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# A SURVEY AND ANALYSIS OF SERVICEMEN'S UNIONS

BY

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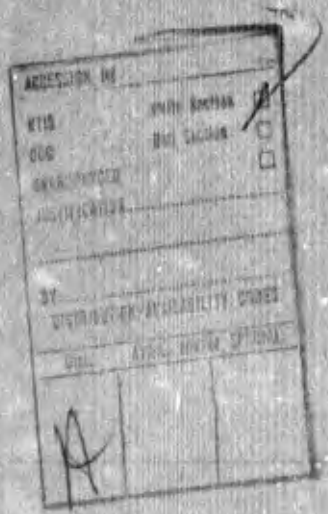

USAWC MILITARY RESEARCH PROGRAM PAPER

# A SURVEY AND ANALYSIS OF SERVICEMEN'S UNIONS

INDIVIDUAL RESEARCH PROJECT

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ABSTRACT

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Active servicemen's unions have been established in a number of West European countries. The purpose of this individual research effort is to assemble data, identify the literature and determine conditions and trends relevant to the military union movement, and to provide a foundation upon which to build when the inevitable question of military unionization in the US is seriously addressed. The American labor movement has succeeded in organizing private industry and federal, state and local government employees in spite of active resistance and strong misgivings by management. The major remaining candidate is the armed forces. Like their erstwhile counterparts in industry and government, traditional thinking military leaders tend to take a strongly negative view of servicemen's unions. This paper reviews opinions held by military management, union management and union members or potential members. It then identifies and evaluates the major advantages and disadvantages of a US servicemen's union.

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CHAPTER 1

# INTRODUCTION

The impending unionization of an enterprise is often viewed with apprehension and alarm by organizational management and corporate leaders. The very idea of unionization is sometimes thought of as disloyal. Nevertheless, the fact exists that labor unions have met with increasing success in many fields and have gathered the support of Federal and state governments and a large segment of the population. Traditionally, management's view of labor organizations has largely been one of distrust, disgust, and fear. Management knows well where the union efforts begin but no one knows where it will end. The approach of this research paper is to review the impact of servicemen's unions on the Northern European countries where such unions are operating and to analyze any similar trends within the United States Army. Very little data has been collected in this area so that the systematic assembling of articles from current literature and actual interview data from officials experienced in dealing with military unions will be a significant step in assisting top DOD management when and if the problem of US military unionization intensifies.

There were three phases in the data collection effort. First, in Washington, DC, interviews were conducted with the Office of the Secretary of Defense (OSD) and the Department of the Army (DA) study offices to obtain base-line data on the state of information collected by US military management in the field of servicemen's unions. Also

in Washington, Colonel Theo Brouwer, Military Attache from the Netherlands,[1] Colonel Polle S. Sørensen, Military Attache from Denmark,[2] and Colonel Busso von Alvensleben, Military Attache from the Republic of Germany,[3] were interviewed on their knowledge and experience with military unionism in their respective countries.

The second phase required on-site interviews with primary sources in Northern European countries in which servicemen's unions are currently operating. In Denmark and Germany, Ministry of Defense Staff, Union Staff, and union members were interviewed and data were collected. Requests to interview Dutch officials were denied and only the US Army Attache and the US Labor Attache were interviewed in the Hague. The research questions included in the interviews were:

1. What factors in the host country environment led to establishment of a military union?

2. What would be the advantages and disadvantages of a military labor union to a military member? To a military manager?

3. What limitations should be imposed upon a military labor union? According to military management? According to union management? According to the public?

4. What is the history of the military trade union in the host country?

5. What is the internal organization of the military trade union and its relationship to military management?

6. What are the socio-economic conditions or trends during which military unions are most likely to grow in strength?

The research methodology selected for this effort attempts to identify knowledgeable sources and obtain meaningful and sincere opinions on this subject, then apply them to the environment of the United States. Such differences as political systems, union traditionalism, socialist philosophies, and the draft-free military were taken into account. Of particular value is research question #6. From this question it was hoped to identify warning signals which would herald increased union activity and demands, thus forewarning US defense staffs of periods of military union growth.

Chapter II describes the history of the labor movement in the private and industrial sector of the United States. The detail in this history permits identification of the successes and failures labor has met during economic fluctuations.

Chapter III addresses the progress of unionization in the public sector beginning with the executive orders permitting organization among Federal employees then tracing the unionization of state, county, and municipal employees in a number of states in the late 1960's.

Chapter IV provides up-to-date information on those attempts to unionize the US military, beginning with the military movement, leading to the American Servicemen's Union, the Union of Military Physicians, and AFGE's goals to organize servicemen in 1976.

The remaining chapters review the state of unionization in a number of European countries with emphasis on Denmark, Germany, and Holland. The final chapter lists the conclusions and comments by the author.

## CHAPTER I

### FOOTNOTES

1. Interview with Theo Brouwer, Colonel, Royal Dutch Army, Military Attache to the United States, Embassy of the Netherlands, 4200 Linnean Avenue, NW, Washington, DC, Telephone: (202) 244-5300, 8 April 1975.

2. Interview with Busso von Alvensleben, Colonel, German Army, Military Attache to the United States, Embassy of the Federal Republic of Germany, 4645 Reservoir Road, NW, Washington, DC, Telephone: (202) 331-3000, 25 April 1975.

3. Interview with Palle S. Sørensen, Colonel, Royal Danish Air Force, Defense and Armed Forces Attache, Embassy of Denmark, 3200 Whitehaven Street, NW, Washington, DC 20008, Telephone: (202) 265-1100, 25 April 1975.

4. Interview with David A. Richards, Colonel, US Army Attache to the Netherlands, US Embassy, Lange Voorhout #102, The Hague, Netherlands and Guido Fenzi, Labor Attache, US Embassy, The Hague, 16 May 1975.

## CHAPTER II

## HISTORY OF THE UNITED STATES LABOR MOVEMENT

### PRIOR TO 1935--THE NATIONAL LABOR RELATIONS (WAGNER) ACT

The history of unionism within the United States can be traced back to pre-Revolutionary times, when the printers, cobblers, and carpenters organized to form labor craft unions and benevolent societies. One of the first cases of economic pressure was the Philadelphia Cobbler's Guild which successfully won a rate increase in 1763. Although these early groups did not have the characteristics of modern labor unions, they did bring the workers together to devise solutions to mutual problems. These craft unions were primarily local in nature and did not have the support of all members of the trade. Nevertheless, growth at the local level continued to progress until an effort was made in 1834 to federate local unions into a national trade union organization.[1]

The development of industrial America can best be understood by comprehending the philosophy held by many toward free enterprise and government control. The term used to describe this philosophy is *laissez-faire*, which is the doctrine that economic life should go on with as little interference as possible from the government.[2] The well-known economist, Adam Smith, insisted that, if left alone, each individual would employ his talents and his capital in a way most advantageous to himself. His efforts might be wholly selfish, but if each individual concerned himself with the thing which he could do

the best, without interference, the final result would be the best for society. Charles Darwin's Origin of Species presented the theory of "survival of the fittest." In the struggle for existence, those best equipped are most likely to survive or succeed. In nineteenth century America, the doctrine of laissez-faire was paramount among those who controlled politics and business. The lack of labor legislation and controls demonstrated this fact during this period of US history. Such a point of view was strengthened by the pioneer individualism of the frontier people who demanded utmost freedom in enterprise.

One of the first major pieces of legislative control was directed towards the management of large firms and is still used effectively. The Sherman Act (the Antitrust Act) of 1890 had the purpose of assisting in development of an economy in which the market is the effective instrument of social control.[3] Today, after nearly three quarters of a century under this act, it is apparent that the Sherman Act has been construed differently in different periods, and there is still uncertainty about its application in some types of cases. One judge has said, "In connection with the Sherman Act, it is delusive to treat opinion written by different judges at different times as pieces of a jig-saw puzzle which can be, by effort, fitted correctly into a single pattern."[4]

Early government regulation of railroad rates (Interstate Commerce Act of 1887, and the Hepburn Act of 1906) prevented the railroads from passing higher wages on to the consumer. In this predicament, both labor and railroad management resorted to mediation. An act

providing for voluntary railroad mediation was passed during President Cleveland's administration in 1888 to be superseded by the Erdman Act of 1898, the Newlands Act of 1913, and other subsequent legislation.

Although real wages changed very slightly from 1900-1914, many modern conveniences made life easier. A new interst in human welfare was displayed by a series of legislative moves. In 1913, the Department of Labor was established by law. In 1914, the Clayton Antitrust Act exempted labor unions from prosecution as conspiracies in restraint of trade. Samuel Gompers hailed this statute as the "Magna Carta" of labor; however, his enthusiasm was ill founded.[5] The La Follette Seaman's Act of 1915 attempted to improve conditions for American sailors and was principally the work of Andrew Furuseth, President of the Seaman's Union, who finally won a lifelong battle, and with the help of Samuel Gompers and Senator La Follette, won better working conditions for the American merchant marine.

The railroad mediation attempts mentioned earlier met with little success and finally the US Congress passed the Adamson Act of 1916 providing a basic 8-hour day for railroad labor engaged in interstate traffic.

During this period, labor had been pushing politically for favorable legislation and had submitted a "Bill of Grievances" in 1906. The American Federation of Labor (AF of L) had submitted this document to the President and to the Congress. It voiced most of the traditional demands labor has been making since the Civil War and sponsored various general measures being promoted by progressives across the country. Congress ignored this expression of labor's needs and the AF of L

entered actively into the political campaign of 1906. In 1919, Labor's "Bill of Rights" was drawn up but achieved relatively little for labor.

Labor's antagonism to judicial regulation of labor disputes was focused on the labor injunction. This is easily understandable. In the first place, the injunction was the most effective of all remedies against labor. Damage suits and criminal prosecutions operate slowly and with uncertain results, but injunctive relief could come quickly and immediately throttle labor's efforts. And second, the abuses or excesses in the use of the labor injunction by the courts were sometimes enormous. The use of the instrument was poorly regulated by the conventional restraints upon errant or excessive judicial action.

The injunction is an equitable remedy and is normally issuable upon a showing that irreparable damage is threatened for which the remedies at law (that is, nonequitable remedies) are inadequate. The writs of injunction are of three types:[6]

> o The temporary restraining order of injunction ad interim, which in ordinary course is issued ex parte, without notice or hearing;
>
> o The temporary injunction or injunction pendente lite, issued after an opportunity to be heard;
>
> o The permanent injunction, based on a full hearing and enforcing the final decision on its merits. Hearings on motions to continue or dissolve a restraining order or temporary injunction are intervening stages in this process.[7]

Violation of an injunction subjects the violator to punishment for contempt of court, which traditionally has been without jury trial, though after the Clayton Act jury trial existed under certain defined conditions.

The opportunity for error or excess in the issuance of injunctions was great. Restraining orders occasionally were issued without hearing. Sometimes they were issued on the basis of vague and ambiguous complaints. The injunctions themselves were often exceedingly broad.

The Norris-LaGuardia Act of 1932 achieved for labor what it had failed to obtain through the injunction provision of the Clayton Act. It prohibited issuance of restraining orders or injunctions in any US court except in "strict conformity" with provisions of the act. It declared it to be the public policy of the United States that labor should have full freedom of self-organization without "interference, restraint, or coercion" by employers. It declared that yellow-dog contracts (see glossary) would be unenforceable in US courts and should not afford any basis for granting any legal or equitable relief in such courts.

In the Department of Labor, a bureau, the United States Employment Service, was created by the National Employment Service (Wagner-Peyser) Act of 1933. Its purpose was to establish a national employment system to cooperate with the states in setting up government employment agencies. Such agencies had been taken for granted in Europe but it took a major depression to bring them into existence here.

The National Industrial Recovery Act of 1933 (NIRA) included child labor reform, a minimum wage, and a public works program but was declared unconstitutional by the Supreme Court in 1935.

Fortunately for labor, the Supreme Court decision which ended the stormy career of the NIRA did not involve the labor provisions of the act. Shortly after the law was declared unconstitutional, Congress reenacted the labor provisions in the National Labor Relations Act (July, 1935). The new act sought to promote equality of bargaining powers between employers and employees and to diminish the causes of labor disputes. The stated national policy was to foster collective bargaining as a means of promoting union-management relations. Employees were guaranteed the right to organize and employers were required to bargain on certain subjects.

Specifically, it forbade employers (1) to interfere with, restrain, or coerce employees in their right to collective bargaining, (2) to refuse to bargain collectively, and (3) to dominate or interfere with the formation or administration of a labor organization or to interfere with membership in a labor union by discrimination with regard to hire or tenure. To enforce the act, a National Labor Relations Board was established. Unlike the NIRA, which was a temporary measure, the NLRA was passed as a permanent act. If enforced, it was bound to be extremely significant. It not only encouraged labor organization, but it made collective bargaining compulsory upon the employer, and by its wording seemed to doom the company union.

Although the National Labor Relations Act and other legislation gave encouragement and protection to organized labor, real progress in organization and improvement in the condition of labor depended on other factors. In the first place was the good fortune of winning back middle-class sympathy and approval. This sympathy which had been largely lost in the twenties was regained in the thirties. The depression opened the eyes of the general public to the sufferings and handicaps endured by labor and to the need of greater protection.

The NLRA could never be effective without a sincere desire on the part of the Administration to enforce the act. The desire unquestionably existed. The President appointed to the NLRB able and conscientious men, who performed an extremely difficult task and enforced the law effectively. Nevertheless, both the act itself and the Board were denounced by employers as unfair and biased. Employers criticized the act on the ground that they could not themselves start preceedings before the Board and that they were forbidden even to talk with their own employees about labor organizations. Likewise the AF of L attacked the NLRB as being biased in favor of industrial unionism and the CIO (Congress of Industrial Organizations). The President, however, supported the Board and managed to checkmate Congress from passing legislation that would have destroyed its usefulness. That the Board itself worked diligently, and, in some view, successfully, may be seen from the fact that during its first five years it handled over 20,000 complaints.[8]

The Walsh-Healy Government Contracts Act of 1936 was a preliminary to a general wages and hours act known as the Fair Labor Standards

Act of 1938. This legislation applied to all labor engaged in interstate commerce or production of goods for interstate commerce. Working hours were set at 44 per week for the first year, 42 for the second and 40 thereafter.

There are three main divisions of the Fair Labor Standards Act, namely, (1) minimum-wage standards, (2) maximum-hours regulation, both of which come under the Wage and Hour Division of the Department of Labor, and (3) the child-labor provisions that come under the Chief of the Children's Bureau in the Department of Labor.

The sequence of events which led to the National Labor Relations Act were truly the foundation of the labor movement in America and led the nation from a major depression. The New Deal, which Franklin Delano Roosevelt included in his election platform, provided a philosophy and direction to the legislation of this period. Granted that most of the legislation was of an emergency nature to deal with the depression, in fact, the newly elected President called Congress into special session immediately after his inauguration in order to pass relief legislation. The objectives of the New Deal's labor legislation were:

1. Relief of the unemployment situation
2. Improvement in wages and a decrease in hours in the low-paid sweated industries
3. The abolition of child labor
4. Security against unemployment and old age
5. The right of labor to help itself through government recognition of collective bargaining.[9]

## LABOR REGULATION FROM WORLD WAR II

John L. Lewis characterized the national sentiment shortly after the attack on Pearl Harbor. "When the nation is attacked," Lewis declared, "every American must rally to its defense. All other considerations become insignificant . . ."[10] This fervor of patriotism was not to last long, however, and the war years were spotted with modest labor unrest and strikes. Contributing to the resolution of these problems and basic to the whole wartime program affecting industrial relations was the representation of labor on the National War Labor Board. This was the agency charged not only with the settlement of disputes between workers and management but with general control over wages and hours. The authority given to the War Labor Board meant in effect that a wartime suspension of the normal process of collective bargaining was begun. Labor gave up its right to strike and the Board had the right to make binding decisions when labor and management could not agree.

One such case was the United Mine Workers (UMW) under John L. Lewis who insisted upon a $2.00 a day increase for 530,000 miners. Lewis refused to participate in Board hearings and although bound not to strike in wartime Lewis declared that "the miners were unwilling to trespass upon the property of the coal operators in the absence of a contract." Roosevelt gave orders for government seizure of the mines and appealed for the miners to return to work. Lewis's domineering tactics led to passage of the War Labor Disputes (Smith-Connally) Act of 1943 over the President's veto. This bill provided

statutory authority for the War Labor Board, permitted government take-over of any plant or industry where a halt in production threatened the war effort and prohibited all union contributions to political campaign funds. Direct union involvement in politics which had been so successfully wielded by Sam Gompers was finally at an end because of the public resentment of the UMW actions.

Although this legislation seems to have had little immediate effect, it was significant in showing the strong anti-union feeling in Congress and the growing strength of the anti-union group. It was a portent of more such legislation in the reactionary postwar years. The attempt to restrict union participation in politics by forbidding financial contributions showed that anti-union politicians feared for their own power and were trying to protect it. Incidentally, the act demonstrated that labor could have its liberties reduced as well as strengthened by government.

In spite of this restrictive legislation, labor made the most of the war. Union membership increased fifty percent, from 1939 to 1945 with total enrollment exceeding 14,000,000. But industry management was concerned that the aggressive militant spirit among rank and file union workers was a threat to management controls and gave its full backing to curbing union strength and power, efforts which resulted in the Taft-Hartley Act of 1947.

The history of labor in the two years immediately following World War II closely resembled the same period after the First World War. Economic activity continued at a high level, unions held their numerical strength. At the same time, the number of strikes increased as

labor attempted to bring wages in line with the higher cost of living, as in 1919 and 1920, so the years 1946 and 1947 were years of strikes and labor conflicts.

The decade of favorable labor legislation which ended in the War Labor Disputes Act of 1943 was not to continue. The 1943 act gave clear indication of future policies. Congress passed the Lea Act of 1946 forbidding the "feather-bedding" practices of the Musicians Union. Also, the Hobbs Anti-Racketeering Act of 1946 curbed certain activities of the Unions.

The result of this agitation was the Labor Management Relations Act of 1947 (Taft-Hartly Act) which impacted significantly on the former National Labor Relations Act. The earlier legislation had provided that certain acts of employers interfering with the workers' right to join unions and bargain collectively were unfair and that workers might appeal to the National Labor Relations Board against employers who violated them. These provisions were largely retained, but in addition, the new Taft-Hartley Act forbade certain "unfair" labor practices against which employers, workers, and even other workers might appeal to a new NLRB set up by the act.

These prohibitions were many. (1) No one may interfere with the right of a person not to join a union. (2) A union may not discriminate against a worker or influence the employer to discharge him because he is not a union member. (3) A union may not refuse to bargain collectively. (4) "Feather-bedding," that is, the attempt to compel an employer to pay for services not actually performed, is made an unfair practice. (5) The act also declares

it to be an unfair labor practice for a union having a contract to strike without giving a 60-day notice before the expiration of the contract of a desire to change the agreement and bargain with the employer. If no agreement is reached with the employer within 30 days after the notice is sent, the union must notify the NLRB. It is illegal to strike until 60 days after the notice is sent to the employer.[11]

Labor unions publicly denounced the Taft-Hartley Act as a "slave labor law." No part of the Taft-Hartley Act was a greater blow to labor than the revival, and even encouragement, of the use of the injunction in labor disputes. Labor has fought against the injunction for a half century. The Clayton Anti-Trust Act has tried to limit its use and the Norris Laguardia Act had forbidden it except under unusual circumstances. The new act not only revived the use of the injunction under certain limited conditions, but it made suits for damages by either unions or employers much easier in the federal courts. Unions may be sued for violations of contract or for damages resulting from a secondary boycott. In these suits, a union is bound by the acts of its agents. The courts, however, cannot fine individual members, only the union as a body.

Other portions of the Act are important. The employer may not deduct union dues from workers' pay (check-off system) unless each individual gives written permission. The employer may, however, deduct payments to union welfare funds but on condition that new contracts provide for equal representation of labor and management in administration of the fund. The Act forbids the use of union

funds in any election for federal office. It also forbids strikes by government employees.

Advocates of the Taft-Hartley Act insisted that it was merely an effort to restore bargaining equality and to end abuses recognized as harmful both to labor itself and to the public. Labor asserted that it had nullified essential rights won by a century of struggle and had reduced labor to a status of "slavery." In the heat of conflict, both sides exaggerated. The Act went much further than eliminating abuses and restoring equality; it definitely reduced labor to an inferior legal position than before. Labor lost hard-won rights, but it was hardly reduced to slavery. Truman's veto message seems accurately to have described the bill. It was designed, said he, to "discriminate against labor" in a "consistent pattern of inequality." It was a bill, he charged, which would surround collective bargaining with "bureaucratic procedures" and one that would promote labor management friction and "time-consuming litigation."[12]

## CHAPTER II

### FOOTNOTES

1. Selig Perlman et al, "Labour (Trade Union," Encyclopedia Brittanica, Volume XIII, p. 555.

2. Harold V. Faulkner and Burk Starr, Labor in America, Oxford Book Company, New York, 1957, p. 8.

3. Emmette S. Redford, American Government and the Economy, The Macmillan Company, New York, 1968, p. 184.

4. J. Wyzanski, United States v. United Shoe Machinery Corporation, 110 F. Supp. 295, 1953, p. 342.

5. Foster Rhea Dulles, Labor in America, Thomas Y. Crowell Company, New York, 1960, p. 203.

6. Redford, pp. 305-307.

7. Felix Frankfurter and Nathan Greene, The Labor Injunction, New York, The Macmillan Company, 1930, p. 54.

8. Faulkner, pp. 209-211.

9. Ibid., p. 200.

10. Dulles, p. 332.

11. Faulkner, pp. 233-235.

12. Ibid., p. 238.

## CHAPTER III

## UNIONIZATION IN THE PUBLIC SECTOR

We have seen how the labor movement in the United States had its birth and significant growth in the industrial sector. This growth was cyclical, dependent upon such factors as the economy, the rate of unemployment, public sympathy, and resulting enabling legislation. Only since 1962 have real steps been achieved in unionizing the public sector. The arguments used against collective bargaining by management in industry were also used by governments to resist public service unionization. The government also argued that collective bargaining with government employees:

> o violated government sovereignty. Under the concept that the sovereign can do no wrong public workers must yield to the "law of the land." To permit workers to challenge the government by alledging injustice or unfairness was unthinkable. This is similar to the concept that no individual could sue the government for damages unless the government consented.
>
> o would potentially interrupt essential services. Government employees were expected to bring to their task a dedication and devotion far exceeding those in the non-public sector. The public trusts the government to provide such essential services as police protection, national security, garbage collection, etc., without impediment. Should public workers be allowed to strike such services would be endangered.
>
> o would interfere with the budgeting process. Should public workers bring collective economic pressure against the government for higher wages, more vacation time or improved working conditions that had not been taken into account during the previous year budgeting process, the approved budget would be inadequate to provide their demands. Such an occurrance would require either reallocation of tax resources or a rise in taxes to accommodate.

> o may be inconsistent with the merit system. That the right to collective bargaining threatens the merit system or reinforces it is a matter of current debate. Some feel that organized public employees would insist on seniority solely being the criteria for promotion. Others countered that public unions would recognize management's prerogatives for placing the best qualified person in the job. Others predict that such measures as veteran's preference would be inconsistent with union demands.[1]

## THE FEDERAL GOVERNMENT

Under the traditional concept that the "Sovereign can do no wrong," the public sector which includes the Federal Government on one hand and State, County, and Municipal governments on the other, has largely ignored its labor relations problems. Solutions have been heavy-handed or even ignored until confronted by crisis conditions. In the Federal Service, The Lloyd LaFollette Act of 1912 guarantees by law the right of Government employees to join unions to petition Congress, but did not grant bargaining rights. The issue of collective bargaining by public employees reached its zenith in the decade of the 1960's. In 1961, President John F. Kennedy appointed a six member task force to study the problem of employee-management relations in the Federal service. Labor Secretary Arthur J. Goldberg, Chairman of this committee reported that, "We are yet to take advantage of . . . enlisting the creative energies of Government workers."[2] Evidence has been that in general the public employee's working conditions have not kept pace with those of their counterparts in the private sector. Thus, it was deemed improper by the Goldberg task force for the Government to fail to

extend to its own employees the same privileges enjoyed by workers in private enterprise as a result of Federal laws. Furthermore, this task force believed that responsible unions would strengthen and improve Federal service.

In January 1962, President Kennedy issued Executive Order 10988 which established the basic framework within which collective bargaining was to take place in agencies under the Executive Branch of the Federal Government. The Executive Branch includes all the Cabinet Offices, Regulatory Agencies, Office of Management and Budget, The Federal Bureau of Investigation, the Cabinet Departments such as the Department of Defense, and the Department of State with the Central Intelligence Agency.

As in the case with most bellwether directives, Executive Order 10988, although well-received, had some flaws which caused concern. Therefore, in October 1969, President Richard M. Nixon, correcting some of these basic deficiencies in Kennedy's order, issued Executive Order 11491 which became effective January 1, 1970. This order was further amended by Executive Order 11616 of August 26, 1971.[3] It is this collection of Executive Orders which permitted the organization of Federal employees' unions and dictates the current employee-management policy in the Federal sector. In part, these Executive Orders include:

1. "Each employee of the Executive Branch of the Federal Government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right."

2. This order does not apply to the Federal Bureau of Investigation (FBI), or the Central Intelligence Agency (CIA), or any other group which has as a primary function of intelligence, investigative, or security work. Guards are specifically excluded.

3. Supervisors may not participate in the management of a labor organization or act as a representative.

4. A labor organization may be granted exclusive recognition to represent if it has been selected in a secret ballot election by a majority of the employees in an appropriate unit.

5. The Federal Service Impasse Panel is established to resolve negotiation impasses using arbitration which is binding on the union, agency, and employees. (Although described as "binding" the order continues to state that such a decision can be appealed to the Federal Labor Relations Council.)

6. Check-off of union dues (i.e., collection of union dues through payroll deduction by the agency) is permitted and the Federal employee has a right to rescind such deductions every six months if he desires.

7. Strikes are not mentioned in the orders.

8. Negotiation in changes of salaries or wages are not permitted as they are established by act of Congress.[4]

9. Once recognized as an "exclusive" bargaining agent a union is granted "national consultation rights" which require the employer (Assistant Secretary of Labor for labor-management relations) to address grievances.

During the period of a relatively high level of employment in the 1960's, pressure for equal bargaining rights persisted among public employees. One reason for this is the environment in which the worker found himself. Since jobs were plentiful with unemployment down to nearly 3.4%[5] in the late 1960's, loss of jobs because of union activity was less serious. Many job alternatives were available to workers and also during such periods fewer job applicants were available from which public employers could choose. If high turnover rates and disruption of services were permitted, this would invoke the wrath of the general voting public which eventually would lead to new public employers. Conversely, during the current recession period and high unemployment, it is a poor environment from which to force employer concessions. This is also true in the State and local sector.

Since 1962, Federal employees have increasingly elected to participate in union organizing and collective bargaining. For many years, white-collar workers shunned unions as "unprofessional" but the liberalizing effect of Executive Orders 10988, 11491, and 11616 has resulted in Federal employees flocking to such organizations as the American Federation of Government Employees (AFGE), the American Foreign Service Association, and Postal Unions.

Given that many Federal employees have the right to bargain collectively, the next question is what form that bargaining or "negotiation" will take. One form of negotiation is joint discussion which can lead to resolution of disagreements and, indeed, many grievances are resolved in this manner. The next step is mediation

and fact finding if discussions fail. A neutral third party attempts to bring the two sides to common ground. If that fails, arbitration may be available and this is becoming more common in the public sector. If both sides agree to accept the decision of the arbitrator, the decision is binding. The final step is economic pressure in the form of a strike. Strikes are illegal for a Federal employee and it is considered an unfair labor practice for a union to condone a strike of Federal workers.

Regardless of anti-strike legislation, employees may resort to mass resignations, sick-ins, or bringing an agency to a near standstill by following rules and regulations to the letter, burying bureaucratic action in red tape and delay.

Since pay is not usually bargainable in the Federal sector because the Congress has the final say in setting compensation and budgets, Federal employees are left with bargaining for tours of duty, vacations, health service, working conditions, and recreation programs.

The American Federation of Government Employees[6] was organized in 1932 at its charter convention and elected David R. Glass as charter president. It was not until 1962, however, that the AFGE began to grow as a result of Executive Order 10988. AFGE now has a paid membership in excess of 325,000, representing over 675,000 Federal employees in exclusive bargaining units. Although employees of the Federal government and the District of Columbia government are forbidden to strike in accordance with 5 USC 7311 para 3 and Public Law 89-554 (Dec 6, 1966), legislation is now pending which

will authorize Federal employees to strike and permit agency shops. The Labor Management Bill, HR 13 is given little chance of passing in its present form but may pass if the strike provision is removed. The AFGE is now operating under an Executive Order and the passing of a Federal Labor Management Bill would provide the foundation for more liberal enabling legislation. The AFGE Constitution does not permit unionization of the military. Since there is no legislation prohibiting servicemen's unions in the US and Executive Order 11491 encompasses servicemen, the AFGE is now preparing a resolution to be presented to their August 1976 National Convention for a change to the AFGE constitution. AFGE could then openly recruit active-duty servicemen and officers into AFGE. Since civil service and armed service pay is linked together already, this would give AFGE a new area in which to increase membership and demonstrate its collective bargaining strength.

## STATE, COUNTY, AND MUNICIPAL GOVERNMENT

The Eighth Circuit Court of Appeals in 1969 upheld the right of public employees to join unions.[7] The court ruled unanimously that union membership is protected by the First and Fourteenth Amendments to the US Constitution, and that public officials who violate the public employee's constitutional right of association with a union are subject to court action for damages under Section 1 of the Civil Rights Act of 1871.

Since the US Supreme Court has not made a similar ruling, there is no guarantee that other states, when faced with similar issues, will

have them resolved by courts in exactly the same manner. Therefore, conflicting rules exist with many states varying widely in their view of public employee collective bargaining.

The 1960's were therefore a major period of liberalization of labor relations at the State level; however, not all States succumbed to the pressure of rights won by Federal employees. The Commonwealth of Pennsylvania and the State of Hawaii led the nation with avant-garde legislation permitting union activities by State employees. The Pennsylvania "Public Employee Relations Act" #195 of July 23, 1970 included the following privleges:

1. Public employees were granted the right to organize and choose freely their representatives.

2. Public employers were required to negotiate and bargain with employee organizations representing public employees and to enter into written agreements evidencing the result of such bargaining.

3. The Pennsylvania Labor Relations Board was established, which recognized employee representations for collective bargaining purposes and certified union organizations which receive a majority of the valid ballots cast.

4. The act provides for voluntary mediation of disputes or impasses and for binding arbitration as a final resort. Once again, however, we see that, "Decisions of the arbitrator which would require legislative enactment to be effective shall be considered advisory only."

5. Strikes are not mentioned in the act.[8]

Although strikes are not mentioned in Act 195 for the Commonwealth of Pennsylvania, the agreement between the State and the American Federation of State, County, and Municipal Employees (AFSCME) permits a strike only after exhausting a series of mediation and arbitration steps. The important point is that ultimately the strike is permitted as a legal result of the collective bargaining process. The States of Michigan and Hawaii have similar agreements and have experienced numerous strikes immediately following passages of the enabling legislation. The wave of strikes following passages of these public employee relations acts is attributed by some to the inexperience of negotiation talent on both sides. As competence in dealing with each side grows, the likelihood of issues deteriorating to a strike lessens and will most probably conform to the National average figure of 0.2 percent total time lost due to strikes.[9]

## CHAPTER III

### FOOTNOTES

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7. American Federation of State, County, and Municipal Employees V. Woodward, 406 F. (2d) 137, 1969.

8. SB 1333, Act 195, Public Employee Relations Act, The Commonwealth of Pennsylvania, July 23, 1970, p. 10.

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## CHAPTER IV

## MILITARY UNIONS IN THE UNITED STATES

In previous chapters, it has been demonstrated that the growth of unions in the United States was characterized by sequential movement first in the crafts and trades, then the private and industrial sector was followed by the Federal government and finally by state, county, and municipal governments. This growth was stimulated or retarded by economic cycles, political sentiment, and technological progress. The Executive Orders of Presidents Kennedy (E.O. #10988, January 17, 1962) and Nixon (E.O. #11491, October 1, 1969 and E.O. #11616, August 26, 1971) saw union organization and collective bargaining among Federal employees grow until in 1971 there were 3,392 exclusive bargaining units representing 1,082,587 non-postal employees.[1] These Executive Orders also permitted unionization of US military forces although at this writing there have been only several attempts.

The first US military union is the American Servicemen's Union organized by Andrew Dean Stapp in 1969. Andy Stapp was attending Pennsylvania State University when he elected to volunteer for the draft in order to organize the US Army from within. In spite of having previously burned his draft card, on May 15, 1966 he became US 52666589.[2] At first, Stapp had no overall strategy for sabotaging the Army. He concentrated on disseminating radical information to fellow GI's and rapidly disturbed the Army's sensitivities on propogandizing soldiers. His first court martial was for refusing to yield books in his foot locker. The Army won. His second court

martial was for breaking restriction. Stapp won. The Army then held a Field Board Hearing which resulted in Stapp's undesirable discharge from the US Army. This finding was subsequently reversed by court action. The American Serviceman's Union was officially founded on Christmas Day 1967 in New York City.[3] The ASU has eight basic demands:

1. The right to disobey illegal and immoral orders.
2. Racial equality.
3. Right of free political association.
4. Trial by jury of peers.
5. Election of officers by enlisted men.
6. Abolition of saluting and addressing of officers as "sir."
7. Right of GI's to collective bargaining.
8. Federal minimum wages for all enlisted men.[4]

Stapp's plan to unionize the Armed Forces faced immense difficulties: (1) the military can harass "troublemakers" in innumerable ways, including transfers to remote locations or to combat if during war-time, (2) if a GI is brought to trial, he can be charged with such catch-all crimes as "prejudicing good order and discipline," (3) although organizing a union is not against Army regulations, conspiring to organize one is, which eliminates the possibility of advertising and practically any other deliberate action to form a union, and (4) finally, black activists have shown little enthusiasm for the idea.

According to Time Magazine, the American Servicemen's Union, May 1969 had a membership of 5,000.[5] However, according to Stapp in

July 1969 ASU had 6,500 members[6] indicating a period of significant growth if the figures are accurate. Membership was easily computed since a one-time $1.00 fee made one a member. ASU maintains a listing in the New York telephone directory and a post office box in Manhatten. A telephone interview with the ASU representative indicated that with the termination of the draft and the Vietnam war the union has lost much of its militant following. The future of ASU appears dim.

Two late developments in military unionization deserve recognition. An Army surgeon in Europe has initiated a Union for Military Physicians and has a modest early following of less than one hundred.[7] Such a union is legal but against informal Army policy. It will be interesting to observe both the Army's and the AFL-CIO reaction to this development. A recent interview with the AFGE indicates that the National Executive Committee is preparing a resolution for the August 1976 AFGE Convention requesting a change to the AFGE constitution which would permit military membership. AFGE has local unions nearly everywhere the US flag flies and over 25,000 National Guard and Army Reserve dual status technicians are members. These AFGE members are covered while in civilian clothes but have no protection when on active duty in uniform. If the resolution passes it is possible the active military will have unions in less than 18 months from this writing. Legally, there are no obstacles. The AFL-CIO which has been mute on this issue so far will have to take a stand to support or ignore the AFGE move. Military civilian leadership will be more likely to condone such a military unionization than the more traditional senior military officers in the Armed Forces. Conditions

are not optimal at present; nevertheless, faced with recent "erosion" of military benefits, recomputation, loss of a day's leave,[8] etc., the time may be right for an AFGE move.

## CHAPTER IV

## FOOTNOTES

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## CHAPTER V

## DANISH MILITARY UNIONIZATION

The Kingdom of Denmark was one of the original signers of the North Atlantic Treaty and is a charter member of the United Nations.[1] As such, Denmark has maintained its defense forces with a capability to protect itself until reinforced by Allied Forces. Danish ground forces reportedly perform well compared with other NATO units; however, some reservation was expressed by non-US sources about Danish Air Force capabilities. The Navy operates only on the Baltic Sea side and seldom operates over weekends or at night.

As a country of long experience with trade and labor unions, Denmark is a leader in Northern Europe in military unionism. With the Danish labor union movement beginning with legislation in 1881 (compared with the Wagner Act of 1935 in the US), Denmark moved aggressively into military unionism after World War II. Prior to this time, in the 1930's there were only minor unions and associations. Military unions grew rapidly in the 1950's and made significant growth during the 1960's. This was due to several reasons. First, during the 1960's unemployment was below 2%. High productivity and high revenues permitted the unions to demand and receive benefits normally denied during harder times. Young people had alternatives of employment other than military service and conditions were continually improved to draw volunteers. Denmark has maintained the draft as a means of insuring that its military forces reflect a cross section of the nation. Presently the unemployment rate in Denmark

is an announced 12% (actually about 8%) so volunteers for military service are numerous and the draft has been curtailed accordingly.[2] Second, Denmark's history of labor union development, coupled with Social Democratic leadership, has resulted in a most liberal view toward the burdens brought by military unions. Within the Ministry of Defense, a separate staff provides a point of contact with the military unions. The Chief of the Cooperation Division deals with 52 different unions. This plethora of unionization includes officer's unions, nurses unions, pilots unions, unions of those with university degrees, doctors unions, NCO unions, etc. Ironically enough, there is no union for the conscripts nor does the MOD encourage one. This is understandable because all overtime or weekend duty requires premium wage payment; therefore, weekend chores, guard duty, and the like is performed for the most part by conscripts during their nine months of service. The conscripts do have a council of six, elected from their ranks, who meet with the MOD staff periodically to discuss problems but for the most part are non-militant.

There have been no strikes by military unions in spite of general and special strikes on the civilian side. Not only are military strikes not legal, but the chairmen of military unions when questioned on this point replied that it is unquestionable that the military would ever strike. Union demands are presented periodically to the Ministry of Defense and the Ministry of Finance. Both the Ministry chiefs and the union leadership are quite responsible and cooperative. This is a result of the Danish workers tradition from which the government leaders emerge. MOD began listening ernestly to military union

leaders within the past ten years. Some of the benefits obtained during this period include freedom of hair and beard style, premium pay for overtime (more than 40 hours/week), weekend or holiday duty, a union dues check-off system, union activities permitted during duty hours and union newspapers and magazines are permitted. Military officers and enlisted men may even run for and hold political office. Military pay negotiations parallel civilian pay negotiations every 1-2 years and the military receives comparable benefits which are won in the civilian sector. It is not mandatory to join the union and there are no reprisals or pressure to force individuals to join.[3]

Since all officers, including general officers, are members of military unions, the question was asked, "Why do senior officers belong, are they not in fact the same as top management?" The answer was that Danish officers had for years lived the myth that they were elite professionals and decisionmakers, but the reality of the situation was that they could make very few decisions as regulation and law pre-empted their decisionmaking prerogative. As merely unrepresented employees who were asked to subsidize the system with longer hours and eroding benefits, they felt the need for collective protection. Perhaps there is a parallel here for senior US officers.

The major advantage of the military union to top defense management is the additional chain of communication which assists the MOD staff to assess the morale and attitudes of the defense forces. No one appears to resent the extra time and energy a union requires of the MOD staff, but welcomes the necessity for better and more efficient planning, thorough staffing of decisions, and better all around

management. No fear exists that the military unions will walk away with the store. Instead, there seems to be an air of cooperation and mutual understanding to the extent that when the Minister of Finance says that there is no more money, the military unions believe him. Monthly meetings are held to maintain this level of communication. One reason a military strike is unlikely is that leadership in the military unions recognize the importance of public support and will not risk losing it by making unreasonable demands which lack public sympathy.

The disadvantages are that military unions lengthen the decision-making process since many unions must be consulted, unions will look to special interests rather than the overall good, unions are expensive, a single union member may feel unimportant and unheard, and every two years the pressure rises to increase pay.[4]

Denmark is far more socialistic than the US at the present time. Danes may pay as much as 65% of their income in taxes but enjoy free medical care and very liberal unemployment benefits. The Danish head-start in unionization and socialism indicates that there are major differences between Denmark and the US in this area; however, Denmark may have stabilized at a position of sophisticated labor-management relations and the US will have a troublesome path leading there.

## CHAPTER V

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## CHAPTER VI

## GERMAN MILITARY UNIONIZATION

It was not until the London and Paris agreements of 1954, nine years after World War II, that the Federal Republic of Germany obtained full sovereignty and was installed as a member of the North Atlantic Treaty Organization.[1] The birth of the German Army dates from March 1954 when the Bonn constitution was amended to permit re-establishment of armed forces and compulsory military service. The fear among German statesmen during this initial organization of the Army (renamed "Bundeswehr" since the old name "Wehrmacht" had disturbing connotations) was that the new Army might become politically powerful once again. The solution was to insure "civilianization" of the Armed Forces. In 1932, Adolf Hitler had outlawed all trade unions in Germany, previously on numerous occasions the German Army forcibly put down strikers. Army bayonets cut down striking workers in 1848 and broke strikes in the years that followed.[2] In 1954, this mutual distrust still lingered between unions and the military. As a result, the Bonn Constitution guaranteed union membership rights to all Germans including military members. Hence, the concept of unions for the military emerged from the very beginning of the Bundeswehr. Most traceable ties with the past had been cut. World War II was a significant gulf separating the old and new. Civilian control of the military was intent on maintaining a draft to prevent an Army of professionals and retain a national cross section in the military. Efforts at humanization were called "Innere Fuhrung" or

inner direction, a concept that the soldier must follow commands because he understands the reasons for them rather than obeying out of respect for or fear of authority.[3]

The largest union for the military is the Deutschen Bundeswehr-Verband with a membership of approximately 180,000 with headquarters in Bonn. Headed by Colonel Heinz Volland, who is elected by secret ballot, the DBwV is principally a lobbying unit which is significantly more powerful than the Association of the US Army (AUSA). Although the servicemen of Germany are not permitted to strike, pressure is brought to bear on the Ministry of Defense and Parliament and the DBwV even participates in the drafting of laws and regulations.

A true union performs three duties, it provides the power to negotiate or bargain directly with management in four areas:

o Wages, pay, salary (dollars), and benefits.

o Working hours (overtime, weekend and holiday duty, premium-time pay, vacations).

o Conditions of employment, policies, and procedures for promotion, seniority, job security, etc.

o Representation of employees in the system of industrial jurisprudence.

The DBwV does none of these, but performs a fourth function which includes public relations, political training seminars, attempts to enhance the military image, and has joined in the EUROMIL efforts to form a joint inter-European military union council of all European countries with unions. Herr Volland serves on that council.[4]

The DBwV has placed money as third priority in its services to members and country. Service to the country comes first with peace in Germany and Europe coming second. Pay and benefits come third. The union is democratic but the DBwV claims not to want a democratic Army. Herr Volland claims that the politicians and even the soldiers want a traditional autocratic Army. The DBwV operates with a hierarchical triangular structure with a DBwV elected representative in each military unit (1500), one in each kaserne (300), one representing each military area (50), and one in each military district (6) reporting finally to the Verband Committee. Soldiers can submit grievances in writing or can come to the headquarters in Bonn. In Bonn are 100 paid union administrators in four divisions: Organization, Budget and Finance, Legal and Political, and Public Relations. Members pay 3.50 DM each month making a total income of nearly 7.5 million DM each year (approximately $3.2 million US). These funds are expended for employees, facilities, travel funds, and periodical publications. No mention was made of legal expenses which constitutes a significant expenditure for true unions. DBwV maintains its independence from the German government and receives no government subsidy or contributions.

The DBwV claims to have accomplished a number of benefits for its members. For example:

o Pay for NCO's increased one level.

o Authority for NCO's to achieve commissioned rank.

o Initiated a military program to ease transition from the Army into civilian life.

A recent request by its members resulted in DBwV asking the Ministry of Defense (MOD) to conduct a study of the average number of hours each week spent by military members performing military duties. The study is not complete yet; however, it is believed that the study will show approximately 52 hours per week as an average with AAA missile units working some 70 hours per week with no overtime or premium pay. There is no doubt that this study, when published, will result in premium pay pressure, a benefit enjoyed by neighboring armies.

The right to wear individual hair styles which reached a peak in 1970 has now returned to a more traditional approach in a carefully worded regulation supported by the union. When hair is one centimeter over the collar, a haircut is prescribed and both ears must be visible. Beards are permitted which allow fitting of the protective (gas) mask.

The OTV or Gewerkschaft Offentliche Dienste, Transport und Verkehr is the German Public Services Union for transportation, public services and communication workers, and has a soldiers section headed by Herr Willi Zimmerman. Approximately 8,000 military members of all services are members of the OTV. Many of these members were previously civilian members prior to entering military service and remained as OTV members in uniform. In a union of more than one million members, a soldiers section of 8,000 is rather insignificant and there are some who believe that the OTV moved in this direction establishing the soldiers section in 1961, merely to please the Social Democratic leaders in government. Since OTV is negotiating for public service workers, in general the union cannot be expected

to take demands by such a minority very seriously or press them very vigorously. As recently as 1956, soldiers in uniform were not permitted in union meeting halls. Herr Zimmerman, who is a Colonel in the reserves, and other reservists wore their uniforms to a number of meetings and explained new union policies to the old-time members.

In 1966, a general in the Bundeswehr ordered that no one in his command could join OTV. Defense Minister K. U. von Hassel, a Christian Democrat finally yielded to labor pressure and permitted OTV to recruit in the barracks.[5] Two generals, one the Inspector General, resigned in protest.[6] Heinz Klunker, President of OTV described what the OTV would do for the soldier--first, better pay, and second, easier promotion.

The strike is one weapon in the OTV arsenal. OTV is a very responsible union which is demonstrated by the answer to the question: How can the military use the strike effectively without causing adverse public opinion? Herr Zimmerman replied, "OTV uses the strike to bring economic pressure against an employer, never the recipient of a service. Others would strike on behalf of the serviceman and he would benefit from their efforts." Even the OTV had the opinion that a strike by military members was unthinkable.

The German Ministry of Defense includes a small staff which deals with the OTV and the DBwV. Dr. (Colonel) Gummersbach revealed that union growth, initially materialistic, was now idealistic. The general impression was that the MOD did not take the unions very seriously, and in fact of the countries of Northern Europe surveyed, Germany has least to fear from its military unions.

## CHAPTER VI

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## CHAPTER VII

## MILITARY UNIONIZATION IN OTHER COUNTRIES

The military union movement has been felt in a number of allied countries and Finland. Denmark and Germany have long experience with military unions and associations as has been demonstrated earlier in this report. The Netherlands Armed Forces has military unions both for volunteers and conscripts and, as will be shown, is presently dealing with rather militant factions. Belgium, Austria, and Italy have military unions. Canada recently came close to having a military union and Britain also was nearly unionized. Norway and Sweden have unions and the Swedish military union is authorized to strike and has.[1]

The Netherlands appears to be having the most problems with military unions. On August 4, 1966, the Association of Military Draftees--Vereniging van Dienstplichtigen Militairen (VVDM) was formed to improve, by legal means, the position of the Dutch conscript. Conscription in Holland had been around since 1946 and during the 1960's the Provos--the "flower children" of the Netherlands--were at their peak attempting to loosen up the establishment towards democratic ways of doing things and succeeded in forcing some construction worker and military pay reform. VVDM goals, as stated in Article 4 of the statutes, are to:

- o Improve and guarantee the position of military draftees.
- o Take care of the interests of military draftees.

o Function as a contact organ between the military draftees and civilian and military authorities.[2]

Article 5 states that the union tries to reach these goals by legal means through:

o Negotiations with civilian and military authorities, aiming at improvement of the living and working conditions of the military forces.

o Giving information, aid, and assistance to those who are drafted, recalled to active duty, or about to be drafted.

o All other legal means which can help reach the goals of the VVDM.

Article 6 provides that in situations of war, or national emergency, the general governing body can suspend the operations of the union but must inform the general membership when this occurs.

Membership is open to:

o Those who are drafted for the compulsory time. (1 1/2 years for enlisted, 2 years for officers)

o Draftees who have completed their service.

o Those proposed by the VVDM General Governing Body (GGB) for honorary membership and approved by the majority of the general membership.

o Membership is voluntary.

In 1971, the VVDM had 27,000 members out of 45,000 conscripts. In 1975, that number is approximately 23,000 out of 53,380 conscripts.[3] Membership is terminated upon discharge from military service or voluntary enlistment in the armed forces.

## UNION ORGANIZATION

The most powerful group in the VVDM is the General Governing Body (GGB) composed of twelve elected members. Seven of the GGB are then elected to the Daily Governing Body (DGB) which is provided office space and equipment in Utrecht, Holland. Four of the DGB (the treasurer, the secretary, and two others) are exempt from military duty and work full time on VVDM efforts. The union has 108 locals in Holland, 13 in West Germany, and 1 in Surinam. Ten district coordinators in Holland and two in West Germany make up the hierarchy reporting to the DGB. Continuity is a problem within the VVDM because leadership and membership suffers a 100 percent turnover every two years.

## POLICIES

The goal of the VVDM is to ameliorate those elements or methods in the military system which have no easily recognizable, acceptable counterparts in civilian life and for which there appears to be insufficient justification on military grounds. The union does not condemn compulsory military service and has no desire to intrude into the military decisionmaking process, modify training, or influence national policy. The VVDM does not have a legally recognized negotiation position being an independent union unaffiliated with any of the three Dutch union federations (Socialist Federation (NVV) the largest, Catholic Federation, and the Protestant Federation) but is recognized as the representative of the draftees. The Minister

of Defense has given instructions that local VVDM governing bodies are to be released from duty when it is necessary to have meetings.

The VVDM attempts to influence Parliament and public opinion by information pamphlets and peaceful demonstrations. An example is "National Greeting Day" during which VVDM members salute everyone in uniform they encounter--mailmen, conductors, nurses, police, deliverymen.

## ACCOMPLISHMENTS

1. Ten years ago, Dutch conscripts were getting 50 guilders per month ($18.50 US) plus room and board. Now, monthly pay ranges from $151.50 US to $230.75 US depending on age and marital status. Another raise is coming shortly.[4] This 800% military pay increase with the Dutch union compares to a US military pay increase of 400% for conscripts during the same period without a union.

2. The Dutch draftee used to spend a great deal of time polishing the brass buttons on their uniforms. This didn't make sense to them since they believed that during wartime the buttons would either be dulled or removed. VVDM efforts resulted in the buttons being enameled.

3. Hair style and beards was an irritant for some years but now soldiers are free to wear civilian styles.

4. Reveille used to be at 6 a.m. although the duty day didn't begin until 8 a.m. Apparently, two hours was too long to be spent washing, shaving (?), bed making, and eating. New regulations permit

a soldier to do as he likes provided he reports to work on time with bed made and barracks clean.

5. Overtime pay and compensatory time are nearing approval except that the Minister of Defense is concerned that the conscripts are becoming "so expensive." (All soldiers, not just the conscripts, receive the benefits won by VVDM)

The VVDM has a charter which expires in 1996. If the VVDM doesn't alienate public opinion through an ill-conceived strike or unreasonable demands, it will most likely continue to effectively represent Dutch draftees.

Recently, another military union entered the field to represent draftees--the Bond van Dienstplichtigen (BVD). To avoid confusion with the Dutch CIA, also called BVD, the union calls itself the "white" BVD. Much more militant and outspoken, the white BVD sponsored a four day Anti-NATO Conference on 23 November 1974 in The Hague. Although less than 1,000 members, the white BVD is causing concern to the MOD.

A third Dutch military union is the Algemene Vereniging van Nederlandes Militairan (AVNM), a more moderate union receiving at least morale support from the MOD.[5]

On May 15, it was announced that The National Christian NCO Union (NCOV) will become The Christian Union of Military Personnel (CVM), a trade union for all military ranks.[6] The news article went on to say that there are many military trade unions for conscripts, for corporals, for NCO's, and for officers, but the CVM is the first for all ranks. The VVDM expressed regret at the

addition of another organization undermining the joint strength of the soldiers, VVDM also expects problems when both soldiers and officers of the same company become members of the same union.

The MOD support of these various unions was strongly encouraged by the Labor (Socialist) Party and strong pacifist groups. The concept of "Social Institutionalism" was introduced as a means of humanizing and civilianizing the armed forces.[7] One lesson learned was that in the eagerness to be supportive of the VVDM, a union dues check-off system was agreed to which meant that the Army handled the administration of initiating applications of new draftees and deducting VVDM dues from their pay. To the draftee, it appeared that the Army was encouraging membership in the union which was not the case.

The information on the Netherlands in this report was obtained from secondary sources since Dutch officials found it "not convenient" to discuss their military union situation, no doubt because of all the bad press recently received and the recent anti-NATO rallies.[8]

## CHAPTER VII

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# CHAPTER VIII

# CONCLUSIONS

## THE FUNCTION OF THE MILITARY UNION

This review of military unions in a number of European countries and the United States reveals that they have emerged at different times and for different reasons. Some of those reasons are:

o A military union restricts the political power which an Army can usurp, insuring the civilianization of the Armed Forces. (As in Germany)

o A military union prevents abuse of citizen soldiers insuring comparable wages and benefits with the non-military sector. (As in Denmark)

o A military union acts as an extension to the defense staff providing an additional clear channel of information on troop conditions, perceptions, morale, and discontent without the noise and static of filtering by hierarchical layers of cautious staff personnel. (As in the Netherlands)

o A military union functions as a change agent bypassing the traditional conservative attitudes of professional soldiers bringing into the military the latest in management and compensation throughout, proven in industry.

o A military union provides a platform from which soldiers can collectively voice protest with national and defense policies. (As in the US)

## CONDITIONS LEADING TO A MILITARY UNION

This research has revealed a number of environmental and socio-economic factors which encourage the growth of military unions. Some of these factors are contradictory and it cannot be proven that when such conditions re-emerge that a corresponding surge in military unionism will begin; nevertheless, identification of these conditions can serve to alert responsible officials to the possible outcomes. These indicators include:

o High levels of employment accompanies agitation for equal bargaining rights. In this regard, the loss of employment for union activities is less serious because of the many job alternatives available to the individual.

o High productivity and an increasing GNP rate of growth results in greater profits in industry, larger tax reserves, and budget excess in government. Military unions and assocations seek greater benefits and pay raises during such periods than in periods of recession when every effort is directed to retaining what they have.

o Unpopular military activity such as involvement in an unpopular war, military action against students, striking workers, protest demonstrations, and the like increase pressure to "humanize" the Armed Forces.

o Perceptions of mistreatment or abuse among military officers and enlisted men such as autocratic treatment of members through reductions-in-force (RIF's), curtailment in promotions, erosion of benefits, cutting of leave, etc., result in military personnel

distrust of top defense management and movement toward group pressure to prevent such abuse.

o Enabling legislation which permits increased labor reaction in neighboring industries, state, federal workers, or even neighboring country military forces is symbolized by military members and resentment grows for privileges and benefits enjoyed by others but arbitrarily denied to certain classes of military professionals or conscripts.

At the present time in the United States, three of the conditions which resulted in the founding of the American Servicemen's Union in 1969 have been relieved. The United States has disengaged from the unpopular war in Southeast Asia, discontinued the draft and abolished high-employment and high-productivity. However, the last two indicators are prevalent in the United States today--perception of abuse by military officers and enlisted men and the enabling legislation.

In view of the efforts being taken by AFGE, the initiation of a Union for Military Physicians in US Forces Europe, it is not unrealistic that the AFL-CIO will be in the military union business prior to 1980.

Advantages of a US military union:

o Improve morale due to participation in management.

o Forms a link between the civilian sector and defense members, democratizing the force.

o Grants equal rights to civilians and military alike, humanizing the force.

o Effectively presents a large voting block to the US Congress giving power to military demands on wages, hours, and conditions of employment.

o Welfare of military members no longer depends on the forensic and persuasive qualities of the Secretary of Defense or the paternalism of a few members of the Congress.

Disadvantages of a US military union:

o A US military union could become militant and eventually lead to large scale strikes over impasse issues.

o Defense personnel costs could grow significantly if a military union insisted on overtime pay and premium pay for actual hours worked for its members as are enjoyed by most other US employees.

o Readiness will suffer if the personnel budget remains stable when the force is unionized.

o Traditional discipline and appearance will suffer if military union members press for more liberal hair and dress style, saluting rules, etc.

## COMMENTS BY THE AUTHOR

If one believes in the domino theory, we are beginning to hear the dominos fall. The actions by the Protestant Group of nations in Northern Europe in establishing military unions may in fact be a pathology according to one point of view. The US, Canada, and UK may merely be moving down similar paths due to a sharing of similar cultural flaws (or cultural strengths). On the other hand, it can be seen that individual appeals within the Department of Defense seldom go to a

neutral party. A union would quickly correct that. When military officers and enlisted men realize they are the only persons in the United States who lose vacation on Saturdays, Sundays, and holidays, the union will quickly correct that. When the military unions begin nudging into the DOD scene, it will be largely because of the inattention given to personnel policies in the military. The distrust individuals feel for the defense establishment is astounding. In 1972, during data gathering for Department of the Army sponsored Alcohol Abuse Study, it was a major effort in convincing those selected to fill out questionnaires that the Army wasn't attempting to trick them out of information which it could later use to punish or RIF them. Each serviceman has experienced a "changing or the rules" which takes away a benefit, slows his promotion, takes away a school opportunity, or reduces his retirement. If a military union merely forces a review of such arbitrary rule changes, we would not have so many Army retirees characterized by bitterness and disappointment. Recomputation is but one example. For generations, young men have volunteered for a military career under a specified set of conditions--an unwritten contract. This contract was frequently changed arbitrarily and without neutral appeal. The result was that only a few could refuse such abuse and change careers; others less adventuresome and self-reliant lingered on with a feeling of bitterness and betrayal.

I began this study with ambivalent feelings towards a military union in the United States. On one hand, I supported the freedom of individual direction, dedication, and responsible behavior. On the other, I saw the need for a responsive, dependable military establishment.

I am now convinced that both are compatible and that a military serviceman's union for all ranks is not only inevitable but can be beneficial to the national defense if approached with a positive view.

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## GLOSSARY OF TERMS

**Agency shop:** an establishment in which all employees must eventually submit to union dues check-off whether they join the union or not.

**Arbitration:** the hearing and determination of a case in controversy by a person chosen by the parties or appointed under statutory authority. Arbitration differs from mediation in the power of the outsider to make a binding decision. The parties have given him this authority to decide for them.

**Check-off:** employer acts as a collection agent withholding union dues from employees and turning the funds over to the union.

**Closed shop:** an establishment in which the employer by agreement hires and retains in employment only union members in good standing except that by some agreement when union members are not available the employer may hire non-union workers provided they apply for union membership or obtain work permits before beginning work.

**Featherbedding:** to require more workmen than are strictly needed or a placing of workmen in nonproductive or unnecessary jobs or a limiting of productive output under a featherbed rule, such as a union rule or by safety statute to pay more employees than are needed.

**Labor Union:** an organization of workers formed for the purpose of advancing its members interests in respect to wages and working conditions.

**Mediation:** intervention between conflicting parties to promote reconciliation, settlement, or compromise. A method for solving labor disputes where an outsider persuades parties to reach a voluntary agreement. Conciliation is another word for mediation, with negligible variations.

**Muckracker:** one who searches out, charges with, and seeks to expose publicly real or apparent misconduct or vice or corruption on the part of prominent individuals, public officials, union leaders, top management of a firm.

**Right-to-Work:** the label used to describe a group of state laws that make null and void, or unlawful, contracts requiring membership in a labor union as a condition of employment, or excluding from employment any person because of non-membership in a union.

Scab: one who refuses to join a labor union, a union member who refuses to strike or returns to work before the strike has ended. A worker who accepts employment or replaces a union worker during a strike, one who works for less than union wages or on nonunion terms, a contemptible person.

Trade Union: same as labor union.

innere fuhrung: inner direction, term applied to the concept of humanization in the West German Army. Implies that a subordinate should understand the reasoning behind orders and instructions.

Yellow-dog Contract: an employment contract in which a worker disavows membership in and agrees not to join a labor union during the period of his employment.

Union Shop: an establishment in which the employer by agreement is free to hire nonmembers as well as members of the union but retains nonmembers on the payroll only on condition of their becoming members of the union within a specified time.

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20. ABSTRACT *(Continue on reverse side if necessary and identify by block number)*

Active servicemen's unions have been established in a number of West European countries. The purpose of this individual research effort is to assemble data, identify the literature and determine conditions and trends relevant to the military union movement, and to provide a foundation upon which to build when the inevitable question of military unionization in the US is seriously addressed. The American labor movement has succeeded in

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organizing private industry and federal, state and local government employees in spite of active resistance and strong misgivings by management. The major remaining candidate is the armed forces. Like their erstwhile counterparts in industry and government, traditional thinking military leaders tend to take a strongly negative view of servicemen's unions. This paper reviews opinions held by military management, union management and union members or potential members. It then identifies and evaluates the major advantages and disadvantages of a US servicemen's union.