

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

Alfred C. Dybeck

NAA President, 1989

Interviewed by Shyam Das

November 2, 1991

ALFRED C. DYBECK  
PRESIDENT OF THE NATIONAL ACADEMY OF ARBITRATORS  
1989 TO 1990  
INTERVIEWED BY SHYAM DAS  
AT  
THE HOTEL CHATEAU LAURIER, OTTAWA, CANADA  
NOVEMBER 2, 1991

Shyam Das:

We are in the Hotel Chateau Laurier, in Ottawa. It is Saturday, November 2, 1991. My name is Shyam Das and I am interviewing Al Dybeck who was President of the Academy in 1989-1990. This project is sponsored by the Academy History Committee in order to preserve the account of activities and the background of Academy Presidents.

Al, we're interested in a little bit of your personal background and I wonder if you could tell us, briefly, where you were born and where you lived up until the time you went to college:

Al Dybeck:

I was one of those few people from Delaware. I was born in the little town of Camden, Delaware on November 16, 1928. I lived in various small towns and in Dover, Delaware, with my mother or my grandmother, until I was about fourteen. My mother then took a job as a practical nurse in Perryville, Maryland, where I guess it could be said I maintained my residence, although from then on I was really never home for any lengthy period of time because I was away at school. First three years of secondary school at Shenandoah Valley Academy in New Market, Virginia. Then,

three years of college at what was then known as Emmanuel Missionary College in Marion Springs, Michigan. In case anybody's curious, these were both schools run by the Seventh Day Adventist denomination.

Now, when you were in college, Al, what was your major in?

My major at Emmanuel Missionary College was history, with two minors, one in business and one in English. I left Emmanuel Missionary College for a year. That's all I need to say on that subject. I lived in Corpus Christi, Texas, during that year, sort of footloose and fancy free.

Is that the year you were in the newspaper business?

That's when I worked for the Six Points News, a weekly newspaper in Corpus Christi, it probably could be characterized as a small time racket. Nonetheless, with mixed emotions, I was drafted into the service.

Now you still hadn't finished college at this point?

No, I had three years of college at this point. I was drafted into the army. In their wisdom they put me in the Signal Corps, not because of any particular training I had had that qualified me to go into either that Corps or, subsequently, into field radio repair school at Fort Monmouth, New Jersey. I went through the field radio repair course, and then taught field radio repair for approximately one year.

In the mean time, I had met my dear spouse, Leah, who was living in Manhattan at that time. I remember this day -- June 28, 1952 -- the day we were married. About that time, the army in its wisdom, sent me to Germany. Keep in mind, this is during the Korean War. I had nothing to do with that intelligent move. I stayed in Germany for six months, and then came back to the United States and left the service. My military service truly benefited me by affording me with a number of years of, essentially free, schooling under the GI Bill.

Now what year is it ...

We're now in early 1953. Leah and I moved to the Washington D.C. area. We lived in various places. I got a job with American Security and Trust Company because we needed something to live on. Leah got a job with a law firm as a part of the secretarial force. I started going to school at George Washington University at night, under the GI Bill, first to finish up my BA in History. And then I had a decision to make, and I elected to apply to the George Washington Law School. I got my BA in '55, I think it was January of '55, and then went nights to law school for three and a half years and got my JD. That was a "real" JD. There were only two schools at that time, two law schools in the country, giving it -- the University of Chicago and George Washington. Had to work for it!

No comment on that!

I got the JD, let's see, I graduated in June of 1958.

Now you had continued to work ...

In the mean time, I worked days at American Security and Trust Company.

What were you doing for them?

Well, I started out in some sort of program of management training, which started you out in the bookkeeping department, at about the lowest position, and by the time I graduated from law school I was head teller at one of the branches and learning to be a note teller and to work in the front office. At this point, I knew I would not continue with the bank. I took the Virginia Bar because I lived in Arlington, Virginia, at that point.

Can I interrupt for one second?

Sure.

I just wanted to ask you, when you were in law school, did you take any courses in the area of labor law or arbitration? Was that already something you felt would be interesting?

I'll have to think for a minute to answer your question. Yes. Not because I had, at the time, any real interest in labor relations matters, keeping in mind that I had never really worked in a mill. My stepfather was a railroad man, but that was as a member of the Brotherhood of Locomotive Brakemen. I did take a course in labor law at GW taught by

Professor Leroy Merrifield, who subsequently became a member of the Academy. He did do some arbitration, and is now retired from teaching. A very good professor. He also wrote a case book, which was written after I went to GW, so I didn't use that case book. In fact, I used a case book by Archibald Cox, ironically, in the labor law course I did take.

So now you've finished law school ...

I have finished law school. I have successfully passed the Virginia Bar, which I took because I happened to live in Virginia and I am looking for some work as a lawyer. I made several attempts in D.C., but I didn't like what I was perceiving. At about that time, I learned that the National Labor Relations Board had received an appropriation in order to hire a number of attorneys to work both in Washington and in the field, and I applied. I was accepted, and was assigned immediately to work in the region in which Pittsburgh, Pennsylvania was the headquarters.

What areas did that cover?

That covered western Pennsylvania and northern West Virginia, down pretty far into the middle of West Virginia, but the rest of West Virginia was in some other region.

As I recall, the famous Henry Shore was the Regional Director there at that time. Right?

Henry Shore was the regional director and very much of a mentor of mine.

So, tell us a little bit about what you did with the Labor Board and how long you were there.

All right, I commenced working with the Labor Board in September of 1958 and the job title was field attorney. In Henry Shore's regime the field attorneys had as much to do with the investigation of cases as did the titled field examiners, who were not lawyers. Ostensibly, one wouldn't think we'd be basic investigators, but Henry believed that no field attorney was really worth his salt unless he had a good grounding in investigating cases. I didn't agree with him at the time. I do now. Another interesting thing about the Pittsburgh Region of the Labor Board, is that [if] you didn't investigate cases as an attorney, there wasn't a whole lot to do because we didn't try that many cases a year.... We had probably the highest settlement rate of cases that we were planning to go to complaint as any region in the country. Nonetheless, in the seven years I worked for the Labor Board, I had a number of cases that I tried as counsel for the general counsel, both in my capacity as field attorney and subsequently in my capacity as supervising attorney and later as an assistant regional attorney.

In about April 1965, I had the opportunity to become assistant regional attorney in the region headquartered in Milwaukee, Wisconsin, which only a year earlier had been newly created and broken off from the Chicago region. That

region encompassed most of Wisconsin and the upper peninsula of Michigan. There I had the privilege of working for George Squillacote, as the regional director. George had the privilege of having tried the infamous Kohler Case. He succeeded, despite a lot of predictions to the contrary, in winning that case, and as a result George really believed he could win any case. It was extremely interesting to work in that region compared to working under Henry Shore, in the Pittsburgh area, because Henry tended to want to make sure that he really had the goods before he did issue a complaint, whereas George was willing to take a little bit more of a gamble. But I didn't get that much experience working in Wisconsin, because six months later, in approximately November [1965], I was contacted by Sylvester Garrett, the Chairman of the Board of Arbitration for United States Steel and the Steelworkers. And, to give you an indication of my full range of knowledge at that time, he called me and he said "Al, how would you like to be a labor arbitrator?" I responded by saying "What's that?" At any rate, Syl talked to me about it and came out to interview me in Milwaukee.

Did you know Syl Garrett before he called you?

No, I did not know Syl Garrett.

Do you know how he came to give you this call?

Yes I do. He gave me this call because Henry Shore had recommended me. He knew Henry Shore and he had asked Henry. He needed somebody to be an assistant. Henry Shore



had recommended myself as well as a couple of other people, as candidates. After talking to Syl, I was sufficiently interested in the idea to go to Pittsburgh and be interviewed by the parties, and ultimately I was offered the position of Assistant to the Chairman of the Board of Arbitration, effective December 1, 1965.

Perhaps you could give a little bit of background as to, at that time anyway, how the Board of Arbitration was set up, because, I think, in terms of most people who've come into the Academy and have developed arbitration careers, this is a fairly unusual type of situation, where you go from not having arbitrated at all into essentially a full time arbitration position. I think a little bit of background on the Board would be helpful.

Yes, the Board had actually been in existence, in one form or another, since 1947, as the dispute resolution mechanism for the parties. Sylvester Garrett became the Chairman of that Board in '51 or '52. At that point, the case load was such that essentially one person could handle most of the cases. But as the years went by, Sylvester had started reaching the point where he had to utilize special arbitrators from time to time to pick up the slack. By 1960, the caseload had grown to the point where the parties decided that they would put on -- actually it was a little earlier than that I think -- put on a permanent assistant who would work full time with the Board, as an Assistant to the Chairman, and that person was Mickey McDermott. In the early '60's, the caseload continued to grow and additional Assistants to the Chairman were employed -- David Altrock and Peter Florey.

Now, when you got there, Al, were some of these other assistants still there?

Yes. When I arrived, David Altrock had just left. In that sense, I guess I replaced him. Peter Florey continued to work as an Assistant to the Chairman for several years after I arrived and so did Clare McDermott. When Peter ceased working with the Board on a full time basis, we brought in another Assistant who was Edward McDaniel. At that time, the Board was deciding approximately two hundred cases a year, with a full time office staff and an administrative assistant to the Chairman, who did the scheduling of cases and so forth. What is unique about this situation was that the parties, if not expressly then tacitly, agreed that all Assistants were not necessarily to be experienced arbitrators. They did want them to be lawyers. They were to learn the arbitration business under Syl, as Assistants to the Chairman. The parties were willing to accept the consequences of lack of training during the period of time that the Assistants were being oriented and indoctrinated into being arbitrators. The other side of that coin is, of course, that the parties, after spending time and money in the form of Syl training these folks, expected them to continue to work for them, assuming the arbitrator was continuing to be acceptable, for a period of time after they had reached the stage of being journeyman arbitrators.

Al, let me ask you, as an Assistant, when you started out, did you go right out and hear cases on your own? How would your

relationship with Syl work, in terms of being an Assistant, in terms of actual decisions that got issued?

In fact, they tried something rather new, I think, with me. The first thing they did was have me go out -- this wasn't new -- they had me go out with the experienced arbitrators and sit with either Syl, if he was hearing cases, or Mickey McDermott, or Peter Florey. I would sit with them and they had me draft up some mock decisions. In the meantime, while I'm doing this, they did a very interesting thing. Considering the law shop concept, the parties felt it would be a very good idea for me to be run through the steelmaking process. They started me out going to a coke works, to learn how coke was made, the elusive gases that were extracted from the coal, and that process, right up through blast furnaces, open hearth operations, all the way through the semi-finished steel stage into the final products. At that time, US Steel had plants that made wire, nails, tube, sheet product, etc.

In about a month or two, however, I was scheduled cases and went out and heard them on my own. Now, from there on, I would go hear the case, handle all the problems having to do with the case, without having any particular assistance, then prepare a draft, which was to be reviewed by Sylvester Garrett, as Chairman of the Board. Upon his approval, the case would then be circulated to the parties or subsequently issued over my signature as Assistant to the Chairman of the Board of Arbitration and also approved by Sylvester Garrett, Chairman.

Now, of course, we all know you are still active on the US Steel Board. Their hope that you would stay for the short term has certainly panned out. At some point later on you became the Associate Chairman and, then ultimately, of course, you succeeded Syl as Chairman. When did those changes happen? And is there anything during that period you think is significant to point out? And then we'll come back and talk about some of your other arbitration work.

Sometime in the mid '70's, I'm not real sure what motivated this -- maybe Syl was involved with some other things and I was getting a bit restless, having been with the Board now for around ten years -- Syl wanted me to become involved in reviewing some cases of the other assistants and also the ad hoc arbitrators. He suggested, and the parties agreed, that I should assume the title of Associate Chairman. As part of my duties, I would continue to hear and decide cases, as I had in the past, but I also would do some reviewing, of perhaps the simpler cases, although that's always a gamble, because some cases turn out to be a little less than simple from time to time. Certainly the discharge cases and the suspension cases were always reviewed by me during that period, up through the time that Syl retired from the Board, on December 31, 1978. In the meantime, folks had come and gone. We had, working at the Board, in the mid '70's and the late '70's, Helen Witt, James Beilstein, Shyam Das, all as Assistants to the Chairman. Plus, as I mentioned, ad hoc arbitrators. I should really call them what their actual title is, special arbitrators who are not retained as assistants and are hired on a pure ad hoc basis. These ad hoc arbitrators are

employed simply to hear a specific number of cases for which they are paid on a daily basis. All those arbitrators had to be approved by the parties, of course.

Sure. Al, in the approximately twelve or thirteen years that you have been the Chairman of the US Steel Board, are there any particular cases that strike you, without getting into their details, as being particularly noteworthy for the parties and for your relationship with the parties?

In order to answer that question, let me jump back and talk a little bit about the economics of the steel business, as I see it. When I arrived in '65 through the '70's and the very early '80's, it seemed as though the steel companies, while they may have been losing some percentage of their business to foreign products, were sailing along rather prosperously and the union was obtaining increasingly more lucrative contracts, without any big or even significant strikes occurring. (They had the Experimental Negotiation Agreement for three of those contracts.) The significant thing that occurred, not too many years after I became Chairman, was that the bottom fell out of the steel business. US Steel and the other steel companies suddenly discovered the handwriting on the walls and they were doing their best to economize and approach the problem from many directions. Suddenly, we had a reassignment of work. Instead of the company saying that they wanted to get rid of the local working condition clause, they just simply started becoming very strict on the application of the local working conditions. We had a whole mass of decisions

resulting from the efforts of the company to economize, which caused an over-reaction from part of the union.

One of the significant things that occurred during this period was the greater incidence of contracting out. Beginning in probably '83, the Steelworkers Union, which had been working under a subcontracting provision of the agreement that had remained essentially the same since 1965, were becoming less and less satisfied with it, as they observed the company contracting out more and more work, particularly in the maintenance area. The net result was, we were getting some significant contracting out cases, which I had to deal with, either myself or through my review of the drafts that were being prepared by my assistants or associates. Some of these cases, even though the contract language was the same, raised new challenges for the arbitrators because the company was just simply doing things that they had not done before. They succeeded in some instances and sometimes they were surprised because they failed in some other instances. In any event, when the basic steel industry contracts expired in 1986, the union sought, among other things, in exchange for further concessions wage-wise, to tighten up on the contracting out language. They succeeded with most of the steel companies without any problem, but with US Steel they could not get them to continue the pattern. By the way, by this time, the old industry-wide bargaining had broken up and the union was forced to deal with each company on an individual basis. Without going into the question of lock-out or strike, there was a work stoppage that lasted from approximately August 1 until February 1 of 1987. The net

result was that the union succeeded in getting essentially the same kind of contract language that it succeeded in getting with the other companies, with maybe some minor variations. In any event, with this new contract this was a significant change in language, in my opinion, and we started having a whole new set of kinds of problems having to do with contracting out. The new language did not result in the company reducing the amount of contracting that they were performing, at least in the initial stages, because every word of that contract seemed to have to be interpreted by the Board of Arbitration.

Al, let me take you back, if I could. Obviously, working with the Board was essentially a full time position, but I take it that at some point you started arbitrating for other parties as well as for US Steel. How did that happen? And tell us a little bit about it.

Well the parties have some really statesman-like views, in my opinion. They felt that they could not simply retain somebody on salary and have them become what one might call a journeyman arbitrator, after about three years of full-time work, and still not let them do anything else. In my case, and in most cases of people that were employed by the parties as assistants, they permitted me to start hearing outside cases about three years after I came on the scene. With a limitation, of course, that I would not go beyond a certain number of days of hearing for a year. And so that enabled me to put my name on the FMCS list and on any other list that I felt I could handle the caseload, within the restrictions that the parties had placed on me.

Did you also get on the AAA Panel?

I did not, but that's simply because I was getting enough cases. In about 1971, when I was thinking of getting on the AAA Panel, public sector arbitration came into effect in Pennsylvania under a statute passed in 1971, and I put my name on that list. Between the rather huge amount of, particularly school board, cases plus the FMCS cases, and the direct appointments, of which there were a good number simply because there were people who knew my work both as an arbitrator and also as an employee of the National Labor Relations Board, I never felt a necessity to get on the AAA list.

Were there other sets of parties that you had, over a period of time, any sort of particularly strong relationship with?

Well, one in particular, which Syl had worked with and introduced me to -- two excellent attorneys in the Western Union and the United Telegraph Workers relationship. I think I heard my first case for them in 1971. And just this past October, I may have heard my last case for them. Western Union is declining. But of course that was said last December, so I'm not real sure what's going to happen. This is a relationship that, even when I became [US Steel Board] Chairman and the parties asked me not to hear any outside cases for a period of time, I made a special request that I be permitted to continue hearing the Western Union/UTW cases, simply because I enjoyed the relationship so much. It was a very challenging contract.



The last thing I'm going to sort of touch on briefly here, before we get on to your Academy membership, I think for a very brief period you were also the Chairman of the Iron Ore Industry Board of Arbitration.

Oh yeah, that was rather unique. Syl had made known to everybody in the world that he was not going to continue to be Chairman of the US Steel Board of Arbitration after December 31, 1978. Up on the iron ore range in Minnesota and in the northern peninsula of Michigan there are a number of steel and mining companies that produce iron ore -- most all of it today through the taconite process. US Steel happens to own a sizable mining and processing operation up there. But there were also at least seven other partnerships and companies that operated a mining operation on the range or in northern Michigan. They had had a number of problems. And those eight companies -- whatever number of companies -- all their employees were represented by the Steelworkers. And they reached an agreement whereby they would establish an umpireship to hear cases coming out of all the operations owned by these seven or eight companies, and they titled it the Iron Ore Board of Arbitration. Before that, US Steel cases coming out of what they call their Minntac Division had been heard by the US Steel Board of Arbitration. Thereafter, they were to be heard by the permanent umpire of the Iron Ore Range Board. The parties sought an umpire who was mutually acceptable and, amazingly enough, they were unable to find one except Syl Garrett. He had to take on the task, or he did take on the task, in, I think, mid-1978. After this

all happened, they suddenly realized that Syl had decided he was going to retire on December 31, 1978. And he said: "Well, it's retirement time and I'm going to retire from the Iron Ore Board too." They really didn't know what to do, so the parties ended up saying to me: "Well, we know you're taking over as Chairman of the Board of Arbitration for the Steelworkers and US Steel, for the time being at least accept the chairmanship of the Iron Ore Board, also." So January 1, 1979, I became Chairman of both of them. This lasted only until about August 1, 1979, when the parties, I think, finally persuaded Syl Garrett to take over the Chairmanship of the Iron Ore Board and he continued on that for some time. There was a period when I was Chairman of both of them.

Al, now we're going to talk a little bit about your membership in the Academy, but to go back one step before that, what was your first real involvement with the Academy? Did you attend some meetings before you joined?

Well, of course, I think I said that December 1, 1965, I joined the US Steel Board of Arbitration. There was an annual meeting of the National Academy in January. So when I arrived, there was some busying around and talking about this annual meeting which was going to be, if I recall right, in Puerto Rico. I guess I either inquired or somebody volunteered to tell me what this Academy was all about. It sounded very attractive and I knew that if I was going to make a profession out of arbitration, which I was not sure of at that time, I would probably be joining. The parties helped make it very easy for me to participate in

such activities because the following year, I guess it would be January 1967, the NAA meeting, I think, was in Cleveland. I was invited to attend as a guest. In order to make it a little more palatable to the parties -- and US Steel was a pretty far flung organization in those days -- they seemed to always find a series of cases that I could hear in the locale where the Academy meeting was going to be. So I would attend the public sessions at the end of the week and perhaps hear some cases on Tuesday and Wednesday earlier in the week. I attended a San Francisco meeting that way. I even went up into Wyoming to hear cases in Riverton, when they had a meeting in Colorado Springs, so I would be within at least five hundred miles of where the meeting was going to be held. So I attended virtually every Academy meeting from 1967 on.

When did you finally get around to applying for admission?

Well, as time went by, I found out that there was a judicious time to apply and there were apparently injudicious times to apply. I held off applying, first, until I had some ad hoc cases under my belt. I wasn't real sure how many of those or how long I should wait until I was at a meeting, probably around '68 or possibly '69, where one of the members who I'd become friends with, who was sitting imbibing a drink or two in the Secretary's suite, asked me a pungent question, which was "Don't you like us?" I said "Of course I like you." He said "Well, you don't appear to. You haven't applied to become a member." I figured, well, maybe the time is right to apply

for membership, which I did. And I was admitted to the Academy in October 1969.

How long had you been arbitrating by then?

In light of what we're doing these days, this is unusual, I had been arbitrating since December 1965. So you see, it was four years, a little less than four years.

And, obviously, being on the US Steel Board, you had of course, decided many, many cases....

Yeah, around that time, I was deciding about a hundred or more cases a year.

And also you mentioned that you had done the ad hoc cases.

Plus the ad hoc cases.

Right. Well, the next thing, we're interested in the various things you've done in the Academy. There's so many of them and I think maybe I'll just let you kind of run us through the period. I know at some point you became Secretary. Before that were there any positions you held?

No. The Secretary thing came too soon after I had been admitted. I was shocked.

How did that come about?

Well, what happened was, in 1971, well, let me think, probably in late 1970, I was called by the President-Elect, Lew Gill, and he asked me if I'd like to be Secretary of the Academy. Well, I was somewhat shocked. I knew what the job was because Mickey McDermott had been Secretary -- was Secretary at that time, and had been for a period or term of three years starting in 1968. I found out, then, I think, that Mickey was not going to be willing to take the job again for another three-year term. Lew asked me if I would do it. I think it was set up, in the sense that the Academy had very little money at that time. The Board of Arbitration was a very good place to have the Secretary located because the parties were, well they received some moneys for the time utilized for the Secretary or the Secretary's secretary.... It was very convenient for the Academy and I think the parties, quite frankly, viewed it as a privilege to have the Academy's headquarters located at the Board of Arbitration's office. At any rate, I accepted the position, with some trepidation, and proceeded to be Secretary for, actually it turned out to be, a period of six years.

Tell us something about being Secretary. Obviously six years was a long time. Was the Secretary's job pretty much the same as it is today?

Well, it wasn't. It did not involve everything there is today. In the first place, since then the Academy's membership has doubled. The Academy is involved in an awful lot of things that we simply, at the time, could not afford. But you know, many of the things we do today we

did then. We have meetings with guests present. Theoretically, we weren't supposed to make any money on the annual meetings, but everybody seemed to be a little upset if we didn't. The dues structure was crazy. At that time, a person who was a member of the Academy would either pay twenty-five dollars or fifty dollars or a hundred dollars a year in dues, depending on how important arbitration seemed to be in his or her professional life. We received all too many twenty-five dollar contributions. And we were having some difficulty, by the end of my first term as secretary, in keeping the Academy going, because the costs were starting to go up. We had inaugurated some other new concepts, such as we had a Board of Governors meeting at the end of the Academy meeting, and we would pay for the out-of-pocket expenses for the Board of Governors. The result was, we studied the dues structure and, I think it was in my fifth year as Secretary, we raised the dues and made it a fixed dues of two hundred dollars a year, which was traumatic. At any rate, the Academy...

...Survived.

Survived, yes, survived this traumatic experience and I feel a certain sense of accomplishment as an individual officer of the Academy at that time. While I did not have to bear the total brunt of the dues increase, it was something I intended to do before I left the secretaryship, because I knew this Academy could not survive on the volunteerism of Academy dues payments. And it established a principle, a fixed amount of dues, for everyone who was an active arbitrator and it's been that way ever since.

Al, over those six years you were Secretary, what do you personally remember the most, in terms of what you enjoyed about that position?

Well, it was, in the course of being responsible, in those days, of entertaining the members in the hospitality suites, that my wife and I enjoyed -- made and have enjoyed ever since -- very close friendships with many, many wonderful people in the Academy, which is probably the greatest thing to happen, as a result of the secretaryship. There was a personal satisfaction, as I indicated earlier, of having done something concrete for the future of the Academy. I worked with, very closely, with six wonderful Presidents, not all of whom are alive today, but I will always remember them. Those are just a few..., but it was a very enjoyable time. I was amazed at how much arbitration work I could perform while serving as Secretary. Actually I decided, I think, more arbitration cases in those days, than I had before or since.

Al, you mentioned Leah, your wife, and I think it's fair to say, you would probably agree, that she has been almost a co-equal partner with you, in many respects, in your relationship with the Academy.

Yes, as a matter of fact, probably, if it hadn't been for her, I wouldn't have run for a second term as Secretary, when I was asked to do so. I think she told Dave Miller, when he asked me to do it, she said: "Yes he will." I decided not to go against the.... She was very helpful and

really enjoyed being with members and acting as my co-host in the hospitality suites.

Al, since the time you gave up being Secretary, maybe you can recount for us, up until the time when you were President-Elect, the various positions you held -- as Chairman of committees or Vice President or on the Board of Governors -- in the Academy.

All right. I think, after I ceased being Secretary, the last meeting I was Secretary was in '77, I don't think I had a position in the Academy the following year. Although I may have chaired a special committee on what our policy should be on guests at the Academy meeting. But the following year, I was elected a member of the Board of Governors and that's a three-year term. So that carried me up to about 1980, 1981. I think within a year after that -- I had another hiatus -- I was elected Vice-President of the Academy, which under our policy or practice only had a one year term. You could only serve two terms, so I served two years. And during one of those two terms, I was asked by the then President to serve on the Executive Committee, which I had done during the entire time I was Secretary, because that's automatic. And I did serve as a Board member of the Executive Committee those two years I was Vice President. Following that, I had anticipated not doing a whole lot of work. Then it was decided -- I may have had a hand in this -- for some reason or another, it was decided to activate the Auditing Committee, which had been a standing committee and never filled for as long as most people could remember, at the time. So they punished me for having been involved in that by putting me on the



committee, under the chairmanship of Mickey McDermott. So I served on that committee for a couple of years. That committee probably didn't do a whole lot, except it did do one very clear thing. The three members of the committee found out they were not CPA's or auditors and could not do a very good job of auditing. So they issued a policy statement, which was adopted by the Board of Governors, that we will, the Academy will, spend the money to get a proper audit by a proper qualified CPA, every year. I also served two years as Chairman of the Membership Committee, which was quite satisfying and quite a challenge.

That's a very time-consuming position. Isn't it?

It's somewhat time-consuming, yes. Not so much as the secretaryship, but certainly much more than being a member or being a Governor or Vice President. And yes, because in those days we were admitting -- and this was the mid-'80's -- we were admitting probably far more members than we had admitted before or since. At any rate, I don't think there was anything else until I was President-Elect.

Now, you were President-Elect for the 1988-89 year.

That's right.

There seems to be some interest in finding out how you were nominated.

Well that's a strange question. The Nominating Committee nominated me as President-Elect and there was no resounding objection from the floor at the membership meeting.

Well, obviously you were very well-known to the Academy by the time you were elected to the position of President-Elect, as it should be. During the year that you were President-Elect, did you have any duties to perform or is it just a kind of getting ready for being President?

I view it as an apprenticeship for being President. You do have duties. The President-Elect -- not by requirements or bylaws, certainly by practice -- the President-Elect is on the Executive Committee. The President-Elect is an ex-officio member of the Board of Governors with voting rights. You were with the then President and you keep an eye on what's happening. The President when I was President-Elect was Tom Roberts, and we agreed to do a couple of things together -- things that Tom and I agreed might be done and would probably take more than one year to accomplish.

What would be one of those...

Well, one of those was to have a committee study our committee structure in real detail and see if they can't come up with something that is, perhaps, more sensible. Maybe eliminate some committees that.... Tom and I both agreed that we had committees stepping all over each other. And we thought we might be able to merge a few of them. We felt that there might be some reason to have some more

standing committees, [and] we felt we wanted to amend the constitution for that purpose. We felt that maybe we ought to get a new policy established to limit, perhaps, limit the period of time that people serve on committees, without unduly restricting the President's discretion in that matter.

Talking about committees, Al, were you already starting to think about who you were going to put in as Chairmen of the committees when you were going to be President?

Yes. As a matter of fact, because of the way things worked, I really had to make my decision on the Program and Arrangements Chairmen very early on in my tenure as President-Elect. Because we wanted to have them also serve on that year's program and arrangements.

So they'd have their apprenticeship in a way.

So they could serve their little apprenticeship for a year. So I had to pick those two Chairmen right off the bat. I had some very good advice on that. I got two very good people. I did think about it, although the way the Academy works, it isn't until February of your President-Elect year that there's a questionnaire sent out to all of the members -- which we Presidents do look at -- asking people what committees they would like to serve on. You have to sort of put that all together in some sensible fashion. You can't really start working on that until about March or April, anyhow. But then it is quite a task. I think one of the more difficult, time consuming tasks the President

has, is establishing the many committees we have and checking to see how long people have served on the committee, and whether they should go on. You select the people to come on. You can't keep all the members happy. In my President-Elect year, by far, the Academy award for popularity was the CPRG, the committee on grievances and professional conduct. And there was no way I could satisfy even a handful of those applicants. But that's the more difficult job.

Is there anything else that you really had to get involved in, that you haven't touched on yet, while you were President-Elect?

While President-Elect? No, not really. That's just about it.

With the advantage of hindsight, do you have any suggestions for people going into the position, that they wouldn't necessarily think of?

Not really. The only thing I would say to the people that are President-Elect and are going to become President is, as soon as you can, start on that committee foolishness because it's difficult. And there is a time limit because you don't want to hold up the new directory too long. Well, even before that, the Chairman of some of the committees, such as the Program Committee and the Arrangements Committee, have letterheads and they have to have the committee members' names on them. These are some of the important things.

Al, obviously during the period you were President-Elect, you continued as Chairman of the US Steel Board of Arbitration, did you find it difficult to do both things at the same time.

Not really. I may have heard a few less cases for the parties during that period of time. But not anything significant. There were times, when I had a spade of activity that I had to perform for the Academy, but most of the time a half a day a week in total.

I think, Al, the answer you just gave about juggling the two positions, that was really about the year you were President. As President-Elect, you really didn't find that to be...

It wasn't that time-consuming, no.

OK, well that's good news.

Except during the tail-end of it, when I had my information about committees, and I knew I had to do something. Well, in reality, really the last couple of months as President-Elect, you are functioning as the oncoming President and starting to exercise your presidential authority. It takes a little bit more time, during that period.

Sure. We mentioned already you were President during 1989-1990. Was there any sort of particular focus in the Academy that stood out during that period? Or any particular problems?

No. Well, there were some problems that cropped up, that perhaps I should have foreseen. I thought about all these

great ideas that I might have for my presidency, but the Academy really can only reexamine itself no more often than perhaps every five years. We had just done it about three years earlier. Review of our qualifications for membership in the Academy is, I think, only reviewed every seven years and we had just finished doing that. I could find nothing that was of that nature to review. As I indicated earlier, Tom Roberts and I had already set into effect a very detailed review of the committee structure of the Academy, in a committee headed by Howard Block. And he did that over a period of two years, and he reaped the benefit of it last year, when he himself was President. The other matters, some of them are housekeeping duties. One nice, pleasant thing, although the groundwork had been laid earlier under prior administrations, was I had the privilege of presiding over the first implementation of the Academy's long standing provision for honorary membership, which nobody previously had implemented. We did, in San Diego in my presidential year, induct seven honorary members into the Academy, including two people, Archibald Cox and Willard Wirtz, who were not, at that time, actually members of the Academy, although I think they had been -- maybe Willard never had but been, but Archibald had been previously -- as well as several past Presidents of the Academy. That's something I had the privilege of doing, although I really didn't have a whole lot to do with the idea being brought to the floor at that time.

Who made the selections? Was there a committee on that or...

I had appointed a committee, headed by Arnie Zack. Well, I appointed a committee. I know Bill Murphy was on it, Arnie Zack and Dick Mittenthal. And I can't remember who was chairman now, although it seems to me it was Arnie Zack.

And then what? They made a recommendation to you, as President? Or to the Board?

They made a recommendation to the Board of their selections.

In addition to some of the committees you've touched upon, special committees, during your year as President, and from the perspective of President, which committees did you consider to be, really, the most important ones?

Well, ... certainly the standing committees are the most important. Well, annually you have a Program Committee and Arrangements Committee. These are certainly important committees because you can't have a meeting without these committees and both of them have very difficult tasks. Obviously, the Membership Committee is one of the hardest working committees, in spurts. It's the only committee that really does a day and a half, two days work, both in the spring and fall. And they have to make a decision as to who they are going to recommend for membership, and who they're going to recommend for rejection or possibly defer on. It's a very difficult job and I've performed the chairmanship of that. I know what it was like. Another important committee, which has come to the fore since 1975, I think, when we amended our Code of Professional Conduct,

is the CPRG. That committee, it seemed to me when I was President and just before, and maybe not so much since, seemed to have some very difficult problems. It was the first time we had to put in effect or utilize our Tribunal Committee on appeals and held a couple of hearings, none of which were very time-consuming for me, but these were activities that were going on when I was President. And it was very important to have very good people on these committees.

Al, in between the meetings of the Academy -- of course by then we were already having the educational conferences as well as the annual meetings -- but in between, what took up most of your time as President of the Academy, after you had assumed the office and after the annual meeting?

Well, there's always correspondence. There's always a fire or two that have to be put out. There are requests. I can't think of any specifics right off. I had various requests from people. A good number of these requests may be directed to the Executive Secretary. If he could not answer it, as a matter of policy, he would call me.

What sort of requests are we talking about? Without getting into specific cases.

Most of it was problems with committees. I can't recall exactly. I didn't have a whole lot of those problems. And between the meetings, things went along quite well.

That's good.



The Academy continues to survive.

Did you do a fair bit of traveling to visit some of the regions?

Yes, yes. That slipped my mind, although it was very enjoyable. The President has a budget, since we now have a little more money than what we did in the old days, for appearing by invitation to attend the various regional meetings. I did five or six of those trips in the course of my presidency. And they were very enjoyable. So that ate up a few weekends. Most of those would be on Friday. There were always decisions that had to be made. I had a little problem on the educational conference site because, well, that's something that should have been taken care of even before I became President. We ended up, at the location we had selected, which is Minneapolis, with a labor dispute that didn't seem to be rectifying itself. And so we had to make a decision at the last moment. After I had picked the committee to be the Arrangements group on site, I had to fire them, in effect, and pick another group to be the Arrangements Committee in Indianapolis, where we ultimately held the educational conference that year. It made me about six months behind in selecting that committee. But it all worked out.

Is there anything you feel, in retrospect, that you would have liked to have done or wished you had accomplished as President that you weren't able to?

Well, yes. During the term of my presidency, I had sensed, but probably not sensed sufficiently, that there was some dissatisfaction on the part of certain new members, particularly the younger ones, who felt that they were left out of participation in the affairs of the Academy. I should have sensed it, but I did not sense that it was something I should, perhaps, establish a committee to study. It had not occurred to me what the nature of the dissatisfaction was that the committee could really dig into if I did establish one. But as it turned out about midway through my year, about six or seven amendments were proposed by the younger members of the Academy. They dealt with various subjects, including and probably most importantly, how we elect our officers -- the Board of Governors, Vice President and President-Elect. Really, how the Academy was governed. One, quite frankly, frightening proposal was to virtually sort of federalize the Academy, based on our regions, whereby, each region would be equivalent to a state or a province of the Academy and have its own representation on the Board of Governors. This, I felt, would not increase democracy, because all regions are not equal, in terms of population. The Rocky Mountain region would be well over-represented, if they had one person, the same as New York City for example. So, I was totally opposed to it. We ended up debating this issue at the annual membership meeting in San Diego, and I knew that was going to happen. So I virtually set all the allotted time aside for this, at the sacrifice of other matters that probably could have been discussed at the meeting. And we indeed did use just about all the allotted time in debating these various amendments. With the net result that, after

a great deal of discussion, we were able to arrive at a consensus, it seemed, to establish a committee on the governance of the Academy. And the issue went over into Howard Block's term as President. That committee has, I think, just reported to the Board of Governors.

You mentioned San Diego and I think its probably fair to say, you would agree Al, that having San Diego as the location for your annual meeting when you were President was definitely a real boon.

I have had a lot of luck in my life and that was just one example. And it is pure luck because the city where your presidency ends and where you make your presidential address and so forth is sheer luck, because those decisions are made three or four years in advance of the actual meeting. But yes, that made it easy for us all to agree, we had a very successful meeting because the site had a lot to do with it.

Al, let me ask you one last question about your duties as President. Each issue of the Chronicle includes a President's column. Did you find that a chore or did you enjoy writing for that? What did you feel about that opportunity?

It depended on which issue it was. Yes, several of them, and I can't recall exactly which ones, were a bit of a chore. In one of them I was able to wax eloquent on this dissatisfaction that I discussed earlier, and even voice my opinion about some of these amendments, and, quite frankly, use the President's column to sort of campaign against them

and for them. Also to recognize, and hopefully tell the members that I did recognize, that there is, whether I agreed with this dissatisfaction or not, I did recognize that there is this groundswell, what I thought was a groundswell of dissatisfaction. I'm not sure if it still exists, but perhaps that's because, during the course of that membership meeting, we had an opportunity to discuss it in great detail -- perhaps for three hours. And then establishing the committee, giving the opportunity for people to express themselves through that committee. I think we gave people the opportunity to certainly put it all on the line. I don't know exactly what's going to come out of it, but, I dare say, I'm not in accordance with some amendments we had proposed.

Al, what would you say are the most important qualities or qualifications, if you will, that the Academy should be looking for, in terms of future Presidents?

Well, I think number one, I don't know how one can -- well I suppose one could serve as President without these -- I think some service to the Academy. In my view, the Nominating Committee should not really consider anyone for President who has not already been a member of the Board of Governors or served as Vice President, and perhaps engaged in other activities on behalf of the Academy, although I'm not saying what they should be. I think that the person should have a good reputation as an arbitrator, and I think that goes without saying. That's it. Now, I don't know that there's anything new I would propose. I think that

the policy we pretty much follow, which is what I just described, is satisfactory.

I suspect we may be getting into a period where we have more than enough good, qualified candidates and it's a tough choice to choose among them.

There's no question about it. One of the functions that a past President has to perform is serve two years on the Nominating Committee. And it's very difficult.

Al, sort of as a last question here, do you have any suggestions for future Presidents, based on, not just your year as President but really your whole, long history of being involved with the Academy?

Not really. I think, take great care in your selection of committees. I would suggest this because I myself goofed at it, I believe that if you're going to keep a Chairman of a committee for another year, and our policy permits that to occur since we don't have to change committee Chairmen, I think, more frequently than every three years. If you're going to keep a Chairman on, I think the President ought to be in consultation with that Chairman, on both the decision as to who you're taking off, as well as who you're putting on the committee. I failed to do that with one committee and I was very embarrassed about it. I do believe a Chairman, who gets the feel for who's performing and who's not performing on his or her committee, should have the right to tell the President, perhaps persuade the President, to take some of these people off. They don't

deserve to be named on a committee when they're not doing anything. If they're dead wood take them off. I did not do that with one committee and I should have.

Al, thank you very much.

Thank you.