

## Reducing Military Sexual Assault through Integrated Basic Training and Housing

GABRIELLE LUCERO\*

We've had this ongoing issue with sexual harassment, sexual assault. I believe it's because we've had separate classes of military personnel at some level. Now, it's far more complicated than that . . . But when you have one part of the population that is designated as "warriors" and one part that is designated as something else, that disparity begins to establish a psychology that, in some cases, led to that environment. I have to believe the more we treat people equally, the more likely they are to treat each other equally.<sup>1</sup>

General Martin Dempsey, Chairman of the Joint Chiefs of Staff, 2013

### I. INTRODUCTION

The military has been rocked again and again by news of rampant sexual harassment and assault within its ranks. Last year, Marine Corps veteran Thomas James Brennan broke the story of a Facebook page used by military members to share explicit photos of servicewomen and veterans without their consent.<sup>2</sup> Female service members were "identified by their full name, rank and military duty station in photographs posted and linked to from a private Facebook page."<sup>3</sup> Some of the members advocated sexually assaulting the women in the photographs.<sup>4</sup> After the site came to light, similar sites were discovered for each of the other service branches.<sup>5</sup>

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\* First Lieutenant, U.S. Army; J.D., Duke University School of Law; M.P.P., Duke University Sanford School of Public Policy; B.A. Gender Studies and Sociocultural Anthropology, Columbia University. All opinions in this Article are the author's alone and in no way represent the views of the Department of Defense or its components.

1. Ashley Portero, *Women in Combat Units Could Help Reduce Sexual Assaults: US Joint Chiefs Chairman*, INT'L BUS. TIMES (Jan. 25, 2013), <http://www.ibtimes.com/women-combat-units-could-help-reduce-sexual-assaults-us-joint-chiefs-chairman-1039244>.

2. Thomas James Brennan, *Hundreds of Marines Investigated for Sharing Photos of Naked Colleagues*, REVEAL NEWS (Mar. 4, 2017), <https://www.revealnews.org/blog/hundreds-of-marines-investigated-for-sharing-photos-of-naked-colleagues/>.

3. *Id.*

4. *Id.* Of a photo taken in an incident of stalking, "One member of the Facebook group suggested that the service member sneaking the photo should 'take her out back and pound her out.' Others suggested more than vaginal sex: 'And buttohole. And throat.'" *Id.*

5. Jared Keller, *The Marines' Nude-Photo Scandal Has Spread To The Navy*, TASK & PURPOSE (Mar. 15, 2017), <http://taskandpurpose.com/marines-united-navy-nude-photo-scandal/>; Bill Chappell, *Nude-*

This type of behavior, as well as other types of sexual harassment and assault, are not new to the military.<sup>6</sup> The assaults are symptomatic of a sexism that pervades both American and military culture.<sup>7</sup> Until recently, the military's unique structure excluded women from combat arms roles, the most highly valued positions that signify women's equality to their male counterparts. In 2013, then-Secretary of Defense Leon Panetta lifted the ban on women in combat arms and full implementation began in 2015.<sup>8</sup> Lifting the combat ban was a step toward equality; "a wom[a]n's right to combat has been expanded, but it is not a stable right, and the right is not complete."<sup>9</sup> Gender segregation, even in a fully "integrated" military, keeps this right from being whole. Gender segregation in the military still exists in various forms. While this Article mentions changes to uniform, gender-neutral physical standards, and Selective Service, it focuses on gender integration through basic training and housing.

The lack of full integration of women in the military sustains an environment fostering a culture of dehumanization and sexism—a culture leading to sexual assault. Segregation limits the ability of women to be seen by their counterparts as competent and part of the team.<sup>10</sup> Full integration would challenge sexist social norms and create shared experiences. Shared experiences will break down the "us and them" barrier that dehumanizes women as less capable warriors and sexualized objects. As this barrier starts to fall and women are seen as warriors rather than sex objects, their male counterparts will be less likely to sexually assault them.

This Article will first discuss the background of sexual assault in the military, women's minority status, and the recent integration of women into combat arms roles. Next, this Article calls on Equal Protection arguments to demonstrate that sex equality is not possible without full integration. The analysis then turns to how integrated basic training and housing will help prevent sexual assault by

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*Photo Scandal May Expand Beyond 'Marines United' Facebook Group*, NPR (March 10, 2017), <http://www.npr.org/sections/thetwo-way/2017/03/10/519682039/nude-photo-scandal-may-expand-beyond-marines-united-facebook-group>; Paul Szoldra, *The Marine Corps' Nude-Photo-Sharing Scandal is Even Worse Than First Realized*, BUSINESS INSIDER (Mar. 9, 2017), <https://www.businessinsider.com/nude-photo-marine-corps-pentagon-scandal-2017-3>.

6. Brennan, *supra* note 2 ("In 2013, U.S. Rep. Jackie Speier, D-Calif., brought a similar problem to the Marines' attention.").

7. See, e.g., Alexander McCoy, *More Than Just Marines Behaving Badly*, N.Y. TIMES (Mar. 8, 2017), <https://www.nytimes.com/2017/03/08/opinion/more-than-just-marines-behaving-badly.html> ("The problem is not Facebook as a platform or 'a few bad apples.' It's the culture the Marine Corps has created and done little to change."); Alia E. Dastagir, *13 Reasons Why a Conversation About Rape Culture Is as Important as One About Suicide*, USA TODAY (May 3, 2017), <https://www.usatoday.com/story/news/2017/05/03/13-reasons-why-conversation-rape-culture-important-one-suicide/101141694/> ("[T]oxic masculinity feeds into rape culture, which minimizes sexual violence, excuses perpetrators and blames victims.").

8. Kristy N. Kamarck, *Women in Combat: Issues for Congress*, CONGRESSIONAL RESEARCH SERVICE, Summary (Dec. 13, 2016), available at <https://fas.org/sgp/crs/natsec/R42075.pdf>.

9. Tim Bakken, *A Woman Soldier's Right to Combat: Equal Protection in the Military*, 20 WM. & MARY J. WOMEN & L. 271, 272 (2014).

10. Kate Hendricks Thomas, et al., *The Consequences of Gender Segregation in Marine Boot Camp*, TASK & PURPOSE (Nov. 6, 2016), <http://taskandpurpose.com/consequences-gender-segregation-marine-boot-camp/>.

humanizing women; integration and the shared experiences that stem from it will help male servicemembers see women as capable teammates rather than separate and weaker “others.” Finally, the Article recognizes that integrated basic training and housing need to be part of a holistic process of integration that includes changes to gender-neutral physical standards, Selective Service, uniforms, and command climate.

## II. BACKGROUND

Though the number of women in the military is continually growing, they remain a minority.<sup>11</sup> Of the 1,301,521 active duty U.S. servicemembers in August 2018, only 16.5% (214,781) were women.<sup>12</sup> Women make up only 17.92% of the officer corps<sup>13</sup> and only 7.56% of the “top brass”—generals and admirals.<sup>14</sup> Although women’s presence is felt at all levels of the military, their minority status means any hope of changing the sexist culture must come not just from them, but from their brothers-in-arms as well.

Female servicemembers are more likely to be sexually assaulted by a fellow serviceman than to be killed in combat.<sup>15</sup> Pentagon survey data estimates 14,900 incidents of sexual assault occurred in 2016.<sup>16</sup> The issue of sexual assault is longstanding in the military, from the Tailhook scandal in 1991<sup>17</sup> to the recent nude photo scandal.<sup>18</sup> Attention to the issue has been especially high following the integration of women into combat arms roles.<sup>19</sup>

Until then-Secretary Panetta’s lifting of the ban, military policy excluded women from combat arms roles.<sup>20</sup> Despite the policy, reality on the ground saw

11. DoD Personnel, *Workforce Reports & Publications: Table of Active Duty Females by Rank/Grade and Service*, DEP’T OF DEFENSE: DEFENSE MANPOWER DATA CTR. (Aug. 2018), [https://www.dmdc.osd.mil/appj/dwp/dwp\\_reports.jsp](https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp).

12. *Id.*

13. *Id.* Women comprise 41,347 out of a total of 230,710 officers. *Id.* On the enlisted side, women make up 16.2% (173,434 of 1,070,811) of the active duty force. *Id.*

14. *Id.* In August 2018, there were only 71 women out of a total of 939 officers in the ranks of O-7 to O-10 (one to four-star general).

15. Karen McVeigh, *Sexual Assault Crisis Tempers Euphoria Over End of Combat Ban*, THE GUARDIAN (Jan. 25, 2013), <https://www.theguardian.com/world/2013/jan/25/sexual-assault-us-military-combat>.

16. DoD Releases FY 2016 Annual Report on Sexual Assault in the Military, DEP’T. OF DEFENSE (May 1, 2017), <https://www.defense.gov/News/News-Releases/News-Release-View/Article/1168041/dod-releases-fy-2016-annual-report-on-sexual-assault-in-the-military/>. The Department of Defense notes that the survey data “shows fewer Service members are experiencing the crime and a greater proportion of Service members are reporting sexual assault than ever before,” with a decrease from 20,200 incidents in 2014 to 14,900 in 2016. *Id.*

17. Jenna Grassbaugh, *The Opaque Glass Ceiling: How Will Gender Neutrality in Combat Affect Military Sexual Assault Prevalence, Prevention, and Prosecution?*, 11 OHIO ST. J. CRIM. L. 319, 328 (2014). The Tailhook scandal consisted of the assaults of 83 women and 7 men at the 35th Annual Tailhook Symposium in Las Vegas; it sparked a “zero tolerance” policy agenda toward sexual assault in the military. Michael Winerip, *Revisiting the Military’s Tailhook Scandal*, N.Y. TIMES (May 13, 2013), <https://www.nytimes.com/2013/05/13/booming/revisiting-the-militarys-tailhook-scandal-video.html>.

18. Brennan, *supra* note 2.

19. Grassbaugh, *supra* note 17.

20. Kamarck, *supra* note 8, at summary. For a comprehensive review of women in the military

many women in combat roles, just not in an official capacity.<sup>21</sup> Then-Secretary Panetta ordered each branch of the military to review combat arms roles and make recommendations for how to open them to women by 2016.<sup>22</sup> On December 3, 2015, after reviewing studies on “issues such as unit cohesion, women’s health, equipment, facilities modifications, propensity to serve, and international experiences with women in combat,” then-Secretary Ash Carter ordered all combat arms roles to be opened to women with no exceptions.<sup>23</sup> Since then, the Department of Defense has begun to integrate combat units at both the enlisted and officer level.<sup>24</sup> While combat arms roles have officially been integrated, gender segregation still permeates the military, especially through segregated housing and the Marine Corps’ basic training.<sup>25</sup>

### III. SEX EQUALITY – THE NEED FOR FULL INTEGRATION

Sexism is pervasive in military culture. As veterans Kate Hendricks Thomas and Paula Broadwell point out, the nude photo scandal “is a symptom of a gender hierarchy in the military and, sadly, the broader society that it draws from. But unlike other habits that the military efficiently drills out of its members, there’s no effort to do the same when it comes to sexist behavior.”<sup>26</sup> A group of almost 100

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and in combat, *see id.*

21. *Id.* at 7. For example, Sergeant Leigh Ann Hester received the Silver Star in 2005 and saw close combat action. *Id.* See also Sarah Sicard, *UNSUNG HEROES: The Soldier Who Sacrificed Her Life To Protect Countless Others*, TASK & PURPOSE (Mar. 10, 2016), <https://taskandpurpose.com/unsung-heroes-female-soldier-sacrificed-life-protect-countless-others/> (detailing how First Lieutenant Jennifer Moreno was killed in action while she was attached to the Army’s 75th Ranger Regiment); Kate Germano, *Separate Is Not Equal in the Marine Corps*, N.Y. TIMES (Mar. 31, 2018), <https://www.nytimes.com/2018/03/31/sunday-review/marine-corps-women-segregation.html> (“Until recently, women had been officially excluded from the infantry, even as they unofficially served in combat jobs—going on patrols as military police or medics, or getting caught in ambushes while driving in convoys.”).

22. Kamarck, *supra* note 8, at summary.

23. *Id.*

24. See, e.g., Meghann Myers, *First Enlisted Women Report to Army Infantry School*, ARMY TIMES (Feb. 2, 2017), <https://www.armytimes.com/articles/first-enlisted-women-report-to-army-infantry-school>. Captain Kristen Griest, one of the first women to pass the recently integrated Army Ranger School, became the first female infantry officer and took command of an infantry company in April of 2017. Courtney Kube, *Captain Kristen Griest to Become First Female Army Infantry Officer*, NBC NEWS (Apr. 27, 2016), <http://www.nbcnews.com/news/veterans/captain-kristen-griest-become-first-female-army-infantry-officer-n563761>; Meghann Myers, *First Female Ranger Grads Open Up About the Aftermath and Joining the Infantry*, ARMY TIMES (Mar. 13, 2018), <https://www.armytimes.com/news/your-army/2018/03/13/first-female-ranger-grads-open-up-about-the-aftermath-and-joining-the-infantry/> [hereinafter *Female Ranger Grads*].

25. Dave Philipps, *Inquiry Opens Into How a Network of Marines Shared Illicit Images of Female Peers*, N.Y. TIMES (Mar. 6, 2017), [https://www.nytimes.com/2017/03/06/us/inquiry-opens-into-how-30000-marines-shared-illicit-images-of-female-peers.html?\\_r=0](https://www.nytimes.com/2017/03/06/us/inquiry-opens-into-how-30000-marines-shared-illicit-images-of-female-peers.html?_r=0); Molly Kovite, *The Dark Side of Gender Segregation in the Military*, WAR ON THE ROCKS (Mar. 22, 2017), <https://warontherocks.com/2017/03/the-dark-side-of-gender-segregation-in-the-military/>.

26. Kate Hendricks Thomas & Paula Broadwell, *The Marines’ naked-photo scandal shows military culture is still sexist*, WASH. POST (Mar. 7, 2017), [https://www.washingtonpost.com/posteverything/wp/2017/03/07/the-marines-naked-photo-scandal-shows-military-culture-is-still-sexist/?utm\\_term=.721a9fd51101](https://www.washingtonpost.com/posteverything/wp/2017/03/07/the-marines-naked-photo-scandal-shows-military-culture-is-still-sexist/?utm_term=.721a9fd51101).

female Marines wrote in an open letter to their brothers-in-arms: “We have allowed to thrive, and in some instances, even encouraged a culture where women are devalued, demeaned and their contributions diminished.”<sup>27</sup>

When Thomas served in Iraq, she “carried spray paint to paint over graphic and violent pictures that depicted her in sexual positions on the walls of portable toilets from Fallujah to Taqaddam.”<sup>28</sup> To Thomas and countless other service women, these experiences are “a reminder that, Marine or not, women aren’t fully welcome.”<sup>29</sup> Though motivated by a variety of cultural aspects such as toxic masculinity, many argue the culture of sexism is, in part, fueled and formed by gender segregation in the military.<sup>30</sup>

### A. Combat Integration as Sex Equality

Despite deference to the military in a variety of matters, some scholars have argued the previous combat exclusion violated Equal Protection.<sup>31</sup> While the combat exclusion has been lifted, Equal Protection arguments remain important for two reasons. First, as a policy decision, the combat ban could be re-implemented at any time. Secretary of Defense Jim Mattis recently stated that the integration plan was still in a pilot stage that will reach a full conclusion in 2020.<sup>32</sup> Second, Equal Protection arguments help to inform the understanding and need for full integration at the level of housing and basic training. By recognizing that gender segregation reinforces the stereotype of women as inferior and places them at a lower status than their male counterparts, Equal Protection arguments reveal the importance of gender integration at all levels.

Since this Article focuses on the way gender segregation increases sexual assault, it does not conduct a full Equal Protection analysis on the combat arms exclusion and segregated housing and basic training.<sup>33</sup> Instead, this Article will briefly highlight the way in which the combat arms exclusion prevented full equality. The combat exclusion “work[ed] to perpetuate the perception of

27. Victoria Whitley-Berry & Ari Shapiro, *Female Marines Tackle What They Call A Corps’ ‘Culture of Sexism,’* NPR (Apr. 27, 2017), [http://www.npr.org/2017/04/27/525609522/female-marines-tackle-what-they-call-a-corps-culture-of-sexism?utm\\_source=facebook.com&utm\\_medium=social&utm\\_campaign=npr&utm\\_term=nprnews&utm\\_content=20170428](http://www.npr.org/2017/04/27/525609522/female-marines-tackle-what-they-call-a-corps-culture-of-sexism?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=nprnews&utm_content=20170428).

28. Thomas & Broadwell, *supra* note 26.

29. *Id.*

30. See McVeigh, *supra* note 15 (referencing the lifting of the combat exclusion policy, “servicewomen’s groups, advocates for victims of sexual violence and servicewomen who have been abused welcomed Panetta’s decision, saying it could be the key to address the culture.”).

31. Jeffrey S. Dietz, *Breaking the Ground Barrier: Equal Protection Analysis of the U.S. Military’s Direct Ground Combat Exclusion of Women*, 207 MIL. L. REV. 86 (2011); Bakken, *supra* note 9; Angela Rollins, *Act Like a Lady!: Reconsidering Gender Stereotypes & the Exclusion of Women from Combat in Light of Challenges to ‘Don’t Ask, Don’t Tell,’* 36 S. ILL. U. L. J. 355 (Winter 2012); Valorie K. Vojdik, *Beyond Stereotyping Equal Protection Doctrine: Reframing the Exclusion of Women from Combat*, 57 ALA. L. REV. 303 (2005).

32. Meghann Myers, *Has Combat Arms Gender Integration Been Successful? The Army Will Let You Know in 2020*, ARMY TIMES (Oct. 11, 2018), <https://www.armytimes.com/news/your-army/2018/10/11/has-combat-arms-gender-integration-been-successful-the-army-will-let-you-know-in-2020/>.

33. For multiple full Equal Protection analyses on the combat arms ban, see Dietz, *supra* note 31; Bakken, *supra* note 9; Rollins, *supra* note 31; Vojdik, *supra* note 31.

women's inferiority to men and reinforce[d] gender inequality."<sup>34</sup> The policy "centered on the assumption that women generally lack the capability for direct ground combat," eliminating all women from the role based on assumptions about their gender.<sup>35</sup>

Valorie Vojdik argued the combat exclusion policy was both a discriminatory classification and a means of subordination.<sup>36</sup> She posited that while combat exclusion reinforced gender stereotypes through classification, the military was also "stigmatiz[ing] women as different and inferior, unworthy of the role of warrior."<sup>37</sup> For Vojdik, the policy "perpetuate[d] the historical exclusion of women from the military" and was "a fundamental means of enforcing the status of military women as second-class citizens."<sup>38</sup> Vojdik also called attention to how combat arms roles were "highly regarded," and excluding women from those roles "foster[ed] an environment of hostility and harassment."<sup>39</sup> By keeping women out of these highly regarded positions, the policy created an environment of sexual harassment that implied "female troops are sexual objects, not warriors."<sup>40</sup> For example, a Department of Defense Task Force report conducted at the service academies before the lifting of the combat ban found that "[a]cademy communities do not value women as highly as men because female service members are a minority, are excluded from some of the highly regarded combat specialties and are held to different physical fitness standards" and that "[w]hen women are devalued, the likelihood of harassing and even abusive behavior increases."<sup>41</sup>

As such, the combat ban lowered women's status to a level at which they could not be equal to their male counterparts. While the ban on women in combat has been lifted, full gender integration within the military has not been realized. Without full integration, some of the same sex equality issues highlighted by Vojdik and other scholars still create a second class status for women in the military. As Vojdik explains, "the military has responded to the integration of women through a range of practices that highlight femininity of female troops and thereby preserve the boundaries of gender within the military as an institution."<sup>42</sup> She calls attention to dress and grooming standards that emphasize gender and separation.<sup>43</sup> Uniforms, training segregation, gender differentiated physical standards, and other forms of highlighting gender allow the military to separate "females from the 'real' male warriors."<sup>44</sup> Thus, even with the opening of combat

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34. Rollins, *supra* note 31, at 370.

35. Dietz, *supra* note 31, at 88.

36. Vojdik, *supra* note 31, at 349.

37. *Id.* at 348.

38. *Id.*

39. *Id.* at 346.

40. *Id.*

41. U.S. Dep't of Def., Report of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies 9 (June 2005), [http://www.dtic.mil/dtfs/doc\\_recd/High\\_GPO\\_RRC\\_tx.pdf](http://www.dtic.mil/dtfs/doc_recd/High_GPO_RRC_tx.pdf).

42. Vojdik, *supra* note 31, at 343.

43. *Id.* at 344.

44. *Id.*

arms roles to women, full integration has a long way to go. For the military to be truly integrated and a “warfighting team,” “it must abolish all policies that appear to make things easier or different for women, including those that demean them.”<sup>45</sup>

Sex equality and full integration is also beneficial to the military. Sexism harms recruitment—“[w]hy would parents encourage a smart, talented daughter to join the Marine Corps if the first thing she would encounter is the message that she’s simply not good enough?”<sup>46</sup> Policies that segregate, demean, and appear to make things easier for women inhibit military readiness by creating teams that are unequal and where many of the men do not believe their female counterparts are up to the task. Without that trust, military readiness is threatened. Instead, full integration is “where men and women compete against each other, work through problems together and learn to respect each other as teammates—all things that happen in combat.”<sup>47</sup> Women have and will continue to meet the necessary standards;<sup>48</sup> policies should reflect and encourage full gender integration to further their successes and improve military readiness. Otherwise, full sex equality will not be realized.

## B. Full Integration and Preventing Sexual Assault

### 1. Basic Training

Segregation demeans women by causing them to be perceived as inferior to their male counterparts. It is especially demeaning during one of the most important times in military training and indoctrination: basic training. All of the branches except for the Marine Corps have gender integrated basic training.<sup>49</sup> Arguably the most gender segregated branch, the Marine Corps, “has put up the stiffest resistance to opening combat jobs to women.”<sup>50</sup> It was the only branch that requested a waiver to continue to exclude women from some combat arms roles and, though denied, the Marine Corps has continually “dragged its feet” with regard to full integration.<sup>51</sup> Female Marines report “the culture has been hostile to

45. Martha McSally, *Women in Combat: Is the Current Policy Obsolete?*, 14 DUKE J. GENDER L. & POL’Y 1011, 1046 (May 2007). The Service Women’s Action Network has capitalized on this argument for its lawsuit challenging the Marine Corps’ gender-segregated basic training, arguing the policy “stigmatizes women, and makes them start out their careers on different footing.” Nicholas Iovino, *Lawsuit Over Women in Combat Roles Advances*, COURTHOUSE NEWS (Sept. 27, 2018), <https://www.courthousenews.com/lawsuit-over-women-in-combat-roles-advances/>.

46. Germano, *supra* note 21.

47. *Id.*

48. *Id.* (“About 500 Army women serve in combat jobs, 10 have graduated from the elite Ranger school, and 74 have graduated from the infantry or armor basic leader’s course. They have met the same exacting standards—for push-ups, speed and the weight they carry in their packs—as the men.”). The demanding and highly competitive Special Forces Assessment and Selection process saw its first successful female selectee for the Special Forces Qualification Course in November of 2018. Meghann Myers, *A Female Soldier Has Made It Through the Army’s Special Forces Selection*, ARMY TIMES (Nov. 14, 2018), <https://www.armytimes.com/news/your-army/2018/11/14/a-female-soldier-has-made-it-through-the-armys-special-forces-selection/>.

49. McCoy, *supra* note 7.

50. Philipps, *supra* note 25.

51. Germano, *supra* note 21. The Director for Government Relations at the Service Women’s

them for years.”<sup>52</sup> The Marine Corps has the smallest proportion of women at 8.5%<sup>53</sup> and the highest rate of sexual assault.<sup>54</sup> The Marine Corps, then, is a prime example through which to discuss integration of basic training.<sup>55</sup>

“[G]ender-segregated basic training is not conducive to building an effective warfighting team and only plants the seed that women are inferior partners in uniform.”<sup>56</sup> Multiple former Marines have spoken to how gender segregated basic training reinforced negative perceptions of women. Veteran Alexander McCoy explains he and other male Marines “were taught to look down on our female counterparts.”<sup>57</sup> His drill instructors would be derogatory toward female Marines by calling them sluts and saying they had poor hygiene in the field.<sup>58</sup> He rarely saw female Marines during basic training and male recruits “were given the strong impression that the female recruits underwent less rigorous training than [them].”<sup>59</sup> Physical demands, such as the obstacle course, served as a means for drill instructors and other male Marines to further the idea that female Marines were doing less.<sup>60</sup> Whenever they were around male recruits, drill instructors for the women would force women to “chant embarrassing cadences such as ‘Prance like a pony!’ . . . to humiliate them.”<sup>61</sup> For McCoy, “[t]he message we got was clear: Female Marines are disgusting and worthless and physically unsuited for the service.”<sup>62</sup>

As female veterans of the Marine Corps, Thomas and Broadwell explain “women are treated as adjuncts, at best, relative to their male peers,” and this

Action Network noted that the Marine Corps’ request for a waiver “sent a signal to women that they were not welcome in the Corps. . . . It ‘gives women second thoughts, you don’t want to go where you’re not welcome.’” Shawn Snow, *Where Are the Female Marines?*, MARINE CORPS TIMES (Mar. 5, 2018), <https://www.marinecorpstimes.com/news/2018/03/05/where-are-the-female-marines/>.

52. Philipps, *supra* note 25.

53. *Table of Active Duty Females by Rank/Grade and Service*, *supra* note 11; DoD Personnel, *Workforce Reports & Publications: Active Duty Military Personnel by Rank/Grade*, DEP’T OF DEFENSE: DEFENSE MANPOWER DATA CTR. (Apr. 30, 2018), [https://www.dmdc.osd.mil/appj/dwp/dwp\\_reports.jsp](https://www.dmdc.osd.mil/appj/dwp/dwp_reports.jsp).

54. Kate Hendricks Thomas, *I Was a Marine. I Can’t Be Silent About the Sexual Harassment I Faced Anymore*, VOX (July 12, 2017, 1:58 PM), <https://www.vox.com/first-person/2017/3/9/14861796/marines-sexual-harassment-sexism; Hope Hodge Seck, New data shows Marine Corps has highest rate of sexual assault against women>, MARINE CORPS TIMES (Dec. 4, 2014), <https://www.marinecorpstimes.com/news/pentagon-congress/2014/12/04/new-data-shows-marine-corps-has-highest-rate-of-sexual-assault-against-women/>.

55. See McCoy, *supra* note 7 (“To be sure, sexism—not to mention sexual assault—happens in the other branches, but it is revealing that scandals like these Facebook groups continue to emerge from the Marines, the service that lags the most in gender integration and struggles with the highest rate of sexual assault of all branches.”).

56. McSally, *supra* note 45, at 1046. For the argument that segregated basic training may violate Equal Protection, see Carrie Peterson, *Separation Anxiety and Boot Camp: Why Basic Training Should Remain Gender-Integrated*, 17 LAW & INEQ. 139, 146 (1999).

57. McCoy, *supra* note 7.

58. *Id.*

59. *Id.*

60. *Id.* (“Obstacle course stations would have what my drill instructor described as the ‘female,’ or easier, version alongside the ‘male,’ or more difficult version.”).

61. *Id.*

62. *Id.*



negative treatment starts at segregated basic training.<sup>63</sup> Men use this segregation as a means to immediately separate and dehumanize women, identifying them as “‘wooks’ or ‘walking mattresses’—terms suggesting that women in the ranks exist to supply, and advance their careers by offering, sexual gratification for their male counterparts.”<sup>64</sup> Along with a pervasiveness of sexist thought, this segregation normalizes “day-to-day objectification” and encourages sexual assault.<sup>65</sup>

If the military is so permeated by sexist thoughts, then, how can integrated basic training make a difference? Integrating basic training forces men and women to work alongside each other during an incredibly important indoctrination period in the military. The indoctrination aspect of basic training is the means through which the military breaks down norms and habits of service members in order to make them better trained for the necessities of a military team.<sup>66</sup> Thomas and Broadwell thus ask: “How is it that boot camp can alter everything about an individual except, apparently, their retrograde view of women?”<sup>67</sup> Rather than using basic training to integrate the genders and break down the social norms of sexism, segregated basic training “reinforces negative stereotypes about the abilities of servicewomen over their entire careers.”<sup>68</sup>

If basic training were integrated, however, men in the military would be in a better position to see women as a fellow, equal service member rather than as sexual objects. When basic training is integrated, McCoy explains, “women exist as individuals and colleagues, not as an abstract, setting the tone for how men view female colleagues for the rest of their careers.”<sup>69</sup>

The idea that cohesion is central to the military is instilled early on during basic training. If men do not have women training around them during this period, they will not perceive women as part of their cohesive unit.<sup>70</sup> A recent Research

63. Thomas & Broadwell, *supra* note 26.

64. *Id.* See also Teresa Fazio, *What Civilians Don't Understand About Military Sexual Harassment*, ROLLING STONE (Mar. 14, 2017), <http://www.rollingstone.com/culture/marine-speaks-out-against-military-sexual-harassment-w471966> (“[A]s a female Marine officer, I learned early that our comrades’ perceptions of us were often different – and limited . . . . At Officer Candidate School, one female sergeant instructor stalked through the squad bay and yelled at our sixty-woman platoon, ‘If you’re a woman in the Marine Corps,’ she hollered, ‘you’re either a bitch, a dyke, or a ho.’ A few months later, I compared notes with a male classmate, who relayed how he was taught to drill with an M-16. ‘You’re on a first date,’ the male sergeant instructor had said, holding the rifle in front of him. ‘Things are goin’ good and you’re snugglin’. You decide to go for it. Now she might smack your hand away. So you gotta be quick! You gotta grab the goodies!’”).

65. Thomas & Broadwell, *supra* note 26.

66. See Kovite, *supra* note 25 (“[Gender segregation] is particularly important in the context of basic training, which is ground zero for military cultural indoctrination.”).

67. Thomas & Broadwell, *supra* note 26.

68. Thomas, et al., *supra* note 10. See also McSally, *supra* note 45, at 1046 (“Although gender was not cited as a major factor in determining the morale of gender-integrated units, ‘[t]o the extent that gender affected morale, the perception of different standards or policies for men and women was a frequently cited source of morale problems.’ It is my view that these perceptions are born during the first phase of transition into military life, basic training, and are reinforced by other policies throughout service members’ careers.”).

69. McCoy, *supra* note 7.

70. Thomas, et al., *supra* note 10. (“Since trust built around physical toughness is central to vertical and horizontal cohesion in the military, segregated training and the different evaluation standards for

and Development Corporation (RAND) study found that integrated training “appears to improve cohesion and improve the physical readiness of women more than gender-specific training alone.”<sup>71</sup>

The Marine Corps’ current reasoning behind gender segregated basic training is both unsubstantiated and outweighed by the need for women to be seen as more than abstract. The Marine Corps relies on the “assumption that segregated recruit training is necessary to build confidence and self-esteem in female recruits.”<sup>72</sup> They argue segregation helps women to build confidence before they have to compete next to their male peers.<sup>73</sup> This assumption stigmatizes and devalues women “as mentally and physically incapable of competition simply by virtue of their gender.”<sup>74</sup> As Thomas and two other female veterans, Kate Germano and Charlotte Brock, argue, the assumption hurts, rather than helps women in confidence, meeting physical standards, and upward mobility in rank.<sup>75</sup>

Gender segregation causes women to both be trained at a lower standard and be perceived as meeting a lower standard.<sup>76</sup> By setting an expectation that women need the segregated training, the Marine Corps causes female Marines to lower their self-expectations.<sup>77</sup> Even if a woman is able to meet the same physical standards as a man, segregated training means “she will not be inherently trusted unless” she trains with her male counterparts and “is subsequently held to identical performance standards.”<sup>78</sup>

The positive effects of integration on men who train alongside women is evidenced in the recent integration of the Army Ranger School. Those critics who have not participated in the integrated course question the standards and ability of women who have passed the course.<sup>79</sup> Men who actually went through the course with women, however, have noted the strength of the women and perceive them as equal.<sup>80</sup>

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men and women in the Marines have significantly shaped perceptions of women’s physical abilities. Different performance training standards, as well as segregation, establish women as marginal from the onset, ensuring that they will always be viewed as suspect in terms of capability.”).

71. Agnes Gerben Schaefer, et al., *Implications of Integrating Women into the Marine Corps Infantry*, RAND xvi (2015).

72. Thomas, et al., *supra* note 10.

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

77. *See id.* (“From the moment female recruits enter Marine boot camp, they are trained to a lower standard. This formalizes expectations that translate to stereotype threats: that they will run more slowly, have weaker upper body strength, and shoot a target with less accuracy than men.”).

78. *Id.*

79. *See* Dan Lamothe, *Ranger School officer combats rumors about how women passed in pointed Facebook post*, WASH. POST (Aug. 20, 2015), [https://www.washingtonpost.com/news/checkpoint/wp/2015/08/20/ranger-school-officer-combats-rumors-about-how-women-passed-in-pointed-facebook-post/?utm\\_term=.8bba82029815](https://www.washingtonpost.com/news/checkpoint/wp/2015/08/20/ranger-school-officer-combats-rumors-about-how-women-passed-in-pointed-facebook-post/?utm_term=.8bba82029815) (“No matter what we at Ranger School say the non-believers will still be non-believers. We could have invited each of you to guest walk the entire course, and you would still not believe, we could have video recorded every patrol and you would still say that we ‘gave’ it away.”).

80. *See id.* (noting that the number two officer in the Airborne and Ranger Training Brigade

A graduate of the first course to integrate women noted that he was initially skeptical that the course would maintain its integrity, but found “the female students in [his] company dispelled any doubts about their ability to hump weight on patrols during the first few days in the field.”<sup>81</sup> He continued, “[p]hysically, they were studs. They carried their own weight and then some.”<sup>82</sup> He concluded, “Ranger School is still hard, and these women earned their tabs.”<sup>83</sup> Other fellow students reported they were skeptical about the women’s abilities before the start of the course, “but quickly realized how wrong they had been”:

Second [Lieutenant] Zachary Hagner said his mind “completely changed” one day as he was growing weary of carrying a heavy machine gun, and others in his group would not help. But [one of his female classmates] stepped in.

“Nine guys were like, ‘I’m too broken, I’m too tired.’ She was just as broken and tired, and took it from me almost with excitement,” Lieutenant Hagner said.<sup>84</sup>

Reports of women’s ability to perform “just as well, or in some cases better than, their male peers”<sup>85</sup> did not sway some of the skeptics that did not train with the women. For those that actually trained with the women, however, these examples show how that shared experience actually changed their minds.

The importance of shared experience has also been further demonstrated now that women have begun to take command of infantry units. After Ranger School graduate Captain Kristen Griest reported to her new infantry unit and took the Army Physical Fitness Test (APFT), “a lot of the guys came up to [her] afterward and said, “You know, ma’am, I wasn’t sure about this, but you smoked me on the APFT, so I guess I can’t say anything.”<sup>86</sup> Lieutenant Marina Hierl, the first woman to lead an infantry platoon in the Marine Corps, has been accepted as a leader:

Lance [Corporal] Kai Segura, 20, . . . was suspicious of Lieutenant Hierl until she led the group back from an exercise in the Mojave Desert soon after she arrived.

Her seemingly casual pace turned out to be deceptively fast, forcing the other Marines into a near jog to keep up. That, Lance Corporal Segura said, showed that

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overseeing Ranger School made a Facebook post arguing female Rangers did not receive any advantages and successfully completed their Ranger course alongside male peers); Rudy Mac, *How It Really Went Down in the First Class to Graduate Female Rangers*, NEWSREP (Aug. 21, 2015), <https://thenewsrep.com/42761/really-happened-women-ranger-school-class-06-15/> (arguing that the women that went to Ranger School along with the author earned their Ranger tabs at the same standards as their male peers).

81. Mac, *supra* note 80.

82. *Id.*

83. *Id.*

84. Richard A. Opiel, Jr. & Helene Cooper, *2 Graduating Rangers, Aware of Their Burden*, N.Y. TIMES (Aug. 20, 2015), <https://www.nytimes.com/2015/08/21/us/military-weighs-role-of-women-army-ranger-graduates.html>.

85. Michelle Tan, *Army Stats: Women performed comparably to men in Ranger School*, ARMY TIMES (Nov. 11, 2015), <https://www.armytimes.com/story/military/capitol-hill/2015/11/11/army-responds-congressmans-ranger-school-records-request/75584150/>. For a general summary of the performance of women at Ranger School, see *id.*

86. *Female Ranger Grads*, *supra* note 24.

her physical ability was not in question—one of the many important . . . measuring sticks for a new officer.

In the months that followed, Lieutenant Hierl earned Third Platoon’s quiet respect.

. . .

“She’s one of us,” Lance Corporal Segura said.<sup>87</sup>

These women have been accepted as capable teammates and leaders by formerly skeptical males through integrated, shared experiences.

Further, integration that improves the perceived status of women in the military impacts rates of sexual assault.<sup>88</sup> The evaluation period of women in combat arms roles and “the integrated Ranger course did not uncover ‘any overt incidents of sexual harassment, sexual assault, or concerns about incidental physical contact due to the close proximity of Soldiers in light infantry operations.’”<sup>89</sup> Not only did the men who trained with these women start to believe in their credibility, but there also seemed to be little or no issue of sexual harassment or assault.

The idea that integration helps to stem harassment and views of “othered” groups as inferior has support in other fields. This is especially true in the realm of civilian workplace sexual harassment studies. When women have been integrated “in more than ‘token’ numbers, they are more accepted as coworkers and leaders, and thus, less susceptible to sexual harassment.”<sup>90</sup> An example comes from integration of police forces:

At first, women were shunned as police officers because of the masculine atmosphere in police stations and beliefs that women would not be as good as men at police work. As women increased in numbers in police forces, however, sexual relations between male and female police officers became less evident, and women were treated more like coworkers than sex objects.<sup>91</sup>

Multiple workplace studies show increased social integration can reduce sexual harassment and “increased contact with an ‘outgroup’ (in this case, women), improves attitudes towards individuals in that outgroup” as a result of “de-emphasized” group membership.<sup>92</sup> By contrast, “[e]mphasis on group membership during cross-group interactions increases anxiety and reduces the benefits of cross-group contact.”<sup>93</sup> The dehumanizing aspect of separating one

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87. Thomas Gibbons-Neff, *The Marines Didn’t Think Women Belonged in the Infantry. She’s Proving Them Wrong*, N.Y. TIMES (Aug. 9, 2018), <https://www.nytimes.com/2018/08/09/us/politics/marines-women-combat-platoon.html>.

88. See Peterson, *supra* note 56, at 156 (explaining that “Integration . . . works to curb sexual harassment and sex crimes because it interrupts the all-male culture created by single-sex activities”). See *id.* at 160 (noting that studies show integrated field training exercises fosters brother-sister bonds instead of sexual relationships in the military).

89. Kamarck, *supra* note 8, at 30.

90. Peterson, *supra* note 56, at 155.

91. *Id.*

92. Kovite, *supra* note 25.

93. *Id.*

group as “other” and “different” is associated with sexual harassment and assault.<sup>94</sup>

Thus, to avoid dehumanization by separating women as an “othered” group, the Marine Corps should integrate basic training. When politicians argued the integration of combat arms would increase sexual assaults, one author noted, “[t]he underlying question here is: Are men doomed to sexually assault women if forced to work alongside them? Is rape an inevitable consequence of prolonged contact with members of another gender?”<sup>95</sup> Referring to the nude photo scandal, McCoy answered in the negative:

I don’t believe that this behavior is simply the inevitable consequence of having an organization with large numbers of young men. Rather, it is the result of tolerating a culture where female Marines are treated with contempt, defined solely as sexual objects unworthy of the job and as distractions to the men.<sup>96</sup>

As McCoy’s, Thomas’, and multiple other veterans’ experiences have demonstrated, some of those cultural behaviors are molded and permitted at basic training.<sup>97</sup> Sexual harassment and assault are not a product of “boys being boys,” a “crime of opportunity,” “or an inherent impulse in men confronted with female bodies.”<sup>98</sup> Instead, sexual harassment and assault are “crime[s] of power and control,” capitalizing on the dehumanization and objectification of women.<sup>99</sup> In stemming sexual assault at the very early stages of military indoctrination, “[f]ull gender integration in the Marine Corps would” go a long way.<sup>100</sup>

## 2. Housing

Another step in full gender integration is eliminating segregated housing. Like separated training, segregated housing emphasizes gender difference and isolates women from their units. The segregated housing referred to in this section is housing during events such as basic training, other unit training, and field time. Outside of these designated unit training events and deployments, service

94. *Id.*; see also, e.g., Laurie A. Rudman & Kris Mescher, *Of Animals and Objects: Men’s Implicit Dehumanization of Women and Likelihood of Sexual Aggression*, PERSONALITY & SOCIAL PSYCHOLOGY BULLETIN 38(6), 734–46 (2012) (linking dehumanization to sexual aggression).

95. Christina Cauterucci, *No, Donald Trump, Military Sexual Assault Is Not Caused By Gender Integration*, SLATE: THE XX FACTOR (Sept. 8, 2016, 1:33 PM), [http://www.slate.com/blogs/xx\\_factor/2016/09/08/no\\_donald\\_trump\\_military\\_sexual\\_assault\\_is\\_not\\_caused\\_by\\_gender\\_integration.html](http://www.slate.com/blogs/xx_factor/2016/09/08/no_donald_trump_military_sexual_assault_is_not_caused_by_gender_integration.html).

96. McCoy, *supra* note 7.

97. See *id.* (explaining that Marine culture tolerates hostile attitudes toward women during basic training); Thomas, et al., *supra* note 10 (stating that gender segregation at boot camp “reinforces negative stereotypes about the abilities of women, breeds distrust, creates a negative impact on mental health for military women in and beyond the service”).

98. Cauterucci, *supra* note 95.

99. *Id.* See also Peterson, *supra* note 56, at 156–57 (explaining that all-male groups that “feel they must prove their masculinity and forge bonds” create a culture of dehumanization and objectification of women).

100. McCoy, *supra* note 7. The Marine Corps currently has no intention to integrate housing or “make any more gender integration changes at the recruit depots anytime soon.” Shawn Snow, *Top Marine: No more gender integration changes at boot camp on horizon*, MARINE CORPS TIMES (May 3, 2018), <https://www.marinecorpstimes.com/news/your-marine-corps/2018/05/03/top-marine-no-more-gender-integration-changes-at-boot-camp-on-horizon/>.

members typically live separately from one another. This Article argues only for integrated housing when units are housed together.

Housing at Army basic training is an example of how over-emphasizing gender differences damages the ability of women to be an equal part of their unit. Male and female recruits have segregated housing with regulations intended to protect recruits.<sup>101</sup> Rather than reducing sexual harassment and assault, however, these regulations often create “mistrust and antipathy between the genders.”<sup>102</sup> The regulations require such practices as “audible alarms and panic door locks” on the doors separating gendered living areas.<sup>103</sup> Same sex guards are required to remain posted in front of the doors to sleeping areas.<sup>104</sup> While seemingly protecting recruits from assault and harassment, this segregation “sets a strong tone that members of the opposite sex are not teammates and are not to be trusted.”<sup>105</sup> Additionally, women are perceived as weaker and in need of protection when the doors separating them from the men are locked and equipped with alarm triggers. Women even struggle to receive important logistical information given to the males.<sup>106</sup> As a result of segregated housing, women are seen as separate, weaker, and not fully part of the team.<sup>107</sup>

The Norwegian Army demonstrates the possibilities of integrated housing. The Norwegian Army integrated housing after “complaints by women that they were isolated and excluded by their male colleagues and did not feel a part of the force.”<sup>108</sup> Those feelings were “exacerbated by the fact that their rooms were removed from the rooms of other soldiers.”<sup>109</sup>

After housing integration, the Norwegian Army conducted a study on its effectiveness. One researcher noted the previously segregated accommodations created a dynamic in which the men and women were pitted against each other.<sup>110</sup> The researcher argued “[w]e create stereotypes about each other . . . . But these

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101. Kovite, *supra* note 25.

102. *Id.*

103. *Id.*

104. *Id.*

105. *Id.*

106. Douglas Ernst, *Norwegian Army: Sexual Harassment Claims Fell After Using Unisex Dorms*, WASH. TIMES (Mar. 25, 2014), <http://www.washingtontimes.com/news/2014/mar/25/norwegian-army-sexual-harassment-claims-fell-after/>.

107. In a personal anecdote, I experienced this difficulty with receiving logistical information. I was in a training environment where the platoons were housed together within the same floor and rooms, except for the women. All of the women, no matter their platoon or company, were housed on the same floor and separate from the men. When important training information disseminated, it would be told to the male floors because the platoons were housed together and it made the most logistical sense. Because the women were housed separately, we often struggled to get the same logistical information and to communicate with the rest of our platoon. Our separation also deprived us of important camaraderie and bonding experiences that occurred in the platoon barracks.

108. Schaefer, *supra* note 71, at 70.

109. *Id.*

110. Elizabeth Kulze, *U.S. Military, Take Note: Norway's Unisex Army Dorm Rooms Are Working*, VOCATIV (Mar. 26, 2014), <http://www.vocativ.com/usa/military/u-s-military-take-note-norways-unisex-army-dorm-rooms-working/>.

mechanisms become less obvious with the unisex rooms.”<sup>111</sup> The study found the “us-versus-them” mentality lessened as the integrated housing created a “de-genderizing effect.”<sup>112</sup> This de-genderized environment humanized women and led to improved unit cohesion.<sup>113</sup> The study also concluded sexual harassment began to decline, possibly in part because of the integrated housing.<sup>114</sup>

While the Norwegian Army is different from the United States military, the results of its integrated accommodations are informative. Women in the United States military express similar concerns of a lack of communication, “othering,” and feeling isolated from their units when they are in segregated housing.<sup>115</sup> Former Army Colonel Ellen Haring, who spent 28 years in the Army, explained how her daughter shared a coed room while deployed in Afghanistan.<sup>116</sup> Her daughter would change in her sleeping bag, but did not mind as it allowed her to be “one of the team.”<sup>117</sup>

Unlike general integrated basic training, integrated housing raises more concerns about privacy and safety. Integration will cause a tradeoff between decreased privacy and increased equality and unit cohesion. Military necessity generally warrants reduced privacy with which many civilians would not be comfortable.<sup>118</sup> Reduced privacy, however, does not and should not equate to no privacy at all. Army Judge Advocate Jeffrey Dietz explains there is a baseline of privacy “necessary to maintain human dignity” consisting of “a means to prevent observation while changing clothes, while eliminating waste, and while bathing, and the means to provide at least a light degree of physical separation while sleeping.”<sup>119</sup> Thus although integrated housing would lower general privacy, it would not eliminate all personal privacy tools or translate into open toilets or showers.

Baseline privacy has been consistently maintained in combat environments where close sleeping arrangements and multiple hours on military vehicles without stop cause challenges.<sup>120</sup> “Tools” for personal privacy can be “as simple as ponchos, make-shift screens, make-shift bedpans, and sleeping bags.”<sup>121</sup> Both men and women have used these tools successfully in operational environments.<sup>122</sup>

111. *Id.*

112. Kovite, *supra* note 25.

113. Kulze, *supra* note 110.

114. *Id.* (“The report also claims that incidents of sexual harassment decreased as a result of the new policy.”).

115. *See, e.g., id.* (recounting how women preferred to be with their units rather than separated solely for privacy and safety reasons).

116. *Id.*

117. *Id.*

118. Dietz, *supra* note 31, at 123.

119. *Id.* at 120–21.

120. For an example of how women have dealt with extended hours on vehicles on deployment, *see id.* at 121 (recounting female service member using a poncho to cover herself and cutting the top off a water bottle to relieve herself).

121. *Id.* at 123.

122. *See id.* at 121 (“While deployed as part of Operation Desert Spring and later Operation Iraqi Freedom, COL Cook shared a tent with her male command sergeant major, ‘as usual in such arrangements,’ and used ‘a partition between our areas for privacy.’ Her forward support battalion

Men and women utilize the ability to change clothes in sleeping bags when wanting to maintain privacy, both in a garrison environment and in the field.<sup>123</sup> The women at Ranger School shared housing with their male colleagues, maintaining privacy by changing behind lockers and using the stalls when utilizing the latrines.<sup>124</sup> Dietz explains part of the military culture is one in which ingenuity produces privacy, even in the most extreme conditions.<sup>125</sup>

While baseline privacy can be maintained, there is still a tradeoff. The change in living arrangements could deter some women from joining the military and cause those already serving to feel more vulnerable to attack. Many women, however, would welcome and encourage the change. Female non-commissioned officers and officers would have more access to those they are leading, making them feel more respected and causing those they lead to see them more as part of the team.<sup>126</sup> Colonel Haring argued “nearly every female soldier she has ever spoken to do[es] not like to be separated from her fellow soldiers simply for the sake of privacy or safety.”<sup>127</sup> For these women, segregated housing is “a degradation of team cohesion.”<sup>128</sup> Both men and women in the integrated Norwegian military rooms “were happier than those in the single-sex rooms.”<sup>129</sup> As the next section will discuss, however, integrated housing alone will not create all of the necessary culture change. Housing integration, then, should be met with caution and constant feedback to ensure those baseline privacy needs are being met.

Interestingly, The Marine Corps recently integrated sleeping arrangements in the field, recognizing the need for unit cohesion in tactical environments.<sup>130</sup> The Corps requires all genders share tents and “fighting holes” during field exercises.<sup>131</sup> Gender integration in a tactical environment is critical for military

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‘had mixed gender tents with privacy screens fashioned from poncho liners or similar make-shift screens in the company areas.’ Not only did the unit normally train and live in this manner, she found that keeping the mixed-gender sections intact was better for cohesion and reduced discipline problems.”).

123. Michelle Tsai, *Do Female Soldiers Get Any Privacy?*, SLATE (Mar. 22, 2007), [http://www.slate.com/articles/news\\_and\\_politics/explainer/2007/03/do\\_female\\_soldiers\\_get\\_any\\_privacy.html](http://www.slate.com/articles/news_and_politics/explainer/2007/03/do_female_soldiers_get_any_privacy.html).

124. Mac, *supra* note 80.

125. See Dietz, *supra* note 31, at 124–25 (“Soldiers recount successful and professional pairing into opposite gender battle buddy teams, sharing living and sleeping space in tents and vehicles, sharing space in fighting positions, and sharing use of latrines and bathing facilities. Soldiers routinely string up ponchos, take turns in vehicles changing, change clothes in sleeping bags, use make-shift barriers, and generally find ways to maintain a baseline of personal privacy.”).

126. See Tsai, *supra* note 123 (“But this kind of self-segregation carries the risk of alienating women from their platoon, depriving them of Army chatter, or making them seem as though they need special treatment. In particular, females in leadership positions can’t afford to live apart from the male soldiers they command.”).

127. Kulze, *supra* note 110.

128. *Id.*

129. Schaefer, *supra* note 71, at 70.

130. Jeff Schogol, *Male and Female Infantry Marines to Share Tents in the Field*, MARINE CORPS TIMES (Jan. 25, 2017), <https://www.marinecorpstimes.com/articles/women-in-infantry-sharing-living-conditions>.

131. *Id.* Major Charles Anklam III explained, “We’re not changing any of our tactical posture or



necessity, but does not go far enough to help eliminate the “otherness” of women in the military. While integration in a tactical environment is essential, so too is integrated housing at all opportunities where units are in shared housing. Without providing integration from the beginning, integration in a tactical environment will be too late for women to truly be seen as part of the team. Not only will this impact women’s equality in the eyes of their peers, but it will also impact combat readiness. If men see their fellow service women as weaker and less capable, they will not trust them to do their jobs in tactical environments. If men, on the other hand, already trust and respect their fellow service women *before* being in a tactical environment, unit cohesion will already be functioning smoothly by the time they get there.

Integrated housing as a means of preventing sexual assault stems from the same reasoning behind integrated basic training and prevention. With shared living quarters, men will start to see their sisters-in-arms in less objectifying and dehumanizing ways because of their constant interaction with them.<sup>132</sup> Men and women will have more shared experiences and will associate each other with the team. Without integrated housing, women are an “other,” living and sleeping behind a closely guarded door.<sup>133</sup>

### 3. Pieces of a Larger Puzzle

Gender integrated basic training and housing are important steps toward sex equality. Those steps alone, however, will not completely eliminate sexism, sexual assault, and inequality within the military. And if done incorrectly, integrated training and housing could be unhelpful and possibly lead to more assaults.<sup>134</sup> Army Judge Advocate Jenna Grassbaugh argues integration will not be a simple solution of merely admitting the women who meet the physical standards into those combat units.<sup>135</sup> Instead, it is a complicated process that could “produce a short-term increase in sexual assaults.”<sup>136</sup> She quotes Vojdik, noting, “[t]he integration of women into the highly masculinized military culture fundamentally challenges the constructed identity of the warrior as male and the military as masculine.”<sup>137</sup> Because gender integration would be a cultural shift in the military, Grassbaugh argues integration will need to be closely monitored and will not be a simple process.<sup>138</sup>

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breaking unit cohesion or adjusting anything to accommodate mixed genders while we’re operating in a field environment replicating tactical conditions.” *Id.*

132. See Kovite, *supra* note 25 (arguing that gender segregation “lead[s] to de-humanization, which is associated with sexual harassment and rape,” whereas gender integration, especially in living quarters, improves cohesion and erodes an “us versus them” mentality).

133. See *id.* (explaining that current segregated housing isolates women into a less humanized “outgroup”).

134. See Grassbaugh, *supra* note 17, at 344–45 (describing how the hyper-masculine military culture may aggressively react to gender integration).

135. *Id.*

136. *Id.*

137. *Id.* (quoting Vojdik, *supra* note 31, at 343).

138. See *id.* at 346 (“Integrating women into the infantry is asking to shift a cultural norm. It is not something that is impossible, but it will take much effort and training to be successful.” (citation omitted)).

To ensure success, full integration needs to be holistic. Gender integration in basic training and housing would likely need to be accompanied by other gender-neutral shifts such as in physical standards, uniforms, and Selective Service. These types of changes would require deliberate study and attention.

Fully implementing gender-neutral standards, for example, should occur only after a determination of what physical standards are actually required of the position.<sup>139</sup> The Army has made some progress in this field by creating the Occupational Physical Assessment Test (OPAT), a gender-neutral test used to determine a Soldier's ability to classify into a particular Military Occupational Specialty.<sup>140</sup> The OPAT is administered to new recruits as a gender-neutral means of classification.<sup>141</sup> Soldiers only take the OPAT once when they onboard or seek to change their Military Occupational Specialty.<sup>142</sup> Throughout the rest of a Soldier's Army career, they currently take the Army Physical Fitness Test (APFT), which has gendered standards.<sup>143</sup> However, the Army recently announced that a gender-neutral Army Combat Fitness Test (ACFT) will replace the APFT in late 2020.<sup>144</sup> The OPAT and ACFT are positive steps, but differential gender treatment in other branches' physical tests maintains a perception that women are held to lower standards and are thus less capable than their male counterparts.<sup>145</sup> Special attention needs to be paid to the standards that are actually necessary for a service member's occupation to prevent negative consequences, such as lower recruitment of women. When women are held to higher standards and are treated as though they can reach those standards, they will meet them.<sup>146</sup> If they are told

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139. Gender-neutral standards will also mean an adjustment period as men and women learn to retrain to meet the new standards. For example, new standards can weed out both men and women. See Thomas Gibbons-Neff, *How the Marines' new physical standards for combat jobs weed out men and women*, WASH. POST (June 22, 2016), [https://www.washingtonpost.com/news/checkpoint/wp/2016/06/22/how-the-marines-new-physical-standards-for-combat-jobs-weed-out-men-and-women/?utm\\_term=.455bd56a8316](https://www.washingtonpost.com/news/checkpoint/wp/2016/06/22/how-the-marines-new-physical-standards-for-combat-jobs-weed-out-men-and-women/?utm_term=.455bd56a8316) (explaining that the Marine Corps' new gender-neutral training standards have "weeded out 40 male recruits and all but one female recruit" since its implementation).

140. David Vergun, *Army Implements New Fitness Standards For Recruits and MOS Transfers*, U.S. ARMY (Jan. 3, 2017), [https://www.army.mil/article/180199/army\\_implements\\_new\\_fitness\\_standards\\_for\\_recruits\\_and\\_mos\\_transfers](https://www.army.mil/article/180199/army_implements_new_fitness_standards_for_recruits_and_mos_transfers).

141. *Id.*

142. *Id.*

143. Dep't of Army, Field Manual 7-22, *Army Physical Readiness Training*, Appendix A (Oct. 2012), available at [https://armypubs.army.mil/epubs/DR\\_pubs/DR\\_a/pdf/web/ARN7938\\_FM%207-22%20INC%20C1%20Final.pdf](https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN7938_FM%207-22%20INC%20C1%20Final.pdf).

144. Sean Kimmons, *Army Combat Fitness Test Set to Become New PT test of Record in Late 2020*, ARMY.MIL (July 9, 2018), [https://www.army.mil/article/208189/army\\_combat\\_fitness\\_test\\_set\\_to\\_become\\_new\\_pt\\_test\\_of\\_record\\_in\\_late\\_2020](https://www.army.mil/article/208189/army_combat_fitness_test_set_to_become_new_pt_test_of_record_in_late_2020).

145. See Kamarck, *supra* note 8, at 30 (arguing that physical tests maintaining differential gender treatment will lead to negative stereotypes of women).

146. See, e.g., Germano, *supra* note 21 ("Before [Germano held women to higher standards at basic training for the Marine Corps], between 67 percent and 78 percent of [the female battalion] had qualified in marksmanship during their initial tests on the rifle range. The male units qualified at between 85 percent and 93 percent. The following year, [Germano] raised the women's weapons qualification rate to 92 percent. [The] injury rate for women went down to a rate comparable with the men's when [Germano] instituted better strength training. And women ran faster when [Germano] placed them in groups based on ability.").

from the beginning that they are different, slower, or weaker, the women are more likely to fail.<sup>147</sup>

Changes in gender-neutral standards, as well as increased recruitment of women<sup>148</sup> and gender-neutral Selective Service,<sup>149</sup> could also function as positive pieces in the puzzle of full integration.<sup>150</sup>

The shift toward other means of gender-neutrality would further work to quell the “othering” of women by placing them on equal footing and diminishing any perceived preferential treatment. In a congressional report on gender combat integration, analyst Kristy Kamarck provided an overview of studies across the Marine Corps, the Army, and Special Operations Command.<sup>151</sup> She noted “[a]n overarching finding of the studies . . . was that positive unit cohesion was more likely when and if physical standards and professional standards of conduct were applied equally to men and women.”<sup>152</sup> Importantly, “[a]ny different treatment of women was seen as reinforcing negative perceptions about women in combat arms roles.”<sup>153</sup> Kamarck’s findings demonstrate the importance of full integration at all levels. The military must eliminate as many perceptions of the different treatment of women as possible.

#### 4. Command Climate

No amount of integration will be successful without command climates that foster equality and do not tolerate harassment. The military is a hierarchical structure that depends heavily on its chain of command. At all levels, the chain of command helps to determine unit culture. Command climate, the climate set by those in positions of power, plays a large role in determining the success of new policies. In their open letter, women in the Marine Corps pointedly stated, “Today,

147. See Kate Germano, *I Tried to Make Women Marines Tougher. It Was the Hardest Fight of My Career*, TASK & PURPOSE (Mar. 30, 2018), <https://taskandpurpose.com/fight-girl-germano-female-marines/> (highlighting that lower expectations for female Marines resulted in lower scores). An example of women being treated as though they cannot meet the standards before they even try is when Marine Corps “[r]ifle range coaches told the recruits that their arms were too short to fire weapons properly and that girls couldn’t shoot.” *Id.*

148. See Hannah Kozlowska, *There Is Only One Way to Undo Decades of Ingrained Institutional Sexism in the US Military*, QUARTZ (Mar. 20, 2017), <https://qz.com/935983/recruiting-more-women-is-the-best-way-to-solve-one-of-the-us-militarys-worst-problems/> (arguing for better and more recruitment of women); Thomas, et al., *supra* note 10 (arguing that gender-neutral standards will require better recruitment of female high school athletes and other physically fit women). Integrated basic training and housing for the Marine Corps could also have a positive effect on the recruitment of more women into the Marine Corps. Currently, there are only 3,500 slots for women in recruit training based on the number of beds available in the women-only spaces, which “limits the Corps’ ability to grow the number of women.” Snow, *supra* note 51.

149. For a discussion on *Rostker v. Goldberg*, 453 U.S. 57 (1981), and gender-neutral Selective Service, see McSally, *supra* note 45, at 1049–50.

150. For example, “[f]emale officers agree it’s crucial to have the same standards for men and women, for safety and to earn respect.” Samantha Michaels, *Soldiers Blow Up 5 Myths About Women in Combat*, MOTHER JONES (Jan. 11, 2016), <http://www.motherjones.com/politics/2015/12/female-officers-break-down-myths-about-women-at-war>.

151. Kamarck, *supra* note 8, at 30.

152. *Id.*

153. *Id.*

we challenge the idea that our legendary camaraderie and esprit de corps can never truly be conferred upon your sisters-in-arms, and say this: it will, if you say that it will.”<sup>154</sup> Their powerful statement calls attention to the notion that these new policies and programs will only function if their male allies and leaders fully embrace and enforce them.

An example of a zero-tolerance command climate at a high level is that of Australian Army Chief Lieutenant General David Morrison. In response to a similar sexual assault scandal, he stated, “[i]f you’re not up to [confronting sexual harassment when you see it], find something else to do with your life . . . There is no place for you amongst this band of brothers and sisters.”<sup>155</sup> His strong words “left no room for doubt that men and women are equals in his military’s mission.”<sup>156</sup> That kind of command remark can go a long way in setting the climate for the military, but especially so when lower-level unit leaders do the same. The more such a climate is presented and enforced at each level, the more successful a new policy will be.

Lieutenant General Morrison also made the critical point that “[t]he standard you walk past is the standard you accept.”<sup>157</sup> Those words exemplify the importance of command climate. Sexist comments overlooked by command become the standard. This standard continues to grow until it escalates into sexual assault. For integration to be successful, leaders need to truly set and enforce a standard in which women are equals.<sup>158</sup> McCoy explains that if the Marine Corps truly wants to have successful gender integration and prevent future sexual assaults, its leaders also have to change the culture.<sup>159</sup> He argues the sexist culture can be changed by “fully integrating recruit training, instituting gender-neutral standards and making clear up and down the chain of command that this kind of behavior isn’t a joke or a normal part of building cohesion but a weakness—and a betrayal of [the Marine Corps’] core values of honor, courage and commitment.”<sup>160</sup>

#### IV. CONCLUSION

In the military, sex equality demands both combat integration and freedom from sexual harassment and assault. Full integration at levels such as basic training and housing can help to stem sexual assault. “[B]ringing women into the fold as complete members of the team will break down the perception that they

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154. Whitley-Berry & Shapiro, *supra* note 27.

155. Thomas & Broadwell, *supra* note 26.

156. *Id.*

157. *Id.*

158. See Kate Germano & Kelly Kennedy, *Why Co-ed Bootcamps Will Curb Sexism in the Marines*, NEW YORK POST (Apr. 28, 2018), <https://nypost.com/2018/04/28/why-co-ed-bootcamps-will-curb-sexism-in-the-marines/>. (“Countless studies have shown that sexual assault, harassment, and gender bias are not the automatic result of men and women working together, but happen when leaders fail to establish a culture of respect and accountability. It’s time to start holding [military] leaders accountable for setting conditions that will allow both men and women to achieve success, in any job and any unit, including boot camp.”).

159. McCoy, *supra* note 7.

160. *Id.*

are weaker and will reduce sexual assault and harassment.”<sup>161</sup> Consistently emphasizing gender difference places women at the disadvantaged perception of being less capable than their male peers. It isolates them from their unit, and they are no longer seen as part of the warfighting team. Gender integration will continue to break down barriers that currently cause dehumanization and objectification, which otherwise create an environment that fosters sexual harassment and sexual assault.

As Maia Goodell, a former Navy surface warfare officer explains, “while women are in the second-class citizen status, and while there aren’t women around all the time, women are going to be more vulnerable to attacks.”<sup>162</sup> The current forms of gender segregation place women in this second-class status, which prevents them from reaching equality in their units and profession. Their lower status makes it acceptable for their brothers-in-arms to sexually harass and assault them. Integrated basic training will help by providing equality at an important indoctrination phase, showing men the women next to them are just as capable. Integrated housing will further provide shared experiences that will humanize women and create less isolation from their units.

Integration will not be an easy process at any level, and thus should be approached with the utmost care. Integrated housing has the added concern of privacy, and implementation of integration will need to ensure the tools of baseline privacy are available and utilized. The culture of hyper-masculinity and sexism in the military will not be changed solely by integrated basic training and housing, but also through other gender-neutral shifts in aspects such as physical standards. Perhaps most importantly, a successful cultural shift and gender integration will rely on strong command climate. Unless leaders embrace policy changes and ensure their effectiveness, those policies will fail.

Full gender integration in the military is essential for sex equality and a major means of reducing sexual harassment and assault. The more integrated women in the military become, the more their brothers-in-arms will see them as humans and teammates, rather than as sexual objects.

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161. Jenna Goudreau, *Will Allowing Women in Combat Roles Revolutionize Military Leadership?*, FORBES (Jan. 23, 2013), <https://www.forbes.com/sites/jennagoudreau/2013/01/23/will-allowing-women-in-combat-roles-revolutionize-military-leadership/#51bfa3d37e97>.

162. Michaels, *supra* note 150.