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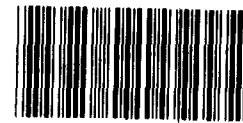
Testimony

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COMBAT EXCLUSION LAWS FOR WOMEN IN THE MILITARY

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BEFORE THE
SUBCOMMITTEE ON MILITARY PERSONNEL
AND COMPENSATION
HOUSE ARMED SERVICES COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES



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Madam Chairwoman and Members of the Subcommittee:

We are pleased to be here today to discuss the military services' interpretation and application of the combat exclusion laws for women in the military. As you know, we are reviewing this and other women in the military issues for Senators William Proxmire and William Cohen.

Since the inception of the All-Volunteer Force in 1973, women have become a significant and integral part of our military services. In 1986, they constituted 10.1 percent of our overall forces, up from 2.5 percent in 1973, and the kinds of jobs held by women have continued to expand. Statutory restrictions, however, limit the jobs available to women and, as a result, the number of women in the military.

My testimony today provides background on the statutory restrictions which were enacted almost 40 years ago, and the services' policies for implementing those restrictions. While the services are making a concerted effort to apply the restrictions accurately in the changed warfare environment, their applications have resulted in questions concerning the impact of the restrictions on military women's career progression and the military jobs they can hold.

LEGISLATIVE HISTORY AND
CURRENT STATUTORY PROVISIONS

In 1948 Congress acknowledged the quality and value of the contribution women made in World War II and passed the Women's Armed Services Integration Act of 1948. That Act institutionalized the role of women in the services by establishing career opportunities for them in the regular active duty components as well as the reserve forces. The Act, however, also restricted (1) the total number of women in the services, (2) the kinds of jobs they could hold, and (3) the military rank they could achieve.

-- The total number of women in the Air Force and Army, and the total number of enlisted women in the Navy could not exceed 2 percent of total authorized strengths. Women Navy officers could not exceed 10 percent of the total female enlisted strength in the Navy.

-- Air Force, Navy, and Marine Corps women could not be assigned to aircraft which were engaged in combat missions, and Navy and Marine Corps women could not serve aboard any Navy vessel except hospital ships and navy transports. (Existence of the Women's Army Corps with its own exclusions precluded the need for separate statutory combat exclusions for Army women.)

-- With the exception of the medical field, women could not serve in command positions or hold a permanent grade above lieutenant colonel or Navy commander.

In 1948, some in the Congress believed combat required physical strength that women did not possess. In addition, women's role in society was such that a policy of having women in combat was almost unthinkable.

The weapons of war and battle strategies have changed dramatically since 1948. Military equipment and weapons now require technological skills as much, if not more so, than physical strength. Also, the capability to deliver weapons from remote locations increases the vulnerability of civilians and military alike. Modern technology and the strategies and tactics it enables, blur the boundaries of the "battlefield".

In addition to these changes in the conduct of warfare, the role of women in society has undergone dramatic changes, particularly since the 1960s. Today, women pursue careers in fields that were largely closed to them 40 years ago.

As a result, the services are faced with the dilemma of applying a 40-year old statute in the context of modern warfare and the changing role of women in American society.

There have been two amendments to the 1948 Act which affect the numbers of women in the military services and the kinds of jobs they can hold. In 1967, the statutory strengths and grade limitations were lifted. In October 1978, a substantive change was made in the types of jobs women could hold. Restrictions on Navy and Marine Corps women were reduced to allow them to fill permanent assignments on non-combat ships such as tenders, repair ships, and salvage and rescue ships. It was this change that enabled women to serve on the USS ACADIA, a destroyer tender, which provided repair and logistics support to the USS STARK in the Persian Gulf this spring. Of the 1336 crew members, 240 were women. The 1978 statutory change also allowed women to fill temporary assignments for up to 6 months on any ship that was not expected to have a combat mission during that time.

CURRENT SERVICE INTERPRETATION AND APPLICATION OF THE STATUTES

The services have identified the kinds of assignments that are available to women based on their understanding and interpretation of the statutes.

Air Force

The statutory exclusion for the Air Force, as provided for by the 1948 Act, is included in Title 10 United States Code, section 8549. Under that law, women cannot be assigned to aircraft engaged in combat missions. The Air Force has defined combat mission aircraft as those whose principal mission is to **deliver** munitions or other

destructive materials against an enemy. On this basis, women cannot be assigned to Air Force fighter and bomber aircraft.

Air Force officials told us that the Air Force believes the restriction against flying combat mission aircraft is intended to provide women some degree of protection. Therefore, the Air Force also excludes women from aerial activity over hostile territory where they would be exposed to both hostile fire and a substantial risk of capture. Women are also excluded from certain duties, such as combat control, tactical air command and control, aerial gunner, and pararescue and recovery, and certain units, such as tactical air control parties and air support radar teams, where there is also a high probability of exposure to hostile fire and substantial risk of capture.

This interpretation has evolved over time. Prior to 1985, exposure to either hostile fire or substantial risk of capture alone could have excluded women from some jobs. However, an Air Force review of (1) its policy and the legislative history of the combat exclusion statute, and (2) how that related to the conduct of modern warfare, resulted in the combined use of the hostile fire and risk of capture tests. Under this policy revision, the Air Force, in December 1986, opened up to women the RC-135 reconnaissance aircraft, and two EC-130 electronic warfare aircraft missions, on the basis that, while the crews might be subject to enemy fire, they would not also be subject to a substantial risk of

capture. However, it is this same criteria which excludes women from reconnaissance aircraft over hostile areas--they would be subject to capture if shot down.

Navy/Marine Corps

The statutory exclusion for the Navy, as provided for in the 1948 Act, is contained in Title 10 United States Code, section 6015. Under that law, Navy and Marine Corps women cannot be assigned to aircraft or naval vessels engaged in combat missions. The Navy defines combat mission as seeking out, reconnoitering or engaging the enemy. This precludes assignment of women to such ships as aircraft carriers, destroyers, and submarines. The Navy also excludes jobs on ships which travel with the combatant group even though, in and of themselves, they would not have a combat mission under the Navy definition. Thus, jobs on Mobile Logistics Force Ships, which were renamed in late November 1986 to Combat Logistics Force (CLF) ships, are closed to women on the basis that they travel with the combatant group. The Navy justifies this decision by reference to a 1978 Defense Department definition of combat missions where "task organizations" were included as units that could have combat missions.

The statute that applies to the Navy also applies to women in the Marine Corps. Marine Corps women cannot be assigned to combat ships or aircraft. Further, a Marine Corps official told us that it is Marine Corps policy to transport Marines on combat ships in

wartime. Therefore, Marine Corps women assigned to units that will deploy on those ships cannot deploy with their units unless other transportation is available.

With the Marine Corps, the level of physical risk is also a factor. As a result, women can pursue 33 of the 37 Marine occupational fields; the 4 that are closed are infantry, artillery, tanks/amphibious vehicles, and naval aviator flight officer. Further, the Marine Corps' combat exclusion rules prohibit women from being assigned to units with the greatest physical risk, such as infantry regiments. Women, therefore, may not be assigned to any unit that is likely to become engaged in direct combat, which the Marine Corps defines as seeking out, reconnoitering, or engaging hostile forces in offensive action. Women may, however, be assigned to combat support and combat service support units in a designated hostile fire area where they could become involved in defensive combat action resulting from an enemy attack.

Army

There are no statutory combat restrictions for Army women. The Women's Army Corps, in existence as a separate unit since 1942, had its own exclusions. With the dissolution of the Corps in 1978 and the subsequent integration of women into the mainstream of the Army, the Army developed its own combat exclusion policy based on its interpretation of congressional intent as reflected in the statutes affecting the other services.

Army policy is intended to open to women all jobs except those having the highest probability of engaging in direct combat. The policy recognizes that the modern battlefield is fluid and lethal and that all soldiers, male and female, will be exposed to the threat of injury or death throughout the theater of operations. There is no intent to remove women from jobs that would expose them to the threat of injury or death because the Army recognizes that soldiering is inherently dangerous.

Army policy is governed by the Direct Combat Probability Code system, introduced in 1983, which ascribes to each Army job an assessment of the probability of that job participating in direct combat. The Army defines direct combat as engaging an enemy with individual or crew-served weapons while being exposed to direct enemy fire, a high probability of direct physical contact with the enemy, and a substantial risk of capture. Direct combat occurs while closing with the enemy in order to destroy or capture, or while repelling assault by fire, close combat, or counterattack. The policy was derived from an analysis of four criteria: the duties of the job specialty, the unit's mission, tactical doctrine, and location on the battlefield. Jobs are assigned a code, P1 through P7. P1 represents the highest probability of engaging in direct combat and P7 the lowest. Women cannot be assigned to P1 jobs.

Army officials told us that battlefield location has the greatest impact on the "P" rating of a position. Jobs in areas located forward of the brigade's rear boundary are generally rated P1 and therefore closed to women. However, with the exception of the battalion's infantry and tank system support teams, women may fill jobs in forward support battalions (FSB) which provide combat service support forward of the brigades rear boundary.

Formation of the FSB resulted from a reorganization of support services as part of the Army's transition to the Army of Excellence. Previously, separate medical, maintenance and supply and transportation battalions, were located outside, or behind, the brigade's rear boundary. Under Army "P" rating criteria women were assigned to those units. The reorganization transferred those services to one main support battalion still located outside the brigade and three FSB's now located forward of the brigade's rear boundary. Each FSB provides all three types of support functions.

The initial effect of the location change was the coding of all FSB positions as P1, closing jobs which women had formerly held. After a review of this effect, which the Army called unintentional, and with strong support from field commanders, the Army opened the FSB's to women, except for the infantry and tank system support teams which worked closely and continuously with the maneuver battalions and would therefore be highly likely to engage routinely in direct combat. In addition, women may serve in other jobs which

require them to periodically transit the maneuver brigade rear boundary and there is no limit on how far forward a woman may travel during a temporary excursion.

Coast Guard

There are no statutory restrictions on the kinds of jobs Coast Guard women may hold. They can be assigned to any kind of duty on any kind of Coast Guard vessel. During peacetime, the Coast Guard falls under the jurisdiction of the Department of Transportation, but in wartime it is transferred to the Secretary of the Navy. However, according to a Navy Judge Advocate General opinion, the statutory restrictions on Navy women will not apply to Coast Guard women. The Secretary of the Navy, however, has the authority to decide whether or not to apply those same or similar restrictions.

APPLICATION OF EXCLUSION PROVISIONS

Given the complexity and fluidity of modern warfare and the considerably changed social role of women, it is difficult to draw clearcut lines which identify safe versus dangerous locations, military jobs women can or cannot do, or military jobs women should not do. By restricting certain assignments without specifying an objective or, in lieu thereof, the parameters of what constitutes a "combat mission", the statutes leave to the services the responsibility for determining the coverage of the exclusion.

While the services are trying to apply the statutes accurately, the language of the statutes permits different interpretations in the context of modern warfare. The common theme in the application of the combat exclusion provisions seems to be an effort to preclude women from the most frequent or severe exposure to the risks of war. Below this apparent overall criteria, however, the extent to which degrees of danger can be reliably differentiated in the context of modern warfare is questionable. As a result, women are excluded from some "fighting" jobs, but not others, and may be "protected" in some jobs but are at substantial risk in others.

Air Force

Air Force officials told us that women can successfully serve on combat aircraft. For example, there is a woman F-16 pilot in the Netherlands Air Force. Further, both the Danes and Canadians are experimenting with women serving in combat positions. However, American women are barred from such assignments. Since the prohibition is not based on an inability to do the job, the basis for maintaining the restriction appears to be that fighting is not a proper role for women or that they should be protected from the dangers of flying combat aircraft, or both.

Air Force women, however, do perform fighting roles as missile crew members. As of November 1987, there were 13 women on the firing crews of the Ground Launched Cruise Missile (GLCM) and women also serve in GLCM maintenance and support functions. Because the GLCM

is currently deployed throughout Europe they are primary targets in a conflict. Additionally, 74 women serve on Minuteman missile firing crews.

The Air Force has stated that there really are not going to be any safe places in a theater of conflict. For example, in 1984, the Assistant Secretary of the Air Force for Manpower and Reserve Affairs told the House Armed Services Committee that it is not only the people sitting in the cockpits who are going to be killed in war. He said that Air Bases are going to be vulnerable, and they will be attacked, and people are going to have to carry rifles and defend the air bases. Women are stationed at U.S. Air Bases throughout Europe.

Army women also serve on missile crews, including the Pershing missile, and the Hawk and Patriot air defense missiles. All of these can be found deployed in West Germany and hence will be targets in any European conflict.

Navy/Coast Guard

Navy women are excluded from serving on Combat Logistics Force ships because the Navy includes these ships as part of the combatant group. The CLF ships do not individually have a combat mission under the Navy's definition. They provide support services to the other ships in the combatant group. However, the Navy

ascribes the combat mission of a task group to all the ships that travel as part of that group.

The reason for such an exclusion would appear to be protection since the ship does not have an offensive fighting role. Navy and civilian women, however, can serve on Military Sealift Command (MSC) ships which perform the same function as CLF ships, but they do not travel continuously with the combatant group. However, in a conflict, MSC ships will be targets and will be required to defend themselves.

Coast Guard women can serve on any Coast Guard ship, some of which are expected to have combat missions in wartime. The Coast Guard believes that its women crew members are an integral part of the crew and that their removal would be detrimental to ship operations. Therefore, in wartime, unless the Secretary of the Navy decides differently, Coast Guard women may perform in jobs from which Navy women are excluded.

Army

The Army's coding system will normally exclude women from positions located forward of the brigade's rear boundary whether or not the positions are fighting positions. The impact is to preclude women from front line fighting roles and to provide some degree of protection. However, in our opinion, the extent to which women can be protected is questionable. Women are now stationed forward of

the brigade's rear boundary on a continuing basis as members of forward support battalions which provide combat service support. And they may travel as close to the battlefield as they need to, on a temporary basis, to do their job. As we have mentioned already, women are also in fighting positions as members of missile crews. Further, Army officials told us that there is an action pending to open up positions in the Lance missile firing batteries. Those batteries, which are currently closed to women, are located behind the brigade's rear boundary, and they only traverse that boundary to fire their weapons close to the battle front.

Marine Corps

Marine Corps policy acknowledges that women may be assigned to support units in designated hostile fire areas where they could become involved in defensive combat action resulting from an enemy attack. Thus, women are exposed to a strong possibility of capture.

IMPACT OF COMBAT EXCLUSION LAWS/POLICIES

As you know, our work focused on the policy level and was not designed to identify the specific impact of the application of the combat exclusion policy. However, as has been stated by the Chairwoman of the Defense Advisory Committee on Women in the Services, a major impact has been to inhibit the career progression of women in the military by excluding them from some jobs they are capable of filling.

There are also some overall impacts on Defense's force management. First, there is some concern that the declining pool of 18-26 year old males in the 1990s will make recruiting difficult.

Restrictions on the jobs that women may hold may exacerbate any recruiting problems that may arise because of the population decline. The restrictions close off an excellent source of high quality recruits.

Second, restrictions impede the most effective management and assignment of personnel. Women may be unnecessarily excluded from high technology, support, and aircraft crew jobs, no matter how capable they are of doing those jobs.

Lastly, impediments to the most effective management of personnel assignments can negatively effect the morale and retention of both men and women. For example, if women cannot go to sea, then men must serve longer tours of sea duty.

There are, however, several valid concerns expressed by the services as the role of women in the military has increased. DOD and the services have maintained that a policy which opens combat positions to women is a social question which DOD is poorly equipped to address, rather than a question of military operations. Other concerns include the higher attrition rates of women,

pregnancy, and the potential problems caused by an increase in single parents in the services.

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Madam Chairwoman, I have presented here today a discussion on how applying the combat exclusion provisions affect the kinds of jobs open to women in the military services. While the impact on jobs open to women tends to raise questions about the services' practices, we believe the services are making a concerted effort to apply the statutes accurately in the changed warfare environment facing them today. The differing applications of the statutes do raise questions. Yet, there is no easy solution. The services are different, and establishing hard and fast criteria in today's military and social environment is not easy. But the effects of the current situation are clear--military women are being impeded from progressing in their chosen fields.

That concludes my prepared statement. We will be happy to respond to questions.