

National Academy of Arbitrators
HISTORY COMMITTEE INTERVIEW

Sylvester Garrett

NAA President, 1963

Interviewed by Gladys Graenberg

June 2, 1989

SYLVESTER GARRETT
PRESIDENT OF THE NATIONAL ACADEMY OF ARBITRATORS
1963 TO 1964
INTERVIEWED BY GLADYS GRUENBERG
AT
THE CHICAGO HILTON AND TOWERS, CHICAGO, ILLINOIS
JUNE 2, 1989

Gladys Gruenberg:

We are attending the 42nd Annual Meeting of the National Academy of Arbitrators at the Chicago Hilton and Towers in Chicago, Illinois. It is June 2, 1989. My name is Gladys Gruenberg. I am interviewing past president Sylvester Garrett who was President of the National Academy of Arbitrators in the year 1963. This project is sponsored by the Academy History Committee in order to preserve the account of activities and the background of Academy Presidents.

First, we're interested in your personal background. So let's take a look at things like where you were born, raised, educated and that sort of thing. Just talk to me about that.

Sylvester Garrett:

Well, I was born in Elton's Park, Pennsylvania on December the 15, 1911. I grew up in what then was a rural

environment with a huge field with cows behind the house and immense cherry trees I managed to climb and fall out of. A big stream, a little stream and a big swamp in the field behind the house. I taught myself how to swim by damming up the small stream. Used to build rafts and bridges and things like that across the creek, and generally had the privilege of growing up in an environment where children could run at large. I took full advantage of that because I was one of five children and being in the middle my parents didn't waste too much time worrying about me. That of course was a great value. I went to the local grammar school and the high school, Cheltonham High School, the most illustrious alumnist of which is Reggie Jackson, who came along quite a few years after I. Also a fellow named Triplet who was\$

I believe, a quarterback or a linebacker for the Detroit Lions when they won the NFL championship. John Shearer of Oklahoma State was also a graduate of my school, and many other luminaries. It was a good Philadelphia suburban high school. I had the privilege there of being the commencement speaker on an immensely hot day, in June of 1929. When, as I stood up in my cap and gown to start to talk a tremendous thunderstorm struck and the lights went out and there I was in the dark until they put a spotlight on me and I had to recite my learned dissertation on the nature of the family in

the changing society. I can only say that experience enured me somewhat to some of the adversities that were to be my lot in late- ; life. I went to ~~Franklin~~ ^{Franklin} college, graduated with high honors.

What did you major in there?

Political science with a minor in economics and then I went to the Penn Law School on a scholarship. I was on the law review. At the end of my three years there I was named to a fellowship called The Afe-llon Memorial Fellowship where I had the privilege of working under Dean Herbert Goodrich, writing his formbook on conflict of laws along with two other graduate students who were working under my supervision. That was my introduction to teaching- I also gave a course in legal research and moot court to all of the first year students. I did that for two years. At the end of my first year as a fellow, however, I found that I needed more money than was coming in from my fellowship so I also signed on with a Philadelphia law firm, which was a management law firm, and I worked under a gentleman named Richard Slocum who may have been the best negotiator who ever lived. He told me early in my career with him that he was certain that I was aware that he'd never been in court. And he wanted me to know he had no intention of

ever being in court "because if I can't settle a case", he said to me, "son," he said "I'm not representing my client properly." That was his approach and if per chance there were a case that proved to be intractable somebody else would have to take it into court. He would not do so. If Richard Slocum had remained in practice, I would have remained in practice in Philadelphia, undoubtedly, because he was a person from whom I learned a great deal and for whom I had immense respect and affection.

How did you happen to pick that law firm?

I was assigned to Dick Slocum by the local bar association because my uncle had two sons, who were contemporaries of mine, who were clerking in his office and in those days you had to have a preceptor and serve at least six months in the office before you could be admitted to the bar, after having passed the bar examination. So since my Uncle Albert had no room for me, I went to the Philadelphia Bar Association and they paired me together with Dick Slocum, perhaps largely because we both went to Swafhmore College, where he had had a very distinguished academic career and he'd gone on to Harvard. Dick was probably not much more than ten or twelve years older than I, but already he was a smashing

success. He had built such a reputation by 1936 that when Sarnoff, David Sarnoff Sr., then president of NBC and RCA, whatever that corporate arrangement was in those days, had on his hands an immensely difficult case in their Camden factory where they recently had made the controls and were now making radios. They had a bitter strike with the UE which involved the use of hired thugs and finks and all kinds of violence and RCA was before the NLRB on unfair labor practice charges and had been held before the *← ffcifew^ committee for violating peoples civil rights. RCA had first retained a General U.S. Ironpants Johnston, you remember, the former administrator of the MRA. And, anyhow, Johnston, after a year or two, proved totally unable to deal with the situation. Whereupon, they retained Henry s. Draper, a very illustrious and fine Philadelphia lawyer but a person with absolutely no talent for negotiating or for dealing with labor relations problems.

He was a great gentleman and he had been presiding over my moot court when I argued in my second year in law school. I was overwhelmingly impressed with him, but he didn't have the stuff. So after these two gentlemen had fumbled the ball and it was getting to a critical stage where the NLRB had a complaint out and the A^Fe/le^U- committee had subpoenas

out; Sarnoff decided I'll get a really good negotiator. So he got Dick Slocum. He also hired Edward F. McGrady who was the Assistant Secretary of *Jabor* under Francis Perkins, a former official in the cressmens yunion, and Ed McGrady became vice president of RCA. I vividly recall going to New York and meeting in the RCA building, at 56th and whatever it is, not far from St. Patrick's Cathedral, I suppose. I had the privilege of participating from May of 1937 until October the seventh of that year in all of the negotiating sessions and doing the preparatory work for the meetings, getting things organized. And it's a great experience to be in the room with people like Ed McGrady and Dick Slocum. That was my first exposure to mediation long before I ever got into arbitration..

What other companies did Slocum represent?

Well, at that time he represented The Philadelphia Bulletin, the Philadelphia Department Stores, Freyhoffer Baking, General Foods, you name it. He had a bundle of clients. Dick Slocum worked everyday from 10:00 am in the morning to 2:00 am the following morning. Then he'd go home for five hours of sleep. He never had less than ten inches of urgent correspondence on his desk every morning when he got in. This is why he left private

practice. The McLean Family which owns the Philadelphia Bulletin was long on money and short on talent. They had enough talent to recognize that Slocum was a kind of genius. Slocum had always had a desire to be in journalism because he had been editor in chief of the college newspaper at Swa^thmore. And indeed, he bragged that he was the guy who got Drew Pearson his pass as a press representative to attend the Paris Disarmament Conference right after World War I and I'm sure you're much too young to even know that that happened, but indeed it did happen. The McLeans were very fond of Slocum and they in fact, offered him a piece of the business, saying "why don't you come in and run this paper for us and we want you to do this because we want you to live a little longer and you're going to kill yourself". Ed Slocum did me the great favor of calling me into his office one morning at 1:00 am to ask my advice, as to what he should do, whether he should make this move or not, and heck I was what, 26 years of age, 25 years of age, just a stripling. But he asked for my advice and I said "Well Dick, I hate to say it but I think you're killing yourself and I would take this opportunity if I were you". He said, "well", he said "I thought you would say that". He said "You know I've been doing some thinking on your behalf" and he had lined up three alternate courses that I could follow, including

moving into Morgan, Lewis and Bachius, the best and biggest law firm in Philadelphia and still a very prestigious firm to work directly under the guy who was in charge of their labor relations department, a fellow named Fred Nuy. It had happened that at that time I had two very close friends, Lou Gill, a classmate from not only law school but Swainmote college and Lou Schwartz who is absolutely a brilliant guy who came back and became a great law professor, still teaching out at Hastings, They were in Washington, they were Mew dealers, and when they learned that I possibly might be footloose they were both after me to come to Washington, "we'll set you up." So I wound up being interviewed at the SEC-, and i .fAy made an offer and then I went over to the NLRB and by God they went better than making me an offer. They took me in to see the chairman, Warren Maiden, and .Kd said "Well, we'd like to hire you but first thing you have to do is to show that we respect senatorial courtesy, is there any way you can get an endorsement from Senator Duffy?" Well it happens, that I had done some work for the Pennsylvania Democratic Party State Committee drafting legislation. I substantially drafted the Pennsylvania Labor Relations Act, the Housing Authority Laws, some tax legislation with Francis Beadle, who was head of that committee, the guy who subsequently became solicitor general of the U.S.. So I had gotten to

(' know Jack Kelly, the city chairman in Philadelphia, quite well, so I had no trouble meeting that requirement. Before you knew it, I was in Washington D.C. as of February 1, 1938 where my bosom pal Lou Gill already was. That was a very, really, challenging and broadening experience. I was thrown right in to dealing with immensely complicated cases.

What was your job title, then?

I was then , just a review attorney, but changed my job to read the records and prepare the opinions taken and present them to the board.

At that time, you weren't attached to any special member, It was just the board chairman?

No, no they did not have that system then. They had a separate review section under the supervision of an assistant general counsel named Tom Emerson, who became professor of law at Yale, later. But, I'd only been there a few months, I guess, not more than six weeks, when I stepped off the curb at 15th and 8th streets and felt a stabbing pain in my right hip. I thought, gee this is a recurrence of that old basketball injury you got years ago, and I've been having this problem. I went

to a doctor in Philadelphia, he told me I was suffering from varicose veins and muscle strain from having put the shot and thrown the discus when I was in high school and college. I only weighed 155 pounds in college so I was a runt. I shouldn't have been throwing the weights anyhow but I did. So, he gave me heat and ointment, that kind of stuff. Well the fact of the matter was, Lou Gill's wife worked for a doctor in Washington, at the Washington General Hospital. So, I went to see him and they x-rayed me and they found an immense tumor in my right hip. I had to have surgery and I went to Johns Hopkins. The Board members were very kind to me. They put me on sick leave and then said if you're able to work in the hospital you can work our cases for us up there and we'll put you back on the payroll.'

So that's what happened I spent ten weeks in a body cast and I wrote up all kinds of magnificent decisions, probably some of the best work I ever did in my lifeixjcause there was nothing to divert my attention other than a body cast, lying on my back, cast from here on down to here. Anyhow, I wrote up some very important decisions involving transcripts in one instance^ 13,800 pages, another five or six thousand pages. The Board got there money's worth. I did some good work for them. But that happenstance is the reason I'm an arbitrator today. Now this may seem

incredible to you because I thought I was a dead duck. The doctor, after the surgery when I got the cast off, the damn thing opened up and the juice poured out and the nurses called the doctor and his blind explanation to me was, "well son", he said, "that's interesting. I didn't expect to see that to happen". He said "What I did was to put some carbolic acid in there to make sure I've gotten all the malignancy out". Anybody didn't tell me this was a benign tumor, up until that time. So, I said oh boy. I was 26 years of age, but the reason I mention it is that I couldn't get into the military. Lou Schwartz and I went to volunteer and got turned down. Then I went to the navy and the doctor scornfully said "Garrett, we won't touch you with a ten foot pole, we don't want to support you for the rest of your life, however short it may be". I went to work, continued work, but this time I was with the War Labor Board. That's how I became chair-man of the Regional War Labor Board, and that's how I got into labor arbitration.

When did you transfer to the War Labor Board?

In August of 1942. I left the NLRB after I had gotten into the enforcement division as a supervisor and argued cases in the circuit courts. I had the privilege of arguing before L[^]rned Hand, Gus Hand and Jerome Frank for

example in the second circuit. My favorite judge in the fifth circuit a fellow who looked like the &oman senator, Hutchinson. I'd spoke about him in my Seattle speech, as I did indeed in my 1961 speech to the Academy. That man was a hero to me. He was the district court judge who in the late '20's issued the Cease and Desist Order in the Texas and New Orleans Shopmen's case to protect the rights of the employees to self determination of organization under the Railway Labor Act which had no injunctive relief in it. He in effect said " Hey, this is the law of the land and although there's no remedy specified a court can enforce this with injunctive relief". He did and he was sustained in the Supreme Court, ultimately. ~~CIT~~-i was denied and then there was a later case which resulted in the Supreme Court opinion, but Hutchinson was the guy that I regarded as a truly great judge. When I argued before him 1941, early '41, he had the reputation for being a great conservative, a tough guy. He was a formidable figure. He did cut me off after about ten minutes*

I had had his full hour but my opponent had made the mistake of misrepresenting the evidence so I used the old ploy of saying " May it please the court, as I sat here and listened to my learned colleague discuss this case it occurred to me that possibly I was in the wrong courtroom, because the facts as they were recited to you

do not happen to be the facts in this case, for example...". And then you throw something out, and you just give him two or three of them and they're off and running. I didn't realize it at the time but that was why Hutchinson cut me off. He apparently did not tolerate any lawyer who did not accurately represent the facts, "e^c*se" was sustained in full. But I certainly have digressed, holy smokes.

We're talking, back to the point, why did you go to the War Labor Board from the NLRB?

The NLRB job was a good job and I loved arguing in the Appellate Courts but I was then in the throes of raising a family and my boss, Tom Emerson, had gone over to the OPA as associate general counsel. He offered me a job over there as chief counsel in the textile, leather and apparel division, at a salary which was like 75 to 80 percent above what I was making at the NLRB. I told Tom I would be happy to make the move and then of course the NLRB wanted to match it but I was committed so I went to the OPA. I didn't like it worth a darn but by this time Lou Gill and Ted Kh«cl, who were very close friends of mine then, were with the War Labor Board and they asked me to come over and they got Ralph Seward, my predecessor here this afternoon, to hire me, as a mediation officer

and so I ...

And how did you know Ted Khed '?

We worked together at the NLR&. He was the review attorney and we were close friends. I still regard Ted as a friend although I don't see much of him nowadays. I haven't seen him in some years, never worked closely with him since we were on the Subway Strike^in the first week or two of John Lindsey's administration as mayor. That's a story I will never tell. I refused to discuss that case when they wanted me to talk about it at the Academy meeting in Puerto Rico, shortly after that, and I never will talk about that case publicly.

What was your job title when you first went to the War Labor Board?

Just a mediation officer, I guess. I've forgotten. They sent me out on disputes, to either mediate them or come back and make recommendations to the board and help dispose of them.

So, a hearing officer, fact finder, type thing?

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I was never given a job description. They would just say "Hey, here's some cases¹". I remember going out to Chattanooga, combustion engineering and machinists. This old fellow named Bill something or other represented the machinists, we sat around for a day and a half and finally the case got settled. So then I got on the train, in those days you had to travel by train for the government. Anyhow, I went down to Atlanta and I had a cotton mills case where the company was represented by a very fine southern lawyer.

The textile workers union was represented by a fellow named Judge Brazzell, so called because he'd been some kind of small town judge or something in Tennessee, at one time. I listened to this case which involved manning a new barber coleman machine, don't ask me what that barber colentcin machine does or did. I'm not sure I even knew then, well I think I did. After we got into the second day, which was a Saturday, they hadn't settled yet, and we had talked a great deal, they said to me " What are you going to do ?". I said " Well, if you don't agree to a way to dispose of this case I'm going to have to surrender a written report to the National Board and then you'll have an opportunity to come to Washington to tell the board what you think about my recommendations. If you don't like them, what you think they ought to do.". They said " Would you mind, Mr.

Garrett, stepping out of the room for a few minutes?" and I said " sure". This was in the old Piedmont Hotel on Peachtree street. I stepped out and lounged around for about ten minutes and then they said " Come on back in Mr. Garrett.". I guess when I got in ~~the~~ *ccm^fij* ostomy said " Now, Mr. Garrett, we have given this very earnest deliberation and it occurred to us that possibly if we were to just give you our arguments, right now, that possibly you might be able to tell us how to dispose of this case." Well, I never heard of such a thing before, but this turned out to *b&* my first arbitration. So, I couldn't say no. How could you say no to that kind of courteous request, this declaration of confidence? So, I said " well, alright, I'll give you each fifteen minutes to summarize your positions, then I would like fifteen minutes to sit down and compose my thoughts, and I'll call you back in and give you my decision". That's exactly what we did, that's my first arbitration. After I gave them the decision, *th* &/tp<.r>j d^wne<y* , ever the courtly gentleman, said " Now Mr. Garrett, when are you all leaving town?" I said " Well, my train leaves at eleven o'clock at night." And he said " It occurs to us that you might want a little company between now and then and it just happens there's a bar up the street and we would be honored if you would join us for a drink.". Can you imagine?

, That was my first arbitration. I notice that you inquire in here about how I got started, who my mentor was. My mentor was the National War Labor Board and the fact that you had to do whatever had to be done to settle a case. You didn't want to go back to Washington with an unsettled case. There was a lot of cooperation out there during World War II. People really didn't want to go to Washington. It was really just the big guys that wanted to go. The only big guys, there were two big guys, I had a US Steel case involving their force farm line in Kentucky and then I had the Delco Plant, General Motors at Dayton, represented, believe it or not, by the rubber workers not the UAW. In each of those instances, well no, in the first instance I did write an opinion and resolved that was, after I had written it, and then proved an issue. John Stevens, then the vice president of US Steely came to see me in Washington and offered me a job. That's sort of flattering. I didn't take it of course. They then hired Rube Lorenz who was there when I finally became their board of arbitration chairman; he and I became close friends in later years. The other case, the Delco case, I don't know how we got rid of that. All I know, is that when I was out there, I got the call from Washington to please hurry back. They wanted to announce that I was going to be chairman

of the regional board of Philadelphia and they wanted me to be there the next morning. So, I don't know whatever happened to that other case.

So, then you went on to be the regional chairman...?

Yes. I was the regional chairman in Philadelphia during World War II. That's a story that is much too long to tell. We had a very good board and we pioneered in a lot of areas like job classification and ordering people to arbitrate disputes instead of bringing them to the board and that kind of stuff.

It was during your term there that those issues arose and you sort of pioneered ...

Do you really want to go into that?

Yes, I would.

Well, we're never going to be finished today because I really have to get to this cocktail party and then I have to get out of here. I've got to leave at six. I have to go to this Steel party so maybe we'll finish this in St. Louis. But, in any event, the steelworkers in the early part of World War II were using rate discrepancies as an

organizing device. They were encouraging people to file grievances protesting either that the standard hourly wage rate was wrong for a given job because Joe over here was making more and Bob over there was making more, or they were arguing incentive cases were all screwed up that the incentives were paying too little because they were making 15%, same kind of operation was yielding 150%. There were all kinds of those cases coming to the board because we were supposed to settle all labor disputes as part of the ~~-Jio-stha-~~ commitment that organized labor had given to President Roosevelt. The unions, particularly the steel workers, were making very great use of this as a means to organize. Of course, it was a fertile field to plow because there was a lot of dissatisfaction. There was terrific manpower shortage. Manufacturers couldn't afford to have wildcat strikes, slowdowns or anything like that. It's just the kind of thing you were happy to buy your way out of. We were getting all kinds of agreements that we thought were totally inflationary, for wage increases, and we were getting all these disputes. A particular offender in this instance was the local union at the Roebling Plant. You may not recall, but John Roebling is the guy who built the Brooklyn Bridge. He developed the cables that were from metal to the construction of the suspension bridge. His plant was in Trenton, New Jersey which is

where he made this stuff. If you've never been in the cable works, it's an impressive thing to see. It's fantastic how they weave these strands together. It's very complicated. In any event, the Roebling plant was generating fifty to a hundred disputes a week for our regional board. I had on my board Bill Loucks, professor of economics, from the U) Mr ton School. He was my weight stabilization director. Alan Dash, who had been one of George Taylor's top associates and proteges right under Bill Simjkin. We just got our heads together one day at lunch and we agreed that it was ridiculous to let these guys push us around. So, I guess I said to Bill and Alan, " What can we do?" Alan, I think it was^ said Well, why don't we tell them to establish a job classification program?" I said^ " Hey, that's fine. But we have to be able to define what we need by a non-inflationary job description classification program*" So, our regional board proceeded to develop a three page statement that controled entrance flows, that's saying that we will approve any job classification systems that do not result in a wage increase of more than two cents per man hour of work. Now, in those days, two cents was a good bit of money. Nowadays, nobody would even pay attention to it.

And that was later adopted by the War *Labor beard* on a national basis?

Oh yes, but we came first with it. No question about it.

And what about the use of arbitration for grievances?

Well now, this is where the Roebbling thing came in because this Roebbling could force us to do it. So, what we then did, (and again this is a total first and I doubt if any other board ever did this) we issued a show cause order on the company and the union directing them to come to a hearing to show cause why we should not cease processing any of their cases involving claims for wage adjustments, until such time as they have completed and installed a job classification program. They came to the hearing and you can imagine how quickly we issued that cease and desist order and the strange thing is it worked. What is even stranger perhaps is that on the board was Mike Harris, district director for district seven, which included Roebbling, and he voted in favor of that resolution. That was clearly a first. Now, we pioneered also the development of the policy for dealing with so called rare and unusual cases, manpower shortage cases. Why did we do that? we were under intense political pressure from the local Democratic Party people who had all kinds of friends out there in industry who wanted to take advantage of higher wage rates in order to steal skilled employees away from other companies. We

were being subjected to merciless pressure by some pretty eloquent people as well as people who were politically well muscled. So, we developed a policy statement on that, which forced the War Production Board to make the recommendation to us, otherwise we wouldn't consider any such case. Well, it was the War Production Board under the leadership of a prominent democratic politician that had been putting most of the pressure on us. We just put it back in their court. We did it with glee. The labor members of our board in particular resented the fact that these people were trying to put pressure on us as to how we should administer the W«^J« Stabilization Program. It was a strange thing.. The labor members of our board took a great deal of pride in having our show run in a efficient and fair way. It was very impressive. These were darn good people but that's another long story. Look, I keep getting off the ...

Alright, let's come back...

We're practically out of time.

Well, we can continue as long as you can continue. So there...

I've got to quit at five.

Let's get to your National Academy membership. When did you first join the academy?

I think it was early 1952 and I must tell you the circumstances because the questions here are irrelevant. Another long story. After World War II, I came back to Philadelphia to coordinate a labor relations group right across from George Taylor's office. I was one of George's numerous proteges. There are many of us who owe an incredible debt to George Taylor and certainly I am one of them. But in any event, after serving in that position I became, as you know, professor of law out in Stanford, but I was arbitrating in addition to being coordinator of labor relations for Pittsburgh Plate & Glass and this was true at the time the academy was being formed. I was invited to attend the meetings of the Philadelphia group which ultimately led to the founding of the Academy and also I was invited to participate in the meetings where we discussed the revisions of the old AAA code. I think it was Nate Feinsinger and Dave Cole and a few others, were responsible for drafting this revised government. I participated in those discussions. I was invited to join but I didn't. I didn't because I represented industry. I had a big retainer, a big office, and all my expenses paid by the glass industry. I didn't think I had any business of being in

arbitration...

You did that right after you left the War Labor Board then?

Yes. And so, I gave the Academy no further thought. Then I left the glass industry in 1949 for reasons which would take a while to discuss and are not relevant here. In good part, because I wanted to be in control and that's primarily why I went out to teach at Stanford. Well, I continued arbitrating out at Stanford."then I came back

to Pittsburgh to be chairman of the US steel board in July and while I was there I was talking to my old friend Ed Warren, who was at that time, president of the Academy. He said " Syl> how come you never joined the Academy?" I said " For goodness sakes, Ed, I never was eligible." He said " You're eligible; I'll take care of it." Early in 1952 I was advised I was a member of the Academy. As far as I know, I never applied.

How did you know Ed Warren?

Oh, Ed Warren and I went back to the War Labor Board. When I was out in Stanford, Ed tried to get me to go down to UCLA to be one of the law faculty there. He was head of the Institute of Industrial Relations at UCLA and Ben

fourcry was there and Irv Bernstein. They wanted somebody on the law faculty that they could relate to, that they knew, so that was one of the things that I had under consideration at this very time. I didn't take that offer but we won't go into that either because it's not relevant.

Alright then, after you became a member what were the various committees that you ...

Frankly, I don't remember any committee...

Were you on the Ethics Committee?

Ethics Committee? Yes. I actually think I was but when I don't know but let me tell you the most important committee I ever served on. That was in 1958, I believe, let's see, 1959. That was at the meeting in Washington D.C. and how they asked me to do this I will never understand but they asked me to be chairman of the Nominating Committee that year.

Who is they?

The officer/, the president or whoever

OK, Allan Colj was president, he asked you to^the nominating committee?

So I was chairman, Saul Wallen was on that committee and we were the characters who nominated Leo Brown. Did you ever know that? You knew that? OK. There was a very, very touchy situation there because Gabe Alexander was passed over when Harry Piatt became chairman out in St. Louis but you probably knew about that to. I had to go to Gabe after we had nominated Leo and explain*

Gabe and I. subsequently became very good friends. That's another story that I'm not going to tell you but, anyhow, Gabe became the next president and then in 1961 at the Pittsburgh meeting I chaired the Arrangements Committee for that. Ben Aaron was nominated for president.,

And I must say that at that time we were paying attention to the recommendations of the committee that Saul Wallen had chaired that had reported at the Santa Monica meeting ~t~° the general effect in part, that every president should have a project for his or her term of office. Ben Aaron was the first person to effectuate that, really. How did it happen that he effectuated that? At the Pittsburgh meeting, Fred Livingston on

behalf of the ABA Bar Association Committee on Labor Arbitration had made a speech in a sense scolding us for not training any new arbitrators. When Ben became president, he made that his project and I knew that would not be completed in one year so Ben and I together came out here to Chicago, where ~~the~~ *ictr*.cpuU« ^r* *fcejiAvmO*) TA.emke.rS (particularly in Chicago, but also very much so in Cleveland and also in New York City) who did not relish the prospect of having new people come in to compete for the available business. Now this has been something that has plagued the Academy for years and it's still out there. There is no question about it. It's one of the things I that I find somewhat disturbing but in any event, Ben and I certainly prodded the Chicago group to get the program started here. I got us a group started in Pittsburgh. He got a group started in Los Angeles. I don't know whether Leo and Jack Dunsford got the group started in St. Louis at that time and I suspect they did. We never prodded St. Louis I'll guarantee you, as far as I know neither Ben or I ever went to St. Louis. I think that Ben and I together may have gone to Cleveland to do the job. We never went to Philadelphia. New York? I draw blank on that. I don't know what happened in New York. But, that program worked with some degree of success. In Pittsburgh we had, I think, close to fifteen people and

out of the fifteen I would say six or seven made the grade.

It was something that needed to be pushed in those days. After a while, the notion of training numbers of arbitrators sort of faded out of the picture and we went to the intern program. You may recall at the Cincinnati meeting where the meeting before that, the then president, I forgot who it was, designated a committee headed by Ben and Jean McKelvey was on it. I think I was on it and a couple of others maybe Ted St. Antoine, to decide whether we should go back into the training of new arbitrators and our recommendation I think was no, what you really need to do is to train people we got. So, you will find, I think St. Louis again has taken the lead in this area, that in some of the regions that has been done. Now in Pittsburgh, we've done it without any fanfare.

But, the AA and Mc- University of Pennsylvania, where I have been for two years a visiting distinguished professor, and my tenure is about over, we got together and we put together a symposium in ten sessions, that meet once a month. The first year we did this 1987 and 1988, we had fifty five participants. Washington D.C., Charleston West Virginia, Erie

Pennsylvania, Harrisburg, a whole bundle of people. This year we're coming into the program with forty four participants. And, I don't think there's any doubt at all that having meetings with assigned speakers, some outside, but this years been more in house than outside. We discuss interesting subjects and bring people up to date on the more interesting developments and believe me this field is changing. Problems are emerging that, gosh when I started, nobody dreamed they'd be problems. Well, it's a very enriching experience and I think it's very good knowledge for the arbitrators and for the parties that use the arbitrators.

Moving to your presidency ...

Well let me just add one word. The difficulty today is that we have too many arbitrators. We really do and we have people who are literally not making enough money to make a go of it and that's a darn shame. Fortunately, the public sector is taking up a good bit of that slack. Now you were going to ask me a question.

I was getting to the point where you were' Pres^A«*W" *f-H^< Acadtwc^

to continue the training of new arbitrators. And I

would say that Ben Aaron and I put a major effort into that, a major effort. And it continued for a few years after that, but I by this time was off: to other pastures. By this time, I think, I may have been on, I don't know if you'd call it the Ethics Committee, but anyhow, Ate Stockton was in the picture by this time and we were beginning to think about the need to revamp the code and somewhere in that period we retained, and I was still active, I don't know why I was still active, I wasn't on the board or anything. I must have been on some committee but I don't recall. But I might have been on some committee under Abe's chairmanship. Ate Stockton was a fine person. Anyhow we had Jrtstvucti'«ms

to study the code and to make recommendations, nothing came of that I recall. That fell through at the Cleveland meeting and it was with some astonishment, in later years, that it developed in JVry Barrett's administration the idea of revamping the code finally took root. Lo and behold Bill Simjcin and Ralph and I^isnw /toto/and Larry Schultz^and Don Strauss^, it was really an excellent working group and I'm sure that you already taped that, or somebody's taped that. I'm sorry I missed that ...,

They used you?

Yes, they also wanted me to stir things up. But do you know what my view of that was? And it is, firmly, that those of us who participated in drafting that code are ill advised to try to suggest what it may mean because like the constitution, and we have a committee that's supposed to interpret it and I say God bless them it's a tough job. And, conditions will change. I'm really sort of glad I wasn't there because ... they undoubtedly gave you a beautiful story.

What about the effect of your term of office on your caseload?

Oh, I was overwhelmingly busy. I was chairman of the US Steel Board and by this time I, no I guess that was the only assignment I had, no I had nothing *else*.

So you carried out all the duties of the presidency without having any problems, did you have to work overtime?

I had assistants at the board. I had some very wonderful people working with me^Mickey McDermott^ for example. Al Dybeck I think was coming on board about then. So, I was in very good shape. Can you imagine? I mean Mickey McDermott, and Al Dybeck ar your assistants ! Heavens, I had no problem sleeping. It didn't bother me at all.

It was a pleasure.

And what about making committee assignments? Was that a chore?

Well, I've noticed that nowadays the custom and practice is to solicit or rather to let people express their desires, and I'm going to say something unpopular, I think we have too darn many committees and too darn many committee members and I'm beginning to think it's transparent to the public, as they look at our membership directory, and see this large number of people listed on committees and there's a healthy suspicion out there that most of those committees do substantially nothing. Now again, I don't know. I'm not on the ground floor and I'm only expressing what I think is a suspicion that, that may be the reaction of some people and I will confess that it's a little bit my reaction to them.

And did you try to cut down on the number of committees when you were president?

I didn't have it in those days. It was not nearly as bulky. And we didn't, as far as I know, solicit people on a broad scale basis. Now I recognize that it is a more democratic thing to do and it gives people the chance to come to the board who otherwise would pass

unnoticed. So, it's not easy to accomplish an efficient operation and at the same time give everybody an opportunity. So, I'm only railing with that...

How did you make your decision?

I wouldn't say that I would change anything. But, in those days the Academy was much smaller and I dare say I knew everybody personally who had been a member for more than a few years. And, in those days it wasn't necessarily a privilege to be on a committee because in those days there was work to be done. Nobody was paid any expenses. The board of governors was not paid. We paid all of our own freight. Everyone of us all of the officers. So, it was a totally different kind of a ball game. It was not a great privilege necessarily to be on a committee and when you're in the Academy, in those days, you didn't suffer from any lack of notice among potential clients. I would dare say that, in those days, the Academy members almost all had as much work to handle as they wanted to have. Totally different situation today. People are hungry. They want to publicize the fact that they're available in a discreet and ethical way. Who's to fault them. I'm just running off at the mouth and please keep that in. You asked me the question.

We ask the questions out of all of you so we want to be sure and find out what you think about things.

When did I begin to think about committee ...I can't recall.

No, going on further ...

It wasn't a difficult task.

Do you see any suggestions for future presidents and for generally the academy, do you see any problems that we ought to be thinking about?

I have none.

You don't want to get into that?

I am a creature of the past.

Alright then, I'll let you go.

No you won't.

Oh, you got more to say? Great!

No, I want to get ... the last question. What do you consider is the most important qualification for Academy presidency? One consideration that I think is of dominant importance is that the person selected to be president of the Academy can be a person of such stature they would reflect credit on the Academy. That in my judgement is the essential criteria. Now let me scan some of these ... oh look, these last questions, look what you've got here. Do you know how long I could talk about that.

Do you know I was offered the general counsel of the NLRB right after Taft Hartley was passed.

You didn't go?

I was coordinator for labor relations for the glass industry, and I didn't want to take about a 90% cut in pay to go and work for that particular assignment. But heck, I could talk to you about public emergency disputes, John L. Lewis, 1952 Steel strike, the difference in the negotiating technique between automotive and steel, all kinds of things. I could talk

for two hours.

That's why we put that down at the end.

If there* something at the moment, some story or something about it that you would like to get in on this, ^{if} would be fine with me.

Well, let me say only this. When Taft Hartley was passed and the public emergency disputes provisions were included, there were a lot of people who were emotionally in tune with John Lewis. When he referred to those provisions as the slave labor act and there were some learned scholars who wrote books decrying this is an ineffectual procedure and I must confess, that, that was generally speaking, my reaction. Who needs it, was my reaction. Well it happens in 1959, largely as a result of my draft decision in the case USCA 46, we had that prolonged the steel strike, and lo and behold, in November of that year there was a court order that directed miners to go back to work because the President ^{deda@d Hr>a*itfv*t^} Now the fact of the matter is, in retrospect, that that single instance may demonstrate that there is a greater degree of wisdom in that provision than a lot of us thought at the time. Now this

is a very complicated subject and indeed it is something that you could write a book about. Why was it that John Lewis used his technique? Why did Phil Muf[^]/adopt a technique of shutting down entire industries? Why did they do that? Who were they striking against? Were they striking against the employers or were they striking against the public to force the employers to cave in? And you know how many steel strikes and coal strikes wound up in the White House. Now these are pretty heavy questions to ponder and frankly when I read that last bundle of questions there I thought to myself my God, does Gladys expect really, to have me talk about those things. And I conclude you didn't really. Did you?

Well, we put them at the end deliberately, so in case we had more time people would be able to talk about things that they knew about in this area,

Well, it's a fascinating field, you know, having lived through it, and Ralph Seward is another one. There's so many of us, that we reach back into the thirty's, have some pretty vivid memories and when we look back and think about what we've been through it's sort of fascinating. But I've never really done it. And it's just when I read those questions this morning I thought
* Holy smokes,, this can't possibly be a one hour interview.

So that's all I need to say. Right?

OK. Thank you very much.