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Insights from the Expanding Role of Women in the Military¹

Overview

In its 1993 study, RAND was asked to examine the integration of blacks into the military and to identify insights that could be helpful in deciding whether or not to allow gay men and lesbians to serve without restriction.² In its 2010 study, RAND was asked to similarly examine the history of the expanding role of women in the military and to identify any insights from that experience that may inform the process of allowing gay men and lesbians to serve without restriction in the military. This appendix provides (1) a historical overview of the expanding role of women in the military—focusing particular attention on the expanding role of women in combat over the past 20 years, (2) a discussion of insights that may inform the process of allowing gay men and lesbians to serve without restriction, and (3) a summary of the findings of our analysis.

Methodology

In researching this appendix, we drew on both primary and secondary documents to develop a historical overview of the expanding role of women in the military. In addition, we drew on the findings from this report, especially Chapters Eight, Nine, and Ten. Chapter Eight provides the findings of focus group discussions comprised of U.S. service members. Chapter Nine provides the findings of a survey that was conducted of serving gay and lesbian personnel in the U.S. military. Chapter Ten provides an overview of discussions we had with a wide range of knowledgeable officials throughout some of the foreign militaries that have allowed gay men and lesbians to serve without restriction (i.e., Australia, Canada, Germany, Israel, Italy, the Netherlands, and the United Kingdom).

Key Findings

Our analysis in this chapter indicates that the process of allowing gay men and lesbians to serve without restriction in the U.S. military will likely be more different than simi-

¹ This chapter was prepared by Agnes Gereben Schaefer.

² See RAND, 1993, pp. 158–190.

lar to the experience of expanding the role of women in the military. While the roles of women in the U.S. military have expanded over time, women continue to be treated differently in a range of areas. From the outset of their integration into the military, women were not integrated under the auspices of nondiscrimination. Instead, unique ethical and biological rationales have been used to limit the participation of women in the military. For instance, Congress' decision to impose restrictions on participation in the military in the 1940s was guided by two rationales: (1) Women and children should be protected from warfare and (2) women are not physically capable of conducting particular combat tasks (Ferber, 1987).³ Statutes were put into place by Congress to exclude women from being assigned to duty on Navy ships that engaged in combat missions or on aircraft that engaged in combat missions (Public Law 625, 1948). While these statutory limitations have since been repealed, women remain precluded from being assigned to particular types of military specialties, positions, and units, based solely on their gender. Specifically, DoD policy continues to exclude women from being assigned to units below the brigade level whose primary mission is direct ground combat. Therefore, women's participation in the military has always been deliberately restricted, and women have never received equal treatment and equal opportunities in the military.

These rationales have not only impacted career options for women in the military, but they have also sparked ongoing debates about entrance requirements, physical fitness requirements, and gender-integrated training. These same rationales have not been used to restrict the participation of gay individuals or blacks in the military. In addition, the physical differences between men and women have necessitated the establishment of specific rules and accommodations for women (e.g., uniform standards, separate living quarters), further differentiating men from women. The same kinds of specific rules and accommodations have not been made for blacks, and they are not being proposed for gay individuals.

Since 1948, when it was mandated by executive order that they were to receive equal treatment and equal opportunities in the military, blacks have not experienced this type of deliberate restriction of participation. Given the debate surrounding DADT,⁴ it is likely that gay men, like blacks, will be allowed to serve without restriction in the military under the auspices of nondiscrimination, and, therefore, they too are not likely to experience the same types of continuing, deliberate restrictions based on sexual orientation that women have experienced based on gender.⁵

³ The question of whether women are physically able to carry out combat-related tasks was also a major point of contention on the Presidential Commission on the Assignment of Women in the Armed Forces. See Presidential Commission on the Assignment of Women in the Armed Forces, 1992a.

⁴ See Chapter One and Chapter Two for a complete description of the arguments concerning discrimination in the debate surrounding DADT.

⁵ While known gay men and lesbians may face animosity, as blacks did, the 1993 report found that such issues could be overcome through "strong military and civilian leadership that agrees on the goals of the policy, clear

Another important difference between gender integration and the process of allowing gay men and lesbians to serve without restriction is that gender integration occurred from the bottom up and occurred incrementally. For instance, there was considerable focus on whether there needed to be senior women in place in units before junior women were permitted into those units. Our survey data in Chapter Nine indicate that gay men and lesbians are already serving in the ranks of the U.S. military,⁶ and, therefore, the same incremental process will not be necessary if gay men and lesbians are allowed to serve without restriction. As a consequence of some of the issues mentioned above, women and blacks have been viewed as separate classes in the military—their numbers are tracked, and their careers are watched by the military. Gay men and lesbians are currently not considered a separate class by the military, and there are no plans to consider them as such.

In sum, our analysis in this appendix finds that, if DoD intends to fully end discrimination on the basis of sexual orientation, the experience of racial integration is more analogous than the integration of women. This is because women were never integrated under the auspices of nondiscrimination and because they have continued to be restricted from participation based on unique ethical and biological rationales. In addition, as pointed out in the 1993 report,

The main theme of those opposed to racial integration in the post-war period centered on the fact that whites were hostile toward serving with blacks. This argument was often accompanied by rhetoric similar to that surrounding the issue of homosexuals serving today. Integration was said to be inconsistent with prevailing societal norms and likely to create tensions and disruptions in military units and to impair combat effectiveness. (RAND, 1993, p. 20)

Animosity toward women in the military has never reached anything near the level of that toward blacks during the racial integration of the armed forces (e.g., there were no events that were comparable to the race riots in the military during the World War II and Vietnam War eras).

However, three main insights did emerge from our analyses of the integration of women that may inform the process of allowing gay men and lesbians to serve without restriction:

- Our focus group discussions with U.S. military personnel revealed that service members in the United States are concerned that the process of allowing gay men and lesbians to serve without restriction will cause problems similar

signals from all leadership levels that compliance with the policy is a command responsibility and that no resistance will be tolerated, swift punishment for non-compliance, and a focus on changing behavior, not attitudes” (RAND, 1993, p. 188).

⁶ See Chapter Nine for a complete description of findings from our survey of gay military personnel.

to those associated with the integration of women (e.g., harassment, favoritism, flirting, interference with male bonding).⁷ However, our discussions with personnel from foreign militaries indicated that, while some of their service members expressed similar concerns prior to allowing gay men and lesbians to serve without restriction in their militaries, those concerns were never realized during or after implementation.

- The personnel from foreign militaries we spoke with indicated that, in their experience, the integration of women was much more difficult and complex than the process of allowing gay men and lesbians to serve without restriction,⁸ thus reinforcing the unique challenges associated with integrating women into the military.
- While some have expressed concerns about the negative impact of gay men and lesbians on unit cohesion and military readiness in the United States, studies indicate that the expansion of women's roles in the military has not had a negative impact on unit cohesion and military readiness and that increased diversity can be managed successfully.

We turn next to a discussion of the history of the expanding role of women in the U.S. military.

The Expanding Role of Women in the U.S. Military

Women have been present on the battlefield throughout U.S. history, but initially they had very limited roles as volunteers, nurses, and caretakers. During World War II, 350,000 women—an unprecedented number—participated in the war effort, and they began to take on new auxiliary roles so that more men could fight in combat (Holm, 1992, p. 100; Public Law 77-554, 1942).⁹ Shortly after the establishment of the Women's Army Auxiliary Corps (WAAC), Congress established the Women Accepted for Volunteer Emergency Service (WAVES) in June 1942 as a branch of the naval reserve (Public Law 689, 1942). Unlike the WAAC, which was a temporary auxiliary corps, women in the WAVES were afforded some of the same ranks and ratings as in the Navy. However, the following restrictions were placed on the women in the WAVES: The number and rank of officers in the WAVES was limited,¹⁰ the authority of WAVES officers could only be exercised over women in the WAVES, and members

⁷ See Chapter Eight.

⁸ See Chapter Ten.

⁹ For a comprehensive history of the WAAC and the Women's Army Corps (WAC), see Treadwell, 1954.

¹⁰ There could be no more than one officer in the grade of lieutenant commander nor more than 35 officers in the grade of lieutenant, and the number of officers in the grade of lieutenant (junior grade) could not exceed 35 percent of the total number of commissioned officers.

of the WAVES were restricted to shore duty within the continental United States only and could not be assigned to duty on board Navy vessels or in combat aircraft (Public Law 689, 1942).

In 1943, the WAAC was converted to full status as the WAC, but similar restrictions applied (Treadwell, 1954, p. 264):

- WAC units would contain only women and would be commanded by WAC officers, just as men's units were composed of and commanded by men.
- WACs could not serve in combat.
- WACs would not be confined in the same building with men, except a hospital.
- WACs would not work in "restaurants or cafeterias in service clubs, guest houses, officers' clubs or messes."
- WAC officers would not be promoted to the grade of colonel.
- WACs would not command men unless specifically ordered to do so.
- WACs would not be employed as physicians or nurses.
- WAC officers would be appointed only from officer candidate school graduates, and officer candidates would be selected only from women already in the corps.
- Enlistment standards would differ from men's in the age and citizenship requirements set by Congress, and a different physical examination would be given to women; venereal disease would also be disqualifying, and women with dependent children would be ineligible.
- Discharge was mandatory for minors; authority was included for discharge for pregnancy.

In 1948, the Women's Armed Services Integration Act formally gave all women regular and reserve status in the armed forces (as opposed to the temporary, emergency status that most had up to this point). While this act formally mandated the integration of women into the military, it also mandated restrictions on their participation in the military:¹¹

- Women could constitute no more than 2 percent of each branch.
- Each service was limited to only one female full colonel or Navy captain.
- Women were excluded from flag ranks (general and admiral).
- Different enlistment standards and dependency entitlements were set for men and women.
- Women could not be assigned to duty on Navy ships that engaged in combat missions or on aircraft that engaged in combat missions.¹²

¹¹ See Public Law 625, 1948, and Devilbiss, 1990.

¹² Because the WAC already excluded women from combat, there was no need for a separate statute for Army service women.

Therefore, “while the new law included women as an integral part of the permanent establishment, it failed to give them status equal to that accorded men” (Morden, 1990, p. 56). From the outset of their formal integration into the military, women were treated differently than men, and restrictions were placed on their integration. These restrictions would remain in place for decades, and some continue to this day.

In response to the Korean War, the military’s overall goal was to mobilize half a million to one million women to join. In spite of active recruiting efforts, the military fell far short of its goal (Holm, 1992, p. 157). At its peak, the number of women in the armed forces during the Korean War was 48,700, declining to about 35,000 by war’s end in June 1955 (Holm, 1992, p. 157). In 1951, Secretary of Defense George C. Marshall created the Defense Advisory Committee on Women in the Services (DACOWITS), a civilian advisory board, to advise on the recruitment and retention of military women for the Korean War. DACOWITS is still in existence today, and its recommendations have greatly impacted the evolution of women’s roles in the military.

During the Vietnam War, DoD had a goal of adding 6,500 women to the military in an attempt to reverse a downward trend after the Korean War (Holm, 1992, p. 187). However, women continued to be utilized in very limited roles. In 1967, the 2-percent ceiling and promotion ceilings established by the Women’s Armed Services Integration Act were lifted, partially in response to recommendations made by DACOWITS. Despite the lifting of these ceilings, large numbers of women did not begin to join the military until the 1970s. Five years after the 2-percent ceiling was lifted, the non-nurse female proportion of the military stood at only 1.7 percent (D’Amico and Weinstein, 1999, p. 42). During this time, the military continued to rationalize the restriction of women due to their gender and physical capabilities. For instance, the Army reported that,

In the military service, the woman finds herself the minority among males; she requires separate facilities and is precluded for social reasons, and for her own safety, from performing duties within the confines of an all-male atmosphere. Physically, the military woman is not well suited for the rigors of field duty or capable of performing fatigue details normally performed by men, and cannot be considered self sufficient enough in this regard to perform under the conditions experienced by maneuver elements in tactical operations. For this reason, the utilization of women in units below Corps level is not considered feasible. (Directorate of Personnel Studies and Research, 1969)

From the Advent of the All-Volunteer Force to Operation Desert Storm: 1971–1991

On September 28, 1971, President Richard Nixon signed the bill committing the country to an all-volunteer force (AVF),¹³ and the draft formally ended on June 30, 1973.

¹³ For a comprehensive accounting of the evolution of the all-volunteer force, see Rostker, 2006.

With the introduction of the AVF, there was an increased perception that women were needed to fill the ranks, and, subsequently, the services were directed to develop contingency plans to increase the use of women in the military (Devilbiss, 1990, p. 13). It was only then that large numbers of women began to join the military.

In 1972, the Central All-Volunteer Force Task Force was created to examine issues related to ending the draft. One of the issues that the task force was charged with studying was “women in the military.” When Congress passed the Equal Rights Amendment in April 1972, Assistant Secretary of Defense Roger Kelley instructed the services to “take action to eliminate all unnecessary [restrictions] applying to women” (Central All-Volunteer Task Force, 1972, p. 8). At the end of 1972, the task force “conclud[ed] that the potential supply of military women could sustain a substantial increase in accession of military women,” and the task force set goals to increase the number of women in all the services (Central All-Volunteer Task Force, 1972, p. 22). In anticipation of the ratification of the Equal Rights Amendment, the Army and the Navy subsequently decided to double the number of women in uniform, the Air Force chose to triple the number of women serving, and the Marines sought to increase the number of female Marines by 20 percent (Rostker, 2006, p. 176).

In many ways, the role of women in the military during this time mirrored the developments in American society, including the emergence of the women’s rights movement and feminism. In 1976, women were allowed to enter the nation’s three service academies for the first time. In 1978, President Jimmy Carter signed Public Law 95-485, which (1) disintegrated the all-female WAC and integrated women into the Army and (2) allowed women in the Navy to be assigned to duty aboard noncombatant ships (Public Law 95-485, 1978).

The failure to ratify the Equal Rights Amendment by 1982 marked the beginning of the end for the heyday of the women’s rights and feminist movements, and advocates who wanted to limit the role of women in the military shifted their arguments to the potential negative impacts of women on military readiness and effectiveness:

The opponents of women in the military were stymied as long as equal opportunity and citizens’ rights held the limelight. When the debate was redirected so that readiness, effectiveness, and efficiency became the central issues, opponents of women did not have to address equality claims at all. They just insisted that other items had priority and that “rights” were a luxury—or even, in a popular phrase of the day, that women’s presence in the military was a “social” experiment. (Stiehm, 1989, p. 49)¹⁴

Subsequently, the early 1980s marked a period in which the role of women in the military was reassessed. At this time, claims of “reverse discrimination” in the

¹⁴ This argument echoes current rhetoric that claims that the military is being used as a social experiment to allow gay men and lesbians to serve without restriction.

military also began to emerge. This issue came to a head in 1980 when Bernard Rostker, the director of the Selective Service System, was sued in an attempt to rescind women's exemption for selective service. The case was appealed to the Supreme Court, and in 1981 the Court ruled that women are exempt from selective service because "women as a group . . . are not eligible for combat. The restrictions on the participation of women in combat in the Navy and Air Force are statutory" (*Rostker v Goldberg*, 453 U.S. 57 [1981]).

When the Reagan administration came into office in 1981, the Army decided the time was right to roll back the advances that women had made in the military during the Carter administration (Rostker, 2006, p. 565). The Army announced its objection to the Office of the Secretary of Defense's (OSD's) goal to increase the number of enlisted women in the active Army and instead voiced its desire to

level out the number of enlisted women in the Active Army at 65,000. . . . These modifications were prompted by indications from field commanders that combat readiness is being affected by such factors as attrition, pregnancy, sole parenthood, and strength and stamina, which have come to light during the recent rapid increase in the number of women in the Army. (Clark, 1981)

Accordingly, the Army decided to take a "pause" in the recruitment of women in lieu of an examination of their impact on military readiness—a period subsequently termed "Womanpause" (Holm, 1992, pp. 380–388).

OSD was quick to respond and announced a rapid study of the impacts of women on readiness. When the study concluded, Secretary of Defense Casper Weinberger sent a memo to the services indicating that

Qualified women are essential to obtaining the numbers of quality people required to maintain the readiness of our forces. This Administration desires to increase the role of women in the military, and I expect the Service Secretaries actively to support that policy. . . . This Department must aggressively break down those remaining barriers that prevent us from making the fullest use of the capabilities of women in providing for our national defense. (Weinberger, 1982)

Therefore, the focus of the Reagan administration turned to eliminating institutional barriers for women in the military (Rostker, 2006, p. 567). However, Lawrence Korb, an assistant secretary of defense, acknowledged that the question of combat exclusions was central to the issue of eliminating barriers. If combat exclusions were legitimate, "the barriers that result are neither artificial nor discriminatory" (Korb, 1982).

In 1982, the Army reassessed the coding system it used to assess women's risk on the battlefield, and, as a result, some jobs were restored to women, while others were eliminated altogether. In response, Secretary Weinberger stated,

It is the policy of this Department that women will be provided full and equal opportunity with men to pursue appropriate careers in the military services for which they can qualify. This means that military women can and should be utilized in all roles except those explicitly prohibited by combat exclusion statutes and related policy. This does *not* mean that the combat exclusion policy can be used to justify closing career opportunities to women. The combat exclusion rules should be interpreted to allow as many as possible career opportunities for women to be kept open. (Weinberger, 1983, emphasis in original)

In 1988, a task force proposed a new “risk rule which excluded women from noncombat units or missions if the risks of exposure to direct combat, hostile fire, or capture were equal to or greater than the risk in the combat units they supported” (U.S. General Accounting Office, 1988, p. 2). Less than two years later, Assistant Secretary Christopher Jehn reported to Congress that, as a result of the new “at risk” rule, “31,000 new positions were opened to women in both the active and reserve components [and] over 63 percent of all positions in the Services are now open to women” (Jehn, 1990).

From Desert Storm to Today: 1991–2010

Of the more than half a million U.S. troops deployed to the Persian Gulf during Operations Desert Shield and Desert Storm, approximately 7 percent (about 41,000) were women (U.S. General Accounting Office, 1993, p. 10). This precipitated major changes in policy with regard to the role of women in the military, including a reexamination of exclusionary laws. In 1991, Congress repealed 10 U.S.C. 8549, the combat aviation exclusion, and, in a compromise move, established a presidential commission to study the issue of combat exclusions further (Holm, 1992, pp. 473–510, Rostker, 2006, p. 572). The Presidential Commission on the Assignment of Women in the Armed Forces, consisting of nine men and seven women,¹⁵ spent seven months taking testimony from more than 300 witnesses. It also solicited comments from more than 3,000 retired officers, considered 11,000 letters and statements, and visited 22 military installations (Rostker, 2006, p. 574). While there was division and acrimony within the commission, as well as external criticism of the commission, it issued a report in 1992 and proposed several recommendations, including the following (Presidential Commission on the Assignment of Women in the Armed Forces, 1992a):

¹⁵ Some commission members would later become central figures in the debate on gay rights in the military, including Charles Moskos, a military sociologist and the architect of DADT; retired Army Colonel Darryl Henderson, former commander of the Army Research Institute and author of *Cohesion: The Human Element in Combat*, who argued that cohesion could not be developed in mixed gender units; and Elaine Donnelly, president of the Center for Military Readiness (CMR) and a frequent critic of defense personnel policies.

- the adoption by the military services of “gender-neutral assignment policies” to ensure that no one could be denied access to a post open to both men and women on the basis of gender
- acknowledging the physiological differences between men and women and calling on services to “retain gender-specific physical fitness tests and standards to promote the highest level of general fitness and wellness”
- the retention of existing policies that did not allow for the assignment of service women to special operations forces, apart from service in a medical, linguistic, or civil affairs capacity
- a new law banning women from air combat positions (18 months after Congress repealed an identical law), as well as urging legislation to exclude women from ground combat assignments in the infantry, artillery, and armor and from certain assignments in air defense and as combat engineers
- opening nonflying jobs to women on Navy combat ships while disqualifying women from service on submarines and landing aircraft.

Five commission members were not happy with the conclusions of the report and instead issued an “Alternative View Section” (Presidential Commission on the Assignment of Women in the Armed Forces, 1992b). The crux of the alternative view was that “the military, in building fighting units, must be able to choose those most able to fight and win in battle” (Presidential Commission on the Assignment of Women in the Armed Forces, 1992b, p. 44). The alternative view argued that allowing women to serve in combat units would endanger not only women but also the men serving with them (Presidential Commission on the Assignment of Women in the Armed Forces, 1992b, p. 44). In addition, the alternative view noted that the issue of women in combat was not comparable to racial integration in 1948 because “dual standards are not needed to compensate for physical differences between racial groups, but they are needed where men and women are concerned” (Presidential Commission on the Assignment of Women in the Armed Forces, 1992b, p. 45).

It was left to incoming Secretary of Defense Les Aspin to arbitrate the competing views expressed by the commission (Rostker, 2006, p. 574). In April 1993, President William Clinton ordered the services to open combat aviation to women and to investigate other opportunities for women to serve. In response, Aspin ordered the services to “permit women to compete for assignments in aircraft including aircraft engaged in combat missions” (Aspin, 1993). Later that year, Congress repealed 10 U.S.C. 6015 (the combat ship exclusion), opening most Navy combatant ships, except for submarines, to women. In 1994, DoD rescinded its “risk rule” because “the rule no longer applied since, based on experiences during [Operation] DESERT STORM, everyone in the theater of operation was at risk” (U.S. General Accounting Office, 1988, p. 3). DoD also announced its new ground combat exclusion:

Women shall be excluded from assignment to units below the brigade level whose primary mission is to engage in direct combat on the ground . . . with individual or crew served weapons, while being exposed to hostile fire and to a high probability of direct physical contact with hostile force's personnel. (Aspin, 1994)¹⁶

As a result of these and other policy changes, the number of positions open to women increased substantially. For instance, in both the Navy and the Marine Corps, there was about a 30-percent increase in positions that were open to women (Harrell and Miller, 1997, p. xvii). Before these policy changes in 1993, 67 percent of positions were available to women in the military; by 1997, 80.2 percent of positions in the military were available to women (Harrell and Miller, 1997, p. 12).

Operation Enduring Freedom and Operation Iraqi Freedom Blurred the Lines of Direct Combat. The wars in Iraq and Afghanistan have proven to be a watershed in the story of the integration of women into the military. Peter R. Mansoor, a retired Army colonel who served as executive officer to General David H. Petraeus while he was the top American commander in Iraq, noted that “Iraq has advanced the cause of full integration for women in the Army by leaps and bounds. . . . They have earned the confidence and respect of male colleagues” (Alvarez, 2009). The wars in Afghanistan and Iraq presented a less predictable, nonlinear battlefield with asymmetric threats that could potentially expose female soldiers to combat. This caused some to question the relevance of the ground combat exclusions, since some female soldiers were already experiencing combat.

As the Army developed its new modularity plan in the midst of the wars in Iraq and Afghanistan, concerns grew once again over the potential exposure of women to combat. In May 2005, House Armed Services Committee Chairman Duncan Hunter (R-Calif.), introduced a bill that would have (1) prohibited women from serving in any company-size unit that provided support to combat battalions or their subordinate companies and (2) blocked the assignment of women to thousands of positions previously open to them, and in which they were already serving. The Army opposed this bill; as General Richard A. Cody, the Army's vice chief of staff, noted, “[t]he proposed amendment will cause confusion in the ranks, and will send the wrong signal to the brave young men and women fighting the Global War on Terrorism” (Tyson, 2005). The bill was ultimately defeated.

The newest expansion of roles for women came in February 2010, when Secretary of Defense Robert Gates notified Congress of the Department of the Navy's desire to reverse the policy of prohibiting women from submarine service. When General George Casey, the Army's chief of staff, was asked about his view on expanding the ability of

¹⁶ According to DoD officials from the Office of the Under Secretary of Defense for Personnel and Readiness, “the prohibition on direct ground combat was a long-standing Army policy, and for that reason, no consideration was given to repealing it when DoD adopted the current assignment policy in 1994” (U.S. General Accounting Office, 1988).

women to serve in combat roles, he told the Senate Armed Services Committee that it was time to review the policy. "I believe it's time we take a look at what women are actually doing in Iraq and Afghanistan and to look at our policy," Casey said (U.S. Senate Committee on Armed Services, 2010, p. 41). Public opinion on the role of women in combat may also be shifting. A 2009 CBS poll indicated that a majority of respondents (53 percent) supported women serving in combat roles. Eighty-three percent of respondents supported women serving as combat support troops (CBS News, 2009).

Remaining Challenges

Despite the expansion of women's roles in the military, challenges remain. In particular, interpersonal relations between men and women in the military remain strained, and issues of sexual harassment remain prevalent almost 70 years after the formal integration of women into the military. These challenges were also mentioned by the participants in our focus groups with U.S. military personnel, as well as in our discussions with personnel from foreign militaries. While there is some concern that gay men and lesbians will be harassed or assaulted if they are allowed to serve without restriction, our discussions with personnel from foreign militaries indicate that the same processes that combat harassment and physical violence against service women can also be used to combat harassment and violence against gay men and lesbians.¹⁷

Sexual Harassment. Sexual harassment has been acknowledged to be more about the abuse of power than about sex (MacKinnon, 1979; Schultz, 2001; Tangri, Burt, and Johnson, 1982; Welsh, 1999). While the definition of sexual harassment is highly contested, in 29 CFR 1604.11 (2006), sexual harassment is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (DoD Inspector General, 2010, p. 5)

Estimates of sexual harassment in organizations are difficult to calculate because it is believed to be highly underreported (Thomas and Kitzinger, 1994). According to a 2006 DoD survey, one-third of all female respondents said that they were sexually harassed (Associated Press, 2008). However, it remains unclear whether sexual harassment is more prevalent in the military than elsewhere in society. A meta-analysis published in 2003 found that some estimates of sexual harassment in civilian organizations were higher than the 33 percent found in DoD's 2006 survey, and other estimates were

¹⁷ See Chapter Ten.

lower (Ilies et al., 2003). Across a variety of work environments (both civilian and military) and based on 86,578 respondents from 55 independent probability samples, the meta-analysis found that 24 percent reported having experienced sexual harassment at work (Ilies et al., 2003).

Sexual harassment has also been a problem at the service academies. In a 1994 report that investigated issues of sexual harassment at the service academies, GAO found that between 93 and 97 percent of academy women reported experiencing at least one form of sexual harassment during academic year 1991 (U.S. General Accounting Office, 1994). In addition, the report found that 50 percent of female midshipmen at the Naval Academy, 76 percent of female cadets at West Point, and 59 percent of women at the Air Force Academy had stated that they had experienced harassment at least twice a month.

Sexual Assault. Although the Code of Federal Regulation does not define sexual assault, DoD has defined acts of sexual assault in the Uniform Code of Military Justice (UCMJ). Specifically, Article 120 of 10 U.S.C. 920, “Rape, Sexual Assault, and Other Sexual Misconduct,” states the following:

(c) Aggravated sexual assault. Any person subject to this chapter [10 USCS 801 et seq.] who— (1) causes another person of any age to engage in a sexual act by— (A) threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping); or (B) causing bodily harm; or (2) engages in a sexual act with another person of any age if that other person is substantially incapacitated or substantially incapable of— (A) appraising the nature of the sexual act; (B) declining participation in the sexual act; or (C) communicating unwillingness to engage in the sexual act; is guilty of aggravated sexual assault and shall be punished as a court-martial may direct. (DoD Inspector General, 2010, p. 5)

Unlike sexual harassment, sexual assault invokes the critical elements of threat, fear, and bodily harm that are defined in the UCMJ.

Several high-profile cases have catapulted the issue of sexual assault in the military to the nation’s attention. For instance, in the 1991 Tailhook incident, 83 women and seven men reported being sexually assaulted or harassed at a convention of the Tailhook Association, an organization of U.S. Navy pilots. There were subsequent claims that the Navy helped to cover up the allegations and that it was not forceful enough in punishing the offenders. In 1996, the issues again rose to the national agenda when a sergeant was convicted of raping six women and was sentenced to 25 years in prison (“Sergeant Gets 25-Year Term for 18 Rapes of Recruits,” 1997). Others were found guilty of lesser offenses. Sexual assault has also been a problem in the military academies. In 2007, a string of reforms were instituted at the military academies after a 2007 DoD survey reported that one in seven female students attending the nation’s

military academies had been sexually assaulted since becoming a cadet or midshipman (de Vise, 2005).¹⁸

The need for clear standards of conduct, and for uniform enforcement of those standards of conduct, has become evident. Given confusion over inconsistencies in sexual assault policies and procedures across the services, DoD made sweeping changes in 2005 by establishing uniform sexual assault policies and procedures that apply to members of all services, wherever they are stationed or deployed (Miles, 2005). Under DoD's Confidentiality Policy, military victims of sexual assault have two reporting options—Restricted Reporting and Unrestricted Reporting. The Restricted Reporting option is available for victims of sexual assault who wish to confidentially report the crime to specifically identified individuals and does not trigger an official investigation of the crime. The Unrestricted Reporting option enables victims of sexual assault to trigger an official investigation of the crime.¹⁹ Both reporting options provide medical treatment and counseling to victims.

Foreign Militaries Have Used Broad Sexual Harassment and Sexual Assault Policies to Combat Harassment and Violence Against Gay Men and Lesbians. Some are concerned that issues of sexual harassment and violence may arise against gay men and lesbians if they are allowed to serve without restriction. Our discussions with personnel from foreign militaries indicate that, rather than developing specific policies for gay men and lesbians, these militaries use broad sexual harassment policies to combat harassment and violence against gay men and lesbians. Some members of foreign militaries indicated that sexual harassment against women remained a much stronger concern than anything related to sexual orientation.

Insights That May Inform the Process of Allowing Gay Men and Lesbians to Serve Without Restriction

While some in the United States have raised similar concerns regarding the integration of women and the process of allowing gay individuals to serve without restriction, our analysis indicates that the two cases are more dissimilar than similar and that, in many ways, the process of allowing gay men and lesbians to serve is likely to be easier than the integration of women. Three main insights emerged from our analyses that may inform the process of allowing gay men and lesbians to serve without restriction in the military: (1) Some U.S. service members in our focus groups cited challenges associ-

¹⁸ The *DoD Annual Report on Sexual Harassment and Violence at the United States Military Service Academies for Academic Program Year (APY) 2008–2009* reported that the aggregate number of reports of sexual assault for all three military service academies had decreased since APY 2006–2007, with the number of total reports decreasing from 40 in 2006–2007 to 34 in 2007–2008 and to 25 in 2008–2009. However, it remains unclear whether the incidence and prevalence of sexual assault has also decreased. See DoD, 2009.

¹⁹ See MyDuty.mil, undated, for more information.

ated with the integration of women in the military and expressed worry that the process of allowing gay individuals to serve would be similarly challenging; (2) however, in our discussions with personnel from foreign militaries, they cited more difficulties integrating women into their militaries than were experienced when allowing gay men and lesbians to serve without restriction; and (3) some service members have expressed concerns regarding the impact of women, gay men, and lesbians on unit cohesion and military readiness in the U.S. military, but our analysis indicates that the expansion of women into combat roles did not have a negative impact on unit cohesion or military readiness. We discuss each of these insights below.

Challenges Cited in Focus Group Discussions with U.S. Military Personnel

When discussing diversity challenges, participants in our focus group discussions with U.S. military personnel almost always identified more problems caused by gender than by race, ethnicity, religion, or culture, and many view the challenges caused by the integration of women in the military as more complex and serious.²⁰ For instance, both men and women expressed concerns about inappropriate relationships, as well as fraternization and favoritism based on sexual attraction. In addition, both men and women voiced concerns about sexual harassment and sexual assault. Several women reported experiencing a sexually hostile work environment at some point in their careers, and several also reported knowing women who have experienced sexual assault. Men often noted that rules are unclear and that they feel like they have to be careful around women because they are concerned that their behavior might be misinterpreted as sexual or sexist.

In many cases, participants in these focus groups directly linked their concerns about the process of allowing gay men and lesbians to serve without restriction with the challenges associated with the integration of women. For instance, some participants were concerned that they might get in trouble for disciplining gay service members—creating a “walking-on-eggshells environment”—or that there will be a flood of new complaints either by or against gay men and lesbians that will require command attention. In many respects, the process of allowing gay men and lesbians to serve without restriction is seen as potentially causing problems similar to those associated with the integration of women (e.g., harassment, favoritism, flirting, interference with male bonding).

Participants also discussed problems associated with differential treatment of men and women. Men often mentioned the unfairness of having different physical fitness test standards for men and women. Women were generally aware of this negative perception, and several said that they felt that they were constantly required to prove that they were just as good as men. Therefore, they felt that they had to work harder than men—or perform better than men—in order to get the same level of respect.

²⁰ For the complete analysis of the findings from the focus group discussions, see Chapter Eight.

Some men were also concerned about the negative effects of pregnancy and maternity leave on unit performance, as well as the deliberate use of pregnancy to get out of deployments or other undesirable duty. Some women did acknowledge that pregnancy causes problems for others in their unit.

Participants often cited good leadership as important for successfully managing diversity in the military. However, there was a wide range of opinions about what good leadership looks like when addressing these problems. Some effective leaders engage in close and personal monitoring of subordinates, intervening in problematic personal situations and mentoring individuals. Other effective leaders use an approach that focuses more tightly on job performance, emphasizing that service members should “leave personal issues at home.”

Personnel from Foreign Militaries Cited More Difficulties Integrating Women Than When Allowing Gay Men and Lesbians to Serve Without Restriction

Our analysis of the experience of foreign militaries indicates that, prior to the decision to allow gay men and lesbians to serve without restriction in their militaries, their service members echoed some of the concerns that we heard in our focus group discussions with U.S. service members. For instance, our discussions with personnel from foreign militaries indicated that their service members expressed concerns prior to allowing gay individuals to serve without restrictions in their militaries (e.g., harassment, favoritism, flirting, interference with male bonding). However, those concerns were never realized during or after the process of allowing gay men and lesbians to serve without restriction. For example, we found that in Germany all military personnel have the right to file complaints of any sort with the independent Parliamentary Commissioner for the Armed Forces (PC). Out of approximately 60,000 complaints that the PC has received since the policy to allow gay men and lesbians to serve without restriction was implemented in 2000, only 50 have involved sexual orientation.

We also found that when these foreign militaries actually went about allowing gay men and lesbians to serve without restriction, they found that it was easier and less complex than the process of integrating women.²¹ Our research found that Canada, Germany, and the United Kingdom were significantly expanding opportunities for women in their militaries around the same time that they changed their policies on sexual orientation. Interviews with defense officials and serving personnel in these countries all indicated that gender integration has been far more difficult than the process of allowing gay men and lesbians to serve without restriction. This experience reinforces the unique issues associated with integrating women into the military.

When women were integrated into some foreign militaries, they required special accommodations, such as separate facilities, separate physical fitness standards, and

²¹ For the complete analysis of the findings from the discussions with personnel from foreign militaries, see Chapter Ten.

things as mundane as separate uniform standards. In addition, new policies related to sexual conduct, fraternization, and sexual harassment needed to be developed. Gay men and lesbians, on the other hand, were integrated with no special accommodations and were incorporated into existing policies, including nondiscrimination policies and sexual harassment policies.

For instance, every time women were allowed to serve in a new role in the Canadian military, such as in combat units or on submarines, there were complaints and concerns about equity and reconfiguring facilities. Even today, harassment incidents between men and women occur regularly, and these incidents are perceived as a far greater threat to unit effectiveness than any issue involving gay men or lesbians. Some of the people we met with speculated that the challenges of integrating women into the Canadian military may have unintentionally facilitated the process of allowing gay men and lesbians to serve without restriction, since they posed very few problems in comparison.

Similarly, integrating women has been perceived by some in the German military to be much more difficult than allowing gay men and lesbians to serve without restriction. Some German personnel speculated that integrating women promoted sensitivity to issues of sexuality in general and that it was easier for the military to go through both of these big policy changes at the same time rather than separately.

The Impact of Women on Military Readiness and Cohesion

This expansion of the role of women in the military caused some to warn that “an accumulation of problems will have a devastating impact on combat readiness, unit cohesion and military effectiveness” (Presidential Commission on the Assignment of Women in the Armed Forces, 1992b, p. 48). We found that a number of studies indicated that these concerns about the detrimental impact of women on military readiness and cohesion did not materialize.

In 1993, GAO visited ten units, which had both men and women assigned to them, after their return from deployment to the Persian Gulf War. GAO found that gender was not generally identified as a component or determinant of cohesion, and most respondents considered bonding in mixed units to be as good as, and sometimes better than, in single-gender units (U.S. General Accounting Office, 1993).

In 1997, RAND was asked to assess the impact of the watershed policy changes in the early and mid-1990s on readiness, cohesion, and morale. The RAND study found that the integration of women had not had a major effect on readiness, cohesion, or morale (Harrell and Miller, 1997). In the units that RAND studied, neither gender issues nor the presence of women was perceived to have a significant impact on readiness (Harrell and Miller, 1997, p. 34). The study also found that divisions caused by gender were minimal or invisible in units with high cohesion. Any divisions that may have been caused by gender were minimized or invisible in units with high cohesion. Gender was only an issue in units characterized as “divided into conflicting groups,

and then it took second place to divisions along the lines of work groups or, within work groups, along the lines of rank” (Harrell and Miller, 1997, p. 66). Lastly, the study found that “gender is one of many issues that affect morale, but it is not one of the primary factors influencing morale” (Harrell and Miller, 1997, p. 69).²²

Some service members are expressing the same sorts of concerns regarding the negative impact of gay men and lesbians on unit cohesion and military readiness. However, the studies mentioned above reinforce the fact that diversity may have some impact on social cohesion (because some members may be uncomfortable with a particular individual or group), but it does not necessarily have a negative impact on task cohesion. People do not necessarily have to like the people with whom they work in order to do a job well.²³

Summary

Our analysis of the history of women in the military and the issues surrounding their service in the military indicates that the experience of women is not likely to be a good analogue to the process of allowing gay men and lesbians to serve without restriction. Women have always been a distinct and separate class in the military, and the rationales for not allowing them to participate in certain assignments, positions, and roles in the military (e.g., women should be protected from combat, women are not physically capable of combat tasks) are unique. The physical differences between men and women have necessitated the establishment of specific rules for women (e.g., uniform standards), further differentiating men from women. These same rationales have not been used to restrict the participation of gay men in the military.

While some service members have raised similar concerns regarding the integration of women and the process of allowing gay men and lesbians to serve without restriction, our analysis indicates that those concerns are probably not warranted and that, in many ways, the process of allowing gay men and lesbians to serve without restriction is likely to be easier than the integration of women. Three main insights emerge from our analyses that may inform the process of allowing gay men and lesbians to serve without restriction. First, our focus group discussions with military personnel revealed that service members in the United States are concerned that allowing gay men and lesbians to serve without restriction will cause problems similar to those associated with the integration of women (e.g., harassment, favoritism, flirting, interference with male bonding). Our discussions with personnel from foreign mili-

²² Put in terms of the distinctions made between task and social cohesion, as discussed in Chapter Five, the presence of women may have some impact on social cohesion (because some members may be uncomfortable with a particular individual or group), but it does not necessarily have a negative impact on task cohesion.

²³ For a comprehensive examination of the concerns regarding the potential negative impact of gay service members on unit cohesion and military readiness, see Chapter Five.

taries indicated that while some of their service members expressed similar concerns prior to allowing gay individuals to serve without restriction in their militaries, those concerns were never realized during or after the process of allowing gay individuals to serve without restriction. Second, the personnel from foreign militaries with whom we spoke found the integration of women to be much more difficult and complex than the process of allowing gay men and lesbians to serve without restriction, thus reinforcing the unique challenges associated with integrating women into the military. Third, while some have expressed concerns about the negative impact of gay men and lesbians on unit cohesion and military readiness in the United States, studies indicate that the expansion of women's roles in the military has not had a negative impact on unit cohesion and military readiness and that increased diversity can be managed successfully.

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