William E. Simkin Oral History Interview—JFK #2, 10/29/1969
Administrative Information

Creator: William E. Simkin
Interviewer: William W. Moss
Date of Interview: October 29, 1969
Location: Lexington, Massachusetts
Length: 38 pages

Biographical Note
William E. Simkin (1907 - 1992) was a private arbitrator and labor mediator who served as the Director of the Federal Mediation and Conciliation Service (FMCS) from 1961 to 1969. This interview focuses on John F. Kennedy (JFK)'s relationship with business, the effects of the Civil Rights movement on labor mediation, and distinctions between how the Kennedy and Johnson administrations handled strikes, among other issues.

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Suggested Citation
Simkin, William E., recorded interview by William W. Moss, on October 29, 1969, (page number), John F. Kennedy Library Oral History Program.

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Signed: William E. Simkin

William E. Simkin

Date: 9/10/71

William E. Simkin—JFK #2
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Second Oral History Interview

with

WILLIAM E. SIMKIN

October 29, 1969
Lexington, Massachusetts

By William W. Moss

For the John F. Kennedy Library

MOSS: All right, Mr. Simkin, let me begin by asking you about the general effort at preventative mediation. First of all, you indicated in your annual reports that you wanted to expand this whole area. Was it, in fact, expanded as much as you had hoped? What were your early expectations in this, and how did what happened measure up to them?

SIMKIN: Well, I think we had not discussed this earlier. The preventive mediation notion, so labeled by the Service, was by no means a new idea. In fact, I think it was in the early 1950's that this notion got a start and some minimum amount of publicity with the Service, but it, for a variety of reasons, had never seemed to get off the ground. The basic nation, of course, is that there may be functions for a government mediator or any mediator at times other than the crisis disputes. The more normal and more customary mediation function is in those last few days or, at the most, weeks before a strike deadline or, even more commonly perhaps in the public mind, after a strike has started. The basic notion of preventative mediation.

is that there is a function for a mediator, or may be a function, long before the crisis in trying to prevent the bad aspects of a crisis situation in negotiations.

The early attempts to do something with this had been confined primarily to assisting companies and unions in developing a better grievance procedure. And the Service had back, I think, in about 1952 established what was an audio-visual program. A number of little sequences were developed indicating fairly typical wrong ways to handle a particular day-by-day problem in a plant. And this little sequence, which was presented at the beginning of a session -- say with a bunch of stewards, or sometimes with a joint meeting of stewards and foremen -- this little sequence was put on to form the framework for discussion of better grievance handling. This aspect of the work had continued through the fifties and was a part of the work of the Service when I came in '61.

Also, you will recall that there had been at least two or three fairly well publicized efforts not under the auspices of the Service at another kind of operation typified by the Human Relations Committee in the steel industry and by the somewhat different but not totally unrelated Kaiser program and the Armour Automation Committee, these being fairly well publicized notions of work outside the crisis atmosphere to solve certain problems.

Well, I felt and we all felt that while the work that had been done had not been futile by any means -- I think it was very worthwhile -- it had not developed to anything like its full potential, and, very candidly, it was very much of a second class activity as far as many of the mediators were concerned. In fact, there were some mediators who felt it was sort of a boondoggle idea and who were not sympathetic. And on the other hand, there were a few mediators who had seen the possibilities and had done a great deal with it.

MOSS: Why did the conservatives in the Service think it was a boondoggle? What was it, just ingrained momentum or inertia…

SIMKIN: Well, I think it was a combination of a good many things. The sequence that had been developed were good for a limited purpose, but there was a little bit of an organizational problem here. Some of the old-timers or, not necessarily the old-timers, some of the mediators really liked the crisis work. This is the place they got their kicks, in a real crisis situation. They were not people who were educators as such, and they felt it was too much of a school teacher approach and not very realistic.

MOSS: Do you have situations where mediators were just waiting to get into a situation or waiting for a crisis to develop so they could get into it?

SIMKIN: Oh, yes. There's a little bit of this. I don't overemphasize it, but there's a little bit of this aspect. Any good mediator is sort of a fire horse, you know. He loves the -- not necessarily the publicity -- but he loves the crisis atmosphere; this is his job. So that I wouldn't say he purposely creates a fire -- and he doesn't have to -- but nevertheless when the fire comes, he's all for it. This is where he gets his kicks. A lot of these fellows didn't get any particular response from the audio-visual notion, and they felt this was

sort of a gimmick and a play-school kind of a proposition. I don't want to overemphasize this because the opposition was not rabid, but it was just not very enthusiastic.

The preventive mediation function of the Service had been, unfortunately, limited almost entirely to the use of this audio-visual sequence and the discussion which followed it. It had not gone very far beyond that notion.

Well, I wasn't there, but I'm trying to resurrect what happened. As we'll see subsequently, even in the things we tried to do later, whenever you start any new program, if you want to call it that, or any new notion, even though it has a number of aspects, a number of potentials, there is a tendency for it to become somewhat stereotyped. And this, I think, is essentially what had happened. And that one audio-visual approach, while useful, never really caught

hold with the entire staff or with the labor-management community. There were a good many places where it had been used very well and other places where they sneered at it. Its utility, quite obviously, depended on not only the enthusiasm but the ability of the man who worked with it, because as a film sequence, it was a pretty limited thing. Unless the mediator who worked with it had some imagination and had some ability to develop group discussion and ability to use that simply as the starting point for a good solid group discussion of their own problems, unless he was a real discussion leader in the best sense, essentially a teacher, it was a flow with the people. But there were a number of mediators who had real ability as teachers, essentially as discussion leaders, and who made a great deal of it. In any event, this is sort of a background.

I felt that while we did not want to abandon the audio-visual program, that this was too limited an approach in terms of the basic objectives. So we subsequently developed a good many more things. We didn't eliminate the audio-visual. A fairly substantial part of the preventative program still is the problem of trying to help get a broken-down grievance procedure on the track.

We have found increasingly in recent years that there are a sizeable number of disputes that do reach crisis stage where the fundamental problem is not the issues of contract, wages, and other matters that are being negotiated for the new contract. Those are important, but the fundamental problem is that the day-by-day plant relationship between workers and foreman, and perhaps even including a poor arbitration set-up or one that's not working well, the day-by-day handling of gripes has been handled so poorly that there's just a mass of pent-up resentment; sometimes including literally hundreds of unresolved grievances that get thrown on the bargaining table. That's an extreme form, but in any event, sometimes this pent-up resentment is the major problem and frequently has been the cause of long strikes. So the preventative program, as it has been developed over the last few years, has included not simply the use of

this audio-visual program, but a fairly well thought out steward training program and foreman training program in plants where there is the situation. So that's one aspect of it that's been continued.

There are a number of other things. Frequently some particular issue that does have to be resolved at contract time is an issue that can't be resolved quickly. Take a couple of illustrations, a couple of very difficult types of illustrations: suppose a seniority system has gotten completely out of kilter. Perhaps the plant product, the plant methods, have changed so that what may have been a decent seniority system in a different day is no longer appropriate to the new method of operation. Or, for a whole variety of reasons the seniority system may be just not working well from anybody's point of view. Secondly, maybe an incentive plan has gone sour in one way or another, and that's a very common thing when there's an incentive plan. Now these are types of problems that you can't resolve in the last frantic minutes before a strike deadline. If you are only talking about the amount of a general wage increase, very frequently it does take the pressures of to strike or not to strike. Those pressures make people make up their minds very quickly under pressure. But on this kind of a complicated issue, like seniority, the situation is quite different. For example, one change may affect a whole lot of other relationships…. I've often compared a particular seniority dispute to be like tinkering with a wristwatch, it may seem like a simple issue but has so many effects elsewhere. In any event, there are problems of this kind that just can't be solved quickly.

So one major aspect of the preventative mediation program where it is known that this kind of situation exists and will have to be solved, is to do one of two things. One method is to start in months before the deadline on those particular issues and do some solid exploratory work at least, getting all the groundwork laid for an ultimate resolution or perhaps resolving it before you come to the crisis deadline. The other alternative, when that kind of a situation develops at the deadline crisis, is to resolve

everything else and to appoint a special committee to work for six months or so after the negotiations to get this matter resolved. That, is commonly labeled a study commission notion, either pre-negotiation or post-negotiation.

MOSS: How widely was this kind of operation accepted?

SIMKIN: Numerically, it has never become a really big operation. The last year that I was on the job we had a total of -- it was around thirteen hundred recorded preventative mediation cases of one kind or another. I've forgotten the figures, but I think of those thirteen hundred, perhaps two hundred were this kind of thing, this kind of situation.

MOSS: Looking back on it, what do you think should have been done that you didn't manage to get done in this area?

SIMKIN: In this area? I think we got…. I'm reasonably satisfied with…. We haven't finished all the types of programs, but I don't think we need to. There are a lot of other different approaches.

MOSS: Yes, in a way this could be found in other materials. What I'm after is your perspective on it.

SIMKIN: The whole notion is to get some kind of meaningful dialogue going -- sometimes it has been called continuous dialogue; that's not right because they're not always continuous; they may be discontinuous -- but some kind of a meaningful dialogue going that does not have the immediate crisis aspect of a strike deadline. It has a whole host of ramifications. In general, I think this got well established. We got away from the one approach; we got mediators thinking and developing a whole host of new ideas; and we got the parties interested. The thing that was really encouraging about it -- and I hope it continues -- the thing really encouraging about it is that at the outset we had to do a little promotional work. However, in the last two or three years most of the work was

not promotional. Most of these programs were starting because something had happened at one plant and people at a nearby plant heard about it and came to our fellows and said, "Look, we've heard about this. The guys over at such and such a plant, or the management over at such and such a plant say that this is a good idea. Help us get it started." This was the most encouraging thing. The demand for this type of mediator assistance was coming from the parties instead of being a promotional thing. Now, like any program of this kind, only the future will tell how it will continue to develop.

MOSS: Did you make any attempt to do promotion, say, through the major organizations, say, through the Chamber of Commerce, the NAM, the AFL-CIO….

SIMKIN: No, we did not. Frankly, I consider that an exercise in futility.

MOSS: All right. Why?

SIMKIN: Because the NAM and the Chamber of Commerce just do not have enough realistic contact with the individual plants to make this a meaningful thing. Secondly, we did very little in the way to use of the news media to try to promote it. I felt that any promotional aspect, to be meaningful , had to be done at the ground level; it had to be done by the mediator in the location, who knew the people; it had to be done in a quiet way. Any big flashy program, while it conceivably might work, probably wouldn't work, and if it didn't work it would boomerang. So our basic notion was that this ought to be to help from the ground up by actual, successful efforts which would snowball, by the kind of thing that has happened. And if you've read our annual reports you've seen

the growth in number of cases. It's not a highly spectacular total, but I believe it's been built on a sound basis, so that as long as it continues to be innovating and doesn't get into a rut of any particular kind of program, I think it has great potential. I think in many respects it can be

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as important a part of the work of the Service as the crisis negotiation, although I would suspect it would always be second place quantitatively in terms of the total volume of cases.

MOSS: How did the Service relate to the labor-management panel -- this was appointed under the Taft-Hartley provisions, I believe -- and to the Goldberg-Hodges Advisory Committee?

SIMKIN: The original '47 act had written into the law the labor-management panel whose functions under the law are to advise the Director of the Service and, as the law states, with particular reference to emergency disputes. A panel was nominated way back in '47 immediately after the passage of the law. I dug back a little bit into the history but not extensively. The panel, not be unkind about it, but the panel never really functioned. In retrospect, I think part of the problem was that the original panel was set up by nomination from the AFL-CIO and the Chamber and the NAM; the government went to these agencies and asked for nominations. The result on the labor side was that you got the George Meanys and the Walter Reuthers appointed. On the NAM and the C of C side, I don't even know who the personalities were; you got some of the more typical management people who had necessarily no interest in mediation at all; maybe they didn't even know much about it. But most of all they were very busy people who were not, on either side, with some limited exceptions, not really the practitioners, not really the fellows who sat at the bargaining table. In any event, they had a meeting or two; you know how hard it is to get a group together of busy people like that. The thing just sort of died. After those initial nominations ran out, the meetings discontinued, and no new appointments were made.

Well, when I went to Washington in '61, I knew something about this part of the Act and had a feeling that, primarily as a result of my work with the [National] War Labor Board, that it was terribly important to get real

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advisory help, at least, from good management-labor people, and I wanted to restart that panel immediately. But then Goldberg and President Kennedy appointed the President's Labor-Management Committee which had a broader function. And I felt that it would be rather futile and it might be misunderstood to try to establish two different groups at the same time.

We just didn't do anything about it until a year or so after the President's committee had been functioning, and then we did take the step of appointing…. And this time, frankly, I made the nominations without getting any nominations from the NAM and the C of C and

the AFL-CIO. To be blunt about it, I picked out people who were not…. I didn't want people who were just friendly to the Service or to mediation -- I wanted some people who I thought would be real critical and had been critical of the mediation function. I thought that was important. But the primary thing was to get some people who actually were at the bargaining table, who knew what was going on, and who knew from personal experience the limitations and faults of mediation as it was being performed, as well as some of the potential. So we got, in effect, a second grade, a second echelon or maybe third. I don't know; it's hard to distinguish them. We didn't have George Meany or Walter Reuther on the labor side, we had some lesser union officials, and similarly on the management side. But these were people who were receptive to the idea of giving a boost in terms of real advice to the Service and who knew the score. And I've found over the years that this group was very helpful indeed to us. I'm not sure we have utilized them as effectively or as fully as we should have, but I'm completely convinced of the soundness of this idea.

MOSS: You mentioned that the two organizations overlapped somewhat. I presume that the other committee was on the broad labor-management principles kind of thing, playing with the generalizations…

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SIMKIN: Yes. Well, one of the things, you'll recall, one of the things they spent a great deal of time at early was to develop a proposal for a change in the Taft-Hartley Act, particularly with respect to the emergency dispute procedure. In '62, I think it was, they came out with a formal recommendation on this to the President. Now, obviously, there was a considerable amount of overlapping between that and the expressed legal responsibility of the labor-management panel, which is to advise with respect to…. So subsequently, while we didn't, when we started the panel, we didn't explore that idea at all, but in a latter period, about '67, the labor-management panel picked that up and approached the subject from a somewhat different point of view. The panel never made any formal recommendations, but we did conduct a fairly extensive study, quiet and internal, of the actual operation of the Taft-Hartley Act over its life, examining each of the disputes to see what had happened, to try to get some qualitative appraisal, and examining some of the, what I call the near misses, the cases that came close to going the Taft-Hartley route and did not for a variety of reasons, either because it got settled by mediation or one reason or another, but where serious consideration to this step had been given. We started out a little differently than the President's panel had and with some staff help, made an analysis of these cases and then formulated tentatively some recommended notions for possible changes in the law or, more importantly, recommendations to the Mediation Service as to how it should function in those situations. Now, that was an overlap. The President's panel did a lot of other things, as you know, which were not directly related even to labor policy. For example, they were very helpful in getting the initial tax cut at the time it was -- what year was that, '63 or '64.

MOSS: '3. In '63, I believe, it was proposed. In '64 it came through. Let me ask you

something else on a slightly different subject, and that is the use of public recommendations as a tool. You stated in one

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of the reports that it's not intended that public recommendation procedures will be undertaken often or lightly, but you shouldn't shrink from use of the device when it's clearly necessary. Now, under what circumstances do you find it necessary? How do you make the distinction in practice?

SIMKIN: Well, this is a difficult subject. Let's back off a little bit. Let's eliminate the word "public" for the time being.

MOSS: All right.

SIMKIN: It of course, always has been, even going back to the old U.S. Conciliation Service days, it's always been a function of any good mediator to make suggestions to the parties. Normally, the way this happens, it's done only on an issue-by-issue basis. Some particular issue is in dispute; the parties are hassling over that issue wat that time; the mediator, either meeting separately with the parties -- and normally meeting separately rather than meeting jointly -- the mediator may toss out some ideas that either come out of his own experience or out of his imagination as possible solutions for that one issue. This is done very informally. The mediator makes a suggestion; more frequently than not, it gets knocked down; but sometimes it provides the necessary spark to get that issue decided. When I'm talking about recommendations, I'm not talking about that because I consider that as just -- it's not routine mediation function but it's a well recognized and normal function.

But it had not generally been considered a function of the government mediation to make what I would call "package" recommendations. This is more commonly associated with some special outside panel, or to a fact-finding board with power to recommend, or whatnot, with some special procedure outside the Service. There are occasional disputes, more than occasional, where the mediator works with the parties, the dispute gets whittled down to maybe two or three residual issues where there is an unquestioned deadlock. This may occur before a strike or it may occur after

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a strike, but where the deadlock is very obvious on a relatively small number of issues and either the strike will be substantially prolonged or a strike will occur -- and there's no doubt about it -- on those issues. Well, I felt that better mediators, at least in some situations -- that we ought to give consideration, under limited circumstances, to making a package recommendation on those remaining small number of issues. I said we should eliminate the word "public" because, in general, I think it's not good if it's public. It's much better to do it privately.

MOSS: Well, there was some question of this, wasn't there, in the Longshoremen [International Longshoremen's Association] strike, the question of a recommendation leaking prematurely or something of this sort I seem to remember, or the threat of making public the recommendation so that the parties would be embarrassed if they didn't accept it?

SIMKIN: Well, I think that was not associated with the Service.

MOSS: Tight. It was the board. It was Wayne Morse's board.

SIMKIN: It was the board. Well, in any event, this recommendation thing had been common back in the War Labor Board days. It was common with specially appointed boards. I felt that this notion could properly be an integral part of the mediation function without a specially appointed board under appropriate circumstances. So we did increasingly use this device in a very quantitatively limited number of cases under rather specific circumstances, but it became, over time, and accepted part of what a mediator can do, rather than having to bring in an outside board to do essentially the same thing.

It has great dangers, obviously -- you can shoot yourself right out of the water with that kind of a device -- but, on the other hand, it has possible strengths. The number of public recommendations -- in other words, recommendations that

were actually made public as far as the terms of the recommendation being made public -- were very few indeed. There were a fairly sizable number where it was stated by somebody or another, usually not by the mediator, in what limited publicity there was about the settlement of the case, that the mediator had made a recommendation which had formed a basis for settlement or which had been accepted by the parties but not normally disclosing its terms. And there were a whole lot more cases, I would suspect as many as these other two combined, where the fact that the mediator had made this recommendation was known only to the negotiators.

I know virtually every time in the cases with which I was involved, I, at least, never surprised the parties with this device. You would wait until after the deadlock was apparent and admitted and, in effect, when the parties had given up the ghost, even with your mediation assistance, and said, "We're stuck." At this point, then, if you felt that the circumstances were right, you'd raise the question with them, not in a threatening way, but nevertheless you'd raise the possibility that you'd might take this step. So it is a threat, in a sense, but you never do it in that kind of a way that's usually associated with the word "threat." Sometimes, in quite a number of cases, the mere notion of the mediator taking that step was enough to push it over the brink, enough to get an agreement before you did it. Of course, that fulfilled the same function as the threat of a strike, somewhat different, but the same general notion. And then there were cases where -- a sizable number of cases -- where the recommendation was made very privately and quietly and where it was either accepted

intotal or with very minor modifications that were developed. In other words, the recommendation broke the back of the dispute. I don't know whether that's clear or not.

MOSS: Yes, I think it is. In the matter of specially appointed boards, at what point did you as the Service make recommendations to the President that certain boards should be appointed? And did you have any problems in getting this across? How were these recommendations made and how were they received?

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SIMKIN: They were made in all kinds of ways. This is off the record, I suspect.

MOSS: Yes, oh yes.

SIMKIN: Well, there were some that went very smoothly and some that didn't.

MOSS: Yes. Let me say just parenthetically that this tape and the whole record is under your control. You make the decisions…

SIMKIN: Well, I'm going to be very candid about it. You're well aware…. I don't know whether you've talked to Justice Goldberg or not. Is he…

MOSS: He has done some tapes but not with me.

SIMKIN: Well, there has always been a problem -- it was a very real problem, and this is larger than your immediate question -- of the relationship of the Service to the President. You see, the Service, as created by the Act, is an independent agency. The Director, by law reports to the President.

MOSS: Your monthly reports, I believe, went to Ted Reardon [Timothy J. Reardon, Jr.] or somebody like that?

SIMKIN: Well, they went to a lot of different people over the years, last year to Mr. Califano [Joseph A. Califano, Jr.] I've forgotten all the different people they went to. They went to Ralph Dungan originally. And the Taft-Hartley Act further, in a very nasty way, unnecessarily nasty as a piece of legislation, specifically removes any mediation authority, responsibility, et cetera, that the Secretary of Labor ever had and gives all the mediation responsibility to the Service and, more specifically, to the Director, and the Director reports to the President. And the Act says that the Service shall in now way be under the Department of Labor.

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Well, as you're well aware, Arthur Goldberg and the President were very close, so the Act may have said one thing, but the realities were something different. And I have a tremendous regard for Arthur, and we worked very comfortably together for the most part; but it is equally true that Arthur was not about to relinquish any relationship with the President on labor disputes, whatever the Act may have said, so that my personal contact with the President was limited indeed. I mean, Arthur saw to it one way or another. And I think, candidly, that this, administratively, was a good procedure. It was contrary to the law in a sense, but nevertheless the President always had the authority to ask anybody he wanted to be his labor expert, and he obviously wanted Arthur to be. So in reality, particularly during the early part of my tenure, in reality, most of my contact with the White House was through Arthur. I never reported to Arthur as such, and I maintained the independence of the Service as well as I could, but Arthur and I had a good working relationship.

And when some of these boards came up, getting back more directly to the question, there were all kinds of ways that these outside boards were appointed. In a number of instances I made the recommendation directly to the White House: for example, the aerospace dispute in 1962. I personally recommended George Taylor, Ralph Seward, and Charlie Killingsworth. I recommended the device, and I recommended the members of the board. The President accepted it, and Arthur did not in any way suggest, as I recall, either the procedure or the personnel, but he approved. He knew what my recommendation was. He may have been the one -- I've forgotten -- who took it to the President, it was my recommendation, formal recommendation. There were other cases in those days where both the procedure and the personnel were recommended realistically by Arthur. In short, there was no real formula. It depended quite substantially on the facts of the case and how intimately I had been involved with it, how much Arthur had been in the case previously, and so forth. But it was a hit-or-miss kind of a business.

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But almost always during the Goldberg period and continuing through Johnson for that matter, almost always, I at least, was asked for advice about personnel and had some responsibility for the notion of the appointment of a board. There were a few times when I felt that a board should not have been appointed when I was overruled, but this is just one of those things.

MOSS: Such as --

SIMKIN: Oh well, I don't recall one in the Kennedy regime. I guess you're not interested…

MOSS: Well, for comparative purposes, yes.

SIMKIN: Well, I felt very strongly in the last longshore go-around in 1968; I felt very strongly that it was a grave mistake to go instant Taft-Hartley. We had done a

great deal of work on that case, and I don't think, even in second guessing, that we could be assured that a settlement would have resulted. We knew a strike was going to happen. But I felt very strongly that a strike should occur in the fall at contract expiration and run as long as the government could possibly let it run. And they could have in terms of Vietnam and all the other -- there could have been at least a short strike. I felt that after all the sorry history of disputes in that industry it was very important for the government to keep its cool for once and not let Taft-Hartley simply be a mechanical step. And so I talked to everybody I could, including Mr. Califano at the White House and the Secretary. I was, I guess, the only one in government who took this position, and I got shot down. Now, I could have been wrong, but in that case my voice was a lone one in a wilderness. That was an outstanding instance. Just to be catty about it, my position was so well known that in spite of my insistence on being at the meeting when this was discussed, the meeting was purposely, I'm convinced, held without me and a time when I was not even notified of the meeting.

MOSS: This happens frequently in government. Yes, I know of other cases when that was so. Let me ask you another thing relative to these boards. Not everything goes across the table. There are other lines of communication, going around the table to the different parties and so on. For instance, I've noticed that a fellow by the name of Thayer [Walter N. Thayer] and Pierre Salinger played sort of a role with the publishers in the New York newspaper strike as messenger boys or something, carrying the publisher's confidential positions back and forth. What was all this about?

SIMKIN: There always is -- I say "always" -- there frequently is in any well publicized and nasty dispute, one that arouses a great deal of general interest, it almost always…. Some amount of this stuff…. [Pause] I have forgotten the details of Pierre Salinger. I knew about this. I don't want to denigrate or belittle Pierre's contribution to that dispute, but it was not very substantial. Walter Thayer was a representative of the *New York Times*.

MOSS: And Pierre left for Europe, I think, in the middle of it.

SIMKIN: And it was sort of one of these things that happen. It was not a significant feature of the whole business. Because of his connection with the industry, he talked to two or three people, and he was all excited, or other people were all excited for a few minutes or a day or so as to the possibilities of his being helpful in the dispute, and then it sort of died away. I've forgotten any of the detailed circumstances of that.

MOSS: Were there any cases where this kind of thing happened where it was really significant to the negotiations, where, say, the President's staff actively got into it and was really significant?

SIMKIN: I have no recollection of any case where the President's staff made any, no

recollection at all of any White House personalities who made a

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really significant contribution or made a substantial effort to. There were, of course, several cases where Arthur Goldberg, behind the scenes, did some work. He didn't always stay behind the scenes, but there were a number of cases where Arthur did some quiet work that was either known or not known to the mediators who were officially working on the case. Usually it was known. Did you have anything particular in mind, because I don't…

MOSS: No. No. I didn't. I was really fishing at this point.

SIMKIN: There was the Pierre thing, and that was the'62 newspaper dispute, I think. And almost everybody…

MOSS: Yes, '62 through '63.

SIMKIN: Almost everybody got into that '62-'63 dispute at one time or another.

MOSS: That was one of the questions I was going to ask. Did the prima donnas clutter up the place too much? Wagner [Robert F. Wagner] was in on it?

SIMKIN: Well, sometimes, yes. That is one of the problems of mediation and one of the things it's almost impossible to prevent completely, because not only others in the national Administration have a real interest in disputes, but Governors and senators and congressmen and interested public citizens and so forth frequently feel an obligation, and occasionally they're helpful. I don't think it's any infallible rule, but frequently they gum up the works, too. A part of the problem here from a mediator's point of view -- and I'm sure others might take a different point -- there is an inevitable tendency on the part of human beings, whatever the problem may be, to go to the seat of power, particularly if you're the one in the weak position, if you're the one that needs help. In a labor dispute the guy with the power normally wants the government to stay the hell out. The person who is in the weak position wants help, and he instinctively wants help from the highest possible source.

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So this operates internally within the Mediation Service. We had to struggle with this. We had to struggle with this. We have a field mediator on the job. Somebody's always trying to get my ear or get the Director involved or other steps. Then, of course, if you can get the Secretary of Labor involved, this is so much better because he's a substantially higher government official, and if you can get at the last step, if you can get the President involved, this is really what your ideal objective is. And this perfectly normal and natural reaction applies as well to some of the state and other federal officials. The more people you can get

into the act in terms of the power structure -- there's a notion that this is advantageous. And it has no necessary relevance to the mediation ability of the individuals involved; it's simply a question of power. So if you get too many people involved, then you've got trouble. You can get too many people involved, then you've got trouble. You can get mediators going at cross purposes. And this can foul up a dispute rather than clarify it.

If you're the mediator and you're working on a particular line of approach with the parties and hopefully getting somewhere, and then some of the parties splits off.… Usually where this happens it's not the -- let's take a company situation. The company negotiator may be working with a mediator, but the company president may be talking to the Secretary of Labor. And the company president doesn't necessarily know what the company negotiator is doing, and the Secretary of Labor doesn't necessarily know what the mediator is doing. And if the two lines of approach are quite opposite in tendency, sometimes this can just really create a mess. So that's totally irrespective of the good intentions of anybody. You just simply don't get good mediation that way.

I'm sure that was not the sole notion in the mind of Congress in 1947, but I think as an operating matter, that is why, ideally at least, the notion in the '47 act ought to be the reality. I never felt, while I was Director, that I should take a "dog in the manger" attitude and insist that nobody ever got in, but somebody ought to be the control point to know everything that is happening at the mediation level, whether it's higher than his level or lower than

his level, so that you don't get fouled up. And that's why I did not recommend very many times the bringing in of a complete outside board. In most of our difficult cases in the latter years where we did bring in an outsider, we brought in one man from the outside work with a couple of our guys so that we could maintain the continuity of the operation and pick up whatever accomplishments the mediators had made on whatever knowledge they had and get the strength of the outside personality but still keep it as a coordinated mediation function.

MOSS: Let me flip this tape here a minute. Take a break.

[BEGIN SIDE II, TAPE I]

MOSS: All right. Let's get on to one or two other things. I like to ask if you might, from your experience, contrast the handling of the two situations, one in the Kennedy period and the other in the Johnson period. Let's take, for instance, the Longshoremen situation in the Kennedy period and the railway strike in which JOhnson got into it very actively in the White House and so on. You had the Longshoremen situation in which Taft-Hartley was invoked, and Kennedy did make a personal plea later on, but this was about the extent of his involvement….

SIMKIN: Which Longshoremen's…

MOSS: Let's see. This would have been….

SIMKIN: ‘62, wouldn't it?

MOSS: Yes, ‘62, I believe, the Atlantic and Gulf Coast strikes.

SIMKIN: It went right into ‘63…

MOSS: Right. Right.

SIMKIN: … but it started in ‘62.

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MOSS: Right. Towards the end of the cooling-off period he had been persuaded to make a statement asking for continued negotiations.

SIMKIN: Wait a minute. Was this ‘62? This…

MOSS: This was quite a long term thing, quite a difficult one.

SIMKIN: No. This was…. Our dates are wrong, I think, because Arthur…. Let’s see, Arthur was still in office in ‘62 and ‘63, wasn’t he?

MOSS: ‘62 I think he went out. Wirtz came in in ‘63.

SIMKIN: That’s right. I guess Bill Wirtz had just come into office about that time.

MOSS: I haven’t got a date on my note, unfortunately.

SIMKIN: Are you thinking about the Longshore case where the President made a personal call Teddy Gleason [Thomas W. Gleason]?

MOSS: I believe so.

SIMKIN: That was either ‘63 or ‘64. If you want to shut off your machine…

MOSS: Yes. Let me shut off the machine. [Interruption] Okay. We were talking about the Longshoremen strike beginning in October 1962, and then a Taft-Hartley injunction, and the strike picked up again December 23rd, 1962.

SIMKIN: Very briefly -- and this is very brief indeed -- there was no controversy in government this time, in contrast to the other time, about -- no substantial controversy -- about going Taft-Hartley. In retrospect, I think I would have made an issue of it, but I wasn’t smart

enough to at that time. Some of the more experienced mediators that are in the Service felt even back then that a strike of some consequence should have been permitted to take place before the government started Taft-Hartley proceedings, but I didn't support them, to put it very bluntly, even the advice of my own people. I didn't raise any point about that. And we appointed a Taft-Hartley board at that time. Actually, my recommendations -- this is one of the cases where my recommendations for the members of the board were accepted.

MOSS: You had recommended Wayne Morse.

SIMKIN: No. No, this is an earlier stage. I recommended Bob Fleming [Robben W. Fleming], who then was at Wisconsin [University of Wisconsin], now President of Michigan [University of Michigan], and Bob Stutz [Robert L. Stutz] of Connecticut [University of Connecticut] and Vern Jensen [Vernon H. Jensen] of Cornell. And this was one of the few times in history when we recommended -- I made this recommendation, and the President went along with it, that when the board was appointed it was given this sort of extra-legal mediation authority. And I thought, and still believe, that this was a good board, but this was one of those times when I goofed out of ignorance of one or two practical points. All three of these fellows had major academic responsibilities. So when they started mediating after the injunction had been secured, they, in effect, advised the parties -- and I've forgotten the details, but this will be not accurate but illustrative -- they said, "Well, in view of our academic responsibilities, we can mediate on Tuesdays and Wednesdays." And Teddy Gleason and his fellows in substance said, "To hell with that." They had their practical problems because Teddy and negotiators, that's a hundred and fifty or so guys sitting around in New York, you see. That just is a logistics problem. So the mediation function of that special board came to nothing almost immediately on that very practical logistics problem. It wasn't that it wasn't a good board, but you just can't' mediate that way. And then through the injunction, and I've forgotten all the details but…

MOSS: Excuse me. Did you get any static from the White House on this…

SIMKIN: I don't remember.

MOSS: …for having walked into that?

SIMKIN: I don't remember. I don't remember.

MOSS: Okay.

SIMKIN: In any event, Bob Moore [Robert H. Moore], who was Deputy Director at that

time who had had a lot of experience with the Longshoremen, Bob had been spending months on that case long before this. He and the local mediators worked; I got in the act at various times -- I've forgotten the details -- and then the Secretary of Labor came in. And there was a period shortly before the injunction was to expire when three or four mediators, Bob Moore and I were up there and Bill Wirtz -- Bill Wirtz and I were doing the bulk of the intensive mediation. And I think it was, as I recall, it was at this time at Bill's suggestion, Wirtz's suggestion -- he got in touch with the President. We had made a request for them not to strike. Bill and I, or Bill primarily, had made the request, and in effect they had said no. And as I recall, it was at Bill Wirtz's suggestion that the President called Teddy Gleason, and I think it was a Sunday morning, and got him out of the shower and so on -- there were a lot of gory details about it -- and made a personal plea by telephone not to strike. And Teddy said, "No." I don't remember, I don't think he said it nastily, but he said no. And the fact that the request had been made by the President and was rejected became known. But that was the extent of the President's involvement in that case. And in retrospect -- and I'm not blaming anybody -- I think it was a mistake to even ask the President to do that because I think the results were pretty reasonably predictable. That's Monday morning quarterbacking. But that was all that I recall.

Then subsequently, the President did appoint the Morse board, and that was Morse and Kheel [Theodore W. Kheel] and Healy [James W. Healy], if I recall correctly. And they ultimately made a recommendation which was either accepted in totality or accepted with minor modifications. Anything more on that one?

MOSS: No, I think that will do. Let me ask you about the railway business and Johnson. Johnson got himself much more personally involved in this particular one than Kennedy ever did in any of…

SIMKIN: Well, I'm not a good person to ask about that railroad one because, you know, the Service has nothing to do with the railroads.

MOSS: Right. It's under the…. Right, right.

SIMKIN: And anything that I either heard or knew about was strictly scuttlebutt.

MOSS: Right.

SIMKIN: Similarly, the President's involvement in -- Johnson's involvement in the airline dispute with the Machinists [International Association of Machinists], that too is outside our area, and I really am not a good person to report on it because I am not sure about the accuracy of some of the scuttlebutt I got that was not generally known.

MOSS: Let me ask it this way then. Do you have any feel for the difference in approaches between the two men towards the labor disputes you were involved in, the extent to which they concerned themselves personally with the pace of negotiations, with the substance of negotiations…

SIMKIN: Well, quite obviously, the two men were totally different personalities, but as far as the actual degree of participation, I don't think there were any drastic differences. President Kennedy, to my recollection, did not personally get involved in any dispute. Now, there may have been…. Well, the…

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MOSS: With the exception of the one telephone call.

SIMKIN: Well, and there were others. This is quite off the record, but in the '62 aerospace negotiations we -- by "we" I mean the Service -- had been working on that, and we'd been working on a number of the disputes, but we had a notion, because union security was the major issue at that time, we had a feeling that Douglas [McDonnell Douglas Corporation] might be the most likely source of a settlement. And we arranged (Walter Maggiolo had been out there and Walter really set this up) we arranged for a secret meeting in my office of -- what's his name? --young Douglas [Donald W. Douglas, Jr.] who's president of the company now, and Curt Counts [J. Curtis Counts], who's now the Director of the Service, and Walter Reuther and Leonard Woodcock of the UAW [International Union, United Automobile, Aerospace and Agricultural Implement Workers of America]. We tried to get a Machinist there because the Machinists were involved, but this was set up so hurriedly that the Machinists arrived a little late. In any event, we had a very secret meeting in my office and laid the basis for that, created the basis for that settlement at that meeting.

Arthur Goldberg was fully informed, and when we -- I guess just before we actually reached a tentative agreement Arthur came in very briefly. And then Arthur and Walter Reuter and Douglas, the three of them, went over to the White House for a little session with the President. This was not to get the President involved on the merits of the dispute as such, but this was, very candidly, a Goldberg device to pep up the parties and to give them the top treatment, a chance to sit down with the President. I think this was helpful in cementing the basis for that settlement, which was not consummated until a few days later at the negotiations in Los Angeles. I went out, but did not at that time actually sit in on the negotiations. I was there for consultation with the parties but did not sit in.

So that was a case where the President talked to the two principals, and I'm trying to think -- I would be reasonably sure that there were one or two other instances where the President talked briefly to the principals in connection with disputes during his term ,but not as a mediator.

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MOSS: Rather his good offices, atmosphere.

SIMKIN: Yes. Sort of a little intellectual and prestige stimulation, and he was an artist at that sort of thing. So, he…. But I think that was about the extent of his involvement.

Now Johnson's involvement, it was minimal, as far as he was concerned. He did bring, contrary to -- he did bring some negotiations into the White House in the sense of bringing the parties in officially and talking to them at the White House. This happened in copper the last time. This happened in this railroad thing. It happened in the Machinist-airline case. The ones I know about by personal participation was the copper dispute. Also the '65 steel dispute, where he brought the negotiators into the White House and talked to them and gave them a pep talk, quite a different kind of a pep talk than President Kennedy would have used. So he gave them a general pep talk and then kept them in the Executive Offices. The negotiations were held in the Executive Offices and, in effect, under White House auspices. So this was a different approach, but I think it should not be overemphasized as to the degree of difference.

MOSS: Let me ask you this: you were talking about the steelworkers; did you get involved at all in the Steelworkers holding the line on wages in the winter of '61-'62?

SIMKIN: No.

MOSS: You didn't.

SIMKIN: No. That settlement was made without any mediation. This was a Human Relations Committee settlement, really. I do not know how much Arthur was involved in that particular aspect. I do know that Arthur was in telephone conversation with the parties, and how much he was responsible for that, I think is rather speculative.

MOSS: All right. Well, let me ask you…

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SIMKIN: I've had some comments from the parties about that, but I'd rather not say even on this record.

MOSS: All right. Let me ask this then in another vein, but related: what impact did the Council of Economic Advisors' guideposts have on the whole business of labor-management relations? I've seen several statements where a labor negotiator using the productivity percentage business would use it as a floor below which he would not go; others were shooting for it as something that they didn't expect but thought they could get.

SIMKIN: In spite of some of the academic exercises in trying to determine the effect, I think this is one of those things that is somewhat a matter of speculation and guesswork. There were, unquestionably, two offsetting effects. There was, in the early days, particularly before the inflationary spiral had started, a significance. There is no doubt but that -- because I heard it at the bargaining table -- that a typical union reaction was, "Well, we're entitled to 3 percent or 3.2. We're entitled to that going in." And I, rather vulgarly, expressed it at times as a test of virility. A union, unless it could at least get 3.2, was not exhibiting any manhood, and this challenge of virility was to make sure that you broke the 3.2, realistically. Now, sometimes that motive was satisfied if it was 3.3; I mean, it was just enough to say that it was more. Sometimes it took substantially more than that to do it. So it did have, in the early stages, it had that unquestioned upward movement. I'm certain -- I'd rather not be specific about it -- I'm certain that there were settlements made at about 3.2 percent or 3 percent in the very early days that would have been 2 or 2.5 without it. On the other hand, in all fairness, I think it did have some restraining effect, particularly on the more responsible unions. I don't think there's any doubt but it had some restraining effect. Now, how much, quantitatively, is a matter of speculation.

There were other cases where it had a very bad effect. For example, it would have happened anyway, but in the 1962 construction disputes on the West Coast -- I know something

about that because I was personally involved. Off the record the union leaders told us frankly those disputes could have been settled for about sixty cents an hour for about three years without a strike. But the employers read about the 3.2, and the 3.2 would have produced, as I recall, about forty-three cents or something in that neighborhood. The employers got together for the first time in history and signed a blood oath that they would not grant more than the 3.2 and they would stand firm regardless. And so the strike started on that basis. Well, a lot of things happened, but the final dispute in that case was the Carpenters [United Brotherhood of Carpenters and Joiners of America]. We brought them into Washington and I got John Dunlop down there to work with me on it. We finally got a settlement of the Carpenters' case at ninety cents, which at that point was a victory because it was either going to be ninety or a dollar five [cents]. In other words, after a long, disastrous strike, the power factors were such that the price went up. And so here we had a three month strike, which was a very, very disastrous business, and settlements ranging from eight-some cents up to a dollar five [cents], a dispute which, the knowledgeable people said, without the guidelines would have been settled for sixty cents and no strike. That's the horrible illustration on the other side.

The guideposts were a headache for me for obvious reasons. We had to take a position early on that, and I did that and did it publicly. I made a speech out in California, and I said, in essence, "A mediator has a responsibility to encourage restraint insofar as possible. I have no quarrel with the objectives of the guideposts, but in reality, at the bargaining table, I just don't think they're going to work. And we're saying candidly that, as a mediation service, we're not going to be the policemen. We're not going to encourage excessive

settlements -- on the contrary, we're going to do what we can to restrain them -- but we're not going to attempt to be policemen, to attempt to enforce or cram down parties' throats a government formula." And I said it almost in those terms, and that was our policy. Well, I'm sure it's clear to you that that didn't make us completely popular with the Council of Economic Advisors or, at times, with even the White House. However, neither President Kennedy nor President Johnson ever took me to the woodshed about our policy.

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MOSS: Ted Sorensen [Theodore C. Sorensen] in his book makes a great deal of the "jawboning" approach in which you set up things like guideposts and you try to convince everybody to be responsible by talking to them and persuading them and this kind of thing. There is some dispute as to how effective that really is and how effective it was at that time.

SIMKIN: Well, I think it had some limited utility. As I said, I think there were some situations where it was helpful. It had complete disutility in this construction case.

MOSS: Yes. Yes.

SIMKIN: I would not say that the construction unions just completely thumbed their nose at the notion, but it was close to that. I'd say it was almost a total failure from the beginning in that industry. In certain other industries, I think both the industry and union people did give some responsible and significant reaction to the so-called "jawbone" approach. The problem, of course, is the "jawbone" approach is only good for a limited period of time, and it's only good when it's somewhere close to the reasonable area of acceptability anyway. During the 3.2 period, if that's roughly where the settlement would have been anyway in view of all the other relevant circumstances, it became a very useful device. People could not only settle about where they wanted to settle anyway, but they could wave the flag a little about being patriotic, and that was nice. But I don't personally believe the "jawbone" approach has any substantial utility beyond a fairly limited period of time and then only when it is reasonably close to what would happen otherwise. Once our cost of living index began to go up at a rate appreciably faster than 3.2, it was a formula that just was not going to be meaningful no matter how much you exercised the "jawbone."

MOSS: Let me ask you another question, somewhat different from the ones we've been talking about, but it's one we ask people across the board because it seems

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to have been important in this period, and that is the effect of the whole civil rights movement on your Service and on the labor-management negotiations in general. Was there any attempt, for instance, to make sure that you had black mediators?

SIMKIN: Well, on that point there was no pressure of any kind on me except my own pressure. I mean, I feel very strongly personally about this, on this point, and when in 1961 we had one black mediator…. The argument against black mediators is a very simple and a very plausible kind of an argument. A mediator is of no value whatever unless he can get the confidence of the parties. You never know administratively where prejudice exists, whether it be on the management side or on the union side. You never can be sure where prejudice exists, if you artificial put a black mediator into -- if you put a black mediator into a situation where prejudice exists, then his usefulness… [Interruption]

MOSS: We were talking about the question of civil rights. We were talking about the difficulty in knowing where prejudice would law at the bargaining table.

SIMKIN: Well, in any event, I felt that we, for quite personal reasons, quite aside from any government policy -- I think I would have felt substantially the same way if there had been no government policy -- I felt there was a real important area of development here. And we did hire, during the eight years that I was there, we hired five or six black mediators. I've forgotten the precise number; I could get it if you're interested.

MOSS: No. That can be documented by somebody else.

SIMKIN: I had even some internal problems in this because of this other notion, this feeling that they would be of limited utility. But the fortunate aspect of this whole thing is that, so far as I'm aware, the reaction internally within the Service and with the customers, with labor and industry, has been very good. We

had some problems in getting good candidates, as everybody has these days. The problems essentially were to get people with a requisite collective bargaining background. Except for a few of the unions, the unions have been backward in terms of the international "reps" and others with the bargaining background that's typically a requisite for a mediator job. Also, companies had trained few, if any, candidates for mediator positions.

But we did move, and we were, perhaps, fortunate in our selections, and the kickbacks have been very, very minor indeed. My Special Assistant for the last four years was Bill Abner [Willoughby Abner], who's black, a very competent fellow. He made an excellent record both internally, within the Service, and in a few mediation assignments that he handled, though that was not his primary job. So on that score, I think both the objective and results have been outstandingly good. Our regional directors reported that, so far as they were able to determine, any negative reaction from labor and industry was minimal. And in

fact, some of them had done very outstanding jobs. The parties have been very vocal and sincere in their response.

One of the fellows has an interesting notion on this. I told him that I thought he'd better not write a thesis on this until he gets a little more background. These fellows are pretty sensitive, you know, and their antennae are right up. There's not much doubt but that there was some initial adverse reaction in a few cases. But his thesis is that prejudiced people usually have a stereotyped notion of what a black man is, and when they get forced into an intimate kind of a relationship with the guy and find that he doesn't measure up to that stereotype, then he's confounded and confused. Here's somebody who doesn't measure up to the stereotype; he's a human being, and he's intelligent and this and that. His thesis is that then they go overboard; then even where there was an initial adverse reaction, the tendency is to go the opposite extreme and really cooperate, more than they might with a white man. It's a very interesting thesis, and I'm not physiatrist, but he feels that in several situations this was the reality.

MOSS: That's very interesting.

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SIMKIN: In any event, the -- I wouldn't call it an experiment -- the results have been good. As a practical operating matter, especially since we had so few, we did two things. For the most part, they worked in regional offices. In other words, they worked in the larger offices where here was more element of choice. I felt that at least at the outset it would be a little bit dangerous and unnecessary to put a black mediator in a one or two man station where there was no choice on selection for cases virtually. And secondly, we did not and have not yet put a black mediator in Atlanta, Georgia. I think it's going to…. Some groundwork was laid for that, and I think this is going to happen.

MOSS: Atlanta itself might not be so bad.

SIMKIN: No, that's right. No. Atlanta itself would be all right. So that the men in the Service now, field mediators, are in New York, Philadelphia, Detroit, Chiciago, St. Louis, San Francisco, and Los Angeles.

MOSS: Do you have any feel for the way the unions were reacting to pressure to upgrade the level of black workers, specifically, as a group?

SIMKIN: This, of course, is a major problem. But, at least during my tenure, the number of times that this became an issue at the bargaining table was surprisingly small. The racial problem usually pinpoints on seniority. There were a very few cases where this was a very real issue in the negotiations. But surprisingly few. Now this may not necessarily be a good test. Where seniority is obviously discriminatory, very frequently this is a collusion kind of a proposition and not a matter which is in dispute. And

in the crisis bargaining the mediator normally gets acquainted only with the issues that are in dispute.

MOSS: What about situations in which a company feels that it has to improve its image on this to get Defense contracts and promotes in sort of a reverse discrimination -- blacks over whites?

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SIMKIN: Well, this, I repeat, surprisingly, somewhat surprisingly, this did not show up in the contract bargaining. Now, I think it is likely to come up much more frequently in the grievance procedures where they may be a promotion for the reasons you indicate which the union feels is contrary to the seniority provisions. This might come up in the grievance proceeding but it doesn't come up very much in the bargaining.

MOSS: And you didn't really run across this as a problem during your…

SIMKIN: You don't run…. I think it will increasingly show up as the problem in contract negotiations where existing contract provisions are discriminatory and where, either under pressure from the EEOC [Equal Employment Opportunity Commission] or from other sources, the parties are, in effect, forced to change their seniority provisions are discriminatory and where, either under pressure from the EEOC [Equal Employment Opportunity Commission] or from other sources, the parties are, in effect, forced to change their seniority provisions, and then how they change becomes an issue in the bargaining. I think this is going to be an increasing problem.

MOSS: Let me ask one last general think piece question. During his Administration, President Kennedy was vilified by some of the business groups; they were really pretty tough on him. On the other hand, people like Walter Reuther came around and said that he was bending over backwards to please business and wasn't really acting in the interests of labor cohorts that were the traditional Democratic allies. Sitting, as you did, looking at both labor and management, what do you feel was the real story on this?

SIMKIN: Well, on the one hand, I think the business opposition to Kennedy was declining. He always had a lot of good friends in industry, but I think that number was increasing. I wouldn't buy Walter's criticism. From my observation, I don't think he could honestly be considered to have been pro-union or pro-company. I don't think he ever, to my knowledge, exhibited any tendency to be just a booster for the unions as such. I think he

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honestly tried to do an impartial job -- if you don't overstress that word -- as well as a good political job on both sides. Well, I felt very, very well satisfied from what all my observations, I felt very pleased with his approach. It was a knowledgeable approach because he really understood some of the inherent labor problems, and he had a tremendous amount of intellectual curiosity, just simple intellectual curiosity about these things, and the desire to find some solutions. I don't know whether I told the…. I can't remember in the first interview whether I recounted the thing that happened when the President's committee, the Goldberg-Hodges committee, reported to the President, did I? Is that in any of your records?

MOSS: No. I don't remember seeing that.

SIMKIN: Well, this was an amazing performance. I was there. I was not officially a part of that, but I had sat with that committee by invitation all the time they were discussing this. So when they made their presentation, when they presented this report to the President just before it was released. I went over with them to the White House. And we were sitting there. Everybody was ushered into the Cabinet room. The committee members were seated around the table, and so the rest of us were on the back benches. And Dave Cole, who had been the -- you remember that was a tripartite committee, and Dave Cole had been chairman of the subcommittee to develop this recommendation. It had been handed, presumably, to the President; I don't think he'd had a chance to study it at all. And he was sitting over in his customary place, and Dave was sitting opposite. Dave made a very good capsulized summary of what they did and why, maybe ten minutes. Well, the President sat over there, and he was sort of listening to Dave out of one ear. It was my first observation of his rapid reading. He was reading the report. It was a mimeographed thing, and he was turning the pages over, and he finished the reading before Dave finished his report.

The report was written as an allegedly unanimous report but with what amounted to a couple of dissents as footnotes,

and the footnotes were labeled. One was, in essence, a dissent on a few points by Henry Ford and the other by Joe Block [Joseph L. Block] of Inland [Inland Steel Company]. Dave had said nothing about these dissents. He didn't need to. When he finished, the President thanked him, and then he turned to Henry Ford -- I don't know which one first -- and to Joe Block, and he started talking to them about their dissents. It was a sharp intellectual…. It wasn't a…. It was a combination of keen political sense plus an intellectual curiosity about those dissents. And the discussion for the next ten or fifteen minutes was not confined to those two men, but it was, in essence, confined to the minor dissents rather than the main thrust of the report. And you could just see Henry Ford and Joe, particularly Joe Block, just glow under this kind of treatment. The President was frank; he didn't agree with them. He wasn't doing this simply as a device to inflate their egos. He was curious about their dissents. But the fact that he recognized their individual point of view made a great impression on those fellows.

And, to repeat what I said before, I am no psychiatrist at all, but I have always felt that there was more than meets the eye, more than anybody maybe realized of significance in the fact that some months later, you remember, when the President blessed the steel industry -- and who was it that held the line? It was Joe Block at great personal sacrifice in terms of his fellow members in the steel industry. I mean, he was just a so-and-so within the steel industry. Now, I'm sure that that one incident was not the sole reason, but I'm equally sure in my own mind that the President's very, if you want to call it astute or just intelligent handling of that situation certainly did no harm in what happened some months later.

MOSS: That's very interesting.

SIMKIN: If you'll turn the machine off, I don't even want this on. [Interruption]

MOSS: I'll just keep you for a moment more and ask you if there's anything to this point that you think that we have missed, that you think is important.

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SIMKIN: Well, I"m sorry I don't remember what's on the earlier tape. Just one or two little odds and ends. Since it's on-the-record/off-the-record kind of thing, I wouldn't object to this being known. But one of the aspects -- you see, I was never a candidate for this job. In fact, I had no political ambitions. I didn't know Kennedy. I was enthusiastic about him. I voted for him. I'd voted Democratic for a good many years, but was not active politically and in fact was registered as an Independent. And this request to take the job came completely out of the blue. My initial reactions were quite negative.

MOSS: Yes. I believe you mentioned this on the first tape in which you…

SIMKIN: Did I talk about the political appointment business?

MOSS: I don't think you talked about the political. You talked about the reservations about the job.

SIMKIN: In any event, I was pretty naive and still am about political realities, I guess, but I did feel that one thing was important and so when -- Arthur was the emissary of the President to talk to me about this, and Arthur made the recommendation -- so when I talked to Arthur I said, "Well, there's one thing that I would insist on, and if I considered it, I would insist on complete hands-off position politically as far as the appointment of mediators are concerned and that sort of thing. Because I said, "if there's any, as I see it, if there's any agency of government that has to be nonpolitical if it's going to do a job, it's the Mediation Service. So I would insist on complete freedom and freedom from political interference." Arthur said that he thought he could make those assurances but he'd check it with the President. He did, and I got the answer back -- nothing in writing, of course -- that this was okay.

Well, I wasn't very smart, but I at least was smart enough to know that that was not the end of it. So I'd been in the job about two months and we were hiring a very

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limited number of mediators. And we had interviewed -- it's too long to go into our process -- but, anyway we had a personal interview with staff, top staff level, guys who had got beyond a certain stage in our screening process. And we had made a tentative decision, but not yet announced to anybody, to hire three or four fellows. And one fellow who just didn't quite make the grade, we decided not to hire. And I got a call one day from the Democratic National Committee -- I've unfortunately or otherwise, forgotten the fellow's name. I don't even remember who it was now. It's not important. He said in essence, "Is this Mr. Simkin?" I said, "Yes." He said, "Well, we understand that so-and-so, who lives in _____," and mentioned the name, "in the state of _____, wants a job as a mediator." I said, "That's correct. We've considered it carefully and we're not going to hire him on the relative ability." And he said, "Well, now, wait a minute!" (I suppose this was part of the act.) He said, "He's number one on our list in the state of _____ for a job, and he wants a job with you, and you'd better hire him." And he said, "He wants a job in (city)." And I said -- I thought I'd try the soft answer -- I said, "Well, we don't have any vacancies in (city). We only have two men up there, and there are no vacancies." "Ah, that's simple. Just take one of those guys you've got there and send him somewhere else and put this fellow in." I said, "When I took this job, I had a commitment on this sort of thing. I think this is something we'd better sit down and talk about." And I added: "I don't intend to talk about it further on the phone. We'd better have a personal conversation."

So, in the next day or so we met with this fellow with Kenny O'Donnell [Kenneth P. O'Donnell], went over to the White House. We battled this whole business out. We did not hire this fellow. And from that day on -- and this continued under Johnson -- from that day on, there was never any pressure of this sort, political pressure. Oh, we would get letters from Senators and Congressmen and so forth. If we wanted the guy, we'd hire him; if we didn't, we wouldn't. But I've understood, by scuttlebutt, that the Service was one of the few agencies of government that had that kind of a commitment. I'm sure that President Kennedy's commitment on that score arose out of his understanding of the labor relations picture and the fact that a mediator just can't be political and fulfill his job.

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MOSS: You mentioned letters from Congressmen and so on. In other places I've run into the attitude that letters and memos as such are more or less ignored unless they are accompanied by a phone call from the man. If it's a phone call, you hop to it and see what you can do about it.

SIMKIN: Well, we had phone calls too but…

MOSS: But, people have made this particular distinction. Had you noticed it at all?

SIMKIN: I would not…. I don't recall any…. I think it's true that you would feel if you got a phone call that there's more meaning behind the request than if you got a letter. But, interns of any difference in reaction, when it was adverse…. I don't recall any distinction there. [Interruption] There were only one or two times -- and they were so insignificant that I can't even remember the individuals -- where a Senator or Congressman was just a wee bit nasty or upset when you told him you're not going to take his man. But nobody ever followed up on it. And I, quite honestly, can't even remember who the individuals were.

MOSS: Is there anything else that you think ought to be touched on?

SIMKIN: I don't think so.

MOSS: Okay, fine. Thank you very much indeed, then, Mr. Simkin.

[END OF INTERVIEW]