

CHAPTER 15

FIRESIDE CHAT WITH THEODORE J. ST. ANTOINE

Interviewers: Richard I. Bloch and Susan L. Bloch

Bloch: I'm Rich Bloch and Sue Bloch, my wife, and Ted St. Antoine. On behalf of the three of us, we want to tell you how thrilled we are to be the only thing standing between you and cocktails. This is primarily unscripted and unrehearsed. However, I do have a couple of comments that are scripted because I want to make sure I get this right. So if you'll indulge me for just a moment as I give some introductory comments.

My high school principal, Julius Bernstein, was one of the smartest and savviest people I've ever known. I spent a lot of time in the principal's office. And on one such occasion, I was seeking his guidance on college choices, big school \$20,000; little school \$3,000. Mr. Bernstein said it doesn't matter. In all your life you'll be fortunate to have three great friends and two great teachers. He was right. The remarkable thing, Ted, is you have been both, and to both of us. You're the single person who, more than any other, impressed me as a student with the civility and humanity of one's involvement in the law of the workplace. I've woken up every morning loving what I do and thankful for the opportunity to practice in this field. And it is you that I silently thank every single day.

Similarly, there's no question that your love of the law and your power and prowess as a classroom teacher, when Sue was your student, served as the model for her in choosing law teaching as her profession. More than that, for the last 45 years, you and Lloyd have been our friends. You were friends to us when we were both new at Michigan, and you are friends when we're old in Philadelphia.

All these folks are here to honor you today. And you have honored us by asking us to join you. We do that with great pleasure and with great love.

And now, Sue will ask you some nasty, piercing questions.

St. Antoine: I was thinking that after that we should all adjourn to the bar.

Susan Bloch: All right, Ted, here's the hard question. Who's your favorite student?

St. Antoine: Like a good arbitrator, I shall split the baby or join the two of you.

Susan Bloch: Ted, you grew up in a really small town in Vermont. And your father was the head of the local board of trade. How was it that you wound up being a preeminent lawyer for unions, professor and Dean at Michigan Law School?

St. Antoine: It was a devious route. I was born in the ominous summer of 1929. My father was riding high in business. About the time I was born, he set up the first radio station in northern New England. It sounds quite impressive until you look at a map of northern New England. There really isn't much there. But then came the Depression. And Dad was not the shrewdest of business people. We had a headline from either the Boston *Globe* or the Boston *Herald*, "Yankee Businessman Defies Depression, Buys Two Dozen Pianos." Can you imagine trying to sell two dozen pianos to Vermont farmers in the middle of the Depression? So Dad went bankrupt. He lost his radio station. He lost his music store.

I decided I was going to have none of this entrepreneurial business. I had a very simple goal in mind. I was going to become a professional person. I was going to become a Wall Street lawyer. I was going to make \$100,000 a year. We're talking 1940s money. And in pursuit of that, I got into the clutches of the Jesuits at Fordham College. I can remember very well sitting in class one morning. This zealous Jesuit, a young guy, full of ideals, presented the class with a mimeo. Remember those, some of you, mimeos? This one had three columns. One column, excerpts from the papal encyclicals on social justice by Leo XIII and Pius XI; in the second column, excerpts from the speeches of Walter Reuther; third column, excerpts from the speeches of the then-President of the U.S. Chamber of Commerce. The Popes and Walter Reuther could have had the same ghostwriter. I won't go into the details of the excerpts from the Chamber President.

In a way it was like Saul on the road to Damascus. I was struck by lightning right then and there. I said, Ted, you've been headed down the wrong path. When I grow up, I'm going to be a union lawyer and work for Walter Reuther and try to promote the papal encyclicals' high ideals of social justice. That's how I started, Sue.

Susan Bloch: Then you decided to go to law school.

St. Antoine: Yes.

Susan Bloch: How did you decide to go to Michigan?

St. Antoine: That's also attributable to my upbringing in St. Albans, Vermont. You should know that this is a rather substantial city, all of 8000 population. Vermont, to the best of my knowledge, was the last state in the Union where you did not have to go to law school in order to become a lawyer. You could study in a lawyer's office and take the bar. And so there were only two kinds of lawyers in St. Albans when I was growing up. Those who went down to that place in Cambridge, Massachusetts, and those who hadn't gone to law school at all. And to my discerning ten-year-old eye, I couldn't see any difference between those two groups of lawyers. So I said, when I grow up I want to go to a law school that makes a difference.

By 1944 we had moved to the metropolis of Vermont, Burlington, almost 30,000 people. The Burlington paper had the presidential candidates, FDR and Tom Dewey, arrayed against each other like a pair of boxers. They were two rather diverse types. But they did have in common, at least for a year or so in Roosevelt's case, that they had gone to Columbia Law School. I decided right on the spot that if it was good enough for a president, it was good enough for me. I would go to Columbia Law School.

When the time came, I applied to Columbia. My mother said, "Ted, you had better have a backup school." "I don't need any backup school. I'm going to Columbia." And she kept insisting, "Ted, you are a very arrogant young man." Finally, I said, "All right, Ma. You name the school, any school you want. I'll apply to it. But I'm going to Columbia Law School." She said she had done graduate nursing out at the University of Michigan and she understood they had a very good law school. So I said, fine.

Then came the acceptance letters. From Columbia, one page: "Dear Mr. St. Antoine, you are hereby admitted. If you don't register by five minutes after nine o'clock, we may take away your scholarship. If you don't register within half an hour we may take away your place in the class."

From Michigan: "Dear Mr. St. Antoine, welcome to Ann Arbor. We are looking forward to having you with us for the next three years." It went on like that for three pages. Can you imagine what this difference in tone meant to a young person?

I was sensible enough to get in touch with my placement advisor at Fordham. He first asked, "Why didn't you apply to Harvard?" The second thing he did was to put me in touch with the Dean

of Fordham Law School. The Dean had just come back from an ABA accreditation trip to Ann Arbor. He was full of the glories of Michigan. “Mr. St. Antoine, how much have you seen of this country west of the Hudson River?” I said, “Well, when I finish exams I go to the Palisades Amusement Park in New Jersey to celebrate.” He suggested that I might want to spread my wings. He noted that I had already spent four years in New York. He also said, “You’ve got to discount my intra-city bias against that other local law school, but I really think Michigan is the better place for you, Mr. St. Antoine.” So that’s how I wound up at the Michigan Law School.

Susan Bloch: After you graduated you wound up in the Judge Advocate General’s Office. How did that happen? And what was that experience like?

St. Antoine: That happened because I was fleeing the Korean War draft. Actually, I did try to get a job where I would be doing something exciting like courts-martial. Naturally, the Army took one look at this character, the editor of a law review and that kind of stuff, and they stuck me in the Pentagon.

I did have one primary function to which I like to think I contributed a little bit. It was reviewing security charges against Army personnel. We would pass upon people who had done such awful things as read *Das Kapital*. In Joe McCarthy’s day a few items like that could get a soldier kicked out with a less-than-honorable discharge.

Finally, the Army General Counsel asked JAG for an opinion on the constitutionality of the program that we were enforcing. JAG had this wonderful way of handling questions with what we called a streamliner, a one-sentence answer. But you would write a backup memo. I wrote a 20-page single-spaced memo saying that there were very serious questions about the constitutionality of the military security program. That resulted in a one-sentence streamliner, signed by the Judge Advocate General, to the effect that there were no problems with the Army security program.

Fortunately, somebody in the Army General Counsel’s office said they would like to see the backup memorandum from the JAG office. I wouldn’t be surprised if it was someone like Derek Bok, who was there at the time. I now had left the Army for a post-graduate year abroad. Friends in the Pentagon told me, however, and I like to think some of this was attributable to me, that JAG was ordered to restructure the security program to meet practically all the objections that I had raised about the system. I have to

confess, however, I felt that somebody in the Army General Counsel's office was really behind this reform. Still, I take part of the credit for it.

And this leads to a story of how I almost broke up the courtship with my wife. By now we had gotten serious, Lloyd and I. She'd come to work in Washington, and I'd returned from a wonderful year at the London School of Economics. I had become a member of a three-person law firm, the head of which was the General Counsel of the AFL-CIO. I was the luckiest young fellow in the entire world, I truly did believe.

My first assignment was an amicus brief for the AFL-CIO in the U.S. Supreme Court on the constitutionality of the Civilian Industrial Security Program, which was being challenged at the same time as there was a challenge to the revised Army Security Program. Washington's *Evening Star* came out with a headline on the two cases, decided on the same day, "Army Security Program Upheld; Civilian Industrial Security Program Struck Down." I'm having dinner at Lloyd's apartment that night. I bring along the *Evening Star* like an eager golden retriever puppy dog, happily waving the paper, "Lloyd, look at this. It's a double win!" "Ted, I'm at a critical stage of cooking dinner. Please leave me alone." Now, that came close to being the end of our relationship.

Susan Bloch: I think Lloyd wants her rebuttal time, later.

St. Antoine: She can get rebuttal time after five o'clock.

Richard Bloch: Ted, later, you found your way to the University of Michigan Law School on the faculty. I just skipped over a whole bunch of time that I'm going to come back to in a moment. I want to recount your first day at the University of Michigan, because it was my first day, too. We were scared to death. And we met our professors and I sat in class with Professor St. Antoine and was immediately impressed that this was a nice guy. I didn't know what he was doing in teaching.

He told us that he would assign each of us a time, so we would know when it was we would be on tap to talk. And so he went down the aisle and I got my assignment. That day I will remember forever. He opened the book and he said, "Well, Mr. Bloch, it is your turn. And would you analyze the case for us?" And I began, haltingly at first, but encouraged by this kind of warm smile that I saw from the front of room. I increased my pace and finally, after what seemed like a month, finished my precise analysis. Ted stood back and smiled and he said, "Mr. Bloch, not even close."

So I want to thank you now, Ted. But let's back up because before you came to Michigan, you really assumed a major role among the major representatives of organized labor. You were in the AFL-CIO Office of the General Counsel and had a tremendous impact in a relatively short stay. I thought maybe you'd tell us a little about that. And what it was that made you finally decide to go into teaching?

St. Antoine: This was a three-person office and I was the junior member person of that trio. Fortunately, the number one person had to go out and get the clients. The middle person had to deal with the business affairs of the Federation. That allowed me to do the labor work, which was just glorious. And the first six years that I was there, from 1959 through about 1964, we had a wonderful winning record with these amici briefs that I wrote. Only years later, looking back, did I consider the fact that the Warren Court might have had something to do with that success. Anyway, we were going great guns. Then, things changed.

One of the cases was *Darlington*. A company had threatened to shut down a plant if it was unionized. The union won and the owner did shut it down. We argued this was an unfair labor practice. Then this poor old benighted fellow named Sam Ervin became the second or third sitting senator in the history of the Supreme Court to go in and argue a case for a private client. And Sam orated, "Every American employer has an unalienable right to close down his plant for any reason whatsoever." All of us sophisticated young lawyers sat there in the Supreme Court thinking he's just making a fool of himself with this great big spread-eagle speech. Then John Marshall Harlan, the soul of sophistication, wrote the opinion in the case. And essentially he said, "Every American employer has an unalienable right. . . ." So, that was case number one.

Case number two. I'm writing all these briefs but ordinarily amici never have a chance to argue. But then we were allowed to argue for half an hour in the *Pennington* antitrust case. I believed I made a splendid argument. And indeed, it wound up that I was supported even by Bernie Meltzer, a brilliant and quite conservative law professor at Chicago. Justice Harlan asked me a couple of questions. I felt I answered very satisfactorily and he nodded approvingly. Boy, I thought, this looks pretty good. Potter Stewart was also quite sympathetic and I was really encouraged. I was sure we had Justice Goldberg. He wasn't going to go against a union in a case like this.

Well, we secured those three justices, but none of the other six. Justice Goldberg delivered the final blow orally from the bench on the day the decision was handed down. "This," said he, "is the worst disaster suffered by the American labor movement since the Wagner Act was passed." That was the year I decided to go into teaching.

Susan Bloch: Before we get to the teaching, I just want to ask you a couple more questions about when you were in practice. The hunting of Jimmy Hoffa?

St. Antoine: Except for temporary jobs, that actually was my very first legal position. I'm going to have to be serious for a few minutes on this one.

After a delightful year at the London School of Economics, I tried to get a job with a union law firm. It wasn't easy. They were very small firms. They didn't have openings. When they did have an opening because somebody had dropped dead of overwork, they wanted someone with five years' experience. So I had trouble.

The first job I could get in Washington was on the staff of what was called the Board of Monitors, set up by the federal district court in D.C. to ride herd on Jimmy Hoffa. It was created as a settlement between the Teamsters Union and dissidents suing to overturn Hoffa's initial election. This oversight board was the compromise adopted.

The first thing we did was to get Price Waterhouse to go into the international headquarters of the Teamsters Union and make a total audit. There wasn't a cent out of order. And indeed a serious part of this little presentation is that I do regard James R. Hoffa, the original Jimmy Hoffa, as one of the truly tragic figures in American labor. He was a very spirited promoter of his members' interests. Employers knew they had a tough bargainer in him. But once he put his name on a contract, employers told me years later, they could rely on him to keep his people in line. Personally, Hoffa lived modestly, owning only a small house in Detroit. It's sad in many respects that he wound up coming under the sway of gangsters. Apparently it was the only way he felt he could survive.

I remember one little personal incident. My wife Lloyd and I—as you can see, we got past that imbroglio over my double Supreme Court triumph—and besides it was a very good dinner she cooked that time. Anyway, we went to the theater one night and Jimmy Hoffa and his daughter were there. Jimmy made a gesture toward me that Lloyd remembers though I don't. But then he brought his daughter over to introduce to us. And he said to his daughter,

“Mr. St. Antoine probably doesn’t think very highly of me. But when you grow up, I want you to be the kind of person he is.” And I must say I was touched by that. The daughter did go on to law school. She became a judge as a matter of fact. And Hoffa, as you know, suffered a different fate.

Susan Bloch: One other story that I wanted you to share is the story about dining with JFK.

St. Antoine: I was in on some exciting doings in Washington. The Landrum-Griffin Act of 1959 was under consideration. And later I was involved with the 1964 Civil Rights Act. My senior partner, Al Woll, General Counsel of the AFL-CIO, had put together a little club consisting of about a dozen and a half top union attorneys. We would bring in leading figures from Washington to speak to us about various subjects related to labor law. In the summer of 1959, John Kennedy was the floor manager for what became the Landrum-Griffin Act, the Labor Management Reporting and Disclosure Act. And he was invited to make a presentation on the pending bill.

Kennedy’s reputation in Washington was not the best. He was regarded as an intellectual lightweight, a kind of playboy. But he came in—remember, he was not a lawyer—and he gave about a 25- to 30-minute presentation without notes. It was a bravura performance. He may have been a quick study, rather than a profound thinker, but his presentation was superb. He then answered questions for another 15 or 20 minutes, a barrage of questions from this group of savvy union lawyers. And again he was simply on top of his material.

The other thing that was startling to me was Kennedy’s fragile appearance. He was a big, imposing man in many ways, but he looked fragile. That’s the only way I can describe it. I was sitting right across the table from him. Al Woll didn’t want to be so obvious as to sit across from Kennedy himself, so he shoved me in opposite Kennedy. We were back in the days of two or three martinis and then the wine and the roast beef and the mashed potatoes. His office kept calling us all week to make sure that Kennedy would not be served anything too rich. I want to convey the notion of somebody with serious medical problems, despite his very strong-looking physique. And that was quite an insight. What an extraordinary mind he had, however lazy it might have been in earlier days—such a quick study, with a total grasp of his subject matter. Yet there was that physical fragility. I had acquired a strange new two-sided perception of JFK.

Richard Bloch: Ted, tell the story about his labor aide and the comments that were made at the swimming pool.

St. Antoine: This is chilling. I had one person I could call a mentor; he was the Associate General Counsel of the AFL-CIO, a brilliant guy, Thomas Everett Harris. He had been a clerk for Harlan Fiske Stone on the Supreme Court following graduation from Columbia Law School. Tom was an old southern aristocrat. I understand the family practically disowned him when he became a union lawyer. He and I really did the labor law work for the AFL-CIO. And Tom retained at least some of those aristocratic trimmings. He had managed to marry the daughter of the then-dean of the New York Stock Exchange. They lived in a lovely, roomy house in Alexandria, and had a huge swimming pool, to which Lloyd and I had an open invitation every Sunday afternoon. You'd never know what persons would turn up in that swimming pool.

And on one Sunday afternoon, Ralph Dungan, John Kennedy's top legislative assistant, and his family were in the swimming pool. He and his wife had a bunch of kids. This was the weekend before the Los Angeles Convention that nominated Kennedy as the Presidential candidate for the Democrats in 1960. And here's Ralph Dungan, who stood to get a major position in any new administration. In fact, he became Kennedy's chief advisor for personnel. Yet he was saying to Tom Harris, our host, "Tom, I don't understand why the boss is going for the big brass ring." He went on: "This man is Senator for life from Massachusetts. He can pick and choose the issues. He can write great social legislation. He can write new labor legislation. He can do civil rights. He can pick and choose his timing. He can make a lasting mark on American society. And instead he's taking a chance on the big brass ring. Now, even if he gets it, what would happen? If he fights a friendly little war and wins it he could become a hero. But on the other hand, some weirdo could come out of the bushes and shoot him. And that would be the end of it all." That gave me shivers, looking back. I'm stunned both by the analysis of what Kennedy could have achieved in a quite different scenario, and by the premonition, if you can call it that, of what would be the actual denouement.

Richard Bloch: Ted, we're all living through a unique time of legislation that parallels only something like Title 7 of the Civil Rights Act. You had the perspective in 1963, 1964 to see that incredible piece of legislation from the organized labor standpoint. Tell us a little about what that was like, and what the reaction was inside the AFL-CIO.

St. Antoine: A couple of things I found fascinating. You know, the original proposal by the Kennedy administration for civil rights legislation would not have contained an equal employment opportunity provision. George Meany decided that he had to go over to the White House and start putting some pressure on. A lot of people wouldn't have suspected that of George Meany. They would have expected it of Walter Reuther but not George Meany. George Meany secretly had much concern about promoting civil rights. And so he went over and saw Kennedy. I gather the conversation went something like this: "Mr. President, you simply have to have an equal employment opportunity title in the Civil Rights Act that you are proposing." "Why, George? I thought you could keep your troops in line without any statute." "That's just the problem, Mr. President. I can't keep the troops in line by myself. I need a law I can blame!" I think that the pressure from labor had a substantial impact.

I have to tell you of my small contribution to this. Lister Hill, who was a great populist senator from Alabama, an economic champion of working people but a segregationist, had obtained the mailing lists of the 70,000 local unions all over the United States that were affiliated through their internationals with the AFL-CIO. Hill was sending them literature that if this civil rights bill goes through, you will lose all your seniority rights. We were being flooded with union members' letters at AFL-CIO headquarters. "You can't back this bill. You've got to stop it." And I was assigned the task of preparing both a response to our local unions and some legislative history that Hubert Humphrey and others could put into the Congressional Record. The theme that I promoted was that seniority rights would not be affected because this act was entirely prospective. The past is the past. And if a white person has seniority even because of discriminatory treatment against blacks, that seniority will be untouched. We start the clock running on equal treatment from the effective date of the Civil Rights Act. And Senator Humphrey presented that and the Justice Department took the same position.

In any event, six Courts of Appeals, without dissent, actually accepted the notion that, even though the statute was not retroactive, which of course was the point I kept making, any time there was a continuation of seniority that had been achieved under discriminatory conditions in the past, the perpetuation of that past discriminatory seniority constituted a present violation of the statute. And I must say, I hung my head in shame at my failure on

this. Fortunately, I was rescued by the Supreme Court in a famous case involving the Teamsters [*T.I.M.E.-D.C.*] that overturned some 30 contrary appellate court decisions. It was indeed a fascinating period.

Susan Bloch: That brings us, perfectly, to 1965 when you joined the Michigan faculty and had Rich as one of your best students. Can you tell us what it was like to get to Michigan and what you taught?

St. Antoine: I taught, naturally, labor and employment law. I also taught contracts. I had just moved from the civil rights battle in Congress. I arrived in the fall of 1965. Harry Edwards, now Judge of the Court of Appeals for the District of Columbia Circuit, had just graduated from Michigan in May 1965. The Michigan Law School had produced, right after the Civil War, the second known African American to graduate from an American law school. We had a lot of very distinguished graduates who were black. Harry, of course; Amalya Kearse, Court of Appeals for the Second Circuit; the first U.S. Attorney in this country; several notable legislators; many important lawyers; and so on. But we no longer had a single black student at the Michigan Law School when I arrived in the fall of 1965.

So, one of the first things that some of us upstarts on the Law Faculty did was to recommend an affirmative action program. We made our presentation to the faculty and it was approved to provide some preferential treatment to African Americans in admission to the Law School. The rationale was that they had been handicapped by racial discrimination and by socioeconomic conditions and they ought not to have their progress impeded simply because they had not had a chance to realize their full potential. That was how the program was instituted.

And then, maybe because we were overly successful in some respects, in 1970 we had a rebellion of our African American students university-wide, led by some of our law students. I'm afraid they engaged in some tactics that would offend law-abiding types, such as the disruption of classrooms, a few broken windows. Eventually, Bob Fleming, who was the University President at the time, and a former President of this Academy, worked out a settlement with the black students, which set a goal of 10 percent minority enrollment in the entire University.

The ratification in the Law School took place in our faculty room. I remember it was Good Friday, a very symbolic date for this event. As we sat down to discuss it, a fire marshal came charging

in to announce that a bomb scare had just been phoned in. The faculty was all riled up. "They're going to blow us up if we don't vote in favor of this new procedure. Nobody's going to force us to do this." I found myself making a little speech that we had done the right thing in 1965. Our affirmative action program had been successful. These kids were graduating. They were going on to good positions. And just because we were offended by the methods of some of the more militant youngsters, we shouldn't abandon what was a good, successful program just because we were being coerced about it.

Well, I don't know how influential this impassioned speech of mine was. The resolution to continue the program was adopted by one single vote. When I got back to my office, I had a signed message awaiting me from three colleagues. "Dear Ted, Jesus Christ had his Judas Iscariot; the Michigan Law School now has its Ted St. Antoine." And despite that, or more probably because I had stepped up on this highly controversial issue, the faculty condemned me the next year to the office that I held for the following seven years.

Richard Bloch: I was going to say my recollection is that around that time, while you were Dean, you came into a gaggle of folks sitting in your office on some issues.

St. Antoine: My secretary announced, "Dean St. Antoine, there are 30 students sitting in your office." I was very lucky that I had nothing else pressing at 8:30 that morning. The students had some matters that I thought were plainly worth discussing, including having a few more women at the Law School. After we had talked for about an hour, I announced that I had a meeting scheduled with the central administration. I commented that this had been a useful conversation and I would be happy to have further meetings in the future. Then I walked out of the office and they all followed me out. A couple of days later, I began to wonder was that a sit-in that I was being subjected to? It ended very peacefully. So that took care of that. Later I even placed some of the particular items we considered on a faculty agenda.

Susan Bloch: All right. So, how did you get into arbitrating and into the Academy?

St. Antoine: You can guess. Russell Smith padded into my office one day. Some of you remember Russ, one of the great figures in the Academy, one of its most deferential, kindly people. "Ted, Leroy Merrifield and I are planning a new edition of our labor law casebook. Would you be interested in joining us?" Of course,

I said I'd be delighted. "Now, Ted, I hope you'll think my financial arrangements are fair." Russ had done the first edition all by himself, all thousand pages of it. He and Archie Cox had the only big-selling labor law casebooks at that time

Despite all that, Russ's proposal was a 50–50 split of the royalties between Leroy and me. He insisted that since we would now be doing the scut work, he felt that's who should get the money. We did fiddle a bit with his organization of the material, although in subsequent editions we went back to Russ's original structure. I still am thunderstruck by that kind of thoughtfulness and generosity.

Then Russ got me into arbitration. I think I had handled half a dozen arbitration cases as a practitioner, since most of my work in Washington was policy making and such. And yet the minute that Russ Smith said, "Ted St. Antoine is a good guy to be an arbitrator," I had all the cases I could handle. Gabe Alexander and Mark Kahn helped, too. The way Russ and the rest of the Michigan cadre pushed me was just remarkable.

Richard Bloch: Ted, I want to back up a minute. Why did you leave a really powerful position in Washington to come to Ann Arbor to a teaching position?

St. Antoine: Well, part of it was I was not encouraged by what happened in *Darlington* and in *Pennington*. But another thing that gave me some indication of my deficiencies was one particular case that I think I should tell you about.

I arranged to get one local union that I could represent as an advocate. I handled about half a dozen arbitrations. I had compiled a fairly decent record. And then came this case of a nice old guy, who operated an air drill. He had been fired for striking a foreman. I regard striking a foreman and theft as the two unforgivable mortal sins in employment and subject to immediate firing. So I knew I had to find something special here. So I said, "Well, tell me exactly what you did?" He said, "Mr. St. Antoine, this guy was telling me I wasn't doing my job right and he was shaking his finger right in my face." And he said, "All I really did was brush that finger aside." I said, "That's just fine. I will make that our case. You just brushed the finger aside."

So, we go to arbitration. I stand before him. I say, "I'm going to shake my finger at you exactly the way the foreman did. Now, you show me just what happened." He said, "Mr. St. Antoine, I'm under oath now." "I know you're under oath, but you show me exactly what happened." Wham! [Lurching backward.] The arbitrator rolled his eyes and I knew that my arbitration winning

streak was over. And I thought maybe green pastures elsewhere would be a welcome place to head to.

Perhaps more seriously, I should mention that I had done a fair amount of lecturing around the country, some guest teaching, and even a little law journal writing as part of my job. I enjoyed all of that. And I also felt it would be rewarding to write exactly what I believed, without worrying too much whether a client's ox might be gored.

Richard Bloch: Michigan is a terrific place as a locale and certainly as a law school to pursue an arbitration practice. We had, as you mentioned, Bob Fleming and Russ Smith. And the whole area was populated with the likes of Dick Miententhal and other people that most of us regarded as gods. I want to ask you this, and I mentioned this to you earlier that I was lucky enough to be tutored by many of these people, Dave Miller, whom you'll remember. And they stressed writing and thinking carefully and turning the phrase and making sure that you are not screwing up the labor contract for people who, after all, had to work together again tomorrow. And one night at a party with Russ Smith, I said to him, with some pride, I had just finished a really difficult opinion; I was expressing the pride that I had taken in crafting this. And I said to Russ, "Well, how do you feel about it? Do you still get the same thrill after all this?" And he said, "Well, after 45 years in the business, I've come to the conclusion that they pretty much all just turn to the last page."

What's your take on that, Ted?

St. Antoine: I think they often just look at the last page. But in writing the opinion, that doesn't keep me from trying to be the best craftsman I can.

Susan Bloch: You were telling us a story about Robben Fleming, Walter Reuther, and something about Yugoslavia?

St. Antoine: Fleming was President of the University of Michigan. He and Reuther, quite separately, had recently come back from trips to Yugoslavia. Bob and his wife Sally were kind enough to invite Lloyd and me to join the Reuthers for dinner. There may have been some other guests that evening, but as you can imagine, I don't remember anybody else except Walter Reuther and his wife May, and Bob and Sally. Bob always had this very practical notion that the role people occupy tends to fashion the person. He said, "Ted, you know, it's still Tito's era in Yugoslavia and the workers supposedly run the plants." "But," he said with a laugh, "the guys who are the managers act just like a bunch of American

capitalists!” And Walter Reuther did not disagree. I thought that was a fascinating insight.

Susan Bloch: One other story you talked about was the integrity of Archie Cox.

St. Antoine: That also is an interesting incident. Tom Harris, staff lawyer for the AFL-CIO, took me down to the Justice Department to argue with Archie Cox, who was the Solicitor General, about the position that we hoped Archie would take on some important Supreme Court case. On this particular occasion, it may have been the *Pennington* antitrust case. Cox didn't go so far as to say outright, “No, gentlemen, I'm going to oppose you.” But it was crystal clear that he was going to oppose us. And then at a certain point, Cox turned to me and he said, “Mr. St. Antoine, I'd like to speak with Tom for a couple of moments. Would you please excuse yourself?” Tom came out a few minutes later. He said, “Ted, you'll never guess what Archie just said to me. He said, ‘I'd like very much to be a judge on the First Circuit. But Bobby doesn't like me.’” Robert Kennedy, of course, was the Attorney General at the time. This was after the assassination of President Kennedy, who was a fan of Cox. Cox went on, “I don't have any institutional support. The AFL-CIO is the only organization that I can look to for any help in getting this appointment. Will you go to bat for me?”

I thought what a wonderful confirmation this was of the integrity of that old gentleman, who wished to finish off his career on the First Circuit. But, by gum, he didn't want to leave the slightest possible impression that he would trade a position on this case, where we very much wanted his support, in order to get the support of the AFL-CIO in securing the judgeship.

Well, I'm sure we did put in a good word for Cox on behalf of the Federation. We recognized quality when we saw it. But, of course, Archie never got the position. I'm sure Robert Kennedy, not to mention President Johnson, was against it.

Susan Bloch: I want you to say a few words about your kids.

St. Antoine: Lloyd and I have four children. And I'm afraid she's been responsible for rearing them. I think they've all proven great successes, thanks to Lloyd. I'll quickly run through them, in reverse order. Also, the one who winds up doing things that nearly everybody finds most interesting is the furthest removed from anything that I have ever done or could possibly imagine myself doing.

So we start off with the youngest daughter, Sara. She's an environmental journalist who also edits a series of books for children about their immediate natural surroundings. We have a little picture that she drew when she was about seven or eight that hangs in her old bedroom. "I'm Sara St. Antoine. When I grow up, I'm going to be a writer and an illustrator." And she is grown up and she's a writer and an illustrator.

Our youngest son, Paul, is the only one whom I regard as a bit of a failure. He's a highly rated antitrust lawyer here in an old blueblood Philadelphia law firm. He's also the only offspring we don't have to subsidize.

The number two child is Claire. She's a psychotherapist out in Santa Barbara, specializing in adolescents. She also rides horses and does serious hula dancing. Claire has my number and she scares me a little.

Number one, Arthur. I once took Arthur to New York for a meeting of the UAW Public Review Board. He is 16 at this point. And he's free for the day. I leave him in the hotel room and I come back from the meeting in mid-afternoon. "Well, Arthur, how did the day go?" "Wonderful day. I had breakfast in bed with a Heineken's beer." I have never had breakfast in bed in a hotel in my life. And Arthur said, "Then I went shopping." He had gone to Brooks Brothers. He had gone to Abercrombie & Fitch. And then he went to Dunhill's. "Dad, Dunhill's was wonderful. The carpeting, you sink into the carpeting. But they didn't pay any attention to me. So, I ordered a half dozen Montecristo cigars and then they paid attention to me." Arthur is now an adventure journalist. He has flown with the Blue Angels. He has driven a Formula One car. He has lived underwater in one of Scott Carpenter's habitats. He has camped out on an iceberg. When we talk about our children, all the first three get in response is a polite, "Yeah, that's nice." And then we talk about Arthur. "He does *that*?!!"

Susan Bloch: Do you want to give your advice to the audience?

St. Antoine: Oh, let me give some advice to the audience. My first advice is nothing but an endorsement of what half of you have passed on to the other half. Bill Murphy is a person I associate it with. Arnie Zack has said it several times. I bet Dick Mitenthal has said it. You all have said it. Jack Flagler has said it. It's wonderful advice, and that is: Decide every case as if it were your last case. And you know, even for us academics, who I don't think worry quite as much as the full-timers about where the next case is coming from, we still don't like being rejected. And when I'm

deciding a case in favor of the employer for the third or fourth time in a row, you really do wonder what the union reaction is going to be. And I keep thinking, “Ted, decide it as if it were the last case you’re ever going to decide.”

The other advice is not talked about that much. It is advice that was given in the first year of law school at Michigan. It shattered my naïve notions about the law. I was going to law school to learn the law so that I could apply it just as all Supreme Court nominees say they apply it. You know, the *Law*, it’s out there, like a yardstick. All you have to do is apply it, exactly the way an umpire calls balls and strikes. And all of a sudden, this faculty member stands before us and says, “It is more important that I decide this case than that I decide it correctly.” I want to repeat that so you all get it. The quotation is from one of the smartest and wisest judges we have ever had, Justice Louis Brandeis. “It is more important that I decide this case than that I decide it correctly.” Can you imagine the impact that had on a beginning law student? The first couple of months, we thought that the law was simply something that you would learn, and then you would apply. Now, we have a whole new way of looking at the matter. Whenever I’m worried that I’m going to come up with a terrible decision, it consoles me that, whether it’s right or wrong, it gets the business done. It lets the parties move on. It puts the issue behind them. And I think that’s a very substantial part of the role we play in this profession.

Richard Bloch: Ted, let me just close by saying that not only have you changed the lives of the two folks up here, but I dare say there’s rarely anyone in this room who hasn’t had their lives changed one way or another by the work you’ve done in every aspect of your professional existence. Thank you very much.