Women in Special Operations Forces: A Battle for Effectiveness Amidst the Pursuit of Equality

By Brittany L. Walter*

[T]he Court has repeatedly recognized that neither federal nor state government acts compatibly with the equal protection principle when a law or official policy denies to women, simply because they are women, full citizenship stature—equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities.

– Justice Ruth Bader Ginsburg¹

“Inherent differences” between men and women, we have come to appreciate, remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual’s opportunity . . . . [S]uch classifications may not be used, as they once were, to create or perpetuate the legal, social, and economic inferiority of women.

– Justice Ruth Bader Ginsberg²

“SHE DOES NOT BELONG HERE.” Five simple words. The five words that served as my introduction to the gendered occupation of military life. Despite the fact that I entered the United States Air Force Academy in the twenty-fifth class to accept women, it soon became abundantly clear that many of the traditional beliefs about a woman’s place in such an occupation persisted. The words were spoken, not by a seasoned officer set in his ways, but by a fellow basic cadet. Further, they were not in response to an evaluation of my abilities as compared to my peers. Instead, the comment was a cursory observation based

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2. Id. at 534 (citations omitted).
solely on a stereotype that, although product of a different time, culture both permits and preserves.

Fortunately, I do not believe that this was a pervasive—nor the majority—position of my fellow cadets. I am happy to report that even the particular cadet previously mentioned later became my trusted comrade in arms. Yet, the experience heightened my awareness of ongoing gender stereotypes in the military, and served as the first of many instances I would endeavor to overcome. As the roles available to women in the military continue to evolve and expand, military effectiveness requires that forces overcome associated stereotypes. If they do not, they de facto validate them, thus limiting the evolution effectiveness requires.

Combat exclusion policies restricting women’s roles may be a product of a bygone era; in theory, all positions in the U.S. military are now open to women. Yet, the actual integration of women into particular units, the Special Operation Forces (“SOF”), remains illusory. In this Comment, I will answer the following question: “How can United States Special Operation Command (“USSOCOM”) effectuate the integration of women into SOF elite teams?” The answer I provide begins by briefly reviewing a history of women in the military, specifically in combat roles. I address the organizational culture, policy decisions, and continued stereotypes that persist, despite the expanding role of women in the U.S. armed forces. In light of this historical context, I consider the official lifting of the combat exclusion for women, and the current methods of integration as they apply to SOF. Finally, I provide policy and legislative recommendations I believe are necessary to ensure unhindered integration of women into these roles, as well as their full acceptance as respected warriors.

I. Background

The military is recognized as a highly masculine, gendered occupation, as “optimal performance in combat (the defining military behavior) requires exhibition of behaviors that most people comfortably define as masculine.” The institution recognized this through tradi-

tional closure of positions to women. Although women have served in every U.S. war since the Revolutionary War, the expansion of women’s roles in the U.S. military was propelled mainly by personnel shortages. Women acted as nurses or filled administrative roles left by men who went down range into combat.

The “1948 Women’s Armed Services Integration Act formally integrated women into the peacetime military” after World War II. Their roles were constrained to those outside of “combat”:

The Act did not specifically prohibit women from serving in combat positions on the ground, although that was Congress’s intent: “Because the Army was unable to come up with an adequate, acceptable definition of combat, Congress elected to leave this matter to be sorted out by the Secretary of the Army so long as he clearly understood the intent of the Congress, which was no combat for women.”

The shift of societal constructs and norms in the 1970s, including the introduction of the all-volunteer force, led to a greater number of women choosing to serve in the military. By 1988, approximately half of all positions within the U.S. military were open to women, and the Department of Defense (“DoD”) created a formal combat exclusion—the “Risk Rule.” The rule stated that “risks of exposure to direct combat, hostile fire, or capture are proper criteria for closing non-combat positions or units to women, providing that the type, degree, and duration of such risks are equal to or greater than that experienced by combat units in the same theater of operations.”

The rule, meant to be a complete combat exclusion, instead resulted in differing interpretations of the subjective concept of “risk” in its appli-

5. Id. at 17.
8. McSally, supra note 6, at 1022.
9. Id. at 1022–23.
10. Szayna, supra note 7, at 9.
12. Id.
13. Id. at 24–25.
One concept was clear, however: “it was men, not women, who were fulfilling the ‘riskiest’ roles in war.”

The policy objectives engendered in the Risk Rule were not a response to a particular problem. “The rule was not created in response to indicators that women were not able to fill combat roles, examples of women failing to complete their jobs, proof that women were distracting men from accomplishing military missions, or research showing that women required protection from combat.” It was merely a formal enactment of the idea that women should be prohibited from combat roles.

The Risk Rule increasingly became operationally obsolete in the post-Cold War era, and corresponding non-linear battlefield. For example, in 1989, over 750 women were deployed to Panama in “combat support” positions as part of Operation Just Cause. During the Persian Gulf War, over 40,000 women were deployed, and two serving in combat support jobs were captured as prisoners of war. The participation of women in these particular conflicts prompted new dialogues and debate concerning the place of women in the military. An important response to this recognition was the 1992 Defense Authorization Act, which repealed the law prohibiting women from flying combat aircraft, and left the decision to the DoD’s discretion. The Act also created the Presidential Commission on the Assignment of Women in the Armed Forces, tasked to evaluate the roles of women in the military—particularly combat roles.

Although the Commission recommended continued exclusion of women in ground combat, it did recommend that combat ships be open to women, formalized in the 1994 Defense Authorization Act. Furthermore, “[u]pon the passing of this Act, the United States no longer had any law restricting women from serving in any positions or units in the military. All restrictions were (and continue to be) a matter of DoD policy, albeit with Congressional reporting mecha-
nisms and oversight."26 “In 1994, the DoD also rescinded the Risk Rule, stating “[t]he rule no longer applied, since, based on experiences during Operation Desert Storm, everyone in the theater of operations was at risk.”27 The direct result of these and similar policy changes was a substantial increase in the number of positions open to women.28

Despite transforming public perceptions and contributions of women during war, “the DoD clung to the combat exclusion.”29 However, the wars in Afghanistan and Iraq extinguished its practical applicability,30 and were pivotal watersheds regarding the integration of women:

The wars [in Afghanistan and Iraq] presented a less predictable, nonlinear battlefield with asymmetric threats that could potentially expose female soldiers to combat. Because of this, the assignment policy became less effective at excluding women from combat situations, and in practice women were participating in foot patrols, as well as convoy escort missions that came under fire.31

In response to this increased exposure to combat, in 2005, the House Armed Services Committee Chairman proposed a bill that would have “blocked the assignment of women to thousands of positions previously open to them, and in which they were already serving.”32 The Army opposed the bill,33 confirming its desire to allow women to serve in these roles. In 2010, when asked about allowing women in combat, the Army Chief of Staff stated, “I believe it’s time we take a look at what women are actually doing in Iraq and Afghanistan.”34

II. Combat Roles Opened to Women

On January 24, 2013, the Secretary of Defense and Chairman of the Joint Chiefs of Staff published a memorandum eliminating the 1994 Direct Ground Combat Definition and Assignment Rule ("DGCDAR"), effectively removing the formal barrier to assignment of women to units and positions with primarily ground combat mis-

26. Id. at 1027.
27. Szayna, supra note 7, at 18.
28. Id. at 19.
30. Id. at 42.
31. Szayna, supra note 7, at 10.
32. Id. at 19.
33. Id.
34. Id. at 20.
sions.35 The announcement required full integration of all previously closed positions by January 1, 2016, with the development and implementation of validated, gender-neutral occupational standards.36 This decision reflected the ongoing realities of the current conflicts in Iraq and Afghanistan, and the inherent difficulty of excluding women from combat once they were broadly integrated into the military.37 Further, the memo provided:

Any recommendation to keep an occupational specialty or unit closed to women must be personally approved first by the Chairman of the Joint Chiefs of Staff, and then by the Secretary of Defense; this approval authority may not be delegated. Exceptions must be narrowly tailored, and based on a rigorous analysis of factual data regarding the knowledge, skills and abilities needed for the position.38

The elimination of DGCDAR fueled public debate and resulted in the production of a variety of studies considering the impact of integration of women into these roles.39 In the end, although the Marine Corps asked for a partial exception in some areas, Secretary of Defense Ash Carter confirmed that there would be no exceptions.40

Thus, over 230,000 positions in the U.S. armed forces are now open to women “able to meet occupation-specific, gender-neutral standards of performance.”41 While the majority of these positions are ground combat units in the Army and Marine Corps, the decision also opened SOF positions—the focus of this paper. They are comprised of elite individuals and units whose “core activities entail that SOF operate in small, geographically isolated, self-contained teams for lengthy periods of time, often covertly, in austere conditions, and in extremely dangerous operational environments.”42 Due to the unique SOF mission, integration of women into these units poses distinct issues and potential barriers to continued effectiveness.

35. Memorandum to Secretaries of the Military Departments, supra note 3.
36. Id.
37. Szanna, supra note 7, at 11–12.
38. Memorandum to Secretaries of the Military Departments, supra note 3, at 1–2.
39. See Szanna, supra note 7, at 5 (describing that after the elimination of DGCDAR, the then-commander of USSOCOM formulated an implementation plan that aims to identify potential issues that might arise if women are integrated into SOF units); Turnley et al., supra note 4.
41. Szanna, supra note 7, at 3.
42. Id.
III. Special Operations Forces—Specific Concerns

Modern-day SOF was created under the Cohen-Nunn amendment to the 1987 National Defense Authorization Act, in recognition that the organization of SOF was unique. USSOCOM is a unified combatant command, comprised of all of the Special Forces personnel from across the services (Army, Navy, Air Force, and Marines). It is the only unified command that maintains both its own mission and budget authority, providing all SOF personnel with special operations-specific training and equipment. “USSOCOM ... is unique in that it performs service-like functions and has responsibilities and authorities akin to those of military departments.”

Furthermore, SOF command structure utilizes small, cohesive units to accomplish highly-specialized missions. “SOF tactical units—such as Army Rangers and Special Forces groups, Navy SEAL teams, Marine Corps Special Operations teams, and Air Force Special Tactics teams—require tactical skills to maneuver undetected; engage in small-unit combat; and forcibly subdue, capture, and detain resisting enemy personnel.” Elite physical capabilities are required to perform operational missions. For example, small units are required to perform as follows:

[T]o patrol long distances (longer than 10 kilometers) with packs of food, water, and ammunition weighing 50 pounds or more over almost any terrain in any weather, day or night. The tactical mobility for these SOF occupations includes such activities as static line parachuting, high-altitude, high-opening free-fall parachuting, helicopter fast roping or rappelling, helicopter ladder recovery, rock climbing, climbing over walls and fences, long range (longer than 50 nautical miles) small-boat maritime transits, surf passage, gear portages, and combat dives (longer than 4 nautical miles), while carrying weapons, ammunition, body armor, batteries, radios, scopes, and other tactical gear. Team members must be prepared to carry any wounded member of the team or wounded detainee, as well as documents or computers found on the target. Because SOF tactical units are small, every member of these teams, from the officer leading the patrol to the medical, weather, crew, or communications personnel, must be physically prepared to maneuver and fight alongside the rest of the team, or they risk becoming a liability, slowing maneuvers through contested terrain, and compromising the mission.

43. Id. at 56.
44. Turnley et al., supra note 4, at 63.
45. Szanla, supra note 7, at 3.
46. Id. at 56.
47. Id.
The central concern of USSOCOM is to ensure continued mission effectiveness, as integration of women into SOF presents various concerns including physical standards and unit cohesion, deemed essential to high performing teams.\textsuperscript{48}

The decision to open these roles to women was met with eighty-five percent of the current force in staunch opposition.\textsuperscript{49} Although there were many expressed, the main concerns were that standards would be lowered and unit cohesion would suffer—both resulting in decreased mission effectiveness.\textsuperscript{50} These attitudes have mirrored those of previous integration efforts towards African American and openly gay and lesbian personnel:

The debates that surrounded previous integrations of excluded groups were a highly contentious component of political discourse in the United States, dating back at least to the 1940s. The debates centered on two main challenges: (1) questions regarding the sufficiency of the physical or mental abilities of members of the excluded group to cope with the tasks assigned to the unit, and (2) the impact of the entry of the excluded group on the cohesion, trust, morale, discipline, and the general efficient functioning of the unit.\textsuperscript{51}

Thus, the precise inquiry is whether the SOF mission is sufficiently unique to validate these concerns.

A. Standards

Each of the SOF service components have a highly competitive assessment and selection process.\textsuperscript{52} Once selected, personnel face a “lengthy, sometimes years-long, grueling training” regimen before being placed into units.\textsuperscript{53} The extraordinary standards for selection into each SOF service component are designed to match the extreme physically demanding nature of SOF operations.\textsuperscript{54} As a result, SOF personnel maintain physical abilities akin to elite athletes.\textsuperscript{55} Additionally, “[s]tandards are also a major factor in establishing and maintaining perceptions of competence, which is important for cohesion.”\textsuperscript{56} In fact, these standards are arguably fundamental to SOF identity, as

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{48} Id. at 132.
\item \textsuperscript{49} Id. at 89.
\item \textsuperscript{50} Id. at 90–91.
\item \textsuperscript{51} S ZAYNA, supra note 7, at 9.
\item \textsuperscript{52} Id. at 47.
\item \textsuperscript{53} Id.
\item \textsuperscript{54} Id.
\item \textsuperscript{55} Id.
\item \textsuperscript{56} Id.
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“passing through the highly physically demanding accession and selection process constitutes a rite of passage for SOF personnel and contributes to the sense of common identity.”57 As an illustration, the historical attrition and voluntary withdrawal rates are between forty percent and eighty percent.58

It is true that, on average, men are stronger than women. Women tend to be “shorter in stature, have less muscle mass, and weigh less than men.”59 Gender difference research shows that “men, on average, score better on tests of muscular strength and cardiovascular (i.e., aerobic) endurance, compared with women. However, men and women do not differ on tests of movement quality, such as flexibility and balance.”60 In addition, there are women who will attain extraordinarily high scores and “average gender differences can be misleading when decisions are being made about individuals.”61

An argument based on the physical limitations of women was used to keep women out of fighter aircraft in the early 1990s. The argument was debunked by at least forty–nine women who successfully completed fighter pilot training, and went on to fly long, demanding, combat missions for Operations Southern Watch, Northern Watch, Desert Fox, Allied Force, Enduring Freedom, and Iraqi Freedom.62 Not only have Air Force women successfully flown these missions, they have been recognized for outstanding performance, earning sixteen Distinguished Flying Crosses in Iraq and Afghanistan since 2001.63 “Critics who claimed that women do not have the strength and stamina to be fighter pilots in combat have been proved wrong by women’s actual performance.”64

Integrating women into SOF should not come at the expense of military effectiveness, nevertheless military effectiveness requires that the most qualified candidate for the job is selected, regardless of gender.65 Even though the differences between elite women and men are likely to be lower than that of the general population, “to the extent that SOF specialties require high levels of strength, power, and aero-

57. Szanna, supra note 7, at 47.
58. Id.
59. McSally, supra note 6, at 1029 (quoting Presidential Comm’n on the Assignment of Women in the Armed Forces, Report to the President: Women in Combat 24 (1992)).
60. Szanna, supra note 7, at 41.
61. Id. at 42.
62. McSally, supra note 6, at 1031.
63. Id.
64. Id.
65. Id. at 1030.
bic endurance, the proportion of eligible female candidates would be expected to be considerably lower than the eligible population of male candidates. In similar fashion, the number of women fighter pilots remains lower than that of their male counterparts, yet this does not diminish the contributions of women to the fighter pilot community—and to the overall effectiveness of U.S. military operations.

B. Cohesion

Cohesion is considered fundamental to unit effectiveness in the military, and critical in combat situations. A former Army Chief of Staff defined cohesion as, “the bonding together of soldiers in such a way as to sustain their will and commitment to each other, the unit, and mission accomplishment, despite combat or mission stress.” Contemporary analysis goes beyond this general view of cohesion as a general bond between unit members, recognizing two distinct forms of cohesion—task cohesion and social cohesion:

Social cohesion refers to the nature and quality of the emotional bonds of friendship, liking, caring and closeness among group members. A group is socially cohesive to the extent that its members like each other, prefer to spend their social time together, enjoy each other’s company, and feel emotionally close to one another.

Task cohesion refers to the shared commitment among members to achieving a goal that requires the collective efforts of the group. A group with high task cohesion is composed of members who share a common goal and who are motivated to coordinate their efforts as a team to achieve their goal.

While social cohesion represents the often-romanticized view of military culture as a “band of brothers,” many studies indicate that task cohesion is actually the ingredient indispensable to performance. “The relationship between task cohesion and task performance appears to be interdependent and mutually reinforcing.”

Research also suggests that high levels of social cohesion can have negative effects on team performance, such as when people begin to prioritize social relationships (e.g. friendship) over job perform-

66. SZAYNA, supra note 7, at 44.
67. Id. at 55.
68. Turnley et al., supra note 4, at 40.
69. Id. at 42.
70. Id.
71. Id. at 43–44.
72. SZAYNA, supra note 7, at 63.
Another potential downfall is groupthink, where “members[ ] striving[ ] for unanimity override their motivation to realistically appraise alternative courses of action,” leading to poor decision making. This is particularly concerning in the SOF environment. Moreover, such cohesion can be negative “when a . . . unit develops values, attitudes, beliefs and norms contrary to the organization’s,” resulting in, for example, a soldier’s failure to report an inappropriate act. Finally, hypermasculinity—“expressions of extreme, exaggerated, or stereotypic masculine attributes and behaviors”—is a concern for all-male groups with very high levels of social cohesion. Although hypermasculinity can be a positive indicator of unit readiness, it is also associated with violent and criminal behavior, such as rape.

The historical exclusion of women from combat forces, on the grounds that integration would disrupt unit cohesion, was not based on reliable data. For instance, when considering the effect of integrating women into combat forces, the 1992 Presidential Commission stated that “there are no authoritative military studies of mixed-gender ground combat cohesion, since available cohesion research has been conducted among male-only ground combat units.” Therefore, the studies were based on interviews with males who had never served with women in their units, and were, arguably, merely opining about what the effect on cohesion would be. Similar concerns were expressed when considering the integration of African Americans into these units, as well as the integration of women into combat aviation units; experience has proven these concerns to be entirely false. There are no studies on the effect integration has on unit cohesion in mixed-gender elite teams to support those concerns. At the onset, however, over eighty percent of current SOF members expect a decline in cohesion. “With military readiness at stake, we should not let prejudicial racist or sexist attitudes drive our policies.”

Despite the unique nature and immense importance of these highly-specialized units, there is no reason to think that the mere in-

73. Turnley et al., supra note 4, at 45–46.
74. Id. at 46.
75. Id.
76. Id. at 47.
77. Id.
78. McSally, supra note 6, at 1035.
79. Id.
80. Id. at 1035, 1039.
81. See Turnley et al., supra note 4, at 47.
82. Szappa, supra note 7, at 100.
83. McSally, supra note 6, at 1035.
ts introduction of women, who are fully capable of performing the mission, should disrupt operational capability.

IV. “Is the Juice Worth the Squeeze?”

In a recent survey regarding the integration of women into SOF teams, a common question among current SOF operators was “[i]s the juice worth the squeeze?”84 Ultimately, the question remains as to the purpose of the integration efforts, which some believe will come at a large future cost to “manpower, mission effectiveness, and budget.”85 As one special operator commented, “[t]his is a political thing. This is people in Congress. . . . It’s some congressmen trying to make equal rights for women. Whether anyone in this room wants to say it or not, that’s what I think we all think.”86

In his defense, there has been little to no rhetoric articulated by the DoD regarding a capability gap that would be filled by allowing women into these roles. The general combat exclusion policy became obsolete as women served and excelled in ground combat roles. The same cannot be said, however, for women in SOF roles, as no woman has ever officially served in one. When considering the current contributions of women to the SOF mission, the impact of not allowing full access, and the array of possible future contributions, there remains little doubt that the benefits far outweigh the costs.

A. Current Contributions: Cultural Support Teams

Women have played a critical support role to SOF units in both Iraq and Afghanistan. In recognition of the limitation all-male teams faced in accessing women and children among local populations, both the Army and Marines created women-only enabler formations.87 Starting in Iraq in 2003, the military utilized female soldiers to overcome important cultural barriers to effectively search hostile areas for weapons and evidence of insurgent activities.88 These ad-hoc teams, the “Lionesses,” filled a critical void in the heat of war, but received minimal training:

Team Lioness started by accompanying the all-male units into the local area on their missions to search local houses for weapons and

84. Szazna, supra note 7, at 133–34.
85. Id. at 133.
86. Id. at 137–38 (citation omitted).
87. Id. at 175–76.
information about the insurgent activities going on in and around Ramadi . . . . The all-male units would enter the houses first and gather the men found inside the house in one room and the women and children in another room. The male soldiers would then search the men, while the Lionesses would stay with and search the women . . . .

Teams quickly learned that they could also help calm tense situations, and gather intelligence, by merely revealing that they were women. The Lionesses would take off their helmets, and "the local women would then calm down and, as they waited, would start talking to them and sharing valuable information about suspected insurgents or insurgent activities."

As the capabilities of these support teams became known, all-male units began requesting their assistance. "By late 2008, the Lioness teams were supporting a wide variety of other missions, including providing security at election sites, doing foot patrols and 'knock and talks' in the communities, and assisting with searches of local women attending various types of community meetings." Despite the then existing ban on women serving in combat, it soon became apparent that these women were serving on the front lines, as their missions were capable of transitioning from a search operation to semi-urban combat. The direct result of the prohibition on women in combat, despite the operational reality, was that these women were inadequately prepared. To form Lioness teams, women were often pulled from a desk job. Unfamiliar with different techniques and even terminology on the battlefield, they learned in the midst of these demanding circumstances, a situation far from ideal. As the need developed, both in Iraq and evolving operations in Afghanistan, the Lioness program formalized into what are now the Army's cultural support teams ("CSTs") and the Marine Corps' female engagement teams, which consist of females attached to combat units.

In addition to traditional ground combat units, SOF began requesting the use of CSTs, recognizing that the all-male units missed out on critical intelligence and social influence due to their inability

89. Id. at 131.
90. Id.
91. Id.
92. Id. at 137.
93. Id.
94. McNulty, supra note 88, at 132.
95. Id. at 137.
96. Id. at 132.
97. Szavna, supra note 7, at 19.
to engage the female populace of Afghanistan. However, the SOF cultural support specialists were subject to a specific assessment, selection, and SOF training. If a candidate is selected from the five-day assessment, known as the “100 Hours of Hell,” they attend a six-week cultural training course prior to deployment with a SOF team. Compare this with the lengthy, years-long training the male members of SOF receive. These women are expected to serve alongside SOF in the theatre—exposed to the same threat environment—but receive significantly less training and preparation.

The contribution of women to the SOF mission has not gone unrecognized, as even current operators, vast majorities of whom oppose integration, nevertheless observe the potential “that women could enhance some missions, including intelligence, surveillance, reconnaissance, and provide access to populations denied to male SOF members.” As one Marine remarked, “I think we are selling ourselves short by not opening it up to the best individuals. There are some positives. In some countries, two gorilla [extremely muscular men], tattooed men would look suspicious. But me and [a woman] walking down the street holding hands would not. It opens up new possibilities.” This information, taken from a survey of current SOF across all services and pay grades, established that there was wide support expressed for these teams.

Despite the acknowledged usefulness of CSTs, survey participants caveated that these teams should remain separate entities that can be pulled when needed, rather than integrating the women into the SOF units themselves.

The CSTs are successes. Build them up as a tool. But not in the team room unless it is necessary. Then it is a completely different dynamic. Shape capabilities better in support MOSs rather than organic . . . . Right now, CSTs are without a career path, used late, underutilized, no MOS [military occupational specialty]. But we

100. Steele, supra note 98, at 49.
102. SZYNA, supra note 7, at 39.
103. Id. at 130.
104. Id.
105. Id. at 175–76.
106. Id. at 130.
can use them. But in an ODA [special operations operational detachment alpha]—it’s a terrible idea. (W-2, Special Forces) 107

Many of the operators indicated that the CSTs were evidence that SOF was already integrated, and that females contributed to the mission in this way. Maintaining these separate units avoids the perceived disruption of cohesion and morale.108 Although SOF units are currently open to women, the use of CSTs is also likely to continue—especially considering the expected matriculation rate of women into SOF units.

B. Career Progression

The exclusion of women from combat units has career implications, as combat experience is highly valued in promotion reviews.109 Furthermore, downstream effects of such an exclusion go beyond promotion rates.

Think of the situation at NASA where membership in the organization’s elite unit, the astronaut corps, was a function of sex acting as a proxy for gendered behavior. Women could not belong because they could not fly fighter jets because military positions were closed to women because it was not appropriate for women to fight.110

The ability of women to serve in these roles affects their success not only in the military, but outside of the military as well. It is impossible to know the full range of post-military preferences that women are denied by the mere fact that they are excluded from these units. Consider a resume of a prior SOF member applying to be a firefighter, or on a SWAT team, etc., and how that might influence his chances of being hired.

One special operator suggested: “Here’s how you can solve the problem without losing the support of the guys: [t]ake CST, make it part of SOF—but for women only. They will get to do stuff, in the same places, but without the green beanie.” (E-6, Special Forces)111

In United States v. Virginia, when considering the integration of women into Virginia Military Institute (“VMI”), the Court was persuaded by “those qualities which are incapable of objective measurement but which make for greatness in a . . . school,” including, ‘position and influence of the alumni, standing in the community,”

107. Id. at 131.
108. Szajna, supra note 7, at 134.
109. Turnley et al., supra note 4, at 59.
110. Id.
111. Szajna, supra note 7, at 176.
A separate institution created for women, as an alternative to VMI, did not satisfy equal protection because, ultimately, it did not possess the qualities “incapable of objective measurement.”113 Similarly, a separate CST force comprised entirely of women would not come with the same level of prestige and alumni support characteristic of the SOF field.

C. Equal Protection

The opening of all positions to women is an important, defining characteristic of the U.S. military’s organizational culture. Allowing roles to remain closed perpetuated the stereotype that women were inferior, or at the least, unfit for the defining roles of the military occupation. Following the concerns about standards, team cohesion, and physical abilities, the greatest concerns expressed among survey participants related to improper sexual relationships and female medical issues.114 These arguments are generally based on inaccurate information, overbroad generalizations, and the refusal of responsibility.

Equal protection has its place in this argument. In United States v. Virginia, the Court declared:

[State actors controlling gates to opportunity, we have instructed, may not exclude qualified individuals based on “fixed notions concerning the roles and abilities of males and females.” (Equal protection principles, as applied to gender classifications, mean state actors may not rely on “overbroad” generalizations to make “judgments about people that are likely . . . to perpetuate historical patterns of discrimination”).115

Accordingly, we simply cannot continue to exclude or otherwise hinder the ability of women to participate based solely on antiquated views about a woman’s place in society, misperceived health issues, and alleged detrimental effects on cohesion. The following sections highlight often discussed concerns of women in the battlefield, include recent remarks of current SOF personnel voicing these concerns, and explain why such concerns are largely unfounded, or at least capable of remedy.

113. Id. (quoting Sweatt v. Painter, 339 U.S. 629, 633 (1950)).
114. Szanna, supra note 7, at 146–47.
115. Virginia, 518 U.S. at 541–42 (citation omitted).
i. The Military “Culture” and a Woman’s Place

Women are very protective. They nurture kids. Will a woman return fire and kill a child insurgent fighter? In Iraq, we were [10–15] kilometers ahead of the element. The female coalition soldiers would not return fire because there were kids in the crowd. It will happen in the ODA because women are protective creatures. (E-5, Special Forces)\textsuperscript{116}

This argument focuses on the perceived role of women as “nurturers” and mothers. Not only is this view a stereotype, it fails to take into account the current role women are already playing in the war effort. “[F]emale officers have already proven they [are] mentally tough enough for war. Though they [have] been blocked from ground combat jobs for decades, some women have found themselves in the line of fire for years in the Middle East, where the distinction between front lines and rear support is murky.”\textsuperscript{117} It also fails to consider that the women who pursue SOF jobs, in particular, are more likely to fully understand the operational realities with which they will be faced.

ii. Sexual Assault and Harassment

If I was to say to X, stop being a pussy, that would be classified as a sexist comment, and then I’d have to worry about political correctness. Just like if I were to say, “stop being gay.” I don’t mean it in a degrading way, but now I have to worry about offending someone. (O-3, MARSOC)\textsuperscript{118}

We don’t have the time or patience to deal with thinking about how we walk or talk around females. It’s not part of our nature. It will definitely impact the timeliness of our jobs, our state of mind, and the complete surrounding in the teams. We are expected to be misogynistic. That is our job. (E-7, SEAL)\textsuperscript{119}

We’re trying to get rid of rape and sexual assault, but now we are going to put Melissa right in the front lines [in the Marine infantry units]? You have knuckle-dragging dudes there, and have them get back from combat, and then she takes a shower. You can’t say, “let’s go forward with this; we’ll bring down sexual assault by doing this.” (E-6, MARSOC)\textsuperscript{120}

The nature of these arguments focuses on the masculine aspects of the military occupation in an attempt to rationalize behavior we

\textsuperscript{116} S ZAYNA, supra note 7, at 140.


\textsuperscript{118} S ZAYNA, supra note 7, at 143.

\textsuperscript{119} Id.

\textsuperscript{120} Id. at 144.
would not accept in any other circumstance. “[I]f the U.S. military has a sexual predator in the ranks, he or she should be identified, punished, and removed from the team.”\textsuperscript{121} Regardless of whether there is a female in his unit, a male sexual predator “will come in contact with other women—combat support personnel, enemy, and innocent civilians—who may be victimized.”\textsuperscript{122} Do we want our special operators to be tough? Yes. Do we want our special operators to be incapable of controlling their sexual impulses—whether the victim be a foreign national or a member of his own unit? Absolutely not.

iii. Fraternization

I deal with 21- to 30-year-old guys in my unit. Half of them are single, getting in trouble and chasing women on weekends. It is hard enough to keep them focused. Now I would have to deal with this within the unit, and we haven’t even gotten to mission preps and execution yet. (E-6, AFSOC)\textsuperscript{123}

The men who join the SEALs are physical by nature and not so cerebral, so some may break down on deployments and cheat. There’s already enough drama amongst the wives. (O-3, SEAL)\textsuperscript{124}

The U.S. military is a \textit{professional} fighting force, and all members are upheld to a high set of standards, including the Uniform Code of Military Justice (“UCMJ”). Every individual should be held to a personal standard of integrity, duty, and responsibility. Women should not be prohibited from pursuing a specific career based on the possibility that attraction between team members may surface. Task-oriented leadership as well as a prohibition on inter-unit relationships should be effective at curbing distracting relationships. Finally, the UCMJ (and its prohibition on unprofessional relationships as well as adultery)\textsuperscript{125} is both an effective deterrent and method of dealing with inappropriate relationships.

iv. Health Issues

I think PMS is terrible, possibly the worst. I cannot stand my wife for about a week out of the month for every month. I like that I can come to work and not have to deal with that. (E-6, SWCC)\textsuperscript{126}

When women first were in combat arms in Iraq and Afghanistan, there were women who were not able to properly take care of their hygiene for a set amount of time. They got sick. A woman’s job, or

\textsuperscript{121} McSally, \textit{supra} note 6, at 1038.
\textsuperscript{122} \textit{Id.}
\textsuperscript{123} SZANNA, \textit{supra} note 7, at 145.
\textsuperscript{124} \textit{Id.} at 147.
\textsuperscript{125} McSally, \textit{supra} note 6, at 1037.
\textsuperscript{126} SZANNA, \textit{supra} note 7, at 148.
purpose in life, isn’t to go do what we do—kill and all. It’s to nur-

ture. We sleep in the mud. A woman goes through that, it’s going
to create so many problems on her body. (E-6, MARSOC)127

These arguments are based mainly on misinformation and over-
generalizations about women’s health issues. The argument fails to
consider that women in various professions across the world are able
to manage their jobs through monthly cycles, and severe symptoms
affect only a small number of women. Furthermore, there are meth-
ods available to suppress menstruation if necessary, with hormonal
contraceptives.128 Finally, the argument fails to recognize that men’s
bodies are also unpredictable.129

v. Pregnancy

If she gets pregnant, she’ll leave the team. Men don’t leave the
team. What if the team sergeant is a woman? Or the medic?
Whatever cohesiveness is gained in training is lost, especially if the
woman is in a key leadership position. (E-7, Special Forces)130

This argument fails to take into account the pride and concern
regarding their units and position qualified women may take. A study
on women’s effect on readiness found, “women officers and senior
enlisted personnel try to time their pregnancies to have the least ef-
fect upon the unit—e.g., not before a scheduled deployment.”131 The
exceedingly dedicated women able to qualify for these highly special-
ized units are likely to have a similar motivation. “Women who make
the choice to serve in a combat role are not the type of women to
malign and get pregnant just to avoid a deployment[.].”132 Secondly,
it also fails to consider that studies show “time lost to the military for
pregnancy is small compared with time lost for men’s disciplinary is-
issues and addictions.”133 There are many reasons why a service mem-
ber may miss time, and while pregnancy is one of them, it is not the
only reason.

127. Id.
128. Michaels, supra note 117.
129. Megan MacKenzie, Men’s Unexpected Erections are a Liability on the Battlefield (and
Other Ways Men’s Bodies Put Female Soldiers at Risk), DUCK OF MINERVA (Dec. 15, 2015), http: /
/duckofminerva.com/2015/12/mens-unexpected-erections-are-a-liability-on-the-battle-
3GX5-Y637].
130. S ZAYNA, supra note 7, at 149.
131. McSally, supra note 6, at 1045.
132. Michaels, supra note 117.
133. Id.
D. Future Contributions: Unknown

The current implementation strategy has, at its core, a commitment to maintaining the current standards, and not succumbing to any political pressure, or otherwise by implementing a quota system, for example.\textsuperscript{134} Therefore, the mere opening of these positions to women does not force integration. Rather, it simply widens the pool of available candidates, and provides opportunities and goals that women are now able to pursue. In order to get the best team, all qualified applicants should be considered. The truth is, we have no true indication of how women will perform in these roles. While we can speculate as to their effect on team cohesion and potential disruptions to the current nature of operations, we cannot fully understand the limitations, or perhaps even the increased capabilities, mixed-gender, elite teams would offer.

V. What is Wrong with the Current Implementation Strategy: It's Open, What More Do They Want?

A. Create the Rhetoric of “Why”

“If you can show me how putting women in there is going to make that mission easier to accomplish, then I’ll support it all day long. But if you tell me it’s about making people feel better about themselves, or as a social experiment, I’ll never support it.”\textsuperscript{135} Organizational culture is fostered by leadership example. Women in CST roles are already filling a critical need in the SOF operational missions. It is true that the current conflict may not mirror all future battles, and the need for women to transverse cultural barriers on the battlefield may not always exist. However, for the foreseeable future, the need is great. Furthermore, the current method of attaching CSTs to SOF units should be unacceptable to a military that demands strategic planning and over preparation. If it is true that we, as a society, are less willing to accept women in body bags,\textsuperscript{136} then why are we deploying them into SOF environments with six weeks of cultural training? Why are we putting women into SOF? Because they fill a critical need. And this need should be articulated from the top in order to diffuse speculation and foster cooperation.

\textsuperscript{134} See Carter, supra note 40.
\textsuperscript{135} Szanza, supra note 7, at 138.
\textsuperscript{136} McSally, supra note 6, at 1041.
B. Dispel Myths

As we go forward in the integration process, leadership at all levels must work to ensure that antiquated views on “the way women are” have no bearing in the operation of today’s fighting force. Women have surpassed expectations, traversed barriers, and made extraordinary contributions to the war effort. The view of the military as a “man’s world” needs to be adjusted. To accomplish this, misinformation and overgeneralizations about pregnancy, health, and the like, must be addressed in the form of education or policy. Ultimately, these myths must be dispelled to create acceptance of women in these specialties and ease integration. Finally, a zero tolerance environment for sexual assault must be enforced. It is no longer sufficient for a male to claim he was merely “acting like a man” in a highly masculine occupation. Rather, task cohesion should be a priority and social cohesion among team members should be fostered through trust—both in the form of competence and mutual respect.

C. Equalize Standards

Standards should not be artificially lowered to allow the matriculation of women—no men or women desire that result. True, gender-neutral standards are required for successful integration. The perceived competency of the women who pass through the process depends on the maintenance of these standards, as well as enforcement by the leadership that such standards were upheld. “And, if women are perceived as competent, integrating women into SOF units is less likely to adversely affect unit cohesion.” 137 However, continual evaluation and reassessment of the standards must be accomplished to ensure their neutrality.

Prior to the final implementation date of January 1, 2016, every SOF assessment, training, and operational standard was reviewed by a third party and resulted in validation as occupationally relevant and gender-neutral. 138 In simple terms, all of the existing criteria for qualification into these elite forces were confirmed as job-related, and even though developed with the intention that women would never perform these tasks, they were deemed gender-neutral. Although the current standards may adequately measure a man’s ability to perform

137. S ZAYNA, supra note 7, at 203.
mission functions, more research needs to be accomplished to determine whether adaptations of both equipment and performance standards may allow women to perform mission tasks at these elite levels—perhaps not in the same manner as men, but nonetheless be equally effective in predicting job performance.

Congress’ instructions to military departments regarding the validation of operational standards was twofold: standards must “(1) accurately predict performance of actual, regular, and recurring duties of a military occupation; and (2) [they must be] applied equally to measure individual capabilities.” Arguably, the first instruction was complied with, and all current standards were validated as predicting performance of operational requirements—at least for the men currently occupying those positions. The second standard is more important to ensure gender-neutrality. Consider the following example:

While the number of pull-ups a man can do might be predictive of his ability to conduct the operational task, a woman who is unable to do a certain number of pull-ups may also be able to successfully rappel out of the helicopter using different techniques or muscle groups. In this case the pull-up test might be predictive for a man, but another test, such as a rope climb, might be more predictive for a woman. Under the two criteria above, the services would be required to demonstrate both that rappelling from a helicopter is a regular requirement for the occupational specialty, and that the pull-up standard is an accurate measure of a service member’s ability to achieve that task regardless of gender.

What the second criteria is concerned with is the possibility of predictive bias, which “occurs when the test is a better indicator (i.e., predictor) of future job performance that consists of the same job tasks for one subgroup compared with another.” In the example above, success on a pull-up test was a better indicator of a man’s ability to rappel from a helicopter than it was predictive of a woman’s ability (just because a woman cannot do twenty pull-ups—the testing standard—does not mean she cannot rappel from a helicopter—the operational standard). To account for predictive bias, it is essential to continually reassess testing standards, especially those where the percentage of women passing the test is significantly lower than that of men.

140. Id. at 20.
141. Szanna, supra note 7, at 196.
142. Id.
As an illustration, the current Navy SEAL and SWCC Physical Standards Validation Report conducted in response to the congressional directive concluded that, current “[p]hysical standards are reflective of the physical occupational demands for both SEALS and SWCC.”\textsuperscript{143} However, the report does not address equalizing standards.\textsuperscript{144} This is not completely surprising because there have been no women submitted to the tests in order to form a basis for predicative bias. However, it is a reminder that these standards must be continually reassessed, especially as women begin to matriculate in the assessment process.

Finally, included in this category is the requirement that we ensure equipment and uniforms, optimized for the female body type, are made available. Furthermore, as women begin to perform these jobs, more research should be conducted to determine what battlefield tools can be modified for women to enhance performance.

VI. Conclusion

It was a Tuesday—the day that I renewed my commitment to serve, and the day that would unquestionably shape my life’s course in countless ways. On Tuesday morning, September 11, 2001, I was a freshman at the United States Air Force Academy. I was eighteen. I had entered the Academy with a genuine desire to “serve my country,” but having spent my formative years in a time of peace, I had no idea what that really meant. The Air Force Academy, like other military academies, allows students to attend for two years before making a “commitment.” Generally speaking, if you leave within the first two years, there are no penalties, and any academic credits earned can be transferred to another college. What this means is I could have walked away—then and there. Faced with an almost certainty that upon my graduation our country would be at war, and the reality that I would be called to play my part, I could have transferred. Instead, after watching the twin towers disintegrate amongst the crowds of terrified people, I chose to stay and defend my country against such acts.

\textsuperscript{143} Chaitra M. Hardison et al., Establishing Gender-Neutral Standards for Closed Occupations: A Review of the Services Efforts to Date 79 (RAND Corp. drft. 2015), https://www.defense.gov/Portals/1/Documents/wisr-studies/OUSDPR\%20-%20Defining\%20and\%20Establishing\%20Gender-Neutral\%20Standards\%20for\%20Closed\%20Occupations-A\%20Review\%20of\%20the\%20Services\%20Efforts\%20to\%20Date.pdf [https://perma.cc/22UB-6G7S].

\textsuperscript{144} Id.
That Tuesday, I witnessed real fear and trepidation. Over the next year, many of my fellow cadets did choose to leave, at least in part due to the wartime mission that would inevitably confront a Second Lieutenant after graduation. These cadets were both men and women. However, a majority of my classmates—both men and women—chose to stay. With a renewed commitment and dutiful purpose driving us onward, we prepared for what lay ahead. Looking back, I do not think any of us could have predicted that fifteen years later we would still be entrenched in this same conflict. Nor could we have adequately prepared ourselves for the toll of war—the demanding operational tempo and deployments that tore up families, and most of all, the countless brothers and sisters in arms who gave the ultimate sacrifice.

Those of us who made the decision to stay all had something in common—we embraced the core value of “Service Before Self.” We came from different backgrounds, representing different races, religions, colors, creeds, ancestries, national origins, and genders. We were united in a common goal—to become the future generation of leadership in the world’s premier fighting force. I dare to say that a majority of us humbly accepted our commission with great pride and an overwhelming sense of the immense responsibility we had been given.

The future of the U.S. Armed Forces and continued reputation as the premier fighting force in the world depends on our ability to advance and take full advantage of our capabilities—without limiting our perspective by ancient notions of societal roles. War is an evolving beast, and our flexibility in adapting to current operational realities is critical to continued success. Furthermore, our society has evolved to recognize that the degradation of women has no place in even the masculine, gendered occupation of military life. In this context, equal protection is not merely an ideal by which we strive to satisfy some moral obligation, it is recognition that diversity brings strength.