CHAPTER XII

PROBLEMS OF PROOF IN THE ARBITRATION PROCESS:

GENERAL SESSION*

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ALEX ELSON
EDGAR A. JONES, JR.
CLAIR V. DUFF
ARTHUR STARK
I. ROBERT FEINBERG

CHAIRMAN FLEMING: This session will conclude the workshop sessions. I am going to make some general remarks, and then open the meeting for discussion.

First, I want to explain the background and purpose of these sessions, because it has pertinence to other subjects as well as this one.

About a year ago the Board of Governors discussed the idea of forming tripartite committees to discuss a subject of importance to the arbitration process and see what would follow from it. The subject chosen was "Problems of Proof in the Arbitration Process." Four committees were established throughout the country. The results of their work are contained in the documents you have before you. It is clear that the committees worked very diligently at their assignment. They found it a stimu-

* *This chapter is an edited version of the transcript of an informal discussion of* Problems of Proof in the Arbitration Process. The purpose of this session was to attempt to define the principal areas of agreement and disagreement arising out of the four committee reports and the four workshop sessions. Robben W. Fleming, President-Elect of the National Academy of Arbitrators; and Chancellor, University of Wisconsin, Madison, chaired this session. The chairmen and co-chairmen of the four tripartite committees (Chicago, West Coast, Pittsburgh, and New York) served *as panel members.*

lating exercise; there was a great deal of discussion and a great deal of interest on the part of all committee members.

It may be that the most significant part of the project is the idea of operating through committees of this kind, discussing subjects that are of great interest to all of us, whether it be this particular subject or some other.

Each of the four committees had the same outline, the same general topics for discussion, but you will find that they differ in their conclusions. It will be impossible for us to discuss all of the topics which were considered by the committees and to examine all the areas of consensus and disagreement. However, the reports can be divided into three broad categories, and perhaps our discussion can be centered upon these broad areas.

It is apparent that the committees considered philosophical problems which relate to the whole question of how labor and management regard one another. For instance, the problem of what is arbitration supposed to be? Is it a therapeutic session or a judicial hearing? Until you resolve that question, you have difficulty in deciding how you want to handle evidence at a particular hearing.

There was a great deal of interest and a good deal of discussion in regard to the Report of the Chicago Committee on the so-called civil liberties issue. Does a worker who is employed in a plant retain certain constitutional rights he would have as a citizen, or to what extent is that restricted by reason of the employer-employee relationship? This has something to do with how one handles evidence.

Another philosophical question is, how does the way in which you handle evidence affect the employer-employee relationship? An example is the impact of a company decision to call one employee to testify against another; how will this affect the company's relationship with the union? Another question is the extent to which you will introduce documents that refer to matters developed in the course of the grievance procedure discussion?

I consider these questions that appear in all four reports as philosophical questions. They go to the heart of the management-union relationship and the impact of arbitration upon it.

Then there are a series of questions that can be described as administrative problems. For instance, we are all aware of the fact that increasingly arbitration decisions inter-relate with both the courts and the NLRB and now, perhaps, with the new United States Commission on Civil Rights. We may begin to get cases in which there may be the same kind of jurisdictional question in the civil rights area as we have with the NLRB and Taft-Hartley. Certainly, we are bound to get questions of discrimination on the job, and we may have a conflict of jurisdiction with the Civil Rights Commission.

If that is true, then the way in which evidence is handled in arbitration must be, whatever one wants to call it, regularized, formalized in a sense in order to protect the arbitration hearing in any subsequent court review. This may mean that whatever one's philosophy may be about the handling of evidence in arbitration, it may be necessary to develop a greater degree of uniformity and formality in the handling of evidence because of the legal potential arising from these inter-relationships with other agencies.

Another administrative question is whether there ought to be some sort of schooling for arbitrators in the handling of evidence because many arbitrators are not lawyers, are not trained in the use of specific rules of evidence; therefore, arguably, perhaps the time has come when some effort ought to be made to school arbitrators in the proper handling of evidence in arbitration hearings. Along with this is the question that all the reports raised about the extent to which arbitrators should be looking more to the courts for such ideas as pre-trial hearings.

Finally, the third category of topics discussed in all these reports were the very practical problems of hearsay evidence, lie-detector evidence, and parol evidence. I am not going to make an attempt to go into these matters because of the lack of time, and because you discussed these matters at length in your workshops.

Someone, perhaps myself, made the suggestion that we should try to integrate these four reports. It is a fine idea. I am in favor of someone doing it. But the time is too short this morning for me to do it, and I have not done so. But what I do suggest to

you is that perhaps the overriding question that runs through all four of these reports is this: has arbitration reached the point where some effort ought to be made to develop—this is a loaded word as well as a loaded question—a manual of evidence for general use by arbitrators, something which lawyers might call, in a sense, a restatement or a code—I suppose code is a word which would frighten a good many people—but a code to guide arbitrators in this area? Isn't the overall question that emerges from all four of these papers that of whether we are at a stage where there should be some uniformity in the rules of evidence for the arbitrator?

It seems to me that three of the four reports—Pittsburgh, Chicago, and New York—suggest that the time has arrived when we can develop a manual of rules of evidence for arbitrators. The California report seems to say, "No, this is pretty dubious." However, if you listened to the discussions this morning, there was a great fuzziness as to whether we are or not because the people weren't always talking about the same thing.

In any event, I suggest to you that the two things we can discuss most usefully this morning is, *first,* the question of whether we are at a stage in arbitration where an effort should be made, leaving aside the question of how, to develop a manual of evidence in the field of arbitration? *Secondly,* I would like to hear your views as to whether we should use similar committees to work in other subject matters areas because this will be a matter for discussion by the Board of Governors tomorrow.

The chairmen of all the committees are here and you can pass your questions through me to them, or you can start participating yourselves at this point. We are all agreed; we prefer your participation. The chairmen are willing to answer questions that have arisen out of the morning sessions. Can we start, then, with this overall question: Is it desirable that a real effort be made at this point in time to develop a manual of some type which would set forth the general rules of evidence for use in arbitration proceedings?

Does anyone wish to talk to this point?

PAUL ROEDER: I believe that if a manual is prepared, it

should be more than just a manual for arbitrators. Such a manual should be available to the representatives of the parties as well so they will know the kind of evidence to prepare. The arbitrators may be educated, but the parties may not know what is going on. Very often parties have never arbitrated before; it may be the first time they are calling on arbitrators. In many such cases they are hopelessly ignorant; they often don't have lawyers because they are in small towns or the company is too small to afford one. I think such a manual would be helpful.

CHAIRMAN FLEMING: You believe then that a manual should be developed, and, if it is, it should have wide distribution.

MR. ROEDER: I assume it will be sensible enough to be useful. From some of the awards I have read, it is hard to understand what the arbitrators were doing. A good many arbitrators are not lawyers, and this is where the problem arises. I think it is necessary to have proper rulings. It would also help if we can cut down the length of the hearings. I think a manual might be helpful in holding hearings in line.

MR. ELSON: It would be of great value to have such a manual. However, I think the view of the Chicago Committee is more in line with that of California.

EDGAR ALLAN JONES, JR.: Our concern in this matter is for the considerable complexity in which the arbitrable process operates, the fact that there are all kinds of configurations, depending upon the background of the parties, the arbitrator, and so on. It is my feeling that if it were possible to get together some kind of document, a short one which would help persons in varying circumstances to cope with problems of proof, it would be desirable.

THOMAS J. MCDERMOTT: If you have this manual, of course, you will have to make sure everyone will be able to interpret it. Not only will the arbitrators have to read and interpret it, but the parties will also have to read and interpret it.

This is my big battle with the legal profession. They have to have everything in a logical, procedure-wise manner; they must have a manual, they must have a rule of law to follow, and I object to all of this. I object to it because arbitration is not the property of the arbitrator; it doesn't belong to the arbitrator any

more than the courts belong to the judges. Rather, arbitration is the property of the parties themselves. If the parties want to have the slap-happiest hearing in the world, that is up to them. If they don't want to use rules of evidence, then that is their right. And I simply cannot see why the arbitration profession has the right to establish a manual which will give this process an atmosphere of law that it is not entitled to have. I can think of a lot of other things, but I'd better stop at this point.

On the question of the non-lawyer being ignorant about evidence, we're not that stupid. We do manage to learn a little bit about evidence. I think we know what to do to arrive at a proper decision. If we are unsuccessful in reaching the proper decision, we will be unsuccessful in the business. Because arbitration is the property of the parties and not ours, the parties will not use us if they are dissatisfied with the manner in which we proceed.

I can understand what the legal profession wants to do, but I am against it.

MR. JONES: If Tom would read the California report, he will see that we agree with him.

SIDNEY WOLFF: Mr. Chairman, aren't we all forgetting the basic concept of the arbitration process? When I hear mentioned that a code or a manual should be drawn setting up rules of evidence, I am a little surprised. I thought we were not bound by the rules of evidence. Are you now trying to suggest that we formalize our procedures and take away from arbitration what has been its strength since the early days of the Chinese?

If the parties wanted to go to a law court, to be bound by rules of evidence, they wouldn't come to us. Maybe they accept a non-lawyer as an arbitrator because they don't want the lawyer's approach.

FATHER LEO BROWN: I agree with the general tenor of remarks; I think there is a great deal of merit in them. There is always the possibility by members of the Academy, as individuals who happen to be professional arbitrators, to utilize the channels that are available for the formation of opinion—journals and things of that kind. They can do this to advocate the use of more formal rules of evidence. But I think it would be dangerous for the Academy

to sponsor a manual in any form, because it would give to such a manual a degree of authority that we don't want and probably would find later that we couldn't deal with. Or, conversely, it would be so general that it would have very little use.

I vote strongly, therefore, for continued attention to this matter in the journals, in the places where opinions are formed, but I do not think a manual should be developed under the aegis of the Academy.

CHAIRMAN FLEMING: I am going to ask Bob Feinberg to comment upon this matter. But before Bob speaks, I see a hand in the audience.

ALAN F. PERL: It is delightful to hear the arbitrators state that arbitration belongs to the parties. As one of the lawyers, I might say that if you are consistent, you might let the owners have one word about what they want.

On the question of slap-happy arbitration as being something they want—the minute we begin using words like "proof," we have something else. The problem, as I see it, is that we have to know what the parties desire. We all recognize that there are a great variety of arbitrations, and they are all available. But the approach to this question is to find out when you need the more formalized type of proof, and then use it.

It is worth mentioning, and I urge this panel to consider, that we had four lawyers on our committee. They are good trial lawyers. We rolled things around and discussed the problem from all sides. We found there are some circumstances in which the formal rules of evidence often have to yield to less formal arbitration, but not slap-happy arbitration. That is the area to which this should be addressed, and I venture to say that the members of the Academy on our committee learned that careful evaluation of the rules of evidence will restore the value of the process. Whatever the end might be, each and every arbitrator has to meet each and every problem of proof. The suggested manual can be a guide to him.

As one of the owners of this process, it will save me a lot of time if I don't have to explain to him what I expect of him when questions of proof do arise.

CHAIRMAN FLEMING: Now, Bob.

I. ROBERT FEINBERG: Alan Perl was on our committee, and I believe he expressed the sentiments of the entire committee. We did recommend that some sort of manual be drafted for use by arbitrators, but we didn't intend that there be a rigid code applicable to all arbitrations.

Obviously, the parties can create their own form of arbitration machinery. They can have a slap-happy arbitration proceeding, they can shout at each other across the table for an hour, and then say, "Mr. Arbitrator, you now have it." You can have that kind of arbitration.

But arbitrators, union attorneys, and company attorneys who think this is the usual kind of situation are living in a never-never land. Arbitrators are frequently faced with objections by experienced counsel or by experienced union international representatives. They have to answer their objections. Very often they say, "I'll take it for what it is worth." To say there are no rules of evidence, or, if you will, arbitrators aren't bound by rules of evidence, is either irresponsibility or failure on the part of the arbitrator to face up to his problem.

You may be faced any day with the problem of whether the company can call a union representative as a witness, and vice versa. You may be faced with the problem of parol evidence. You may be faced with the application of various rules, if you will, on cross examination. And we thought there should be some advice somewhere, some place, for arbitrators to go if they wanted to utilize that advice.

CLAIR DUFF: I know of no one on the Pittsburgh Committee who believes that arbitration is a court of law, but if you think you can destroy the applicability of organized principles because you do not place a label of "law" on them, you miss the point entirely.

It has been my experience that the parties don't want a slap-happy hearing. As one of my panel members said, if they want to have a swearing session, let them do it before they call in the arbitrator.

I would say to Father Brown that the National Academy is already on record in regard to what we will have. Listen to this: "The Arbitrator shall allow a fair hearing, with full opportunity to the parties to offer all evidence which he deems reasonable and material. He may, however, exclude evidence which is clearly immaterial."

Can you imagine materiality not encompassing the whole scope of evidence? How naive can we be? It means that you don't understand the process of proof, or you don't understand materiality, or you don't understand either.

The admission of so-called evidence for what it is worth is deceiving. I say, after thinking it over, if in fact you are not going to give any consideration to it, why not indicate to the parties formally that you are not. If in fact the evidence has no connection with the case, frankly exclude it.

I thought the suggestion was not for a code, but for a hornbook or guide. There has been a lot of talk about developing new arbitrators; this would be of help in doing so. Perhaps we can also teach the seasoned arbitrators a thing or two, but a guide is all this is supposed to be. Objections may be made by advocates, based on specific rules. A knowledge of the rules would be helpful to an arbitrator, not as a demand for exclusion, but as a reminder of the possible unreliability of evidence.

If we can develop an outline which would point out to arbitrators and non-arbitrators alike that some evidence is inherently unreliable, it would be helpful. This is especially so because there is no appellate procedure available in arbitration. No one wants to return to the old English system of exclusionary rules, but you can't destroy this idea by trying to draw an analogy to something that is totally different.

FATHER BROWN: You have stated the basis of my objection. I am afraid the Academy will write a hornbook which will then give the impression that everyone should follow it. I think it is just as difficult to educate arbitrators by hornbooks as it is to make lawyers by hornbooks. I think all these questions require a degree of consideration that you don't get from a hornbook.

CHAIRMAN FLEMING: The spectrum we are talking about is not really what we call the slap-happy process as against the formal.

It is, rather, the wide open arbitration versus the more formal rules of evidence. When you say "slap-happy," you make people defensive about defending their views.

PETER FALK: I have a comment concerning acceptability and the admission of evidence.

It seems to me that you not only have the question of acceptability of the arbitrators themselves, but you also have the question of acceptability of the union representative and of the lawyer or consultant for the company. These people also have to make themselves acceptable to the parties. Frequently this acceptability less and less prevails, particularly when rulings on the exclusion of evidence are regarded as minor victories.

I think arbitrators, by nature, if they have some feelings as the case develops as to which way it is going, are careful to let the losing side have a fuller development of the case than would otherwise prevail. So when the decision comes a party won't be able to say, "You wouldn't let us make our case."

Let me re-state this: I think an arbitrator's ruling on the evidence is frequently influenced not by the merits of whether evidence should be admitted, but by an inclination to let the parties develop their case fully, particularly if he feels one side or the other is losing the case. I think the arbitrator is consciously or unconsciously swayed by that.

I am speaking from my own experience. In my permanent arbitration experience it is frequently necessary to refer to our rules and to say to the arbitrator we are guided by the following principles. So, if we had a manual authorized by the National Academy, we can say, "An arbitrator should be guided as follows." It eases the burden on the arbitrator himself and makes it easier for him to make a ruling.

CHAIRMAN FLEMING: The question, in the broad context, is: Should a manual be prepared? If it were prepared and used, certainly the appointing agencies should subscribe to the idea and decide how they would participate in its formulation. I don't think the question is directed to the Academy preparing it, but that it be prepared.

ARTHUR STARK: The New York Committee did not consider

the question of admitting evidence in terms of the acceptability of the arbitrator or, indeed, the extra-hearing needs, so to speak, of the parties. We considered the question solely in terms of conducting a hearing in which the arbitrator would gain the maximum amount of relevant evidence in the briefest amount of time. Had we considered the acceptability aspect, perhaps we would have come to different conclusions, because if the question of acceptability becomes an important consideration, then you depart from the basic question of: Is this the proper kind of evidence? Is it competent and useful evidence? Is it the kind he will use in deciding the case?

I might add this comment: our attempt was to discover if there exists a consensus; our work was, in a way, an experiment. I think we felt that this entire program was an experiment to find if a consensus exists on any of the many problems faced by arbitrators and the parties in the conduct and presentation of cases. If the answer to this question is, "No, there is not a consensus," or if there is not a consensus on any sizable or significant number of questions, then I think we ought to stop. There is no point in belaboring the matter any further.

On the other hand if, upon reflection and after studying and analyzing the reports, it turns out that there exists a general consensus, even if you add all the caveats, such as you may want to do things in a certain way, then our group believes and recommends that somehow that consensus be distributed to people who are working day to day in arbitration. It would be helpful to the arbitrators and to the parties.

JOHN HILL: *First,* I would like to say that I have for four or five years attended these meetings and found this meeting to be the most valuable one I have ever attended. *Second,* it seems to me that the question now before us is part of a broader problem. That is the one suggested by President Smith yesterday when he said you people want to know more about yourselves, and it is difficult to make a detached self judgment. I would concur with that idea because, very frankly gentlemen, I don't think the people you are working for in the arbitration process are being consulted enough.

The so-called owners of the process are not being asked what

they want and you don't know what they want. Perhaps this is not the proper way to go about it, but a questionnaire distributed to the parties which would give them a chance to say what should be done would be very helpful.

CHAIRMAN FLEMING: I wonder if we can't use that remark to shift from this general question of whether we are ready for the preparation of a manual to the question of whether we should form committees around the country composed of management representatives, union representatives, and arbitrators, to discuss matters of common interest. Should this idea be pursued and exploited?

There is no question that it has been started. The sessions this morning are the result of a year's work. Should the idea be pursued further?

ROBERT BLARN: I fully agree with and heartily support any program that the Academy sponsors which will bring about the opportunity to carry on this kind of activity and suggest not only its continuance, but the development of more committees in which more local people can participate. If there were more regional groups, more of us could participate.

I sincerely believe that coming to this meeting in San Juan was most valuable, and particularly so this morning. It would be a waste of a real pioneering effort and good work to let it drop at this point. I am talking about the matter of sub-committee or committee work during the year, because all of this is most meaningful. The chance to articulate at these meetings problems of concern and doing so in the context of a prepared program, under proper guidance, is just what we need.

MR. GILL: I would like to make two comments: I agree, first, that we should keep working on the manual idea.

The other comment I want to make, I make with some trepidation, especially since I am a lawyer myself. In forming these panels throughout the country, we should keep firmly in mind that not only are 50 percent of the arbitrators not lawyers, but that 50 percent of the advocates appearing before us are, likewise, not lawyers. I think it would be a serious mistake to have the committees composed only of lawyers.

BERT LUSKIN: I think one of the problems we have had in our

meetings in the past has been assigning one of our members, not as a member of the Academy, but individually, to develop what he thinks are points of consensus, points of disagreement, and perhaps to stick his neck out and render his own judgment on a difficult problem. A subject of the sort being discussed here today might very well provide a highly useful basis for discussion at the regional or local level in the future and then at our annual meeting.

May I suggest that this possibly be considered for inclusion in next years program?

The second comment, to go back to an earlier point of discussion, is that it seems to me too little attention has been given to what I think is a rather important distinction—what the arbitrator is willing to listen to at the hearing in contrast to what he is willing to base his decision upon. There may be a great difference. The arbitrator may feel a lot more time is wasted in long arguments concerning the application of rules instead of simply hearing what someone wants to say; however, he may have no problem in determining what criteria he should base his decision upon.

The basic question, however, is whether there is an opportunity to rebut this material. This is where arbitrators tend to fall down. It seems to me that on this point arbitrators need to do much more careful thinking and be more willing than they have been in the past to say, "I will listen to this, I refuse to exclude it, but I don't think it is worth anything." If the arbitrator would do that, it would solve a good many of the problems.

CHAIRMAN FLEMING: What impresses me is that there is some suggestion that both parties want the same kind of hearing. My own experience suggests this is not true. One side may want one kind and the other side may want the other. Therefore, it is not a question of either/or, and it does require arbitrators to decide what kind of hearing it should be.

HARRIS JOHNS: I was a little aghast to hear someone say that you don't have an appellate procedure in arbitration. I don't know what that man was talking about, but I am talking about New York as well as every Federal and State agency administering law in this country. All the administrative agencies take the position, even if they don't follow the rigid rules of evidence, if you get into court, you better not have a loose decision.

I would like to suggest that when you get into the business of writing the manual, you had better consider the area of the relationship of arbitration to the courts. It is part of our arbitration system, it is a reality, and you had better bear that in mind. You don't have the freedom of action which you seem to think you have.

CHAIRMAN FLEMING: This raises the question which I mentioned at the outset of the increasing inter-relationship with the courts. I think most of us who work outside New York recognize that there is less review and less relationship with the courts than there tends to be in New York. But it does raise the possibility that with Federal courts getting more and more into arbitration and with the increasing involvement of the NLRB and the Civil Rights Commission, whatever your views, it will be necessary to have more uniformity in the way things are handled.

MR. DUFF: Just so that my position is not misunderstood, may I say that my reference to appellate procedure was simply this: There is no appellate procedure with regard to the ruling on evidence by an arbitrator, period. I have never heard of a case that has ever turned on the admission or refusal to admit certain evidence. This is my sole reference to it.

CHAIRMAN FLEMING: Before we adjourn I want to give the chairmen of the workshop sessions the opportunity to make any observation they wish about their experience.

Perry Horlacher, who was the Program Chairman this year, and whose heart has been warmed by your comments on the program, has suggested that it may be interesting to get a show of hands from you on a couple of questions. The first is: Does the idea of tripartite workshops appeal to you. Will those of you who feel this is an appealing idea, in terms of future academy programs, please so indicate by raising your hands. Well, that is an almost unanimous response.

The second question is: how do you feel in general about pursuing further the topic of problems of proof? Is it something you think other people should think about? If you do, indicate it by raising your hands. Again, an almost unanimous show of hands.

Are there any comments you would like to make beyond the

immediate questions we have raised? I am giving you an opportunity for a few comments if you want to make them.

MR. LEVY: There is one comment I want to make that has nothing to do with the subject matter of this meeting but has to do with the system of tripartite workshops. I have read two of these reports and was supposed to go to another one. I think they are excellent and represent a tremendous amount of work. I think what we need to do, in view of the show of hands, is to continue this procedure, but I think the rank and file membership of the Academy as well as our guests must learn to utilize the procedure to their advantage.

There was not enough discussion at the workshop I attended this morning, nor is there enough discussion here. I think it is up to the members of the panel to make this workshop idea something which is much more workable and much more valuable.

MR. HORLACHER: There is some thought being given to circulating among members of the Academy a questionnaire apropos to what we have experimented with this year, not only to assess your judgment about the values of this experiment, but also to get the specifics of any criticisms you may have concerning the way it has worked out. Since this is the first time it has been done, obviously we did not hope to achieve perfection. If you feel this is a useful technique, as apparently is the case, for exploring problems, and for preparing material for annual meetings, it is a technique we should continue. So it is quite possible that all of you will have an opportunity, and I hope you will avail yourselves of it, to let us know what you think about the use of the tripartite workshop device.

CHAIRMAN FLEMING: Do the chairmen have any comments they want to make?

EDGAR ALLAN JONES, JR.: My first remark, after listening to John Hill's comments, is that Perry might very well broaden the procedures of the questionnaire to include all the registrants at the meeting as well as the arbitrators, that is, to pick up the "owners" as well.

My second remark, and I don't want to be too presumptuous, vis-a-vis the other chairmen, is this: All of us in the Academy, and

certainly this is true of the chairmen of the committees, owe a considerable debt to the persons who participated during all of the hours of struggle and turmoil to bring to this proceeding the four reports we have had.

MR. FEINBERG: I just want to make two short points: First, I think this discussion got a little out of hand, possibly due to the fact that a tremendous amount of enthusiasm seems to have developed as a result of the morning's discussion. Then somebody started talking about a hornbook or a code, and the discussion led into the question of whether the Academy should sponsor a hornbook or a code. It was never our intention in New York that we adopt a code or that the Academy sponsor a code. We were just trying to find out if we could reach some agreement on how we should handle certain procedural problems that are submitted to us, just as we have discussed in the past how we should handle questions of past practice or just cause for discharge.

These are problems that come up frequently, and we wanted to get a consensus on how we should handle them, especially procedural problems. All we were trying to find out was if there was a consensus between labor and management on how we should handle some procedural issues—that is all.

You might just as well face the fact that these procedural issues exist, and no one but an ostrich with his head in a hole can deny that any arbitrator doesn't face, in his day-to-day arbitration work, these questions of evidence.

Frankly, I am a little tired of non-lawyer arbitrators calling me up and saying, "How would you handle this or that?" There is no harm in putting these suggestions into a booklet.

LEE M. BURKEY: Ladies and gentlemen, I submit that you who have not participated in the committee work have really been shortchanged. You have been invited to the dessert instead of the whole meal. I think there should be much wider participation in the whole meal. I think it should be so broadened that every active person has a chance to participate in such committees. Everyone should have a chance, without regard to their clients, to listen and to talk.

CHAIRMAN FLEMING: Apparently, no one else wants to be heard and the hour grows late. Thank you all.