

National Academy of Arbitrators
HISTORY COMMITTEE INTERVIEW

Jean T. McKelvey

NAA President, 1970

Interviewed by Marian Warns

May 31, 1989*

2006;

JEAN T. McKELVEY
PRESIDENT OF THE NATIONAL ACADEMY OF ARBITRATORS
1970 TO 1971
INTERVIEWED BY MARIAN WARNS
AT
THE CHICAGO HILTON AND TOWERS, CHICAGO, ILLINOIS
MAY 31, 1989

Marion Warns (MW): We are attending the 42nd Annual Meeting of the National Academy of Arbitrators at the Chicago Hilton and Towers in Chicago, Illinois. It's May 31, 1989. My name is Marian Warns. I'm interviewing Jean McKelvey, who was president of the Academy in 1970. This project is sponsored by the Academy History Committee in order that we can preserve the account of activities and the background and experience of our past presidents.

Jean, tell me a little bit about your early years, where you were born and raised and educated.

Jean McKelvey (JM): Well, I was born in St. Louis, Missouri but I don't have a southern accent. I left there, I guess, before I was two years old, as my mother didn't like the climate. I was raised in East Orange, New Jersey. I went to public schools there and to East Orange High School, which was one of the famous ones at that time, one of the outstanding ones. It is no loner. I went to Wellesley College and wanted to major in chemistry, but my father, who was a chemical engineer, thought that this was not field for a woman. So he was (?) interested in (?) my majoring in economics, which was somewhat mathematical and therefore met my interest in science. After my graduation from Wellesley, I went to Radcliff College, which today's students now call Harvard. I received my masters and my doctorate from there. My doctorate was in economics. My thesis, which had started as an honors thesis at Wellesley for my last two years, was entitled Union Management Cooperation. That was 1933. Well, I started it in 1928. Recently, some of my friends at MIT have said that it was amazing that over fifty years ago I predicted some of the developments that today are hailed as new developments in labor management relations. Namely, the cooperation of unions and companies.

My interest in the whole field of labor was stimulated as an undergraduate, not as a graduate student. Miani Mauzy, who was the editor of, both before and after Wellesley, at the Nation Magazine. And, part of our training at Wellesley was to attend union meetings in Boston, Boston

Central Labor Council, which introduced me at least to some workers in the flesh, as Wellesley was somewhat isolated. I went to study with William Z. Ripley at Harvard, but unfortunately he was in an auto accident, my first year I think, and as a result was unable to continue to be my mentor, and so I shifted to Sumner Slictor. I don't know whether you remember Mr. Slictor.

(MW): Oh, yes, I certainly do.

(JM): Well, Slictor's course in library, he was then at the Harvard Business School, was attended by one person, namely me. He lectured as though he had a class of one hundred students there. So, I never really got to know Slictor, and one of my problems in working with him was that he made me promise that if he directed my thesis, although he never really helped, that I would not publish any of it until he publish his book on the same subject. It didn't come out "The Union Challenge to Management Control", it became a very famous book, published in 1941. I did, however, manage to avoid some of those commitments because I did publish part of my thesis in The Journal of Southern Economics. I don't know whether it still comes out or not, especially some of the parts that he was not concerned with, namely the union organizing drives in the south.

And then after Harvard, when I went to teach at Sarah Lawrence, where I remained for fourteen years, I got interested in teach very wealthy little girls about economics and labor. The labor course grew popular. Most of my wealthy students at the beginning, the Melons and the Fords and some of the others, became Communists in the thirties. Mostly I think to spite their families.

(MW): It was fashionable, right?

(JM): Yes. But although Sarah Lawrence was a wonderful place to start teaching, it gave me an opportunity to do a lot of things on my own that I couldn't have done at a larger college. Because my largest class was seven students, and every student had a conference under a don system, like every week. But one of the things I discovered was that the students didn't know anything about the real world, other than burning silk stockings and other interests in international affairs. And so I took them on field trips, and we visited a factory, which was on strike. That was rather interesting, the textile workers, Alexander Smith.

That's where I met Larry Robin. He was the director, educational director of the textile workers. And I took them to hearings at the Labor Department on minimum wage, things of that kind. So it was an education to me as well as to the students. We also did the first housing survey in the United States, for the government, in Yonkers, which brought my students and myself into contact with the housing problem in Yonkers. It hasn't improved much. As you know, even today it's probably gotten worse. And then, most interestingly, Amy Hughes ... Did you ever now her?

(MW): I don't think I did.

(JM): She taught at Holyoke. During the war, in '43, when there was a shortage of labor, as there will be in the next century, Sarah Lawrence students along with, I think, some Holyoke students, who had done it in their area, formed teams and held down a job, two of them every day in a factory.

(MW): Well, that's really interesting.

(JM): So, I wrote all that up in a book called "The Issues of Field Work in Teaching Economics."

(MW): And that's something new, nowadays, they're talking about. Sharing a job.

(JM): Yes, right. And we did it in the war, and it was an eye opener for the students, all of whom came from sheltered backgrounds, with a few exceptions. I had the daughter of one of the ... Alison Edelman, whose father was with the textile workers as a legislative representative. And, I was trying to think of a few other committed students, but most of them were going back to the League of Women Voters, community service; they were not vocationally oriented.

From that point of view, I'm glad that an opportunity came for me to go to Cornell. I was the first faculty member of the ILR School in ... I was hired by Irving Ives in 1944 as the result of a field trip with my students at the University of Rochester. At that point, I was on leave, and we went to a minimum wage hearing and, everybody, employers in Rochester testified against the minimum wage in retail trade. So, Irving Ives, who was chairing the committee for the New York Legislature, looked around and said, "Won't anybody speak up for the minimum wage?" And so I volunteered, just as a citizen and having learned something about it myself as a result of teaching. He laughed at one of my quips because something came up about statistics, and William Grout, who was the Counsel to the Committee, said that the minimum wage statistics on what it would take a working girl to live for a week was skewed, and therefore the statistics were wrong. And I said, "Senator Ives, do you know what statistics were called in the seventeenth century?" And he said, "No." And I said, "Political arithmetic." And he shook back his head and laughed at that. Then, after the hearing, he came up and asked if I would like to be the first faculty member. He had been appointed Dean of the Industrial and Labor Relations School, which was set up as a result of his legislative investigations. And since I'd been commuting all my married life, from 1934, to Rochester from Bronxville, New York ...

(MW): Did you have an interest in arbitration or mediation at the beginning?

(JM): No, I had an interest in labor economics. That was really my field. I had done a lot of work on Supreme Court cases in labor, mostly at Wellesley. Harvard had nothing in labor law. All my labor law was done as a junior, with Mr. Mauzy, who I mentioned, at Wellesley. It's interesting that a woman's college was so much more advanced....

(MW): Yes, it is. I was mentioning that.

(JM): ... than a place like Harvard, but there were so few women at Harvard. You know, in fact, there were four girls in the class on economic history, which was where I met my husband, and one hundred and fifty men.

(MW): Well, that's one of the extraordinary things that I think about your background. That's true that there were so few women in those times and that you were really active in that area.

(JM): Well, my ambition had nothing to do with arbitration at all then, or with labor. I wanted ... I had read the life of Alice R. Palmer, the first President of Wellesley, and I decided that I was going to be a college president. You see how far I've gotten toward that. When I finished Harvard in '32, although I still had to finish my thesis, I was offered a job at Brookings Institute, in economics with a fellowship. Since I hadn't finished my thesis, I thought that was rather silly to do other research work. I was also offered a job teaching at Vassar. And I turned down both of them, because Sarah Lawrence was a progressive college, and I was more interested at that point in learning how to teach, which I thought I could do better on my own in a college with a small student base. And I never regretted that, because I knew nothing about teaching. In fact, when I was a junior, taking an education course at Wellesley, I flunked an exam because one of our education teachers there, was very stupid, gave an exam. He said .. One of the questions was, "If a circus goes by, and you're teaching in the third or fourth grade and the students want to go to the window, what would you do?" And I said, "I'd let them go." It was the wrong answer.

(MW): I could understand that.

(JM): So, I decided that I'd better learn something about teaching, and Sarah Lawrence was a great experience in that respect. Not only in terms of teaching, but I got interested in the labor movement more actively than academically because of the field trips, because of the jobs the students had, which was in an organized plant, up the Hudson. And because of my contact with Amy Hughes, who was one of the great labor professors, actually, at Holyoke. And I also got to know Emily Brown, who taught economics at Vassar. In fact, that's how I got the Vassar offer. I don't know what would have happened if I'd gone to Vassar. I would have been a very small cog in a rather large college, which was very similar to Wellesley. So Sarah Lawrence gave me the chance to do teaching with people I respected very much, and we were all on an equal basis. There was no rank, there was no tenure, just appointments. And I worked with Helen Lynd, wrote "Middletown," you know. And Max Learner, and we ...

(MW): That's really a wonderful way to teach.

(JM) Yes, it's a wonderful way to begin.

(MW): Its' a wonderful way to learn.

(JM): Yes, right. And all our courses were joint in that sense, with seven students, three faculty members...

(MW) Oh, my. Now in these days with fifty and sixty ...

(JM): Yes, yes. I know. I just finished reading a book called "Prof Scam" on the size of universities, and how the students are neglected and so on.

(MW): And there's nothing you can do. You can't pay any attention to them because you have so many.

(JM): And I guess, to conclude with Sarah Lawrence, as a result of my interest in the field trips, you know, we went to union meetings, to, as I said, to hearings. We got an unsolicited gift of 250 thousand dollars one day...

(MW) The university likes that.

(JM) ... from the Alfred Sloan Foundation, you know, which is now endowed MIT. And as a result of that, Sarah Lawrence put out a lot of publications on field work in the arts and science and so on. And although I had no particular interest in grantsmanship and I never applied for this, it did fund a lot of our publications on the uses of field work in teaching economics.

And as I said, when I was offered the chance to go to Cornell as the first faculty member... The second faculty member was Morris Neufeld, and he came out of the Wisconsin Professor School ... College. I'm trying to think, not Michael Lane, ??? rant this experimental college in Wisconsin. So Morris and I arrived the same day, January second, I think it was, in 1946, and we decided that the ILR School was going to pay for ???, as we had known it. We spent a lot of time. We had just had veterans the last two years, and we took them to all kinds of union meetings, to hearings; just what I had done at Sarah Lawrence, Morris Neufeld had done. Since we had small classes, only the upper 2 years, that was possible.

You asked me a little earlier, though, about how I got interested in arbitration. The year between Sarah Lawrence and my going to Cornell, I had a year off because I couldn't commute because of the war. I decided to get a factory job. The only factory organized was Delco of General Motors. And I joined the UE, which was the only union in town, believe it or not, other than the Amalgamated Clothing Workers, and I couldn't sew. I took the job, and the company knew I was interested in getting experience because I'd never had a chance to get factory experience or union experience. And they were very nice. Well, I was very inefficient for one thing, so I kept getting transferred from jobs I couldn't complete, partially because I didn't have perfect eyesight to do the winding of fractional horsepower stators. And I learned a lot about restriction of output, which is part of my thesis, because everybody, we were on a piecework system, which wasn't really a piecework system but it was called that, and I could finish most of my jobs in one

or two hours as everybody else could, and the awful problem in the factory was boredom because we sat around all day wondering what to do for the rest of the day unless the foreman showed up, and then we stored all our extra work. So I learned a lot about things I'd been writing about academically through experience. Well, I only worked there for, this was in '44, '43 or '44, I think, for about nine months. It was exhausting, because we worked, say, including ... we worked six days a week, eight hours a day.

(MW): Part of the exhaustion was boredom to ...

(JM): Yes, and transportation; you know, there's gasoline charges. So as a result of that and of my activities in the union, I became the secretary of the shop steward's council, and of course Russia was on our side then in the war, and this was a communist union. I discovered with my heart that every time I tried to represent women's interests, such as wanting salads rather than carbohydrates for lunch, of having, we had no rest periods at all during the day, that the men of the union were the officers; I was the secretary; being a woman keep the minutes, the men would always say, "Don't interrupt the war effort." You know, we can't bother worrying about the cafeteria or rest periods or anything else, of having separate dressing rooms for women. We had no separate dressing rooms, so most of us didn't change our clothes as the men did. That disillusioned me a little bit about ????. In fact, it shocked me. And I was also shocked by the inefficiency of General Motors in wartime. Not that it was the company's fault, but most of the workers had relatives in the war, and we were making all this equipment for airplanes, and it made no difference at all in our attitude toward production. It was the most unproductive place I've ever seen. But I understood the philosophy behind it, even though, and I knew it was historically, you know, back for fifty or sixty years in all the investigations of factory work that conditions were not bad, working conditions, other than the meals and the lack of breaks.

(MW): Well, this gave you a wonderful practical background, and when did you start arbitrating?

(JM): Yes, well, and so, after that nine months when I was physically exhausted and thought I'd learned everything I could, and after I absconded with the minutes because nobody wanted them. I thought they would be wonderful source material for students on what happens in a union. I didn't know years later I was going to commend the union members ??? minutes to read when I became a member of the Public Review Board of the Auto Workers when we have hundreds of pages of minutes to read all the time.

But I decided to apply for membership to the War Labor Board as a worker, and I went down to Columbia and was interviewed. As, as a big question by the chairman of the New York Region, Walter Gelheim, this was my first acquaintance with him, was because I had been a member and an officer of a union, could I be neutral, you know, as a public member.

(MW): Right, right.

(JM): And he said he would consult some of the other people on the Board, including especially the management representatives of region two. And he came back and said that "They think it's wonderful that you've had all this experience, so we will make you a public panel member." And so I did that for one year in New York, and I learned a great deal about contracts, collective bargaining agreements, which I really hadn't know much about, even in my teaching of labor, it was mostly labor law.

And when the war ended in '45, the Board ended very abruptly. I had probably handled in that year, maybe fifty cases, I guess, for the board. I was; overruled on one, which amused me. The union and the company had agreed to a woman's wage scale and a man's wage scale. Our philosophy was that if the parties agreed to something, there's no dispute. So I sent this in to New York and got a nasty letter back from Walter Gelheim saying the War Labor Board does not approve of sex discrimination. When I got that letter, that was in July, the war ended in August, and I'd set up another meeting at this plant in LeRoy, New York, saying that the Board would not approve the wage scales in the contract; this was really interest arbitration, although we didn't call it that then. So, I called another meeting and then to my surprise, and I still have the letter, I got a letter from the head of the company saying "Jean McKelvey, your royal highness," the way it was addressed, "now that the war is over, would you please keep your dirty hands off our business." I never got back to the LeRoy company, and the war ended, and we ended abruptly.

But that was wonderful experience, because the Board was tripartite, as you know, and I learned a lot, and all of us were new. We had no training at all, unlike today. I say that sometimes to my arbitration interns, where there's something to read about arbitration. The only thing I'd read was some of the ??? decisions, which I got in Rochester through the Amalgamated Clothing Workers, because they were friends of mine. But there were no books on arbitration, except on base arbitration, and what we got were directives. Did you work on the Board at all?

(MW): NO.

(JM): It was a funny experience. We had absolutely no training. They hired mostly economists and social scientists.

(MW): I remember that. Yes.

(JM): And they would send directives, which changed all the time. Like Little's steel formula, and what the vacation allowance was going to be; the guidelines, I guess you'd call them, on holidays. So that you had a lot of information to apply. As I said, it kept changing. We were also told that there had to be a grievance procedure in every contract.

(MW): That's interesting.

(JM): And something about grievance procedure but more along the lines of patterns that were set by the Board. It didn't allow for much negotiation or differentiation. Since the Board settled what, some two thousand disputes, I guess, by what George Taylor used to call voluntary arbitration, which is really compulsory arbitration. He called mediation voluntary and arbitration compulsory, which was a misuse of the terms, I always thought.

I learned something about the parties, something about dispute settlement, something about interest arbitration, not very much, and not very much grievance arbitration, as we didn't handle that. We only handled the ??? put in the procedure.

Well, the war ended. I had a year's experience doing that. It was after that that I went to that hearing and was teaching at the University and met Mr. Ives. We decided, we didn't teach arbitration at the beginning. All of the focus, it's interesting now, in developing the curriculum, which Morris and I did in one afternoon, was on labor law.

(MW): That's interesting.

(JM): We had collective bargaining down but no text book. And nothing on arbitration. So arbitration didn't come into the curriculum probably for four or five years. But in the meantime, I got on, since I knew Dave Cole, the FMCS - well, the Conciliation Service was giving way under Miss Perkins to the FMCS, and I think Dave Cole must have been the second director. So, I got on the Federal Mediation and Conciliation Service roster, and my name went out as Jean McKelvey, and the first hearing I went to in Auburn, the parties looked up and said, "Oh, you're the secretary."

(MW): I had that experience myself.

(JM): And I said, "No, I'm Jean McKelvey." "Well, Jean is a man's name. Nobody told us we were getting a woman." And then they said anxiously, "Can we smoke here?" I can still remember that I said, "Sure, I'm a chain smoker" which I proceeded to demonstrate. They felt better about it, but I always thought I had an advantage in arbitration with a name that could be a man's name.

(MW): Well, I'm somewhat the same way.

(JM): Yes, Marian is ... yes.

(MW): It could be either a man's or a woman's name.

(JM): Yes, as a matter of fact, Marian, at the hearing at the White House, this is a digression, Miss Perkins, you know, spent the last ten years of her life at Cornell. She and I went to a meeting called by, I forget which Secretary of Labor, and the chairman of the meeting was

introducing some of the notable people who were there. The chairman was the President of Corning Glass; I'm trying to think of his name; the family still owns Corning Glass. Anyway, he said, "We have some notable people here today; now we have Francis Perkins. Will you please rise, sir?" She was sitting next to me, and then the next person was Marian Fulsome from Eastman Kodak, and he said, "and Marian Fulsom; will you please rise?" Everybody roared with laughter. He didn't say "she" but that position of the two names ...

(MW): There were a lot of people who had, in their early years in the Academy, some of the founders were all on the War Labor Board, were they not?

(JM): Yes, I was called a public panel member, which is lower down than being a... Well, there was the War Labor Board with Taylor, the national one. Then, there was a regional board in each of the regions. Mine was New York City with Walter Gelheim. He was a marvelous boss, and I was crazy about him; still am. And he was on that video, wasn't he, last year, of Academy people. I think so.

(MW): I don't remember.

(JM): I think so. And below that, the structure was the same, you know; tripartite in the commission, and then the regional board had the chairman and substitutes, but they had industry and labor members, which was a wonderful idea, I think. I've always enjoyed tripartite in a sense. And then at the state level, the local level you might say, we covered the state. We were called Public Panel Members, and anything we did had to be approved by New York, and then it could be appealed, it's a whole court system, to Washington. And as I said, I only got repressed on some of those separate scales .. men's and women's jobs.

(MW): It's interesting that that should be the one to pick out...

(JM): Yes, and for me to be discriminating. But you see, it was the principle of agreement that I was following, and if nobody objected in the union, it didn't occur to me that they were biased. And it was long before we'd heard about discrimination.

But anyway, I was starting to get cases right after the war, and I was at Sarah Lawrence then. We put on a lot of programs for unions, because we all did everything in a teaching extension and research. The machinists union was very strong at some of the companies. All of the companies as a matter of fact, in Ithaca were organized. The three major ones were National Cash, Ithaca Gun Company; I can't think of the third one offhand. All were organized by the machinists, so we used to invite the machinists to conferences. We ran classes for them as that was part of the extension that everybody did. We didn't have a separate division. No specialization. And then up in Auburn, New York, the farm workers, farm equipment workers, also a left wing union, had gotten in in '46, and we did a lot of programs with them, mostly in shop steward training. So, I learned something about union structure, although that was not my field.

(MW): When did you actually... when did you get into the Academy?

(JM): I got in at the beginning. Now, I was a friend of Aaron Horvitz, and he wrote to me and said I was a charter member. It was a surprise to me. I really didn't do much in those early years. I didn't have any money, for one thing, to go to the meetings. And it wasn't until I got to know Saul Wallen, who was really my mentor, more than ...

(MW): That's what I was going to ask. If you had any particular person that you felt...

(JM): Yes, well, Saul. I can't... I met him at the Vineyard, I think, Martha's Vineyard. There were a lot of arbitrators in the past, and he interested me, so I asked him to speak to my classes at Cornell. He came every year and talked, and that's how I got to know him. And I learned more about his work as an arbitrator. And I talked to him this summer, because we went to the Vineyard for so many years. And so when Saul became President in '54, I think it was, he asked if I, and that was the first meeting I think I went to. We all fit into his house in Boston, so you can see how small we were at the beginning.

It was his idea to do two things. One was to get the umpires, we were just starting out in General Motors and Ford, to write up there, and rubber; to write up their experiences. And secondly that we would publish. We would ask them to be on programs of the Academy, and then he asked if I would edit the Proceedings. And this was after the first seven meetings, and nobody had kept any records.

(MW): Well, this was sort of really informal.

(JM): Very.

(MW): It was at the beginning, and there were very few of you. How did you start to structure it so that you would be having new members come in?

(JM): Well, we had a Membership Committee. At that point, it was easy to get into the Academy rather than difficult, because we recruited people ourselves who we met in various other professional activities. And my main job, though, and I was on the Board then from '55, I guess, until I was President, in some capacity. Although I was never on the Membership Committee. That's the one committee I think I've never been on. My job at the beginning was to edit the Proceedings, and I did that. I had to collect as many papers as we could find, and we published those, as you know, in the first volume.

(MW): Right.

(JM): First seven, so that, then, next, I guess, eight volumes or so I edited. So, I never missed a meeting of the Academy after that, except one year. And then it was in ... outside of Los

Angeles. That was the year everybody got food poisoning. I thought it was probably a very good choice...

(MW): Yes, I remember that year. Santa Monica, was it?

(JM): Santa Monica; that's right. Were you there?

(MW): I was there?

(JM): Did you survive?

(MW): I was not a member then. I was .. That was when Carl.. after Carl, I came all the time with him and attended meetings. So, I almost felt as though I 'd been going to meetings for a long, long time.

(JM): Well, I took friends. You spoke about membership, and I was not on that committee, but I took friends; mostly advocates. There were loads of advocates at the meetings who wanted to be arbitrators, and Alice was one of them - Alice Grant, who went to all the meetings, long before she became a member. Marsha Greenbaum, one of my early students at Cornell, was in class one day when Saul Wallen was lecturing. It was just when he'd been reversed in the First Circuit. I'm trying to think of the company, which I should be able to. He granted a one-day adjournment of the hearing in which a number of women had walked out because it was so hot. The Raytheon case. It was a famous case, and he granted a one-day adjournment, and then he sustained the discharge of the two ring leaders, I remember. And t hat was set aside in the First Circuit, which was then a very good circuit. And it was rather unfortunate, I thought, for Saul, because the point was made by somebody at one of the Chicago meetings, I cannot remember, not in this hotel. It was the ??? because the decision came out, I forget how many years later, and Saul was reversed, and the comment, someone, Paul Herzog, I think, of the NLRB was talking and talking about public policy interestingly enough, and arbitration, but Saul's award was really set aside on the factual grounds, not so much public policy as the fact that the court disagreed with his decision. And it was reversed in the district courts and reinstated in the First Circuit.

(MW): Well, interestingly enough we're having a few courts now that doing the same thing, aren't we?

(JM): Yes, exactly. So that was kind of interesting. But Saul talked about that case. I asked him to come and talk to my labor law class, and he did, and he said to me after it, "Now, I want to hire a student as an assistant." It never occurred to me that he would hire a woman; I don't know why. It was very hard for women to get established, and I didn't know any women in the ... although I think there were two in the Academy, but they never showed ...

(MW): Were they have a hard time?

(JM): No. Alice McDonald and Emily, what was the other one. They never came to meetings; they taught.

(MW): I know there were very, very few, even at the time that I got in, because I was only ... I was the seventh woman, and that astounded me. The fact that at that time, there were only seven women in the Academy. It was extraordinary.

(JM): Well, we've got a little better, but not a great deal.

(MW): Not that much.

(JM): No. And then I was teaching arbitration. I put an end to the law class, because the law of arbitration was developing with agility, and so later on ...

(MW): Now tell me...

(JM): And Marcia was ... so I said to Saul, "Obviously you want to hire somebody who was the editor of the Law Review." And he said, "No, it's that bright little girl." And I said, "Marcia Greenbaum?" And she had married. She was a graduate student then, and he said, "She's the brightest person in the class." And I said, "She hasn't finished her Masters yet; you shouldn't take her." And he said, "Well, it's up to her." So I asked Marcia, and she up and left.

(MW): And there you were.

(JM): So I knew then that it was possible for women to get apprenticeships. I got interested in training. Then years later, after the Academy grew and I came to every meeting, there were ... you were the seventh; there was a whole group of five or six that were introduced in the ... that became members on year, and then went through the...

(MW): I think she was right after Clara.

(JM): Well, Alice and Eve came in together. They were in a group of five, I remember. We have some terrible problems with some of the women, like Eve, because they worked for a state agency. I would say that by the time I became President, that was my major interest... trying to loosen membership requirements.

(MW): I remember very well one of the speeches you made. I think I'll always remember that speech. I wondered if, at that time, that was one of your special goals in your presidency.

(JM): Well, it developed. I was never a feminist, really. You know, as I think back and read feminist literature today, which interests me, you know. You have to keep up when you're still teaching. But there were certain things about the Academy that bothered me. Namely, the status

of women. Although it was more in terms of what I thought upon as different standards for women and for men. Because Eve's case was highlighted, whereas some .. I was a member then of the New York State Mediation Board from '55 -'66, so I knew all the staff. The men had no trouble getting into the Academy, but they raised the question with Eve, and that bothered me; a lot.

And then when I was President-Elect of the Academy, which everyone thinks was my presidential speech in Montreal, it was Alice Grant who had the idea along with Marcia Greenbaum, what at that time were not members of the Academy, neither of them, but were attending; you see, I was encouraging students. It was easier to get them to attend than friends. I said that I wanted to do something different on the introductions. I thought they were very boring, you know, because the wives were always introduced as beautiful and charming, and Alice had just seen "Putney Swope," a movie I never saw. Did you see it?

(MW): No, I never did.

(JM): And she said it opened with some interesting terms of racial discrimination, too, which I was not much aware of either. It opened with a Board of Directors in which the President falls dead, and there is one token Black on the Board. And so they vote, and to their surprise, Putney Swope, who was the Black, he gets token votes, you see, and is elected. And he say, "Well, there will be some changes in my administration, but they will be minimal." And so some time passes, and the next picture of the Board of Directors, has one token White and everybody else is Black. And so it's kind of a reversal, and Alice got the idea from that. She sai, "Why don't you introduce the women and not the men; the wives."

(MW): Well, do you think that...

(JM): Which I did, and everyone remembers that. They don't remember my presidential speech at all.

(MW): Well, I think that was such an unusual,... you know, it made such an impact on everyone and ...

(JM): well, all the women had careers.

(MW): Right, right. And there were so few of us in there.

(JM): I know; I know.

(MW): And, of course, we all experienced that difficulty. And it's hard.

(JM): Well, Jim Hill, who's one of our great humorists, coached me in it, and Marcia and Alice had the job of getting from the men, former presidents, biographies of their wives that I could use, and nobody leaked at all. But we thought it would take a while for it to catch on. You remember, it didn't.

(MW): No, it didn't.

(JM): But the last person I got to was .. Now, that was, what 1969. She's now President of NOW, and she's come out in great prominence. But, I said, but she's so busy politicking at home that she couldn't be here, but her husband has nothing to do.

(MW): Did you have any particular or unusual committees which you set up, or a project that you set up yourself?

(JM): Yes. One of them was the training of new arbitrators, and that's where I ran into so much trouble. Because the Academy was a very aloof organization, and although Peter Seitz meant it lightly, he wrote an article at that time, I remember, called "So You Want to be an Arbitrator." Whenever someone said to him, he didn't say whether it was male or female, it didn't matter, "I want to be an arbitrator," he could feel a hand in his pocket. I remember that.

(MW): I remember.

(JM): And so there were terrific battles in the Academy about training programs. From the very beginning, I've been on the Education and Training Committee, and all my reports are in the Appendix.

(MW): Actually, that went on for quite a long time. The push and pull about training arbitrators.

(JM): Yes, because it was seen as competition. That was the division which I deplored in the Academy, and I never knew how to deal with it, but it was obvious. I don't think it's as obvious today, maybe, but training the academics and the practitioners ...

(MW): In a part of a division of...

(JM): It came up originally on the dues question. Every time there was a dues debate, the academics were poor. I think today probably they're wealthy. But the training program was what I was most interested in. I was going to give my presidential speech on that, but I decided that it would be dull.

In 1970, I was running my first training program in Western New York, which I couldn't get any cooperation on from the Academy, at all, as an institution, even though I was President-Elect,

and I'd been the Secretary and the Treasurer, and I was on the Executive Board from 1954 on. We didn't rotate offices as much.

(MW): That's what I was going to ask you. What you feel was the ... or type of qualifications that you really should have before you get to be President of the Academy, or you aspire to be President?

(JM): I didn't aspire to be at all. As far as my thoughts, I always decided that was the lesser of... I don't know how it happened. It was a complete surprise to me; out of the blue. I'd probably be happy just being a member of the Board, and there was frequently turnover. It's very different today. There was no President-Elect for a long time. I think I probably was the second one. And the Board went on, for anyone who's interested could be on the governing Board or have some kind of officer position, because the Academy was so small. It didn't have that... training anyway, and I couldn't get any interest in the Academy. Every one of my reports, and I've been on the education committee for yehars, always concluded that the Academy says there's too many arbitrators unemployed. So we got absolutely nowhere. I decided that would nto be a very popular topic.

I did one on sex discrimination by arbitrators, which was a very long paper. It was published in the Industrial and labor Relations Review. When I did the research on it, it was just an idea. I wondered how arbitrators treated women employees and working hours and the restrictions the states had on women as the weaker sex and so on. I was terribly surprised, when I did the research on published cases, to discover that men had, men arbitrators, regarded women, working women, as the weaker sex and that the decisions were always in favor of limiting the hours of women, denying their grievances on the grounds that the work was too hard for them. And you of all people, Marian, with your coal mining experience, would have been a wonderful example if I had known about it at the time. But I was very discouraged by the research, which, and ... Bill Wertz presided at the lunch, and I didn't give the whole paper; it was much too long. Having read my paper, he was a wonderful punster, you remember,...

(MW): Oh, I remember,

(JM):... and he commented that I really should have called it "A-men A-women." He had other little quips like that.

(MW): Thinking back in the Academy, today, what would you recommend our problems are; issues that we should think about for the future, and we should address?

(JM): Well, we've accomplished something in training; we even had a committee, you know, with Ben Aaron as the chair.

(MW): We have an education seminar every ...

(JM): But that's training of members. I still think the Academy and Ted St. Antoine, who preceded me last year, as chairman of the committee on arbitration, new arbitrators, training of new arbitrators, couldn't get any interest at all as a result of the Aaron report. And I couldn't get anyone to be interested last year, and so I recommended to the current president that we abolish the committee.

So, in a way, we (Cornell) have trained minority arbitrators, women arbitrators, and men as well, and other universities picked it up. So, I feel that *was* a kind of primary enterprise that is not appreciated by the Academy, although Academy members were very cooperative. You know, they always loaned their time; they came. Eva P.obins did a wonderful job. So the work has gone on, but institutionally, the Academy as a body, I think,... medical profession perhaps and the other professional group does not welcome competition. I think it has to be said.

(MW): It has to be addressed in the future.

(JM): Openly, and with... we have done two minority training programs. One was done at Michigan State; Cornell did the other one. And several ??? are going to be here. But, you, that's a drop in the bucket.

(MW): And, of course, if we ...

(JM): And so are women still.

(MW): If we really want to contribute to the profession, then we have an obligation to see that those who are trained for it have the expertise and the standards that are necessary.

(JM): Right. We do have the Intern Committee, but that's the formalized kind of internship, the busy arbitrators. What else I had in mind, originally, was training people more on the university model, not on the apprenticeship model, although the apprenticeship was part of the university training. Everybody had to go out to twelve hearings and write them up.

(MW): Vocational type...

(JM): Right, right. So it was all applied. But I think that's a great weakness of the Academy. I don't know if there's anything you can do, though, as an institution. What the Aaron Committee did, and I blame myself as I was a member of that, they set up criteria where on the Academy would puts its *imprimatur* on a program if it contained the following elements.

So Aaron was a member, and I was a member; Ted St. Antoine; I forget who else; Ralph was. And I think Ben probably did thin, in part... I'm not blaming him; he's one of my good friends. But he insisted that there was a written exam, and so when Cornell started the minority training program, nobody believes in written exams; they believe in the writing of arbitrational awards.

(MW): Right. That was one of the key problems as far as minority training and education was concerned.

(JM): Well, I'm very pleased because Carol Wittenberg, who was on the Program Committee and a member of the Academy, was one of my students, both at Cornell and then in the women's program. And then she ran the minority training program, because she was Director of the New York office. So we have had a succession. And I guess this has been through networking, rather than through an institutional approach, because no Academy approval has been given to any training programs that I know of.

(MW): Don't you think that may go back and have its roots in the fact that there's been an ongoing, not dispute, but difference of opinion as to whether this is a profession or not?

(JM): Right; or a business.

(MW): And we still have basically that sort of schism in the Academy.

(JM): Yes. I think we do, and I think that now the universities have to take up the training. If you can get individual Academy members, and we've always gotten AAA and FMCS; we almost have too many sponsors now. Then it seems to me that you can do the training, and I get calls every week now in my office about... from minorities, from women, and from men... saying, "When is the next training program?"

Years ago, I gave a paper at the Academy on just arbitration as a profession, in which I argued that, unlike law and medicine and so on, we have to recognize that we had no entry into the profession. As you know, it's been a subject of controversy in the Academy. I don't know the answer to it, but it seems to me, from a professional point of view, maybe the Academy has done a good thing. And this is to set high membership standards. Although, in my opinion, the quantitative standard is not equal to the qualitative standard. That's what we discovered in our training programs. The important thing was reading the awards and correcting them; not counting. Even in my days, on the Board, when I was President-Elect and President, I tried to get the Academy interested. And being a teacher, I didn't think it was impossible, in reading the awards of people who applied. And they all said it was too much of a job. That's because not enough of them are teachers.

(MW): Well, I think too, that goes back to the notion that the arbitrator, the successful arbitrator, is the one that suits the party, and not the one who does the professional job. That's terrible. That's a little schism there, too.

(JM): Yes, right. That's the whole notion of acceptability. As a result, we have arbitrators in the Academy, and I'm not supposed to say this in public, who are absolutely illiterate. I know that. I think professionally they may be acceptable to the parties, but it worries me.

(MW): Well, perhaps in the futures, that can be one of the things that we can address. I don't want to keep you overtime, and I do thank you so much for spending so much time.

(JM): I could go on forever, you know. I'm used to a three-hour seminar.

(MW): And we just have a.. I mean I and all the rest of the women, have a debt of gratitude to you for...

(JM): I wish you had been one of my students.

(MW):... plowing the way ...

(JM): There are few people ...

(MW): You know, it's very interesting to me to hear you say that your father did not want you to go into chemistry, because I was in the same position. I wanted to go to medical school, and my father thought that was not suitable for a woman, at that time. And I look back now, and I think how interesting that ultimately I did go into a, what you might call, a non-feminine field. And so,

(JM): That is ironic.

(MW): And I wonder if sometimes it has something to do with our early training. Because I know that my father was an electrical engineer, and I used to follow him around back then, behind him, watching him fix things, and this sort of thing. And I wonder if perhaps this isn't an evolutionary process, even though they think it's not suitable, they are in fact training us for that sort of thing.

(JM): That's an interesting point. Of course, when I gave up economics, I wanted to go to law school. And I had a fellowship to Radcliffe, and Harvard did not admit women to the law school in the thirties; not until the fifties. And since I had to go there [tape ran out].