

Historical Perspective: Pregnancy in the Military

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A flurry of media attention recently surrounded Major General Anthony Cucolo, who commands Multi-National Division — North (Iraq). *Stars and Stripes* reported last month that Cucolo made pregnancy a violation of military law in northern Iraq shortly after he assumed command in November 2009.



MG Anthony Cucolo, commander of Task Force Marne and Command Sgt. Maj. Jesse Andrews, uncased the colors at the Multi-National Division - North transfer of authority ceremony at Contingency Operating Base Speicher, Iraq, Nov. 3. The ceremony was the official handover of the northern Iraq area of operations from the 25th Infantry Division to the 3rd Infantry Division headquarters staff.

U.S. Army photo

The ban was part of General Order No. 1, which also barred U.S. troops and civilians attached to the military from consuming alcohol and possessing pornography. It did not ban sex.

Cucolo said he instituted the ban to prevent the loss of valuable female Soldiers, since troops who become pregnant are sent home.

Cucolo explained in a now widely disseminated statement sent to the troops under his command, “I need every Soldier I’ve got, especially since we are facing a drawdown of forces during our mission. Anyone who leaves this fight earlier than the expected 12-month deployment creates a burden on their teammates...Anyone who leaves this fight early because they made a personal choice that changed their medical status -- or contributes to doing that to another -- is not in keeping with a key element of our ethos.”

Stars and Stripes explained “that though any violation of the ban, which applies only to those under Cucolo, could theoretically be punished by court-martial and jail time, he said disciplinary actions are being handled at a lower level.”

As of December 22, *Stars and Stripes* reported that seven U.S. Soldiers, including three men, had already been punished under the new rule.

The four Soldiers who became pregnant, as well as two male Soldiers, were given letters of reprimand that would not remain a part of the permanent military file.

The third male Soldier, a married noncommissioned officer who impregnated a subordinate who was not his wife, was also charged with fraternization and given a permanent letter of reprimand.

One of the female Soldiers declined to say who impregnated her and the unit “let it drop,” Cucolo said, adding that he had no plans to further investigate paternity.

“I’m in a war zone,” he said. “I don’t have time for that.”

Stars and Stripes also reported that Cucolo said he discussed the ban with his commanders, including a female battalion commander and a command sergeant major, and all agreed “wholeheartedly.” The unit had experienced a number of pregnancies prior to its deployment, he said.

“I can’t tell you how valuable my female Soldiers are,” Cucolo said. “They fly helicopters. They run satellites. They’re mechanics. They’re medics. Some of the best intelligence analysts I have happen to be female. You start losing them when you’re facing a drawdown, and you really hurt the unit.”

Cucolo said the order had been vetted by his legal advisers. The inspector general for Iraq, Col. David Thompson, said the order was legal, according to *Stars and Stripes*.

No other units in Iraq had similar rules on pregnancy, military officials said. A spokesman for U.S. forces in Afghanistan said there was no pregnancy ban there.

MG Cucolo’s order might have been more contentious at home than in Iraq.

Stars and Stripes reported four U.S. senators asked Army Secretary John McHugh to rescind Cucolo’s policy regarding pregnancy, saying it “defies comprehension.”

The request came from Sens. Barbara Boxer, Barbara Mikulski, Jeanne Shaheen and Kirsten Gillibrand.

An equally appalled Terry O’Neill, President, National Organization for Women, said on *NBC Nightly News*, “It’s a dumb move. You don’t punish women for becoming pregnant... Those policies are wrong. They are demeaning to women. They are very dangerous.”

To this, MG Cucolo replied, “I got it. Here’s the deal. I am the one responsible and accountable. The National Organization for Women is not. Critics are not. I have to accomplish a very complex mission.”

Cucolo clarified though, that “I have not ever considered court martial for this. I do not ever see myself putting a Soldier in jail for this.”

ABC's *World News with Diane Sawyer* reported support for MG Cucolo even from women currently serving. "The women in my unit wholeheartedly support this," said one blog post. "We are tired of being lumped in with the women who are not taking proper care to not become nondeployable."

The show reported that one former female Soldier said pregnancy used to be a "get-out-of-jail-free card" only available to women, so, in her view, this policy actually made women and men more equal.

Cucolo's controversial policy was eventually rescinded under an order from the top U.S. commander in Iraq, General Raymond Odierno, when Odierno drafted a broad new policy for the U.S. forces in Iraq that took effect 1 January 2010. The new general order issued by General Odierno, which followed a full review of existing orders, consolidates and replaces several general orders from United States commanders across Iraq. Odierno's order does not include a pregnancy provision, according to the Associated Press.

The issue of what to do about pregnancy amongst female Soldiers is not new, and can be traced back easily to World War II.

When manpower shortages during that conflict necessitated the use of women, Congress established the Women's Army Auxiliary Corps (WAAC) with Public Law 554 on 14 May 1942. This allowed women to serve "with," not "in," the Army. The Center of Military History's *The Women's Army Corps, 1945-1978* reports that under auxiliary status, a woman, married or single, who became pregnant was promptly separated from the service and given an honorable discharge.

The WAAC gave way to the Women's Army Corps (WAC) in 1943. This made women a part of the Army as opposed to an auxiliary thereof. According to *The Women's Army Corps, 1945-1978* "When the Corps became part of the Army, the War Department found it had no authority to discharge personnel for pregnancy." The Legislation for the traditional all-male Army provided many grounds for discharge-minority, dependency or hardship, bad conduct, mental disability, medical disability, unfitness, and inaptitude, as well as expiration of time in service (ETS). None of these reasons in a traditional interpretation covered pregnancy. The Army, however, resolved the problem by including pregnancy as a cause for a medical discharge.

So, members of the WAC who became pregnant could be legally discharged. *The Women's Army Corps, 1945-1978* explains that "If a woman became pregnant overseas, she was evacuated by air to the United States. If birth occurred before a woman could be discharged for medical disability, she was discharged on the grounds of dependency of a minor child. If the child were stillborn, the woman was discharged for 'the convenience of the government.' An illegal abortion, however, resulted in a dishonorable discharge for bad conduct."

Congress passed The Women's Armed Service Integration Act (WASIA) in 1948. The purpose of WASIA was to determine the status of women in the post-WWII Armed Forces and how they would be accepted. A provision of WASIA stated that women would be "automatically

discharged upon pregnancy or if they acquired children under 18 years of age by either marriage or adoption.”

According to the U.S. Army Women's Museum, it was not until 9 April 1971 that women had the option of remaining in the service during pregnancy and after. As of that date, Army regulations permitted WAC to request waivers for retention on active duty if married or pregnant. Then, on 30 June 1975, the Secretary of Defense directed elimination of involuntary discharge of military women because of pregnancy and parenthood.

This meant pregnant women remained in service unless they asked to get out (whereas with the 1971 change in policy, pregnant women could ask to stay in).

Women can now remain in the service after giving birth, adopting, or becoming a step parent by marriage, although as stated previously, pregnant women leave the war zone. Both male and female sole parents must sign a statement regarding deployment provisions or a dependent care plan.

Major General Anthony Cucolo's recent edict is the just the latest example of the military's varied historic responses to pregnancy.