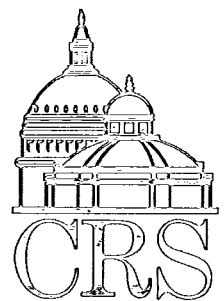


CRS Issue Brief

Women in the Armed Forces

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Women in the Armed Forces

SUMMARY

The number of women in the armed forces steadily increased from less than 2% at the end of FY1972 to 11% in September 1990. The percentages vary among the services from less than 5% for the Marines to more than 13% for the Air Force. Parallel with the increase in the number of women in the armed forces has been a gradual removal of restrictions against women in the military services and the kind of jobs they could hold. For several years one issue has been whether to continue to expand the proportion of women in the armed forces. The perception of need for military women could change if a planned reduction in the armed forces occurred in response to world events and an adequate pool of qualified males.

The major issue for several years has been whether to remove the principal remaining restriction, the ban against women in combat. Past legislation has prohibited the assignment of women to vessels and aircraft assigned combat missions in the Navy and aircraft assigned combat missions in the Air Force. The Defense Authorization bill for FY1992 and FY1993 as passed by both Chambers and agreed in conference, H.R. 2100, would repeal the ban against women in Air Force and Navy combat aircraft and establish a commission to study future policy. While there is no legislative prohibition for the Army, Army policy imposes restrictions on combat assignments. Thus, women are not allowed in many combat operations yet serve in combat support units in areas subject to attack.

U.S. military actions in Grenada, Libya, the Persian Gulf, and Panama revealed numerous inconsistencies in policy and practical problems in having a growing number of persons in the Armed Forces prohibited from combat posts but representing a substantial part of the forces and serving in combat support units. The deployment of several thousand women to Saudi Arabia provided the most extensive experience to date.

Some observers contend that additional military jobs could be opened to women even without changing the combat ban. Others contend that adding more women to non-combat posts reduces the number of rotation slots available for men in combat units. In either event, since the main mission of the armed forces is to deter war by being prepared to wage one if it occurs, there is a limit to the extent to which the armed forces can increase the number and expand the assignments of women as long as there are restrictions on assigning women to combat posts.

Opinion in the United States is deeply divided on the fundamental issues involved: Would national security in the future be jeopardized or strengthened by increasing the proportion of women in the armed forces and allowing them in combat? Should women have equal opportunities and responsibilities in national defense, or do role and physical differences and the protection of future generations justify continuation of the combat ban? Current law requiring draft registration of males only and proposals for an Equal Rights Amendment to the Constitution have raised these same issues.

ISSUE DEFINITION

What role women should have in the armed forces is a question that has confronted Congress in several interrelated forms.

One aspect is whether or how much to expand the number of women in the services. Difficulties in obtaining enough qualified males for the All-Volunteer Force led to increasing recruitment of women during the 1970s and 1980s until women now comprise more than 10% of the armed forces. A planned reduction of armed forces, in response to a changing world situation and budget pressures, and the availability of enough qualified males could change the perception of need for military women.

A second aspect is whether women should be excluded from combat positions by law. The Department of Defense in 1979 recommended repeal of the law prohibiting the use of women on aircraft and naval vessels assigned combat missions; subsequently the Reagan Administration opposed repeal. The Defense authorization bills passed by the House and Senate in 1991 would repeal the ban against women serving on combat aircraft in the Air Force and Navy. Policy on assignment of women to combat, except combat ships, would be left to the Air Force and Navy as it is currently to the Army. A Commission on the Assignment of Women in the Armed Forces would be established to study policy for the future. The deployments to Saudi Arabia illustrated that women in the Armed Forces may be exposed to danger even though they are excluded from combat positions, and that families may suffer if a sole parent or both parents are sent to a combat zone.

Draft registration is another aspect of the question of the role of women in the military which has confronted Congress in several interrelated forms. The Supreme Court has upheld the right of Congress to determine whether women should be registered for the draft, and Congress has voted to register only males.

The two basic issues involve national security and the role of women in American society. Would national security at some point be jeopardized by an increasing number of women in the armed forces, or would it be enhanced by enlarging the pool of qualified people available? Should women have equal rights, opportunities, and responsibilities in national defense? Or do role and physical differences between the sexes and the protection of future generations require special efforts to limit the role of women in the armed forces?

BACKGROUND AND ANALYSIS

Two major factors led to the expansion of the role of women in the armed forces. First, after the end of the draft and the beginning of the All-Volunteer Force in December 1973, the military services had difficulty in recruiting and retaining enough qualified males, thereby turning attention to recruiting women. Second, the movement for equal rights for women led to demands for equal opportunity in all fields, including national defense.

Women were recruited in increasing numbers and assigned to a wider variety of occupations as one method of meeting shortfalls in enlistments by qualified men. The

number of women in the armed forces steadily increased from less than 2% at the end of FY1972 to 11% (223,154) in September 1990. (The percentages varied among services: Army, 11.4% (83,152); Navy, 10.0% (57,102); Marines, 4.7% (9,319); Air Force, 13.9% (73,581). See tables at the end.)

Parallel with the increase in the numbers of women in the military services was a gradual removal of restrictions against them. During World War II, women served in the various services under temporary arrangements and inconsistent policies. The Armed Forces Integration Act of 1948 (62 Stat. 356-75) gave women a permanent place in the military services by authorizing women in the regular Army, Navy, Air Force and Marine Corps. However, it limited the number of enlisted women to 2% of enlisted strength, the number of female officers (excluding nurses) to 10% of enlisted female strength, and the rank a female officer could achieve to Lieutenant Colonel (or Commander in the Navy).

During the 1960s and 1970s, the movement for equal opportunity for women gave new momentum to efforts to eliminate discriminatory treatment of women in the armed forces. Changes were brought about by policy directives from the services, court decisions, and legislation. In 1967, P.L. 90-130 repealed the limitation of 2% for female enlisted strength. In 1969, by administrative action, the Reserve Officers Training Corps (ROTC) was opened to women for the Air Force, and for the Army and Navy in 1972. In 1973 the Supreme Court ruled in *Frontiero v. Richardson* (411 U.S. 677) that spouses of female members of the armed forces were to be considered "dependents" in the same way as spouses of male members of the armed forces. In 1974 the age requirement for enlistment of women without parental consent was made the same as for men (P.L. 93-920). In 1976 women were admitted to the three major service academies: Military, Naval, and Air Force (P.L. 94-106); women had already been admitted to the U.S. Coast Guard and Merchant Marine Academies by administrative action.

In 1978, two major steps were taken. Congress passed legislation (P.L. 95-485) abolishing the Women's Army Corps as a separate unit and modifying Section 6015 of Title 10 of the U.S. Code which had precluded women from serving on Navy ships. Under the modification, women could be assigned to serve permanent duty on vessels not expected to be assigned combat missions, and up to 6 months temporary duty on other Navy ships. An act passed in 1980 (P.L. 96-513) equalized the treatment of male and female commissioned officers. By 1982 there were no restrictions on the number or occupations of women in the Coast Guard. However, women were still prohibited from being assigned to ships or aircraft engaged in combat missions and, under Section 8549, to Air Force planes in combat missions.

Moreover, the percentage of women in the higher officer and enlisted ranks continued to be lower than the percentage of women in service. (See tables at the end of this section.) The disparity was much greater if medical officers, which includes nurses, were excluded. The Department of Defense has explained that the clustering of women in the middle to lower officer grades is a reflection of women entering in the lower ranks in large numbers beginning in 1972, and that with time the distribution of women officers should begin to approximate that of men.

On Feb. 2, 1984, General John W. Vessey, Jr., Chairman of the Joint Chiefs of Staff, said "the greatest change that has come about in United States forces in the time

that I've been in the military service has been the extensive use of women and that a male institution had been turned into a coeducation institution in a very short period, and it has been a traumatic exercise for us."

Should the Armed Forces Expand Recruitment of Women?

One issue is whether to expand the number of women in the armed forces. In anticipation of greater difficulty in recruiting enough qualified men during the 1980s because of declining birthrates in the 1960s, the Department of Defense in the 1970s increased the recruitment of women. Since that time, the number of women in the armed forces has grown dramatically. (See chart in appendix, Active Duty Enlisted Women and Officer End Strengths.) The proportion of women now ranges from less than 5% in the Marines to more than 13% in the Air Force. The question of whether the percentages should be increased or decreased could become more acute during the 1990s if the active duty military personnel decline and the military services can meet their recruiting requirements with well qualified men.

The higher percentage of women in the Air Force is accounted for in part by the Air Force mission, which does not involve primarily ground combat, and in part by Air Force policy and legislation. The Defense Authorization Act of 1985 required that 19% of those enlisting in the Regular Air Force during FY1987 and not less than 22% of those enlisting during FY1988 be women. The requirement for 1987 was repealed the next year but the requirement of 1988 was left in place. The Defense Authorization Act of 1989 prohibited the Air Force from setting a minimum or maximum percentage of persons according to gender for original enlistments for skill categories or in any other way basing acceptance of a person on gender, except for enlistments for training for duty assignments prohibited by the combat exclusion. No comparable gender-free enlistment provision exists for the other branches.

The Army, Navy, and Marines all set separate accession goals for men and women based on program needs. Policies restricting women in combat and holding some noncombat positions to permit ship-to-shore and similar rotations limit the program need for women. Nevertheless, the kind of military jobs available to women has steadily increased. Air Force women have been trained as pilots and assigned to Minuteman missile crews. The Navy has also opened pilot training and assigned women to various ship types in the combat logistics force. Women serve in the Marine Security Guard and the Marine Security Forces. In the Army women are allowed in virtually all occupational specialties except those with the highest probability of direct combat such as Infantry, Armor, Field Artillery, and Combat Engineers.

In 1988 the General Accounting Office (GAO) reported that about half of the 2.2 million military jobs were open to women and half were closed. The GAO concluded that "the services limit the number of jobs that women may hold beyond the requirements of the combat exclusion and related program needs. As a result women may not compete for all jobs identified by the services as unrestricted by the combat exclusion or their program needs."

At issue are the qualifications needed for modern armed forces, whether women meet these qualifications, and the effect more women in the services would have on the ability of the armed forces to carry out their missions and on society in general.

One qualification is education, which some believe is becoming more important with the growing complexity of modern weapons systems. The services have been able to achieve higher standards for women recruits than for men because of the small recruitment levels for women. A principal argument in favor of increasing the numbers of women in the armed forces has been that it would be better to raise the number of women recruits who are better educated than to recruit less qualified men. If the number of women recruits is increased, however, the services might not be able to be as selective and the differences in education level between male and female recruits might be expected to narrow.

Aptitude tests have been the second measure of qualification used by the Defense Department, and this is closely related to the issue of the kind of jobs to which women should be assigned. In aptitude tests given by the Army, men as a group have consistently scored higher than women as a group in three areas: electronics, general mechanics, and motor mechanics. Some contend that these differences might be expected as a result of differences in the educational and cultural backgrounds of men and women, and that the tests do not reliably predict the performance of properly trained women in fields such as electronics and mechanics.

A question is how much effort should be made to train women for jobs in the traditionally non-female occupations. Most women have traditionally been assigned to the administrative and medical occupations in which their aptitudes are high. Some favor continuing this policy since many women prefer these jobs and there is considerable room for more women in these areas. Studies by the Department of Defense have shown that enlisted women have much higher rates of retention in the service when they are assigned jobs in the traditionally female skills (administrative and clerical, and medical and dental) and lower retention rates in traditionally non-female occupations (mechanical and electrical equipment repair.) A RAND study in 1986 found that 34% of military women, contrasted with 3% of civilian women, worked in jobs that were less than 10% female nationally.

A third area of qualifications at issue involves the entire range of physiological differences between men and women. One aspect is physical size and strength. The 1982 Women in the Army Policy Review concluded that the average female recruit had from 50%-70% of the strength, stamina, and muscle mass of the average male recruit with the greatest disparity existing in the female's upper body strength. It held that upper body strength was the limiting factor in the performance of military jobs, since the major physical capacity requirements for the majority of military jobs were deemed to be lifting and carrying. On the basis of this assessment the Army has developed criteria for determining whether individuals could meet the strength requirements for each job. Some question whether the physical strength requirements being placed on many jobs by the Army are as important as other criteria, such as education, in which women are not at a disadvantage.

Another aspect of the physiological differences involves pregnancy and childbirth. There is concern that because of these uniquely female conditions, and the related traditional responsibility of mothers for child-care, women will lose more time away from duty, be less able to deploy rapidly, and have shorter service careers. The services are faced with an increasing need for adequate child care as more of its members, whether men or women, have sole or primary responsibility for children or the parents

are a dual-career couple. Another issue has been whether to permit servicewomen to obtain abortions in military hospitals.

Some look beyond individual qualifications to group performance and contend that even if they meet all necessary qualifications and can perform the necessary tasks, women will decrease the efficiency and effectiveness of the armed forces. In their view, having women in large numbers might drive men away from the armed forces, or at least impair the morale and efficiency of men who have taken pride in the masculinity of their profession. They contend that the United States already has a greater percentage of women in its armed forces than almost all other countries and fear that other countries will perceive the United States as militarily weak if it increases the number of women greatly, especially if women are put in combat positions.

Should Congress Change the Legal Restrictions Against Women in Combat?

Since the main mission of the armed forces is to deter war by being prepared to wage one if it occurs, there is a limit to the extent to which the armed forces can increase the number and expand the assignments of women as long as there are restrictions on assigning women to combat posts. For many years legislative prohibitions restricted the assignment of women to vessels and aircraft assigned combat missions for the Navy (10 U.S.C. 6015) and aircraft assigned combat missions in the Air Force (10 U.S.C. 8549). As passed by both Houses and agreed to in conference, the Defense Authorization bill for FY1992 and 1993 (H.R. 2100) would repeal the limitations on assignment of females to combat aircraft.

The Senate, in passing its Defense Authorization bill, S.1507, also adopted an amendment by Senator Glenn to establish a 15-member Commission on the Assignment of Women in the Armed Forces to study and make recommendations on issues related to assigning women to combat positions. House conferees agreed to the study which is to be submitted to Congress with the President's recommendations by Dec. 15, 1992.

In May Pentagon spokesman Pete Williams said the Department of Defense welcomes the repeal legislation "because it gives the Department of Defense the authority to decide where the line should be drawn, rather than having Congress set the limits on the role of women in combat." Secretary Cheney has said he would not be surprised, because of experience in the Persian Gulf War, if women's combat roles were expanded. Earlier in the Bush Administration, Secretary of Defense Cheney had said the Defense Department had no intention of dropping the combat exclusion. Christopher Jehn, Assistant Secretary of Defense for Force Management and Personnel, had contended the issue is "subjective" and an "emotional and political" matter and said, "The reason why we haven't taken a stand one way or another on putting women in combat is that this is an issue that fully deserves to be resolved in public debate in the Congress, not by a policy edict from me or the Secretary of Defense." Operation Desert Storm brought new attention to the subject.

While there is no legislative prohibition for the Army, Army policy imposes restrictions on women in ground combat assignments. A Combat Exclusion Policy established by the Secretary of the Army in 1977 was replaced in 1983 by the Direct Combat Probability Coding Policy (DCPC Policy). Under this policy, women may be

assigned to all units that do not routinely perform their mission forward of the brigade rear boundary. According to the Defense Department's Manpower Requirements Report for FY1985, "The DCPC Policy acknowledges that women will have substantial risk of injury, death, or capture in a battlefield environment which may include the use of nuclear, chemical, and unconventional forces, but has as its goal the removal of women soldiers from units which can be expected to routinely engage in direct combat with the army." In 1988 the Secretary of the Army defined 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 takes place while closing with the enemy by fire, maneuver, or shock effect in order to destroy or capture, or while repelling assault by fire, close combat, or counterattack."

The Defense Department in February 1988 also adopted a "risk rule" that also excludes women from non-combat units or missions if the risks of exposure to direct combat, hostile fire, or capture is equal to or greater than the risk in the combat units they support. In September 1988 the Secretary of Defense said that to protect combat readiness, decisions of the Military Departments to assign women to certain units must be made with the understanding that they would be so assigned both in times of peace and conflict. He clarified that military women should not be assigned to duties which they would not be allowed to fulfill in an emergency since there would be no plans to evacuate them.

The Navy Judge Advocate General has determined that the law prohibiting Navy women from being aboard combat vessels does not apply to Coast Guard Women, although the Secretary of the Navy could order changes to keep the services uniform. Coast Guard Commandant Admiral James S. Gracey stated in a memorandum that women should not be excluded from combat missions because removing women in wartime would degrade the operational readiness of vessels while replacements are being trained.

The combat exclusion was one of the factors cited by the Supreme Court in upholding the right of Congress to exclude women from registration for the draft. The Court said,

The fact that Congress and the Executive have decided that women should not serve in combat fully justified Congress in not authorizing their registration, since the purpose of registration is to develop a pool of potential combat troops (*Rostker v. Goldberg*, 453 U.S. 57 (1981)).

On the basis of the combat restriction, the services bar women from many occupational specialties and assignments. Prior to 1978 many more occupational specialties were closed to women. In 1977, in P.L. 95-79, Congress required the Secretary of Defense to submit a definition of the term "combat" together with recommendations on expanding job classifications to which women might be assigned and any changes in law necessary. In his reply on Feb. 14, 1978, Deputy Secretary of Defense Charles Duncan defined combat to mean "engaging an enemy or being engaged by an enemy in armed conflict"; a person to be "in combat" when in a geographic area designated as a combat/hostile fire zone by the Secretary of Defense or other specific circumstances, and a combat mission as "a mission of a unit, ship, aircraft or task organization which has as one of its primary objectives to seek out, reconnoiter, or

engage an enemy." Subsequently, the virtually absolute ban against women on Navy ships was modified and many new jobs in all services were opened to women.

During the Carter Administration, Deputy Secretary of Defense Duncan said the best long-term solution to open still more assignments to women was to repeal both 10 U.S.C. 6015 and 8549. He proposed allowing the Secretaries of the Military Departments to set policy for, monitor, and review the assignment of women within their respective departments, with the Secretary of Defense reviewing the programs to insure compatibility among the services. On May 14, 1979, the Department of Defense transmitted to Congress a draft of proposed legislation (subsequently introduced as H.R. 4256) to repeal the statutory restriction on the assignment of women.

The Reagan Administration opposed removing the combat restrictions on women. On Sept. 8, 1983, White House spokesman Larry Speakes said, "The President strongly feels that women should not be sent into combat. That's bedrock Reaganism." The President agreed with the Justice Department, which had reviewed all statutes with sexually discriminatory language, that no changes be made in laws barring women from being drafted and from serving in combat.

Repeal of the combat exclusion provisions would not necessarily result in assignments of women to all combat units because it would be up to each service Secretary to set policy and assign personnel according to needs and abilities. Proponents of repeal believe it would remove a bar to many assignments that women could handle. Opponents feel that the statutory provisions are the last protection against the services sending women into combat.

In January 1990 Representative Schroeder introduced H.R. 3868 directing the Army to conduct a 4-year test period of allowing women in those Army occupations closed to women. The bill was based on a December 1989 recommendation of the Defense Advisory Committee on Women in the Services (DACOWITS). In April 1990 the Army rejected the DACOWITS proposal, stating it did not feel such a test was warranted.

Those who emphasize equal rights and responsibilities say women in the armed forces cannot advance to the top without experience in combat units. Some go even beyond this, and say that women cannot be equal in society as long as they are barred from full participation in all levels of the national security system. In their view, modern weapons have equalized the potentiality for women in combat since wars are less likely to be fought on a hand-to-hand basis, and have made it impossible to protect women from the destructiveness of combat. In any event, they claim, properly trained women would be able to fight successfully and exempting them from combat is not fair to men.

Those opposed to women in combat contend that the protection of women is a mark of civilization and a method of safeguarding the human race. They point out that countries such as Israel and the Soviet Union, in which women have fought in emergencies, do not now place women in combat positions. This view holds that the national security would be jeopardized because women are not as strong or aggressive as men and their presence would impair the individual and group effectiveness of men. They disagree with the assumption that modern technology has significantly reduced the direct physical nature of combat, especially ground combat. They see permitting

women in combat as an extreme deviation from tradition which would detract from the dignity and femininity of women and disturb family cohesion to such an extent that it might have a broad adverse impact on society.

Other NATO nations that allow women in combat jobs include Belgium, Canada, Denmark, Norway, Greece, and the Netherlands.

Military Women in Saudi Arabia and Other Combat Actions

Women were included in the Armed Forces sent to Saudi Arabia and the Persian Gulf after the U.S. deployments to halt Iraqi aggression against Kuwait began on Aug. 8, 1990. From that time and through the hostilities that started Jan. 16, 1991, they served both in traditional roles such as nurses and non-traditional roles including aircraft ground crews and intelligence and communications specialists. According to a Defense Department fact sheet of Jan. 3, 1991, 6% of the service personnel in the area were women. This is less than the 11% that women comprise of the forces as a whole because of the exclusion of women from specified combat units. (For additional information, see CRS Issue Brief 90124, *Iraq-Kuwait Crisis: Key U.S. Military Personnel and Compensation Questions*.)

Following is the breakdown by service of women deployed in Operation Desert Storm, according to the Defense Department on July 11, 1991.

Branch of Service	Active Duty	Reserves, etc.	Total
Army	19,590	11,265	30,855
Navy	3,400	1,049	4,449
Marines	1,098	134	1,232
Air Force	2,978	1,268	4,246
TOTAL	27,066	13,716	40,782

The action against Iraq, called Operation Desert Storm, provided new experience with women in the Armed Forces close to combat. Prior to hostilities, many press reports focused on the unique aspect of how the U.S. military and their Saudi hosts dealt with cultural differences relating to women. After hostilities began, press reports indicated that women were doing the military jobs for which they are trained. Executive officials and congressional resolutions spoke of pride and support for the men and women of the Armed Forces.

Operation Desert Storm raised once again questions concerning the combat ban. Women piloted some of the 300 helicopters that airlifted men and equipment more than 50 miles inside Iraqi territory, according to a *Reuters* report in the Washington Times Feb. 26, 1991. In addition, Operation Desert Storm provided the first experience with casualties among women and illustrated that women are in danger when in a combat zone even if they are not allowed in combat units. Casualties among female military personnel included 11 killed and two prisoners of war.

Child care is perhaps the principal issue demonstrated by the deployment of women to the Persian Gulf. Many hardship stories were published concerning single parents or military couples sent to Saudi Arabia, leaving their children in the care of relatives, neighbors, or whomever they could find. Legislation was introduced seeking to bring about a policy change that would allow some military parents to win exemption from duty in the Gulf, and a study of relevant policies has been required. The Defense Department opposed a change in policy during the war. On Feb. 7, 1991, Secretary of Defense Cheney and Chairman of the Joint Chiefs of Staff Colin Powell wrote:

...Years ago, the Department of Defense made the considered policy choice not to treat single parents and military couples as second class citizens, and to allow them to serve anywhere in the world, in every type of unit, and in any position... We have had a longstanding policy of requiring every single parent and military couple to maintain a current family care plan to ensure that their children are cared for when the parent or parents deploy. That policy is working well... In our view, it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy... Requiring their redeployment from the Desert Storm theater now would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and *esprit de corps*. It would also break faith with our single parents and military couples and with their comrades who depend on them every day.

The Senate on Feb. 20, 1991, rejected an amendment by Senator Heinz expressing the sense that provision should be made, at the request of the serviceperson, for the prevention of the assignment of two parents, or a single parent, of a minor child to the imminent danger area. It approved an amendment by Senator Glenn that the Secretary of Defense should prescribe regulations governing the assignment of Armed Forces members who are parents of minor children with appropriate consideration given the unique needs of single parents, dual military couples, and newborns.

Defense Department figures indicated that on Feb. 13, 1991, 16,337 single parents, the vast majority of whom have custody, and 1,231 military couples with children were deployed in Operation Desert Shield. Thus in 17,500 families children were separated from their parents by the war.

According to the Defense Department, in the total Armed Forces, there are 91,000 single, active duty personnel who have dependents who are children, primarily a designation so the dependent may receive benefits. The Defense Department estimates there are 66,000 single parents who have custody. Of these 39,400 are males and 26,600 are females; thus, there are more male single parents but a larger percentage of active duty women are single parents. According to the Defense survey, there are 70,000 dual military career couples. Of these, 40,400 active duty couples have children, and 6,600 active duty personnel married to reservists have children. The Defense Department estimates there are 2,000 reserve couples who have children. The Services seek to assign military couples to the same post to the extent possible and ordinarily couples would favor this policy, but the war in the Persian Gulf presented a new situation. (For further information, see CRS Issue Brief 91100, Military Deployment and Family Policy.)

The Iraq-Kuwait war was not the first experience with women in combat situations, but it indicated the extent to which women have become an integral part of the armed services and is bringing home the policy dilemmas. The inclusion of 600 women in the forces that invaded Panama in December 1989 stirred some controversy over the issue. The Panamanian action illustrated that women sometimes had jobs that took them very close to combat and that there were problems in trying to give women equal opportunity while excluding them from combat. One woman, Captain Linda L. Bray, led a military police unit in a raid on an attack-dog kennel, for which she was awarded the Army Commendation Medal. Another woman, Sgt. Rhonda J. Maskus, filed a discrimination complaint because she was not deployed to Panama.

Inconsistencies in the policies concerning women in the various services were also noted in other military actions. Four women who were deployed to Grenada on Oct. 29, 1983, were returned to Fort Bragg the next day "to prevent their exposure to direct hostile fire," and then on November 2 were returned to Grenada to serve as military police along with 110 other women soldiers in support functions. On the other hand, press reports indicated that women had been included in the crews of Air Force transports flying to Grenada during the invasion. Women served on the crews of tanker aircraft refuelling the aircraft that bombed Libya on Apr. 14, 1986, but they would not have been allowed on the bombers themselves. After the *USS Stark* was hit by an Iraqi missile in the Persian Gulf in 1987, a destroyer tender sent to help repair the *Stark* had about 240 female sailors out of a crew of 1,300.

Should Women Be Included in Draft Registration?

On Feb. 8, 1980, President Carter proposed to resume registration for the draft under a plan that would include women as well as men. However, Congress rejected the inclusion of women. The registration measure, as passed, called for the registration of men only. (P.L. 96-282, approved June 27, 1980.) The American Civil Liberties Union filed suit on June 26 charging the Act to be unconstitutional gender discrimination. On July 18, a Federal district court ruled that it was unconstitutional to require the registration of males only, but on July 19 Associate Justice Brennan of the Supreme Court stayed this ruling and ordered the registration of men to proceed.

On June 25, 1981, the Supreme Court reversed the lower court decision and ruled that Congress acted within its constitutional authority to raise and regulate armies and navies when it authorized the registration of men and not women. (*Rostker v. Goldberg*, 453 U.S. 57 (1981).) The court held that its greater deference to Congress in the area of national defense and military affairs was particularly appropriate because Congress had specifically considered the constitutionality of the Military Selective Service Act. In its view, Congress was entitled to focus on the question of military need rather than equity, and the exclusion of women from combat justified excluding them from the draft.

What Would Be the Effect of the Equal Rights Amendment?

One question which has frequently been raised is what would be the effect of the proposed Equal Rights Amendment (ERA) to the Constitution upon women with respect to their role in the military services and upon the policies of the military

services. The amendment would provide that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." First passed by the Congress in 1972, the amendment fell short of being ratified by the required three-fourths of the States (38) by the deadline which was extended until June 30, 1982. Legislation for an equal rights amendment has been reintroduced each Congress since then (H.J.Res. 1 and S.J.Res. 3 in the 102d Congress). Meanwhile, numerous legal and practical changes in the status of women in the armed forces have been brought about in the absence of an Equal Rights Amendment.

The effect on women's role in the military services has been one of the most controversial issues throughout the history of the Amendment. In reporting ERA favorably in 1972, the Senate Judiciary Committee said it seemed clear that the Equal ERA would require men and women to be treated equally with respect to the draft, so that if there were a draft, both men and women who met the requirements would be subject to conscription. Once in the service, each person would be assigned according to his or her qualifications and the service's needs. However, the committee said, women who were not qualified or who were exempt because of their responsibilities, such as those with dependents, would not have to serve and the passage of ERA would not mean that mothers would be conscripted from their children. Congress would retain the power to define the exemptions from compulsory service which then would be applied to both men and women. The Senate Judiciary Committee took the position that the principle of equality did not mean that the sexes must be regarded as identical, and that it did not prohibit states from requiring a reasonable separation of persons under some circumstances, such as in military barracks.

LEGISLATION

P.L 102-25, S. 725

Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991. Section 315 requires the Secretary of Defense report by Mar. 31, 1992, on a study of policies relating to activation of reserve units and overseas deployments as they affect family responsibilities and interest of members of Armed Forces who have minor children or who are from families with more than one member in the Armed Forces. Section 317 states the sense of the House that the armed forces devise a uniform policy on deployment of mothers of newborn children and that the policy should provide that to the maximum extent possible, mothers of new born children under the age of 6 months shall not be deployed or activated if activation requires separation of mother and child. Passed Senate Mar. 21, 1991; passed House Mar. 21, 1991 (396-4.) Signed into law Apr. 6, 1991.

H.R. 2100 (Aspin)/S. 1507 (Nunn)

National Defense Authorization Act for Fiscal Years 1992 and 1993. H.R. 2100 reported to House May 13, 1991 (H.Rept. 102-60). Passed House May 22, 1991. S. 1507 reported to Senate July 19, 1991 (S.Rept. 102-113). Inserted in H.R. 2100 and passed Senate Aug. 2, 1991. Conference report filed Nov. 13, 1991 (H.Rept. 102-311). Section 531 repeals statutory limitations on assignment of female members to Air Force and Navy combat aircraft. Section 541 establishes Commission on the Assignment of Women in the Armed Forces to study implications for the combat readiness of Armed Forces of

permitting women to qualify for combat positions and related matters, and report its findings to Congress by Nov. 15, 1992. House adopted conference report Nov. 18, 1991.

H.R. 2521 (Murtha)

Makes appropriations for Department of Defense for FY1992. Reported to House June 4, 1991 (H.Rept. 102-95). Passed House, amended, June 7, 1991. Reported to Senate Sept. 20, 1991 (S.Rept. 102-154). Passed Senate Sept. 26, 1991. Conference report file in House Nov. 18, 1991 (H.Rept. 102-328). Conference dropped Senate provision in Section 8129 that would permit privately funded abortions for military personnel and their dependents in military hospitals outside the United States.

CHRONOLOGY

- 08/30/91** --- The General Accounting Office issued a report, "Air Force Revises Job Availability but Entry Screening Needs Review," which reported that the Air Force had eliminated separate job listings for men and women as required by the National Defense Authorization Act for 1989, but some screening tests eliminated female applicants at a higher rate than male applicants.
- 04/25/91** --- The Naval Academy announced the appointment of Midshipman Julianne Gallina to the rank of midshipman captain, marking the first time the Academy's Brigade of Midshipmen would be under the command of a female.
- 03/00/91** --- Navy Personnel Research and Development Center released report, Pregnant Enlisted Women in Navy Work Centers, finding that the impact of pregnancy on the work center was seen as greater on ships than at shore commands.
- 09/11/90** --- A Defense Department study on sexual harassment in the military said that more than a third of the military women surveyed reported they had experienced some form of direct harassment.
- 06/08/90** --- The Navy announced Cmdr. Rosemary Mariner would become the first woman commander of a fleet jet aircraft squadron and two women would get the Navy's first ship commands.
- 01/12/90** --- The Military Airlift Command announced it had lifted restrictions prohibiting female aircrews on C-130 aircraft and C-141 airdrop missions. All Military Airlift Command missions would now be open except special operations aircraft: AC-130 gunships, MC-130s, HC-130s, and MH-53 and MH-60 helicopters.

ACTIVE DUTY ENLISTED WOMEN END STRENGTHS

<u>FISCAL</u>	<u>ARMY</u>	<u>%</u>	<u>NAVY</u>	<u>%</u>	<u>USMC</u>	<u>%</u>	<u>USAF</u>	<u>%</u>	<u>TOTAL</u>	<u>%</u>
64*	7,958	.9	5,063	.9	1,320	.8	4,845	.7	19,186	.8
69**	10,721	.8	5,752	.8	2,443	.9	7,407	1.0	26,323	.9
72	12,349	1.8	6,257	1.2	2,066	1.2	11,725	2.0	32,397	1.6
73***	16,457	2.4	19,174	1.9	1,973	1.1	15,023	2.6	42,627	2.2
74	26,327	3.9	13,381	2.8	2,402	1.4	19,465	3.7	61,575	3.3
75	37,701	5.6	17,516	3.8	2,841	1.6	25,232	5.0	83,272	4.6
76	43,806	6.5	19,288	4.2	3,063	1.8	29,235	6.1	95,392	5.3
77	46,094	6.8	19,464	4.4	3,506	2.0	34,610	7.3	103,674	5.8
78	50,549	7.6	21,093	4.1	4,652	2.4	41,084	8.8	117,597	6.6
80	61,968	9.3	30,955	6.7	6,269	3.7	52,205	11.4	151,397	8.6
82	63,622	9.4	37,321	7.7	7,875	4.5	54,506	11.3	163,324	9.0
86	69,151	10.4	46,796	9.3	9,246	5.2	60,694	12.3	185,887	10.1
89	73,794	11.2	51,633	10.0	9,012	5.1	63,175	13.6	197,614	10.9
90	70,741	11.3	49,275	9.8	8,647	4.9	60,250	14.0	188,913	10.9
91+	71,104	11.2	48,714	9.8	8,631	4.7	60,083	14.1	188,532	10.8

ACTIVE DUTY OFFICER WOMEN END STRENGTHS

64*	3,772	3.4	2,678	3.5	128	.7	4,031	3.0	10,609	3.1
69**	5,157	3.0	2,884	3.2	284	1.1	4,858	3.6	13,183	3.1
72	4,422	3.6	3,185	4.4	263	1.3	4,766	3.9	12,636	3.8
73***	4,279	3.7	3,454	4.9	315	1.6	4,727	4.1	12,775	4.0
74	4,388	4.1	3,649	5.4	336	1.8	4,767	4.3	13,140	4.3
75	4,594	4.5	3,676	5.6	345	1.9	4,981	4.7	13,596	4.6
76	4,844	4.8	3,544	5.6	386	2.0	4,967	5.0	13,741	4.9
77	5,696	5.8	3,791	6.0	422	2.3	5,383	5.6	15,292	5.5
78	6,292	6.4	3,980	6.4	433	2.4	6,010	6.3	16,715	6.1
80	7,528	8.9	5,027	8.3	453	2.7	8,876	9.0	21,884	8.4
82	9,033	8.8	5,740	8.5	560	3.0	9,942	9.8	25,275	8.7
86	11,263	10.3	7,260	10.1	643	3.2	12,377	11.4	31,543	10.1
89	12,197	11.1	7,453	10.3	696	3.5	13,403	12.9	33,749	11.1
90	12,411	11.8	7,827	10.8	672	3.4	13,331	13.3	34,241	11.5
91+	12,466	11.9	7,790	10.0	677	3.4	13,374	13.5	34,307	11.6

- * Last pre-Vietnam War fiscal year.
- ** Peak of Vietnam War, during draft period.
- *** Beginning of All Volunteer Force.
- + March 31, 1991

Sources: Department of Defense Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics); Washington Headquarters Services. Directorate for Information.

IB79045
August 15, 1991

DISTRIBUTION OF ACTIVE DUTY WOMEN
BY RANK AND PERCENTAGE OF TOTAL PERSONNEL IN EACH RANK
MARCH 31, 1991

	TOTAL		ARMY		NAVY		MARINE		AIR FORCE	
	(NO.)	(%)	(NO.)	(%)	(NO.)	(%)	(NO.)	(%)	(NO.)	(%)
OFFICERS										
O-8	1	0.3	0	0.0	1	1.2	0	0.0	0	0.0
O-7	7	1.3	2	1.0	2	1.5	0	0.0	3	1.8
O-6	412	2.9	146	3.1	127	3.3	10	1.5	129	2.5
O-5	2,104	6.5	756	7.1	597	7.6	25	1.5	726	5.9
O-4	6,039	11.3	1,963	11.1	1,753	12.8	99	3.1	2,224	11.9
O-3	14,674	13.8	4,984	15.1	2,996	12.6	217	3.4	6,477	14.9
O-2	5,694	15.7	2,200	18.3	1,068	11.0	146	4.0	2,280	21.0
O-1	4,696	15.2	1,907	17.3	1,167	12.5	87	3.7	1,535	18.9
WARRANT										
W-4	11	0.4	6	0.3	2	0.3	3	1.2	0	0.0
W-3	113	2.2	95	2.4	8	1.1	10	2.6	0	0.0
W-2	376	4.3	279	4.4	45	3.1	52	6.1	0	0.0
W-1	180	5.6	128	4.6	24	68.6	28	7.2	0	0.0
OFFICERS										
TOTAL	34,307	11.6	12,466	11.9	7,790	10.9	677	3.4	13,374	13.5
ENLISTED										
E-9	207	1.4	69	1.6	55	1.1	18	1.2	65	1.5
E-8	1,259	3.3	439	3.0	326	3.1	61	1.6	433	4.9
E-7	8,051	5.9	3,463	6.6	1,656	4.8	287	3.0	2,645	6.7
E-6	21,073	8.8	7,958	9.6	6,084	7.2	806	5.2	6,225	10.8
E-5	40,494	11.1	13,814	11.1	11,326	10.6	1,534	5.8	13,820	12.8
E-4	56,923	12.8	24,182	13.2	11,374	11.0	1,934	5.0	19,433	16.5
E-3	34,725	12.4	10,444	11.8	9,783	13.3	2,757	4.8	11,741	19.7
E-2	15,633	11.5	6,181	12.2	4,821	10.9	946	4.5	3,685	18.6
E-1	10,167	11.4	4,554	13.6	3,289	9.0	288	3.5	2,036	19.5
TOTAL										
ENLISTED	188,532	10.8	71,104	11.2	48,714	9.8	8,631	4.7	60,083	14.1
CADETS & MIDSHIPMEN										
	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
GRAND										
TOTAL	222,839	10.9	83,570	11.3	56,504	9.9	9,308	4.6	73,457	14.0

*Percentages may not total 100 due to rounding.

Compiled by the Congressional Research Service from
Department of Defense data.