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## Commentary and Reply

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# *Commentary and Reply*

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## National Service

### **To the Editor:**

The call for compulsory universal national service by Carol Armistead Grigsby in the Winter 2008-09 issue of *Parameters* is flawed because it ignores constitutional and legal constraints and a number of other arguments against it.

Article I, Section 8 of the Constitution authorizes the Congress “to raise and support armies,” “to provide and maintain a Navy,” and to take other military measures to defend the United States. The Supreme Court ruled in 1918 that those provisions further authorized the Congress to institute military conscription. Nowhere in the Constitution or court decisions is there the authority to impose a draft for any other reason.

The 13th Amendment, which came into force in 1865 to prevent a revival of slavery, precludes “involuntary servitude” except as punishment for crime or, the Supreme Court ruled in 1918, military service. Government compulsion for national service would certainly be challenged under this amendment.

Another challenge to compulsory national service would be its application to women. The Supreme Court ruled in 1981 that the revival of draft registration would not include women because they could not serve in combat under laws and regulations at that time. Whether military conscription or mandatory national service could be imposed on women is surely open to question.

Beyond the constitutional and legal issues are several contemporary questions. From all reports, a majority of senior Army officers, many of whom have led soldiers in both the drafted Army and the later volunteer Army, prefer volunteers. The Vice Chief of Staff of the Army, General Peter Chiarelli, told the Association of the United States Army winter symposium in February: “Preserving the all-volunteer force must be a national priority.”

Earlier, in 2008, as the Army marked the 35th anniversary of the end of the Vietnam draft and the beginning of the volunteer force, Lieutenant General Michael D. Rochelle, the Deputy Chief of Staff for Personnel, told the Army News Service: “This all-volunteer force is the envy of every single free society around the globe. I cannot tell you the number of visitors I’ve had from European nations, nations elsewhere, who simply come and ask, ‘How do you do it?’ Well, part of that answer of why we are able to do it (is soldiers) who raised their right hands. Millennial-generation young men and women do have a sense of duty; they have a sense of service beyond themselves, and they want to know that they are making a difference. Every young person who enters our force today makes a difference. Whether they are serving on the frontlines or they are serving administratively or in the medical profession or someplace else, they are making a difference.”

Ms. Grigsby asserts that 18 months of national service “could change the way individuals view their responsibilities as citizens, create stronger ties across divisions of class and culture, and instill a deeper understanding of the sacrifices required in the defense of the nation.” If the experience of the Korean and Vietnam War generations is any measure, the draft could instead create a cohort of sullen, angry young people forced into service. Since the Revolution, Americans have always done better at tasks for which they volunteered than those into which they were coerced.

National service, on the face of it, would be unfair no matter how it might be organized. The young man who spends his days cleaning bedpans and sweeping floors in a hospital in Kansas City in no way takes the risks of the young woman medic who trains in Alaska in the winter and the California desert in the summer, not to say who deploys to Afghanistan.

Finally, a philosophical question. Compulsory national service is intended to instill patriotism in young Americans. That ignores the danger that one ruling party in Washington would seek to inculcate young people with its partisan ideology—as would another party when it came to power. Given the low esteem in which the government is held today, Americans most likely would be reluctant to have politicians, bureaucrats, or drill sergeants teach their sons and daughters much beyond how to fill out forms or to get a good sight picture down the barrel of their rifles. Patriotism is the realm of parents, teachers, civic leaders, and even, despite the separation of church and state, of religious leaders.

The debate over compulsory service has erupted repeatedly since the early days of the Republic. Near the end of the War of 1812, Secretary of War James Monroe proposed a military draft. On 14 December 1814, Daniel Webster of Massachusetts rose in the House of Representatives to thunder, “Who will show me any constitutional injunction which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous government may require it?” In the peroration that has become the classic denunciation of conscription, Webster rumbled on: “The question is nothing less than whether the most essential rights of personal liberty shall be surrendered and despotism embraced in its worst form.”

Richard Halloran  
Honolulu, Hawaii

### **The Author Replies:**

Mr. Halloran correctly notes that compulsory national service has been a topic of energetic debate off and on throughout our history, and he well represents a number of the key arguments that have been leveled against the concept. I do not claim to be a constitutional or legal scholar and will defer to the courts should

mandatory national service ever move far enough through our political system to reach them for decision. I would refer those who care to pursue the other side of the legal argument, however, to Charles Moskos, who addressed this set of concerns thoroughly 20 years ago and concluded that national service would meet the constitutional test.

I observed in my article that our current military leadership largely favors continuation of an all-volunteer military, a view shared by most civilians, though, I would argue, for different reasons. Therefore, I do not believe reinstatement of the military draft is politically realistic at this time. Nor do I claim an equivalency between those who empty bedpans and those who fight on the frontlines. My argument was, rather, that the chasm in understanding between America's civilian and military worlds might be narrowed—not closed—if all our young people participated in some form of national service. I further argued that knowing they were to undertake some form of service might make young people more willing to take the extra step of volunteering for the military, especially if the additional inducements of doing so made it worth the additional risk and prospect of sacrifice.

The philosophical issue of patriotism is a tricky one. Love of country is certainly best instilled in our schools, families, and communities; still, the resulting sentiment is often fairly shallow, and certainly, for most, untested. The Korea and Vietnam experiences notwithstanding, I would find it hard to concur that our soldiers in World War II did not perform well because they were drafted. Ultimately, when our country has demanded its citizens' military service, it has not done so in order to make them feel more patriotic; rather, it has done so because the government has determined their services are needed. To put it simply, freedom is not free. The question is whether too many of us have forgotten this fundamental notion.

Carol Armistead Grigsby

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### ***Commentary & Reply Submissions***

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