

National Academy of Arbitrators
HISTORY COMMITTEE INTERVIEW

G. Allan Dash, Jr.

NAA President, 1959

Interviewed by James Stern

August 30, 1989*

** re-typed in 2006; original in archives*

G. Allan Daish, Jr.
President, National Academy of Arbitrators
1959-60

Interviewed by James Stern
at
The Chicago Hilton & Towers, Chicago, Illinois
May 30, 1989

Additional Anecdotes added by G. Allan Dash, III

James Stern (JS): This is the 43rd Annual Meeting of the National Academy of Arbitrators at the Chicago Hilton and Towers in Chicago, Illinois. It is Tuesday, May 30, 1989. My name is Jim Stern. I am interviewing Past President G. Allan Dash, Jr., who was President of the Academy in 1959. This project is sponsored by the Academy History Committee in order to preserve the account of activities in the background of Academy Presidents.

First, let's start out with a little bit about the personal background of our Past President Allan Dash. Al, do you want to start out with where you were born and raised and educated and tell us a little about yourself.

G. Allan Dash (GAD): I was born in Philadelphia in a row house. I say that because I was at the session just now, and I heard some of the backgrounds of the people as having had perhaps some impact upon their decisions. I was born in 1908, and lived in Philadelphia until 1925. After that, I lived in adjacent Delaware County and now live in Montgomery County. I graduated from the Wharton School at the University of Pennsylvania in 1930 with a Bachelor of Science degree in Economics. I was in the insurance business for about three years, because I fell for the sales talk of a broker who came out and recruited a number of students. This being 1930, these were the only kinds of positions we could get that would pay a hundred dollars a month, and that was with a college degree.

I left to go back to the University of Pennsylvania. This was in the Recovery Act days of 1933, and a lot of industries claimed that they could not pay the twenty-five cent per hour minimum wage which was required by law. The government set up an arrangement to get wage and production data from them. This was such a tremendous task that they got a lot of university students to work on the project.

I had a call from George W. Taylor, who was referred to by many people as the father of modern U.S. arbitration, asking if I could come see him. That incidentally is all in this other booklet. I helped him in the analysis of the wage data for the hosiery industry and the textile industry. I stayed there with him for six months or so and then did some other analysis work with him. He was the impartial chairman, as they called it, for the hosiery industry. He had done his Ph.D. thesis about the hosiery industry in '28 or '29 and then was asked to be their first arbitrator. He really fashioned the impartial chairmanship, as it

has been called ever since. Between '33 and '36 I did some work in the graduate school for a Master of Arts Degree. In both my undergraduate and graduate work, I majored in industrial relations, industrial management, labor history, and labor economics. They were the primary courses. I continued in the graduate school through the spring of 1941 and secured all the course credits for a Ph.D. However, when arbitration opened up, I just couldn't stay at the University any longer.

In the period from '35 until '40, I assisted George Taylor. At first I just took notes in arbitration cases to aid him if he missed points, and we discussed the cases afterwards. I would give him my notes to fill in the spaces in his sparse notes. Then he gave me some of his write-ups, and later on he asked me, on the basis of my notes, to tell him my decision, which was a tentative decision. Then of course he could then point out things which should have been handled in a different way. In 1937 the hosiery, dye, and finishing industry, which was a part of the full fashion hosiery industry, was organized for the first time, and they wanted Dr. Taylor as arbitrator. He recommended that I take it on. I did, in fear and trepidation. Happily, I was able to handle it and satisfy the parties.

George W. Taylor was my father's all-time hero. Dad had so much respect and admiration for his mentor that he never referred to him as anything other than "Dr. Taylor," nor did he address him in any other way. Seated at our dining room table with the Taylors, my mother easily addressed their guest as "George," but my father would never have dreamed of taking such a liberty.

In the period from '37 to '39, I had a number of cases that I mentioned as far as the numbers were concerned which had to do with companies seeking wage relief because of red ink. These were quite early in the textile industry and in the wallpaper industry in eastern Pennsylvania, and these were between agreements. They turned out to be interest disputes, which to me were a bit harder to handle in my status then as an embryonic arbitrator.

One of dad's first ad hoc cases (in '37, I believe) involved a pickle processing plant in Philadelphia. The hearing was held in the basement, where the only illumination came from a single, bare light bulb hanging from the ceiling, and where all the participants sat on pickle barrels. Because dad needed a writing surface upon which to take his always-copious notes, a somewhat taller pickle barrel was provided for that purpose.

In '37 I had my first case in the textile industry, and with Dr. Taylor's recommendation I handled that, in the last quarter of '37, I had six cases; they were my first. Then it went up to twenty-eight in '38, twenty-six in '39, and down to nineteen in 1940 because I did some other work in Dr. Taylor's absence. He left the latter part of 1940 and 1941 for the position of impartial umpire between General Motors and the UAW. Then at the end of '41, as he had arranged in advance, he came back to Penn. I did not expect it, but they asked me to succeed him, and I did go to Detroit in 1942. In 1942 at General Motors I had a hundred and seventy-eight cases to hear.

(JS): So you became General Motors Umpire after Taylor?

(GAD): Yes, right after him. I stayed, and in '43 I had one hundred and sixty cases, and in '44, sixty-five. That is when the ax fell, and I ceased being the arbitrator, the Umpire, as they called us at General Motors.

(JS): Well, you were rather young, and you were still a graduate student, weren't you?

(GAD): Yes. I did not really go there with the thought of making that my career. I just did it to follow Dr. Taylor and filled in a gap in which he was very interested, because he had established the machinery, and he wanted to see it succeed. I was succeeded by Ralph Seward, and it has been continued ever since.

I had my graduate work, and this is what interrupted my graduate work. Otherwise, I might have gotten a Ph.D. I even had my thesis picked.

(JS): You were an ABD ~ all but dissertation?

(GAD): That's right. I have never heard of that before.

(JS): So what did you do after GM?

(GAD): I went back to the University for just a short while, and then I set up an office with Bill Simkin and ... I am sorry; I am getting a little bit ahead of myself. I spent a year in Washington with the War Labor Board as one of the chairmen on the Review and Appeals Committee. That was the Committee that reviewed decisions by the Regional War Labor Boards that had not been acted on by the National Board. They came and we reviewed them and made recommendations to the Big Board as to what changes, if any, should be made. The changes were very few from what the Regional Board had determined. I had also served before that as an Umpire with Syl Garrett, one of our former Presidents. He was the Chairman of a regional board, and I was Vice Chairman. That was between my first period at General Motors as permanent Umpire and a three or four month gap.

Then I served for that period of time as a Vice Chairman, and they asked me to come back to General Motors, and I went back until the middle of 1944, and I continued to serve, three days a month, on the Regional Board until it finished on a non-salary basis. General Motors and UAW did not want their Umpire to have anything else in the way of income, so I served without compensation. That's when I learned WOC means "without compensation." Incidentally, my government service was also in the area of Presidential Emergency Boards in periods from '54 to '61 for various industries. Then I was Chairman of fourteen wage and hour committees between 1956 and 76 in Puerto Rico and American Samoa.

The question might be raised as to what hurdles I had to jump in getting started. The problems I had were in keeping my university research work and my part-time teaching status, which I had in the Wharton School, on a part-time basis and finding enough time to accept the requests that were made of me in arbitration. I cut my connection with the

University at the end of 41. On Pearl Harbor Day, George Taylor and his wife, Edith, and I were on a train to Detroit when we heard the details of the attack together.

In early '42, George Taylor was called out of a hearing for a phone call from President Roosevelt, who "asked" him to come to Washington and help set up the War Labor Board. Dr. Taylor recommended his startled assistant as the new umpire, and dad - in his early 30s - took over the world's busiest and highest-profile arbitration job in the middle of a hearing. This turn of events inspired dad's oft-repeated assertion that he was the only arbitrator he knew of who started at the top and worked his way down.

(JS): It sounds to me that with the help of Taylor, you really got going in arbitration in a big way. By the time World War II ended, you were an experienced arbitrator, with War Labor Board experience, locally in Philadelphia as well as in Washington on appeals. You had been GM Umpire, and you had done several hundred cases, so at that stage after the War, were you active in the formation of the Academy?

(GAD): Most of the impartial people who were connected with the War Labor Board in Washington thought that we should keep together and develop things so far as arbitration was concerned. The initial concept of keeping the group together was not so much to further arbitration and the study of arbitration — but more of a social thing. Some of the people in the beginning were not interested for that reason.

However, in '47 and after, we became interested in making a study of the field and developing sound principles on which to operate and to use non-advocates as arbitrators. This was a major difficulty because some of the men who had been involved in the beginning were identified with one side or the other. I think there were about forty-five or fifty of us, and regardless of whether they were advocates or not, if they did some arbitration, they were still included. This was continued, I think, until about '52 or so. It is in our Constitution that we are not to be advocates. I forget the year but it was in the early 50's that that was passed, and so that did not apply to anyone who was a member in the earlier periods.

Dad once gave me a vivid lesson in non-advocacy. The fathers of some of my young friends in school were management types who had no time for unions, and I made the mistake of repeating at home some of the union bashing I'd heard. "So you don't like unions," said dad, reaching for a pair of scissors on his desk. Fine. I want you to take off your pants and cut off the left leg. Half of everything that's yours has been paid for by unions, so you're going to be very busy with these scissors tonight." With that, I kept my pant leg and lost my prejudice, all in one evening.

Now I would also say that it was about that time that I thought that maybe I could stay in arbitration and make career out of it. You will find that William Simkin did, too, because he also got his break in arbitration through George Taylor. Some of the other guys like Tom Pitkin who was still a member of the Academy and four or five other arbitrators used to meet in Philadelphia and have dinner together at the University of Pennsylvania Faculty Club as the National Academy group continues to do. That is where the men who continued their teaching and research at the Wharton meet regularly. However, Bill

Simkin and I cut ourselves away completely. He was an Instructor at the Wharton School.

(JS): Were you at the meeting in Chicago when the Academy was founded?

(GAD): Yes, I was.

(JS): You did not just become President in '59; I am sure you did all sorts of other things before that. So why don't we go through that?

(GAD): When we started, one of the principle discussion was the matter of ethics. How do we handle ourselves, and what do we consider to be an ethical approach and a non-ethical approach. The Committee on Ethics was; made up of almost half of the then members; twenty-one, in fact. I served on it along with forty or fifty percent of the membership. We made our first report to the Second Annual Meeting of the Academy which was held in Washington on the 14th of January '49, a little over forty years ago. Twenty-one members of the Committee (and I noticed that only five of them are still alive and/or still in arbitration. They are Byron Abernathy, Alex Elson, Charles Myers, Paul Walter, and myself.)

In 1950, the combination of committees in the American Arbitration Association, National Academy of Arbitrators, and the Federal Mediation and Conciliation Service met four or five times to weed through suggestions and formulate a Code of Ethics and Professional standards for labor-management arbitration. We had a major role on the steering committee, and we adopted the Code when it was finally finished.

I served on the Membership Committee in 1950-51. I was a member of the Board of Governors in '52, '53, or '54, and I served on the Research and Education Committee in '58. I was Chairman of the Regional Activities in '58, Vice President in '55 and '56, and President in '59.

(JS): Was there a President-Elect in those days?

(GAD): No, that came three years later, in '62. I attended all of the annual meetings from then until 1980 and a few since then.

(JS): Let me ask you about the transition into the Presidency without the President-Elect. Several of your colleagues, who have become President after you did, spoke so highly of the President-Elect transition as being very important. You went right from your committee and vice-president work right into the Presidency. Was that a problem?

(GAD): Well, yes, because there was no way for the person who is going to become President to know that, and therefore he had no chance to think about, for instance, getting chairmen for the committees. It would have been presumptuous for anyone to have attempted that, you see. So the day I was elected, I realized, as all my predecessors

were aware, that my job was to find chairmen who could do the work as it was developing, not after it had developed.

(JS): Where were you approached by the Nominating Committee? What meeting was that? Do you remember where it was?

(GAD): No, I don't. I have been trying to think about that. I went to the convention at the Annual Meeting. Let me see, where was that? In Detroit.

(JS): And you were totally unaware that you would become President?

(GAD): Yes.

(JS): You must have known; you had been a Vice President?

(GAD): At that time, there was no tradition, and there was no formula. But some of us did become aware later on and as a result some of us have thought of the present setup as we have four Vice Presidents now. I better not say that ~ what is being thought of now, I don't know. But, in those days, in the early days, you served a period of two or three years as Vice President, I think it was only two. They could not take all of the Vice Presidents and make them President, so that you were in a situation in which after two or three years doing other work, the Nominating Committee would approach you, and you did not know when it would happen or if it would happen. Because obviously half of the Vice Presidents in the early years had no opportunity to be considered.

(JS): You were approached right in the middle of the meeting in Detroit then?

(GAD): Yes, it seems to me it was early, before we actually sat down to start. I don't remember who the Nominating Committee was.

(JS): Maybe it will turn up in interviewing one of the other Presidents; Seward or Simkin or one of the others.

(GAD): Well, I think there some kind of straw ballot or something of that sort taken among the top people and the Nominating Committee. I was chosen that year. I must admit it was a surprise.

(JS): All right, I guess the next question is ... What do you recall about your duties? What did you think about committee appointments? Well, obviously you could not think about them until you got selected.

(GAD): I would like to add something because of what you just mentioned. The present arrangement of having a President-Elect is very helpful because, as the organization has grown, the problem of chairmanships has increased. It was relatively simple at the start. So that now with the additional time given, the President-Elect can do his chasing and talking and persuading of the right people to take the jobs; it is helpful to have that year.

It does not have to be done in a few months by telephone as we did when we were elected in the early years.

In 1959 I had only four committees for which to secure a chairman. One of these men had served as chairman of the Membership Committee for three years. That was Dudley Whiting, who of course has since died. He knew the recent applicants, and he knew them well, and he was willing to serve after some persuasion. I was successful in getting him to stay one more year. The same thing was true of Russell Smith, who later became a President, who had chaired the Legislation Committee for two prior years. Incidentally, he was not a lawyer, but did a wonderful job.

(JS): I have heard Russell Smith was a Professor of Law at the University of Michigan.

(GAD): I am sorry; yes, you are right. I was thinking of another person. The prior Research Committee Chairman had been Vern Jenson. When he was unable to continue, I was able to get Morrison Handsaker, who was a Professor at Lafayette College, which is just forty-five miles away from my home in suburban Philadelphia. I was able to work with him in securing some of the additional people who were needed for that committee.

Going back to Russ Smith; you are correct, I was not thinking of him. Over the years, I have not thought of him as a lawyer; I thought of him as an economist, even though he often talked that way.

Morrison Handsaker did such a good job that the subsequent President asked him to continue to serve, which he did for three years in that capacity. He has since passed away. Ben Aaron was elected as one of the Vice Presidents in 1959.

I feel I was fortunate, and the Academy was well served, when I persuaded Nat Feinsinger of the law faculty at the University of Wisconsin to serve as Chairman of the Ethics Committee. This, incidentally, was my most difficult job to fill. He was what I consider a brilliant man, but he was one who at the beginning felt that he did not want to involve himself with the Academy. He, along with George Taylor and Ed Witte from the University of Wisconsin, were of a common mind that we were too social when we started out. When we changed and went in the direction of doing things in support of arbitration, he changed his mind and joined. When I faced the problem of getting him, I spoke to George Taylor, who was very close to him. They had been with the War Labor Board together. Dr. Taylor was able to persuade him to serve, which he did for one year only. Incidentally, he was an Umpire at General Motors for seventeen years and had the longest tenure by far.

At the start of arbitration in a big corporation like that, the initial arbitrators are the ones who plowed new ground. They can easily make one side or the other, sometimes both, angry with their decisions. That was not true with George Taylor, because he was a thinker, also he developed the Umpires at General Motors as he did at a number of other industries. He did not have that problem. But, I had it after two and one half years, and Ralph Seward came in, and Ralph was, I think, there for three years or a bit over that.

Then they started to change their approach. The UAW had an enormous number of cases. In fact, I saw statistics later which indicated that approximately one hundred thousand grievances were filed during the years I was there. This mass of decisions at the beginning set the precedents. Ralph Seward set some more. Gabe Alexander, his successor, also set precedents. As time passed, we had set so many precedents that arbitration became more accepted, and the union cut out a lot of cases; a lot of their grievances did not have merit.

You asked what were the major goals that we sought to obtain in '59. I had been Chairman, as I indicated, in '58 of Regional Activities, and I was a member of the Philadelphia group, which was a very active one. We saw the possibilities of doing things and getting a lot more members of the Academy interested in it. I felt that if we could branch out and have more formalized setups to discuss common topics, we would advance as an Academy. I was able to secure the help of Charlie Killingsworth, who later became one of our Presidents. Along with some help from the officers, the committee chairmen and the committee members along with some of the Chairmen of Regional Activities, we tried to impress on all of the members their obligation as Academy members to participate in regional activities in a meaningful way, and to report the results back to the Chairman. The regional activities were greatly expanded after Charlie Killingsworth. Although it may appear to be a minor thing now, in relation to other Academy activities, the officers felt that the major accomplishment of the year '59 was in that direction.

(JS): That is interesting. So we would date the expansion of the Regional concept back to '59.

(GAD): '58, '59, or '60; yes.

(JS): Was there any other major goal that you recall from that period? Or should we turn to the problems you faced?

(GAD): No, I was thinking through the outcome, I felt that regionalization was the major problem that we talked most about. Another question we discussed was an article in the AFL/CIO publication known as the Digest. It came to the attention of a number of the arbitrators and was hurriedly filed with us. It was entitled "Our Avaricious Arbitrators" and published complaints of alleged excessive padding of bills by many *ad hoc* arbitrators who charged three or four days of study time for each day of hearing time. This created a bit of a furor, and the unions at other times wrote articles that arbitration was getting too expensive, was taking too much time, was becoming legalistic. Now these are still problems. I recognized that they were topics that merited attention and discussions at the national meetings. We started by asking the Regional Chairmen to read the criticisms of arbitrators and to give us a summary of their reactions. I think, incidentally, it did have some salutary effect. No doubt, there were people who felt that some arbitrators were being too legalistic or overcharging. I recall that one of the things that I talked about were the legalisms that were creeping into arbitration. That was in the late '50s. I had started to see it in the hosiery industry and in textiles and so forth, where

we never saw a lawyer in the procedure, and it was very much informal. It worked in those industries. As time passed, this changed. At General Motors, there was never a lawyer present. There was one there, but he was there only to answer legal questions that came up. The same was true in the hosiery industry, although later on, they did have an attorney there, not to present cases, but to make sure that everything was covered by both sides. That was the basic background of George Taylor. He never had a reporter in any of his cases; neither did I in the first half dozen years. As the procedure became more formal with briefs, examination, and cross-examination of witnesses, some of the old school people like myself were worried. I still have difficulty with formalization, but I believe that I handled it all right.

While I was President, I was unable to carry even half of my past *ad hoc* work. I just did not have the time. There was no connection between the events in my thirteen years in the rubber industry, which extended from '46 to '59 and ended just about the time that I was elected President of the Academy. That is, unexpectedly, I had time which I could use for Academy activities. The largest pan; of the time that I had to apply was in letter writing, in telephone calls from various people about various things, and, of course, speaking engagements as President. Some of those were with other regions at the regional meetings and so forth. But to a large degree, in the city of Philadelphia, because the person who had been elected President was marked to come talk to the various groups. Bill Simkin did when he was President, and so did Eli Rock when he was President. This was of some consequence so far as time was concerned. In fact, I found that some of the smaller groups in Philadelphia must have passed my name around to supervisors' groups and labor groups and so forth. I had so many requests to speak that I had to threaten to charge an honorarium. I never did, but that way I stopped the flow.

Now also, back in '59 we had just the Ethics Committee and the Membership Committee. We had two other standing committees; those were the specific Annual Meeting Program and the Arrangements Committees. The major ones, as I say, were the Ethics Committee and the Membership Committee, and then we also had, of course, the Executive Committee. The Research and Education and the Law and Legislation committees round out the four that we had. Now, as I look through our Directory, I see we have, in addition, four standing committees and Professional Responsibilities and Grievances with twelve members, Auditing with three, Continuing Education with eighteen members, Nominating Committee with five members. This should enable us really to make effective use of the experience and knowledge of thirty-eight more men and women than was true when I, my predecessors and immediate successors had the job. We had the two special committees, Program and Arrangements. Of course, we still have those. But we had eighteen added special committees which this year involve a total, I see, of one hundred seventy-six members. That is an education; that does not mean we have that much more business to take care of, but it certainly is education to me of the tremendous growth in our activities and our interests that have occurred over the period of some thirty years since I had the opportunity to serve in the position. It also is a vivid illustration to me of the tremendous growth and the responsibilities that are placed upon a modern day President of the Academy in contrast to me and the other fellows who served in that capacity. I am certain that my job as Academy President in '59 — that was the eleventh of

the forty Presidents or forty-one Presidents we have had -- was quite simple in contrast to our current President, Tom Roberts. And I have noticed, just as a side point, our earliest Directory that I have available, which was for 1952, contains just thirty-two pages. The one this year contains one hundred and thirty-one pages.

(JS): That is a pretty good round up of the problems and the accomplishments during the period you were President. Do you want to talk a little bit about this last section, the environment during your arbitration career? You really covered the environment during the 30's and the 40's, but what about during the time of the 50's. You were President in '59; that is the era of the McClellan Committee and the Landrum-Griffin Act. Do you want to talk a little bit about that time?

(GAD): They did impose themselves on individual cases, but my recollection is that we did not go into them in any sense as the Academy.

I noticed that we were asked what we felt were the most important qualifications for the Academy President, as suggestions for future Presidents. Well, I would draw this, not on the basis of the capacity of when I had the position but what has occurred since then, and I have the feeling that many things would be helpful and perhaps needed. I think first of all an outstanding reputation as a neutral in the industrial relations field. Secondly, I would suggest a person who had been acceptable to the parties for at least a decade. Maybe that is too extreme, but I feel that it should be for some reasonable period of time. One who has given proven service to the Academy for an extended period of time indicating interest in furtherance of the Academy in every way possible and possessed of a specialized knowledge and experience in many of the issues which we the members are called upon to resolve. Someone who, in Academy work, has demonstrated leadership qualities. Finally, as Dean Edwin D. Witte said in 1949 in speaking about requisites for Academy membership in his address entitled "The Future of Arbitration", the individual should possess a disposition not easily ruffled, a keen appreciation of the rights of others, an understanding of human nature and a realization that the matters to be dealt with are basically human problems. That, as Dean Witte suggested, is a good basis for arbitrators who seek membership in the Academy and certainly in a much greater sense, anyone who would tackle the job as President of the Academy in its present status.

I have nothing else I would want to add, unless you would like to ask me something else?

(JS): No, I think that pretty well covers it. On behalf of the Academy History Committee, let me thank you very much for being willing to take the time.

Dad passed away on January 4, 2000 at the age of 91. As he went to his rest, he was wearing his University of Pennsylvania tie and his NAA membership pin, emblematic of two of the involvements of which he was most proud.

I'm pleased that the Academy will be keeping my father's name alive in the profession. Having heard his first case in 1937, dad - the very first protégé of George W. Taylor - was a true pioneer in the field. At the end of his splendid career, dad estimated that he had issued well over 6,000

awards, a total, I'm sure, that has never been - nor ever will be - equaled. My heartfelt thanks to the Academy for giving my father - never one to blow his own horn - the recognition he so richly deserves. - G. Allan Dash, III