



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

DEC 6 2013

The Honorable Joseph R. Biden, Jr.  
President of the Senate  
United States Senate  
Washington, DC 20510

Dear Mr. President:

This letter provides notification under title 10, U.S.C., section 652, that the Department of Defense (DoD) intends to continue to expand the role of women in the Navy and Marine Corps. The enclosure provides a detailed description of the intended changes and the required analysis of their impact on the constitutionality of the application of the Military Selective Service Act to males only. Additionally, the position descriptions for these Military Occupational Specialties are enclosed. DoD will implement changes to units and occupations listed in the enclosure at the end of 30 days of continuous session of Congress following the date this notification is received.

The Department of the Navy intends to open 220 positions for female Marine officers and Staff Noncommissioned Officers and 37 Reserve Component positions for female Navy officers and senior Petty Officers (E-6/E-7) in open Military Occupational Specialties. The Department of the Navy also intends to open three Navy positions for female corpsmen in the Active Component Air Naval Gunfire Liaison Companies that were unintentionally omitted in a previous request to open 36 Air Naval Gunfire Liaison Company positions.

These positions were previously closed due to the now rescinded 1994 Direct Ground Combat Definition and Assignment Rule that prohibited the assignment of women to direct ground combat units below the brigade level. The Department of the Navy has reviewed the occupational standards associated with these positions and has determined they are gender-neutral. The performance of women in these positions will help inform future policy assignment of women to all positions by January 1, 2016.

DoD appreciates your continued support of the extraordinary men and women serving our Nation. A similar letter is being sent to the Speaker of the House and the Chairpersons of the congressional defense committees.

Sincerely,

  
Jessica L. Wright  
Acting

Enclosure:  
As stated



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DEC 6 2013

The Honorable John A. Boehner  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20510

Dear Mr. Speaker:

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DEC 6 2013

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:


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Sincerely,

  
Jessica L. Wright  
Acting

Enclosure:  
As stated

cc:  
The Honorable James M. Inhofe  
Ranking Member



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4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

DEC 6 2013

The Honorable Howard P. "Buck" McKeon  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

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Sincerely,

  
Jessica L. Wright  
Acting

Enclosure:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member





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WASHINGTON, D.C. 20301-4000

DEC 6 2013

The Honorable Barbara A. Mikulski  
Chairwoman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Mr. Chairwoman:

This letter provides notification under title 10, U.S.C., section 652, that the Department of Defense (DoD) intends to continue to expand the role of women in the Navy and Marine Corps. The enclosure provides a detailed description of the intended changes and the required analysis of their impact on the constitutionality of the application of the Military Selective Service Act to males only. Additionally, the position descriptions for these Military Occupational Specialties are enclosed. DoD will implement changes to units and occupations listed in the enclosure at the end of 30 days of continuous session of Congress following the date this notification is received.

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cc:  
The Honorable Richard C. Shelby  
Vice Chairman



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The Honorable Harold Rogers  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

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cc:  
The Honorable Nita M. Lowey  
Ranking Member



## **Position Descriptions**

The below unit and military occupational specialty descriptions provide clarification to the positions for which the Marine Corps intends to remove the restrictions for assignment of female Marines.

### **UNITS:**

Tank Battalion Mission- Close with and destroy the enemy using armor-protected firepower, shock effect, and maneuver, and to provide precision direct fires against enemy armor, fighting vehicles, troops, and hardened positions.

Assault Amphibian Battalion Mission- Land the surface assault element of the landing force and their equipment in a single lift from assault shipping during amphibious operations to inland objectives and to conduct mechanized operations and related combat support in subsequent operations ashore.

Artillery Battalion Mission- Provide close and continuous artillery support to the Marine Air-Ground Task Force by destroying, neutralizing, or suppressing enemy targets that threaten the success of supported units.

Combat Engineer Battalion Mission- Provide close combat engineer support to the 2d Marine Division in order to enhance their mobility, counter-mobility, and survivability.

Air Naval Gunfire Liaison Company (ANGLICO) Mission- Provide Marine Air Ground Task Force Commanders a liaison capability with foreign area expertise to plan, coordinate, employ and conduct terminal control of fires in support of joint, allied and coalition forces.

### **Military Occupational Specialties:**

Adjutant- Formulate and supervise the execution of command administrative policies, receiving and routing correspondence, handling and safeguarding classified material, preparing responses to special correspondence, and establishing and maintaining the command reports control, and forms management programs.

Admin Chief- Perform personnel, general operational and manpower management administration at all levels.

Communications Officer- Supervise and coordinate all aspects of the planning, installation, operation, displacement and maintenance of data, telecommunications, radio systems, and computer systems.

Communications Chief- Assist the communications officer in developing the communications plan and supervise communications units to determine equipment and operational readiness, thereby supervising the installation, operation and maintenance of communications facilities.

Radio Chief- Supervise the installation and operation of fixed and field radio systems, microwave systems, and satellite communications systems.

Logistics Officer- Plan, coordinate, execute and/or supervise the execution of all logistics functions and the six functional areas of tactical logistics: supply, maintenance, transportation, general engineering, health services, and services.

Logistics Chief- Coordinate, plan, conduct and supervise logistics, embarkation, and landing support operations.

Motor Transportation Chief- Supervise the maintenance, repair, and inspection of motor transport equipment, direct the activities or assigned enlisted personnel in a motor transportation maintenance repair shop or facility as well as conducts motor vehicle accident/mishap investigations and prepares accident/mishap investigation reports.

Supply Officer- Supervise and coordinate ground supply administration and operations for supply activities, units, bases, or stations, including operating forces and shore station organizations.

Supply Chief- Perform every facet of ground supply administration and operations.

Independent Duty Corpsman- Perform patient care and associated administrative and logistical duties. Perform diagnostic procedures, advanced first aid, basic life support, nursing procedures, minor surgery, basic clinical laboratory procedures, and other routine and emergency health care. Conduct and direct preventive medicine and industrial health surveillance programs.

Current notification mirrors the active duty by assigning female Marines in open MOSs (Administration, Logistics, Supply, Communications, Motor Transportation, Corpsman) to similar units in the Reserve Component:

- Tank Battalion: 31 Marine and 2 Navy positions
  - 4th Tank Bn, San Diego CA
- Artillery Battalions: 59 Marine and 12 Navy positions
  - 2nd Bn 11th Marines, Grand Prairie TX
  - 3rd Bn 11th Marines, Bristol PA
  - 5th Bn 11th Marines, Seal Beach CA
- Combat Engineer Battalion: 32 Marine and 5 Navy positions
  - 4th CEB, Baltimore MD
- Assault Amphibian Battalion: 32 Marine and 3 Navy positions
  - 4th AAV Bn, Tampa FL
- Air Naval Gunfire Liaison Company: 66 Marine and 15 Navy positions
  - 3rd ANGLICO, Bell CA
  - 4th ANGLICO, West Palm Beach FL
  - 6th ANGLICO, Concord CA



- Air Naval Gunfire Liaison Company (Active Component): 3 Navy
  - 1st ANGLICO, Camp Pendleton, CA
  - 2nd ANGLICO, Camp Lejeune, NC
  - 5th ANGLICO, Okinawa, Japan

## Legal Analysis

Title 10, U.S.C., section 652 (a)(3)(B) requires a detailed analysis of the legal implications any the proposed changes with respect to the constitutionality of the application of the Military Selective Service Act to males only. The Marine Corps proposed changes would not impact the constitutionality of the Military Selective Service Act.

The Secretary of the Navy has informed the Under Secretary for Personnel and Readiness of the Department of the Navy's intent to assign women to previously closed positions. The Department of the Navy intends to open 220 positions in open military occupational specialties (MOS) for female officers and staff noncommissioned officers, and an additional 37 positions to female Navy officers and senior petty officers (E-6/7) serving in open MOS at the battalion level in Marine Corps Reserve units. The Marine Corps Reserve units involved in this expansion are Artillery battalions, Tank battalions, Amphibious Assault battalions, Combat Engineer battalions, and Air Naval Gunfire Liaison Company (ANGLICO) Battalions. The Department of the Navy also intends to open three additional positions to female corpsmen in the ANGLICO. The ANGLICO positions to be opened are at the company level in the active component. The three ANGLICO positions were inadvertently omitted in a previous request and notification to open ANGLICO positions.

The Military Selective Service Act (Act), 50 U.S.C. App. 451 *et seq.*, requires the registration for possible military service of males but not females. The purpose of the registration is to facilitate induction and training in the Armed Forces.

In *Rostker v. Goldberg*, 453 U.S. 57 (1981), the United States Supreme Court considered the constitutionality of the male-only draft under the Act and upheld the Act. The Court held that the Act's male-only registration provisions did not violate the Fifth Amendment to the United States Constitution because women, who were excluded from combat by statute or military policy, were not similarly situated to men for the purpose of a draft or registration, and that Congress acted within its constitutional authority to raise and regulate armies and navies when it authorized the registration of men and not women. The Court stated its "most recent teachings in the field of equal protection cannot be read in isolation from its opinions giving great deference to the judgment of Congress and military commanders in dealing [with] the management of military forces and the requirements of military discipline." *Id.* at 69.

In *Rostker*, the Court recognized that the decision by Congress to exclude women from the registration requirement was not the "accidental by-product of a traditional way of thinking about females" but rather was the subject of considerable national attention and public debate, and was extensively considered by Congress in hearings, floor debates, and in committee. *Id.* at 71. The Court deferred to Congress' explanation that "[i]f mobilization were to be ordered in a wartime scenario, the primary manpower need would be for combat replacements." Additionally, the Court noted that women were not similarly situated to men for purposes of the Act because



of their exclusion from assignments to certain units whose primary mission is to engage in direct combat on the ground.

Since the *Rostker* decision, sections 8539 and 6015, of title 10, U.S.C. (prohibiting the assignment of women to aircraft engaged in combat and vessels engaged in combat, respectively) have been repealed. On January 24, 2013, the Department rescinded its 1994 Direct Ground Combat Definition and Assignment Rule, which prohibited the assignment of women to certain units and positions. The rescission of the policy did not automatically open all previously closed positions to women, but rather effectively removed the last policy barrier to the assignment of women to ground combat positions and units. In rescinding the 1994 policy, the Department established a way forward, using the guiding principles and milestones developed by the Joint Chiefs of Staff, to integrate women into all currently closed positions as expeditiously as possible, considering good order and judicious use of fiscal resources, no later than January 1, 2016. As the Department undertakes a deliberate and thoughtful review and develops detailed implementation plans, previously closed positions will open unless an exception is granted to keep an occupational specialty or position closed. Opening all positions without a deliberate and thoughtful approach could be detrimental to mission accomplishment and impede the ability of men and women to succeed in their positions.

Although these developments may alter the factual backdrop to the Court's decision in *Rostker*, it remains the case that numerous infantry and other positions remain closed to women. Moreover, the Court in *Rostker* did not consider whether other rationales underlying the statute are sufficient to limit the application of the Military Selective Service Act to men.