

**Testimony before the National Commission on Military, National, and Public Service  
February 21, 2019 | Washington, DC**

**Universal Service Hearing: Should Service be Mandatory?**

**Mandatory Universal National Service: A Dystopian Vision for a Free Society  
Delivered by Doug Bandow<sup>1</sup>**

---

Introduction

Service is good and should be encouraged. Few Americans would disagree. Indeed, service has been in Americans' DNA from the beginning of their nation. In his classic *Democracy in America*, the visiting Frenchman Alexis de Tocqueville commented on the proclivity of the new country's citizens to organize. The resulting vibrant civil society was very different from the enervating monarchies and aristocracies which still dominated Europe.

This service was voluntary and decentralized. It was not organized or directed, and certainly not mandated, by government. Many communities had loose requirements for militia duty and a national military draft was imposed, and vigorously resisted by many, in both North and South during the Civil War. However, compelling people to help one another would have been alien to the philosophy underlying America's creation. Again, de Tocqueville: in America citizens' "chief business ... is to remain their own masters." Requiring a man to help protect the nation was the essence of citizenship. Making men and women "do good" to those around them was very different. A moral positive and perhaps even duty, it nevertheless was not something appropriately enforced by government.

Americans' enthusiasm for service has not waned. But support for compulsion has increased. That matches the growing role of government over the last century and more. Hence support for making service, however defined, mandatory for American young people. However, mandatory universal national service fails essential philosophical and practical tests.

---

<sup>1</sup> Doug Bandow is a Senior Fellow at the Cato Institute and a columnist for the American Conservative online. He served as a Special Assistant to President Ronald Reagan. During that time he worked with the Military Manpower Task Force, responsible for assessing the performance of the All-Volunteer Force and recommending policies to improve manpower recruitment and retention. He is widely published and the author of several books, including *Human Resources and Defense Manpower* (National Defense University), *Foreign Follies: America's New Global Empire* (Xulon), *The Politics of Plunder: Misgovernment in Washington* (Transaction), and *Beyond Good Intentions: A Biblical View of Politics* (Crossway). He received his B.S. in Economics from Florida State University and his J.D. from Stanford University.

## A Century of Proposals

National service long has been a favorite utopian scheme. The concept of "service" is difficult to fault, but most advocates imagine "service" to be of the form and provided in the manner that they prefer. The fount of modern national service thought dates back more than a century, ironically to time very different from our own, when many people viewed militarism and imperialism as positive goods. President Teddy Roosevelt epitomized this age. Still venerated today by many, he was an unabashed imperialist and persistent advocate of taking America into war in Asia, Europe, and Latin America.

The first celebrated proposal for a form of "national service" occurred in 1888 with the publication of lawyer and journalist Edward Bellamy's *Looking Backward*, which envisioned compulsory service for men and women between the ages of 21 and 45. In its time the book was outsold only by *Uncle Tom's Cabin* and *Ben-Hur: A Tale of the Christ* and was translated into 20 different languages. Some 165 Bellamy clubs were started to push the author's egalitarian utopia.

Some two decades later philosopher William James wrote of the need for a "moral equivalent of war," in which all young men would be required to work for the country. He argued that "the martial virtues, although originally gained by the race through war, are absolute and permanent human goods," and that national service provided a method for instilling those same values in peacetime. "Our gilded youths would be drafted off," he wrote, "to get the childishness knocked out of them, and to come back into society with healthier sympathies and soberer ideas."

Anachronistic though James' specific vision may be today, his rhetoric became the touchstone for national service advocates: In succeeding decades a host of philosophers, policy analysts, and politicians proffered their own proposals for the "moral equivalent of war." The so-called preparedness movement pressed for mandatory military training and service before the onset of World War I, during which the military draft was instituted. Radical Randolph Bourne urged forcing young men and women to provide two years of service before the age of 20. Universal military training received wide endorsement after World War II and Congress reimposed military conscription after only a one-year peace-time interregnum. Defense Secretary Robert McNamara advocated tying civilian service to the draft in the early 1960s. Sociologist Margaret Mead advocated a universal program that "would replace for girls, even more than for boys, marriage as the route away from the parental home."

Proposals continued fast and furious. Don Eberly of the National Service Secretariat spent years pressing for a service program, while publicly sidestepping the question of whether it should be mandatory. Charles Moskos of Northwestern University pushed a civilian adjunct to the draft before the creation of the All-Volunteer Force in 1973 and thereafter retained a preference for civilian conscription, admitting that "if I could have a magic wand I would be for a compulsory system." In later years tennis great Arthur Ashe and former Colonel and later *Newsweek* columnist David Hackworth and later *Newsweek* columnist advocated national service. Senators as diverse as Ted Kennedy, Sam Nunn, Claiborne Pell, and John McCain favored compulsion.

Former Sen. Harris Wofford, who later served as CEO of the Corporation for National and Community Service, was a fan of national service proposals of most any sort. His heart appeared to lie with mandatory universal national service. He served as cochairman of the of the Committee for the Study of National Service, a project of the Potomac Institute. Declared the Committee report in 1979:

International comparisons also fire some American imaginations. Millions of young people serve social needs in China as a routine part of growing up, many [are] commanded to leave the crowded cities and to assist in the countryside. Castro fought illiteracy and mosquitoes in Cuba with units of youth. Interesting combinations of education, work, and service to society are a part of the experience of youth in Israel, Jamaica, Nigeria, Tanzania, and other nations. The civic spirit being imbued in youth elsewhere in the world leaves some Americans wondering and worrying about Saturday-night-fever, unemployment, the new narcissism, and other afflictions of American youth.

Although seeing Mao's Red Guards as a model for America appears dated at best, later advocates retained the broader vision. They envisioned national service as a means to provide job training and jobs, encourage social equality, promote tolerance and civic-mindedness, expand access to college, encourage patriotism, and address ubiquitous "unmet social needs."

The practical outcome of all these efforts was government-supported service that was neither national nor mandatory—and sometimes not clearly "service." The New Deal and Great Society yielded the Civilian Conservation Corps, Peace Corps, and ACTION. The former was a job of last resort for many unemployed, the second often yielded a pleasant and interesting experience without undue sacrifice, and the third turned into a form of political activism for many. More recently came the push from the Democratic Leadership Council, to which Arkansas Gov. Bill Clinton belonged, for a Citizens Corps of 800,000 or more people for civilian service; the ensuing Clinton Administration successfully pushed into existence more limited initiatives: the Corporation for National and Community Service and AmeriCorps.

Yet the president sold his proposal as much on the basis of pragmatism as idealism, federal support for a collection of useful government and private work: "We'll ask you to help our police forces across the nation, training members for a new police corps, that will walk beats and work with neighborhoods and build the kind of community ties that will prevent crime from happening the first place; we'll ask young people to work to help control pollution and recycle waste, to paint darkened buildings and clean up neighborhoods, to work with senior citizens and combat homelessness and help children in trouble." All of these tasks sounded useful, but all of them, other than, perhaps, painting darkened buildings, already were being performed by someone somewhere.

Unsurprisingly, these initiatives failed to satisfy activists who continued to press for a universal, mandatory program.

## Bad Arguments for Mandatory Universal National Service

Many claims are advanced on behalf of a compulsory national program. None are persuasive. The philosophical claims tend toward the collectivist, conflicting with principles underlying American history back to the Revolution. The practical assumptions run against the experience of large government programs irrespective of their idealized objectives.

**Today's problems are unique requiring a unique remedy.** Advocates of MUNS typically view selfishness as ascendant and public spiritedness in retreat. In particular, America's young people are said to have lost their sense of civic-mindedness. Indeed, contended the Democratic Leadership Council three decades ago, we live in a "prevailing climate of moral indolence," where "such venerable civic virtues as duty and self-sacrifice and compassion toward one's less fortunate neighbors are seldom invoked." The Potomac Institute even pointed to the disco era, symbolized by the movie Saturday Night Fever.

Much can and has been written about the state of American values today. But are we really worse off than during the Gilded Age or the Roaring 20s? What of the tumultuous 1960s, filled with an unpopular war, violent protest, and racial strife? Throughout American history, it seems, youthful radicals in their maturity decried the views and behaviors of the rising generation of youthful radicals. However, such sentiments offer dubious justification for dramatic and draconian policies, so at variance with the founding ethos to which generations of Americans have felt bound. Just as one should not exaggerate America's virtues, one also should be careful demonizing those who are now entering adulthood and facing the many challenges which inevitably result.

**Government-mandated service is an effective tool for soul-molding, to turn out virtuous citizens and create a moral society.** Much is expected of national service, which long ago became a universal panacea for some, seen as capable of solving a range of society's ills. Most important is the belief that such a program would magically transform selfishness into selflessness. For instance, former Gen. Stanley McChrystal cited the martial virtues, as James put it, in advancing a large-scale though not mandatory universal program: "At this scale of one full quarter of an age cohort, serving together to solve public problems will build attachment to community and country, understanding among people who might otherwise be skeptical of one another and a new generation of leaders who can get things done. I saw these effects for 34 years in the U.S. Army. We need them in civilian life."

McChrystal's time in the military came after abolition of the draft, when men and women joined voluntarily, a process of self-selection unlike what is envisioned under MUNS. The volunteer military's numbers pale in comparison to what a mandatory universal program would entail: last year the armed services inducted 171,000 new recruits. In contrast, MUNS would incorporate the roughly four million young people turn 18 every year, a 23-fold difference. Contrast America's mass conscript army during World War II. It brought diverse people into contact with one another, but its impact varied greatly on the individuals it affected. Moreover, nothing in the civilian world replicates the crucible of war.

Mass civilian conscription—a program likely to look to those compelled to serve more political, less essential, and more hypocritical than wartime military service—would be even less likely to generate the positive values desired. The spectacle of the comfortable and privileged old preaching sacrifice to the unsettled and skeptical young probably would generate far more cynicism than idealism. The long-term breakdown in family and community has made it more difficult to inculcate and incubate important moral and social values. However, there is little reason to believe that government, especially through a compulsory mass “service” program, is capable of doing better, especially if many young “servers” found themselves filling roles mundane at best and painful at worst. Despite the exalted rhetoric which characterizes MUNS literature, much of the work involved in any such program likely would be akin to shelving books in a library and handling paperwork for a social service agency; performing such tasks under threat of fine or prison should not be expected to transform lives for the good.

**National Service would address “unmet social needs.”** Mandatory universal national service often is sold as a twofer: making people better and providing essential services. The literature on national service is voluminous, with advocates routinely calculating exact numbers of tasks to be done. For instance, past proponents of national service tossed around figures ranging up to 5.3 million as to the number of jobs that “needed to be done.” According to one study, for instance, libraries across America required 200,000 people; education needed six times as many.

But such numbers are meaningless. As long as human wants are unlimited and cost is no object, the number of unfilled "needs," social or otherwise, is infinite. Labor, however, is not a free resource. Thus, it simply isn't worthwhile for society to satisfy all "unmet" needs. One benefit of the market process is balancing benefits and costs, thereby enabling people to make tradeoffs. Wages help people assess which activities warrant undertaking. National service would make such tradeoffs political, treating some jobs as sacrosanct, while most others not.

Indeed, at the risk of sounding too much like a professional economist, which I am not, the crux of this issue is opportunity costs. Requiring young people to "paint darkened buildings," as suggested by President Bill Clinton, or perform other proposed "services" requires forgoing whatever else could be done with people's time and taxpayers' money. McChrystal said he wanted to “unleash the energy of our young people to tutor and mentor students in low-performing schools; support the elderly so they age with dignity; help communities respond to disasters; assist veterans reintegrating into their hometowns; and perform a thousand different tasks of value to our country.” But who decides, and by what standard measures, “tasks of value to our country”? No one with even a passing familiarity with Washington should imagine that the labor of four million young people—or, if service was two years, eight million at any one time—would be distributed objectively and dispassionately with regard to the economic and social, as opposed to the political, benefits to be achieved.

**Government service is inherently better than private service.** "Public service" has a nice ring to it, but service comes in many forms. Being paid by the government to shelve books in a library, whether as a normal employee or as an AmeriCorps member, is no more laudable or valuable than being paid to stock shelves in a private book store. A host of private sector jobs

provide enormous public benefits—consider health care professionals, medical and scientific researchers, business entrepreneurs and inventors, and artists. Many of these people work much harder and earn much less than they could in alternative work; they have chosen to “serve” in their own way. Yet MUNS would effectively denigrate service through private employment.

Nor is there any reason to believe, a priori, that a dollar going to MUNS would yield more benefits than an additional dollar spent on medical research, technological innovation, or any number of other private and public purposes. Being a civilian “service” conscript would not necessarily generate more social benefits than working for a private charity or hospital. Indeed, a mandatory universal program would delay the entry of millions of people into the workforce every year, losing the benefit of their labor for the rest of us. Thus, the opportunity cost of diverting young people into extraneous educational pursuits and dubious social projects would be high.

What of essential needs which only government can address? MUNS would be like using a blunderbuss to hit a fly. Narrowly targeted responses to particularly important human needs would remain the most effective answer. That is, it would be better to find a way to attract several hundred or thousand people to, say, help care for the terminally ill, whether through public or private agencies, than to lump that task with teaching, painting buildings, cleaning bedpans, clearing undergrowth, and a plethora of other jobs performed by a cast of untrained millions.

Nor are local organizations likely to efficiently use a massive influx of “free” labor from the federal government. Many tasks not performed today are not viewed as worth the cost. If the price of labor falls to zero that will change. A similar problem is evident in federal grant programs which allow states to use national money for local projects. Observed David Luberoff, of Harvard’s John F. Kennedy School of Government: “One of the lessons of the interstate project is that in general ... if you don’t require that states put up a reasonable amount of the cost, you run the risk of building stuff that is probably not that cost-effective.”

**Mandatory, universal national service would supplement existing private efforts.** Americans have worked in their communities since the nation’s founding and opportunities for similar kinds of service today abound. Businesses, churches, and schools all actively help organize service by staff, members, and students. A number of years ago *Newsweek* reported that “many of the old stereotypes are gone. Forget the garden club: today working women are more likely than housewives to give time to good works, and many organizations are creating night and weekend programs for the busy schedules of dual-paycheck couples. Men, too, are volunteering almost as often as women.”

Much more could be done, of course. But what makes service in America so vital is that it is decentralized, privately organized, centered around perceived needs, and an outgrowth of people’s sense of duty and compassion. Perhaps the best standard by which to judge any federal service program is whether it is consistent with this vision of volunteer service.

Proposals for MUNS, and certainly anything a la Bellamy and James, obviously are not. In fact, the explicit goal of advocates of mandatory programs was (and remains) to create a duty

to the state rather than the direct beneficiaries of service. Moreover, service is to fit into a larger social plan implemented and enforced by government.

More limited initiatives have exhibited the problem. Today's programs have essentially turned service into a government job. Undoubtedly, most volunteers believe in what they are doing. But other than the surrounding rhetoric, this work does not differ markedly from being hired by another government agency to do the same tasks. Some participants have privately admitted that they see national service as a good job option, not a unique opportunity to help the community. Indeed, President Clinton's campaign pitch for his proposal appealed to self-interest, most notably the opportunity to earn money towards college tuition. There was nothing wrong with joining for the money, but the result was rather less noble than had been presented.

Moreover, AmeriCorps demonstrated its public sector bias when 2,800 of the first 20,000 AmeriCorps participants were assigned to federal agencies. For instance, the Department of the Interior used AmeriCorps workers to "update geological and hydrological information for the U.S. Geological Survey" and restore wetlands and wildlife habitat. This was perfectly respectable work, but more resembled traditional government employment than "service." Such activities seemed unlikely to turn people into selfless patriots or transform those around them.

One also wonders how MUNS would affect the independent sector. Either government would have to establish massive new agencies to employ millions of servers, create a new class of government contractors, further bloating Washington's Beltway Bandit population, or effectively take over and expand existing NGOs, turning them into de facto government contractors. In fact, today some aid groups get the bulk of their money and food from the federal government, in practice making them something different than their designation as non-governmental organizations. This could not help but transform volunteer organizations.

Even if the Corporation eschewed the natural temptation to meddle with NGOs, recipient behavior likely would change. If bypassed, private social service agencies would be eclipsed by new government behemoths. However, a program offering such groups the free services of millions of young people would create a massive honey pot, attracting the profit-minded and encouraging the worst sort of political infighting. Moreover, local and state officials would demand that "their" groups receive a "fair" share of the benefits. Congressmen would press to enrich their districts, interest groups would lobby to twist MUNS programs to their own benefit, and labor unions would mobilize to protect their members from competition. Organizations formally dedicated to helping others would become lobbyists for creating a new class of indentured servants: in Germany private social service organizations, which benefited from providing "alternative" service to those opting out of the military, argued against proposals to end military conscription.

As the campaign for national service gained momentum during the Clinton years, David King of the Ohio-West Virginia YMCA warned: "The national service movement and the National Corporation are not about encouraging volunteering or community service. The national service movement is about institutionalizing federal funding for national and community service. It is about changing the language and understanding of service to eliminate the words 'volunteer'

and 'community service' and in their place implant the idea that service is something paid for by the government."

There is much in American history to give credence to such fears. The history of the welfare state is the history of public enterprise pushing out private organization. The impact was largely unintentional, but natural—indeed, inevitable. Increased taxes left individuals with less money to give; government's assumption of responsibility for providing services reduced individuals' perceived obligation to help their neighbors; and the availability of public programs gave recipients an alternative to private assistance, one which set fewer and less intrusive conditions. MUNS likely would further teach that the duty of giving, the job of organizing giving (deciding who is worthy to receive government grants and, indirectly, private groups' services), and the obligation to fund giving, belongs to government.

What would service mean under such circumstances? Compassion once meant to "suffer with." Over time it came to mean writing a check. Now it seems to be equated, at least in Washington, with making someone else write a check. MUNS would turn it into making someone else "serve."

**Mandatory universal national service would complement military recruitment.** The U.S. army has been having difficulty meeting its recruiting targets. Interest in serving has waned: some 40 percent of young people admit they don't consider the military as an option. Moreover, many young people amassed poor scholastic records, consumed drugs, are out of shape, have criminal records, or are otherwise ineligible to join; the Pentagon figures fewer than a third of 17- to 24-year-olds, the prime recruiting pool, are eligible to join. Now, at least, the Pentagon has a unique claim to the service of America's young. It can concentrate its resources on attracting the necessary new recruits—by adding recruiters, increasing compensation, revamping its message, or some other means.

Creating a mandatory civilian would generate massive competing demand for young people, likely diverting high quality recruits away from the armed forces. Establishing a vast civilian program would eliminate the military's unique role in providing a service opportunity to the patriotic young. Indeed, Washington would effectively be treating civilian and military service as equivalent, even though, say, cleaning up parks can never compare with battling insurgents in Iraq.

Moreover, those primarily attracted to the military to raise money for college would gain a less challenging alternative. Around the time of AmeriCorps' creation a majority of potential military recruits said they would consider civilian service rather than the armed forces as a means to gain educational assistance. Thomas Byrne of the Association of the U.S. Army declared: "We don't want high-caliber people who might otherwise join the army off planting trees instead." Unfortunately, conflating military and civilian service would make the military's job much more difficult.

Some foreign governments which mix military and civilian service sought to increase the relative attractiveness of the armed services by offering shorter military terms. A number of

national service proposals in America would do the same. However, this practice runs against military effectiveness, increasing turnover. Three decades ago the Pentagon's personnel chief Grant Green warned that even more limited national service legislation could "reduce recruit quality, increase training costs and adversely affect the productivity of military personnel."

Similarly, the Pentagon officially responded to one national service bill: "Because of the large influx of 2-year enlistments, the training base (and associated costs) would have to expand markedly. In addition, unit training workloads, personnel turbulence, and attrition experienced in active and Reserve operational units would all increase. Minimum overseas tour lengths would need to be cut, sharply increasing permanent change of station costs. The combined effect of these factors would drive sharp accession and end strength increases, disrupt unit cohesion, weaken esprit and morale, reduce individual proficiency and compromise unit readiness."

Indeed, America's volunteer military is much better motivated than its conscript predecessor because all those serving want to be there. Having a force dedicated to staying in rather than getting out affects individual motivation, unit cohesion, education and training, reenlistment rates, NCO numbers, and much more. Career officers almost uniformly prefer to lead a military of volunteers than of conscripts for this reason. All told, MUNS likely would result in a less effective military.

**National service can be fairly and efficiently enforced.** A program with four or eight million people, spending billions of dollars, working with scores or hundreds of agencies, NGOs, local and state governments, and more, and possessing a highly political agenda is unlikely to be nimble, efficient, streamlined, and flexible. Federal employment practices and program administration for existing social service agencies generally receive poor reviews. There is no reason to assume that a new universal national program, which would have to decide what jobs with whom counted as "service," match millions of participants with openings, evaluate the performance of servers, and manage the inevitable conflicts and problems, as well as force angry, recalcitrant youth to participate, would be any better. In fact, far worse seems much more likely.

Just as military conscription has been presented as a mechanism to lower defense costs, some advocates of civilian programs contend that compulsory service would save money by lowering salaries for those performing essential services. However, conscription for any purpose shifts rather than reduces expenses. The military draft always operated as an arbitrary tax, abrogating free choice and cutting compensation that recruits otherwise would demand. A mandatory civilian program would do the same. One could save similar amounts by lowering salaries of postal employees, conscripting janitors for federal agencies, or instructing automakers to equip the government's transportation fleet at cut-rate prices.

Moreover, MUNS would generate evasion efforts similar to those under military conscription. Government officials presented the military draft as a matter of national security, even survival, but many young men were not convinced that they were morally obligated to fight and possibly die in Vietnam. An entire industry arose dedicated to enabling young men to escape their legal duty. Some faked injuries, others found jobs that exempted them from the draft. A

number went underground or fled. Would-be recruits were aided by sympathetic outsiders, such as doctors who certified nonexistent debilitating injuries.

Many men who reported for duty nevertheless resisted while “serving”—doing little work, ignoring or resisting orders, refusing educational and training opportunities, and showing disdain for their supervisors, service, and even country. The military could not discharge malcontents, since that would act as a reward; rather, the armed services were forced to accommodate the discontented to their detriment. Advocates of mandatory universal national service might dress their program in glowing rhetoric and imagine civilian conscripts sharing their enthusiasm for doing good, but a substantial number of the four million men and women turning 18 every year likely would think otherwise.

And then, what to do when “servers” refuse to report for duty? How to deal with chronic malingers, who call in sick, show up late, and more? What if participants consciously, even ostentatiously, do their job badly? To ignore such conduct, relying only on pride and shame for enforcement, would simultaneously undermine the value of service and weaken the legal requirement. But is jail appropriate for someone who would prefer not to spend a year or two cleaning bedpans or managing parkland? Government could rely on financial incentives—say denying college support or other government benefits for those who don’t serve—but that would be effectively reviving the Civil War practice of allowing conscripts to buy their way out of their legal duty. Those of means would effectively be exempt from service requirements, while those of limited means would feel pressure to conform.

To the extent that compulsory universal service succeeded, it almost inevitably would duplicate some jobs already performed in the private and public sectors, and likely at lower cost, assuming compensation for “volunteers” was lower than for “employees.” This prospect led the Clinton administration to promise no job displacement from its volunteer program. However, this is almost impossible in practice. A school district receiving a “free” contingent of teachers and teachers’ aides likely would reduce its independent hiring, no matter what it claimed to Washington. To prevent this from happening the government would have to treat as off-limits for millions of MUNS participants the most worthwhile tasks, those which the public or private sectors already are providing or supporting.

**Compulsory national service is fair, legal, constitutional, and achievable.** However, the program might be sold, in practice it would raise a host of fundamental, even debilitating practical and legal issues. How to treat religious work, for instance? Faith-based charities pervade the independent sector. Would they be barred from participating? What of political, social, and sexual lobbies? Say Planned Parenthood? The latter, as well as the activist Gray Panthers and controversial left-wing lobby ACORN, were early beneficiaries of AmeriCorps projects. In many cases educational or medical aid would be overshadowed by political activism.

The Comprehensive Employment and Training Act, or CETA, by which the national government funded local jobs, gained a notorious reputation as political pork for congressmen and local officials alike. For instance, in Chicago the long-ruling Daley political machine required CETA applicants to get referrals from ward committeemen. In Washington, D.C.,

almost half of city council staffers ended up on CETA rolls. The program's failings were so bad that it became one of the few programs ever terminated by Congress.

An even more important question is the constitutionality of a mandatory universal program. The 13<sup>th</sup> Amendment was passed to eliminate slavery, but its reach is broader: "Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Mandatory universal national service, at least if legally required and backed by civil or criminal penalties, would fit the definition of involuntary servitude.

In 1918 the Supreme Court upheld military conscription from a challenge under the 13<sup>th</sup> Amendment, but that decision was almost preordained: it took place during a war in which U.S. draftees were then in combat, in a period when protection of civil liberties was at a historical low and exaltation of the executive was at a disturbing high, and when the Supreme Court took an essentially servile attitude toward the other branches of government. Moreover, in the *Selective Draft Law Cases* the justices declared that "the highest duty of the citizen is to bear arms at the call of the nation" and "reflects the custom of nations." The court unsurprisingly ruled that the authority to raise armies and exercise other warpowers "includes the power to compel military service."

None of these arguments apply to civilian service. First, there is no related, explicit constitutional authority. Second, by the high court's own ruling any civilian citizenship obligations trail military duties. Third, mass civilian "service" would not be performed for "the nation," but rather for people and institutions at the behest of the national government. The difference is subtle but critical. Military service is directed and managed by the state for the benefit of the state. Similar is mandatory jury service, another practice that goes to the essence of state sovereignty. Requiring someone to engage in any number of civilian tasks to benefit others, however worthwhile, is very different. It is difficult to imagine such a program surviving judicial scrutiny, else the 13<sup>th</sup> Amendment would be a dead letter.

**Mandatory universal national service would eliminate young people's sense of entitlement.** Why should middle-class young people expect taxpayer aid to attend university, it has been asked? To eliminate this "entitlement mentality," some MUNS advocates would tie school aid to service (and make loss of such assistance the principal consequence of refusing to join). Yet a compulsory government program of this sort would reinforce the idea that students have a right to a taxpayer-paid education.

This would merely move the entitlement one step back. Students seeking college aid would be entitled to a not-too-challenging public "service" job with a salary and educational grant. For instance, among the tasks funded by the Corporation for National and Community Service: informing people about the availability of FEMA Service Centers, maintaining vehicles, surveying residents about recreational interests, cutting vegetation, and changing light bulbs in dilapidated schools. In contrast, consider the sort of tasks envisioned by William James: young laborers would be sent off "to coal and iron mines, to freight trains, to fishing fleets in December," and much more.

The real solution to the entitlement mentality is to rethink who deserves an educational subsidy and how it should be provided. Indeed, abundant federal educational assistance, especially loans, has made it harder for students to afford college by fueling tuition hikes. The schools know they can raise their prices because students can afford to pay more, and thus are the ultimate beneficiaries of most “student” aid. Of course, America should address the entitlement mentality of those well out of university as well, who have come to expect their own "entitlements," which presently are driving federal expenditures rapidly upward.

**Genuine “service” can be compulsory and national.** Service is good. But what is service? It usually is thought to involve some measure of self-sacrifice for the benefit of others. To whom is service owed and provided? Government programs ultimately assume that citizens are responsible not to each other, but to the state. MUNS proposals suggest that as a price for being born in the United States one "owes" a year or two of one's life to Washington. Irrespective of the rhetoric surrounding mandatory universal national service, this approach puts private lives at the disposal of government. However, while Washington can mandate that young people fill particular positions, it cannot force them to compassionately serve.

What America desperately needs is a renewed commitment to individual service. People, in community with one another, should help meet the many needs of those around them. They should be encouraged to do so—by a renewed service ethos, not a new compulsory system.

Leaders throughout society, ranging from lawmakers to clerics to philanthropists to corporate executives, should emphasize that the initial and principal responsibility to help those in need lies with individuals, families, and communities, not government. These leaders should highlight the great needs around us and promote a more traditional sense of compassion, one that emphasizes personal commitment—volunteering both money and time as well as exercising careful stewardship of resources when doing so. Compassion should be understood to reflect an act of community, not discharge of a legal duty, choosing to know, understand, and suffer with those in need.

Moreover, advocates of service should lead by example and encourage an upsurge in participation from the grassroots. People of all ages, not just the young, should be challenged and encouraged, not threatened and penalized. Increased voluntarism should be part-time and full-time; it should take place within families, churches, and civic and community groups. Service should occur through charitable institutions and profit-making ventures. There should be no predetermined definition of service, pattern of appropriate involvement, assumed set of "needs" to be met or tasks to be fulfilled, and certainly no de facto monopoly for Washington. America's strength is its combination of humanitarian impulses, private associations, and dramatic diversity. Americans need service, not national service, and certainly not mandatory universal national service.

The most obvious role for government: officials should commit themselves to a strategy of "first, do no harm." Policymakers should confront public programs which discourage personal independence and responsibility, disrupt families and communities, inhibit employment and education, and hinder opportunities for and efforts by people and groups to respond to problems

around them. When government acts, it should train personnel to meet the most serious challenges, rather than submerge such tasks in an omnibus program dragooning millions of untrained youth to paint darkened buildings, plant young trees, and do whatever else strikes an influential politicians' fancy.

#### Conclusion

Mandatory universal national service is a solution in search of a problem. People serving people benefits everyone. Aiding others ennoble the giver and enriches the recipient. However, the essential core of service is voluntariness, that fact that it is an outgrowth of human compassion, not legal compulsion. Mandatory universal national service would conflict with deeply held American values, violate the Constitution, create an administrative nightmare, and undermine its own objective of creating a more caring America. Such an approach is a bad idea whose time has not come.