

National Academy of Arbitrators
HISTORY COMMITTEE INTERVIEW

Eli Rock

NAA President, 1973

Interviewed by Gerry Feliman

August 11, 1989

1

ELI ROCK

PRESIDENT OP THE NATIONAL. ACADEMY OF ARBITRATORS

1973 TO 1974

INTERVIEWED BY GERRY FELLMAN

AT

THE CHICAGO HILTON AND TOWERS, CHICAGO, ILLINOIS

JUNE 1, 19 89

Gerry Fellman:

We are attending the 42nd Annual Meeting of the National Academy of Arbitrators at the Chicago Hilton and Towers in Chicago, Illinois. It is June 1, 1989. My name is Gerry L. Fellman. I am interviewing Eli Rock, who was president of the Academy in 1973. The project is sponsored by the Academy History Committee in order to preserve the account of_ activities and the background of Academy presidents.

First we are interested in your personal background. Eli, where were you born, raised and educated?

Eli Rock:

I was born in Rochester, New York and raised there and educated there through college, the University of Rochester. Then I majored in history, graduated cum laude and went on to lav/ schools.

Where was that?

First, for my first year, to Michigan Law School, and then I transferred to Yale Law School, for my last two years.

I see. And then you graduated with your LLB.

Yes, just a plain LLB.

From Yale?

From Yale, in 1940.

How about your employment service and service prior to arbitration.

Well, after I got out of law school in 1940, I clerked, tried to practice law in Rochester, for...

Where did you clerk?

Well, it was just one of the law offices in our city. And then I practiced on my own for a total period of a year and a half. In late '41, I heard that there were, actually it was early '42, I heard that there was a War

Labor Board and they were looking for people. I got a job with them that started my career as a neutral and I went to Washington. I stayed in Washington with the War Labor Board, from April '42 until January '43, when the Board regionalized and Sylvester Garrett, who I had come to know in Washington, with the Washington Board, was made chairman of the Philadelphia Regional War Labor Board. And he asked me to come with him to Philadelphia to be on his staff. And in January of '43, I went to Philadelphia as the Deputy Director of the Disputes Division. I became Director of the Disputes Division a few months later, when the director went into the navy. And I stayed with the Philadelphia Regional Board until, as disputes director, until fall of 1944, when I went overseas. I did various things of a non-labor relations nature until early '52, when I returned to this field, via an appointment with the Korean War Wage Stabilization Board. I was hired in Washington for that and I was sent to Kansas City, to the Regional Wage Stabilization Board there, as a temporary chairman. Each Regional Wage Stabilization Board had its own tripartite heads of the Board. And the Chairman, at that time, was having, who had been appointed chairman for the Kansas City Regional Wage Stabilization Board, was having some problems internally with his board. So I was sent out there as

Acting Temporary Chairman of that board. And I stayed there for, until late '52 I think, about six or eight months. During that time, I was able to resolve that internal dispute. I then came back east and became Vice Chairman of the Philadelphia Regional Wage Stabilization Board, where Perry Harlocker was chairman and Alan Dash and Scotty Crawford and I were vice chairmen. And I, thus, returned to Philadelphia, after an absence of some years. And when the Korean War ended, I took a position in, well, it was late '52, I guess, with the new administration, the new reform administration of the City of Philadelphia's government. The new mayor, the new reform mayor was Joseph Clark. And he hired me, basically, I was hired by the personnel director, to advise the city on how to handle the new labor relations problems, under a new reform charter, which imposed a strong merit system on the city, and thus, left some real problems, as to what would be the status of existing labor unions.

Philadelphia, having been an early pioneer in public sector unionism, there had been a strong AFSCME chapter in Philadelphia, since the early '40's. Way ahead of the rest of the country. There was a real problem of how to adjust the new merit system charter, to that existing structure of unionism. Not only for the civilian employees via AFSCME but there were also

unions of police and firemen. And the city was having trouble. It had nobody who knew anything about labor relations and I was available. And so I went to work, I was hired by the mayor as the city labor relations advisor. First, to the Civil Service, I was the advisor to the Civil Service Commission and the personnel director and, in time, I really became the mayor's advisor, whether by name or action. And I remained in that position for ten years, with two mayors, Mayor Clark and Mayor Doleworth. And I left that position in '62. In the mean while, during the '50's, while I was serving as a part time advisor to the City of Philadelphia, I began to get back into arbitration.

You had arbitrated between the times...

I had not arbitrated. No, I never arbitrated, I went from the War Labor Board to overseas. I came back, whether I arbitrated while I was briefly with the, certainly not in Kansas City, whether I arbitrated briefly in Philadelphia, during that period when I was with the Philadelphia Wage Stabilization Board, I don't know.

So basically, it was from the War Labor Board to overseas to the

Wage Stabilization Board...

...to the City of Philadelphia. And I think I started to arbitrate again in the mid '50's, or started to arbitrate. I had never arbitrated.

But then, in the early '60's, when you left Philadelphia...

When I left the job with Philadelphia in 1962, I put up my shingle, so to speak, for full time labor arbitration. But I may have already become a member of the Academy before that. Because I did start to get busy from the middle '50's in arbitration work.

And then, so, from the, in the early '60's, or when you put up that shingle, then you've been a full time arbitrator ever since.

Yeah, that's right.

Now, one question, that comes to mind, is who were your mentors, if any, in developing your arbitration career?

Well, I got started in the field concurrently with a whole lot of people. The War Labor Board story I don't need to tell you about. A whole bunch of us were there with the War Labor Board, in the early '40's, starting

in the early '40's. And we thus got into, eventually, the neutral role. When the war ended, a lot of these people in Washington and in the regions became arbitrators. Some of them did not but certainly a lot of them stayed.

But you weren't sort of an apprentice to anyone?

I really, no. I was never anyone's apprentice but I had close friends from the War Labor Board who helped me greatly. One was Scotty Crawford, Donald Crawford, who had also been a very close personal friend. While I was away from the field, he had begun to develop arbitration and, when I came back to the Philadelphia Korean War Wage Stabilization Board, Scotty was already moving ahead in arbitration. Syl Garrett, who I mentioned earlier, brought me to Philadelphia, was at that time, the steel umpire, chairman of the Board of Arbitration at US Steel, And after I settled down in Philadelphia, he and Bob Fleming, who had been a roommate of mine at the War Labor... who shared an office at the War Labor Board in the '40's, Bob and Syl, who held important positions with the Korean War Wage Stabilization Board, both helped me to get back into labor relations through that assignment in Kansas City. Syl, when I came back to Philadelphia and

settled down with this job with the City of Philadelphia and began to think in terms of, that was a part time job, in terms of starting to do some arbitration, Syl Garrett was a great help because he gave me assignments as a hearing officer for, he was then chairman of the Board of Arbitration at US Steel, and they used hearing officers to supplement their regular staff people. So, I began to get some experience, through that assistance. And Syl just gave me assignments. And it's not easy, as any new arbitrator knows, to get customers. And here I was.

It was a great start.

Yeah. And it gave me experience and...

I wouldn't say start because you had all this background with the War Labor Board and all the...

Yeah, but it gave me experience and, of course, Syl reviewed. It was a marvelous built-in teaching. Sylvester Garrett is one of the world's great teachers and he has taught any number of arbitrators, who've worked under him, the skill. Since you were the hearing officer and he was the chairman and he had to review your decisions before issuing them, it was like

a tutor looking at your work and correcting it and making suggestions and, of course by then I'd been out quite a while. I was no longer a rookie but still it was very helpful to have him review my decisions. And George Taylor was helpful, I think, during that period. I certainly discussed a lot of my decisions with Scotty Crawford because he'd been at it while I was overseas and he had more experience.

Let me ask you about the volume of cases, in the early years, I guess we're talking now about, starting from the early '60's.

Yeah.

When you kind of resumed your arbitration.

Yes. I didn't get busy right off the bat, when I put up my shingle. It didn't take long for me to reach a point where I was issuing, maybe, a hundred grievance decisions a year. That was my top. I never went over that.

That's quite a few.

Yeah, that's quite a lot.

Had that started even in the early '60's?

Well, a few years after. Syl and others helped me get umpireships. Syl had been the umpire, between the Goodyear Aircraft Corporation and the UAW, and sometime in the early '60's, he left that and I was appointed to that umpireship, which' gave me a steady flow of work. In addition, very importantly, in 1964, I was appointed by the steel workers and the eleven major steel companies, to be the national umpire for all SUB questions. They had all, by this time, adopted uniform SUB plans and they were pretty much the same for everybody. And the feeling was developed that "We don't want to have a lot, we compete with each other, we have the same SUB plan, we don't want to have a lot of company arbitrators interpreting it, this plan, differently. And putting some of us at a disadvantage. We ought to have uniform decisions." So I was appointed to that and I stayed in that job for, I don't know, twenty months or so, and issued about twenty five decisions at various individual steel companies, which were then distributed among the eleven major steel companies, to find out what was the law. How should they apply their plans. And I, pretty much, heard all of the issues that were important at that time.

And you were doing some ad hoc...

Oh, I was doing other decisions. Twenty five decisions in twenty months is hardly full time. In the meanwhile, other ad hoc, I had the Goodyear Aircraft. I later became the permanent umpire at McGraw Edison, which is a company that makes transformers and things, at their plant in Cannonsburg, Pennsylvania, western Pennsylvania, that was a steel worker plant. Anyway, I had other umpireships too.

How about applying to FMCS, AAA, state agencies and other panels. Did you do that as soon as you put your shingle out?

I did that right from the start, as soon as I seriously... Well, I probably did it... Putting my shingle out, meant I became a full time arbitrator but for five or six years I had been doing part time arbitration.

This was in the '50's?

Between the mid '50's and the early '60's, I was doing... This was after I'd come back from Philadelphia, after I had taken the job as the city's labor relations advisor, which was a part time job. I

had started to arbitrate again, I think, in the mid '50's. So I already was a member. I quickly became a member of the appointing agencies.

Then, when I asked about how the caseload was in the early years, I talked about the sixties. Actually I should have talked about the mid '50's.

Yes, I did have some.

Did it, sort of, start out somewhat slowly?

Oh, sure. Sure. But it was in the '50's, that Syl Garrett began to give me cases. And I may have...

It doesn't sound like you were hurting for cases at any stage, really.

No, I had some advantages. Compared to somebody who starts from scratch, we, War Labor Board alumni, had... We were friends with people who were... First of all, we became known. I had been, with the War Labor Board in Philadelphia, for twenty months back in the '40's, from '43 to '44. And then I had been with the Korean War Wage Stabilization Board for, I don't know, ten months. Both of those positions, put me into contact

with management and labor people in Philadelphia. So, when I started to arbitrate in Philadelphia, I was known to lawyers and the union people and it makes a difference when your starting, if they at least know you. And then I had the help of people like Syl Garrett, who could recommend me to cases. So I was able to start up fairly quickly, unlike people like yourself, who didn't have the advantage of that background and had to take a longer time to develop a practice.

Well, in my own case, I guess I started with the NLRB and was known to some...

That gave you some, I hadn't realized you were with the Board.

At any rate, moving on your career, I guess the one question that is included is, what were the greatest hurdles in developing an arbitration career? I think you've pretty well answered that. I mean, you didn't have any, there weren't any great hurdles because of the background. As for your membership in the Academy, who recommended you to join the Academy, and when?

Another friend I had in Philadelphia was Lou Gill, who had been my boss on the War Labor Board in Washington

and who is now in Philadelphia. He had been with, his first job after the War Labor Board was to be labor relations...

Eli, I think we've, there so much...

Ok, alright. Well, Lou, Lou Gill, Scotty Crawford, Alan Dash, they were all members.

And they all encouraged you and recommended you.

Well, I had my twenty fifth year certificate, I believe, at the Seattle meeting. Now, if you can tell me what year that was, ok, about 1960.

How about your assignments in the Academy? Committees? Well, let me ask you, were you ever regional chair in the Academy?

Yes, I don't remember what year.

It was in the Philadelphia region?

Yes, oh yes.

And how about committee positions? Do you recall any special committees?

Well, I was, early on, we set up a committee for public sector labor relations', and I think I became chair of that, as it became evident that there was going to be more and more union members in the public sector and there would be more and more arbitration.

So you were one of the first or the first chairman of the Public...

Yes, I had that background in Philadelphia.

So you were the pioneer in the Academy?

Yes, I delivered a paper on the subject, early. And I was a commentator on... I think, the first paper on the subject at the Academy meetings was by Charles Killingsworth and I was a commentator on his paper. Then later, a few years later, I delivered a long paper on it myself. And I became chairman of our first committee on public sector labor relations. And, in the late '60's or early '70's, the year that Jim Hill was president and we had to move the meeting from, I believe, Atlanta, where it had been planned, to Montreal because there was a labor dispute at the hotel in Atlanta, where we were going to meet. That year, we met, it was the first time we'd really ??? two day

substitutive part of the meeting. And we had, if Thursday and Friday were the substitutive days and Wednesday was the business meeting day and Tuesday was the Board of Governors day, we set up on Monday or Tuesday of that week, in Montreal, an educational and training session for the public sector.

Ah, I see.

And I chaired that, as chairman of that committee. For two days, and then the purpose was to teach our people how to be fact finders and mediators in the public sector because there was now a growing realization, that the public sector was going to require some special training. It was growing fast. It would produce arbitration work for arbitrators, which would be different from regular arbitration work, but it would also require fact finding and mediation by arbitrators. Because there were no trained people for those tasks, in the early days of public sector labor relations. And it was felt, that, I mean later there were mediation agencies set up for the public sector and that sort of thing. But it was felt that we would be called upon for a whole lot of new roles in the public sector. Some of us had done a little mediation but we were hardly skilled in it. We had to start to

train our people. And that meeting, in Montreal, in the, I don't know, 1970, had this two day program, where we ran, for a good number of our people who felt they might be getting into the public sector, two full days of training sessions for our people. And people like Bill Simgkin, who for example, was head director of the Federal Mediation Service, and taught our people some of the skills of mediation, which can hardly be taught in a short period of time. But at least, there was some exposure to these new problems. That committee role was my most important. And by the way, everybody agreed it was very successful. I could never have succeeded if I didn't have as an assistant chairman Eve Robbins, who knew much more. She'd been with the New York State Mediation Board. She knew that I had a little mediation experience with the War Labor Board, working for the City of Philadelphia in the '50's, but I didn't have the in depth experience she had. So she was of tremendous help in that very successful committee.

Are there any other committees that come to mind?

Well, I've been on the Nominating Committees. I've been on a couple of Blue Ribbon Committees. I can't really remember.

Yeah, I think probably ...

Yeah, I've run the gamut. I think I was, maybe, on the... Was I ever on the Membership Committee? I'm not sure but I was definitely on the Nominating Committee one year and this Public Sector...

May I ask about officers? Were you...

I went through the role. The usual stepladder of Board of Governors, Regional Chairman, committee member, committee chairman and concurrently perhaps, with some of that, Board of Governors for one term. And then after a couple of years,, vice president for two years. And after a couple of more years, maybe not too long after that, president elect.

I take it you've attended, ever since you got active in the Academy, the annual meetings, educational conferences, regional conferences and...

I think I went to everything in the first ten to twenty years of membership. I'd just automatically attend everything. I may have missed one or two of the fall meetings. We had, in Philadelphia, for a long period of time, regular full meetings in combination with the

New York Region and sometimes the Pittsburgh and Washington Regions. In other words, we had regional, full meetings, where we'd have discussions of subjects, social get togethers with wives there. We met quite often in Atlantic City, for example. This was probably Lou Gill's idea. And we started to have meetings jointly with the New York and Washington, even the Pittsburgh Boards, with an agenda. I was part, I played a role in that.

Is there anything that we've left out? In terms of, contributions to the Academy before becoming president. It sounds like we've gone through pretty much everything.

One principle paper, two at annual meetings, I think only one. Two comment roles at annual meetings, maybe more. I was on the Ethics Committee for a long time. And played some role in the committee which wanted to, which retained an outside counsel to assure us of protection from law suits, particularly in the work of the Ethics Committee. There were many committees.

I think, if we were really to cover this properly, I think instead of an hour, we'd probably need five or God knows how many. Just a final question on Academy membership, Do you think that membership in the Academy affected your caseload?

I'm certain, especially as a new and relatively inexperienced arbitrator. It was meaningful to people who picked me, to know I was a member of the National Academy of Arbitrators. It was a badge of, of proof of experience and competency.

And then when you became president elect, were you surprised at your selection?

I had no inkling it was going to come. I think it was clearly, I mean, I certainly did not have major achievements in private sector arbitration, at that point. I had done a lot of them but I was not a major figure, like a Syl Garrett or a Ralph Seward and some of the other people who had... I had this hiatus, where I was completely out of the field, between 1944 and 1955.

It sounds like you were a major figure in public employment arbitration?

Yeah, So I think, but what made it possible for me to be nominated, was that I was in the forefront of the public sector experience. My ten years with the City of Philadelphia plus much writing and speech making. I made many, many speeches. Everybody was getting

interested in this field. I guess I had been living with it for ten years. I wrote articles. I wrote a law review article. The advantage of large units in the public sector, the importance of having large units, because the institutional problems were so great. Fashion collective bargaining in the public sector. You didn't have to have the competition of many fragmented units in the public sector if you avoided it. And we had avoided it in Philadelphia. I really did. We gave the AFSCME local exclusive bargaining. We were the first city in the country to do that. So I was an expert and people looked to me. And then with that very successful Montreal educational program, which included also a report by our committee. I think it was recognized that we were going to have to become heavily involved in the public sector. There would be new problems to deal with and therefore some of these, had a lot of experience in the field.

President elect.

Could be a president elect. I'm sure, without that I would never have been president.

What were your duties as president elect, do you recall? I know it's been some time.

Well, I certainly went to all the board meetings. And, let's see... Does the president elect sit in on Executive meetings of the Executive Committee of the Academy? I've forgotten. I suspect I did. Gerry Barrett was the president before me. So I attended, certainly, all the official meetings. I may have made a few speeches, as president elect. I don't remember that.

May I ask about, maybe this would help, when did you begin to think about committee appointments? And was this a difficult task?

Oh, this was always a difficult problem and I remember Gerry Barrett giving me advice. He was my immediate predecessor, how you got so much to do at the annual meeting. The best time to contact people for the committees was at the annual meeting. So you got to do a lot of planning ahead of time. Dozens and dozens of names to consider. And the more you get done during the harrowing annual meeting the year you were elected, I mean, you have been president elect. Now, 1973, I'm elected at the annual meeting.

Now, you mean you were elected as president elect?

Right. No, no. I was elected as president elect, I guess, in '72 but became president in '73, from '73 to '74.

But the committee assignments you started to...

The committee assignments, I started to think about...

...Eli, that you thought deeply about making the committee appointments and who, during your term as president elect, but then when you were elected president at the Academy meeting...

That's where I made the appointments, that same weekend, for the most part.

Now, how was your caseload volume affected after your nomination of president elect, if any?

I don't remember and I don't think there was any significant difference.

Your telling me you were terribly busy all along?

I did have some serious problems in my year as president, which...

Let's get back, I just want to finish the president elect and I guess the only other question I have, for president elect, is do you have any suggestions for future president elect officers? Anything come to mind?

You mean the procedure of how to handle it?

Right, in there selection or what their duties should be, just if anything comes to mind.

No, I don't remember the details of my period as president elect. I know I did something. I'm not sure I did more than I did before I was nominated for president elect. I was active all the time in committee assignments.

But would you like to see anything different, I guess, is the essence of the question?

I think, I was involved in problems of the Academy, during that year. And I think I went to Executive Committee meetings. I certainly learned the job from watching Gerry Barrett, who was president that year.

So, you think the system as it is now is...

I think the system works well. I think it's... The fact that we've had no contested, hardly any contested elections, for that position which is zeroed to the presidency, is a form of desirable stability, from my point of view.

When you were elected president, did you have major goals for the Academy during your term?

Every president tries to set himself a project. I had set up, some kind of, Blue Ribbon Committee, for my term as president. That was my major project. I appointed, very carefully, some members of that committee, which met regularly. I believe it was just one of many committees which addressed the problem of how to enable the Academy to function efficiently, without a paid staff. We had a, unfortunately I couldn't find that file, but I did have a Blue Ribbon Committee. I had been on a Blue Ribbon Committee four years earlier for the public sector. We like that term "Blue Ribbon Committee".. But I think my Blue Ribbon Committee, which if I'm not mistaken, was chaired by Rolf Valtin, addressed the internal workings of the Academy.

So this was a key goal to...

Yeah, to improve...

Any other goals that come to mind? That sounds like a major thing.

I'm sure, if we've kept our files, and if I ever find mine, I'll have more detail on what my major project is.

No, that's fine. It sounds like a vital thing because we didn't have as much money then or staff and it was difficult, I'm sure, to keep things moving. How about major problems, anything come to mind? Any major problems during your term as president?

They formed, they came together at the annual meeting. My presidential address was delivered in Kansas City, the closing meeting of my term was in Kansas City in 1974. While I kept busy during the whole year on conducting the business of the Academy, the regular meetings of the Executive Committee, the meeting in the fall of the Board of Governors, handling the mail and all of the problems of the various committees. Supervising the Membership Committee and all the rest, it's a taxing job. And it's very hard to be president. I think that was one of the reasons for my Blue Ribbon Committee. I felt the burden on the officers, unpaid

officers, was tremendous and not good for the Academy and not good for the officers because we were growing. And for someone to try to be an active arbitrator at the same time that he's president of the Academy, which is the chief operating office, was very difficult. I think that was my own personal difficulty that may have caused me to appoint that Blue Ribbon Committee, for this sort of thing. My decision writing suffered, during that year. I never was a fast writer and I agonize a lot, I still do, over decisions. And with these added burdens, my work suffered. And that was alright, but the real crisis problems arose at the end of the year, in connection with our Kansas City meeting. A major problem surfaced about a month or two before, I guess we met in April of 1974, when we learned we were going to be picketed. The meeting was in the Crow Center Hotel in Kansas City, which was a brand new hotel. We had contracted for the meeting two years earlier, when the hotel was just a hole in the ground. Tom Roberts, the chairman of our Site Selection Committee the, said he had received assurances when he made the reservation that the hotel would be unionized so we wouldn't have the problems. But the hotel was built by the Hallmark Company, in Kansas City, that is strictly a non union operation. Some national company ran it but Hallmark put up the

money. They resisted unionization of their place. We were, the hotel was relatively new and we were one of their early conventions, where it mattered. And we had a tremendous problem of having large, and naturally the hotel and restaurant were trying to unionize the place, unsuccessfully, would seize on the fact, that we, a group of arbitrators, who would also have many union people present as guests, would be very vulnerable if they picketed. They felt this would be a great way to put pressure on the Hallmark Family to recognize the union.

So what happened?

Well, I didn't sleep much for a month or so before that meeting because it would have been very difficult to change the site location. Jim Hill had changed it from Atlanta to Montreal back in 1970, but he had six months notice. I had like six weeks notice that this was going to happen.

So what did you do?

We contacted first, the Federal Mediation Service, and they put on somebody. We considered moving, there was another hotel in Kansas City, an older hotel that was

unionized. But with six weeks or less to go, to notify everybody, would have been an impossible position. We may have had to transfer at the last minute anyway, the way Jim Hill had done. What we tried to do is to get rid of that picket line. Well, there were already pickets.

Did you?

Yes, we got the Federal Mediation Service to assign a very good man from their office, who began to make contact. There was no way he could get the hotel to recognize the union, s'o he began to work with the president of the Hotel and Restaurant Workers and said "Look, you know, first of all you don't want to antagonize all these arbitrators. But in any event, it's not their fault, etc., etc.." I personally worked on it and I met with some of the people from the Hotel and Restaurant Organization and made a pitch "We're not your enemies and we can't..." And they didn't want to give up on it because there were other unions that might have considered it as a place for an annual convention. Anyway, at the last minute, they agreed to pull off the pickets. . So we went ahead with the convention. But that was touch and go.

And the dispute was eventually solved later on?

They resumed their picketing after the convention and they still haven't gotten recognition.

Really? That was a harrowing...

That was one crisis. Another crisis was that, I think I had three major crises, was that for the first time it looked like we were going to have a contested election for the presidency. Rolf Valtin had been nominated by the Nominating Committee but another individual, who felt that it had been promised to him or something, was very unhappy and it looked like we were going to have a floor fight over that. Which we never had before, and which could have turned nasty. There was a lot of negotiating and discussion and what not. And at the last minute, that individual decided not to make floor fight but we were all concerned. We were very worried about that. I've forgotten now what my third problem was.

In terms of, the next question was, the greatest accomplishments or greatest disappointments, I guess you pretty well covered those in the prior...

Yes.

There's a question here about the effect of your term of office on your caseload, I assume the answer is the same as...

Oh yes, it clearly helped my caseload.

But, it sounds like you were overloaded, you were very busy anyway, prior to your, even, president elect or presidency. Right?

That's right.

What would you say took the most time as president? The most time?

During the bulk of the year, there were continual problems of correspondence and committee... supervision of committees, conducting the Board of Governors meetings. Well, there was only one, during the fall and then another one at the annual meeting. We had an Executive Committee that dealt frequently with problems that arose. The Ethics Committee took a big part of my time. The Ethics Committee, the new code was drafted by the committee that Gerry Barrett had appointed in his term, which was 1972 to '73, as you know the new

Code of Ethics was approved by the Academy in 1975, the circa. Gerry Barrett, my predecessor, had appointed this committee chaired by Bill Simpkin, with Syl Garrett and Ralph Seward and then representatives of the American Arbitration Association and the FMCS, to draft a new Code of Ethics.

A lot of talent on that committee.

Oh boy. It started under Gerry's term. Bill had eight meetings, at least, of that committee.

This is during your term?

It started during Gerry's term of office. It continued during my term of office and it was finished during my successors term, who was Dave Miller, but who died in office and was replaced by Dick Mittenthal as acting president. So while I had nothing to do with the drafting of the new code, in any of the substantive aspects, there was correspondence in connection with the meetings. And then when they had a draft, their first draft, which went to the membership, there was a big job of distributing it, receiving comments. And then at that annual meeting, that was my third, I guess, big problem. No, no. My third big problem, in

Kansas City, the Kansas City annual meeting, was that we tried to pass an affirmative action resolution, to make easier the admission of women and minorities, uh, blacks, into the Academy as members. And somehow they reduced the minimum of fifty caseload requirement because we were so deficient in that we had so few members that were black or... We had, I think, some committee, maybe it was the Executive Committee, who recommended a relaxation of the rules for those groups and we had a stormy discussion over that, at the business meeting in 1974. Where some of the, well at least one black and at least one woman, got up and opposed it because they said this would stigmatize black members and female members. I don't think that ever got, that did not get through. We may have had a formal notion but it was never passed. That was my other problem at the annual meeting, in 1974.

So the affirmative action program was not adopted?

No, it was not.

I see. Were there any other committees that you would...

We may have had some. I think what we decided to do was to push forward more with special educational

training needs, that would help blacks and women. At least, I know there was one special program in Buffalo, for example, for women, and I went up there... there was an annual meeting and the Federal Mediation Service, after Bill was no longer chairman. There were many duties you have as president. It was difficult to write decisions during_ that year.

Well, we're almost done with the presidency portion of the interview, but were there any other committees, that come to mind, that you would consider most important during your term? or have you pretty well covered it?

I think I've pretty well covered it.

What do you consider is the most important qualification for Academy president?

I think we have a continual problem of selecting people based on seniority and activity in the work of the Academy versus leadership qualities and attractiveness. I think an Academy needs the worker, who will do the business of the Academy at great personal sacrifice, but who, sometimes, may not have the leadership qualities that you want in a leader. On the other hand, the people with those leadership qualities may

not always have worked in the trenches, helping the Academy. I think there's a continual conflict in selecting leadership. We need inspirational leaders. We need dynamic leaders. And they are not always to be found in the people who do the heavy work of running the Academy. Sometimes you have both. I think we've had both. I mean, Mickey McDermott, Dave Miller, Al Dybeck, were all secretaries of the Academy, which is the most demanding job. And all of them made it to the presidency, Al Dybeck right now, and all of them were excellent leaders. But I think, there will be other people, not necessarily past secretaries, but who've been very active on committees and what not, and who feel that their reward should come in the form of being selected as president. I think we have to guard against moving inadequately qualified people into the presidency, based solely on their long time work in the trenches.

I understand. And then the final question, in regard to the presidency, do you have any suggestion for future presidents? That is to the future presidents.

Well, I think our big problem, very clearly, is the new, younger, inexperienced members, who do not have the background and practical labor relations experience

that the early members had. Whether it was the War Labor Board or whether it was as mediators or whether it was, certainly the NLRE has furnished a good background for a lot of people. There are people, I think, coming in to the arbitration profession, who will need more training, more assistance, in performing their role. I think we need to continue to stress our own role in training, not only members to be, who may or may not become members, but in particular, training our members, who are already members in the skills and the ethics.

Alright.

And by ethics I would include... In addition to ethics, I would include a, an elusive term, that Abe Stockton, the late Abe Stockton, used in describing one of the sensitive areas for an arbitrator, who is going to confer dignity on the profession, and that is awareness of the necessary proprieties. Not everybody has a proper, an adequate sensitivity to that. Where you have manners of behavior, which do not fall under the category of ethical questions, but nevertheless affect the dignity of the profession. That kind of thing must be guarded and preserved. Sensitivity to that must be preserved.

Eli, just as a final thing, there is this category of the... The question is, finally, how would you characterize the economic and industrial relations environment, during your arbitration career? We really only have a few minutes left and we need some hours, I think, but in terms of National Policy, economic conditions, the affect of these on collective bargaining, I don't know. Is there anything during your term, anything that comes to mind?

Well, my whole period as an arbitrator...

Your term now, we're talking about.

Oh, during my term as president?

Right.

I think that was a period of...

Nope, I'm sorry. You were right. It's during your arbitration career.

I think most of my career was, took place, during a period of fairly healthy, a fairly healthy economy. And certainly, the blue collar industries were strong. And that's where most of our work came from. Along with this, in my case, this growing involvement in the

public sector. We, of course, now have this totally different environment resulting from the Reagan presidency in a large part. In which our trade policies were changed and overseas competition has greatly reduced the blue collar sector plus other factors. We no longer have that big source of work from the smokestack industries and the blue collar jobs. But that is relatively recent. For most of my career, we didn't have those problems. The steel industry was strong. There were depressions but, oddly enough, the work, caseload, did not decline, during depressions.

This is Gerry Fellman. I'm just adding to Eli Rock's remarks. He told me, some hours after we finished taping, that he thought of something in addition, important to add to his interview. And he asked me to read it on to the tape to make his responses more complete. Here's Eli's addition and this is Gerry talking for Eli.

Specifically, I neglected to mention the major project in my term, in appointing a so-called Re-examination Committee, composed, among others, of some real stallworths like Jim Hill, Abe Stockman, Irving Bernstein, John Lynn and Rolf Valtin as chairman. I charged to the committee, which hopefully, I can still find in my files, together with the committees report, was

to reexamine major issues, including some membership problems. The latter being what the committee decided to confine itself to. In its report, it's suggested a clear rule to ban advocates from membership, with a grandfather clause, as I recall, for existing advocate members. And it also suggested a type of affirmative action approach to minority and women applicants. At the annual meeting in 1974, the former was accepted but not the latter. He adds, when he was talking about minority and women applicants, that was for membership. And then he adds that, at the annual meeting in 1974, the former, and there Eli is referring to barring advocates from membership with the addition of the grandfather clause, but not passing the affirmative action portion of the activity report's proposal. Alright, at any rate, that takes care of it. And thank you.