

went out on. There were about 50 men in the union group, and I said: Let's get three representatives from each side, and we'll go in and sit at the table and negotiate. They said: No, we're all going to do this together. We compromised and they all stayed there. So I said: If you're all going to be here, you must have only two or three people who are going to talk. That they agreed to and they stuck to it. But everytime we'd break, this big Irishman would stand up and he'd blast the union, he'd blast the company, he'd blast me. The first time this happened, I thought everything we'd done had been destroyed, but when they came back, it was as if nothing had happened. This occurred every time we'd take a break. I learned a great truth from that experience: the bark is far worse than the bite. That was very useful to me in the student days because they were regularly suggesting a deficiency in both my lineage and my character, and then adding: there's nothing personal about this. Yes, I did learn some things.

INTRODUCTION OF WILLARD WIRTZ

WILLIAM D. MURPHY

Bill Wirtz many, many years ago was a law professor at Northwestern University Law School and had an active labor arbitrator career. While a professor he was the brain father of a consortium of law professors for the purpose of publishing teaching materials for labor courses in law schools. That group, called the Labor Law Group, is still in existence to this very day publishing labor law materials.

Along the way he became a law partner of Adlai Stevenson in Chicago, and then in the early 1960s he went to Washington, D.C., where he was Under Secretary of Labor. When Arthur Goldberg went to the Supreme Court, Bill Wirtz became Secretary of Labor until the end of the Johnson administration. Upon retiring from government service, he and an associate set themselves up in Washington as consultants. They sent out announcement cards, but this one was not the usual one. Bill has authorized me to tell you what they put on their announcement card when they went into business. They were "counsellors and consultants in such matters as are interesting and worthwhile."

He appears on the program only as Willard Wirtz, but he has a third name which also starts with a W. He used to appear on programs as W. Willard Wirtz. I mention that because Bill is one

of those people who has been farsighted enough to write his own epitaph. After he's gone he wants written on his tombstone: "Here lies W, W, W; no more will he trouble ya', trouble ya', trouble ya'."

That time has not yet arrived, Bill, so you can trouble us for the next 40 minutes.

WILLARD WIRTZ

Having taken a no-more-speeches pledge five years ago, I worried that coming here today would mean falling off the wagon. But Bill Murphy's invitation was virtually a subpoena, a reminder of the obligations that are inherent in honorific membership in the Academy. Observing that it would be a good idea if younger Academy members can hear "the tales of the tribe from those who are growing long in the tooth," he summarily dismissed my plea that reminiscence and nostalgia are forms of arthritis dangerously communicable by word of mouth.

I was influenced, too, by the recent news items from Los Angeles about why the rioting happened. The Republican candidate's explanation that the root of such evil lies in "the total failure of the Great Society liberalism of the 1960s" didn't seem cause for serious concern. But another story in the same paper reported that the Democratic campaign managers were concerned about their man saying anything at all—"for fear that it could sound like tired liberal hand wringing."

This brought the realization that one episode in this future I now have behind me that may warrant the autopsical review Bill had prescribed was that I was present at the perpetration of the "Great Society liberalism of the 1960s." It has become appropriate to ask how that liberalism, of which so many of us were so proud and are still proud today, managed to become, 30 years later, a scapegoat and scarecrow for Republicans and an embarrassment to Democrats. Here indeed is a piece of history the young braves of this Academy should know as they prepare for the rites of maturity. So a little musing, a little idle chatting beside the still waters of the nonexistent pool, about "the life and hard times of liberalism in the 1960s," or "where have all the liberals gone?"

I realize that to be relevant here these musings must be placed not in the Los Angeles context, but in that of the business of this Academy—which is the employment rather than the race rela-

tionship. How did the liberalism of the 1960s affect the relationship in this country between employers and employees? (If you find me referring unduly to these papers I am shuffling, please understand that I've gotten to the point where I don't speak even to my wife except from notes—for fear of saying either too much or too little.)

Because these are "musings," they don't have to be analytical; they can be anecdotal. Therefore I don't need to define my terms. So liberalism means this afternoon only those things that happened during the administrations of Presidents Kennedy and Johnson. Nor do we need to define the purpose of the labor relationship; it has always seemed to me to refer to a proper balance between the importance of labor as a critical element of production and work as a human value.

First, a brief worm's eye view of the general atmosphere of liberalism and government in this country in the 1960s. The occasional references to the "Camelot" period in government involve false labeling. It's true that there were a very attractive, young President and a very attractive, young First Lady in the White House. It's true that the Vice President was a bigger-than-life character from Texas, who was riding herd over the U.S. Senate, and across the aisle was the histrionic Senator from Illinois, Everett Dirksen. It's true that many of the liberals in that administration were there because of what Adlai Stevenson had done in 1952 and 1956, and he was still speaking eloquently from his position at the United Nations. So there was a certain éclat and flair about it—in the beginning.

Then there was November 22, 1963. Mary McGrory said after the assassination: "We'll laugh again, but we'll never cry again." She was right. There settled in a kind of grimness and determination about the whole thing.

If you'll forgive a somewhat maudlin story, I think of the authentic character of the Johnson Administration in terms of a cabinet meeting one day in 1966 or 1967. (Cabinet meetings are part of the kabuki dance of a democracy; nothing is ever done there, nor can anything be done when 30 people gather in a room for an hour and a half; but the country reputedly sleeps better at night if there's a story in the paper that the cabinet considered something at a meeting that day. The sessions get dull, tedious, and tiresome.) At this particular meeting, the Secretary of Health, Education, and Welfare, John Gardner, was making a report, and he said casually in the course of his

remarks, "And, of course, we can't do that." President Johnson was probably 90 percent asleep but, when he heard that phrase, he jumped up out of his chair, leaned across the table, pointed at Gardner, and said: "Mr. Secretary, don't ever say that! Don't you ever say there's anything we can't do." Then he looked slowly around the table and said one syllable for each cabinet member: "We can do anything! Remember that! We can do anything!" Camelot? Not really. A commitment, rather, to get things done.

Another critically important element was that, until the fall of 1967, the country had confidence in the President and in the government. Democracy works only so long as there is confidence in government and particularly in the President.

There was harmony and decency among the various agencies and departments of government. But it wasn't placid. I remember thinking of the opposition not in terms of Republicans but rather in terms of the Council of Economic Advisers. I admit my bias: that a liberal economist is an oxymoron except in the case of Ken Galbraith, Isabel Sawhill, Alice Rivlin, Stanley Ruttenberg, and Kenneth Boulding. Of course, that's unfair, and I have to add that the 1960s was a period in which dominant lawyer influence inside the government was replaced by dominant economist influence, which gave way in the 1970s and 1980s to the dominating influence of speech writers and poll takers. So the economists were a very important element in the 1960s, but it did get personally painful to hear from Walter Heller and the members of the Council of Economic Advisers about their macroeconomics and the Phillips curve, which was subsequently repealed.

A Secretary of Labor was in a jam when the unemployment index went, as it did in 1967 and 1968, to around 4 percent. If it went above 4 percent, he would have to go up and explain to the Joint Economic Committee on Capitol Hill why it was that high when unavoidable frictional unemployment was only about 3 percent. Then the next day Walter Heller would go up there and tell them the unemployment rate couldn't go much lower without threatening inflation. Let's just say there was a constructive tension between the Council of Economic Advisers and the Department of Labor.

Another important characteristic of the 1960s would require a speech in itself, so I'll only mention it. In the 1960s the media had not yet gone into the garbage collection business. That made a whale of a difference in trying to run a government.

Comment regarding employment law and the employment relationship, and how the element of liberalism affected that relationship, must be divided into two parts. I didn't realize at the time the significance of the fact that virtually everything that was done in the name of liberalism, as far as the employment relationship in the 1960s was concerned, affected or related to individual employees—the statutory guarantees, protections, and entitlements of individual employees—as contrasted with anything involving the labor unions. That is an extremely important element in any analysis of this situation.

We were pretty proud of Title VII of the Civil Rights Act of 1964. I should qualify what I mean by "we." I've never been clear about whose liberalism it was that was important in the 1960s—whether it was the leadership's liberalism or the membership's liberalism or whether it resulted from the circumstances in the country at that time. For example, do you remember how gender got into Title VII in 1964? The Administration didn't put it in. Our bill didn't mention women. It was Howard Smith, ultra-conservative Congressman from Virginia, who added the reference to "sex" on the floor of the House in order to defeat the bill. It was no idea of any liberal leadership.

One other thing about the Civil Rights Act of 1964: If we had known how broadly Justice Burger was going to interpret Title VII, for a unanimous court, in the *Griggs* case, and if we had known what Justice Brennan was going to do in subsequent civil rights cases, leading up to the endorsement of affirmative action in the *Johnson* case, we couldn't have gotten the Civil Rights Act of 1964 passed. Our caution reflected serious concern whether we could get the bill passed. One of the interesting questions is whether it would have been if President Johnson hadn't come in. I'll always think that President Kennedy would have gotten it passed in the same way. But it was part of the effective dynamics of liberalism in the 1960s that a young, visionary architect drew up these blueprints and then a very tough master of the legislative process pushed them on through.

Although the Civil Rights Act was important, so were some other things. The Medicare and Medicaid action in 1963 and 1964 was equally significant. We tried very hard as far as the manpower and government employment programs were concerned. They encountered two difficulties. One was that we decided to declare a war on poverty. Historians list the Department of Labor as a very reluctant ally in the war on poverty.

That's partially true. We hated to see money, which had been appropriated to create jobs and training, put into community action. I don't know whether we were right or wrong. Then we went further into Vietnam, and there was never a real chance to mobilize the manpower development and training program.

There were some other lesser initiatives. One was the Age Discrimination in Employment Act of 1967. I've never been sure that older people need that degree of legal protection, especially with the American Association of Retired Persons, which I consider the second most effective pressure group in the United States, next to the National Rifle Association. We boosted the minimum wage law two or three times. We got the OSHA initiative started but couldn't get it through; similarly with COBRA and then ERISA.

My point about this first group of things is: If that's what we mean by liberalism in the 1960s with respect to labor, there's been no change or dilution of that kind of approach. In fact, the Americans with Disabilities Act of 1991 carried all this protection of the individual person one step further. It takes a tremendously important step by requiring now that the job be adjusted to the human being instead of the human being to the job. So I think we can point to this line of 1960s legislation with pride, perhaps confirmed by subsequent developments.

Turning to 1960s liberalism as it involved labor unions and collective bargaining, I see much more clearly now than I did at the time the long-range implications and eventual repercussions of the fact that all of the liberal emphasis and assistance to the labor-management relationship was spent on trying to settle emergency disputes. That's the only thing that happened as far as the liberals and the labor unions and collective bargaining were concerned.

This emphasis started very early. The Secretary of Labor was in Texas making a speech in 1961 when the Under Secretary's phone rang and this lovely female voice said: "Is this Mr. Wirtz? I hardly know whether to call you Mr. Under Secretary or Bill." It was Jacqueline Kennedy, reporting that the Metropolitan Orchestra dispute was getting out of hand and asking whether we could do something about it. Well, I said I'd get in touch with Arthur Goldberg. I did. He called Mrs. Kennedy and told her we would get right into this. We did. The next day we were involved in the question of whether the second French horn was entitled to a lower berth when the orchestra was on tour.

We and the labor unions wasted an awful lot of time in connection with settlement of those disputes. If you think back on it, the issue was almost invariably labor redundancy—in the cockpits, on the railroads, on the waterfront, or in the newspaper printing room. That's a bad issue; it was then and it still is today. It's hard to realize how much capital the labor unions and the liberals spent on trying to resolve those disputes about redundancy of one kind or another.

In the meantime the AFL-CIO was the swing force in the passage of all the legislation of the 1960s—civil rights, civil liberties, social security, housing, education, even the foreign trade act. Larry O'Brien from the White House and Andy Biemiller of the AFL-CIO were the two most effective lobbyists on the Hill. There wouldn't have been a 1960s liberalism without American labor. In personal terms it's nice to think back on having gone up to Capitol Hill as Secretary of Labor to support 15 or 20 liberal initiatives of one kind or another with the labor unions—the AFL-CIO—supporting every single one of them.

All the unions were asking for themselves was the repeal of section 14(b) and the situs-picketing provisions in the Taft-Hartley Act. They didn't get either one. I'd go to speak at a labor union convention, thinking I had a pretty good list of ideas to suggest, and the audience would sit quietly, waiting to see whether I was going to pass the Wasserman test. If I said at some point: "I'm in favor of eliminating the situs-picketing provisions and repealing 14(b)," the place would come apart.

When I think back on it, I realize the close affinity and the symbiosis between organized labor, the Democratic Party, and the liberals of this country. The two loudest voices for liberalism were Hubert Humphrey and Walter Reuther (UAW president), and they never stopped talking, either one of them. The two most influential individuals in this country were President Lyndon Johnson and George Meany (AFL-CIO president). George Meany gave Lyndon Johnson the single strong, private constituency that he had to have. In all fairness and recognizing the other side of this, I'll never know whether the Vietnam War would have ended a good deal earlier if it hadn't been for the fact that George Meany and Lyndon Johnson both thought it should go on after most of the people in the country had come to a different conclusion. This cost us dearly as far as the future was concerned.

Just briefly in closing, there are other elements I could talk about in terms of what happened in connection with "where have all the liberals gone?" There are several elements in the story of the decline in the subsequent 25 years of the influence of the AFL-CIO, of the Democratic Party, and of liberalism. I haven't time to go into all of that. But there was a significant symbiosis among those three forces in the 1960s. Their decline since that time suggests a considerable linkage among the three.

Will there be a resurgence or renaissance of liberalism? I don't know. If this means 1960s liberalism, the answer is no. There have been too many changes, and they stretch over too broad an area. Only illustratively, the changes in voting habits among the Dixiecrats, who were part of that coalition, make a big difference. In about 1980, many voters in the South pushed aside the fact that Abraham Lincoln had been a Republican. The change in the appetites of the media creates a whole new political situation. There have been other major developments.

So, if liberalism's definition is to be taken from the 1960s, no, I don't think there will be a renaissance of that particular set of approaches. But I am completely convinced that there will be some form combining three things: (1) the general idea of putting people in the first place instead of someplace else on down the line, (2) a rejection of any idea of a divine right in those who have been materially successful, and (3) a conviction that there is nothing we can't do, that we can do anything.

That would be the place to stop, but I like to exit laughing. When I was asked in the 1960s what it was like to be in government, I sometimes answered with a story which I rode to death and then buried honorably but which I now exhume for one posthumous telling. Trying to tell you about government 30 years ago, I think of the American regiment bivouaced in England after the war. Things were getting depressingly dull. Then the lieutenant in charge of those troops was invited to spend the weekend at a nearby abbey presided over by a duchess of questionable repute. He came back late Saturday night and was astonished to find everybody waiting up to hear what kind of time he'd had. He said forget it, but they pressed him, and he finally said: "All right, I'll tell you. If the water had been as cold as the soup, and if the soup had been as warm as the wine, and if the wine had been as old as the chicken, and if the chicken had been as young as the maid, and if the maid had been as willing as

the duchess, I'd have had a whale of a good time." [Editor's note: Mr. Wirtz agreed to answer questions from the audience.]

Q. First I have an anecdote, then a question. In 1961 Bill Wirtz was the chairman of a labor-management-public committee, and I was the executive assistant. A lot of the issues at that time revolved around macroeconomic policies, and we've already heard what Bill thinks about economists. I knew I was in over my head when these issues of macroeconomic policy came up, so I went to Bill, who as Secretary of Labor was co-chairman with the Secretary of Commerce, and I said: I need some help; I need a consultant out here that's an expert in monetary policy and taxation. He looked at me and said: They told me that you were an economist. Well, I was a labor economist, but apparently one economist was as good or as bad as another.

My question is this: One of the things I often look for when I read a history of the 1960s is any reference at all to that labor-management committee and I never find any. I was wondering if you remember that committee and what your evaluation is about its contribution.

A. Yes, in the interests of time, I left out of my remarks precisely the piece you refer to. I think one of the lasting contributions—permanent contributions (and this goes to the labor-management relationship)—was the creation, for which Arthur Goldberg was mainly responsible, of the President's Labor-Management Committee. During 1961 and 1962 and until President Kennedy's death, 21 people (all men) met four times a year with President Kennedy. They were the top labor people, the top management people, and distinguished public citizens. There was virtually no agenda; they did not limit themselves to labor-management issues; they discussed such things as tax policy. I believe that this will eventually emerge as the seed of what is now being referred to as "industrial strategy." I think there is bound to emerge a new set of relationships between labor and management and government in this country, just as there has in all other leading countries. John Dunlop has done a good deal to keep this idea alive by meeting with a similar group regularly over the last several years. It doesn't matter what phrase you use for it. My guess is that it will be called "competitiveness." It was illustrated by the loan to Chrysler. I thought that was outrageous at the time. When a company goes bankrupt, goes belly-up, why should tax money be used to save it? But I was as wrong as I could be.

There are better illustrations of the need to develop a working relationship between government and labor and management. The whole international trade issue demands this approach. I grew up a free trader, but I can't live with the extremes of that doctrine now. I think the kind of treaty we're talking about making with Mexico should be considered only after its likely effects on labor standards in both countries have been explored as fully as they have been by the members of the European Community.

Yes, that was an important piece of 1960s liberalism—the idea of new working relationships between labor and management and government—which I think is bound to come back and upon which our future depends.

Q. Bill was Under Secretary of Labor when he came out to Santa Monica to talk about civil rights of grievants. That was always a primary interest of his as an arbitrator. I think his influence in that regard was significant.

A. There have been two other times I have talked to the Academy, and you referred to one of them. Both times, I reported on my strategem for staying awake during Washington speeches. One was to count the number of times "hopefully" was misused. The other was to listen for malaprops that combined two figures of speech, both of which were on point. They came from the most distinguished people; the smarter people are, the faster their heads work, and their mouths can't keep up. Or is it the other way around? They come out with these germs of wisdom.

In any event, I should, in accordance with tradition, report of how liberals went about our business in the 1960s that we kept our ears to the grindstone, rarely got our dandruff up, and sank our teeth into the guts of any labor problem that (as George Cohen said this morning) got underfoot. When we smelled a rat, we nipped it in the bud. Sometimes we hit the gordian nuts of labor-management disputes on the head. But we laid a lot of lemons, and often found ourselves out on the end of a limbo. In general, the employment relationship remained an enema to most of us.

Q. I know you're basically an optimist despite your comments on whither liberalism, but I wonder whether you see a resurgence in the South, such as we see emerging here in Atlanta, not based upon history and Abraham Lincoln but on genuine liberal feelings similar to the example of Bill Clinton

coming out of Arkansas. If so, do you see any possibility of combining the Dixiecrats who are true liberals together with labor, taking a more aggressive political role not merely on behalf of their membership but on behalf of all working people, contrary to what Samuel Gompers advised years ago?

A. At my age, you have to be an optimist, and I am. I have referred twice to the one element in the picture that gives me most concern. I don't know whether the media are infecting the democratic process to the point that it's going to be beyond recovery. What they're doing scares me. But set that aside. There is no question in my mind about the resurgence of liberalism as defined in the broad terms I used at the end of my remarks.

Let me quit with an anecdote. The Minister of Labor from India was in the office one day, and when I asked him something or other (I forget the context), he said: "Well, you know, I'm at the point where my head often tells me one thing and my heart another." I asked him how he handled these situations. And he said: "I always let my heart do the arbitrating." I suppose I do too.

I think there are real signs in the current campaign of almost universal exasperation and disgust with the political process. Some politician with the right combination of guts and good sense is going to realize that most people in this country do want things to be better again than they have been, and that they can be. So the answer to your question is yes.

As I get older, I'm readier, when reason doesn't get me as far as I need to go, to fall back on at least a modicum of faith. I continue to think that the future is a very good idea.