



★ UF LEGAL SCHOLAR DIANE MAZUR LOOKS AT HOW SOCIAL CHANGE HAS IMPACTED THE MILITARY ★
BY MATTHEW WALKER

As a child, Diane Mazur was fascinated by the contents of her father's Army foot locker. The green bucket helmet, medals, uniforms and other memorabilia of wars long over drew her in and fascinated her.

"My father always spoke in a very complimentary way about his military experience — how important it was to him," recalls Mazur as she sits in her office at UF's Levin College of Law.

Mazur never forgot about that foot locker as she followed a circuitous route — including a five-year stint as an Air Force maintenance officer on B-52 bombers — to her current role as one of the nation's leading military legal scholars.

But she has learned along the way that Americans' relationship with their military has changed in profound ways since World War II.

Mazur argues in her new book — *A More Perfect Military: How the Constitution Can Make our Military Stronger* — that U.S. Supreme Court decisions during and after the Vietnam War and the end of the draft have led to a military that is less and less like the citizens of the country it defends.

Mazur says the book is "mostly about what's happened to the military and our relationship to the military over the last 30 or 35 years since the draft ended."

Over those three decades civilian society and the military seem to have grown increasingly estranged, she says, with civilians having little to say about the military for fear of criticism or from a lack of familiarity.

"A major problem we have today as a society is that we very much approve of the military — we almost worship it — yet we're also very distant from it in a very odd way," Mazur says.






While not many people lamented the draft's end in 1973, Mazur says the move to an all-volunteer military has had unintended consequences.

"A draft circulates a more diverse range of citizens — privileged and less privileged, liberal and conservative — through the experience of military service," she says. "When we ended the draft in the 1970s, we didn't think about what could happen if the military was no longer as representative of civilian society."

Mazur says that within 20 years of ending the draft the military's all-volunteer force was already becoming less ideologically diverse and more distant from civilian society.

In her book, Mazur cites a study conducted by the Triangle Institute for Security Studies — a consortium of university experts in defense and military affairs based at Duke University — that looked at whether a civil-military gap actually exists.

The Project on the Gap between the Military and Civilian Society used information from a diverse survey of three sectors of society — military officers, influential civilian leaders, and regular people drawn from civilian society as a whole.

A vertical strip of the American flag, showing the red and white stripes, runs down the left side of the page. The rest of the page is white.

“ The military doesn’t need to be different from America in order to be effective. The more it reflects our constitutional values of equality, the stronger it will be. ”

– DIANE MAZUR

The results of the study revealed that since the draft ended, members of the military had generally become more socially conservative, identified more often as Republicans, and viewed themselves as being morally superior to those in civilian society.

“In an all-volunteer military, the process of self-selection tends to perpetuate and increase difference and distance from the civilian world,” Mazur says.

Mazur also points to research that disproves the notion that an all-volunteer military is always better qualified. She cites a 2002 Army Research Institute report that concluded that “in a draft era, draftees actually have lower rates of desertion than soldiers who volunteer, and the reason was that draftees tended on average to be of higher quality.”

She notes that another book, *The Draft: 1940-1973*, which has been considered a “definitive account of the draft,” reported that draftees during the Vietnam era were “better behaved and superior in education, intelligence, and maturity in comparison to volunteers.”

In addition to the end of the draft, Mazur says three Supreme Court opinions written by Justice William Rehnquist

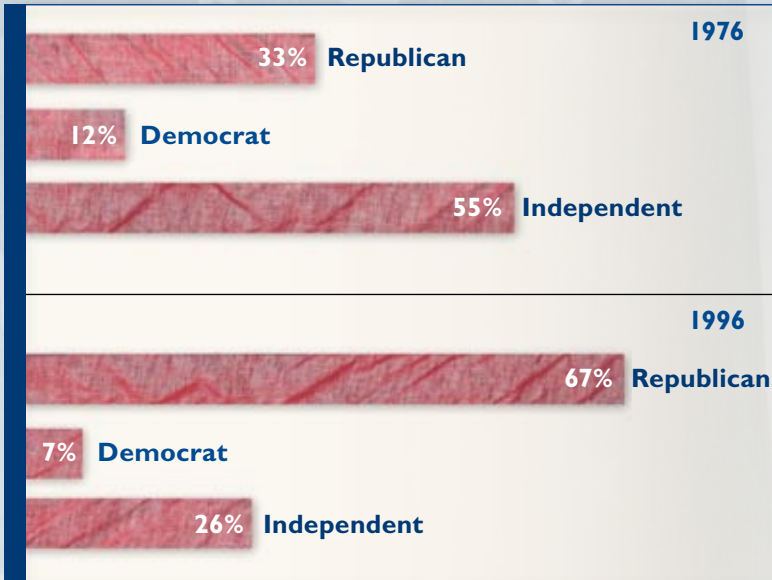
helped to establish that the Constitution does not have to apply to the military in the same way it does to the civilian world.

In an op-ed that ran in newspapers around the country in 2004, Mazur argued that “the court discarded a legal tradition going back to the Civil War by which the military was expected to share the same constitutional values as the rest of us.”

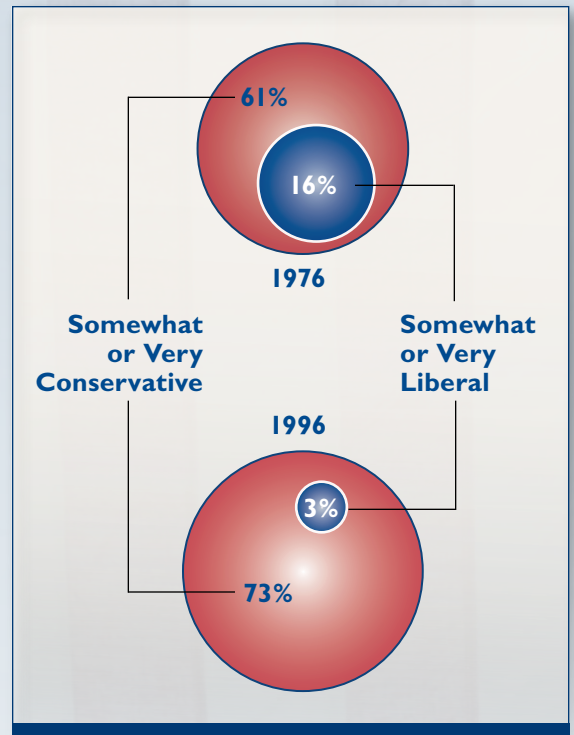
She says that in a series of cases from 1974 to 1986, Rehnquist created a new legal doctrine holding that courts should defer to executive or congressional choices on military matters. One case upheld Congress’ power to bar women from registering for any future draft, while another upheld the Air Force’s punishment of an Orthodox Jew for wearing a yarmulke indoors while in uniform.

“Military decisions no longer needed to be justified, or even explained, Rehnquist ruled, because the military was ‘a society apart’ from America,” Mazur wrote in her op-ed. “The military was better than America, so it was exempt from the constitutional strictures that limit abuses of power in every other part of government.”

Mazur wrote that these cases “increased the distance between civilians and military people. The military



POLITICAL PARTY AFFILIATION OF "UP AND COMING" MILITARY LEADERS



IDEOLOGICAL SELF-IDENTIFICATION OF "UP AND COMING" MILITARY LEADERS

increasingly viewed itself as separate, distant, morally superior and exempt from constitutional expectations of equality.”

In a review of Mazur’s book, Richard H. Kohn, a history professor at the University of North Carolina at Chapel Hill and former chief of Air Force History, says Mazur “advances an unpleasant but incontestable truth: that the courts (the Supreme Court in particular) have abandoned their duty to exercise judicial authority over the armed services as required by the Constitution of the United States. Judges and justices, political and military leaders, and above all the American people, ignore the warnings in this towering work of scholarship — the most important book on civil-military relations in a decade — at their peril.”

Another argument Mazur advances in the book is that young people who don’t feel like they fit the military’s political or cultural image are going to be less likely to enlist.

The result, she says, is that “a thinner and thinner slice of America is taking on the obligation of our defense.”

Mazur acknowledges that many would object to the resumption of a draft, but she believes it would lead to a stronger military and healthier civil-military relations in the U.S.

It would also encourage more dialogue about military issues, she says.

People are often reluctant to share their opinions about military issues if they haven’t served in the armed forces themselves, or had someone close to them serve in some capacity, Mazur says.

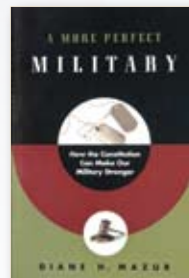
“Actively engaging in a dialogue about military issues has come to be synonymous with criticizing the military,” she says. “We’ve come to see it as unpatriotic in some way, and actually I see it as the opposite.”

Much of the dialogue in recent years has been about the “don’t ask, don’t tell” policy regarding gays in the military — an issue about which Mazur has become a go-to source for journalists seeking an expert to sort out the legal implications and explain the latest developments on the policy.

In collaboration with colleagues at the Palm Center of the University of California, Mazur has contributed significant scholarship about the military and gay rights.

According to a 2009 paper to which Mazur contributed, “Evidence shows consistently that after gay men and lesbians are allowed to serve openly in the armed forces, military readiness will not be compromised. The data have been produced by a wide range of scholars at the Army Research Institute, the RAND Corporation, the Defense Personnel Security Research Center, and a large number of universities.”

After the policy was set on the road to repeal late in 2010, Mazur said, “The military doesn’t need to be different from America in order to be effective. The more it reflects our constitutional values of equality, the stronger it will be.”



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