
Defense Report

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Now It's the Law—The Armed Forces Will Not Be Unionized

The President has taken a major step toward guaranteeing the discipline and responsiveness of the Armed Forces. By signing into law a single piece of legislation which had been passed overwhelmingly by both houses of Congress he has effectively blocked any effort to give union negotiators a role in the future relations between the rank and file in the Army, Navy, Marine Corps and Air Force and their leaders. He has also reaffirmed the constitutional roles of all the parties, including the Congress and himself, the Commander-in-Chief.

The path that led toward this historically significant signature has been steep and winding. Along the way there were civil libertarians claiming that the members of the Armed Forces were being denied many of the personal freedoms available to civilian citizens, and these claims came at a time when the courts and the news media were defending every form of freedom from government oversight. There was an unfortunate attitude in Congress and in successive administrations that resulted in a steady stream of cuts, adjustments and negatively-perceived changes to military fringe benefits. Most critically, the top levels of civilian management in the Defense Department failed to appreciate the threat of unionization.

The notion of a union attempting to deal with military commanders on issues that are negotiable in civilian labor/management activities was, at the very best, ludicrous. A commander has no latitude to negotiate any of the usual collective bargaining issues. He has a mission to perform and, if he must work his military people long hours or deny them time off, he does not even have the option of paying them overtime. Except for the hazardous duties recognized by Congress the commander cannot compensate his troops for being cold, tired, hungry or in personal peril. Adjustments to wages and fringe benefits are the province of Congress, not the commander. Grievances can be settled within the framework of the Inspector General System.

The American Federation of Government Employees, which first proposed to take in military members, unquestionably saw these fallacies when its membership overwhelmingly voted to stop any effort at military unionization. The Defense Department has now dropped its insistence that the issue be dealt with by administrative regulation and supports the new law.

No individual member of Congress or group of concerned citizens can take sole credit for getting this prohibition against military unionization on the books. Its translation into legislation and then into law reflects the efforts of many people who recognized a potential leadership short circuit and were committed to its prevention. The state of our Armed Forces and the security of the nation are much improved by the presence of this vital law.