue carried over to the Bush administration. He too was hesitant to admit the combat role of women, specifically with regard to the invasion of Panama (Public Papers of the Presidents of the United States, The President’s News Conference, January 5, 1990, p. 18):

Q. Mr. President, in Panama we saw women leading troops in combat for the first time. Are you comfortable with women in that role, and would you support change in restrictions on women in combat?

The President. No, I'd willingly listen to recommendations from the Defense Department, but these were not combat assignments. But anytime you have a highly trained, gung-ho, volunteer force and they’re caught up in some of the firefights that went on, a person—man or woman—can be put into a combat situation. But it’s my understanding, and I think Cheney took a question on that today, that these were not combat roles. And so, I would let the heroic performance of these people be weighed and measured and then see if the Defense Department wanted to recommend to the President any additional changes.

While hesitant to admit a combat role for women, a short time later upon completion of Operation Desert Shield/Operation Desert Storm, President Bush lauded the role women played in the armed conflict. In his Remarks Announcing Proposed Crime Control Legislation (Public Papers of the Presidents of the United States, March 11, 1991, p. 244), he stated: “Last week before Congress I saluted a group of
hometown heroes, the finest combat force (emphasis added) that this nation has ever assembled, the brave men and women (emphasis added) of the United States military."

In his Remarks at the Community Welcome for Returning Troops in Sumter, South Carolina (Public Papers of the Presidents of the United States, March 17, 1991, p. 280), President Bush stated: "And while you service men and women fought on distant sands (emphasis added), those you left behind talked and prayed." Despite his continued reference to women as combatants during this conflict, he was hesitant at best to comment on the lifting of restrictions on combat aircraft. This view is reflected in a press conference exactly one year after the date of the first deployment of troops to the gulf region (Public Papers of the Presidents of the United States, The President’s News Conference, August 2, 1991, pp. 1016-17):

Q. Congress yesterday lifted the ban on restriction of women in combat. Are you in favor of that?
The President. Well, again, I don’t want to dodge behind my absence, but I don’t think it did on all combat assignments, as I see it.
Q. --for pilots.
The President. Well, I think there are some darn good woman pilots out there, and I have no particular hang-ups on that. But I want to see—I want to hear from the Secretary of Defense, the members of the Joint Chiefs on all these things. That’s the way you make prudent decisions around here. Sometimes it’s considered a little over cautious, but I think something of this nature I really want to hear, certainly, from General Powell and Secretary Cheney.

President Clinton did not express such hesitation toward this issue. His administration openly supported expanding roles for women in the military. This can be seen in his Remarks Announcing the Nomination of William Perry to be Secretary of Defense and an Exchange with Reporters January 24, 1995, as contained in
Q. Mr. Perry, are you going to go along with Secretary Aspin's views on military women in planes and ships and—Deputy Secretary Perry. Yes.

The President. Good for you, Sarah [Sarah McClendon, McClendon News Service].

Deputy Secretary Perry. Secretary Aspin created many important legacies in his year. I mentioned the bottom-up review, his work on all of the social aspects in the military. In particular, his advancement of women in combat is one which I enthusiastically support.

President Clinton goes on publicly to further emphasize his role in expanding opportunities for women in the military. In his interview with Janet Langhart Cohen, he made clear his accomplishments in this arena:

You know, we’ve had now, women in combat pilot roles, and they’ve performed very well. And I think, to me, the most important thing is that this was done in Desert Fox without a lot of fanfare. The military did it without a lot of fanfare and the women pilots themselves did it without a lot of fanfare. They worked for a long time, they trained for a long time, they waited a long time. And when their chance came to do their job, they did their job without making a big deal of it, and they did it very, very well... I think since I’ve been President we’ve opened something like 250,000 duty positions to women that were not open previously. And it’s making a big difference. And there are all these disputed areas of training, deployment areas, but I think that the disputes should not be allowed to obscure the underlying reality that the military has dealt with the gender difference in the same way it dealt over time with racial differences, to open up a maximum number of roles and give people the maximum opportunity to live up to their own ability.

Clearly, President Clinton’s stand on the issue differed vastly from that of the prior two administrations.

The most prevalent theme that arose in the analysis of the public papers was that of culture, specifically the integrity of women and the pride the Presidents displayed toward women in the armed services.
Cultural

With regard to cultural issues, specifically the integrity of women, Presidents Reagan, Bush and Clinton all repeatedly mentioned their pride in the Armed Forces, regardless of gender. There was also one reference to equality of opportunity from President Bush. In his remarks at the United States Air Force Academy in Colorado Springs, Colorado (Public Papers of the Presidents of the United States, May 29, 1991, p. 577), President Bush stated that the military “has become our greatest equal opportunity employer” and that it “offers everyone a chance, and it promotes people solely on the basis of merit.”

With regard to pride, President Reagan mentioned his at an Address Before a Joint Session of the Congress on the State of the Union (Public Papers of the Presidents of the United States, January 25, 1984, p. 88):

And I hope that you’re as proud as I am of the young men and women in uniform who have volunteered to man the ramparts in defense of freedom and whose dedication, valor, and skill increases so much our chance of living in a world at peace.

He continued, three months later with Remarks at an Event Sponsored by the American Legion Auxiliary (Public Papers of the Presidents of the United States, March 1, 1984, p. 278): “That same uniform that so many of your fathers, brothers, husbands, sons, and daughters brought such honor to is being worn today with pride by millions of young Americans.”

At a Veterans Day Proclamation (Public Papers of the Presidents of the United States, Proclamation 5391—Veterans Day, 1985, October 15, 1985, p. 1251)

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President Reagan stated that it was with a “spirit of pride and gratitude” that veterans were honored and remembered on that day. Finally, in his Remarks at a Republican Campaign Rally in Voorhees, New Jersey (Public Papers of the Presidents of the United States, November 4, 1988, p. 1451), President Reagan observed: “And let me pause here and say that there is no change of which I’m prouder of that that our young men and women once more take pride in wearing the uniform of the United State of America.”

President Bush expressed much the same sentiment on numerous occasions, on of which was at a Rally for Senatorial Candidate Lynn Martin in Chicago, Illinois (Public Papers of the Presidents of the United States, September 26, 1990, p. 1302): “And they are some of America’s finest men and women, and we’re proud of them—proud of every single one of them that’s serving their country.”

Operation Desert Shield/Operation Desert Storm provided an opportunity for President Bush to express his pride in the Armed Forces. For example, at his Remarks to Community Members at Fort Stewart, Georgia (Public Papers of the Presidents of the United States, February 1, 1991, p. 119) he referred to the “Nation’s prayer and pride” being with the “men and women” of the 24th Infantry Division.

During Uphold Democracy, the effort of the United States to restore democracy to Haiti, President Clinton remarked on the Goals of the Summit of the Americas in Miami, Florida (December 9, 1994, www.access.gpo.gov): “And I hope I can take a moment of pride to salute the brave American men and women in uniform and their partners from around the world who helped us restore that democracy and
freedom to Haiti.” President Clinton continued in this same theme in his Remarks to Troops in Baumholder, Germany (December 2, 1995, www.access.gpo.gov) when he stated he was “immensely proud” to be with the “men and women of the 1st Armored Division.” While visiting Osan Air Base in South Korea (November 22, 1998, www.access.gpo.gov) President Clinton stated he was “very proud, and we will continue to be very proud” of “our men and women in uniform.”

Summary

While there were no references to any physical or political factors from any president in this study, there were some specific references to military readiness and effectiveness with regard to women, all presented from a positive viewpoint. There were a large number of references with regard to social issues, specifically motherhood, sexual harassment, citizenship, and woman as noncombatant. With regard to motherhood, the issue was prevalent only with President Bush and only during the Persian Gulf crisis. With regard to sexual harassment, the Tailhook incident generated a slight publicly observable concern on the part of the presidents. Only President Clinton recognized the ties between military service and citizenship.

The vast amount of material with regard to social issues addressed women in the armed services as noncombatants, with Presidents Reagan and Bush not appearing to be comfortable in addressing the issue while President Clinton publicly embraced it. With regard to cultural issues, specifically the integrity of women, Presidents Reagan, Bush and Clinton all repeatedly mentioned their pride in the Armed Forces,
regardless of gender, while President Bush did make one reference to equality of opportunity within the Armed Forces.

Legislative

The Congressional Record provides a plethora of discussion and debate on the issue of women serving in combat positions. Table 4 outlines the specific proposed legislation that generated much of that debate. The following is a detailed analysis of the findings from those excerpts, presented by major coding category and the themes contained within them.

Political

From a political perspective, several lawmakers (Congressional Record, December 18, 1985, p. S17839, and Congressional Record, June 19, 1987, p. S8396) were concerned with public relations, the substantive arguments, and the example of NATO with regard to women serving in combat positions. Senator William Proxmire believed it was time to “recognize the critical contribution that women make to the military.” He also believed “defense policymakers fear a public backlash against any female casualties in a war” and that the “American public must be made aware that some heroines will lose their lives along with the heroes” (Congressional Record, March 24, 1986, p. S3253). Senator John Glenn (Congressional Record, July 31, 1991, pp. 11417-20) pointed out that:

...there is considerable uncertainty in the American public about just how far we should go in opening combat jobs for women, and which jobs should be
opened up...although the majority of Americans think women should be placed in combat positions if they so desire, they should be placed in those positions only if they want to...the American public is concerned about the roles of women in our military.

Senator John McCain argued that “we do not have a national consensus on the issue” and that the “American people do not yet agree on this issue, and we need to build consensus on it” (Congressional Record, July 31, 1991, pp. 11420-30). He further contended in that same statement:

I believe that if we are able to adequately maximize the enormous contribution that women can make in the military, we must carefully analyze this issue, and ensure we have a clear national consensus on what role they should play in combat before we have to fight again.

With regard to following the example of our NATO and non-NATO allies, Senator Dennis DeConcini pointed out that “both NATO and non-NATO allow women to answer the call to serve” (Congressional Record, June 19, 1987, p. S8396). Senator William Proxmire remarked that our “NATO allies are passing us by” (Congressional Record, July 24, 1987, pp. S10641-42). Representative Beverly Byron argued, “some of our NATO allies have gone even further than the United States and have been completely satisfied with the results” (Congressional Record, December 17, 1987, pp. H11610-11). Finally, Senator John Warner believed that “America should take the lead amongst all nations of the world in terms of their Armed Forces allowing women to take on greater and greater responsibilities” (Congressional Record, July 31, 1991, pp. 11423-25).
Mental

The most prevalent theme with regard to mental issues is the ability of a woman to handle the stress of combat, followed by concern over intellect and risk-taking abilities. There was no mention of a woman’s leadership or aggressiveness abilities. Senator Strom Thurmond commented that we “know that women can stand the stress of being in combat,” citing their performance in both Panama and the Persian Gulf (Congressional Record, July 31, 1991, pp. 11429-30). Representative Olympia Snow entered into the Congressional Record (November 8, 1983, p. 31624) remarks by Doctor Mady Wechsler Segal, Associate Professor of Sociology at the University of Maryland, blending the themes of unit cohesion and stress: “Cohesion affects the ability of a military unit to function effectively in combat and the ability of its members to survive the psychological stress of combat.” Senator William Cohen inserted in the Congressional Record (May 10, 1984, p. 11781) comments from Mr. Rick Maze regarding a uniquely female issue:

...menstrual stress in women reflects occupational stress that also is faced by men...military women in nontraditional, high-stress jobs report significantly more menstrual distress than women in traditional jobs, but that stress rates for men in the same occupations were similar...

Finally, Senator John Glenn entered into the Congressional Record (July 31, 1991, pp. 11428-29) comments by a former Army active duty officer, Carol Barkalow: “One question that is always raised is whether women have what it takes to kill an enemy face to face—whether we can handle that particular brand of stress.”

With regard to intellect, only one Senator, John Glenn, pointed out that
"ground war is not dead" and "brawn will count for more than computer smarts for a while yet" (Congressional Record, July 31, 1991, pp. 11426-28, drawing on comments by retired Colonel David Hackworth). Senator William Cohen entered into the record comments by Francine Schwadel from the Wall Street Journal that counter such comments above (Congressional Record, May 2, 1985, pp. S5236-40): "Critics of the law question the wisdom of continuing to restrict women's role in a technological era when brains increasingly count for more than brawn." Similarly, Senator William Proxmire commented on intelligence scores of military personnel, noting, "female military personnel surpass male military personnel and elevate the overall average" (Congressional Record, May 12, 1988, pp. S5498-99). Representative Barbara B. Kennelly commented on the issue of women serving as combat pilots when she said, "you have to be bright, you have to be quick, and you have to be well trained" (Congressional Record, May 9, 1991, p. H2907). Finally, Senator William V. Roth commented on the same issue when he said, "our women military pilots...are smart, articulate and professional" (Congressional Record, July 31, 1991, S11412-16).

There were no negative comments regarding women's risk-taking ability, only an acknowledgement that they do take risks. Senators John Glenn and William V. Roth both mentioned that the risks women took during the Persian Gulf included the "risk of death in combat" (Congressional Record, July 31, 1991, S11412-20). Representative Margaret Long pointed out that women in the Persian Gulf performed their duties with the "risks that come with being assigned to a combat theater"
Physical

The primary physical issue was strength. Both Senator William Proxmire and Representative Elwood H. Hillis (Congressional Record, December 18, 1985, p. S17839, Congressional Record, November 15, 1983, p. 32789), while having opposing views on the subject of female fighter pilots, had concerns with regard to women and their physical abilities. Senator William Proxmire believed strength was a “valid combat exclusion criteria” while Representative Elwood H. Hillis discussed the “physical limitations that might prohibit such duty.”

Representative Bob Dornan entered into the record opinions from J. Eldon Yates, Chairman of the Board, Vietnam Veterans Institute (Congressional Record, October 4, 1992, E3005-07) and Staff Sergeant Joni Miller, United States Army Reserve, (Congressional Record, October 4, 1992, E3010-11). Both expressed concern about a woman’s strength and her ability to perform in combat. Yates stated that “men biologically have greater upper body strength than women” while Miller believes, “even a physically fit woman such as myself cannot perform on an equal level with men in the field environment.”

Differing from this view is Representative Barbara B. Kennelly (Congressional Record, May 9, 1991, p. H2907) and Senator Edward Kennedy (Congressional Record, July 31, 1991, pp. 11416-17); however, both believed technology has overcome the need for physical strength. Despite his misgivings about
women in combat positions, even Senator William Proxmire agreed there is a an
“equal, if not greater, emphasis on technology as there is with physical strength”

A woman’s physical capabilities were also called into question concerning the effects of gender norming. Senator Alan K. Simpson agreed that women should be given every opportunity in the armed services, but only if “commensurate with their physical abilities and the mission of the outfit which they serve” (Congressional Record, July 31, 1991, S11433). Senator John Glenn, concerned with gender norming, stated (Congressional Record, July 31, 1991, pp. 11417-20):

What are the physical requirements for each combat skill or position, including the full implications of gender norming? Those are practices where women are given lesser tests or tests that are less physically demanding and allowed to assume positions for which their male counterparts would have to have a higher physical capability. What are the full implications of gender norming where there are physical requirements and men and women are treated alike?

This double standard between men and women was also a concern for Senator Sam Nunn, who also questioned what the “full implications of gender norming” were (Congressional Record, July 31, 1991, p. S11431).

Finally, there was some, though minimal, mention of a woman’s physical endurance. Representative Bob Dornan quoted the opinion of J. Eldon Yates,
Chairman of the Board, Vietnam Veterans Institute (Congressional Record, October 4, 1992, E3005-07) who said “scientific evidence...clearly points to the fact that males also have greater endurance.” As such, he believes that women will handle the technological tasks of war and the men will “bear the brunt of the battle.” Conversely, Senator Edward Kennedy remarked on the performance of women in the Persian Gulf, stating, “they performed tasks requiring physical strength and stamina” (Congressional Record, July 31, 1991, pp. 11416-17).

Military

There were numerous themes that presented themselves with regard to military impediments. The major themes include national security, flexibility, readiness, and combat effectiveness. Other themes were deployability, personnel, program needs, and accession goals.

Concerns for national security were of the highest priority to the legislature. Two representatives, Patricia Schroeder and Nancy L. Johnson, entered into the record remarks by Jeanne Paquette Atkins of the Women’s Equity Action League (WEAL) regarding the Equal Rights Amendment and the effect on national security (Congressional Record, November 8, 1983, pp. 31623-24). Atkins claimed that defense strategists know that they cannot be bound by “artificial rules against the utilization of women in times of national emergency.” She believed that defense analysts did not consider special allowance for “national security interests as overriding the principle of equal rights.” Conversely, Representative Ellwood H. Hillis argued that
we should “support the rights of women but not at the expense of national security.”

Senator William Proxmire was quite vocal on the issue of national security and the opening of combat positions to women (Congressional Record, March 21, 1986, pp. S3182-83; March 25, 1986, p. S3288; February 26, 1987, pp. S2408-09; July 24, 1987, pp. S10641-42; March 1, 1988, pp. S1634-35). In each instance he repeatedly favored the opening of combat positions to women, stating, “women can contribute more to our national security, if given the chance.” He believed it was a “myth” that combat exclusion policies enhance national security.

Conversely, Representative Carl Pursell entered into the record a statement by conservative Elaine Donnelly, a former member of the DACOWITS (Congressional Record, September 11, 1990, pp. E2787-89). In her statement, she stressed that the opening of combat positions should be viewed as a “national defense issue,” and not a “woman’s rights issue.” Further, she believed a repeal of these restrictions would only satisfy “feminists ideological goals” and only “benefit a handful of female officers.” Along this same theme, Representative Bob Dornan referred again to the aforementioned testimony of Staff Sergeant Joni Miller (Congressional Record, October 4, 1992, E3010-11). In her statement she argues: “...the reality of women’s overall inability to function in line units with men can no longer be ignored despite the ignorant clamoring of the feminists and those that would sacrifice national security for popularity among a misguided constituency....”

Amendments 948 and 949 generated much debate about national security and women serving as combat pilots, specifically among Senators Edward Kennedy,
William V. Roth, John Glenn, and John McCain. Senator Kennedy believed that allowing women to serve as combat pilots meant having the “best person in this important position that involves our national security” (*Congressional Record*, July 31, 1991, pp. S11423-25). Senator William V. Roth concurred, arguing that removing the combat exclusion law is “in the best interest of national security” (*Congressional Record*, July 31, 1991, pp. S11423-25). He also believed the American people were willing to entrust “this important part of our national security to qualified women pilots” because they know the women can do the job as well as the men (*Congressional Record*, July 31, 1991, pp. S11434-36). Senator John Glenn believed there was “no national security need to rush to judgment on this issue” (*Congressional Record*, July 31, 1991, S11417-20). Senator John McCain reminded all that this is a “national security issue” and not a “woman’s rights issue” (*Congressional Record*, July 31, 1991, pp. S11420-22).

Nearly as important as national security were concerns over flexibility, readiness, combat effectiveness, and deployability. Senator William Proxmire (*Congressional Record*, December 18, 1985, p. S17839) addressed flexibility, readiness and deployability when he stated: “The military caste system of combat by gender hampers flexibility and inhibits readiness and deployability of the Armed Forces…At least we can recognize this and get rid of confusing policies that hamper readiness and deployability.” When addressing deployability and the practice of removing women from certain positions when deployed (the Risk Rule), he expressed concern that the Armed Forces could lose “a critical 10 percent of its strength with no
trained replacements available."


With regard to readiness, only Representatives Bob Doman and Carl Pursell expressed the concern that readiness would be adversely affected by allowing women to serve in combat roles (Congressional Record, October 4, 1992, E3005-07; September 11, 1990, pp. E2787-89). Doman was concerned about "mission readiness" while Pursell, in citing the statement by Elaine Donnelly, believed: "...the normal tension between men and women leads to other sociological implications--sexual harassment, fraternization, inter--service marriages that complicate assignments, and pregnancy--all of which interfere with readiness...."

Two lawmakers did not see any negative effect on readiness, and thought that allowing women in combat positions would only enhance it. Representative Richard N. Swett (Congressional Record, March 21, 1991, pp. H2002-04) and Senator William V. Roth (Congressional Record, July 31, 1991, pp. S11412-16) both agreed
that allowing women to serve on combat aircraft was “essential” and “important now and in the future.”

Senators John Glenn (Congressional Record, July 31, 1991, pp. S11426-28) and Strom Thurmond (Congressional Record, July 31, 1991, pp. S11429-30) took a cautious approach to the readiness issue. Glenn believed “military readiness should never suffer” while Thurmond was concerned about the “implications for combat readiness.”

Representative Elwood H. Hillis’ (Congressional Record, November 15, 1983, p. 32789) comments reflected concern with combat effectiveness and the female fighter pilot issue when he stated, “I am not one who believes we should advance the cause of social justice at the expense of compromising the effectiveness of our Armed Forces.” Senator Orrin Hatch (Congressional Record, March 27, 1984, pp. 6734-36) entered into the record a statement by Eliot Cohen entitled Likely Effects of the ERA on the Armed Forces of the United States. In that statement Cohen contended that women would “sap the fighting effectiveness of our military forces.”

Representative Bob Dornan (Congressional Record, October 4, 1992, E3010-11) was concerned about the sacrifice of military effectiveness “because of a selfish and single-minded objective whose bottom line is to turn the officer corps into an Equal Opportunity Program.” Senator William V. Roth fully supported opening combat aviation positions to women, stating that such a change would “ensure the combat efficiency” of our fighting forces (Congressional Record, July 31, 1991, pp. S11417-20).
With regard to deployability issues, there was only slight concern expressed with the effect of allowing women to serve in combat aircraft. In addition to the concern expressed above by Senator William Proxmire, he also stated (*Congressional Record*, June 4, 1987, pp. S7612-13):

To try to keep women far from danger only confuses commanders and burdens them with extra considerations during any deployment... A much more logical system would be to restrict women only by what they can do and to allow commanders to deploy them where needed.

Representative Louis Stokes pointed out that over 32,000 women were deployed to the Persian Gulf serving "side-by-side" with their male counterparts (*Congressional Record*, March 21, 1991, pp. H2002-04).

Three other areas that received only minor attention were personnel, program needs, and accession goals. Senator William Proxmire was the lone voice in believing that opening combat positions to women would encourage them to enlist, alleviating any "manpower shortage" (*Congressional Record*, February 2, 1988, pp. S408-09). He also stated, "women have been the principal reason for the impressive improvement in the quality of American military personnel" (*Congressional Record*, May 12, 1988, pp. S5498-99). In his opening remarks introducing the final GAO report previously mentioned, he expressed concerned that there is no linkage between the number of positions open to women and the number of women joining, specifically within the Army (*Congressional Record*, September 23, 1988, p. S13134). That same GAO report found that even some non-combat positions are closed to women, referred to as program needs, and that accession goals also limit the positions open to women (*Congressional Record*, September 23, 1988, pp. 13134-43):
Each of the services reserves noncombat positions for men to meet program needs created by the combat exclusion... In addition to closing combat jobs as required by law, the services close non-combat jobs to meet program needs created by combat restrictions... The positions remaining after the services have set aside enough jobs to meet combat and program needs can be filled by either men or women. We found, however, that some service procedures for identifying and implementing accession goals limit the number of unrestricted noncombat jobs made available to them.

As these excerpts indicate, the greatest concern among lawmakers with regard to military issues is national security and the effect women serving in combat positions would have. Four other issues, flexibility, readiness, combat effectiveness and personnel, were also mentioned as concerns. The GAO report generated concerns over program needs and accession goals and their effect on the closing of noncombat jobs to women. The following is a discussion of the social issues brought forth by the legislature.

Social

The primary social theme expressed by legislators dealt with viewing women as non-combatants and the ability to protect them from combat. Issues of motherhood, military service as an obligation of citizenship, and sexual awareness were also brought forth. Issues of lesser significance included concerns over sexual harassment, the military environment, and the view of woman as nurturer.

The Equal Rights Amendment generated much debate about its potential effects of forcing women into combat positions. Representative Olympia Snow entered into the record remarks by Carolyn Becraft, Director of the Women’s Equity Action League (Congressional Record, November 8, 1983, pp. 31628-29). In her
remarks on the ERA, she argued that opponents to the amendment believed combat exclusions had to be maintained as “barriers between the proper role of women and the supposedly all-male world of combat.” In the previously mentioned statement by Eliot Cohen entered into the record by Senator Orrin Hatch, Cohen contended that the ERA would require the abolition of the combat exclusion policy and “send women en masse into combat.”

Conversely, Representative Geraldine Ferraro entered into the record remarks by Eunice Cole, President of the American Nurses Association (*Congressional Record*, November 8, 1983, p. 31625). Cole stated that the combat exclusion decision is based more on “expediency” than “an ideological commitment to shield women from the dangers of combat.” With regard to the protection of women, Representative Patricia Schroeder (*Congressional Record*, November 8, 1983, p. 31623) cited remarks by Jeanne Paquette Atkins of the Women’s Equity Action League. She said:

...by removing women from jobs only at the so-called ‘front,’ the Army failed to increase the protection of Army women, while severely impairing their career opportunities, skills training, and promotional chances...it is the perceived level of need for women’s skills, not their protection, which ultimately drives the definition of ‘combat’ in this context.

Representative Olympia Snow (*Congressional Record*, November 8, 1983, pp. 31628-29) entered into the record remarks by Carolyn Becraft, Director of the Women’s Equity Action League, who said the combat exclusion policies have “created the illusion that wars are fought exclusively by men—as the protectors of women.” Senator Orrin Hatch (*Congressional Record*, March 27, 1984, pp. 6734-36) supplied a statement by Eliot Cohen entitled *Likely Effects of the ERA on the Armed Forces of*
the United States. In that statement Cohen remarked, "...one of the reasons for fighting is to protect our women and the rest of what is in that image of the world back home."

Senator William Proxmire joined the debate on the protection of women, stating that "we cannot define combat; we cannot protect women soldiers from combat" (*Congressional Record*, December 18, 1985, p. 17839). He believed it was a "myth" that "barring female soldiers from combat somehow protects them" (*Congressional Record*, March 24, 1986, p. 3253). The previously cited General Accounting Office report acknowledged that the "restriction against flying combat mission aircraft is intended to provide women some degree of protection" (*Congressional Record*, November 30, 1987, pp. 16725-27).

Senator William Proxmire and several other lawmakers (*Congressional Record*, December 18, 1985, p. S17839) raised the issue of woman as non-combatant. From Senator Proxmire's perspective: "The fact is that technology has so expanded the range and effectiveness of weapons that the distinctions between combat and noncombat missions are sometimes arbitrary...we cannot define combat; we cannot protect women soldiers from combat." Senator William Cohen (*Congressional Record*, May 2, 1985, pp. S5236-40), Representative Don Edwards (*Congressional Record*, March 17, 1986, pp. E798), Senator William V. Roth (*Congressional Record*, May 15, 1991, pp. S5900-01), Representative Barbara B. Kennelly (*Congressional Record*, May 9, 1991, p. H2907) and Representative Beverly Byron (*Congressional Record*, November 18, 1991, pp. H10383-92) all concurred that "battle lines have

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been blurred,” citing “modern weapons” and “long-range missiles” that extend “death
over great distances.” Senator William Cohen summed up this argument well, in
observing that “modern weapons nullifies any attempts to segregate a battlefield”
between combatants and noncombatants. This was supported by the previously cited
General Accounting Office report finding that in a “battlefield situation it appears
unlikely that it would be possible to protect women in the rear boundaries.” This was
also supported by then Major Rhonda Cornum, one of two female prisoners of war
during the Persian Gulf War (Congressional Record, August 5, 1992, p. E2383),
when she said, “combat exclusion isn’t preventing women from being captured.”

Those who opposed women in combat roles, viewing them as noncombatants,
included Representative Elwood H. Hillis. He believed “women should not be forced
to endure the rigors of combat” (Congressional Record, November 15, 1983, p.
32789). Senator John Glenn quoted Representative Bob Dornan (Congressional
Record, July 31, 1991, pp. 11426): “The thought of a woman parachuting out over
downtown Baghdad or Hanoi strikes horror into my heart. If I had 200 fighter pilots
and an Amelia Earhart came along...I would still pick the man.” Representative
Dornan continued, citing the previously mentioned statement of Eldon Yates:

During the War of Independence in 1948, women soldiers were assigned to
front line combat positions. After three weeks of combat, the results were so
disastrous that female soldiers were recalled from the front lines and never
again utilized in the infantry or in front line duties...The death cries of those
women who were slaughtered during the Israeli War of Independence should
speak louder than any of our biases.

Senator John Glenn joined this argument, citing an article he had entered into
the record by retired Colonel David Hackworth (Congressional Record, July 31,
1991, pp. 11426-28). With regard to combat, Hackworth believed women “could not endure its savagery for long.” For him, the “bottom line of war is about killing” and it is “unknowable how women will react to this.” He believes there are “thousands of years of genetic imprinting and social programming” that force men to place “themselves at higher risks in order to protect women.”

With regard to issues surrounding motherhood, Representative Carl Pursell referred to the statement by Elaine Donnelly that he entered into the record (Congressional Record, September 11, 1990, pp. E2787-89). She pointed out, “military units should not be slowed down or deployed short-handed” [because of] “pregnancy or lack of child care.” Similarly, both Senators Sam Nunn and John Glenn questioned the “impact of pregnancy and child care on assignment policies for military personnel” (Congressional Record, July 31, 1991, pp. 11417-20, 11431). He also cited a statement by retired Colonel David Hackworth who believes “pregnancy is a perennial problem” (Congressional Record, July 31, 1991, pp. 11426-28). In yet another statement Glenn had entered into the record by former Army Captain Carol Barkalow, she argued that because the senior military leadership had little opportunity to work with women as peers, they instead viewed them as “mother, wife, a daughter—especially a daughter” (Congressional Record, July 31, 1991, pp. 11428-29). Overall, the concerns expressed about motherhood and the effect it would have on a woman serving in combat were not positive.

Military service as an obligation of citizenship was discussed as far back as the debates on the Equal Rights Amendment. Representative Olympia Snow referred
to a statement by Carolyn Becraft, contending that combat exclusion laws force women to pay a price, both economically and as a “reduction in the quality of their citizenship rights.” (Congressional Record, November 8, 1983, pp. 31628-29). Once again, Senator William Proxmire was vocal on this issue. When pointing out the Canadian move to open all positions to women, he remarked that every “Canadian citizen has equal rights and responsibilities when it comes to the defense of this country” (Congressional Record, July 24, 1987, pp. 10641-42). Representative Patricia Schroeder best summed up the issue when commenting on the opening of combat aircraft to women. The action “moves women even closer to full citizenship and equal rights” (Congressional Record, April 29, 1993, p. H2136).

The debate on sexual awareness generated some enlightening comment. Senator Orrin Hatch referred to the statement by Eliot Cohen (Congressional Record, March 27, 1984, pp. 6734-36) who believed male bonding is “threatened by the intervention of disturbing factors such as romantic or sexual attachments or jealousies.” Senator William Proxmire took the opposing view when he entered into the record an article by Richard Halloran (Congressional Record, March 1, 1988, pp. S1634-35). In the article, Halloran quoted a female Army Captain who addressed the fears of the wives of the men she worked with: “Who wants their husbands? I have to deal with them all day. I certainly don’t want them at night!” Representative Bob Dornan again referred to the statement by Eldon Yates who discussed leadership with regard to this issue (Congressional Record, October 4, 1992, E3005-07):

Sex is one of the biggest driving forces in human beings. To suggest that fraternization under adverse circumstances and the quest for sexual attention
can be ordered away is possibly one of the most ludicrous premises uttered by a human being.

Representative Bob Dornan also referred back to the statement by Staff Sergeant Joni Miller, United States Army Reserve, who related her experience while participating in military exercises (Congressional Record, October 4, 1992, E3010-11):

The reality is that human nature, being what it is, sexual issues, in my experience in the field, will have a negative impact on the morale of both male and female soldiers. In exercises I participated in, I literally had to go into to my sleeping quarters while male and female soldiers routinely copulated in sleeping bags, ignoring the offensive nature of these acts to those of us whose values and morals were traditional and Christian.

Closely related to this issue is the debate on sexual harassment. Again, Staff Sergeant Joni Miller:

And of course, for those of us who do not welcome it, [there is] the overt and subtle sexual harassment that exists when a small number of women are billeted for long periods of time along with men who have been isolated by extended field duty.

Eldon Yates too commented on the issue:

As a matter of fact, the Naval Academy ranks comments by male midshipmen that suggest women don’t belong there or that standards have been lowered since admitting women to the academy as sexual harassment...proponents of women in combat insist that sexual harassment can be drilled our of human beings, even during prolonged field duty.

Taking the opposing view was Representative Patricia Schroeder, citing the statement she had entered into the record by then Major Rhonda Cornum (Congressional Record, August 5, 1992, p. E2383). Major Cornum argued that, “we must reject the insidious premise that women should be excluded from service because sexual harassment...occurs.”

Two less significant issues arising in the legislature debate were environment
and woman as nurturer. With regard to environment, Representative Patricia Schroeder pointed out that although there are critics on the issue of women serving in combat positions within the Department of Defense, they still had to “echo the Pentagon’s official approval of the female presence” (Congressional Record, July 31, 1989, pp. E2753-56). Senator Orrin Hatch referred to the statement by Eliot Cohen when discussing woman as nurturer (Congressional Record, March 27, 1984, pp. 6734-36). Cohen discussed the feelings of men in battle and how they refer to the women in the “world back home.” He believed these men thought of women as “our women, who are warm, nurturant, ultra-feminine, and objects of sexual fantasy.”

As this section on social issues has shown, the view of woman as non-combatant dominated the debate. The protection of women and motherhood were of equal importance in the debate, while citizenship, sexual awareness, and sexual harassment were also discussed. Of far less importance in the debate were the environment and woman as nurturer. As the following section shows, cultural issues dominated over other areas of the debate on women in combat.

Cultural

Cultural themes were most predominant in the analysis of legislative documents, specifically those regarding the equality of opportunity for women and men in the military services. Two other issues that generated some degree of debate were the integrity of women and unit morale. Unit cohesion and cost were discussed, as were male bonding and privacy issues. Stereotyping, discrimination, tradition, and
discipline were also mentioned, but to a lesser degree. The one anticipated cultural issue that did not come out of the findings was that of camaraderie. While the literature suggests that women would have a negative effect on camaraderie, this study does not support it. Following is a discussion of the findings on these issues.

Again, the Equal Rights Amendment generated some of the debate, this time on equality of opportunity for women and the combat exclusion laws. Representative Geraldine Ferraro entered into the record remarks by Eunice Cole, President of the American Nurses Association (Congressional Record, November 8, 1983, p. 31625), who believed we could not ignore the “unequal status of women both in and out of the Armed services.” Further, in remarks entered into the record by Representative Olympia Snow (Congressional Record, November 8, 1983, p. 31624), Doctor Mady Wechsler Segal, Associated Professor of Sociology at the University of Maryland, said the “arguments against equality of treatment for men and women in our military do not hold up under the weight of evidence.” Senator William Cohen believed women need to be given the “opportunity to serve in decision making roles” and to expand “opportunities available to women in the military” (Congressional Record, May 2, 1985, pp. S5236-40). He stated that our “record of providing equal opportunities for women in the military is not a proud one” (Congressional Record, February 26, 1987, pp. S2409-10). Representative Beverly Byron vowed to “do everything in her power” to see that all members of the military services are “treated equitably and fairly” (Congressional Record, December 17, 1987, pp. H11610-11). Senator John McCain, in arguing for consensus on the issue of women serving on combat aircraft,
stated that if the debate could move forward, then “we can...give the women in this country what they are seeking--equal opportunity” (Congressional Record, July 31, 1991, S11430). Similarly, Senator Patrick Leahy argued that “equal opportunity has no gender” (Congressional Record, July 31, 1991, S11431-33).

Finally, Senator Dennis DeConcinci (Congressional Record, June 19, 1987, p. S8396) supported women serving as combat aircraft pilots, in that there is “a situation of unfair and unequal treatment of the sexes.” He went on to state further that “it is unfortunate we still inhibit women’s growth in certain areas which remain under the rubric of males-only territory.” Senator William V. Roth, another supporter of the initiative, contended in the Congressional Record (April 28, 1993, p. S4986), that he was “pleased the Pentagon is acting on this initiative” and claimed to have “led the fight on the Senate floor for lifting this discriminating ban.” He felt that “allowing women to fly combat aircraft is not about gender, but about excellence” and these pilots should be selected on “the basis of ability, not gender.”

Representative Elwood H. Hillis disagreed with the initiative and emphasized that (Congressional Record, November 15, 1983, p. 32789) he does not “believe the military would be well served by a constitutional amendment requiring an equal role for women in combat operations.” Representative Carl Pursell concurred, arguing that the Army is “not just another equal opportunity employer” (Congressional Record, September 11, 1990, pp. E2787-89). Senator John Glenn referred to the remarks by Colonel David Hackworth who believed that equality was a “noble idea” but had no place on the battle field “where the issues are living and dying”
(Congressional Record, July 31, 1991, pp. 11426-28). Similarly, Senator John Glenn agreed that he wanted to see equal opportunity in the military, but reminded all that “this is living and dying on the battle field” (Congressional Record, July 31, 1991, pp. S11428-29).

Other cultural issues concerned the integrity of women and unit morale. Senator Dennis DeConcini (Congressional Record, June 19, 1987, p. S8396) asked: “If a woman qualifies for the fighter pilot training program, satisfactorily completes her training and graduates, what--one might ask--comes next? If she is barred from combat, how shall she use her skills?” Representative Don Edwards entered into the record an article by Susan Scheer of the Women’s Equity Action League. Scheer pointed out that “women are still looked on as temporary substitutes for men” (Congressional Record, March 17, 1986, p. E798). Senator William Cohen argued (Congressional Record, February 26, 1987, pp. S2409-10): “…we need to disprove, once and for all, the notion that all military positions are appropriate for men; but that only some are appropriate for women.”

Representative Patricia Schroder entered into the record an article by Diane Sherwood titled Women in the Military. Sherwood believes that in the “male dominated world of the military” many women feel “their views aren’t accorded as much weight as those of men” (Congressional Record, July 31, 1989, pp. E2753-56). The only negative comment on the integrity of women came from Representative Carl Pursell. He entered into the record remarks by conservative Elaine Donnelly. She expressed the view that women who are pursing equality in the combat arena have
"actually hurt the credibility of women in the services" (Congressional Record, September 11, 1990, p. E2787-89).

As for the effect on unit morale, Representative Olympia Snow referred to the remarks by Doctor Mady Weshler Segal, Associate Professor of Sociology at the University of Maryland (November 8, 1983, p. 31624):

The success of a military unit whose mission requires coordinated activity is affected by the cohesion and morale of the unit...commonality of experience is more important for group cohesion and interpersonal bonding than gender similarity...The concern that women in combat unit would reduce cohesion is reminiscent of arguments used in the past to justify excluding women from other occupations, such as law, medicine, police work, and fire fighting.

Senator William Proxmire believed that the combat exclusion laws was responsible for "lowering morale among an important 10 percent of our troops" (Congressional Record, March 25, 1986, p. S3288). The General Accounting Office study, Combat Exclusion Laws for Women in the Military, concurred with this view in its findings (Congressional Record, November 30, 1987, p. S16725): "...impediments to the most effective management of personnel assignments can negatively affect the morale and retention of both men and women. For example, if women cannot go to sea, then men must serve longer tours of duty."

Among those who believed a repeal of the combat exclusion laws would negatively effect morale, Representative Elwood H. Hillis addressed the female fighter pilot issue when he questioned "...the effect it could have on the morale of our military personnel." (Congressional Record, November 15, 1983, p. 32789). Representative Carl Pursell referred to comments by conservative Elaine Donnelly, to the effect that the "normal tension between men and women" would eventually interfere with
"readiness, morale, and unit strength" (Congressional Record, September 11, 1990, pp. E2787-89).

Senators John Glenn and Sam Nunn questioned the effect on morale of opening combat positions to women (Congressional Record, July 31, 1991, pp. S11417-31). Representative Bob Dornan cited the remarks by Staff Sergeant Joni Miller and the testimony of J. Eldon Yates. Miller believed that morale was the one issue "feminists and social scientists wish to ignore" while Yates believed that "sexual issues" would have a "negative impact" on the morale of both men and women (Congressional Record, October 4, 1992, pp. E3005-07, E3010-11).

The effects on unit cohesion and the cost of repealing the combat exclusion laws were also debated. Senator William Proxmire believed that "using female soldiers wherever they are competent" would only serve to increase cohesion (Congressional Record, March 24, 1986, p. S3253). Conversely, Senator Orrin Hatch referred to comments by Eliot Cohen who stated the incorporation of women into combat would "rip the fabric of cohesion" (Congressional Record, March 27, 1984, pp. 6734-36). Senators Sam Nunn and John Glenn simply questioned the effect on cohesion of women serving in combat positions (Congressional Record, July 31, 1991, pp. S11417-31). Senators John Glenn, Strom Thurmond and Sam Nunn all questioned the expense of allowing women into combat positions, including costs to modify quarters and shipboard accommodations (Congressional Record, July 31, 1991, pp. S11417-30). There were no positive or even neutral comments regarding the costs of incorporating women into combat roles in the military services.
Privacy issues and the effect on male bonding were also evoked. Representative Carl Pursell referred to the remarks by conservative Elaine Donnelly who was describing field conditions for troops stationed in Honduras (Congressional Record, September 11, 1990, pp. E2787-89):

Field policy in Honduras was for work sections to continue sleeping in the same tents, with only a draped blanket between the men and women. At first the women tried all sorts of awkward techniques to cope with the lack of privacy in field tents and showers, but it was so much trouble that after about a week their defenses eroded to an uneasy attitude of ‘Let ‘em look.’

Similarly, Senator John Glenn again pointed to the comments of Colonel David Hackworth, who claimed women “found the lack of privacy particularly hard” during Operation Desert Shield/Operation Desert Storm (Congressional Record, July 31, 1991, pp. 11426-28). And finally, Representative Bob Dornan cited the comments of Staff Sergeant Joni Miller who complained of the “lack of privacy” during her experience in the Persian Gulf (Congressional Record, October 4, 1992, E3010-11).

Senator John Glenn was the lone lawmaker to believe that women serving in combat roles would adversely effect male bonding, and did so on several occasions (Congressional Record, July 31, 1991, pp. S11426-29). Senator William V. Roth countered this argument by emphasizing that “unit bonding” replaced “male bonding” in the Persian Gulf and that many male pilots “verified the team spirit of their women colleagues” (Congressional Record, July 31, 1991, pp. S11423-25).

With regard to the stereotyping of women, Representatives Charles B. Rangel, Representative Connie Morella, and Senator William V. Roth all sought to dispel such misperceptions of women (Congressional Record, March 21, 1991, pp. H2002-04;
They used the performance of women during the Persian Gulf War as their example, hoping this experience would spur a "reshaping of society's perception of women in our Armed Forces." The lone dissent came from Representative Bob Dornan who pointed to remarks by J. Eldon Yates to the effect that men are better able to carry out what "social scientists have deemed as sexual stereotypes" (Congressional Record, October 4, 1992, E3005-07).

Senator Edward Kennedy referred to the combat exclusion laws as "sex discrimination" that "deny equal opportunity to women" (Congressional Record, July 31, 1991, pp. S14112-16). Senator Albert Adams agreed, contending that nowhere else in society do we "condone the exclusion of women simply on the basis of gender" (Congressional Record, July 31, 1991, pp. S14434-36).

Representatives Barbara Boxer and Margaret Long both addressed the issue of tradition. Margaret Long believed women serve in more "nontraditional roles now than ever before" (Congressional Record, March 21, 1991, pp. H2002-04). Boxer blasted "Navy lore" that women at sea are "bad luck" and questioned if "tradition makes us feel safe" (Congressional Record, May 13, 1987, p. E1902). Finally, Senator William Proxmire argued that the "discipline and morale of the troops" had significantly increased with the presence of females (Congressional Record, May 12, 1988, pp. S5498-99).

**Summary**

In conclusion, there were numerous cultural issues brought out as a result
particularly of the debate on women serving as combat pilots and the results of the
Persian Gulf War. These issues ranged from the need to provide for equal opportuni-
ty for women in the military services to the need to abolish stereotypes and tradi-
tional ways of thinking about women. The Equal Rights Amendment initially drove
the issue of women in the military, but subsequently the combat pilot issue far out-
weighed any other issue in driving the debate.
CHAPTER VI

SUMMARY, CONCLUSIONS, AND SUGGESTIONS
FOR FURTHER RESEARCH

Summary

The integration of women in the military services has been an evolutionary process. All branches of government have struggled with the issue of the role of women in the military. There has been a gradual shift towards allowing women to serve in more and more positions, with women now only restricted from service on submarines, amphibious assault vehicles, and specific combat designated specialties. While woman’s role in public life has gradually expanded, full equality has yet to be reached. Contributing to the full equality of women is the complete integration of women in the military.

Combat exclusion laws fail to consider the prevailing opinions of both the men and women who serve in the military as well as other expert testimony. Women have made noteworthy contributions that seem to have gone unnoticed or, at best, were recognized and dismissed as an exceptional circumstance. This study has examined the impediments that have kept women from becoming part of a fully integrated military.

There are seven studies referenced in this study that examine the impacts of women serving in various combat roles. These studies conducted on the topic of...
women serving in combat roles in the military services were topical in nature, that is, only surveys that measure opinions on the subject. Throughout these previous studies and the *Presidential Commission on the Assignment of Women in the Military*, unit cohesion, physical ability, the possibility of capture, and the rigors of combat are mentioned as the primary reasons women are, and should be continued to be, restricted from combat duty. Many of the same reasons opponents give for not allowing women into combat positions are the same barriers women police officers face. Women firefighters also face similar barriers with regard to their integration into their previously all-male bastion.

The passage of the 1994 Defense Authorization Act in 1993 marked the last year in the Twentieth Century when significant legislation was adopted regarding women serving in combat roles. As history indicates, there is a bias within the three branches of government toward women serving as combatants. Though there are periods when progress towards integration of women into the military services is made, total integration has not yet been achieved. This bias appears to surround the issue of the draft and the deference to Congress with regard to establishing, revising and maintaining the United States Code as it relates to the military. The issue of the total integration of women in the military services has yet to be resolved; women are still only partial players in service to their country. This study identified those impediments that are preventing the total integration of the military services.

The research methodology used in this study consisted of a qualitative analysis of historical documents in order to pinpoint the plausible causes and identify the
major impediments preventing the full integration of women into the United States military. Numerous documents were studied, including the Declaration of Independence, the United States Constitution, the Bill of Rights and other relevant Amendments that address the role of women including the aborted Equal Rights Amendment. The *Congressional Record*, *Public Papers of the President of the United States*, and finally lower court decisions and subsequent Supreme Court decisions with regard to women and the draft were examined, for the period 1983-2000. This qualitative analysis identified the salient themes and sub-themes that serve as the impediments to the full integration of women in the military. The analysis of the coded data resulted in a conceptual model that outlines these impediments.

From the judicial documents came discussions regarding the physical and mental capabilities of women and their ability to adequately perform in a combat role. From the bench we heard arguments regarding the integration of women in the military in terms of public reaction it would cause. The greatest concerns with regard to military issues were flexibility and the societal impact of drafting women. Analysis of the social issues brought to light the argument that women are noncombatants and as such should be treated differently from men with regard to the draft.

In the executive branch documents, there were a vast number of references with regard to social issues, specifically motherhood, sexual harassment, citizenship, and woman as noncombatant. With regard to motherhood, the issue was prevalent only with President Bush and only during the Persian Gulf crisis. With regard to sexual harassment, only the Tailhook incident generated concern on the part of the
presidents. President Clinton recognized the ties between military service and citizenship. The vast amount of material with regard to social issues addressed the issue of whether women in the armed services should remain solely as noncombatants.

There were numerous cultural issues raised in the legislative branch as a result particularly of the debate on women serving as combat pilots and the successful performance of women in the Persian Gulf War. These issues ranged from the need to provide for equal opportunity for women in the military services to the need to abolish stereotypes and traditional ways of thinking about women. The following section identifies the specific findings and major themes generated as a result of this study.

Conclusions

The primary document analysis produced six major themes pertaining to the total integration of women serving in the military. These themes discussed below serve as the thrust of the argument not to fully integrate women in the military. The conceptual model found in Chapter V is the basis for these conclusions and outlines the impediments women face in the total integration of the military services.

1. Women do not possess the physical strength nor the capability to meet the demands of a combat situation; gender norming contributes to this belief. To some extent technology can overcome women’s perceived lack of physical strength and capabilities.

The decision rendered in U.S. versus Baechler (No. 74-1597, December 23, 1974) indicated that while the court positively recognized the physical and mental
capabilities of women, these capabilities were not enough for the government to draft them on an equal basis with men. Other references to physical strength and the drafting of women within the courts came in U.S. versus Cook (No. 69-104, March 31, 1970), where Judge Max Rosenberg stated that “physical strength is a male characteristic.” Judge Christina A. Snyder repeated this opinion in U.S. versus Yingling (No. 73-275, January 20, 1973). The court in this case echoed the theme of the physical capabilities of women, as did Senator William Proxmire and Representative Elwood H. Hillis.

There was no mention of physical issues inhibiting women by the presidents. There are two reasons for the absence of such statement. A President may feel it inappropriate or degrading to morale to comment on the physical abilities of the soldiers under his command. Further, as this study indicates, presidents as Commanders-in-Chief speak only highly of the armed forces, never making a disparaging remark regarding their abilities.

The Congress believed that while physical capabilities could prohibit or exclude women from combat duty, current combat technologies could overcome this. While Senator William Proxmire clearly supported females serving as combat fighter pilots, he conversely believed that physical strength should be a discriminator for serving in a combat position, as did Representative Elwood Hillis (Congressional Record, December 18, 1985, p. S17839, Congressional Record, November 15, 1983, p. 32789). This serves as an excellent example of the varying degrees to which any given member of the legislature may support an issue such as women serving in
combat positions, but still have reservations as to its implementation.

Gender norming was also an issue in that it is viewed as a method for integrating women at the expense of established standards of performance. This coincides with the findings in the surveys conducted by Laura Miller and Newsweek magazine; the majority in both these surveys agreed that physical fitness standards for men and women should be the same. Brian Mitchell, however, believes women are less physically capable and daring than men. The Presidential Commission on the Assignment of Women in the Military concluded that the combat environment was too physically demanding for women and voted to keep them out of ground combat units. Within the Canadian Army women can serve in combat positions as long as they meet the same physical fitness standards as the men. Major Henry C. Schrader pointed out four distinct physical differences between men and women that he believed could hamper a woman in a combat situation. Women in policing face the same discrimination where the emphasis on upper-body strength tends to wash out women at a higher rate.

Further, the current emphasis on the use of technology in the battlefield led several lawmakers, as well as the General Accounting Office, to conclude that there is less need for physical strength than was previously believed (Congressional Record, May 9, 1991, p. H2907; July 31, 1991, pp. 11416-17; November 30, 1987, pp. 16725-27). It is these same technologies that blur the lines of the battlefield and make it difficult, if not impossible, to distinguish combatant from noncombatant. This will be discussed in further detail in an upcoming section.
2. Women are mentally incapable in terms of handling the stress produced in a combat situation, and they do not possess the intellectual ability required in a combat situation.

While the bench acknowledged that women’s “physical and mental capabilities are valued,” the various court cases support the final ruling that women should not be drafted on an equal basis with men (No. 74-1597, December 23, 1974).

Presidents Reagan, Bush and Clinton made no reference to stress or intellect, but Reagan and Bush did mention the risk-taking abilities of women in a neutral light, rather than a negative (Public Papers of the President of the United States, November 6, 1987, p. 1297; April 7, 1991, p. 340; June 8, 1991, p. 627).

However, in the legislature the issue of women being able to handle the stress of combat dominated the debate on mental issues. Senators Strom Thurmond and William Cohen, and Representative Olympia Snow all believed women could handle the stress of combat, while Senator John Glenn had reservations. Senator Glenn also expressed concern whether possessing intellect was in and of itself a qualification for serving in a combat position (Congressional Record, July 31, 1991, pp. 11429-30; November 8, 1983, p. 31624; May 10, 1984, p. 11781; July 31, 1991, pp. 11428-29). Conversely, several lawmakers, including Senator William Proxmire, Representative Barbara B. Kennelly, and Senator William V. Roth, believed women do possess the necessary intellect (Congressional Record, May 12, 1988, pp. S5498-99; May 9, 1991, p. H2907; July 31, 1991, S11412-16).

We see these same concerns expressed in the literature. Retired marine
Colonel Paul Roush believes women possess the intellect and leadership necessary to perform in combat; however, in the Biemet and Crandall study, men were consistently judged to be better leaders with regard to ranking, while women judged themselves less favorably than the men. The Biemet and Crandall findings, however, were not supported by this study. Finally, both Phyllis Schlafly and Brian Mitchell argued that women do not possess the risk-taking ability necessary in combat, but that theme was not raised elsewhere in the literature.

Finally, the themes of aggressiveness and leadership were not found in the analysis of the primary documents as expected. This could be due to the sensitivity of the subjects themselves. It would be inappropriate for any member of the three branches of government to question the leadership ability or aggressiveness of the women in uniform; by doing so would indicate a lack of confidence in their abilities.

3. Social issues, including the woman as noncombatant, motherhood, military service as an obligation of citizenship, sexual awareness, sexual harassment, male protection of women, and the woman as nurturer do not make it legitimate for a woman to be placed in a combat role. Battlefield technologies make it difficult, however, to segregate combatants from noncombatants.

From a social perspective, the view of woman as noncombatant was hotly debated. Other issues that prevent women from serving in combat positions are motherhood, military service as an obligation of citizenship, concerns over sexual awareness and sexual harassment, and woman as nurturer.

The courts concluded that, in referencing the spirit and intent of the law,
women are noncombatants and as such should not be drafted. The final Supreme Court decision appears to have laid the groundwork on this issue that permeated the debate for the twenty years that followed. The courts were also concerned when President Jimmy Carter proposed drafting women but made no provisions for the exemption of mothers with young children. Finally, the courts did not argue that military service is an obligation of citizenship; yet, they seemed to refuse to acknowledge that excluding women from the draft also excludes them from this obligation, depicting them as less than complete citizens of this country.

In the executive branch President Bush expressed his appreciation for the women with children who served in the Persian Gulf (Public Papers of the President of the United States, December 24, 1990, p. 1819; February 1, 1991, p. 96). Neither Presidents Reagan nor Clinton made such references, indicating either an acceptance that women with children do serve in sometimes difficult military situations, or simply a hesitancy to address the issue at all. Presidents Reagan and Bush were obviously uncomfortable with women serving in combat positions as evidenced by their public remarks. President Clinton on the other hand publicly lauded the performance of female combat aircraft pilots, and was the only one president of the three to tie citizenship to military service.

Within the legislature, all those either for or against the policy of allowing female fighter pilots agreed that the lines of combat are blurred and ill defined and that protecting women from such activity is difficult. Current battlefield technology and weaponry make it difficult to segregate the combatant from the noncombatant.
Operation Desert Shield/Operation Desert Storm provided evidence to support this view; Major Rhonda Cornum, when flying a re-supply mission in a noncombatant aircraft, was shot-down, captured, and held as a prisoner of war. Long-range missiles can now reach into what were once considered the safe areas to the rear of the battlefield; the General Accounting Office report realized this in its findings. Despite this, several lawmakers held to the position that women are, and should remain, non-combatants.

Senator John Glenn and Representatives Elwood Hillis and Bob Dornan, and several referenced experts in the military arena all held the position that women should not be forced to endure combat. Without ever providing a specific reason why, other than to offer opinions or cite an incident in history, they all generally argued that combat is simply no place for a woman. This has, or will, lead to a dichotomy between United States Code, policy, and reality. In the next major conflict, women will again fight and die under combat conditions. But because the United States Code and military policy do not allow women into combat positions, they will never be adequately recognized for their contributions in defense of this country. Perhaps it will take a protracted, global conflict to force the issue of not only drafting women, but also recognizing them as combatants on the battlefield as well.

The legislature also took issue with motherhood. The major concerns were pregnancy and childcare, and the impact they had on personnel assignments. What is interesting to note is that the issue was approached as a female problem, not a male/female problem. To paraphrase Representative Patricia Schroeder, beyond divine
intervention, it takes more than just a female to get pregnant.

Another issue that arose was how senior officers, with little or no contact with females, tend to treat women once under their command. It was pointed out that these officers treat the females as mothers, wives, or daughters and not as peers. One explanation is that it is a result of women not being treated as equals, that is, not being able to hold the same sought after positions as men, thus reducing them to the status of second-class citizens within the military structure (Congressional Record, July 31, 1991, pp. 11417-20, pp. 11426-29, p. 11431).

With regard to citizenship, the exclusion of women from combat positions equates to an exclusion of the full rights and obligations of citizenship. There was no disagreement among lawmakers that military service is an obligation of citizenship; yet, only Representative Patricia Schroeder lauded the opening of combat aircraft to women as a step toward fulfilling the rights and obligations of a citizen (Congressional Record, November 8, 1983, pp. 31628-29; July 24, 1987, pp. 10641-42; April 29, 1993, p. H2136).

There was some discussion regarding the themes of sexual awareness, harassment, and the woman as nurturer. None of the remarks by the lawmakers in these areas were positive (Congressional Record, March 27, 1984, pp. 6734-36; March 1, 1988, pp. S1634-35; October 4, 1992, E3005-7; October 4, 1992, E3010-11). Overall there was a concern for the negative impact of sexual jealousies, tension, fraternization, and the effect on male bonding that would result if women were allowed into combat positions. One could argue that these issues can be overcome through
effective leadership and awareness programs. Conversely, some would argue that regardless of the quality of the officer or program, human nature could not be ordered into compliance with established laws and policies (Brown, 49 Buffalo Law Review 51, Winter, 2001, Congressional Record, October 4, 1992, E3005-07).

The literature supports many of these concerns. With regard to motherhood, the Newsweek survey indicated 89% are somewhat or very concerned about mothers leaving small children. Similarly the Roper random telephone survey indicated 65% said married women with children should not be assigned to combat and 69% said the same for single mothers. With regard to families with dual service parents, 55% said the mother should be exempt from combat. In the Roper random mail survey, 74% indicated they believed there was an adverse loss of time due to pregnancy or other health issues. Phyllis Schlafly argued that pregnancy and motherhood are not compatible with military service, while the General Accounting Office report on the Utilization of Women in Operations Desert Shield and Desert Storm concluded that while pregnancy was a reason why women were less deployable and had a higher return from theatre rate, the rate was not significant to hamper military operations. Finally, the Roper random telephone survey indicated 54% said women serving in combat positions would cause an increase in fraternization. Women police officers face similar challenges, where harassment was found to be common in police agencies surveyed in 1999, and women firefighters face societal constraints that limit their full participation.

4. Equality of opportunity, discrimination, integrity of women, unit morale,
unit cohesion, cost, male bonding, privacy issues, tradition, male chauvinism, discipline, and the stereotypification of women are cultural themes that prevent women being placed in combat roles.

The courts raised the issues of male chauvinism, the stereotyping of women, and the integrity of women with regard to their qualifications and capabilities during their various proceedings. Mention was also made of tradition, equality of opportunity, and most significantly, discrimination. As previously mentioned, these court cases dealt with the issue of women and the draft. What is of note is the Supreme Court’s concerted effort to point out in its findings that its decision was not based on stereotypes or any traditional way of thinking about women. However, as Pamela R. Jones argued, the conservative make-up of the Supreme Court at the time of the Rostker versus Goldberg decision drove the majority opinion not to draft women. With a more liberal body, the Court could very well overturn this decision and allow women to be drafted.

Presidents Reagan, Bush and Clinton spoke highly of the integrity of women, specifically mentioning their pride in the Armed Forces, regardless of gender, while President Bush did make one reference to equality of opportunity within the Armed Forces. It is President Bush’s statement regarding the military as the “greatest equal opportunity employer” that is most curious. He stated that the military “offers everyone a chance, and it promotes people solely on the basis of merit” (Public Papers of the President of the United States, May 29, 1991, p. 577). This statement does not recognize that promotion opportunities for women are limited to those positions that
they can hold within the confines of United States Code and military policy.

Cultural themes were most predominant in the analysis of legislative documents, specifically those regarding the equality of opportunity for women and men in the military services. Other issues include the integrity of women, unit morale, unit cohesion, cost, male bonding, privacy issues, stereotyping, discrimination, tradition, and discipline.

The review of legislative documents indicates that equality of opportunity is the predominant theme when discussing the issue of female combat fighter pilots. Those who were for the plan to have women train and serve as combat fighter pilots, Senators William V. Roth, William Proxmire and Dennis DeConcini, voiced such an opinion on the floor of the legislator. Representative Elwood Hillis and Senator John Glenn held the opposing view, indicating that equality of opportunity was no reason for such an action; living and dying on the battlefield are the real issues. While these lawmakers held differing views on the subject, they all used equality of opportunity as their argument. This serves as an excellent example of what occurred repeatedly in this analysis -- the debating of conflicting views on the same argument. There was no disagreement among the lawmakers that equality of opportunity was an issue. It was more a matter of whether one took the view that it was or was not needed within the military and specifically with regard to women serving in combat positions.

The findings indicate that women's integrity is in question, as they find it difficult to be taken seriously as competent peers who can contribute to mission accomplishment (Congressional Record, March 17, 1986, p. E798; July 31, 1989, pp.
One reason may be that women comprise only approximately 14% of the total military force (www.defenselink.mil).

Compare this to the findings of the 1999 and 2000 studies of women in policing. Their numbers are similar; in the year 2000 they comprised 13% of the total force of the surveyed precincts with 100 or more officers. Women surveyed reported being maliciously thwarted and cited policies that kept them from being promoted to higher ranks. Women firefighters claim they face cultural issues, such as their perceived roles as female versus male firefighters, as they integrate into the force. Perhaps it is the male domination of these various forces that cause them to question a woman’s integrity, and only through more thorough integration will such questions be resolved.

Unit morale, cohesion, and male bonding and the negative effect women would have if allowed to serve in combat positions have also been cited as concerns. But as with sexual harassment, any possible negative effects on unit morale, cohesion, and male bonding are approached as an exclusively female problem. This seems to be based on women being introduced into the previously all-male realm of combat; women are viewed as the outsiders and the ones responsible. The fault for anything negative that comes of such an intrusion lies with the intruder.

Concerns over costs, tradition, privacy, and stereotyping were also brought out in the readings. From a purely practical standpoint, cost was addressed as inhibiting in relation to having to modify berthing areas and accommodations on shipboard. Tradition was addressed almost humorously with regard to women being bad luck at
sea. Funny as it seems, it points to the larger issue of women viewed as not belonging in certain positions within the military services. Women also lack privacy in a military field environment, as noted by references in the Congressional Record spanning a three-year period. Work teams and squads are often billeted together in tents in the field with only a blanket or other makeshift device separating the men from the women. While many in the military view this as a given, it does offend, but in this study, it only offends the women (Congressional Record, September 11, 1990, pp. E2787-89; Congressional Record, July 31, 1991, pp. 11426-28; Congressional Record, October 4, 1992, E3010-11). Finally, the stereotyping of women as non-combatants can only be overcome by continued integration and the opening of non-traditional jobs whereby women can move beyond these myths. What is closely related to these themes, but not found in the analysis as expected, was camaraderie and the impact women would have on it if they were allowed into combat positions. There is apparent consensus that camaraderie, or the feeling of goodwill among soldiers, sailors, and airmen, is not now nor would be affected by the presence of women serving in combat positions.

Again we see the literature supporting many of these issues. In a Roper random mail survey 41% said a change in the combat exclusion policy would have an adverse impact on unit cohesion, while the survey conducted by the Presidential Commission revealed 56% believed a change in combat exclusion policy would result in a negative impact on cohesion. Linda Bird Francke argues that the military culture is forcing men and women apart and women are found to have the “wrong stuff.”
Brian Mitchell contends that women serving in combat positions would disrupt morale.

Retired Major General Jeanne Holm and retired Colonel Paul Roush do not agree and believe male bonding would not be hampered. Retired Colonel Paul Roush believes tradition is cited as yet another invalid reason why women should be excluded from combat positions, just as the systematic exclusion of blacks was once considered acceptable within the military. The Moore and Webb studied concluded that white women are more satisfied with the equal opportunity climate than are Hispanic men and women; African American men and women were the least satisfied. Overall, however, Moore and Webb concluded that “active-duty Army women are not as disgruntled about the EO climate as some of the scholarly literature and the media imply.” This is in direct conflict with the significant references to equal opportunity within the legislative branch. One explanation may be proximity. Those women on active-duty are much closer to the reality than the legislature. Explanations for this greater open mindedness is that the women are serving in units where the equal opportunity climate is good and they do not feel discriminated against.

5. Politics play a minor role in inhibiting the total integration of women in the military.

There was only one reference to any political concerns from the bench. It came from Justice William Rehnquist’s majority opinion in Rostker versus Goldberg. This concern was over the “wide-ranging public debate” that the draft issue caused (453 US 57, June 25, 1981). It follows, though, that the court system, whose judges
and justices are purportedly apolitical, would not address political concerns.

Clearly there is a difference between Presidents Bush and Reagan, and President Clinton with regard to their views on women in the military. President Clinton openly embraced expanding opportunities for women in the military while Presidents Reagan and Bush appeared hesitant. This could be simply a matter of the differences in the experiences of the Presidents with the military. Presidents Reagan and Bush had military experience while President Clinton avoided the draft for Vietnam. It could also be an issue of age difference between the three Presidents, with Clinton being the second youngest President ever elected to office, and Reagan being the oldest. Finally, a president citing a political reason not to allow women into combat positions, such as a concern over re-election, would appear selfish and disinterested in mission accomplishment.

There were some politically motivated discussions within the legislature. Senators William Proxmire, John Warner, Dennis DeConcini, and Representative Beverly Byron Senator believed because other NATO and non-NATO countries allow women to serve in combat positions, so should the United States. Here the debate surrounded the issue of the United States, as the leading military power in the world, taking the lead and setting the example for other nations' military forces. Senator William Proxmire was concerned with publicly recognizing the contribution women make to the military, while Senator John McCain sought national consensus on the issue.

6. The full integration of women in the military will adversely affect readiness, flexibility, national security, effectiveness, and deployability. Program needs and
accession goals are limiting opportunities for women.

The judicial documents addressed flexibility, readiness, effectiveness, and national security, while Presidents Reagan, Bush, and Clinton spoke only very highly of the military forces, as is to be expected of the Commander-in-Chief. The debates in the courts were polarized; arguments on both sides of the issues were presented, but there was no disagreement that the aforementioned concerns are in fact impediments.

National security, flexibility, readiness and combat effectiveness were of the highest concern to the legislature; deployability, program needs, and accession goals were also cited. Some lawmakers believed that allowing women into combat positions would have a positive effect on national security, and enhance flexibility, readiness, effectiveness and deployability, while others indicated that these areas would suffer. The General Accounting Office findings indicated program needs and accession goals are limiting opportunities for women.

Pertaining to the literature, the Roper random mail survey indicated 41% believed assignment of women to combat positions would have a negative impact on national security, however, the random telephone survey indicated 52% said women should be drafted in a national emergency. Retired Major General Jeanne Holm argued that the biggest fear in repealing the exclusion law is the possible effect on readiness; the belief that the presence of women will distract men and hinder male bonding. Brian Mitchell argues that it is a lie to believe the presence of women in the military has a positive effect on military readiness; he believes their presence has only served to soften military service. The ten commissioners on the Presidential
Commission on the Assignment of Women in the Military who voted to retain the current restrictions on women in ground combat assignments cited the "effectiveness of ground combat units" to be the most significant criteria which drove their decision. The seven commissioners who believed women should be allowed on amphibious vessels and submarines cited flexibility as their primary concern.

Suggestion for Further Research

As the conclusions indicate, there was significant debate occurring within the three branches of government in the 1980s and 1990s. Much of this debate, and associated research, is based solely on opinion. There remains a gap between public law, military policy and reality. While this gap exists women will continue to fight, and perhaps make the ultimate sacrifice, for their country without the appropriate recognition. Only by allowing women to serve in combat positions, with subsequent experience in actual combat, will we have adequate documentation and resolution of this issue.

Further research on this issue may entail undertaking an effort similar to that of the Canadian Army and Danish Defense Forces experiments. Women in the U.S. Armed Forces would be allowed to participate in training for combat positions now currently closed to them. Their progress through completion of training would be measured and a determination made if the experiment was successful. The true test, however, of the success of the experiment would be on the battlefield; the decision to proceed with such an experiment would have to consider this.
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