

National Academy of Arbitrators
HISTORY COMMITTEE INTERVIEW

Arnold Zack

NAA President, 1994

Interviewed by Jim Oldham

June 3, 1993 and May 25, 2006

Oldham: This is Jim Oldham, interviewing Arnold Zack, Denver, Colorado, June 3, 1993. Arnie is about to become President of the Academy; later, we will interview him about his experience in that office and as President-elect. For the moment we will get a head start by talking about personal background and Arnie's introduction into the Academy and early years. We may also range into broader questions, such as the education process for arbitrators and to Arnie's unique experience in international arbitration. But first, following our usual format let's let Arnie talk about his personal background and where he was born and his rearing, etc.

AZ: I was born October 7, 1931, Lynn, Massachusetts. My father was a lawyer who was an orphan who had gone through law school working as a shoe salesman. My mother was a daughter of what he considered a very wealthy family in Salem which actually owned its own home. She worked as my father's secretary.

Oldham: How many generations from overseas were you?

AZ: My father's family came to Lynn, Massachusetts from Kiev in what is now the Ukraine in the late 1800s. My father was born in the United States in 1901. My mother's father came from Lithuania in the early ⁸1990s_{2^} and then sent for his wife and children. My mother was born in Lithuania but came to Salem, Massachusetts when she was 6 months old.

My father had been orphaned after his father died when he was 1, [^] his mother died when he was 12, [^] my grandfather on my father's side had been a scavenger in the brick yards and in finding in trash area finding pieces of metal to resell, not a very extravagantly wealthy background.

But on my mother's side my grandfather who died at 96 was a peddler and owned a couple of tenement buildings. That was upper middle class in Jewish immigrant society in that era. My mother went to high school, my father, as I say was an orphan and sold shoes and got enough money to commute 20 miles a night to Suffolk Law School in the days when you didn't need a college degree to go to law school. He went to work for a lawyer who had been Mayor of Boston, by the name of Mansfield, as a clerk in 1928 or 1929. My parents married when he got that first job. I am spending a little bit of time on this because it is relevant to how I got into this business. My father was brought up largely by a neighboring family by the name of Connery and my father's best friends were the children Larry and Billy Connery who also lived in what was called the brick yard area of Lynn, Massachusetts. Their father was a politician and ultimately became mayor of Lynn and Larry then went to Congress as a democrat and was when Roosevelt came in, since he was one of the few

democrats in the that era, he became the chairman of the House labor committee despite his juniority. And when he had that job he said to my father, who was suffering, because his law practice was not doing very well in the depression and my father really had nothing, and said well why don't you come down and I'll give you a job in Washington. So my dad went down to Washington and in 1932 with me, his six-month old child in tow and went to work for Larry in the administration of the NIRA and of course when that was declared unconstitutional in the Schechter decision, my father was again out of a job. Larry said well let's take section 7A of the NRA statute and ultimately what came out of that was the National Labor Relations Act, of which my father had been a draftsman. And as you will recall the name of the statute was the Wagner-Connery Act, named after Larry who was then the chairman of the House Labor Committee. So my dad was with the very early National Labor Relations Board and was sent out to set up the regional offices. The first regional office was to be in Philadelphia. So in 1937 or so we moved from Washington to Philadelphia where I lived about 3 or 4 years and then in 1941 my father had a heart attack when he was 39. We then moved to Boston where he became the Chief Law Officer of the New England region of the Labor Board and which of course

was home and we've lived in Boston since. My dad died in 1951 when I was a freshman in college. It had been his desire and goal that he and I would go into practice together and there are some early Academy officers particularly those who had been with the War Labor Board and some with the National Relations Board who had a very high regard for my dad, who had a very good reputation and was known really as a mediator though it wasn't an official NLRB title, in the days of National Labor Relations Board.

I grew up in Brookline, Massachusetts, went on to Tufts after graduating from Brookline High in '49. When my father died in 1951 I was a freshman at Tufts. There was a great gathering of a lot of his friends to figure out what I should do during the Korean War. If I stayed in school I ran the risk of getting drafted. His friends, many of whom were from Washington, decided I should go down to Washington, get a job in the government, and go to school at night. There was no money. My dad died as a GS-15 and the salary was \$8800 so that didn't leave very much. I said I wanted to stay at Tufts and so, disregarding all that very sage advice, I did not go to Washington and I stayed at Tufts. I went to college during the day and I worked a night shift at Filine's Department Store, where I did windows and stock and the like. I had a wonderful time

at college. And I did pretty well. Then I applied to law school and applied to Harvard, Yale, Columbia and my safety school was BU. I did not get into BU, I got into the other three. But I had been interested in labor relations and in fact I joined the IRRA in 1949. I was very interested in labor relations, because of my dad and contacts there and social contacts. I had gotten to know Archie Cox and some of the people at Harvard and didn't want to go there and then learned and heard about Harry Shulman and decided that Shulman was a more appealing mentor than Cox. And then of course I decided after having spent all this time in Boston it was time to travel to New Haven. Yale gave me a better scholarship. Harvard expected me to live at home. So I went to Yale Law School and in the freshman year I took a course and Yale is very elective prone so I took a seminar in labor law of about 10 people, one of whom was Bill Murphy who was a graduate student when I was freshman. We didn't know each other at the time. Labor Law was my primary if not sole interest in going to law school and I got hired on to be Harry Shulman's legal research assistant and did sort of scud work for him, which was all very informative. He was just a wonderful, warm person. My recollections of it are primarily personal and his warmth and support rather than any intellectual discussions of any sort. I was

still a freshman or in my second year. And then he came down with cancer and I did a little work when he was preparing for his Law, Science and Policy paper at Harvard Law School. I did not hear him deliver it. He died in '55. I graduated in 1956. I was not sure what I wanted. I wanted to go into labor relations. I didn't know how to get there. I interviewed on the union side and the management side. On the union side there was a law firm in New Orleans that sounded like an exciting town to go to, so I was going to sign up with this union firm. On the management side I interviewed with Malcone Denise of the Ford Motor Company and I got an offer from both of them. Then one day, on Christmas vacation, I was back in Boston, the president of the Academy was a guy by the name of Saul Wallen whom I didn't know. I went up to his office and told him I was interested in labor relations and that I wanted to be his clerk so I could become an arbitrator. And he said, "forget it, how many law clerks become judges", and that it was not worth pursuing. And so I forgot about it.

Oldham: How had you come to the conclusion by then that you wanted to become an arbitrator?

AZ: I wanted to be in labor relations. That was fascinating. Like anybody else who comes into the business the assumption is that you are going to be

successful because you view yourself as being a rational, fair and neutral, not realizing that has nothing to do with it it's all acceptability. So I was naive enough to think I could claw my way into it and that through perseverance and competence everybody would recognize that merit. Being an arbitrator looked like more fun than being on the union side all the time, or the management side all the time, both of which choices made me feel uncomfortable. Even at that stage I really didn't want to defend unions all the time, or to attack unions all the time. In youthful idealism it did not seem to be the preferred route for spending one's life and it seemed it would be better to have integrity and do what you wanted, especially if you got paid for it. So nothing happened after that Christmas visit with Wallen. I pursued the union and management jobs. And then in April of my third year, one of the fortunate quirks of life, I was sitting in my dormitory room and the phone rang. It was Saul at the railroad station in New Haven, changing trains, and would I come down to the train station. I literally ran down to the train station and he asked if I was still interested in being an arbitrator. I said yes. He said, well here are my notes on two cases I just finished, write them up. I said I don't know anything about how you write an arbitration award. He said,

well look them up they are published in Labor Arbitration Reports. And he left, got on a train, and went to New York. I was standing there holding these very valuable files, went back to my room and worked on these diligently, wrote the decisions, never heard from Saul, called him, no return phone calls, and then I noticed on May 11 he was giving a paper at an AA seminar in Hartford. So I got a friend to drive. I didn't have a car, so I got a friend to drive me up from New Haven and finally stalked him in the halls and found him. I asked, "what about those decisions I sent you." And he said come over here. He sat me down and said, look I told you to read the layout and I had taken the contentions of the parties and alternated, the union said on argument no. 1 the union says yes, management says no and I hadn't followed the format of his published awards. And he says your decision was lousy, it didn't make any sense. He said it was absolutely useless. I said what about the other one. He said I signed that and sent it out. So I said what about a job. On reflection I think Saul was just playing cat and mouse. He was a guy with a great sense of humor and a very sweet man. He said, well look around if you can't get anything. come by when you get done with school. So obviously I stopped looking, cancelled these other alternatives, didn't pursue them,

graduated the end of May, went up to see him and it was on a Monday and he said, "I'm going on the road I'll be out all week so why don't you take off two weeks and take a vacation, and come back if you want to work here you can work here. I said, "well what about money?" He said, "how much would you get if you were practicing law out of law school. I said the going rate in Wall Street which, like everybody else I was in the middle or lower half of the class, but I was not Wall Street material, and I said the going rate is about \$7000. He said, good, I'll give you \$3500. I said sold. And that is how I went to work for Saul after a two-week vacation. My work for Saul was a repetition of what had happened in New Haven railroad station. "Here are my notes." He would hand write notes and occasionally in the corner at the bottom of the notes there would be a microscopic U or C to tell me how the case was to come out. I don't know how far the oath permeated the practice in those days but I certainly was a ghost writer and I would write up his decisions and he would go over them and in large measure we would talk about them and sometimes there wasn't a U or a C maybe in those cases my judgment was persuasive to him.

That was in 1956 and I fulfilled that function with him from '56 until '63. Initially I was a ghost writer I was then I was 24, I graduated in '56 I stayed

with him for the next few years writing decisions, running his office, doing his scheduling, making out his checks. He would take me to hearings. He would introduce me to potential clients. He was very good about that and he was pushing me all the time. No one could have had a better mentor both professionally and personally. In a sense he replaced my father as role model. He also took me into his family with which I was very close and brought me to Martha's Vineyard where he had a home. he was responsible for my "success" there as well, uring me to buy land back when it was \$750 per acre. He had brought the arbitration fraternity to Gay Head. Ron Hazleton, Jack ____, Mike Stutz, Bob Stutz, Rod Deanis, Charlotte Gold, Bill Post, all NAA people came because of Saul's urging. The first case I arbitrated was about a year after I started with him. It was 1957, I was 25 or 26 and it was a case of Brown Paper Company. And I went up to Berlin, N.H. and did the case and Sam Angoff who was the dean of the New England union attorneys, of Angoff, Goldman, Manning, Pyle, Wanger, (known as we the people). I came back to Saul and said I've done this case and Sam loses. And I wrote the decision and Saul went over it. He says that's rational. Angoff was didn't talk to me for about five years which is very bad for a person who is trying to break into New

England practice since he was the biggest union attorney and had really this taken me on as a favor and Saul always said he is just bullshitting you; he expected to lose. He had a lousy case and he knew it. I never went back to Brown Paper Company in all these years I do a lot of other paper, they would never have me back. I probably didn't do cases with him for another 20 years because of that decision.

The Director of the AAA office in Boston was John Church, an old stuffy but very pleasant Yankee who was very supportive. He pushed me and after I had about five cases which was within 2-3 years he wanted to put me on the AAA panel. I was 27 or 28, I was certainly under 30 and he proposed me for the panel and was told that he couldn't put me on the panel.

When I had been in law school I had taken a course on arbitration with Wesley Sturgis. I guess I was interested in arbitration because every course I did I did a paper on arbitration in that field, including one in a course taught by Elias Clark on trusts and wills, I did a paper on arbitration of will disputes. And that was published by Martin Domky in the Arbitration Journal in '56 something like that and I had gone down there (I had hair then) I was a fair haired boy. I was Saul's disciple and everybody liked Saul so I got a lot of mileage out of that. So I had met a number of the

New York people and they published a paper of mine, so I went down to talk to AAA Vice President Nobel Bradon. He said nobody is allowed on the panel until they are 30 and I was too young. I don't know what occurred but in any event I got put on the panel before I was 30.

Saul brought me to Academy meetings. My first Academy meeting was in 1957 and I have been to every Academy meeting since then including one I had to come from Ethiopia and one I had to come from Nigeria, but I made every meeting. And I met all the people because of Saul but that was an era when the Academy was composed almost exclusively of war labor board people and since they had control of the private sector market and since there was not yet any public sector market there was no infusion of new arbitrators. I don't know if the records were available but it would be interesting to see how many new Academy members came into the Academy during the 50's and I bet there were very, very few. And I think you can see that now by the people who are getting their 30 year pins, four or five today, last year there were two of us and that is because there were very few people who had access into this enterprise called arbitration because and some of them may have been, like Reed Tripp, who got his 30-year pin today had been with war labor board. I had Saul pushing for me and I knew all these people. I was

25 years old coming to Academy meetings. Everybody was taking a very paternal and proprietary interest in my career and it was a very, very warm feeling and they were all very supportive and I was beginning to get the cases and I don't know how many cases I had, I certainly didn't have 50 but when I was 30 I came into the Academy and because the only people who were coming in during that period were those who were either left overs from the War Labor board who belated came on board or those who had been apprentices to other arbitrators. Dick Mittenthal, Rolph Valtin, Sandy Porter, not many others, very, very few. So we came in through that route and that was my entry into the Academy.

When I first came into the Academy obviously I was an observer and didn't do very much work within the Academy. I didn't have any function in the Academy. I don't remember what committees I was put on but I am sure that I had some early assignments. The earliest assignment of responsibility was on committee Arvid Anderson or Eve Robins had on public sector collective bargaining in the 1960s. I remember when Lou Gil became president in 1971 I got my first solo function within the Academy. I was asked to succeed him in publishing a mimeographed newsletter which was called, For What It May Be Worth, which was about 10-page

single-spaced two-sided mimeographed document copies of which are in the archives. I put that out about four times a year, a real bootstrap operation, I don't know what the Academy membership was, but it wasn't very large and so having that responsibility I was expected to be at all the board of governors meetings. There was no educational meeting back then. I used to go to some regional meetings, as I'm sure your records will show, we used to have these tri-region meetings in the northeast, which included the regions of Boston, New York, Philadelphia, Washington, update New York, meetings, which rotated in location every year within four of those five regions. I did that for about four of five years until it became the Chronicle.

As I said I was really favored by everybody in the Academy and I was elected to the position of treasurer in 1972 and I was asked to accept that position (I guess there wasn't much competition for it) by Jim Hill who said, "we would like you to be treasurer of the Academy." I said, "I would do anything that I could do for the Academy." He said, "that is the least you could do" and it was because at every annual meeting I would be handed a piece of paper from the then Secretary of the Academy and I would read the balance of the Academy, that was the entire function, an absolute fraud. But they gave it time I guess because

it gave them an excuse for having me to continue to attend all the Board of Governor functions. And I kept that exalted position from 1972 to 1973, 1974, three years I had that position. Then I continued to edit the newsletter but I don't seem to have had any other function until 1977 they put me on the Board of Governors and I was on the board of governors from 1977, '78' '79. Then I became a Vice President in 1980 and 1981.

When Dick Mittenthal was president in 1978 he appointed a committee to set up a continuing education program for the Academy and the chair of that committee was Walter Eisenberg from New York, and I was on the committee. And we were to put together training materials which were to be made available to the regions for continuing education. Walter labored extensively in cooperation with Moe Stone who had been, just retired as vice president of publications for the AAA and put together a 300-page manual of which I think I still have the only copy, which is about an inch and a half thick of training materials. Now if you ever look through any of the old Morris Stone books, there are cases and questions following them, a laborious, heavy teaching tool, particularly for arbitrators who "know all the answers." Walter was very late in producing this. It was at the annual meeting in which

Dick was the president, which must have been in New Orleans in '78 where I remember Dick giving him a deadline saying if that isn't produced by tomorrow or Thursday, you are off the committee, which is unusual for Dick but you could imagine how perturbed he was he didn't have this put to rest. And it was not produced and he turned to me and says I'm making you chairman of the committee and here I am stuck with this big volume which obviously came in two days later, something like that and he wouldn't reverse himself. Walter Eisenberg was very upset with me for several years but finally came to realize it was not a coup on my part, and I didn't even think I was eligible for that kind of leadership. It was at that point under Mittenthal that I got this green light to do the continuing legal education, and I put together a committee. It was not put together for me. Rather I selected people I thought would really do work, and we developed a series of 8 or 10 discussion guides which are in the archives.

My view of the continuing education in the Academy was that the best we could hope for was a forum in which Academy members could focus on an issue and give their views of how they would resolve a particular dispute. I have never been a very strong advocate of talking heads and particularly if you were going to ask arbitrators to sit and listen to another

arbitrator to tell them how they should decide the case when they think they should be up there too and they are just as smart if not smarter than the guy giving the talk, so I thought it would be more fruitful to have discussions and leave it to the arbitrators discretion as to whether they would change after hearing varying viewpoints. We put together these 8 or 10 discussion guides and I had each person on the committee do a discussion guide and they were and I still think they were really very good. I am sorry they have never been redone but they were very valuable.

We circulated them to the regions and then we asked the regions when they got to do their continuing education program or when they wanted to have a regional meeting if they would contact me I would arrange for someone to come and lead a discussion in their regional meeting and one of our committee members, whoever was the closest, would go to that session. I got reimbursed my plane fare and usually locally they took care of overnight. It was a pretty bootstrap operation and I suppose we spent, we spent, maybe \$4,000 a year which was largely on the plane fares.

The benefit, I think, of that approach to continuing education is demonstrated by a session we

had in Mohawk up in the Poconos where Sidney Wolf, a cantankerous, now departed, arbitrator who was not really involved in much Academy stuff, although was a member of the Academy. He came to one of the sessions. I was doing a videotape session on discipline and the discussion, which said the employer has to go first, and Wolf said, " what is this business about the employer going first?" He said, "these things are useless if you are going to do it right" and I asked, "what is right?" He says the union goes first, everybody in the room says "in discipline cases?" He was so taken aback everybody said, "isn't that what you do? " and that has always been the greatest vindication. I don't care whether he ever changed but he at least knew that other arbitrators did things differently and I think that was the real purpose of that kind of exchange.

I suppose people benefited from war stories and I stood there with a stopwatch. You could tell a war story up to one minute and 13 seconds afterwards I shut them off. It was done in pretty good spirit and it went quit well and worked quite well.

Then in '78 or '79 Rich Bloch came up with the idea of doing videotapes and which we were going to use. He was not involved in continuing education but we thought it would be a good device. I'm not sure how

he actually fit into this other than doing it as a friend, but we put together these videotapes. Cafritz who lived across the street from Rich and Sue had us over one day and we did a videotape in which Susan Bloch played the role of a discharged flight attendant for stealing some miniatures.

Oldham: I have shown it to one of my classes before.

AZ: We held a whole series of about 8 scenarios of issues that arise at the start of a hearing including I think that was the one which there is a disagreement over whether there is going to be a transcript and how is that going to be resolved. There is disagreement over whether there would be sequestration of the witnesses and how was that going to be resolved. Each one of these vignettes which ran about five minutes were punctuated with a stop and an opportunity for discussion whether the grievant could bring his or her own witness or own attorney, who goes first and so on. And ultimately Rich and I made 8 of those videotapes: The problems at the start of the hearing, evidence, arbitrability, I don't know if you have ever seen that one, where there is a woman who played the role of the union advocate and a woman who is the grievant. And it is obvious that I have just arrived, don't even know the grievant's name and Rich brings up these objections on arbitrability and at first that she is a

probationary employee and secondly that the grievance was untimely and third that it was signed by the shop steward and not by her and it had been tardy on an appeal and that she had quit her job and there are 8 of them and I kept mixing up her name. It was Mary and the second time it was Margaret and she would correct me and we had this running joke through it and another we had a case an argument and we played the roles of the advocates in these little scenarios and they had a Coke can, Rich was drinking out of a can of Coke and the film is on him and I reach across and I'm drinking his bottle of Coke, what time is your plane leaving. Due to Rich's incredible sense of humor, timing and scripting they were enormous successes and we used them. I think he did it as a favor because I was going to use it for the continuing education. After we did the Cafritz model we got permission to film at Cornell. Cornell would provide free taping and produce the tapes for us if they had access to use them in class and we agreed to that. And so we went up to Ithaca and we taped "problems at the start of a hearing," "arbitrability," "evidence problems in seniority," "problems of mediation," "discipline and discharge," a couple of others. And I used those around the country in continuing education. I still use them in the course I teach at Harvard and they still break me up.

Rich and I have an agreement that we would not allow them to be shown unless one of us was showing them because we did serve in the role as advocates and we were arrogant enough to think that we were so persuasive the other side would never use us as arbitrators. I shared in some of Bloch's glory in two hours he did for NAA annual meetings at San Juan and Los Angeles and we spent a lot of time together so we were identified as a twosome in all activities we were engaged in in the Academy. And Rich at this point was secretary-treasurer. It was combined secretary-treasurer at that point. And Ted Jones was the president.

This gets into how I perceived how we went into disfavor or I went into disfavor. I had never paid any attention to budget. I had never paid any attention to much of the politics. By this time I was a vice president, I mean I just shot up because everybody was pleased with the continuing education stuff and it was fun. The Texas region had me down for something like four years in a row. It was all responsive to what the regions wanted and everyone said well let's do this. I also ran some meetings for--I also thought it was important to set up some meetings other than the regional meetings because there were a lot of people who didn't go to regional meetings. And I wanted to

have continuing education reach a lot of people who might not otherwise have access to it and came from states who were just loners and I wanted to have a series of programs around the country. And the first one we ran was down in Clearwater, Florida. My theory was that if we ran these off-season that we could get very low rates and if we ran them on the weekends we could get the families to come and we would attract the younger arbitrators who ordinarily would not go to the regional meetings. So the first one was in Clearwater. Tom Colosi drove down and did a 3-day training program on mediation with role playing. Everybody who was in was very pleased with it. John Kagel came out and gave a paper and we had a transcript of it and had it printed on rules on evidence as they apply to arbitration. It was probably half an inch thick. I don't think it's ever been used. It has some very wonderful material in there for people who are coming into the business or want to understand rules of evidence. I don't know what has happened to those. I have copies. We announced these programs and invited people. We did not get very good attendance. We would get 20-25 people to come to one of these things which was the perfect size but not the response that I had hoped for. We ran them at Christmas time in Bermuda for 3 or 4 years getting between 15 and 25 people. The

Bermuda place was chosen because it was very cheap off-season. We paid something like \$80 a day with room and meals and I charged whatever the plane fare was and I had the free hotel because I put the meeting together and knew someone in the Princess hotel chain so they gave us all these extra rooms and meeting rooms and people kept coming back and to this day people keep saying why don't we go back to Bermuda. One of the things we ran in Bermuda was a program where we brought in a guy by the name of Steve Stark, who now writes for the Boston Globe and he was a teacher of judicial writing at Harvard Law School and I struck up a relationship with him in Boston because I wanted to deal with improving the writing of the arbitrators, on the theory that arbitrators think that their decisions and conduct of the hearing are what counts but people read these decisions and a lot of arbitrators are not very good writers. And I thought it would be good to do for decision writing what we had done for conduct of hearing issues. So I got Steve Stark and agreed to pay him \$25 a decision to edit and comment on each decision and the instructions were to those who were participating that you had to send in the last decision you write prior to October 1st. Our meetings were the week before Christmas. And he read them, brought them down to the meeting in Bermuda and had individual half-

hour sessions with each one of the arbitrators, editing their decisions and then had a session with all of us together. You write positive rather than negative, affirmative, don't write in the passive, you write in the active, no sentence more than 22 words. All kinds of really basic English. And then he described individual decisions and without naming the arbitrators said, let me read you this. We had them on a projector. So it was on the screen and everybody was following including his editing remarks which was extremely important and this arbitrator said that and the arbitrator said, that was me, that was stupid. All 20 people fessed up to all the egregious writing wrongs that had been guilty of and it was a very, very worthwhile endeavor which I have tried to reproduce since and I haven't been in a position to do so. Roberta Golick did that last year and we had someone who teaches judicial writing at Suffolk Law School who has done the same thing for us in the New England region but I don't know if any of the other regions have picked it up. There was some talk of having Steve Stark doing it around the country but I left the enterprise before that happened. And we showed the videotapes and I think I tried to produce a new videotape for every one of the Bermuda sessions. We were alone and thanks to the requirements of the IRS in

those days when you could deduct for overseas activity these were tax deductible if they stayed in class six hours a day. So I had them for six hours a day and I was very rigid on the amount of time that they had and so we really had very good discussions. They were really worth at least the six hours that we were required. We obviously had a good time as well. Then we did one in Chicago. I think I ran that one. Then we did one in Lake Tahoe which Joe Henderson ran because he lived out near there. Then we had a lot of others. We tried and could not get response to so we cancelled them if we didn't have 15 or 20 people. The whole enterprise had enough credibility to keep it going.

I think it was 1980, when Eva Robbins was president that we went to Hawaii. I guess by this time looking at this history I was recognized or designated as chair of continuing education oh here it is, Arthur Stark was chair of continuing education seminars it was called, seminars committee in '77 and I took over in '78 in terms of the chronology. We were going to Hawaii and Tom Roberts suggested we do a tour because the old timers used to take vacations with their spouses and go off to exotic places. So I said let's do a continuing education program.

Oldham: Hawaii was a location for an annual meeting?

AZ: The annual meeting was in Maui and so I put together a program establishing contact with the arbitration tribunals and a bunch of universities in Australia and New Zealand, and began with the six hour requirement to make the thing tax deductible and had all the forms cleared with the IRS and there were about 20 or so people on that tour, and since I had done all this without anything coming out of my own pocket, in other words expenses, air fare was always supplied. I would stay at people's houses maybe one night, I never padded it, maybe occasionally an overnight at a hotel. We had these meetings in Auckland and at the university in New Zealand. We had seminars and we had all the university people there and we really worked the six hours every day. And then we went to Sydney, Canberra, and Melbourne and did the same thing with a number of universities there. When we got to Auckland, the Marshals from Los Angeles were going down to visit the south islands in New Zealand for an overnight, going down to see all the signs, Mt. Cook and Milford Sound and so I went down with them. Anyway we did that trip. And I had planned for a trip to Scandinavia to visit the labor courts in Denmark and then Sweden and Norway and had actually set up dates and we were continuing to do other things. Then at the annual meeting in Washington, I guess it was 1981, Ted St. Antoine was the program chair, and he said he wanted to use our videotapes as the format for the Academy meeting in Washington. I objected as did Rich saying since we had taken the role of advocates, we didn't want them shown to the clients, and we went up to Cornell and Rich and I paid our own plane fare because we did not want to take any money from Academy on this or be accused of it, and we did a videotape with George Cohen, a management lawyer from Harrisburg a terrific tape, one of the best we have done. And we came back and we showed that to the clients. And we broke out into four

or five rooms of 100 people each. It was an enormous number of people who saw those things and we tried to figure out what to do. A couple of years earlier when we had our Academy meeting in Dearborn and I forget who the chair was. We had the first continuing education meeting there and we agreed to add a day to the length of the Academy meeting so we could have continuing education at the annual meeting, which I always viewed as a great testament to the success of the continuing education program in the regions. We do these for the regions but we don't do it for ourselves and let's do it nationally and so at the Dearborn meeting Mark Kahn, I think was arrangements chair and they added a day that was just going to be continuing education, members only. There had never been a members only session up to that, except for the business meeting, but never the educational program. So we added another day for continuing education which turned out to be a day and a half after a while. But in preparation for the Washington meeting we had to have something for the members only and Rich and Ted prevailed upon me to allow us to show the tapes with us in them to the members only in break-outs. We must have had 15 or 20 break-out rooms small groups showing a videotape on a different subject. If we did evidence in one, the other was problems at the start of the hearing or

arbitrability. So we reproduced all those tapes and we showed them. There was a rumor around that Rich and I had sold those tapes to the Academy or rented the, that we had made a lot of money on these tapes and somebody overheard somebody saying that at the Hilton as they were checking out.

That meeting caused a good deal of anguish. Not only was there the charge that Rich and I were making money on the programs, there was also some confusion as to the status of the Committee. Although Ted Jones had asked me to stay on for a fourth year when he was to become President, and had given me the names of people he wanted on the committee, the Committee for some reason was not listed in the Directory. I frankly never noticed it and went on with the programs. for that year, expecting it to be my last. I bumped into Jones' successor Byron Abernethy next to St Patrick's Cathedral in NYC one day and reminded him that my term was expiring and that he should think about a successor. He asked me to stay on a fifth year, for his Presidency which was to commence at the DC meeting when Ted's term expired. At the end of the DC meeting Byron came to me and said that there was no Continuing Education Committee, that it was not listed in the Directory, and that I had no authority to do the programs I had been doing. I reminded him I still had four programs scheduled, and he asked me to stay on until they were completed. I then crawled into a hole, very upset at the suggestions that I had undertaken the programs without authorization and that I was profiting from the effort.

At this point the New Directions Committee under Jack Dunsford took over and replaced the regional educational effort with the Fall Educational Conference scheduled routinely in Chicago on the theory that it was central for everyone. I have long felt that the creation of the Fall Education conference was a mistake. It was fine for centralizing the fall

Board of Governors Meeting and other NAA business, and attracted the old regulars, mostly financially well off but abandoned the educational components of the regional and multiregional meetings. Those brought continuing education to the members who were not part of the NAA establishment and did not and have not attended the fall meetings...i.e. those with limited case loads, those coming into the NAA, those with young families who were willing and able to drive to a regional meeting but unable to foot the bill for the airfare and hotels at the fall central meeting.

When I became President I moved the fall meeting to Boston, not only because it was home, but because I wanted the fall meeting to move around the country. The first couple of Chicago meetings brought most of the attendants from the neighboring states, just as would a regional meeting. But members in the rest of the country had a heavy price to pay to attend. So my pet project was transformed into our fall meeting at the expense of the outreach which is so important to keeping our members involved. There are a lot of members who never come to our national meetings and I feel strongly that the NAA should outreach to them with a strong continuing education program made available to all regions on a coordinated program which might be used to feed into the annual Spring meeting.

When Mark Kahn became president, he said it is time to start your rehabilitation and he said he was setting up a new committee to deal with new members and he wanted me to be the first chair of the new members orientation committee, to put together the training

program for the new members which I did for a year or maybe two years. I did the new member training for a couple of years and then when Jack Dunsford became president in 1984, Jack of whom I'm very fond, he said to me, don't you think we ought to rotate the chairs of the new members committee. I said, that's fine, as a matter of fact I thought that would be good role for the ex president to assert, I don't know whether he brought that up or I did but in any event I stepped down and I guess somebody did it a year and when Jack Dunsford stepped down he took on the job and kept it for about 8 years. What I did was brought in all the different chairs of the committees to talk to the group, the new members.

The other thread of my ongoing involvement was intern training, which I suppose is a spin-off of continuing education, I thought that since I had come up that route that it was incumbent on the Academy to train--since I had come up that route and since public sector membership was so strong and becoming stronger that we were not having members who understood the ethos of the Academy origins, the ethos of collective bargaining. It was becoming a trade association rather than a profession, so I got very invested in intern training. And I had an intern John Dorr, who is now a member, and I guess the selfish reason I wanted him to

be able to sit in on the sessions, the continuing education sessions that we were then having, so I guess--when we were in Detroit, in Dearborn and we had a continuing education session, I remember that session, I circularized everybody and said if they had interns to bring them and then John Dorr who was my intern did a survey of the interns and discovered enormous exploitation of these guys. People had been interning for four years and with promises to take them to hearings someday, getting \$25 or \$50 a case for writing a case, it was really awful and there was a sort of a sideshow. The conflict for some people as to whether we should have intern training, they didn't want their interns exposed to others and I was firmly convinced it was good to get the interns to exchange information and for arbitrators who might be interested in taking on interns to see how it works, so we had a one-day session in every meeting from 1981 until the last couple of years I think, I pulled out of that as well. The first session for a couple of hours the interns just met among themselves and talked (hopefully derogatorily) about their mentors and what could be done to improve it and then my feeling in that was the interns who were doing well would sort of stimulate the other interns into not being exploited and give new techniques of how to be interns. And the next session

was to be arbitrators and no arbitrators allowed in the first session, and then to have arbitrators talk about among themselves about internships with the interns present encouraging people to take on interns on the grounds that that was good for the Academy. That went on for several years after my starting it. Charles Mullins from Pittsburgh carried it on and he did that for a number of years and I just lost track of that. One intern of mine by the name of Bruce Fraser gave at the Los Angeles meeting in '81 a luncheon address. He had been interning with me for a year and he was asked to give the luncheon address in Los Angeles and he gave it on credibility. He's a linguist and he had all kinds of credibility issues--you know all the stuff that has become very common among the arbitrators. He really gave the first paper on that. I was very proud of that. He is also a member of the Academy. I had a couple of other interns, one my secretary, who has become an arbitrator and does about two cases a month, which is all she wants. She has never been involved in the Academy at all. I just have the three interns, but two of them are on board.

Part of my rehabilitation has been through the foundation. I had talked about it at the outset with Alex Elson, its originator. When he became president I was tapped to be vice president--and then after he

stepped down I succeeded him serving as president for two terms.

Now the international history. When I went to work as an apprentice for Saul, in 1956 and started to get cases. Saul was very, very generous in that even though I got my own cases I continued to do work for him. If I had cases to do I would do my cases, he provided free office space, paid me some money for the cases I did. In 1959 right after law school, there was a Communist youth festivals which were held in different parts of the world and I was recruited by CIA to go to this Communist youth festival in Vienna. In a delegation was arranged to oppose the Paul Robson, Jr., who was heading the Communist-American group, and I was going out there and that was arranged by Gloria Steinam who to this day claims she never had anything to do with CIA but she was the one who recruited me. And so I went out there and I spoke French so and this was how I first got involved in Africa and I was assigned to talk to the Africans the French speaking Africans, that was in '59. Thereafter I did another trip for another CIA front, the International Institute for Youth Affairs. These were not all direct. I did not know that these were CIA operations although I suspected as much. I have never told anybody about this yet. I did a study of youth organizations, I did a study of youth

newspapers. It was really just gathering information on all the youth leaders, guys like Seku Toure who was head of the youth movement and became president of Guinea for years. Cyril Adoula was the head of the trade union movement in the Congo and became Prime Minister of the Congo. Tom Mboya who had the same role in Kenya and became Vice President under Kenyatta but was assassinated. I went out and did lots of training stuff. I would take all my vacations in Africa and go out and do training, most of which was CIA-funded or AID-funded, or both. That I never knew. Well in 1960 I went back to school to the what is now the Kennedy School Graduate School in Public Administration at Harvard, and my mentor there was William Yangdell Elliott of whom you have heard I'm sure and Bill Elliott recruited me to work for the CIA. I was going to be a Ph.D. candidate, which is something I really didn't need, but it was sort of fun, and I was going to do my thesis on labor training in developing countries and he brought me down to Washington. There was a guy who had been active in United World Federalists, whose name I don't remember who was the liberal establishment's darling who went to work for CIA at a time when it really was not acceptable. He's written a book. And there was a big interview and I was being interviewed and they were going to fund my trip around

the world to interview trade union leaders and graduates of labor training programs in Mexico, in Puerto Rico, in Philippines, in Calcutta, in Tel Aviv, Israel, Tel Aviv Kompala and in London. And they gave me a first-class ticket, they paid me the exorbitant rate of \$50 a day and I went on this four-month jaunt around the world with all expenses paid, visiting all these trade unionists, going into colleges and then going out and interviewing all the graduates with the ostensible purpose of writing my thesis, but for their purposes to provide biographies on all these trade union leaders. The result of which was a book called Labor Training in Developing Countries which they had published by Praeger, which they owned I subsequently discovered. Now that gave me contacts all over the world in both labor education and in the trade union movement. Because these people were up and coming and it was a fascinating experience. And that really gave me the international credentials. That was in 1964. I guess the book came out in '64-65. I got involved with the Peace Corps. In 1961 when President Kennedy was elected but not yet inaugurated--someone called a conference in Princeton of any young people who had ever been in the developing countries and there weren't very many in those days so I went there, I was at Harvard at the time at the Kennedy school, and we

talked about this thing called the Peace Corps and I was saying you've got to get trade union people in the Peace Corps and so when the Peace Corps was established in April I was called down to Washington to be Bill Moyer's assistant, actually my title was Special Assistant to Shriver, the director, but I shared offices with Bill Moyers and I was their guy to establish contacts with the unions to get skilled workers in the Peace Corps. And I recruited about ten people from my class at Harvard to go out and do the recruiting. We did the first recruiting drive in May of 1961 to get people into the Peace Corps and I was in charge of it so I picked the best states. I went to Montana to Washington and down the coast of California amidst a big press barrage. Here is somebody from Washington, they would meet me at the airport and I had three or four T.V. interviews and radio interviews, newspapers interviews because they really wanted a lot of publicity for this new thing called the Peace Corps and then I stayed on and went to school at Kennedy School. That's interesting. From 1961 on for the next two-three years I worked in Boston 3 days a week and went down to Washington two days a week, and I had an office at 815 Connecticut Avenue, which is since gone. Actually the first Peace Corps office was in the Rochambeau Building which across the street from 815

Connecticut, was the first building up from Lafayette Park and it's the diagonal where Connecticut comes up, it's the first building on the right as you went up Connecticut, that was the office of the National Labor Relations Board of 1935 when my Dad had worked, that was torn down in 1961 and the building which replaced it has since been torn down, so there is a third generation, which shows you how old I am. I worked at 815, I had a wonderful time, we used to go out to Shriver's house on weekends for football, it was just a wonderful ambiance. I shared rooms with Jim Moody who became a congressman from Michigan. In '62 there was an international conference in Puerto Rico to see if we could get other countries to buy into the idea of the peace corps, and I went down there and did a paper on the role of trade unions and that it was all heads of state. V.P. Lyndon Johnson was the chief American representative--we got into a conversation, we started talking about his suit he was wearing and I said where did you get your suit, he said I have them made in Hong Kong at Jimmy Chen's. And he said you've got to go there, he gave a card, he said the next time you go, see Jimmy Chen, look him up, which I did on one of my trips, in fact several of my trips, he made my suits for several years. In April this year I went to see my daughter in Indonesia, I stopped in Hong Kong and

bought another suit from Jimmy Chen. But anyway Golda Meir represented Israel and it was a pretty exciting. In 1963 when I was in Ethiopia, Kenya's independence was declared and I went down as a guest of the Kenya government to take part in the Uhuru celebration and I brought with me the head of the Ethiopian trade union movement whom I introduced to Golda Meir whom I had known from this earlier meeting a few months earlier in Puerto Rico or a year earlier and set up an exchange program and educational assistance program from Israel to Ethiopia which lasted for several years until Mengestu Hailu Mariam, who was the dictator who unseated my friend, the emperor, came in. Then in the spring of 1963 I was sent by Shriver to work with Bobby Kennedy who was Attorney General to set up the domestic Peace Corps and we had an office in what used to be Theodore Roosevelt's house on Lafayette Square and that was very exciting. The only time Bobby Kennedy had any time for us was early Monday morning when we would meet out at Hickory Hill and every week I would come down for my two days in Washington and I would arrange it so we would go out and have breakfast with the Kennedys at Hickory Hill with all the children and we would have to wait until they came in from their horseback riding and then we would have breakfast and I actually got the measles from one of the kids. That was a little side

vignette. That led to the establishment of VISTA, the domestic peace corps.

In 1963 I was asked to take a teaching Fulbright to set up a conciliation service in Ethiopia and so I left Saul and he hired Marcia Greenbaum who was just graduating Cornell and I went off to Ethiopia for a year. I came back and Saul welcomed me back. I'm not sure Marcia did. I stayed on as a sort of stringer for him. I did not use the office. I worked out my apartment. And by then I was building up a sufficient practice. That was in 1964. In 1965, I setup a school for training trade union leaders in Lagos, Nigeria funded by AID through the African-American labor Center. I then returned to Boston and arbitration. In 1966, the American Arbitration Association had an office called the Labor Management Disputes Institute which was to explore new concepts of collective bargaining in the new public sector and which had been the broker for setting up the Office of Collective Bargaining in New York City. Jesse Simons who is now a member was the person who put it together. He wanted to go into private practice. They did an apparently not very wide search and they found me. I went down that was 1966 so I was 34 or 35 and took the job as director of Labor Management Institute, finished up establishing the Office of Collective Bargaining. I

recruited Arvid Anderson from Wisconsin to become its director. I had an advisory committee composed of Saul Wallen, John Dunlop, George Taylor, David Cole, Ben Aaron, Nate Feinsinger, George Schultz, Roben Flemming and a couple of others and again this is all part of the incredible ego trip I had been on my entire life because these people all sort of adopted me. I came out and mediated the first dispute in the Cook County Hospital with Alex Elson. I went out and testified in Madison for Nate Finesinger about new public sector laws in Wisconsin and I was going around the country testifying at legislatures about public sector collective bargaining. I was on the road all the time. I was having a wonderful time. But they needed money so I went to Ford Foundation and coincidental with my departure which was of my own volition the AAA got the Ford Foundation to fund and set up the National Center for Dispute Settlement. Mitchell Sicridoff former head of the UAW in Connecticut when I was in Yale, and then Mayor Lindsey's head of Community services had become vice president of Ford Foundation for National Affairs. He lived across the road in Gay Head and arranged for the funding. The Center moved to Washington where Bill Abner became the head after a period of time. In 1968 Saul was offered the position as head of the Urban Coalition in New York City to transfer mediation skills

of labor management relations to urban problems. He asked if I wanted take over his Boston office and what clients he could direct to me. I agreed, left the AAA and returned to Boston. And so the Labor Management Institute sort of collapsed, or transferred down to the community dispute area. And I stayed up in practice in Boston and carried the Goodrich umpireship for a number of years until I innovated and tried to start a grievance mediation system which they bought into and we mediated 102 grievances and they all lasted, none of them fell apart and it worked, but the company had 8 cases that it was clear it was not going to submit to a mediation system and insisted upon them being arbitrated and I was the arbitrator, so I arbitrated the cases and the company won all 8 and of course I lost my umpireship. I got fired by the union which said we're very sorry and headquarters said we have to get rid of you because these cases. I so I got other caseloads and I survived and I stayed on in Boston where I've stayed since in this general practice-- conventional arbitration stuff. All my energies were devoted to continuing education. I didn't do anything else, except get to Martha's Vineyard in the summertime and an occasional ski trip, not very much overseas activity. Overseas trips but nothing professional. I guess about in 1980 after the debacle in Washington I

had a lot of international contacts because of the labor staff I had done and I knew a lot of ILO people and I made myself available to the International Labor Office and I went out and did some work for them. The first place I went was to the Philippines where I did, when did Marcos fall? Mid-80's I guess, After Marcos fell Acgino asked for the ILO to train the mediators because they were going to have collective bargaining. Unions were allowed to strike but the mediators knew nothing about mediation because they had never used it before relying solely on compulsory arbitration under Marcos. So I was asked to train all the mediators of whom there were 92. I did that in two two-week training seminars. I was there for a month. And then I set up a system for selection of arbitrators with the employer's federation and all the different trade unions of which there are 10 or 15 and that was a one-shot assignment. But to get back on the track after the Academy breakdown, in 1986 having worked for the African American Labor Center, which I also viewed as a CIA front, I don't know if the name Irving Brown means anything to anybody, Irving Brown was the head of the African American Labor Center, presumably a CIA front, He was the disciple of Jay Lovestone of the Lovestonites. I don't know if you followed any of that stuff. There was a split in the Communist party in

1940 which side we should be on in terms of Russians and he became a pro American and that's a whole other story, Irving Brown with the African American Labor Center was my mentor in that part of my life and who had been a high school classmate of Saul Wallen, but they had totally separated, I introduced them at one time at an AFL-CIO meeting in Miami and they hadn't see each other since high school and George Meaney, there were about four or five of us in the room and George Meaney says to Irving Brown, Saul was umpire for internal disputes of the AFL-CIO and George says to Irving, well if you kept the contact with him we would have won more of these cases. Back to international. In 1986 I was asked by the State Department to do an evaluation of the African American Labor Center projects in South Africa. Where we had supported the Pan African Congress and Boutalezi, who had been given the George Meaney award which was outrageous. We were terrible. This takes a little bit of time but this is an interesting, historically interesting vignette. So I went out to do this survey and since I had worked for the African American Labor Center ALC thought I was going to be very strong with endorsements of what they had been doing, they had been spending about a million dollars a year to support some of these unions where the primary motivation was anti-Communism and I

remember the day I left I went to see Irving, who was then director of international affairs for the AFL-CIO whose office is 16th Street, and that was the last time I saw, he died a few months later, he says keep away from Cyril Ramaphosa he's evil. He's just a clerk. Cyril had just moved over to the mine workers. He said I knew him when he was with CUSA, he's just a clerk and he represents the worst. He's tied in with COSATU which had just been inaugurated, this was in January of '86, the first meeting of COSATU had been December of 1985, and COSATU is tied into the South African Communist trade union movement and they are tied into the world federation of trade unions which is run out of Prague and they are all Communists and I should have nothing to do with them and I should go see Boutalezi. Anyway at this point I was teaching at the Harvard trade union program and there was a fellow by the name of Adam Klein who is a South African emigre who had been with the trade union movement in South Africa. I asked him who should I see to get an honest opinion if the AALC role in South Africa. I took this charge from the State Department very seriously and he gave me the names of all these left wing and union people who are real trade unionists. COSATU has a voluntary dues paying membership, probably a million people in a matter of months after its creation and I went out and

interviewed all these people and came back and wrote a report, castigating AALC for backing the wrong group that they COSATU were "Communists" only because the Communist Party is the only people to recognize them as a liberation movement and we were out there supporting all the splinter groups. As soon as they would leave COSATU AALC would support them, so divide and rule, doing just what the South African government wanted. This is in the Reagan years. So I wrote this report and brought it back to Tony Freeman the labor advisor to the Secretary who was George Shultz and said we were backing the wrong guy. And he said well you didn't see any of these people, they won't see Americans. And by this time I was established as an arbitrator, I was pretty independent. I said, well, they saw me and here are the interviews I had and these are the names of people I saw. He said, you couldn't have, they don't talk to us. And I was totally disbelieved and not quite as bad as 1981, but I said, bullshit I've seen them. So it took a little while but the State Department turned around and I am very proud of that contribution because I really lobbied in the halls of the State Department among all the old guard conservative diplomats who had nothing, no knowledge about trade unions who are really still anti-Communists, virulent anti-Communists, to persuade them

that this was a democratic trade union that this was the only organization in South Africa that was representative and that was cross cultural, a cross tribal and spoke English and I was persuaded from my conversation, these people whom I met, many of the leaders were white, who said we have nothing against the United States, we would like solidarity with the trade union movements in the United States. We want union on union deals but we are not going to have anything to do with the AFL-CIO which is taking all this U.S. CIA money and distributing it to destroy our organization. And that was the message I brought back. And you know my credibility was zilch with any of these people but after I persuaded the guy who was the labor advisor with a little nudge perhaps from Schultz, whom I would drop in and visit on occasion, and it turned around. Then the State Department sent me out to do a study of what we should be doing in the next five years in workers' education in South Africa and I went back to South Africa, 2 or 3 trips on that, that was about 1986 and came up with an even thicker document. Another aside, in 1988, I was selected by the archdiocese of Boston to receive the Cardinal Cushing award which is the most prestigious award granted once a year to an outstanding person in labor management area. And about a week before I was supposed to

receive this award a radical group within the AFL-CIO in Boston start circulating these leaflets that I am a pawn of the State Department CIA and working in South Africa on behalf of the State Department, and this is all during the boycott South Africa stuff, and that the archdiocese ought not to give the award and they are going to picket the Sheraton Hotel. Money has already been laid out for these 1200 seats of this incredibly big banquet. So the Cardinal calls me, Cardinal Law, who is the Boston archbishop and I tell him the story and he says you know what are we going to do about this. I told him well I don't think anybody read the report, because I attack what the State Department is doing and that we should be support COSATU and our foreign policy is all wrong. So the Cardinal mediated it and they withdrew the picket line, with the understanding that afterwards I would go and hold a session with this radical group and get their feedback, which was never called. And that was in '88. And I have been going back to South Africa two or three times a year since and I was put on the Board of Control at the University of Natal Law School where there is a center for training street law training and we set up a labor management center, mostly trade unions but also at the start once a month labor management . . . I arranged funding from the Ford Foundation for that, of

about \$350,000 a year. That is still going on. I worked on the Independent Mediation Service of South Africa, you know that whole story, it is very interesting in 1984 or 85 when Rich Bloch first went out, he called me about it and asked what my view was about his going to South Africa and I came down on him and said I think we should support the boycott and we ought not to go out there, and I was opposed to his going out but he went out anyway. It was not any cause of friction between us but I wouldn't go and he went. And of course it turned out that he was out working for the people that I wound up working for and we sort of leap-frogged each other and . . .intervening years visiting the nicest people who are more committed to our system than even our people here and so I've stayed.

Oldham: Just for purposes of rounding out the record for those who are unfamiliar with the organization we should explain what IMSSA is and that it does embrace and use our arbitration and mediation methods.

AZ: Yes, the Independent Mediation Service of South Africa was created in 1984 by initial funding from the Ford Foundation and it has since been primarily funded by AID now, their Ford Foundation money is going to be eliminated next year. They have expanded from labor management mediation into arbitration, heavily into

arbitration, and have also arranged funding to transfer the mediation techniques to community disputes and have been very instrumental in resolving a lot of inter-ethnic groups among blacks and Charles Nupen, the director, and his staff have been instrumental in being the mediators of the peace court and are as of a couple of weeks ago have been mediating the PAC and ANC to resume their joint negotiations. So I worked for them, I've done training for them. I've gone over for board meetings in Natal and I worked for a management consultant in Johannesburg, Andrew Levy, who was very farsighted and has been a lot of training of management people in arbitration, saying this is the wave of the future, and interestingly enough, in September I am going over for a program jointly being sponsored by Andrew Levy and IMMSA on interest arbitration training, training advocates and training arbitrators on interest disputes because they see that as a way to resolve a lot of the economic problems that they are bound to face after April 27, 1994 which is the date for the elections. In this process I have gotten involved with a lot of the characters in South African politics and some of the movements, Cyril Ramaphosa who is supposed to come to Boston for an honorary degree on Saturday, has been a good friend. We're trying to get him over to talk to the Harvard trade union and a lot of the

other characters, neat people. The United Nations Development Program appointed me as an arbitrator in a dispute in Swaziland between the South African mine companies and the miners union of Swaziland and the government. I was the Royal Zack Commission, honest to God, the Royal Zack Commission and we conducted four days of hearings in Swaziland, tried by a five-person panel, minister of finance, trade union head, a guy from the government, and a guy from the employer's federation, and a guy from the ministry of labor and me. And I mediated a settlement. It involved the asbestos industry which was the asbestos company was threatening to pull out. The workers said we are now being paid wages in lieu of hot meals which we used to get, in lieu of wages, but now we want hot meals back, but we want to keep the wages and employer says well we're about to go out of business, nobody is using asbestos anymore and the employees said you can't go out of business, you're employing 20,000 people in this village, all of whom have asbestosis of course, and no health care in an impoverished country and so I worked out, and the government we're not going to stay unless we get \$6 million, U.S., from the government to subsidize us while we stay in business and we get that money and if you want to give them any money for food that's fine, but it comes from the government, not us,

or we'll leave. So I worked out a settlement that they were going to stay with which I was very pleased and it was a very nice package and it was incorporated in an award and about 10 months later they shut down the factory anyway and 20,000 people all of whom were ill with asbestosis left to rot, so that's my great triumph in Swaziland. I was sent again by the U.N. Development Program to Zimbabwe in '90 where there was a training of all of the government labor officers, labor department officers from the 21 anglophobe countries to train them how to mediate and arbitrate because the U.N. Development Program had insisted that they have binding arbitration of any labor disputes as a prerequisite for getting any U.N. or World Bank support because it was important to have a steady labor force to encourage foreign investment. And World Bank could tell foreign companies that you come in any labor disputes will be resolved either through mediation or arbitration. It has been hoped that this would encourage companies to come into African countries without fear of job disruptions. So I had all these labor officers all of whom had mediation and arbitration meet our authority and when you analyze it they didn't care about the mediation authority, they want to know how to arbitrate better because they would spend about 10 minutes mediating and then they would

arbitrate. Why waste time mediating when you have the power to arbitrate--the whole system was crazy. So I wrote, again, a scathing letter, I'm very good at that, to the ILO and the UNDP you really have to put time and training in mediation and you need different people to arbitrate than to mediate so there is an incentive for the individuals to reach agreements so that the case won't have to go to arbitration. The result of that is a 3-year project which I've not yet taken part in, but we've gotten funding from the ILO to do on-the-spot training of separate classifications of mediators and arbitrators. We're going to do 7 countries a year and we hope to finish it in 3 years to do this training in all the English speaking countries . . . I'm not going to do it but others I'm just telling them what to do. Then the other thing I've done in 1992, at the request of the ILO to answer a request from the government of Greece. Before Popandreaou's government collapsed and was replaced by the incumbent, he said we've got to have industrial relations stability and set up a mediation and arbitration system and we want the ILO to come in and tell us what kind of rules we should have and what kind of procedures and how to train the mediators and arbitrators. So the ILO asked me to do it, to go over and give the advice so I gave the advice, the Greek government hired me and I made

several trips to Greece to set up their . . . code of ethics, the rules for selecting mediators and arbitrators and when they were selected, to do the training of mediators and arbitrators. That was wonderful. That's been a terrific project. I only go for a week and then I go back. The problem with that is there were 3 one-day strikes during July, August and September of 1992 and the system, general strikes, so the system is in jeopardy that's maybe the end of my going to Greece. Where else have I screwed up, let's see.

On these overseas teachers' things that Rich just came back from, I used to do those and Dodds. I became friendly with a guy in the AFT who runs the AFT side and I had hearing with him a couple of times and he told a friend of his in Spain who is the manager of Rio Tinto in Spain, the big international cartel of explosives. They are in every country. They make armaments, the biggest armament manufacturer in the world. And they have . . . all kinds of mines and all kinds of retail outlets. In Spain they have a hundred enterprises that they own, and so the director of Rio Tinto, I was recommended to the director of Rio Tinto. He had 14 unions that he dealt with and he devised a system with the Communists union that which was the most reasonable, that there would be a dispute

settlement system for members of the Communist union which would involve mediation and arbitration but it wasn't going to be available to everybody else. To get everybody else to pull out of the other unions and join the Communist union, which is the most pragmatic as . . . and so he asked me to come out and set up the system, so we set up the rules for, it was grievance arbitration. We set up the rules for arbitration and appeals procedure. We set up a procedure for recruiting arbitrators and for training arbitrators, getting nominations from each side, and we set up training for the processing of the grievances and it was totally foreign to them because they had a labor court, and it was going terrifically well and they paid me an exorbitant rate and I went out there for 3 or 4 days at a time every few months and then the company got bought by Kuwaitis and they didn't want Jew by the name of Arnold Zack, that's how I lost that consultancy. The Kuwaitis came in and apparently really raped the company, took all the money and left them, so that was Spain. My latest venture is in Australia where I was last fall and was asked to help set up a mediation service in New South Wales where a conservative government came in last year. In Australia states and federal have wall to wall unions and industrial courts but they don't have any enterprise bargaining, there is

no collective bargaining. If you run a hotel and your workers want to get a wage increase you tell the hotel management which will tell the hotel association and then the hotel union will tell the international union, they will go to the labor court and the labor court and the labor court will set the wages for all hotel workers in the country. So the manager of a hotel if he has a problem with people not working and can't get it resolved locally because the continuing jurisdiction retained by the industrial court, the commission, handles grievances of all types, including discipline and discharge, so nothing happens locally. So the conservative government comes in and says we want to have overseas enterprise but we can't compete with the Malaysians and the Thais and so on with their lower wages but at least we could increase productivity and be more efficient and we'll pay more money for it, so let's sit down and negotiate. And they said we will set up a mediation service to facilitate the negotiating. They asked me to help set up the mediation service, so I went in April for a couple of weeks, did a lot of speeches and held a lot of conferences and set up the rules for a mediation service to facilitate enterprise bargaining. And I'm going back in October to do the same thing for Victoria. New South Wales recommended me to Victoria to do the same thing . . .

so I'm going to do that in Victoria which has a somewhat minor differences in statute and in the process I'm going out to give the keynote address to the Australia bar association, which asked me in there because they say the lawyer should be the mediators, because we're the experts in conflict, right. So all the lawyers should be the mediators, and I said wait a minute, my view is quite different, lawyers ought not to be the mediators, they happen to be lawyers that's fine but they really need the collective bargaining experience and if you want to reconsider your invitation that's fine. They said, no, that is what they need so I'm going off to Australia. And that brings me I think up to Denver.

Oldham; Okay, terrific. We'll call a pause at the moment but we'll resume at another time. Thanks, Arnie.