

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

Rolf Valtin

NAA President, 1975

Interviewed by William Rule

1989

ROLF VALTIN

PRESIDENT OF THE NATIONAL, ACADEMY OF ARBITRATORS

1975 TO 1976

INTERVIEWED BY WILLIAM RULE

AT

THE CHICAGO HILTON AND TOWERS, CHICAGO, ILLINOIS

MAY 31, 19 89

**Bill Rule:**

We are attending the 42nd Annual Meeting of the National Academy of Arbitrators at the Chicago Hilton and Towers in Chicago, Illinois. It is Wednesday, May 31, 1989. My name is Bill Rule. I am interviewing past President Rolf Valtin, who was President of the Academy in 1975.

Well, to begin with, how about a little information about your personal background, where you were born, where you were raised, where you went to school, that sort of thing.

**Rolf Valtin:**

Born in Germany and raised in Germany until 1938. My family, that is to say, my mother and her three sons were Hitler refugees. We left Germany in 1938, came to this country. Had quite the connections, the two sponsors that we had, which was necessary to get your visa, were two Quaker families. Through them, I went

^ to a Quaker boarding school in the Philadelphia area, which lead to Swarthmore College, that's a natural progression because that's also a Quaker institution.

How old were you when you came to America?

Almost fourteen.

So you were probably fluent speaking in German and ...

Absolutely, no word of english.

No word of english, and starting at ...

i But that's the good way to learn the english language because ...

You were in the seventh grade or sixth?

No, I entered ninth grade. I was in high school when we came to this country.

There weren't very many people, immigration wasn't a big thing, so much, at that point in time. Was it?

Well, yeah, it must have been at the height of it. I

mean, this is the years that they... these are the last years of Hitler before the war. The war started a year later, September 1, 1939.

What was your family doing in Germany? What was your father doing?

My parents are divorced. My father is a dentist and my mother is half Jewish, which made us Hitler refugees. She had been a Quaker in Germany and she had attended what was called the Friends World Conference in this country in 1937 and established some ties which allowed us to come to this country. Swarthmore College was interrupted by the war. I served in World War II. I had finished my freshman year. I would have been in the class of '46 at Swarthmore, I became the class of '48. With a degree majoring in economics, minor in history. Was influenced by Dr. Frank Pierson, then economics professor, still alive today, and a member of the Academy.

Oh, wonderful.

Influenced enough by him, you know you have to make some choices at that stage of life, that I was going to enter, try to enter, a career in industrial relations.

After college, I had one year in industry, at the lowest possible level of an industrial relations division, writing job descriptions for job classification purposes. It was less than terribly stimulating and I think that, in part, influenced me to do some graduate work.

Where was that job?

The job was in Philadelphia. My wife is from Philadelphia she's also a Swarthmorian. We married in '48 and she worked for a publishing company and I worked for worked, what was then, Sharp and Dome. It has now become Merck and Company, pharmecuticals.

I hope you bought lots of stock back at the beginning.

I sure didn't. I don't know whether that was fashionable in those days. There was no money left over to do that. Anyway, I think one of the big turning points in my life, and that came about through Frank Pierson's recommendation, when I said "Where is a good place to go graduate school?" He said "Here at Penn because it has George Taylor." Everyone knows who George Taylor is and he was so inspirational as a lecturer, I was just fascinated to go to his classes.

I used to say it's as good as going to a baseball game. That was the height of what could possibly be interesting. It was through him that I became truly motivated to try to become a neutral in labor relations.

What were you getting? A masters degree?

Yes. I got that by 1950. I talked to him about, this is what I really wanted to do, everyone knows it's impossible to break in as an arbitrator at that stage of life and that stage of training incompetence. He suggested go with the Triple A, become a tribunal clerk, because you'll be in circulation with the right people. I did that for a year and then there came an opportunity to go with the mediation service, Federal Mediation Service. I did that for four years, always wanting to become an arbitrator but not knowing how to do it. At that point now, in 1956, I was in my early thirties and presumably had built up some competence so that I might be selected, but at that stage, this is the dilemma, there was a family. There were financial obligations and you can't just hang out a shingle because you're not going to survive on the one or two cases that you might get, at that stage. So, there was always a question how. And the real break came when I

got a call from Ralph Seward, umpiring Bethlehem Steel and the steel workers, terribly overworked, caseload was too big and he had in fact been told "Get yourself an assistant." Much as Syl Garrett had been told that at US Steel. I became that lucky fellow. I just could not possibly get better exposure, better training and better opportunity to be launched as an arbitrator. Not only because he a great teacher but also because this was full time on a salary basis, sharing offices with him and constant interchange, talk about problems and cases. So I learned ...

You were going to arbitration school and being paid.

Exactly. A lot of people would have wanted the..

He's one of the finer teachers in the world.

Perhaps the best. I agree. And with enough work to keep us both busy constantly. I stayed with Ralph for eight years and then made another basic decision to, believing, rightly or wrongly, I would always be considered assistant if I stayed in that office, made a very hard decision, made it to leave him and to go on my own. That was in 1965.

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You certainly didn't have any trouble switching to your own ...

As it happened, it worked out fine. Yes.

When did you start getting involved with the Academy?

Through Ralph, I think he must have busted all rules and regulations. I don't know what they were at that time. Nowadays, you supposed to have arbitrated for five years. I got my thirty year pin last year, so I became a member in 1958. I joined him in the fall of '56. I think he must have; filed an application and endorsement within a year and a half, or so, after I joined him. Things were less formal in those days. And of course, with an endorsement from Seward, you could hardly miss. So, I'd been a full time guy, but in an assistant role, and only for a year and a half. There we were, in '58 I became a member.

How many members were there at that time? Do you recall, roughly?

I would really be guessing because I have this impression that for a long time we stayed around two fifty, but I think that was a little later. Probably



fewer than two hundred.

Yeah, that would be my guess.

That generation of Mittenthal and Fallon. Fallon becomes a thirty year guy this year. Mickey McDermott and many of us grew up, Fallon did not, but Mickey did and Dick Mittenthal did, Al Dybeck did, came up through what we call the "steel school" because there was so much work in the steel industry that all of the established arbitrators needed help. Harry Piatt did and got Dick Mittenthal. Syl had Jim Sherman and then Mickey McDermott, Al Dybeck, Shyam Das, Jim Bilestein, Dave Peterson, they're all members of the Academy now, and they all had this route of training. I did on the Bethlehem side, me and Ralph Seward. Both Syl and Ralph survived as umpires in their respective jobs for twenty five or thirty years and trained an awful lot of people. Sandy Porter was the next one under Ralph, Sy Strongin and Joe Sharnoff, Herb Fishgold, Jim Harkless, so there's a very large school of arbitrators who came out of the heavy case loads in the steel industry, in the fifties and sixties. Now, you had a question of volume of cases in early years, that's sort of academic for me because my early years were those eight years with Ralph, where we constantly had enough to do, just

to satisfy Bethlehem and the steel workers, but Ralph saw to it that I would do some outside work to, to get going and get established.

How many cases were there a year in the Bethlehem and ...

I don't know, we were probably running about a hundred decisions a year. But that's a lot in the steel industry. They tend to be difficult and complex and time consuming. Others were helping us, Peter ???? and Arthur Stark and Terry Barrett, Lou Gill and many others. But in part, because Ralph saw the importance of branching out and my being exposed to some other parties, so I had the benefit both of staying busy in those years and beginning to branch out. In time, I landed my own small umpireship, that was Alamo Steel Company, now defunct. " By the time I stepped out, in '65, to go on my own, I should have been properly launched. I'd had enough exposure. I'd done enough work, that I should have survived and fortunately did. Volume of cases in the early years? No different because of my great fortune of going on a full time salary basis it was the same then as it's been ever since I've been on my own as a full time arbitrator. Applications to FMCS, Triple A, state agencies and other panels? Ralph saw to that early on. I don't

know in '58 or '59, '60, whatever it was, and it worked. There's a question here... What were the greatest hurdles to developing an arbitrator career? Mine were not the normal ones. The great hurdle is to find people who will select you when your ready to arbitrate. As we all know, anybody can arbitrate as long as you get selected but it is very, very, difficult to break in beca.use of the parties hesitation to pick a green horn.

Everybody wants to read your last twenty five cases and it's hard to get twenty five cases when your out trying to get your first or your second or your third case.

Exactly.

There's no simple answer to that and I suppose there never will be. I don't know.

There will not be but I and some of the others, the steel people, had this great fortune that we got hired on a full time assistant basis, which certainly is a way to overcome that hurdle.

What do you recall is your first job in the Academy? You came in in '58, do you recall what committees you may have served on?

Well, the usual thing that happens to the junior guy in the area, you became the regional chair. Right?

Absolutely, you had that distinction.

I had it like everyone' else.

It's reverse seniority or...

What year was Pete Kelliher president? That was a Washington meeting, and he asked me to chair the arrangements job, which also, all junior people in the big cities, something sooner or later, that they have to assume. That may have been ...

Kelliher, 1964, president 1964.

Ok, I was arrangements chairman that year.

He followed Sylvester Garrrrett and just before Russell Smith.

Yeah, so that was an early job. Arrangements chair is very time consuming. I was put on the Membership Committee when Larry Sarbell was chairman and I think that was '59 or '60, '61. Then, it's probably accurate to say that my first big committee assignment was as

chairman of the Membership Committee and that was Robben Fleming who appointed me, that was the year we went to Puerto Rico. That, was ...

'74, '75 somewhere in there. Oh no, the earliest time in Puerto Rico.

Yeah. '66.

Tell me about the Membership Committee in '66. What were your problems? Are they the same as probably the Membership Committee is grappling with ...

Well, the problems, I always said, the trouble with this job is that it is just like arbitrating, in the sense that, you've got to do a lot of research, study a lot of facts, when your all done you want some more facts but you don't have them but you have to make a decision. The standards? We may have been sort of, no, I think Larry sort of, informally, had the standard of having been active, having arbitrated for some five years, maybe three to five years, and having some fifty cases under your belt. That's how we translated, then, and they still largely do, the standard substantial experience ... And, you know, we had case after case we wrestled with. Some were close calls, some you

deferred and some you said no to. I remember one application was on the part of a golf pro, who had heard about arbitration and thought it would be a lovely way to make a living, with absolutely no experience in the field. And here we have the application, but that was a turn down, needless to say. And then we wrestled with the, what was then called the "two B" standard, and that went to people who had a national reputation as scholars, which could be substituted for experience as an arbitrator. There was some close ones on that. I had a wonderful committee because in those days you could, more or less, pick your own members. Jerry Eiarrett, Jim Hill and Scotty Crawford and Lou Gill and ... So we, if you have a committee with a lot of congeniality you can have fun.

Did you have ethics questions at that point?

Yes, we had some. That's a very good question because we had one that was really fascinating. There was one applicant, permit me not to name him^I know he's deceased today, with substantial experience, he had all the goods to be admitted but somehow Jim Hill had read two or three of his decisions and, in reading them, it hit him, "I think I read this stuff before." I don't think many people know that. He uncovered those

decisions and brought them to me and the proof was simply there. It was pure plagiarism. It was paragraph after paragraph, no quotation marks, no footnote ...

How could you successfully do that? Wouldn't the parties ...

I think it was astounding that Jim Hill would have discovered this. I think you can get away with it but you can't explain it. Weak explanations about too busy, and just did it in a hurry, should have put quotation marks around ... I forgot, I think we debated it strongly within the committee whether he should be talked to and told this is a *no* no and at least for going to have to wait a while before you reapply or whether we said, that was the other sentiment within the committee, this is so serious we cannot ever admit you. I think we finally took the former position and it became my lot to talk to this man. Not a pleasant chore. I think we let two or three years pass and then we took him and then he died shortly thereafter. That was one true ethical problem. Then there were problems of being, at least reports, this is a terribly pushy guy, he's soliciting and you would call people to see where that came out. Because we always, as you know, we had the standard not only of

substantial experience and acceptability but high ethical standards to be followed by the candidate himself. You have to apply that. But those were infrequent problems. The normal problem was to wrestle with the caseload and have the candidate, I said he because I don't think we had any females in those days, under general acceptability.

Most of those problems are still with us.

I did that for five years. And then I trained Jack Dunsford, no, Sammy Porter was on the committee and then Jack Dunsford came on and they started to take over. Five years was a long time and it's a time consuming job. Have you served on it?

No, I haven't had a chance to. I'm on the Board of Governors at the moment so I'm exposed to some of what they're going through.

It's like a case. You got to open that file and study the facts and, beside from the mechanics, you got to get reference letters out but usually, of course, the chair does all those things. And then you get input from the members. It was less arduous then than it is now because the number of applications were not as big. I mean in recent times they, per year, thirty five or



forty applications. Our's were twelve or fifteen or twenty, maybe.

It appears that it may be slowing down a little. The overall caseload may be slowing down a little bit to because the unions have had several difficult years.

Exactly, exactly.

What other jobs? Did you go from the Membership to Presidency? Were you on the Board then, or do you recall?

Of course, I was on the board. You know, both offices, Board of Governors for three years and then became vice president. I think I completed my Board work when a call came from Eli Rock, we either then, president elect or president. I guess, president elect. No he must have been president because you don't give out an assignment like that until you're president. He wanted to form a committee which became called the Reexamination Committee, to study the whole business about growth of the Academy, what did that mean administratively, what about our membership policy. And lo and behold, he asked me to chair that.

What year do you think that was?

That was two years ahead of my presidency because the report fell due when I was president. Therein lies a story. Here I was, chairman of the committee, reporting on some pretty controversial stuff and I was also president so I stepped aside at that point. But it was a two year project.

Well, Eli Rock was president in '73 and you were president in '75 so that committee probably started to function in '73 and functioned on in over to '75.

Exactly, exactly.

Tell me what you can recall about that study.

I can recall it was a very good committee.

Who was your committee? If you can recall.

Jack Dunsford, Phil Lynn, Irv Bernstein, Jerry Barrett, Bob Stutz, Abe Stockton, Abe, I don't think you know him. He was one of our great stars who died, I don't know, eight years or so ago out in New York. I think I've given you most of them. It was a terrific committee.

And your charge was to examine the whole ball of wax.

Yeah, for example, Eli wanted to study the question of whether the secretary should get a full time assistant. The very thing that we finally have resolved, just last year. What happened to us was, we got into membership policy, which of course was related to growth. Should we change our policy? Are we becoming too big? Should we join with Spider? We sent out surveys, big, long surveys. That took quite a while for the committee to formulate the questions. I guess it was about a year into our work, that we decided if we did membership policy alone we were doing a lot. We asked Eli "Let us examine that whole question about what the standards ought to be " But I think we would have done enough and let someone else do what it means administratively, what the Academy should go. And he agreed to that. One part I might ??? for the sake of future presidents, the idea of letting a committee, with a fairly sizeable job, in advance, know, you've got two years to do this. I think it's terribly important. I think a lot of committees have been handicapped because we're all very busy people and most times ??? under the gun we got to get a report in by the end of the term of the president who appointed us. I think mistakes have been made just because you're rushed. Where as, if you know in

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advance you got two years, it became a very different project.

So what you're saying is that the president elect should appoint some committees, when he's president elect.

No. I'm not saying that. I'm saying that the president who has an idea. Now the problem is, that president wants a subject of major concentration and wants it done in his year. But, I, my experience is it isn't usually enough time to do it. So he just has to be gracious, as Eli was. We'll give you two years to do it. Then, the Future Directions Committee, that Bill Murphy and Jack Dunnsford chaired, that was a two year project.

Yes.

It was ???? by Ted Jones, I think, and then reported two years later under Byron Abernathy. That worked better. That was a big deal, too. I was on that committee, with surveys and a lot of things to think about and to debate. The trouble, you know, with the single meeting, everybody gets together in Chicago to save costs and then people think about planes, you got two or three hours there at the meeting. It's not

enough time to reflect. It's not enough time to react to what you heard at that meeting. So, that the idea for a big undertaking, of a two year time allowance, I think, is pretty important. Anyway, the Reexamination Committee, it spelled out, and it's published in our annual proceedings, our report is, what we thought the policy ought to be. We redefined the standards. We reworked them. We defined them and we made some pretty big policy decisions. It was under that committee that we decided advocacy work, in any form, on the part of an applicant would disqualify him. We proposed and was all accepted a grandfather clause, for those who were already members who were doing some advocacy work. But, that was a very controversial suggestion, because, and there are very powerful arguments on each side. We all know, that there are all kinds of advocates because of their personality, their up bringing all the rest of it, are perfectly good as arbitrators. But, we were concerned with the other argument that, in terms of our posture toward the labor management community, that we really ought to be pure, and we couldn't live with the proposition that you were taking people who spent half of the time as an advocate and half the time as an arbitrator. So, that policy was made. One of the decisions we made was that we want to stay with a reasonably liberal admissions policy. Not tighten it

up just to stay small in number. We said let size go, let's not change our admission standards. An awful lot of young people, who are helped, who are good and who are helped by their membership and whom we really ought to admit. So, we kept it quite as liberal, as we had applied it ten years earlier. Trying to think of the major recommendations that we made but I think I've touched on them.

Did the five and fifty rule come out of that?

Well, we'd been applying it all along but we really wrestled with that. We said "We're not going to go to one hundred. We're not going to go to six year. And..." I guess this was an important feature, we said, we insisted "You have to do it on a case by case basis." You're going to get applicants, who after two or three years have already a hundred cases, who are exploding with cases right off the bat, and you don't keep them out. You got people who turn to arbitration on retirement, who were sixty five, sixty eight, you don't ask them to wait five years, unless they really have real dirt of a caseload. We wanted not to type the standards and made it absolutely clear, wrote it all out.

Did you worry about the one industry problem, at all, the arbitration experience coming out. of one limited industry?

Yeah, covered that and if it was truly that we felt, yes, general acceptability had not been demonstrated. The obvious example of the railroad arbitrators. We had to be careful because we thought about it and we said we don't want to down grade quality. We're known as a quality outfit. We want to retain that and membership policies are obviously related to it and no sacrifice of that, please. We also said don't join Spider, for that reason. We are the quality outfit, they're taking in anybody. It doesn't mean we have to have a hostile relationship but we are opposed the merger of the two organizations. As you can see, it went through a lot of policy, a lot of controversy, when we said even as two members, despite the grandfather clause, we cannot permit the situation where a member of the Academy sits as the arbitrator and another member of the Academy comes in as the advocate. So we ???? that, even for prior members. That was tough because, we obscured three very good people, who were well known, well respected people, who were in that ???? and you know, it affected their pocketbook.

Then again, many of them would not have been a problem with the concept.

Exactly right. That brought a real debate. Howell opposed that and Killingsworth spoke for it because he had an experience as being an arbitrator and the guy who he just palled around with during the meeting is coming in, now, as the advocate. What ??? would that make to the other side. So we did. One thing will interest you, another thing we tackled was the problem of women and minorities. The Academy just looked terrible on that. I think we had two or three women and four or five minority members. It's interesting. We recommended, we made a status report the first year of our existence and then we made our final report the second year. We recommended some slight, what was called the tilt, loosening of standards. These are the minority members and women, in order to increase the number of people in the Academy.

So, the Academy was doing a little affirmative action work.

That's what we thought. And the interesting thing to me was, when we reported, that the whole black community, our members, rose in protest and I think were insulted. They said you can't do this to us. The



word will be out that we've come in under looser standards than all the rest of you. And one speaker after another, very moving speeches, Jim Harkless and Harry Edwards and Reggie Rune,<sup>222=2=</sup> the whole group. That was a toughy for us because I and the rest of the committee thought we were quite right in this. We thought it was affirmative action. Given the conservative nature of the labor and management community, in selecting arbitrators, we thought we ought to do something. It was very hard. We went back to the drawing board but we finally decided if that's the way our people feel, our women and our minority members, I think we have to honor them and out came that recommendation. That was the basic change we made from service report to final report. It was a real session. I'll never forget it. It was completely, none of us foresaw this, that, that would be their reaction. Which, in retrospect, is very legitimate.

I was going to say, in retrospect, aren't you kind of glad that...

Yeah, I think they were right but still it's a real dilemma if you believe, as we really did, "Damn it, it's time that we get more women and more minority members into our organization!" But it wasn't the way

to do it. That was a revering experience from those two years on the Reexaminations Committee. You asked me to talk about other committees I'd been on. I was on the Future Directions Committee, not as chairman. I'm now on the, what we call, the Liaison Committee, with the party agencies Triple A and FMCS. I served on the Research and Education Foundation and I served on, what we called, the McDermott Committee, that was Mickey McDermott and Al Dyebeck and myself, a couple years ago on the question of where we go ... I may have left out one or two but it doesn't matter. Those were basically my activities and some of it is post president year.

Probably, in your case, NAA membership really didn't affect your caseload one way or another, did it? Because you were already doing cases before you came into the Academy. You were in that apprenticeship in the steel industry.

Yeah, but I wouldn't say that.

Do you think it has affected your caseload?

Membership in the academy?

Yes.

I think it affects all of us. I mean I just have run into too many people when they write to FMCS and Triple A and say "We want Academy members only." It just happens out there. But I think it's not only that. It's also the fact that becoming a member and getting active in the organization, which has its annual meetings, where the labor management people appear, and you associate with them. All of that, being in circulation is very important to get cases.

Well, sure, because there's a certain name recognition...

Oh, yeah. I think so

They automatically strike somebody they've never heard of.

Yeah, and you know, there's such a thing, it happens to me, when I'm out hearing some cases, that we talked about another arbitrator they've run into and he's a good friend of mine and we only used that because we're both members of the Academy. So, that, this whole business of word of mouth reputation, if you considered that, without Academy membership, I mean it would be very different. Sam ???? is the one real exception I can think of, who's ???? and survived and to whom it just means nothing ???? on principle. You may know

more about that than I, but... He's really the only-exception I can think of.

Yeah, I can't think of any others.

Even all the other big names, George Schultz, John Dunlop, Archie Cox, they CLII joined the Academy. Now, some of them did, for mainly because of intellectual stimulus, I'll grant that readily. Speaking of that, that leads to something, I may be jumping, but one of the questions here is "What was your major undertaking in your year of presidency?" Mine was to raise the dues and to make the payment of dues mandatory. And that was an interesting and controversial issue. I had sat in Board meetings, over and over again, this question came up. In those days it was all voluntary, \$45.00, \$50.00 or \$100.00. Magnificent speeches by Charles Killingsworth and Bill Simpkin and other idealists, others like them, saying there are different levels of affordability in our Academy. We don't want to force anybody out. We're basically an educational institution, let us, for goodness sake, keep it on a voluntary basis. It's the right way to go and they prevailed, over and over again, moving, and they persuaded me that this would add to the righteousness of their position. But then it began to dawn on me, as

I continued to serve on the Board, we were constantly short of money. We just didn't have enough to undertake this or that project that might have been suggested. I said, you know most presidents elect are groping for some major subjects, not always easy to find one, but this seemed like a natural to me and I lost then in my first letter through the Chronicle indicating the problems we've had and that I thought that was another reexamination. We ought to reexamine this policy and that I really felt we had to go to the mandatory level that everyone had to pay. There were some horror examples of people, who you knew, were making quite a bit of money out of arbitration and selecting the lowest level. But money shortage had to be demonstrated before you could get anywhere with this change of policy. I asked Mickey McDermott to chair the committee, to bring in a report on this whole question. You ought to read it sometime. It's one of the great reports of all time, in my opinion. He had just gone on his own and he had to undertake ??? time consuming job and he reported to the Board, saying "We got to do a mandatory one." I'll never forget. The Board, not only agreed, but upped the mandatory level from what Mickey recommended. I think Mickey recommended \$150.00 and they said let's go to \$200.00, which is sort of, roughly, the per diem rate in those

days, on the assumption that everyone can afford a days pay and ought to give that much, if Mickey says it's... It's proportionately less than the steel worker gives, and those kind of powerful arguments. You know, two hours a month adds up to more than our \$200.00. So that was reported to Membership Committee and Charles Killingsworth spoke against it, on the grounds he'd always advanced, that we're going to lose some of our best people. That was very hard for me because I thought he might be right and that's the last thing I wanted to do is get rid of some of the real ??? named people like Dunlop and Cox and... But that was his prediction so he spoke against it. Two or three others spoke against it. We had our vote and it just passed overwhelmingly. We've had a mandatory dues level ever since but Charles was right. We lost some people. Bob Schwartz, from Canada, succeeded me.

Oh yeah, and he had a terrible difficulty.

He had a terrible time. People saying "I can't afford it." "Where's our waiver policy?" I'll never forget. He called me, he said "Did that occur to me at the time I took this job that I, a Canadian, would have to preside over the second American Civil War."

Beautifully put.

So his yen then came the formulation of the waiver policy and my position at the Board meeting was make that as liberal as you want. I got no problem with it, whether we lower it for ten or for thirty people, it doesn't matter to me. The fact that we're all paying freight now does matter. And that's pretty much where it came out. And my other big job, of course... I want to get to a third one too. Let me go to that first. The change in composition of the various committees. That's a tough one because I felt strongly at the time that the same people, terribly able, terribly good, no doubt about it but the same people were continuing to run the Academy and not enough chances were being given to the younger guys, who were now coming in. And, if you want to change that, you have to slash. You just got to knock i.e. member Abe Stockton off the Ethics Committee, Father Brown off the Ethics Committee. I didn't like it but that's what you have to do if you want to get the movement going, then you need greater participation and the young ones ought to get involved. That was a nasty chore\_ for me but I did it. You know, it hurt, "My God, how can you do this to me? I like this committee. I serve faithfully." And as I've illustrated, they were sometimes extremely able people.

That's where that came out. The third one, of course, was, I had to report the findings of the Reexamination Committee because that report was now due. I think what I did is I appointed a temporary president of the Academy so he could rule on parliamentary questions and be sufficiently neutral, presumably entertaining the opposition as well as pro.

You relinquished the chair?

That's right. I felt I had to do that. I didn't know where that report was going. There was some substantial dissention, on this and that recommendation. Dave fellows spoke against one and he's very hard to deal with if you're in a debate with the man. He's so damn persuasive.

Persuasive, smart as hell and...

Now, so I, we had the dues question which I disposed of before lunch, now came this one and I had doubts which way it was going to go. But it went favorably also. And with that I think I've basically told you what my year was about.

Let me ask you, as president elect, how did you feel about that



job? Or any suggestions about it? Is that kind of a fifth wheel thing? Because you were involved in your committee work at that point because you were chairman of that...

My frank answer is that I was shaking in my boots. I didn't expect to get it at that stage in my career. I said "Gosh, am I really up to it? There are others who were going to ???? this, who really should have had it." Those were my human reactions but what your after is what?

Well, how do you, is there anything that you can suggest that maybe makes the president elects job more meaningful? You get some feeling within the Academy that president elect is kind of like a vice president, and hopefully not comparable to our current Vice President of The United States, but not really a meaningful job.

No, but I think the answer to that is, see, that's a relatively new institution. I don't know, ten, twelve, fifteen years ago but someone had the bright idea that whoever was going to be president elect ought to have the benefit of being part of the ???? for a year. It didn't even exist before that. That exposure alone with whom the Board is, who the powerful personalities are and who the committee chairman are is, in itself,

extremely helpful. You cannot be anything more than planning, anyway. YouWjust not in charge. But the exposure to be part of the Executive Committee and really in on every decision that's being formed so that you have continuity. I think is a pretty big benefit. I don't know that I'd -change anything. I had a nice walk with Howard Black this morning and I'll tell you what did come to my mind but I think everyone knows that. That was, "Howard, be prepared if you want to enjoy the presidency. Know that's its going to take about half of your time and, in advance, know you're going to give up cases. And I take it you can afford it?" And he said "Yes I can." I said "Then do it so you can enjoy it." The only way it becomes unbearable is if you try to maintain income and do the presidency. There is not time. I had the great fortune that I then, when I was president, was umpiring General Motors and the UAW and that was a salaried job. So, by not working, you didn't lose money and the caseload was low enough.

Side two, continuing the interview with Rolf Valtin. We were talking a little bit about how the presidency affected your caseload or you felt that you had to cut back about fifty percent.

Well, I'd say that to most people. If they're doing ad hoc work, just don't try to do both. That's too many pressures and you won't enjoy it. And I think the presidency gets more and more time consuming as we go along. I think there was less work in my days than there is nowadays. Too many inquiries, from too many sources, complaints to deal with, the whole area of legal representation is new and bigger and more time consuming than it ever was. That, I think you make that choice. In my case, I didn't have to make it, for the reason I've just given you. I was not doing any outside work and I was on salary and the caseload at General Motors UAW was down. I was on my third or fourth year and so I had half of my time to devote to the Academy. But I think you do devote that much time to...

What kind of normal caseload do you carry now?

Well, that depends. You have to define... I have the job now of umpiring Bethlehem Steel and the steel workers and that's time consuming. The case load is up and we write, for the most part full opinions. But when you say how many cases you really have to define cases. I also have the job of sitting for discharge cases with UPS and the Teamsters. You know, they have

the bilateral panel arrangement and in this instance they ask an arbitrator to join them but only there to break a deadlock. In discharge cases, I only cover some five or six states and it's all bench decision. I function only when they deadlock. I don't know what that is, maybe a third or half of the cases. But the point is, if you there, commit two days, to this job, you're absolutely done when you come home. You may have decided eight or nine cases but all in two days.

You haven't written any decisions but you've certainly gone through hell...

Yeah, so you have to define a case. If it were all UPS, IDT, which it is not for me, but if it were all it would be literally hundreds a year. If it's all Bethlehem and the steel workers, steel arbitration tends to be complex and difficult because there's so many different issues and so... just tough, thorny ones, my consent is. Then, if you do fifty a year, I think you're working very hard. So it all depends.

If it were equivalent to an average ad hoc arbitration case, the equivalent would be much higher I think. Wouldn't it? I mean you'd be...

Higher, much higher than fifty? I have to confess. I don't think so. I am one of the slow ones. I find that in the long run to maintain an average of less than two or three to one, as they say, would be hard for me. I just take that much time to write one, to write the opinion and what does that equate to. If you devote...

If you had fifty decisions and it took three days to reach...

That's a hundred and fifty days...

That's three days of writing, you've got the fifty cases besides. That's probably about all you can do in a year.

I think so. I know, I mean this has always been a puzzle in my life as an arbitrator. I always know when people do a hundred or two hundred a year, Saul Wallen is one example, I've known the other extreme, Bill Sim<sup>^</sup>kin is in that camp, just knock'em out, literally a hundred, two hundred or more per year. And a Ralph Seward couldn't begin to do that. He sweats them and thinks about them, writes and rewrites and puts out perfect products. And my point, the way I resolve that is, just can't assume that we're a monolithic group. There are all kinds of people and there not the goodies or

the baddies. They're just; very different in their approach to how the work is to be done.

It's a terribly diverse group.

Yeah.

And that also is part of a...

And I only wish that the labor management community appreciates this. And they do, I think. I have witnessed the fact that Ralph survived in umpiring practically all his career. Bethlehem steel workers certainly knew he was slow but they wanted his kind of thoroughness and brilliance, I'll add. While they may like somebody who's quicker and cheaper, that's not who they turn to. In other relationships, they want the Sim^kin. Make up his mind quickly and write the two or three pages. His job is done and that's what they want and that's what suffices and then that's what's good. But they have to differentiate because we're not all the same. We're just not, no where near it.

Well, that's good.

I agree. I agree with you.

Do you have any suggestions for future presidents, that sort of thing?

I've given you the big *one*. If you want peace of mind be prepared. It's going to take half of your time and be prepared for a terrific let down. You're going to look forward to the day where you shed all these responsibilities but it's a terrible paradox because it's also a big let down. Now you're no longer the ????, you're out of it, people are not calling you, but that's life.

I've heard some past presidents say that it took them literally months to organize and name their committees. Of course, maybe at the time you were doing it, it was different. But I guess now the presidents seem to name every individual of every committee, rather than relying more on the chairman, which earlier, you said, perhaps that the chairman selected their own committees to some extent.

Yeah.

But, how much time, do you recall that being a real time consuming job?

No. No, I do not. If something had to be done, no, not

three or four months, by any means. Now, there were fewer committees too. Don't forget.

Yeah, probably, sure.

No, I don't recall that. I recall only the fact that it was tough to ask some of the revered people to step down and let others... But once you make that... It's not very time consuming.

There's a section here on the environment during your arbitration career, national policy on labor relations, economic conditions. Is there anything you want to reflect on in that area?

Well, it won't be very profound. In general, I would say that when I became an arbitrator, in the mid, late '50's, the climate was one of continued growth of the labor movement. General governmental support of collective bargaining. Unions, their leaders were part of the democracy. AF of L CIO Headquarters counted for something very big with the White House. They had influence. And that's very different from nowadays. That was the climate in those days. Economic conditions were good. The labor movement was growing. Wages increased. But, with that also, at least in the steel industry, there was a lot of animosity with



strife. We had the longest national steel strike in 1959. They hadn't had one since then, it was such a terrible experience. You know, they negotiated the so called ENA, the Experimental Negotiating Agreement, under which, they relinquish the right to strike in return for guaranteed certain benefits and the right to arbitrate if necessary, which I think was invoked once or twice but they never actually got down to it. And then, of course, I am so intimately associated with the steel industry and I talk about it all the time but that's my experience, then in the '80's came concession bargaining. This is when the industry went into more than a recession, a real depression, with great shrinkage. The steel industry nowadays, I suppose, is, it may be less than two thirds of what it used to be. Plants closing, assets being sold. That was the only way to survive. Bethlehem, we all think, was very close to bankruptcy and they survived by selling and selling and selling, to the point they're probably less than half now. They're no longer the second largest steel company. But, now, they've pulled out of it again. The last two years have been good years for the steel industry. The last agreement, which has been negotiated just two or three weeks ago, Bethlehem steel workers, the basic deal was that all of the concessions have now been restored. That's where they are.

How do you see the future of the labor movement? Is the labor movement going to come back as strong as it was back in the '50's or '60's?

I don't see it. Not at the moment. I think we have to have another depression before that sets in. That's what you think. I sense that most American workers, it has to do, I think with the natures of the industries have changed, less basic blue collar work. But, it is interesting. A much more progressive attitude by the employers have something to do with it. But, I don't see them pulling out of their decline.

I'm afraid you're right. Without a depression, and that's going to be a hell of a way to do it, but I think we'll have one of those. We can't go on running with mirrors.

The new sectors are pretty complete. Don't you think, in organization? AFSCME, federal and local governments.

If you take that out of the labor movement, the labor movement's really ??????. The public sector is what has, kind of, saved the labor movement in the last five years because they picked up a tremendous volume of...

That's right. That was another issue before the

reexamination committee, should we distinguish between public sector work and private sector work, in terms of admitting people. We said no. It's basically the same animal.

Well, anything else that you can think of that you want to job on? I know you have some notes there that you've written on some things that we haven't covered that....

Well, we didn't cover this. There's a question here about how did you become president and that's a controversial part of Academy history. For many years, the three past presidents were the Nominating Committee for president elect. And I am one of those who benefitted from that arrangement. Jerry Barrett, Eli Rock, no I'm sorry, Jerry Barrett and Lou Gill both close friends. We served together on the Membership Committee and Lou Gill had gone to Swarthmore. I had known him from the day I graduated. He was one of the first that I was sent to by Frank Pierson to gain employment. So, and the outcry from the Academy was "This is too much of a closed system, too much of a buddy system." I was one of the beneficiaries and shortly after my nomination that was changed, to do away with the perpetuation, I guess it was called of the ????. That was changed and nowadays, it was

changed to a policy, I'm trying to think who the big mover was, died of cancer a couple years ago, from Oregon, Paul Handlin. He was on the committee and that carried and we've had that system ever since and I think what it now is, it's a five member committee, two past presidents, two members of the Board of Governors, and one at large. I think is the system.

I think that's correct, yeah.

The idea was to do away with the closed, buddy system. And I think it's healthy. I think it's better. I think it overcame that problem.

There's an attempt to balance the Committee geographically too.

Right, right.

I'm glad we got back to that and you commented on it. The present system seems to be working well from what you can see.

I think so. If there is a problem, I don't discern it. I write my suggestions like everyone else does. Sometimes it's accepted and sometimes it's not and that's sure as hell the way it ought to work. You know, you wonder whether the old system really was the

perpetuation of the establishment. I wanted to argue against it at the time but I was not an objective observer. I benefitted from it. In retrospect, I think it was that. If you were part of the establishment ... you had an advantage. And that's not healthy, that's not healthy and we've been all over the lot in recent years, with new guys and rather old guys. Byron Abernathy got it in his late '70's. Overall considerations, I think, in the end, become the same. Namely, What's the extent of contribution to the Academy in past years? What's the stature as an arbitrator and how well do you like the guy? Every Nominating Committee...

Wrestles with those issues.

Well, applies those standards I think.

Probably the advantages of the current system has the perception of being fairer than the other system, although the faults may be the same.

I agree with you, and that within itself is important.

Anything else that we've missed?

I would say not, besides, Jack Dunnsford has arrived and I think it's time to pass...

On behalf of the History Committee we certainly thank you for putting up with the taping. It will be of interest to many people in the years ahead.

That will be wonderful and it certainly was not an imposition, at all. Anytime you can talk about something without endlessly preparing for it, it's a pleasure.

Thank you.