

CHAPTER 12

REMINISCENCES AND HONORS

PART I. PAST ACADEMY PRESIDENTS

Introduction

FRANCES BAIRSTOW*

Welcome to our third “fireside chat” or nostalgia session. We are delighted to have our distinguished Academy members, Jean McKelvey and Ben Aaron, with us this afternoon. Those of you who do not yet have gray hair may be wondering why the War Labor Board has such a distinct and prominent place in the history of the Academy. I think it’s fair to say that there may not have been an Academy if there hadn’t been a War Labor Board, because it was during the period of the Second World War and the War Labor Board that many charter members were attracted to and were involved in one of the most exciting efforts and adventures of the time. The War Labor Board was certainly one of the most wonderful practical experiences that any student who hadn’t majored in labor law or labor economics would enjoy.

I personally had that heady experience. I had recently come from the University of Wisconsin when I joined the War Labor Board in Chicago as a staff member. Math and science were always my academic “Waterloos.” I was headed in the same direction—failure—when I took statistics at the university. I used to rant and rave at my statistics professor because, I said, it was an impractical course, too theoretical, would never amount to anything, and there was no point in taking it, etc., etc. I somehow managed to survive. After graduation as a labor economics major, I was recruited to

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work at the War Labor Board. One day I was sitting at my desk, which was covered with wage schedules and salary relationships and so on, when I felt a big hand on my shoulder and heard a big shout. It was my statistics professor, who was a public member of the War Labor Board. He said: "Aha, you see, you're practicing statistics and you didn't know it!" As others have told you, I also found it to be an exciting adventure. When Bob Fleming said at this meeting last year that it was also a scary one, because so much responsibility was entrusted to a group so young, I remembered that feeling very well and shared that experience.

Since you have the printed biographies for our speakers today, I won't go into detail about their past experiences. Jean and Ben, our two speakers, have a great deal in common, even though they practice on opposite sides of the United States. They were both staff members of the War Labor Board; they both were academics; they had influence on a great number of students who went into industrial relations work as a career. In fact, Jean McKelvey has a record of sending more students into labor relations and labor arbitration than almost any other single academic. They publish extensively, and they both serve currently on the United Auto Worker's Public Review Board. They are both former presidents of the Academy.

BENJAMIN AARON*

It's an honor to be included on a program which has featured such distinguished persons as John Dunlop, Bill Wirtz, and Bob Fleming, and it is also a very great pleasure to share the platform

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Professor Aaron received his A.B. from the University of Michigan and LL.B. from Harvard Law School, after which he was a staff member and Executive Director of the War Labor Board. Thereafter, he served as a member of a labor advisory commission to the Supreme Commander, Allied Forces, Tokyo, Japan. He joined the UCLA Institute of Industrial Relations in 1946, becoming its Director in 1960, at which time he also joined the faculty of the UCLA School of Law. During the Korean War he was a public member and later Vice Chairman of the National Wage Stabilization Board. He has been appointed to national panels, boards, and commissions by five presidents. Professor Aaron is past president of the Industrial Relations Research Association and the International Society for Labor Law and Social Security as well as the National Academy of Arbitrators. In 1981 he received the American Arbitration Association's Distinguished Service Award and is currently a member of the International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations. Many of his texts, course books, and journal articles have become classics in the fields of private and public labor law in the United States and in the field of comparative labor law. [Editor's Note: This material was excerpted from the biographical information in the registration packet.]

with my dear friend and colleague, Jean McKelvey, for whom I have unbounded respect and admiration. So I am happy to be here with Jean.

Not everybody who became involved with the Academy was a member of the War Labor Board staff, but most of them had had War Labor Board experience. Indeed, of the first 15 Academy presidents, all had been connected with the War Labor Board in one way or another. Things began to change in the 1960s, and by the 1970s a new generation had assumed responsibility for the leadership of the Academy. It is now more than 50 years since President Roosevelt issued Executive Order 9017 on February 12, 1942, and I have been asked to recall incidents of my service with the Board during its four years of existence. In thinking about that, I have been overwhelmed by a flood of recollections, doubtless blurred by the patina of the past and by the deficiencies of a terminally ill memory.

Certainly for me (and, I believe, for most of my colleagues who shared that experience), it was a major defining period of our professional lives. It shaped not only our future but also our attitudes and beliefs about the nature of the labor-management relationship. What I am about to offer you is a potpourri of impressions of my service with the Board.

I'll start with a brief comment about what little preparation I had for work with the War Labor Board. I went to the University of Michigan during the mid-1930s, and one of my most vivid recollections of that period was the organizing drive of the United Automobile Workers (UAW) in the automotive industry. I particularly recall the now infamous "battle" at the overpass in which Walter Reuther and Dick Frankenstein were beaten up by some goons working for the Ford Motor Company at the Rouge plant. That memory stayed with me very vividly. I left Michigan and went to Harvard Law School. In my final year there, I took a course in labor law from James Landis. At that time labor law was just beginning to emerge as a discipline. When I left Harvard, I had the completely mistaken notion that I knew a great deal about labor law and that I was quite prepared to handle various problems in that area. That shows you just how naive and dumb I was.

I got to Washington and, after having had my generous proffer of services to the UAW not turned down but simply ignored without response from the union, I set about looking for a job involving labor relations in some way or another without success. During the time I was hunting for a job, the one person I kept coming back to

was Ralph Seward, first when he was with the Immigration Service of the Department of Justice and later when he was, I think, the executive secretary of the National Defense Mediation Board (NDMB). He was always very sympathetic and very encouraging. He said, in the case of the NDMB, "Well, unfortunately we simply don't have any openings for people just starting out. All our jobs pay considerably more than we could justify paying you, but stick around; something surely is going to happen." And something surely did!

The War Labor Board was created, and I think that, with the exception of a few people who were holdovers from the NDMB, I was probably the first staff member hired shortly after the Board came into existence. Also, I can say without any question that the most vivid recollection of the entire four years I had at the War Labor Board was my first day at work.

I was hired in mid-morning. I called up my wife, who was working and supporting us, and told her: "I've got a job! It's with the War Labor Board, and we'll have a big celebration when I come home this evening." I spent the morning filling out forms and then reported to Assistant Executive Director Lew Gill, who said: "Well, we'll start you gently. There's a tripartite panel engaged in mediation of a very minor case. You just go in and get your feet wet that way. I'll introduce you to the chairman. They've already started today, but you can catch up."

So I went in and met the chairman, a distinguished law professor and civil libertarian, who shall remain nameless. He was very pleasant and said, "Sit down. We're just about to get going." After a few minutes of discussion, it appeared that the problem was a reopener clause in the contract. The company said that it was reopenable only to the extent of two cents per hour, or something like that. The union was a federal labor union. (Some of you may not know what that term means anymore; it was a union that was chartered directly by the AFL and did not have any association with any national or international union.) The union people were very inexperienced, whereas the company was represented by a very well-known and powerful Pittsburgh management law firm, whose representative was suffering from an ulcer and an incurably bad temper.

The argument came down to whether the contract could be reopened for any more than the two cents an hour. The first thing that happened to me was that the chairman said: "Well, our counsel has just joined us, and I will refer this matter to him." So he tossed

over the collective bargaining agreement and looked at me meaningfully, and I said after looking at the contract clause: "It seems to me that this is reopenable for more than the two cents." Whereupon the attorney for the company just gave an expression of disgust and walked over and lay down on the couch that was in the room. The discussions went on without us getting anywhere, and we broke for dinner. Then there was a certain amount of exchange between the chairman of our panel and one of the management people about who could outdrink the other. We arranged to meet after dinner at the Carleton Hotel, where they had a suite.

So they went their way, the union people went their way, and the panel and I departed for the hotel. The chairman said: "While we're waiting, why don't we just go in and have a drink?" I was much too excited and scared, so I said, "No, thank you." But the others had a drink or two, and then in came the management team with their lawyer, carrying huge bags of booze. We went up to their suite, and the drinking started in earnest. Everybody got wildly drunk. In fact, one of the management people was deprived of his clothes (I don't know how that happened), and every once in a while, like a comic in a B-movie, he would come racing through the room in his long underwear, and eventually they locked him in a closet. He pounded on the door making lots of noise, and pretty soon we were beginning to get complaints from the hotel management, asking us to "please hold it down." The drinking continued, and the next thing I noticed was that perfect strangers had wandered into the room and were getting into the argument. So I couldn't keep track of who was doing what.

At a certain point in the evening, the chairman said to me, "I want you to type up a new proposal." I said, "Sir, we don't have a typewriter." But he said, "Well, [he named a very prominent lawyer and figure in the Democratic Party who regularly kept a suite at the Carleton], go downstairs and tell the clerk you want the key to his suite, and tell him I sent you and go in—he's got a typewriter in there—and just use the typewriter." I said, "I don't think this is going to work." But he said, "Never mind, I'll come down with you."

So we went down and he informed the clerk, "I'm so-and-so, and I'm an associate public member of the War Labor Board. We want the key to Mr. So-and-so's suite because we want to use the typewriter. The clerk looked up at him and said, "You're drunk! Go back upstairs." Our chairman said, "Do you mean to tell me that you're defying the power of the President as Commander-in-Chief in time of war?" And the clerk replied, "If you don't go back

upstairs, I'll call the police." So we went back upstairs, but the chairman was not daunted in the least. He told me, "Get in a cab and go down to the Press Club; there are lots of typewriters there. No one will bother you. Just type out this proposal [which, I think, was for a five-cent increase, or something like that] and make 15 copies and come back." It was now about two or three o'clock in the morning.

I was just shaking like a leaf, but I went down to the Press Club and, sure enough, nobody bothered me. I found a typewriter and paper and carbons, and made the copies. I came back and gave them to the chairman, who was now very, very drunk. He proceeded to walk around the room, handing out copies to anybody who would take one. The attorney for the company followed right behind him and, as each person took a copy, he took it out of that person's hand. He ended up collecting all of them, which he then proceeded to tear up into little pieces. At that point the chairman, who was seated in a deep armchair, proceeded to get violently ill. The attorney for the company rapped on the mantelpiece and yelled, "Quiet, everybody, quiet!" Then he turned and, pointing to our chairman, said, "I give you the government's representative!" The other two panelists and I got the chairman up, cleaned him up a bit, and took him out, put him in a cab, and told the cab where to take him. As I was closing the door of the cab, he looked at me, winked, and said, "Don't worry—we'll get 'em tomorrow," which we did!

It was now close to five o'clock in the morning. Shaking in every limb and reeking of cigarette and cigar smoke and whiskey, of which I had had nothing, I found my way back to our apartment in Virginia. As I walked in the door, my wife said, accusingly, "Where have you been?" I said, "I've been mediating," to which she replied, "You have not!" I said to her, "You know, I'm wondering if I made a mistake in choosing this particular career." But by morning—a couple of hours later—I felt better. I got up and went to the office, and Lew Gill said, "Well, how'd it go?" and I said, "Oh, fine." He took one look at me and said, "Come into my office," and he got the whole story out of me. That was an introduction to a career, the like of which I had never heard of before.

The next three weeks were just around-the-clock all the time. Nobody got any sleep. There were very few staff, and we were inundated with cases. About the end of the third week, I was beginning to look like an advance man for a famine. I weighed only about 145 pounds when I took the job, and I lost 15 pounds the first three weeks; so finally the executive director sent me home. He

said, "Go home and gain some weight before you come back." I lasted about two days at home and then I came back. Nobody said anything more to me, and we just went on from there.

I want to tell you something about the public members of the Board, because it would be hard to imagine a more remarkable group of men than presided at that time. The chairman was William H. Davis, a patent attorney from Maine, who always preferred to be thought of as a physicist rather than as a lawyer. He also had a great dislike for economists, who he thought were highly overrated, and whose figures were very suspect, and who were most likely to be wrong about most things. To show the difference between these economists and a good scientist, Mr. Davis said, "Suppose I sent an engineer to the White House to measure the President and tell me exactly how tall the President is, and suppose that the engineer came back and said that he had measured the President, and he is exactly three feet, five inches tall. I wouldn't think that the engineer had made a mistake. I would simply have told him, "You've measured the wrong man!" He liked to make classical references in his everyday speech and in his written addresses. He frequently referred to the various Dialogues of Plato, and he was altogether a supremely well-educated man and a true humanist.

The vice-chairman was George Taylor, about whom I don't have to say anything to this audience. He was the acknowledged expert in labor-management relations, the author of the famous Little-Steel Formula. He was my principal mentor both while I worked for the War Labor Board and afterward, and he eventually succeeded Mr. Davis as chairman of the Board.

The third public member was Frank Graham, the former president of the University of North Carolina—a wonderful person. He was a very small man. He loved Indian wrestling, and if he caught you walking down the hall, he would immediately stop you and say, "Wanna wrestle?" and insist on engaging in this pasttime, at which he was very, very good. He was a person of surpassing sweetness and kindness and very astute besides.

The fourth member of this group was Wayne L. Morse, who had been the dean of the University of Oregon Law School. Morse was unlike the other three; he was magisterial, opinionated, egotistical, often positively rebarbative, and very ambitious. But when he achieved his ambition and became a senator from Oregon and I met him in later years, he was invariably kind, helpful, and obviously carried with him a very warm memory of the Board and the years that he served there.

For me, of course, when I first joined the Board staff, the public members were rather remote, and the person I dealt with most was George Kirstein, the executive director, who filled me with absolute terror. He was a cold and forbidding character, very aloof, but I discovered later, when I got to know him better, that it was just a hard exterior; inside he was all marshmallow and very sentimental. Those were the men leading the Board in those days.

The civil service people didn't even have a title to describe what we did. When I was hired, my title was "junior business specialist." I can't think of any title more inappropriate than that. It took a while before they developed the terms "mediation assistant," "mediation officer," and "hearing officer." In the cases that came to Washington in those days, mediation was a kind of psychological warfare between the staff and the parties. They brought everything to Washington and dumped it in our laps. It was nothing unusual to have the whole contract up for solution. Our job was to get them out of Washington and back to work under some kind of settlement, so we used the means that we had. We knew that nobody could stay in a hotel for more than a couple of days before they got kicked out. There was no space. And we knew that most of these people who came didn't know anything about Washington or their way around. We resolutely refused to tell them how to find the Department of Labor cafeteria, so they would wander around for long periods of time, trying to get something to eat. We always insisted on going through a detailed rehearsal of each issue, which they had been through many times themselves, until finally the time would come—and that would be the psychological moment—when, united in their common misery, they would decide it was better to settle something than to wait for us to do it for them. And then they would depart.

The experiences were quite different when we mediation assistants—as we were called then—went out on the road and held hearings in various parts of the country. One of the problems, as others have mentioned, was our extreme youth. In my case, I was 27 when I got my job with the Board, and I looked considerably younger. When I would go out and convene the parties at a hearing and walk into the room, with all these middle-aged or elderly people on both sides, they would look at me, first in complete and utter disbelief, and then with complete and utter disgust. And it took quite a bit of doing to win over their confidence and get them to cooperate to work out some kind of a settlement. We couldn't have done any of this, had it not been for the protection, almost an

invisible shield, that was provided by the public members. They praised us excessively when we did something right, and they were always there to protect us against the criticism—sometimes very sharp—by labor or management representatives on the Board. They always protected us and made excuses for us and defended us, and they were just like fathers to us. They were simply wonderful. They didn't let anything untoward happen to any of the people they had taken under their wings.

As far as my colleagues on the staff were concerned, it's not for me to say that they were the best and the brightest, but I thought they were. They were a remarkable group, and when the Board finally went to regions in 1943, the best of these became chairmen of the regional boards—for example, Saul Wallen in Boston, Lew Gill in Cleveland, Syl Garrett in Philadelphia—all of whom, incidentally, were later elected president of the Academy. I think the greatest thing about it was the spirit that permeated the whole activity of the War Labor Board. As a group, we had an absolute belief in the righteousness of the war, we had enormous enthusiasm for the job, and we had a deep involvement and personal commitment. Everybody concentrated on the work at hand. It didn't make any difference who the staff people were—even the fellows who distributed the mail—they were all arguing about the Little-Steel Formula. Everybody felt united in our common purpose. And there was a great advantage in being in a newly created agency. We weren't hampered by hidebound rules, and we were able to experiment to a considerable degree. Also, we were given rapid advancement, both in terms of compensation and, more important, in terms of responsibility.

There are many, many anecdotes I could tell about the things that went on at the Board. I just want to refer to a few that come back to my mind the quickest. The first incident involved bargaining under the auspices of a War Labor Board panel between General Motors and two unions, the UAW and the United Electrical Workers, simultaneously. The UE, as some of you may recall, at that time was dominated by communist leadership. But at the time these negotiations went on, Russia had been invaded by Germany, so the war which up to that time the UE had denounced as an imperialist war, with which we should have nothing to do, now became an important crusade. In its negotiations with General Motors, the UE was really willing to give away the whole store. They were willing to go to 48 hours without overtime; they were willing to put in some kind of incentive program which the UAW said was completely

phony. The relations between the corporation and the UE were simply wonderful. But Walter Reuther, who represented the UAW, took the position that, while the troops were fighting overseas, he was not about to give away the things they were fighting for at home. Of course, he dismissed out of hand the proposal that they should work 48 hours without overtime, and he dismissed the incentive plan and other things. The General Motors people kept denouncing him as a communist. But I formed my first impressions of Walter during those meetings, which went on until late at night, when the air-conditioning was off and everybody was dying of the heat and looking like it. The only one who remained absolutely cool as a cucumber was Walter Reuther—stiff white shirt, tie which he never loosened, didn't seem to know how to sweat, just stayed on the subject the whole time. You couldn't budge him; you couldn't interest him in any relaxation. I always said that Walter's idea of a big night on the town in Washington was going to have dinner in the Department of Labor cafeteria. He was all business, and he outlasted everybody.

The second recollection I have came somewhat later in the history of the Board when Ed Witte had become a public member. The Board was meeting in panels at this time. We had a big case involving, I think, Western Union. The company attorney was a somewhat pompous gentleman from New York, who was giving what he thought was a major speech to the two public members. (He didn't seem to care about the labor or management people.) Ed Witte had a habit of sinking into semislumber, in which one eye would close and the other would remain open. But to the gentleman representing the company, it appeared that Mr. Witte was asleep. So he kept raising his voice, saying, "I particularly want the public members to hear and understand what I am saying on this point." Finally, Frank Graham looked over and concluded, yes, Ed was asleep. You must remember that Frank was a very short man. What he tried to do was to wake Ed up surreptitiously by kicking him under the table. The only way he could do that was to slide down in his chair because he couldn't reach him. So while those of us who were watching remained absolutely fascinated, he gradually disappeared under the level of the table. He finally got Witte's attention. Witte opened the other eye and, without waiting a second, asked a question that simply skewered this attorney and left him utterly speechless. He didn't know how to answer, and the rest of us were trying to suppress guffaws of laughter. That's the way the hearing ended—with Ed completely the winner.

And then, of course, there was John L. Lewis. I'll never forget watching him stalk off to have luncheon at the Carleton Hotel, always walking about three paces ahead of the rest of his union associates. Nobody, not even Phil Murray, ever felt comfortable walking level with Mr. Lewis. This entourage would leave the Department of Labor building, Lewis with his hat over his eye walking ahead and the others dutifully following.

From December 1942 through February 1944, I was stationed in Detroit as chairman of the Detroit Area Tool and Die Commission. I assumed the duties of that position, knowing virtually nothing about the trade. The Board's expert on the subject was Bill Simkin, who had drafted the order establishing the Commission and setting the maximum hourly rates for various classifications of tool and die workers in the so-called captive shops of the large automotive companies and in the outside job shops. The Board's order represented a unique experiment: to stabilize both wages and manpower in a vital industry, characterized by widespread pirating of critically needed skilled workers who were in short supply. In addition to setting maximum wage rates, the order forbade, with certain exceptions, the payment of above-maximum rates to workers who transferred from one employer to another. Inasmuch as most skilled craftsmen in the industry were paid higher than these maximum rates, the effect of the order was to tie those workers to their present jobs, on pain of taking a wage cut if they transferred to another employer.

My arrival on the job was greeted with hostility and derision from the communist clique within the UAW, who opposed the Board's order, and by the leaders of two independent unions, the Mechanics Educational Society of America (MESA) and the Society of Tool and Die Craftsmen. My baptism of fire came at a meeting of several UAW tool and die locals, where the Board's order and I, personally, were defended by Walter Reuther and denounced by John Anderson, president of one of the locals and a former candidate for governor of Michigan on the Communist Party ticket. Walter suggested to me that I say nothing, but I was too dumb to take his advice. I made a spirited defense of the order and attacked Anderson's arguments on the merits. To my amazement I received an ovation from the audience—in tribute, I later realized, to my temerity rather than to my ability. Subsequently, Anderson and I became friends.

Matthew Smith, MESA president, was one of the most remarkable labor leaders in America, who has been greatly neglected. I

wish that some Ph.D. candidate would do a biography of Matt, whose union consisted of a group of very skilled tool and die makers in the Detroit and Cleveland area. He was certainly one of the most remarkable men I ever met, a fellow who, because he was an alien, was constantly harassed by the FBI and everybody else. The National Labor Relations Board (NLRB) always gave the MESA short shrift. In fact, one of the subsequent amendments to the National Labor Relations Act (NLRA) was to prevent the Board from treating these unaffiliated unions in a detrimental way compared with the treatment of the AFL and CIO. He was a very remarkable person, and I spent many interesting hours with him.

Also during that period of time I got to be very closely acquainted with Harry Shulman, who had left the War Labor Board staff to become the first umpire under the contract between Ford Motor Company and the UAW. Shulman's method of operation is important for a variety of reasons—first, because it was absolutely unique and, second, because I have always suspected that, when Justice Douglas was talking about the role of the arbitrator in the *Steelworkers Trilogy*,¹ the arbitrator he had in mind was Harry Shulman. Harry used to hold court every night in the bar at the top of the Penobscot Building in Detroit. After I gave up my hopeless quest of trying to keep up with him in drinking martinis all night long, I found that it was a most interesting and enjoyable experience to sit there with him. People would come in from the union and from the company, separately, with the full knowledge, of course, of both sides. They would talk to him about every conceivable case under circumstances we would not dare to do today. He would talk to them about pending cases; he would talk to them about cases they were thinking about bringing; he would talk to them about cases that had already been decided or that he had put under his blotter, as he used to say, “to let them age and ripen” before he decided to release them. He was the father confessor for everybody. At least for a few years, it worked extremely well. Toward the end of Harry's tenure, I think the parties were getting to the point where they did not want that anymore; they wanted more formal arbitration, but that was afterward. Watching him work was one of the most educational and rewarding experiences I have ever had.

¹*Steelworkers v. American Mfg. Co.*, 363 U.S. 564, 46 LRRM 2414 (1960); *Steelworkers v. Warrior & Gulf Navigation Co.*, 363 U.S. 574, 46 LRRM 2416 (1960); *Steelworkers v. Enterprise Wheel & Car Corp.*, 363 U.S. 593, 46 LRRM 2423 (1960).

At the end of four years, in 1945, the War Labor Board came to an end. (By that time I was executive director of the Board.) I sat with what was left of the Board on the last day. By then, Lloyd Garrison had succeeded George Taylor as chairman of the Board. We had finished the last case, and somebody produced a bottle of whiskey and paper cups. Everybody got a cup with whiskey, and then Lloyd Garrison, anticipating General MacArthur (Garrison had been a submariner in World War I), sang "old sailors never die, they just fade away." We began talking about the future. The Board was at the nadir of its popularity at that period. President Truman did not have any use for us, and Schwollenbach, the secretary of labor, just wanted us to go away and disappear as soon as possible. Ed Witte suggested that, although we were not so popular now, later on they would think of us as maybe the better of possible alternatives. He said, "It reminds me of the time I was a member of the Wisconsin Workmen's Compensation Board, and I got a letter from a lady who had filed a claim for \$10,000 for the death of her husband in an industrial accident. It had got caught up in red tape somehow, and she was terribly upset. She said in the letter, 'I have had so much trouble with this claim that I sometimes almost wish I had my husband back again!'"

For about a year before becoming executive director of the Board, I had served as chairman of the tripartite National Airframe Panel. Our panel handled both disputes and wage applications for the entire airframe industry, including the Southern California Aircraft Industry—the so-called SCAI group. In the course of time, I became closely acquainted with most of the leading labor and management representatives from that group and their attorneys. Knowing that my wife and I planned to live in Southern California after the war, some of these people urged me to become a full-time arbitrator. They assured me that I would get more work than I could handle, and that I would become the reigning neutral expert in the field.

I must admit that I was tempted by these roseate predictions, but by then I had learned enough to seek the advice of wiser heads. I discussed the proposition with George Taylor, who threw cold water all over it. He predicted, quite accurately, that within a few years after the war some of the SCAI companies would be in deep financial trouble or out of business, and that both the unions and management would place much more emphasis on winning each disputed case than they had done during the war. He warned me

that, as the pressures increased, I would start worrying that a decision in a given case for one side or the other might result in my being fired by the losing party. George also told me that one did not decide, unilaterally, to become a full-time arbitrator; that happened only after a testing period had made it clear that one had earned the trust and support of the parties. Why did I want to become a full-time arbitrator anyway, he asked. By then he knew me very well, and he urged me to undertake an academic career and consider arbitration merely as an avocation to inform my teaching and research without making me dependent on the whims of others for my livelihood.

That was the single most valuable piece of advice concerning my professional career I have ever received, and I shall never cease to be grateful to George Taylor for giving it to me. In the succeeding years I have given the same advice to a number of young men and women who have consulted me about careers in arbitration. Of course, I have not sought to guide all of them into academic careers, but I have warned them of the pitfalls of starting out their arbitration work with the intention of engaging in it full time.

Let me conclude by saying what I think we learned working for the Board. We developed a great faith in the collective bargaining process. We picked up mediation skills and with them the knowledge that even a flawed agreement between the parties is better than the best decision imposed on them by outsiders. We became convinced of the value of tripartitism in the settlement of labor disputes and, of course, of the value of arbitration as a final solution of grievances. We also were introduced, most of us I think for the first time, to the issues of the future—race and sex discrimination in employment, equal pay for equal work, union security, and the like.

I hope that there will never again be an occasion to establish another War Labor Board. One cannot help regretting, however, that young men and women interested in the field of labor-management relations will not have the opportunity of participating in a concentrated common experience such as the employees of the Board enjoyed. We believed passionately in the value of what we were doing; we were blessed with wise and generous mentors; we were given responsibilities that equalled or sometimes even exceeded our abilities; and we emerged from our experience with feelings of satisfaction and confidence. No other time in my life has been more fulfilling.

JEAN T. MCKELVEY*

Ben, that was a simply marvelous picture of the War Labor Board from the top. I'm going to give quite a different kind of talk. I've called it "How I Became An Arbitrator," in which the Board played a small role, but not as much as some other things in my career.

The last time I talked about the War Labor Board was in the fall of 1945, after the war ended. I was asked to go back to my alma mater, Wellesley College, and talk to the economics club about the War Labor Board. We assembled at dinner. I had what I thought was a very short speech of seven single-spaced typewritten notes. We finished dinner at 6:30. I asked how much time we had (we ate early then), and the teacher, Miss Donnan, said, "You can talk for an hour." I kept looking at my watch but, as I continued to talk, I noticed that people were getting a little restless. I tried to speed things up, but eventually everybody got up in a body (these were honor students) and left. I turned to Miss Donnan and said, "Gee, I haven't even used up my hour yet; what happened?" She replied, "It's 11:30 and the dormitories closed at 11:00." I hope this doesn't happen today. You just stop me if it does.

I'm not going to talk in detail about the War Labor Board. I did not have the superb experience from the very beginning that Ben described, so I'm going to follow my own method of organization. I was interested in labor relations from the time I was in seventh grade. That was when I circulated a note to my classmates, saying "Goody-goody, the teachers are going on strike tomorrow, and we will have a vacation." One of my favorite teachers, Miss Frank (I think I was 11 years old then) called me and said, "Will you stay after

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Professor McKelvey received her A.B. from Wellesley College, and her A.M. and Ph.D. from Radcliffe College, after which she joined the Social Sciences faculty at Sarah Lawrence College. After serving as a War Labor Board hearing officer, she became a member of the Cornell faculty. She has been a member of the New York State Board of Mediation and continues as a member of the United Auto Workers Public Review Board. She served as a member of the Federal Service Impasses Panel for 20 years, and was appointed by various Presidents to Emergency Boards under the Railway Labor Act. She has been a member of the boards of the Industrial Relations Research Association, the International Society for Labor Law and Social Security, and the Society of Professionals in Dispute Resolution. Professor McKelvey has received Distinguished Service awards from SPIDR, the Society of Federal Labor Relations Professionals, and the Federal Mediation and Conciliation Service, and she was the American Arbitration Association's 1983 Arbitrator of the Year. [Editor's Note: This material was excerpted from the biographical information included in the registration packet.]

school?" and I said yes. I was to be honored in some way. She showed me the note—I had signed it—and asked, "Did you pass this note around?" and I said yes again. She said, "The last person who got it brought it to me and asked, 'What is a strike?'" She asked me, "Do you know what a strike is?" and I replied, "Yes, it means a vacation for the students." She said, "Never pass on a rumor again." This was long before teachers were even organized, and I thought this was rather precocious on my part to be that farsighted years before the Taylor law, which was very different from your experience with Taylor, Ben, and my own too.

I became an arbitrator for a number of reasons. First, I went to one of the five best public or private high schools in the United States. It had an outstanding faculty and student body, and the whole curriculum was college-prep. I read the life of Alice Freeman Palmer, the first president of Wellesley College. When I graduated from high school at the top of my class (I say modestly), a newspaper reporter came around and asked me, "What are you planning to be?" I replied, "President of Wellesley, of course." She said, "I hope you make it." Well, I didn't make it; I became a trustee of Wellesley instead, but that was more important because we chose the president.

When I went to Wellesley in the class of 1929, there were ten of us from the high school who went there. The college was a little smaller than it is today. I was interested in economics. The teaching method at Wellesley emphasized very small classes, put great stress on research and use of the library and, starting in our freshman year, required writing essays every day in freshman English and acting as discussion leader; therefore, we got a lot of training in all the techniques necessary for teaching. I learned how to use the Boston Public Library in my sophomore year, and I wrote a paper on the Liverpool movement for abolition of the slave trade. I suppose that was my interest in unions at that point. To my amazement, without ever telling me, my professor got it published in the *Journal of Negro History*. It was my first publication. She didn't tell me until it came out; she just said she wanted to keep it. We had field trips in economics to factories, union meetings, and the like. We had a wonderful course in constitutional law and labor law.

In addition, at Wellesley (it was and still is a women's college), we engaged in a great many political activities. I was the head of the non-Republican group of students, numbering eight as I remember. I couldn't decide whether we should be Socialists or Democrats until Norman Thomas came (he spoke to our little fragment).

I went up to him afterwards and asked whether he thought we should be Socialists or Democrats, and he replied, "You have to make up your own mind." So I became a Democrat, which was probably smart.

We had many debates (they are coming back now in colleges). The one I remember best was with Jimmy Roosevelt. The subject was "Resolved: That all colleges should immediately become co-educational." Our side, the Wellesley team, had the affirmative and Jimmy Roosevelt, the Harvard team, had the negative. He withered me with the comment, "If you want coeducation, little girl, go west." I thought that was an insulting remark, especially the "little girl" part.

Wellesley was a great experience for me, especially in teaching methods. I spent two half years—my junior and senior terms—writing an honors thesis on "Trade Union Interest in Production." That was helped through my father and my professors at Wellesley, who knew all the pioneers in scientific management. My father was a chemical engineer and had his own plant, so I got to know people like Otto Beyer, Francis Goodell, and others. The worst was Matthew Woll. I spent my summers interviewing them. They were very helpful, except for Matthew Woll, who looked me up and down and said, like Jimmy Roosevelt, "Little girl, you can't be interested in this subject. You go back to college and study Victorian poetry." I thought that was pretty insulting also. The result of having a year to work on an honors thesis was quite surprising to me because I was awarded (I didn't even know about this until later; they kept students ignorant about what they had accomplished) the Hart, Schaffner & Marx prize of \$750 for the best undergraduate essay in economics in the United States. That would have paid my tuition even in graduate school, except that I got fellowships from Wellesley, Radcliffe, and the American Association of University Women (AAUW). And I won the New York Times current events prize, which was also \$750. This too was a national competition, so I began to think there was a lot of money involved in scholarship.

I then went to Harvard. I chose it because I had read another book, *Exploring the Dangerous Trades* by Mary Alice Hamilton, and I thought in my ignorance that I could go to law school because she was teaching in the medical school. I wrote to Radcliffe and said I was interested in the law school. They wrote back, "Women are not admitted to the law school at Harvard. You'll have to choose something else." I told this story several years ago to one of my student advisees who was going to Ithaca, and I said, "I envy you

because you're planning on going to law school when you finish the ILR school. This is always what I wanted to do, and I applied for law school at Harvard, but they wouldn't admit me." She said, "Didn't you file a lawsuit?"

I went to study with William Z. Ripley, the author of the book—it was a great book and he was a great man—*Main Street and Wall Street*.¹ Unfortunately he was in a taxi accident the first month, and I got Sumner Slichter instead. He agreed to be my thesis supervisor, if I promised not to publish anything until the book he was working on on some of the same subjects was published. He said, "If you publish, you will perish!" The result was that I never bothered him at all, and he didn't even read the thesis. The other faculty at Harvard—Taussig, Gay, Williams, Usher, and Seymour Harris—were all about to retire; they should have retired earlier. I say this now at 85, and I have not retired.

There were 3 women and 200 men in our graduate class who were all going for Ph.D.s. The faculty paid no attention to women at all, and there were many signs of discrimination—this was long before the women's movement. Women could not use the library after 6:00 p.m. because they might be raped. That never bothered me because I just took out enough books and worked in the dormitory or the graduate house. They had limited admission in professional schools, and there were no women or minorities on the Arts faculty. I don't think that bothered anybody. We didn't have role models, in other words.

I just finished reading *Authors of Their Own Lives*,² which contains the autobiographies of 20 sociologists, and I was terribly encouraged by David Riesman, who went to law school at Harvard and thought it was a complete waste of time. I felt justified then. The great waste of time was illustrated in my first year there in Taussig's class, when Alan Sweezy asked if we could read Veblen. Taussig, who was a small man, drew himself up and said, "I do not consider Thorstein Veblen an economist." That was the end of that suggestion. The next day Paul Sweezy said that England had just gone off the gold standard and asked whether we could discuss that. Taussig said, "Absolutely not! We're going to discuss Ricardo's theory of rent." I knew from that point on that nothing was going to happen at Harvard and that my real education had come from Wellesley.

¹Ripley, *Main Street and Wall Street* (1929, *reprinted* 1973).

²Berger, ed., *Authors of Their Own Lives: Intellectual Autobiographies by Twenty American Sociologists* (1990).

I proceeded to work all alone on my thesis. With a huge traveling fellowship from the AAUW, I spent two years studying union-management cooperation, based on my honors thesis, and interviewed all over the country. Some of those case studies haven't been published yet, but I'm hopeful. After 60 years they may see the light of day.

That's how I came in contact with George Taylor in Philadelphia, where he was umpire for the Full-Fashioned Hosiery Workers and earlier also in the clothing industry. He was the most helpful of anyone I talked to. (Until now, Ben, I didn't know we both shared George Taylor as a mentor.) No one could have been more delightful, and there was no reason for him to be that interested in me.

Then I finished the thesis. Harvard has a very funny system. The person who's the director of the thesis doesn't have to read it or even talk about it. Two professors, Gay and Usher, were on my thesis committee, and they didn't even speak to each other; in fact, they hadn't spoken for 10 years. The examination was at Radcliffe, and the candidate had to serve tea, which I discovered from my husband was not true at Harvard—just another sign of discrimination. But I thought it was great because that would occupy them and me. They never got a chance to question me because they would question each other through me, and I would repeat the question to the other person. I thought it was a great success, so I breezed through it.

I had three job offers when I graduated in 1932, one a fellowship from Brookings to study the United Electrical Workers (UE) (which I'll get back to in a moment), one from Vassar, and one from Sarah Lawrence. I was not interested in Brookings because I'd done enough research in the last four years. Vassar interested me, but it was very conventional and I worried that it would be a repetition of my other experiences. Sarah Lawrence, on the other hand, was a new and progressive college. I was interviewed by the president, who asked me how I would teach economics. I told her I would start with the newspapers; that appealed to her. Then she asked, "What's your religious background?" I said I was Jewish and she said, "Oh, dear!" (This was a first experience because I had not grown up with any kind of discrimination against Jews.) I asked, "What's the matter?" and she replied, "Well, you are going to take the course of Max Lerner's wife, and Max is Jewish." But I asked, "Is his wife Jewish [Anita Marburg]?" "No," she replied. So I said, "Then I'm not really replacing Max Lerner." She thought for a moment and said, "No, I guess you aren't. So we'll try you for a while anyway."

I took the Sarah Lawrence job, and that was one of the most valuable parts of my experience because we had very rich students who were all Communists. That was the way you rebelled when you were young. We got very nasty letters from their parents—Fords, DuPonts, and so on—saying, “I’m going to take my daughter out unless you change the way you’re teaching.” The real challenge (I was only 24 at the time) was to make economics interesting to them and to myself, and to make it creative, free, and realistic. We did everything cooperatively at Sarah Lawrence. The largest class had seven students. We had only two classes a week, and we saw all the students individually every week. They signed contracts, literally signed, as to what they were going to do during the term. The director of the theatre was interested in collaboration, and at that point a book came out on the politics of price fixing; so I decided we should do a play on economics and milk. That may sound very unlikely, but it turned out to be a very good play. It was very creative; the students wrote it, and the best person in it was the daughter of the Chinese ambassador to the United States. So I called her in to congratulate her both as playwright and as actress, and said, “I hope this is going to be very helpful to you in the future.” She said, “I don’t think so. Chinese don’t drink milk.” So much for realism!

We did a great many field trips, borrowing on my earlier experience at Wellesley—we never did anything like that at Harvard. I’d gotten to know Mrs. Roosevelt quite well, and we had field trips to Washington either one or two weeks—it was a flexible schedule. On one trip I remember Mrs. Roosevelt entertained us at lunch on a Sunday—the President was not there. We went to hearings on Capitol Hill. Thurman Arnold was talking. He’d just been appointed assistant attorney general in charge of enforcing the antitrust laws, and the week before he’d been up talking to my class about his new book, *The Folklore of Capitalism*.³ I asked him (I was small so I guess he thought I was a student), “Since you wrote this book on the folklore of capitalism, arguing against enforcement of the antitrust laws, how can you reconcile your position?” He replied very candidly, “If I’d known I was going to get this job, I never would have written the book.”

We saw Otto Beyer and Lilienthal of TVA, and we took another trip down to the TVA. The most important experience, I think, was writing up the first housing survey of Yonkers, New York. Their housing is still abominable, as you know; it was even worse then.

³Arnold, *The Folklore of Capitalism* (1937, reprinted 1980).

I had never been in tenements, so I was learning as much as the students. They all wrote up their experiences, whether they were interested in poetry or composition. Out of that I got a publication, called "Uses of Field Work in Teaching Economics" (a monograph). To my surprise a couple of weeks later, a messenger came with a check for \$250,000 from the Sloan Foundation in appreciation for the work that had been done by the students and me. So again this was paying off in a way I had not anticipated. The other wonderful part about Sarah Lawrence was the superb faculty. I learned more from them than I would ever have dreamed possible—Helen Lynd, Max Lerner, Mary Dublin (Keyserling), Emma Llewelyn, and a great many others.

Finally, it became impossible to continue commuting from Sarah Lawrence to Rochester, New York, because I couldn't get transportation. I was flying in those days without any fear at all. I took an unpaid leave of absence. Sarah Lawrence was the most expensive college in the country and exploited its faculty, I think, more than any other college. We had no pensions, but the work was so interesting that I don't think it occurred to us to worry about it. So I went to work at Delco, and there, Ben, our paths crossed again, because I joined the UE and became secretary of the local. I was the only woman who went to any of the board meetings because, of course, I had to take the minutes. At this time, as you said, there was a change in the Communist Party orientation; they no longer preached class conflict, which is what the union had been about when I joined. At the time I knew it was a Communist union, but it was the only union at the plant in Rochester. When I insisted that the women wanted rest periods, a longer lunch period, a shorter workweek, and a place to dress and undress (the men had it, but the women didn't), after the shift in the Communist Party's orientation, I was told that I should mind my own business, that women should be glad they had a job, that we had to win the war, and that no complaints would be entered by the union. So we worked 48 hours a week with no overtime, and all I learned from that experience was that it was monotonous, that everybody restricted output even though we were making generators for warplanes, and that the workers were completely indifferent to the war effort even though their relatives were involved.

After nine months I left; I couldn't stand it anymore. I wanted to work for the War Labor Board, which was then well established with people like Ben, and to teach at the University of Rochester until I went back to Sarah Lawrence, if the war ever ended. My sponsor

for the War Labor Board Region II was Walter Gellhorn. When I went to see Gellhorn, he was very dismayed that I had been a member of the UE, and he said, "We can never take you on the staff because you belonged to a Communist union." I replied, "It wasn't a Communist union when I left." He said, "Well, I'll go in and ask." He came back full of enthusiasm, rubbing his hands, and said, "The public members of Region II are absolutely delighted that someone has experience in working in a factory." So it turned to my advantage in that way.

In 1944-45 I became public panel member and arbitrator—we had titles then—and we worked in the trenches (the ditches, I was going to say). It was an interesting period because we were left very much on our own. We used to get orders from the Regional War Labor Board and the National War Labor Board every day, which I didn't have time to read. We were very busy. I was one of the few people upstate, so I had to travel all over. We were all tripartite, and the first time I had a hearing was in Auburn, New York, with Dan Williams, who became a very good friend of mine, and someone from the Textile Workers. I didn't know how to conduct a hearing, but I assumed that Dan Williams did. So I said, "You're not the chairman, but could you help me out?" He replied, "I've never conducted a hearing in my life." So much for that! Well, we were meeting in the Osborne Hotel, named after the prison reformer there. After a while I said, "I smell gas." He said, "You do?" and I said, "Yes!" So I went out in the kitchen to investigate, and here were all these fumes. We could have been killed easily if someone had not been sensitive to that. So we left the Osborne Hotel and conducted the hearing elsewhere. There were lots of other experiences, but in the interest of time I'll skip over them.

The war ended almost too soon for my experience. But I'll tell you about one of the last things that happened—and I think it shows George Taylor's philosophy, which Ben explained in great detail. In his book, *Government Intervention in Labor Relations*, which I used when I first started to teach at Cornell after the war, George Taylor used mediation as compulsory settlement and arbitration as voluntary. I thought that was very interesting, although I didn't agree with it. But, as a result, I tried to get agreement in almost every case. At the end of the war, when they were issuing directives on wages and wage restraint, I had a case in a small town where the union and the company agreed that there would be separate wage rates in the new contract for women and men doing the same work. You can guess which was the lower. I reported this to New York and

sent it in for approval. I said this was voluntary; at the time I never thought of sex discrimination. It was immediately sent back to me, saying, "What do you mean approving a settlement which has sex discrimination in wage rates!" That had not been mentioned before at all. As I tried to reconvene another hearing, the war ended. I got a very nasty letter from the president of the company, addressed to me as "Your Royal Highness" and saying, "Now that the war is ended, will you please keep your dirty hands off our business!"

After the war I went to Cornell—you can see that my experience was not very extensive—and was hired by Irving Ives as the first faculty member. Just two weeks ago while I was in Washington attending a Cornell alumni trustee affair, one of our members of the advisory council, as the trustees are called, and I met in the airport. On our way back, he asked, "How did you happen to get hired by Ives as the first faculty member?" I replied, "It was all based on a joke." He was a very serious man, teaches at Carnegie Mellon, is a graduate of our school, and he said, "How is that possible? Didn't they look into your credentials?" I replied, "No. I went to a hearing because my students had always gone to hearings. This was on minimum wages for stores, and Irv Ives asked whether someone wouldn't speak in favor of minimum wages, because all the employers were there protesting. I decided I would be like my students. I got up and said I'd be glad to testify. Counsel, who was a man named Groat, asked, "What is your experience in this field." So I told him that I had taught at Sarah Lawrence and took my students on field trips to the Department of Labor and so on. He asked, "What do you think of the new head of the Labor Department setting minimum wages? Her statistics are all wrong." (This reminds me of your story, Frances.) I looked at Groat and said, "Do you know what statistics were called in the 17th century?" Of course, he said he didn't; he was a lawyer. I said, "It was called political arithmetic." Irv Ives threw back his head and roared with laughter. He asked me to stay later and said, "Will you join the ILR School as its first faculty member?"

I'm skipping over the rest of this. I'll just read the headings: my arbitration career, my government career, my international career. The part I really wanted to get to was the training programs for arbitrators, which was spearheaded by the Academy after the Aaron report. Many of my students both at Cornell and in the special training programs became famous arbitrators. I think that Ted St. Antoine ran the most successful training program, in which I assisted, with GE, the IUE, and UE. They were all lawyers except one

student who was a Ph.D. They were also all law teachers, and they became very successful as arbitrators. We used the same methods there that I had used in training women and western New York arbitrators and others.

I have long thought that the Academy should not get into the actual training of arbitrators. I think this is the business of universities and not of an institution like the Academy. Earlier there was a unanimous report that the Academy should encourage universities to have arbitration programs, but so far none of them has done it. This committee was the result of appointments by a number of presidents of the Academy, but our report was probably impractical because we agreed that there should be a final exam as well as an initial essay on "Why I Want to Become an Arbitrator." It was probably too academic.

The early days were exciting for me, not as exciting of course as Ben experienced them. I thought the emphasis on tripartite procedure, which has persisted in the airlines and in the railroads, and the emphasis on mediation were interesting. The grievance procedure was one of the most important things that came out of the War Labor Board, and the conference that followed. Another important thing was the start of collective bargaining in mass production industries and the whole question of strike avoidance, which you may remember was handled after the war by Truman through seizure.

I think today that there are more arbitrators and arbitrations. We haven't considered the public sector at all in our discussion about the War Labor Board or the few federal labor unions, which existed only in the naval yards back then. There is more legalism in arbitration today. Arbitration is now a course of study in law schools and ILR institutions; it may go out if the union movement goes out—I don't know.

There is mushrooming development of literature. When we started teaching, we had one book in the library, which was a dictionary. The first year Maurice Neufeld and I did all the teaching; we taught five courses each. That changed the next year when we got more faculty, and we were able to have a load of two courses a semester. We saw our students all the time—the old "Don" system from Sarah Lawrence. The training programs and internships teach people something about arbitration; we were self-taught (not quite so delightfully as you were, Ben). There is more scrutiny of writing and more emphasis on improving our arbitration skills, which I hope the Academy can implement through our continuing education meetings.

PART II. HONORARY LIFE MEMBER

Introduction

ARNOLD ZACK*

Our designee for honorary life membership this year is Alan B. Gold. The inscription on his presentation reads:

For more than three years you have served as one of Canada's greatest arbitrators and member of the Quebec judicial system. In recognition of that honorable service, including nine years as Chief Justice of Quebec, the Board of Governors is delighted to welcome you back to our membership and proud to confer on you honorary life membership in the National Academy of Arbitrators.

ALAN B. GOLD**

When I see a large gathering like this, I am reminded of the story about a famous Italian soprano at the turn of the century, who always began her recitals with a long and searching scan of the house. Everyone, of course, thought that she was establishing rapport with her audience and creating an appropriate mood for the concert. The truth was quite different. Her contract called for a share of the take, and she was simply counting the house to ensure that she would not be cheated by her manager.

I, alas, do not share in the take today; it is not, I am told, one of the perks of the high office to which I have been called. But I do have to "count" the house to take note of the presence of so many distinguished men and women I am proud to call my colleagues and my friends. And I am happy, too, to see more than a fair sprinkling of "old and familiar" faces, as the cliché goes. The problem, of course, is that many of them have heard me speak before. So, it is fitting that I begin by quoting that eminent British jurist, the late Sir Norman Birkett, who was a frequent visitor to both Canada and the United States. Here is how he opened his address to the joint dinner of the American and Canadian Bar Associations in Washington, D.C., some years ago:

*President-Elect, National Academy of Arbitrators; Chair, Committee on Honorary Membership, Boston, Massachusetts.

**Chief Justice of the Superior Court of Quebec, Canada.

There is some danger, perhaps, that I might say something tonight that I have said before, either in America or Canada. I have debated with myself whether I ought not to begin, as a young lady and brilliant friend of mine began a lecture the other night in London to a most distinguished audience by saying, "Ladies and gentlemen, I have delivered this lecture once before. It was to the prisoners in His Majesty's prison at Pentonville. I must therefore apologize in advance if any of my hearers have heard me before."¹

I am grateful to you, Arnold, for not having spent an inordinate number of minutes in going through my CV. Actually, I am always a bit nervous when I am being introduced to speak. It goes back to the day some years ago, when the chairman of the evening, after a long, exhaustive and, not to say, exhausting recital of my CV, ended up in a flourish of enthusiasm as follows: "Many of you have heard Judge Gold before; those who have not must be eager to hear him." That is somewhat like Disraeli's reply to a writer, devoid of talent, who had sent him a copy of his latest work "Many thanks for your book," Disraeli wrote, "I shall waste no time reading it."

And, finally, I must recall the notice on the counter of a pharmacy in a small town in northern Ontario: "We dispense with accuracy." Speaking of accuracy, I have never understood why tradition requires an honoree to start out by saying, with becoming modesty of course, how undeserving he is of the honor conferred upon him. Let us face it—does he really think that he is undeserving? Does the audience think that he is undeserving? And, if he is undeserving, what does that say of those who chose him for the honor, of those who were honored before him, and those yet to come. Thus, breaking with tradition, I tell you that I am sensible of the honor conferred upon me; I believe I deserve it; I congratulate you upon the wisdom of your choice. And, finally, I am delighted to find myself in the distinguished company of those who have gone before me and those who are yet to come.

It remains only to say how good it feels to be back in the fold, dare I say in the arms, of the Academy that we all love so dearly. And, now, I will follow the advice that I have always given to young and not so young lawyers over the years when I was teaching the art of advocacy: "Be there! Be brief! And be gone!" Well, I have been there, and now I am here. I have been brief, you will agree, and I will now be gone. But I shall return, I hope, and for many years to come. Thank you!

¹*Law and Literature: The Equipment of the Lawyer*, 36 ABA J. 891 (1950).