

PRESIDENTIAL ADDRESS

By BARRY WINOGRAD
IMMEDIATE PAST PRESIDENT
NATIONAL ACADEMY OF ARBITRATORS
(INTRODUCTION BY MARGIE BROGAN)

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MR. WINOGRAD: Well, that was something.

Good afternoon, Academy colleagues, guests, family, and friends. Actually, given my stage in life, it's better for me to take my glasses off to read this thing or work on it. Let me make myself a little bigger here.

Thanks is not really enough for what Margie just did. I had an idea of the pictures because I contributed some, but I didn't -- I didn't know the scope, the range, and it was a bonding experience, not just with family and my own history; right? But all these people in the Academy, we miss each other, and so at least we had these pictures and this opportunity to get together. And I know Margie had fun pulling it together. A few days ago, she told me she was having a blast. You can see why I love her so much.

Again, my thanks to Academy President Dan Nielsen for encouraging this address during his term in office. The original plan was to speak in May, as Margie noted, at our annual meeting in Denver, but the COVID-19 pandemic got in the way. The next plan was for Atlantic City, and, again, because of the pandemic, we put that off. Well, here I am.

We know that the terrible pandemic has affected lives throughout the world in many ways, large and small, and we've also seen people in the United States and all over the world rise up following the brutal killing of a black man, George Floyd, who was already -- excuse me -- in the custody of four police officers. These events and related events are still unfolding, and they form a backdrop for my comments today.

Before turning to those comments about the academy's future, allow me to reflect for a few moments on the past year as the academy's president. In our tradition, the Academy presidents give a farewell address, since we offer our remarks at the end of a term. Our presidential addresses are an opportunity to assess where we are as an organization and to offer thoughts about where we're headed.

Being the Academy president is an honor I always will treasure. Twenty-five years ago, I found a professional home in the Academy, and in that home, I found friends for a lifetime, and, of course, I met Margie in the Academy. I learned firsthand from fine practitioners and intellects, and I pay tribute to their guidance, a particular tribute to Academy greats who I worked with closely in the Academy, David Feller, George Nicolau, and Ted St. Antoine.

From my associations in the Academy, I learned that arbitrators care about several things. They care about fairness and due process. They believe in evidence. They are willing to listen to and exchange ideas with others, even if opinions differ, and they do. And they care about their work and their decisions. From these bonds, the Academy has been important to me, not as a trade association but as a professional institution devoted to rendering honest service in deciding issues of justice at the workplace. That's what we're asked to do.

When I assumed office in June 2019, I shared three goals: to strengthen our base, to broaden our base, and to expand our vision. Fortunately, during my term, I built on the work of Presidents Margie Brogan, Kathy Miller, and Ed Krinsky, while also hopefully providing a solid foundation for President Nielsen and President-Elect Susan Stewart. To strengthen our base, we continued reforms to ensure the academy's financial well-being, and, substantively, our public sector initiative dealt with potential difficulties in our work after the Janus decision was issued banning agency fees.

The Academy has been strengthened as well by the video conference task force, offering skills and inspiration to members and beyond our members. The VTF, initiated by Dan Nielsen after the Denver cancelation,

has been led by Jeanne Charles and Co-Chairs Homer La Rue and Joan Dolan. We are grateful to all members of the VTF. Among them, of course, is Keith Greenberg, who has provided technical production assistance today. And through a series of training sessions, Keith also has become a well-deserved Academy celebrity.

To broaden our base, we have adopted new membership admission standards to expand our ranks. These new standards, crafted under the leadership of Sarah Garraty, chair of a blue ribbon committee, preserve our core principles, limiting our ranks only to those who are neutrals and to those who have a general acceptability and substantial experience in the field.

Our base also will be improved through a long-term project to develop a membership that is more diverse and inclusive in terms of race, ethnicity, and gender. I am especially proud of this initiative, as it focuses on the selection of arbitrators, not merely adding names to a roster. This effort, known as the Ray Corollary Initiative, is led by Homer La Rue and Alan Symonette. You saw them in the photos. They're two of our vice presidents. Homer and Alan are forming a task force to work with labor and management parties and with other groups, such as the Federal Mediation and Conciliation Service, to tackle this important and timely

issue.

To expand our vision, Academy members continue to serve as arbitrators in the nonunion setting and as mediators in both labor and civil disputes, and more of this work is anticipated. The Academy does not yet hold itself out as the single home for neutrals in our field, but later in my remarks, I will speak directly to the prospect of being such a single home. The Denver meeting was going to look closely at global workplace dispute resolution. Despite the cancelation, that work continues. Earlier this month, our International Studies Committee, led by Chris Albertyn aired the first in a series on the international workplace.

In September, we had a successful fall education conference in Savannah, as Margie noted. Jeanne Vonhof was the program chair, and Katie Durham handled arrangements. In Denver, it would have been a great meeting with Dan Zeiser as the program chair and Kathy Eisenmenger as the host, but, of course, the pandemic got in the way. I thank all of them for their hard work and their time. It is no easy task putting on these meetings. Thanks also goes to those many committee members whose contributions are of vital importance to the Academy. We are a volunteer organization, after all, and so it's really special when people put their hearts

into the work.

In carrying out my presidential duties, I was ably assisted by the unflappable and clear-headed Walt De Treux, our executive secretary-treasurer, by our board of governors, by the executive committee, and by the Kelly gang in our national office, Suzanne Kelley, Katie Griffin, and Melissa Kelley. We appreciate all they do to keep us going in the right direction.

For the balance of this address, let me speak to three questions before the Academy: First, how did we get here? Second, what obstacles have emerged along the way? And, third, where are we going? Answers to first two questions will assist in answering the third.

As arbitrators, we typically hear cases individually, but as a profession and as an organization, we don't operate in a vacuum; rather, we are part of a long-running historical process of economic, political, and social change. Although this address is directed to members of the Academy, those who are not in the Academy might have a deeper understanding of where we fit in the scheme of things through the remarks that follow.

From my vantage of 25 years in the Academy, I believe we are at a crossroads. Either we take a fresh look at our professional mission, about who we are and what we do as an organization, or we risk increasing

irrelevance in the larger and changing world of work around us.

So how did we get here? In the sweep of history, our modern origins are rooted in theories of industrial democracy developed in the 19th Century and early in the 20th. The common thread in theories of industrial democracy is that employers and employees share responsibility at the workplace, directly or indirectly, and in varying ways, depending on the system that is put in place. As historians are fond of saying, capitalism was saved from self-destruction in the Progressive Era and into the 1930s.

For our purposes, the Wagner Act in 1935, officially known as the National Labor Relations Act, was a landmark law supporting union organizing and collective bargaining and the right to strike. Instead of top-down central planning, the Wagner Act opted for one form of industrial democracy, to stabilize and grow the economy by allowing for a degree of power-sharing between labor and capital. This included reliance on exclusive representation by a single union at the workplace so that workers could speak with one voice in dealing with management. Labor arbitration, a contribution to industrial democracy, evolved from the relations established by the Wagner Act. And during the Second

World War, in massive mobilization on -- mobilization on the home front, the War Labor Board developed regulations to set wages and other employment conditions. The board also had an adjudicatory system used as a substitute for economic weapons, particularly strikes. Industrial democracy still existed during the war, but it was constrained.

In 1947, the Academy emerged from this wartime system. It is important to recall that the Wagner Act was passed by the U.S. Congress as a compromise. It excluded agricultural employees, domestic workers, and public employees. It still does. These exclusions, needed to secure the votes of southern Democrats in congress, had a disproportionate impact on African Americans and women.

This legacy is worthy of longer treatment than this address permits, but let me say that the Wagner Act was passed under a constitutional scheme that was written in the first instance by men of property, many slave owners among them, almost half. However, the law became a vehicle 150 years later for workplace power-sharing, up to a point. Race and gender discrimination were embedded in the law's reach, at least until major changes in the Second World War brought large numbers of Black Americans and women into the industrial workforce.

Following the war, union density from the late 1940s into the '50s hovered around 30 to 35 percent of the private sector workforce, and in this fertile ground labor arbitration entered its golden age. The Steelworkers Trilogy, argued by David Feller, decided by the Supreme Court in June 1960, was a high-water mark for this model of industrial democracy. The insight offered in the seminal Warrior & Gulf decision is worth remembering. Let me quote: "The grievance machinery under a collective bargaining agreement is at the very heart of the system of industrial self-government. Arbitration is the means of solving the unforeseeable by molding a system of private law for the problems which may arise and to provide for the solution in a way which will generally accord with the variant needs and desires of the parties." It's pretty heavy stuff.

By the 1960s, public sector labor organizing expanded. Government employees were seen as deserving the basic right of a collective representation, and many of these employees were people of color and women. The expansion of public sector unionization prompted the increased use of labor arbitration, and by the 1970s and the 1980s, the Academy nearly doubled in size. But history did not stop at that point, and obstacles emerged, even as labor arbitration evolved to maturity.

These obstacles have limited union growth and the influence of collective bargaining and arbitration. They form an important setting for my remarks today. One legal obstacle was the Taft-Hartley Act passed in 1947. Taft-Hartley prohibited unfair labor practices by unions, including secondary activity, one of labor's most powerful weapons; probably a weapon that's responsible for the existence of the Teamsters union today.

Taft-Hartley also gave the green light to state enactment of so-called "right to work legislation." This permitted workers now in more than half the states in the U.S. to receive benefits of unionization without paying a fare share for representation. More restrictions followed in the Landrum-Griffin Act. Conservative decisions by the courts also limited union rights. These decisions permitted permanent replacements for strikers, allowed employer lockouts, banned common-situs picketing, and restricted union access to workplaces.

Union power-sharing with management under the Wagner Act was cut back. Along with a recast legal structure, economic changes took place. By the 1970s, a long and steady hollowing out of the unionized U.S. industrial base was underway as employers moved to nonunion states and overseas, often relying on trade agreements. Automation accelerated workplace changes and

job losses. Parallel to these developments, there were other ways outside the workplace in which, indirectly, the influence of collective bargaining, the unions declined.

For example, the burdens of the tax system in the United States have shifted substantially from corporations to individuals, leading to diminished public resources and to restoration of a wealth imbalance not seen since the 1920s. Employee income -- incomes have lost ground to inflation. And for our rising generation, mountains of student debt loom ahead. There also are political developments worth noting, such as campaign financing laws that favor wealthy donors and voter suppression, especially in minority communities. And we haven't even started speaking about the full impact of this pandemic.

The recent history has been accompanied by demographic changes, although these changes may provide tea leaves with suggestions for the academy's future direction. The labor movement's growth in the 1930s and the early 1940s was built on a white working class without college educations and with a major presence in manufacturing. But that workforce has changed.

One major change arose from the great migration of over six million Black Americans from the agrarian

south to the industrial urban north and west. This migration lasted from the early years of the 20th Century to the years after the Second World War. Those moving away left behind the Jim Crow era of violent white supremacy, of lynchings, of a terrible time, for the promise of something better. Yet the migration also faced resistance on many fronts in the north, including workplace segregation and some unions that only admitted white members. Another change carried forward to today is migration from other lands.

Passage of the Immigration Act of 1965 brought more than 18 million legal immigrants to the U.S., largely from Asia, Africa, and Latin America. At present, over 44 million people in the U.S. are foreign born out of a population of over 300 million. About half are citizens, and half are not. The percentage of the foreign-born population in the U.S. is presently at a level not seen since the late 19th Century and the early years of the 20th Century, when the previous influx ran into a wall of nativist resistance. Many of our grandparents made it to the U.S. just under the wire. And as we know, nativism remains alive and all too well.

The change from an industrial society dominated by a white working class to one that is more diverse has been dramatic. In 1980, the white working class made

up -- as late as 1980, the white working class made up 66 percent of the total population. Forty years later, that figure has dropped to 40 percent. Several states have had declines well over 30 percent. Only in the Midwest, in some states in the Midwest, has the white working class retained majority status.

One result of these demographic changes is that two economies have emerged in the United States. Over 40 percent of all U.S. workers between 18 and 64 years of age earn low hourly wages. These are prime years for work and for raising children. The pandemic has brought this shift in the workplace into stark relief. Distress is striding across our land. A health crisis is coupled to an economic crisis which is coupled to a racial crisis, and disproportionately, the burden is falling heaviest on nonwhite -- nonwhite and low wage workers and their families. Old workers aren't faring too well either.

Today, the high point for union density in the U.S. private sector of over 30 percent has dropped to just above six percent. Offsetting the private sector decline, union density in the public sector in the U.S. has held relatively steady at about 30 percent. But the public sector also has suffered. Our members need only think of anti-union measures adopted in Wisconsin and

Michigan to know what I mean. Plus, the pandemic's cost for state and local governments already are leading to major cutbacks, even affecting those workers who have put their lives on the line. Taken together, historical changes paved the way for labor arbitration to become more important as the ability to use economic weapons was diminished. But paradoxically, arbitration has been of limited utility in halting or reversing those profound economic transformations.

Industrial democracy premised on the Wagner Act has been threatened not with extinction but certainly with what one academic has called ossification. Where has the decline of a robust labor management system left the Academy? In recent years, the academy's membership has been concentrated in a few areas: where traditional injuries survive; where some service businesses have been organized; and where governments operate in many cities, states, and provinces.

In Canada, fortunately, a different story can be told, which is why the focus of my remarks is more on the U.S. experience. Although Canada uses the Wagner Act as a model, greater union density has been achieved. Why the difference? (French language spoken.) I had to say that because we have so many friends who are colleagues in Canada, and they are dear friends and

colleagues.

The principal explanation cites strong union organizing, widespread employer acceptance, reliance on industrial boards, a more equitable tax system, and at least until recently, legislatures and courts reluctant to intercede. These aspects of the Canadian experience include constitutional protection for labor representation and the right to strike. The academy's great Canadian past President Michel Picher in an argument to the Supreme Court of Canada showed how labor arbitration is part of this farsighted vision; so we have much to learn from our Canadian colleagues.

Considering this history, where are we going? Do we remain tied to our organizational past, or do we expand our vision? Many long-time Academy members favor a sole focus on labor arbitration under collective bargaining agreements. "That's what we know," they say, "and we should not stray from our origins, or, if we do stray, any steps should be small." For these members, collective bargaining and arbitration within a system of exclusive representation, battered though it might be, represents the highest and best expression of industrial democracy. That's a powerful argument.

However, others, myself included, urge a broader speculative, but one that is rooted in our long-time

commitment to workplace justice. Workplace justice, after all, is a core value of industrial democracy. Why? Because it deals with an imbalance of economic power, and it serves to check the worst feature of unilateral employer action. Too often, as we arbitrators well know, unilateral employer action, when unfettered, can land employers in a world of trouble.

In making my case, I acknowledge that neither collective bargaining nor labor arbitration are going away, and that's a good thing for unions and workers and for employers, because labor arbitration in its classic form in the U.S. and Canada has been a smashing success. At present, more than 16 million employees in the U.S. are represented by unions in bargaining relationships, virtually all with arbitration available to resolve disputes. There is still work for us to do, if that's all we wanted to do.

For the foreseeable future, collective bargaining will survive in key areas of the private economy. Labor arbitration also will continue in the public sector for federal, state, and local government services. Yes, including the police. There too our expertise born from experience can assist with necessary reforms.

My perspective, however, is that resting on our

shared history with a narrow focus is not enough. The academy's foundation on the post Second World War economy was tied to manufacturing and to the white working class. But this is no longer the case. History shows no signs of reversing course. In my view, relying on life in a labor management fortress that is diminished in size and influence is a limited future if an important Academy goal is to promote workplace justice. Are there changes afoot? Rumbblings in the land? Well, the short answer is yes.

Strikes have increased markedly in the past few years in size and duration, resisting stagnant wage levels and bargaining concessions. Actions by school teachers come to mind all over the country in states that are unionized and not. Rank and file wildfires were fueled by the use of social media and allied with a larger civic community. Grassroots action also has been taken during the pandemic with unions involved and without. Walkouts by healthcare, meat packing, and warehouse employees come to mind. Worker concerns over health and safety are life and death reasons to organize.

Efforts also have been made to protect past legislative gains. California, for example, now has a law regulating the use of independent contractors. The new law is facing electoral and legal challenges, but the

stirring of collective action is in the air; so stay tuned.

Another development has been the movement for a \$15 per hour minimum wage in the United States. This movement has not yet translated into broad unionization, but a base for collective action is emerging, and changes already have been made in many jurisdictions by operation of law.

Along with these and other movements, activists and policy experts are urging major reforms. For example, there are proposals for sector-based bargaining, perhaps with wage boards reminiscent of industrial pattern bargaining in years past. Another proposal urges members-only bargaining, ensuring a voice at the workplace for nonexclusive representatives. A third looks at systems in other countries, including workplace councils and alliances at a single workplace or several, perhaps as alternatives to the present system. And a fourth proposes the creation of hearing officer panels, perhaps public sponsored, to cover a range of workplace issues, such as those tied to the on-demand technology economy and to the on-demand workforce. For all these ideas and for others, dispute resolution inevitably will be part of the mix for both private and public realms.

Will these or other reforms be adopted? Well,

let's see what happens in the political arena in the next U.S. election and the years ahead, especially if it turns out to be one of those once-in-a-generation watershed elections where power is concentrated in one particular party.

Workplace developments on the horizon will require the Academy to be ready. My belief is that the status quo cannot last because the current system of increasing inequality and related social and environmental dislocation will lead to workplace disruption and proposals for major reforms. We can't survive this way. We can add to these concerns the still unknown scope of the pandemic, the need for public investment in infrastructure, and fears about how the ongoing impact of automation will turn out when joined with artificial intelligence.

In tandem with domestic changes, we can expect the continued momentum of globalization. Perhaps we should add global workforce dispute resolution to the variety of work we should consider. Mass migration in -- a constant in human development -- is another key trend, as immigrants still arrive on our shores.

The workplace in the U.S. and Canada is more diverse than ever in terms of race, ethnicity, and gender. For unions, some of the fastest growing and most

successful organizations are those with immigrants, particularly in low wage and service occupations. Take a look at Las Vegas, for example, a nonunion right-to-work state where you have a very, very strong union that is based in -- largely on an immigrant and low wage workforce in the tens of thousands. This helps explain -- excuse me. Political power is accompanying these changes, and this helps explain why there are attacks on birthright citizenship, which is one of the great accomplishments of the Fourteenth Amendment and the end of slavery.

Well, where does this analysis of our origins, obstacles, and prospects take me? I believe the Academy should begin a multiyear effort to plan for the years ahead as the workplace at home and abroad continues to change. The traditional format of collective bargaining under the Wagner Act will persist, but as a single form or type of industrial democracy, it is no longer dominant.

I also do not see any other organization waiting in the wings as Plan B to fill the gap. The Academy is it. The last time the Academy engaged in strategic planning was more than 15 years ago, and we especially need it now. A solid first step is President Nielson's formation of a special state of the profession committee

to assist all -- to assess all facets of our work, old and new.

In looking at a future role for the Academy, my view is that the Academy should be the single home for all neutrals, not advocates; for all neutrals, arbitrators, and mediators who render workplace justice. To succeed, we must acknowledge the profound demographic changes in the past 70 years and changes in the work we do, particularly for our newer members. It is important as well that we develop a more diverse arbitral community to reflect the workplaces in which we serve. Margie Brogan spoke forcefully to this need in her presidential address in 2017, and the need has not gone away. Arbitration as we know it has been a major contribution of industrial democracy to U.S. and Canadian society. We should not be bashful about promoting labor arbitration, here and elsewhere.

But the Academy also should recognize that a variety of reforms may be in the offing. These potential reforms are generating interest and support, including those that would allow employees a say at the workplace, consistent with traditions of industrial democracy. The Academy, as an institution, has long promoted the fair treatment for those in the workplace, wherever and wherever they may be, employers and employees alike. Let

us prepare sooner rather than later for relevance in the years ahead before time passes us by.

Please, you're welcome to stay connected. In the event there are questions, I'll try to answer some, if they're been sent through the Zoom chat box. For everyone who was here and attending, I thank you for sharing your time today. Please stay safe and healthy until we meet again. Thank you.

MS. BROGAN: Barry, I can only -- just one voice, but you have, like, 194 people watching you; so I'm sure there is much applause there. That was amazing.

MR. WINOGRAD: Thank you.

MS. BROGAN: There are a few questions on the chat box; so first one comes from -- well, actually, there's one from Homer La Rue. This is the first one.

"Barry, how does the Academy become relevant to the most significant workplace problems today in the midst of the Black Lives Matter movement, the intersection between police reform, and workers' rights?"

MR. WINOGRAD: Well, now, there's a good question, Homer. Thank you.

MS. BROGAN: I didn't say they were going to be hard -- easy questions, but there you go.

MR. WINOGRAD: Well, I think this is something that's unfolding, my personal view. I know from

discussions I've had with some people in California that there are activities or proposals going on. Some come out of the movement. It's not totally organized, but it's not totally disorganized either. That's my impression.

But in terms of the world of labor relations and where arbitrators with our experience can contribute, I think that, if we look at the scope of representation, at the way labor relations and police operations, public safety are organized, that there may be things there that we can do that are responsive to the needs of this movement and also attentive to the needs about public safety. So that's a general question.

But there's work going on, Homer, and you're probably doing some yourself. I know I've been working with some people here in California in our little community and the legislature; so we will see how that unfolds.

MS. BROGAN: Thank you, Barry.

From Buddy Gottlieb: "Maybe it's too early, but have you heard of any disputes about workers protesting conditions in workplaces because of COVID-19, such as meat-packing plants?"

MR. WINOGRAD: Well, we've seen walkouts and demands by the United Food and Commercial Workers and

others. Have I had any arbitration cases? No, no grievances have been advanced to me. Perhaps other members have. You know, the Academy has an informal Listserv, and there's lots of communication there about different things that are happening now, how to conduct different kinds of hearings.

That Listserv, which is under what I will call the czarship of Doug Collins, one of our dear and favored members -- hi, Doug -- it does a great service, and, you know, this is the kind of thing that is also addressed there as people pass the word. But we have had -- I won't call them wildcat strikes because they're not -- they're not breach of contract strikes, but we have had walkouts and protests.

Just today, for example, the U.S. Food and Drug Administration allowed poultry-processing plants to increase the speed of the assembly line from 140 chickens an hour -- a minute to 175, like a 25 percent increase just today. Well, what does that do? And these are -- I mean, this is throwing oil on a fire. So we're going to see stuff happen, and we just need to be ready.

MS. BROGAN: Okay. Thank you.

From Gary Hattal: "Based on your vision for the future of arbitration, what is the most urgent type of training for new and current arbitrators to achieve these

goals?"

MR. WINOGRAD: Oh, gosh, Gar. I mean, learn the program; learn what it's about. I mean, I don't know that there's a single answer. I mean, I know we taught together for what? Ten-years plus. You know, this is an old discussion. Maybe I'm misunderstanding the question, but, you know, whether it's running hearings or writing decisions or rules of evidence, you know, all kinds of things and then studying particular areas of law as well, or arbitration law.

MS. BROGAN: Okay. This is from --

MR. WINOGRAD: Did I answer the question from Gary?

MS. BROGAN: You can do that over a beer later, I think. We will talk -- we will ask Gary later what he meant.

MR. WINOGRAD: Okay.

MS. BROGAN: From Alan Symonette: "A few years ago in a paper delivered by George Nicolau, he argued for the creation of labor courts in the U.S., similar to specialized courts. Do you have thoughts on that?"

MR. WINOGRAD: That's a model that's used in some other civil societies. I think it's definitely worth a close examination. When I referred to proposals being advanced by activists and policy experts, that was

one, hearing panels, that really would be part of a labor court system -- or that's one variant of it, in any event.

Now, because of the particular nature of our federalist system, a lot of this will happen on the local and state levels, I think. You know, what were those called by Brandeis? The great engines of democracy, the great laboratories, I should say, of democracy. And so we will see those things develop, I believe. We've had variations upon them over time. Some states have civil service hearing panels to handle things.

In California, there's a compact between Native American casinos and the State and particularly United Here with respect to how cases are handled that arise under this sovereign jurisdiction of those tribes. I mean, so there are variations. We're not writing on a completely blank slate here, but there are things that can be drawn upon. So I think Alan hit the nail on the head there.

MS. BROGAN: You're getting a lot of thank you's and bravos in the chat box.

MR. WINOGRAD: Well, I thank everybody. You know -- I don't know. Let me see. Can I do a gallery view here or --

MS. BROGAN: Yes, you can.

MR. WINOGRAD: Holy cow, look at all those people.

MS. BROGAN: They all came for you, and it was well worth it.

MR. WINOGRAD: Hi there. Yeah, people waving. Whatever. Okay. I saw -- I just saw Dan Nielsen in his man cave. There he goes.

MS. BROGAN: Dan Nielsen wants to know why the Mexicans let you go from the prison.

MR. WINOGRAD: It was a mistake.

MS. BROGAN: I wasn't going to give you that one. There was a question about the new membership standards, which Dan responded that, "They are on the Web site. If you feel the need, speak to that."

MR. WINOGRAD: No, I think people can read them on the Web site. You know, you still have to work for years to get into the Academy, and we jiggled around a little bit with how cases are going to be counted, but you're still going to have to have 40 decisions.

MS. BROGAN: That's Howell Lankford, for those who don't know who you mean.

MR. WINOGRAD: Yeah, that's right.

MS. BROGAN: All right. Well, and Howell says, "What a lot of us feel is that we wish you had a chance to do this in person, but are there any closing remarks

you have?"

MR. WINOGRAD: I thank you for that introduction. I laughed a lot. You actually noted it one time. And it was joyful to see, even through pictures, so many friends because, as you said, I mean, this is -- this is our world. You know, we've known each other for a long time. We're used to seeing each other once, twice a year, every couple of years in nice settings where we can get together, you know, have a beer or just a refreshment of some kind; so it's wonderful.

And, you know, I remember our last meeting that I attended was the southwest regional meeting in Dallas, and that was in late February. And that was a terrific meeting, had a couple hundred people from all over the southwest area with a number of Academy members present, and there was an old home field character, and it was only within two weeks that we canceled the Denver meeting. And it was after Dallas, and I was so -- I was juiced and excited because I had a series of regional meetings coming up.

So, you know -- well, anyway, I've wandered off, but what I want to say is I'm delighted to have had this chance just to say what was on my mind today. I know it was kind of serious. All right. And it was a lot of history. But I do think that history points in a certain

way. And, you know, one of my favorite sayings about history? Right? There are different theories of history: the pendulum theory; the counterrevolutionary theory, that every revolution has a counter -- my favorite is to paraphrase what Martin Luther King said. "The moral arch of history bends towards justice." And I've always thought that the Academy fits right in there with that view of history.

MS. BROGAN: Well, thank you, Barry. I think we all thank you.

We thank the people behind the scenes.

You will get a chance later to see some of these wonderful comments that are being made to you.

Just to let everybody know, the chat will be available to Barry later, or you could write to him if you have these questions or want to, like, compliment him again. And my understanding is that this recording will be available soon, for those who were not able to see Barry's speech.

We have a "great job, Dad," from Rachel, "love you" on the chat box.

MR. WINOGRAD: And if I have any of my grandchildren listening, I say hi to them. Hi Jamie, hi Lena, hi Dominic, hi Sam, hi Grace, hi Liam, hi all of you. They're probably too busy right now with more

important things.

MS. BROGAN: Okay. All right. Well, I want --
yeah, thank you. Thank you, Barry. Wonderful president.
The Academy is better because you were president. We
appreciate it.

Bye, everybody.

(Off the record.)