

CHAPTER III
LABOR ARBITRATION:
THE EARLY YEARS IN RETROSPECT

I. AN APPRECIATION TO JOSEPH S. MURPHY

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Many of us have had the impression that Joe Murphy was born into the arbitration business—that he went directly from the maternity ward to the American Arbitration Association. While my research has established that this is untrue—he did have an earlier career which I will unveil in a moment—it *is* a fact that he was already very much on the scene when this Academy was founded 25 years ago, and has been an omnipresence, though certainly not a *brooding* omnipresence, throughout the arbitration careers of almost all of us. It therefore seemed essential that we get him on the program in some fashion on this 25th anniversary occasion of the Academy.

The problem was how to do it. The first thought was to invite him to speak, but that was quickly rejected as too dangerous; we feared that his long habit of denouncing individual Academy members might get the better of him, and while we insiders know he doesn't mean it—or does he?—the outside public might get the wrong impression and think he was proposing the dissolution of the Academy instead of celebrating our anniversary. (Maybe he will anyway, if he gets a chance to respond to these remarks, as he unfortunately probably will.)

Having rejected risking a speech by Joe, the other alternative was to have someone make a speech about him, and for reasons which have never been made clear, I have been tapped to do it (probably because no one else wanted to face his wrath, and I couldn't escape because I was already scheduled to chair this meeting).

I'll have a few kind words at the end (not *too* kind) about Joe's career in the arbitration field, but since you know all about

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that, my main contribution, if any, is to reveal the earlier Murphy career for whatever light it may throw on his behavior in dealing with arbitrators.

Joe has offered to show me a closet full of medals, gold and otherwise, which he received for academic prowess in his youth—a disgusting 94.6 average at Fordham, sundry awards for leading his class in math and the classics, and a near-miss on a *summa cum laude*, ascribable to low marks in religion, of all things. Anyone who appears on St. Patrick's Day wearing a bright green tie with a Star of David over the shamrock, should have had no trouble with religion—but his professor evidently lacked a sense of humor and didn't appreciate some of the unorthodox questions which Joe kept firing at him. (Perhaps it was true then as it is in some places now, that those who think too much are viewed with great suspicion.)

Joe also taught the classics for many years at Fordham College and apparently set some kind of record for moonlighting along the way. He taught courses in public speaking at the Dale Carnegie Institute (which explains a lot in itself), appears to have doubled as an evening principal in a Jamaica high school for many years, and in his spare time served as referee in basketball games. This brings us to a little-known side of our subject—he was an athlete of no small account.

There are a number of former athletes in the arbitration business, but few who have concealed it so successfully as Joe Murphy and one other about whom you will hear at the end of this dinner meeting. We have all heard of the big league baseball tryouts of Bob Fleming and Rolf Valtin, and Eric Schmertz keeps reminding me that he actually played in the minor leagues. And if you are not adequately impressed with Valtin's unsuccessful big league tryout, he can point out that he played on the U. S. Olympic soccer team. (To be more accurate, he did not exactly *play* on the team, but cut a handsome figure on the bench.)

Getting back to Murphy, I have discovered through hard research that he not only played professionally at baseball, but basketball as well. The fact that his pay was relatively small, and that the leagues were sometimes called semi-pro, does not dim the lustre, since he was apparently occupied at least 16 hours a day during that period on his several academic careers.

Came World War II and Joe found himself training lawyers, accountants, and other professional types for duties in the armies of occupation. Evidently this sort of thing caused him to reflect on his career at the close of the war, and he decided he was disenchanting or just tired of teaching the classics—and maybe tired of carrying three or four jobs at once to scrape up a suitable standard of living. So he began to cast around and was steered by one of his lawyer friends to the American Arbitration Association, which was then reportedly seeking someone with experience in public speaking and with some knowledge of labor affairs.

The public speaking presented no problem, of course, but Joe hurriedly perused a book on how to take a case to the NLRB so as to pass himself off as knowledgeable in labor matters. What taking a case to the NLRB had to do with the arbitration process may not be readily apparent to all of us, but Joe doubtless could and did improvise and extrapolate and otherwise manage to sound pretty good. He had also had some kind of work with the Plumbers Union, the nature of which I never did find out, and he could throw in some building trades jargon for good measure. At any rate, he got the job and has been there, as we all know, ever since.

I promised to say something at the end about Joe's work with the arbitration process, but find that I've run out of time. Perhaps all I need to say, anyway, is that no one could have gotten away with all the harsh things Joe has said about us, and to us, and still been invited back over and over unless we loved him and knew that he was really doing it for our own good. He has been a tower of strength for the AAA and may very well be the best liked guy in the whole arbitration business. I hope my exposure of his hidden background as a classical scholar and professional athlete has not ruined the image he has created over all these years.

On behalf of the Academy, I salute our friend Joe Murphy for his major contribution to the arbitration profession over the 28 years he has been playing a leading role in it, and especially for the entertaining way in which he has gone about it.