

**William E. Simkin Oral History Interview—JFK #1, 2/21/1967**  
Administrative Information

**Creator:** William E. Simkin  
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**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 Simkin's role within the FMCS, the relationship between the FMCS and the executive and legislative branches, and Simkin's impressions of President John F. Kennedy (JFK), among other issues.

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William E. Simkin

Date: 9/10/71

William E. Simkin—JFK #1  
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Oral History Interview

with

WILLIAM E. SIMKIN

February 21, 1967  
Washington, D.C.

By John F. Stewart

For the John F. Kennedy Library

STEWART: Let me ask you, Mr. Simkin, first about your pre-1961 contacts, if any, with Senator Kennedy and members of the staff. Had you met the Senator before 1961?

SIMKIN: I had not. I had of course heard of Senator Kennedy's activities in Congress and followed with great interest his career in Congress, but I had never met him. I had no personal contacts of any kind with most people who were close to him.

STEWART: What if any role did you have in the 1960 presidential campaign or did you....

SIMKIN: I had no role in that campaign. I've never been involved in any way actively in politics. I was, beginning in 1939 and running through until assuming this job, a labor arbitrator. I was intensely busy in that operation and had no political activity except as a voter. As a matter of fact, I was registered all

though that whole period as an independent, and I did not change my registration until a year or so after assuming this job. My sympathies were Democratic, but I was registered independent and simply was not active in politics in any way except as a voter.

STEWART: Could we get into the circumstances surrounding your appointment as Director of the Federal Mediation and Conciliation Service? First of all, who recommended you?

SIMKIN: I was recommended specifically to the President by Arthur Goldberg just prior to the time that Mr. Goldberg assumed his job as Secretary; I understand -- this is a little bit secondhand, but I think it's accurate -- that the President asked Mr. Goldberg to canvas the field and make recommendations for a new Director for the Service. I know from friends of mine that Mr. Goldberg did interview a number of people who were active in the labor-management field. A number of these people suggested my name. I had known Arthur Goldberg personally in a limited way, and the initial contacts in connection with my appointment were all made by Mr. Goldberg.

STEWART: I assume that it was a very natural thing for there to be a change in the leadership of the Service. There had been in 1962, or hadn't there been?

SIMKIN: That has been customary with a change of administration, particularly where one party goes out and the other party comes in. This job is not a political job, so that there have been exceptions in terms of persons being members of the same party. For example, one of the most illustrious Directors of this Service, the first Director after we became an independent agency in 1947, was Cy Ching [Cyrus S. Ching]. Cy was and, so far as I know, still is a Republican. But nevertheless, he was appointed by President Truman [Harry S. Truman] So that the whole notion of this job with most Presidents at least has been to

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appoint a Director irrespective of political affiliation, but a person who is knowledgeable in this field.

STEWART: Did you have any reservations at all about accepting the position?

SIMKIN: Yes, I did. As a matter of fact, when the first approach was made, my initial response was quite negative.

STEWART: Why was that?

SIMKIN: Well, as I indicated earlier, I had been an arbitrator for twenty-some years. I had some real questions at that time about the general competence of the staff

of the Service. I have since found after I had gotten acquainted with the group that to my best belief and knowledge some of those notions were erroneous. But nevertheless, it is a fact and unfortunately still remains a fact that there are some people in the labor relations field, particularly arbitrators, who have a sort of a general view that mediators are not always the best people around. I frankly had had that notion that the general caliber of the staff was somewhat inferior. I had a feeling that this might be a job in which you were working with a group of people where you would be encountering tremendous obstacles in doing the kind of job that I felt had to be done.

There was a bit of a personal problem involved financially, because to accept the job involved a loss or a cut in income of not quite half but pretty close to it. This is something you at least look twice at when you have family involvements and when you have no independent fortune and when you're not completely established as far as the years that lie ahead. There were these personal considerations, so my initial reaction was negative.

However, I was given a few days to think about it, and, rightly or wrongly, I came to an opposite conclusion primarily on two counts. One is, and I still believe this, that it is crucial to what is commonly called our way of

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life to maintain and improve the whole collective bargaining system. I do believe and did believe then that the mediation function is the most crucial function in terms of the activity on the part of any so-called outsiders or third parties in the bargaining relationship. I thoroughly enjoyed my arbitration work and probably would have been quite happy to have continued it for the rest of my life. But the fact remains that the arbitrators, particularly arbitrators of grievances, are somewhat past the pioneering stage.

While it deals with very important subjects the key, as I see it, the key to the preservation of bargaining in this country and anything like what we call free collective bargaining lies in the successful negotiation of contracts without excessive use of the strike or lockout weapon. In terms of public reaction to the labor problem, then, it is essential that these contracts be negotiated, and it's at this point where the mediator can be useful and can be, I think, more useful than any other third party participation. Now this, I suppose, may sound a little bit philosophical, but I think basically this was the thing that made me change my mind in wanting to give this job a trial at least.

There was another very important fact that had direct relevance to President Kennedy. I was tremendously impressed by Kennedy even though I did not know him personally. I felt that we were entering a stage of government where there was new, inspired, real, vigorous leadership and that I would be personally happy to be associated with that type of government. I think these two considerations -- and I don't know just what the weighting was -- these two considerations more than anything else determined my decision to accept the offer when it was made. But it was a little bit of a struggle, frankly. I have not been sorry about the decision.

STEWART: To your knowledge, was there any opposition to your appointment?

SIMKIN: Frankly, I do not know. I never tried to inquire in this area. I have heard as a matter of scuttlebutt -- and some of it was more than

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that -- there were a number of quite active candidates for the job, as always happens. I think it was a little bit typical of President Kennedy's approach to government that instead of looking at the active candidates in many cases he went after people who were not interested and who in no sense were candidates. I just happened to be one of the many who were approached in that way. There were a number of active candidates. I'm not aware of any active opposition.

STEWART: Did you discuss this whole matter with anyone other than Arthur Goldberg?

SIMKIN: Do you mean prior to acceptance?

STEWART: Yes.

SIMKIN: Well, I discussed it off the record with a few of my friends.

STEWART: No, I mean anyone in the...

SIMKIN: In the Kennedy Administration?

STEWART: Right.

SIMKIN: No. As a matter of fact, I did not see the President prior to acceptance. All my discussions were with Arthur Goldberg.

STEWART: You did meet with him, then, after you had accepted it, before your....

SIMKIN: It was some little time before I saw the President personally. It was quite some little time after; in fact, quite some time after I was on the job before I saw the President personally.

STEWART: Right. You've mentioned the problem of the caliber of the staff or at least your impressions at that time of the caliber of the staff. What major changes did you anticipate could or should be made in the role of the Service?

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SIMKIN: Well, I felt at that time that it was imperative that the level of competence of the staff be improved. I, however, did not want to bring any of my

preconceived notions to this effect into play until I got a chance to personally observe this situation. So for the first few months, in fact for some period of time, I made no changes. The thing that I was pleased about after I got to know the staff was that a good many of my preconceived notions I found to be erroneous. While it unquestionably is true that there were and probably still are some members of the staff of mediators who are not the best mediators in the world, the average level of competence was very much superior to what I had anticipated.

This may be somewhat a lack of modesty. I think we've made very substantial average improvements in the six years since that time in terms of new appointments. There has been a modest increase in the size of the staff, and there has been a fairly high rate of turnover due to retirement. There is almost no turnover in this organization due to quotes, but there have been a number of retirements. So as of now on our total staff roughly half are men who have been appointed in the last six years. Due to the combination of the experience and capability of the men who were here when I came and who are still here, plus the new men, I think we can say with some justification that the average competence of the staff is at a reasonably high level. I'm still not satisfied, and we're still working on it. But I have, without being defensive about it, I have changed my mind rather completely on this notion that bothered me before I knew enough about the job to know what the men were.

STEWART: As far as the relationships of the Service within the whole federal government structure, did you foresee any major changes?

SIMKIN: No, I did not at that time. I'm sure you're aware the Service is set up under the Taft-Hartley Act as an independent agency. There is a long history to this, some of which is probably irrelevant. The prior agency, the United States Conciliation Service, had

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been a subdivision of the Department of Labor for many years. There were some who, rightly or wrongly -- and this was dominantly on the management side -- who felt that a mediation agency which was an integral part of the Cabinet department which was to represent the working man did not provide the framework, the appropriate framework, for impartial mediation. It was this kind of thinking, plus some other considerations that I think are irrelevant here, which led Congress in 1947 to make this change, to pull the Service out of the Department of Labor, to make it an independent agency, and in fact to state in the Act that not only would we be independent but very specifically we would be independent of the Department of Labor. It was the clear intention of Congress at that time that the mediation function should be reserved to the Service.

STEWART: Let me ask you a few general questions about your relationship first with the White House. What in general were the types of contacts that you did have

with anyone in the White House, members of the White House staff?

SIMKIN: Well, to be very candid about it, the direct relationships with the White House throughout this six year period have been limited. There have been contacts, but the contacts are limited. I report to the White House, at least in theory; but in fact, the direct contacts are somewhat limited. I submit a formal report once a month. Whenever there is a dispute of crisis proportions or a dispute which is considered to be a crisis, I am in contact with members of the White House staff. These staff members have varied, persons from over the years, but there is contact with the White House staff at times of an emergency situation.

On the few occasions when it has been necessary to get a Taft-Hartley injunction there is contact and normally participation in the decision as to whether that action should be taken. This, of course, is a decision that the President makes, but obviously the President talks to various people about it, and I normally have some function in that.

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My notion is not always accepted, but that's a part of the business.

STEWART: During the Kennedy years who was the primary staff member that you had contact with?

SIMKIN: Ralph Dungan was the primary contact during the Kennedy years. Of course, there have been other people since Ralph left.

STEWART: Were you always satisfied with the types of hearings that you would receive in different situations?

SIMKIN: Well, the.... Let's see, where were we?

STEWART: I was asking you about any problems that you may have had communicating with the White House staff or getting a....

SIMKIN: Well, let's go back to the beginning. Yes, there have been some problems of communication. These problems of communication, I think, are inevitable when there are as many independent agencies as there are in the government. And with the heavy responsibilities that the President has, it is obvious that there can be limited personal contact between the heads of all of the many independent agencies and the President.

In the Kennedy Administration, particularly, because of the justified and obvious high regard that the President had for Arthur Goldberg, the President did put a heavy reliance on Arthur Goldberg to be his personal representative, to advise him on most matters involving labor, including labor disputes. So most of the direct personal contacts that President

Kennedy had with Administration people in connection with labor disputes were through Secretary Goldberg.

I had an excellent personal relationship with Arthur, and, in spite of the fact that the Act says that the Secretary of Labor shall have no relationship with the mediation of disputes, the facts were -- on a few cases, but a very

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limited number of cases -- the facts were not that way. It was well known that Arthur was involved personally in a few disputes -- not too many really. But even in a good many disputes that we handled entirely on our own, I did keep in close touch with Mr. Goldberg. By reason of Kennedy's confidence in him, much of our contact with the President was through Goldberg instead of through a member of the White House staff. Now this did not mean that this was at all exclusive, because as I've indicated earlier, I did have contacts primarily through Ralph Dungan.

STEWART: What types of things generally were Mr. Goldberg and yourself interested in making sure the President was aware of? I assume any impending crisis....

SIMKIN: Well, I think, in the first place, it was our joint endeavor to protect the President from anything more than he absolutely had to know about labor disputes. In terms of our own operations, we are actively involved every year in close to eight thousand cases. By actively involved I mean these are the cases where the mediators are actually sitting at the bargain table, and then there are thousands of others where the work is more limited than that. Now, it's perfectly obvious that many of these eight thousand cases are cases that are not of sufficient importance for the President to know about, anyway.

But there are a fair proportion of those eight thousand cases that are extremely important to our defense effort or that, because of the importance in the community if a strike lasted long enough, might become matters that would even be called to the President's attention by somebody. Now, I think it's fair to state -- although Mr. Goldberg obviously ought to talk for himself -- but I think it's fair to state that it was our joint endeavor to protect the President, insofar as it was physically possible, from any pressures of these disputes except under the most extreme circumstances, so that our reporting to the President, either me directly or through Goldberg, our reporting of disputes was limited to those where we felt it was critical

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that he knew about them. There were a few -- I understand later in this interview we'll get into some specifics -- but there were a few.

Perhaps the aerospace negotiations would be a typical case where when major strikes were threatened in that industry at that stage of our defense effort, and I'm speaking of 1962 for the moment, where it was perfectly obvious that the President had a direct interest in

those cases if any serious strike trouble should develop. It was, to repeat, basically a desire to protect the President from personal involvement.

STEWART: Right. What about your relations both with individual congressmen and Congress in general? I'm not too sure basically what these relationships are, but let me put the question. Was there any change at all in the types of relationships that occurred during the Kennedy administration as opposed to those that had occurred in the previous administration?

SIMKIN: Well, it's a little bit difficult to answer that question. I'm not completely aware of what my predecessor did in this respect, Joseph Finnegan, who was in the office for some five years or more before I came. I can speak as far as I'm concerned. Our relationships with contacts on the Hill have been minimal. We, of course, have the required contact in connection with appropriations once a year. I got well acquainted with Senator Hill [Liston Hill], who was Chairman of our subcommittee on the Senate side, and with Representative John Fogarty, who was the Chairman of the House committee until his untimely death a month or so ago. My personal contacts on the Hill were pretty severely limited to those two men. This was not a matter of a particular choice on my part except that this is a rather a pressure job as you can imagine. I have felt, rightly or wrongly, that I ought to give priority to settlement of disputes rather than to contact members of Congress. Whether this is a wise judgment or not, at least that's the way it's worked.

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Now this is not to say that I have no contacts at all. I have known a few of the senators over the years, and have had very limited personal contacts with them. But it is not a job that I envision as one where you can afford to spend much time on the Hill. I prefer, rightly or wrongly, to let the operation speak for itself.

STEWART: What about your relationships with any other departments or agencies other than the Department of Labor, or are these so minimal that....

SIMKIN: Well, no. I would not say that. We've had a limited, much more limited relationship with the Department of Commerce than with the Department of Labor. Nevertheless, there have been contacts with the Department of Commerce in a variety of ways. The other department in which our contacts are extensive is with the Department of Defense. We have worked out a very close liaison arrangement with the Department of Defense. It's obvious that these disputes are of particular significance to them. I mentioned aerospace a while ago; this is an industry where the implications are clear. There are a whole host of disputes. I almost hesitate to mention the number estimated. We're not a statistical agency, but at a minimum I would say that we have eight or nine hundred or a thousand cases a year which are of some significance to the Department of Defense. The subcontracting of defense work by the principal contractors and subcontracting below that is so extensive that the tentacles of our defense effort reach out to hundreds and

thousands of plants in this country. In many cases, either for security reasons or other, some of this involvement is not known to the public generally; it's known to a very few people. So that it is not at all uncommon for us to be active in a dispute which is some relatively small company somewhere that nobody ever heard about, but where at that particular moment of time that dispute is highly critical. So we have worked out a very close liaison arrangement where we report in both directions; where the Department of Defense reports to us cases in which they have a particular interest, and in many cases where we alert them to cases. We are

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able to develop by reason of this liaison a good appraisal of whether a particular dispute at that moment of time really is critical.

I might mention just as illustrative one that's far enough back so that it has no security problem involved. In fact, I think it was in 1962, it may have been early 1963. I became aware of a strike at a little foundry in Akron, Ohio. This little foundry employed a couple of hundred people. Goodyear had a contract to make insulation for nosecones in the Minuteman, and this was right at the peak of the minuteman program. Goodyear in turn had subcontracted to this little foundry the job of making a mold which they were going to use for this insulation. The strike happened to occur right at the moment that this mold was ready to pur. Now, it so happened that that insulation for the nosecone was a little behind schedule, and right at that particular moment of time was probably more critical to the whole Minuteman program than anything else in the whole program. So here you had an unknown strike, unknown to anybody but the insiders, which was more critical perhaps than Boeing at that particular moment. Fortunately, we were able to assist in getting that settled within a day and the program was not held up.

Nobody knows about this, and it's no longer a security matter, but hardly a week goes by that we do not have a case, though perhaps not quite that dramatic in character. But we have them all the time where that general type of situation exists. There are in addition to the bigger disputes that are obvious to everybody. So we do have a very close working relationship with the Department of Defense in this kind of situation.

STEWART: Could we get into the establishment of the Missile Sites Labor Commission? In May of 1961, of course, the President issued an Executive order setting up this Commission. What if any role did you have in the formulation of this Executive order?

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SIMKIN: I had a very active role in this. The underlying problem I'll try to state as simply as I can. At that moment of time our entire missile program was in an acute stage, as you will recall. The decision had been made to go ahead with this program in a big way, and there was not only the question of the Cape -- what's now Cape Kennedy, was then Cape Canaveral -- which was the sort of public expression of this, but there was the job of building Minuteman sites and the earlier additions of missiles at

thirty or more locations scattered all over the country. There had been a series of strikes at the Cape which had altered the public generally and had alerted the McClellan Committee in Congress, and there was a general hue and cry that something's got to be done about the strike on missile sites.

Now, the problem was particularly difficult in the construction phase because this construction of missile sites was a totally new kind of construction project. The type of jurisdictional disputes among the unions that have existed for years in normal construction afforded no real keys to answers to similar disputes on missile sites because this was totally a different kind of an operation. So here were potential, and in actuality, a whole host of jurisdictional disputes within the building trades.

Then to complicate the matter the Defense Department had decided, and understandably so, to develop these missile sites on a program they called concurrency. This means in essence that while construction work is still in process that the manufacturers of the missiles will have their own people on the sites installing the missiles. So that you have a mix of workers; building tradesmen and employees of Boeing, North American, and the other big aerospace firms, and many subcontractors on the job. These employees are in many cases members of unions other than the building trades working side by side. This is not normal to construction.

In order to avoid disputes in normal construction, normally the building trades work on the job until it's completed. Then they get out, and other unions may come in

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for servicing and maintenance and so forth. But this concurrency program presented major potential labor problems.

Then in addition to that, various of the missile sites were in the areas that were not really unionized areas so that we faced the problem of union workers and non-union workers working on the same site almost side by side because of this concurrency business. So this was an explosive kind of a thing. Well, this is the background of it.

There were great hues and cries for legislation to prohibit work stoppages. Some of us felt that this would not work quite aside from the many other factors. So I think it's fair to say that Arthur Goldberg and I were primary.... I give him major credit, but I worked closely with Arthur throughout this period in developing the plans for the Missile Sites Commission. It was in some respects a little bit like the War Labor Board of World War II. We got a no strike pledge from the unions; we got cooperation from the employers; we set up the Commission, which was established to at least make recommendations on disputes.

But there was a new angle this time that we worked out cooperatively. The new angle was this: We felt, particularly because of the type of problems that were involved, that it was absolutely essential that most of these disputes be settled at the site; that any kind of a mechanism which would simply refer a whole host of disputes into Washington would break down. So in my mind one of the key aspects of this program was the establishment of committees at the sites, and each of those committees was chaired by one of our mediators. We undertook that job, that important job of assignment of mediators to do the work on the sites.

By and large this operation was successful. Most of the disputes were resolved locally as an advance crew. Then we had the Commission here in Washington, which was headed by Mr. Goldberg as Chairman, succeeded later by Wirtz [W. Willard Wirtz]. I was Vice Chairman, so that I, in effect, wore two hats in this program: one as Vice Chairman of the

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Commission; the other as head of the Service and therefore responsible for the operations of the mediators who were working on the site.

STEWART: Who was responsible for choosing the members of this Commission?

SIMKIN: The members of the Commission, public members, were selected by.... Arthur and I conferred on this. I would say that his judgment was dominant in the considerations, but we were in agreement on all of the public members. The industry members and the labor members were selected after conferences with the respective groups.

STEWART: Were there any significant disputes within the Administration as to this approach, to the Commission's approach, and to the local site committee's approach to the whole problem?

SIMKIN: No. There were, to my knowledge, no differences of opinion on this approach. I think there were some on the Hill. Without naming many names, I think Senator McClellan [John L. McClellan] felt that this was not as strong an approach as might be desirable. There may have been a few other senators. I know people on the Hill who felt this, but so far as the Administration is concerned, I'm not aware of any dissension or difference of opinion as to this method of attacking this particular problem.

STEWART: And there certainly was no dispute over the fact that this was needed as opposed to any legislation that might come forth.

SIMKIN: Within the Administration, no. I repeat, I think there were some members of Congress who felt that legislation was needed, but they were in a minority. They didn't have enough strength in Congress to prevail on that point. I do think that if the Administration had not moved it's very likely that the Congress would have. It was at a point where the Administration obviously had to take some special action.

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STEWART: In general, did the work of the Commission achieve its expectations during the three Kennedy years? Were you generally satisfied with....

SIMKIN: I don't think there's any real question about that. I think the record speaks for

itself, and certainly during the Kennedy years. Candidly, in the last year or two there are strong indications that the Commission has, in some respects, outlived its usefulness. This has nothing to do with the change of Presidency at all. But any special device of this kind, in this business of labor relations, any special single purpose device tends to lose a little of its force as time goes on, particularly when you get a no strike pledge under the conditions that prevailed at that time in view of our defense program.

Now, by and large, except for modification programs, our missile program is completed so that that aspect of the sort of public pressure for no strikes on these localities has diminished a little bit in as far as the missile is concerned. Now, the NASA [National Aeronautics and Space Administration] program, the space program, of course has a different time cycle. The NASA program is, construction wise, also now over the hump, and is now on the downgrade in terms of the construction work. I'm not talking about the firing, but in terms of the work on the sites. So that with most of the missile sites finished the volume of work has drastically declined, and much of the reason for creation of a special purpose mechanism has now not gone entirely, but it has been diminished. You get a different psychology and a different sense of need and urgency.

I think the time is about here when we ought to give careful consideration to whether this particular device ought to be continued because it's not, in my judgment, good to continue a special purpose mechanism beyond its useful life. There is a tendency in government to just keep things going because they were once created, and I think we ought to take a careful look at that.

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STEWART: Well, to move on to something that wasn't continued after it was created, the National Labor Management Panel, which was reactivated in May of 1963. Again, what was your position as far as the reactivation was concerned and what arguments did you encounter on the other side?

SIMKIN: Well, I think it's necessary to go back a little bit in the history on this. The Taft-Hartley Act specifically provided for the National Labor Management Panel, which consists of twelve members, six labor men, six management men, whose purpose is to advise the Director of the Service on mediation policy generally and to advise with particular relevance to emergency disputes. This is the framework under which the Panel was established in the Act. A panel was named by President Truman soon after the Act was passed. For a variety of reasons that -- I'm not the person to appraise these except as I see it in retrospect -- for a variety of reasons that panel never really got off the ground. I think part of the problem was that the initial appointees to the Panel were so-called high level -- George Meany, Walter Reuther, I think, were on it for labor. The industry members were nominated by the Chamber of Commerce and by the NAM [National Association of Manufacturers]. And with all of their other activities, they found it a little difficult to give major attention to this situation. The industry members in particular were men who were not active on their own account in labor relations. They were presidents of corporations who knew something about the labor problem, but knew it only indirectly, so

that this was not, in its initial composition, a group of individuals who on their own had a deep personal involvement and a personal knowledge of labor relations problems. I think this was one of the problems. What the other problems were I don't know. In any event, after the initial appointments and after one or two meetings which apparently were not highly productive, the Panel just sort of died, and as terms expired, people were not reappointed.

Well, I had never given too much thought to this problem before coming on the job, but as soon as I looked over the Act, which was one of the first things that I

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did, and being a great believer in so-called tripartitism and its advantages, I determined even at the time of acceptance that I ought to explore carefully the possibility of reappointment of this Panel. So this was one of the early things that I looked into. I didn't push it immediately on coming into the job for a couple of reasons. One was because there were a lot of things that had to be done with those early days. I thought that to get a feel of the internal operation of the agency was most important as the initial job. Secondly, the President, President Kennedy, as you will recall, had appointed another labor management panel, his advisory committee, his special advisory committee, and I felt that the timing was just not right to re-establish the Panel at that particular point in time.

In any event, time ran on until early 1963 before I really got busy on it, and then I did recommend to President Kennedy that the Panel be reactivated or activated. I made certain proposals on my own account as to people I thought would be the kind of people who would be most helpful to us. These, both the initial members of the Panel and the present members, are all people who are well known, but they are people who are working. I call them the working stiffs in this business. They know on their own account the problems, and I have found that this method of selection, this selection of people of this category, is highly profitable.

The Panel has been extremely helpful to me personally and to the Service generally, and they're a group of people who have given unstintingly of their time and effort in working with us. We met not on any set schedule, but we've been meeting four or five times a year typically for a couple of days session exploring a whole lot of things and advising me privately and personally. Then, they have been very helpful to us in our seminars and workshops; in most cases they come and work with our people directly. So this has been a very fine device as far as I am concerned.

President Kennedy's press release on this particular was on May 26, 1963. The first Panel met personally with President Kennedy on July 16th. We had a very enjoyable,

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a very fine meeting with the President. I've forgotten it precisely, he spent three quarters of an hour or so with us. Both on that occasion and on other occasions this gave me a little insight into President Kennedy even though I had not previously known him personally. His intellectual curiosity was just boundless. Of course, he had had in his experience in the Senate, he had extensive experience in the labor field by reason of his service in the Senate,

so he was generally knowledgeable in this field. But the kind of questions and the kind of comments and the kind of probing that he did with that Panel at that session was just an amazing performance. You got a feel for a man who had not only a basic general knowledge of this field but who had a tremendous intellectual curiosity and a desire to pursue. Another illustration -- and I'm digressing a little from your question....

STEWART: That's all right.

SIMKIN: But I happened to sit, although not officially a member, I happened to sit with the other committee, the advisory committee. You will recall that in May of 1962 they issued a formal report on collective bargaining including some suggestions for changes in emergency disputes. I was with that committee when they made their formal presentation to President Kennedy about that report. Dave Cole had been chairman of the subcommittee. Arthur Goldberg was Chairman of the committee at that time, the chairman rotated between Labor and Commerce. Dave Cole, as subcommittee chairman, was asked to make the oral presentation. I have reason to believe, although I'm not sure, that the President had not seen the official report. I'm sure that Arthur had briefed him on it, but he had not seen the official report until that meeting.

I'd heard or read a great deal about the President's rapid reading. Dave gave about a ten minute summary of this, and all the time that Dave was talking, the President was sort of listening with one ear to Dave and thumbing through that report in that way that he had of looking through documents. After Dave's presentation, then there was a period of perhaps half an hour or so for discussion

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of this report. The thing that was amazing to me as an observer of this business was that the President took a very active role in this discussion; he wasn't just listening to people.

There were some footnotes to that report which were almost dissents on a part of a couple of the industry members, Henry Ford and Joe Block [Joseph L. Block]. Dave had said nothing about these, but very early after the President got a chance to do some talking, he was talking with Henry Ford and Joe Block about their footnotes. And it was perfectly clear that in that ten minutes while he was both listening to Dave and looking through about a twenty-five or so page report, that he had grasped all the subtle implications of that report, including the footnotes in that quick review. The nature of his questions and the nature of exploration indicated that he was looking beyond the report. Several of his questions, I don't remember them precisely, indicated very penetrating questions that went beyond the written text. Now, to me, this was a prime illustration of what I called this intense intellectual curiosity which characterized his activities, at least in the labor field and I suspect in other fields as well.

Again, digressing, but another illustration of that was the time after one of these 1962 aerospace settlements when some of us went over to meet briefly with the President, and the kind of -- in an informal atmosphere with only a half a dozen of us or so around, the company and the union people and Walter Maggiolo and I for our Service -- the kind of

questions that he asked about this indicated his fundamental knowledge of what the whole thing was about.

STEWART: Was there any opposition at all to the activation or reactivation of the National Labor Management Panel?

SIMKIN: I'm not aware of any. This is scuttlebutt rather than direct. I sensed a little bit of feeling, never reported to me directly, and I don't know if it was even reported to the White House. This is one point that I may want to be -- not go into this too widely.

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STEWART: Yes, okay.

SIMKIN: There was a little bit of feeling on the part of the Chamber of Commerce and the NAM that they had not been consulted to make nominations. Now I deliberately did not consult them because I was afraid of what I would hear. And rightly or wrongly, out of my own knowledge of people in the labor movement and on the industry side, I deliberately made my nominations without formal consultation. Frankly, I did have some very informal consultation with people in both industry and labor, either on the phone or in person, where I outlined what I felt would be the kind of panel that we wanted. And I did get some informal suggestions from specific industry and labor people. Some of the nominees, a few of the nominees, were people that I did not know personally that I took on the basis of my informal canvass.

In other words, I did not go to the AFL-CIO [American Federation of Labor and Congress of Industrial Organizations] and say, "I want nominees for this," and I didn't go to the NAM or the C. of C. I acted on the basis of suggesting the kind of people that I thought would be helpful to us. On the other hand, I did not go to people that I knew in advance were friendly to the Service. In fact, I deliberately picked some people in industries who had not used the Service extensively. I didn't want a panel that was loaded in the sense that they're already pre-dispositioned to like the work of the Service. I really wanted a mix. I think this may be bragging, but I think we succeeded.

It's very interesting, in terms of the overall picture, that President Kennedy raised no questions about any single individual that I nominated. He gave no consideration to political.... I didn't inquire, as a matter of fact, as to political affiliation. I assume that most of the union guys were Democrats and knew in some cases, but by the very nature of things, most of the industry people were Republicans. Some I know were Republicans. And there was no consideration given to any political implications that the designation would have, which I think was helpful.

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STEWART: Moving on, in the 1963 report of the Service, you discussed the whole

problem of voluntary and compulsory arbitration. You stated in that report that support for the notion of compulsory arbitration, quote, “came from some intellectuals who ought to know better.” Let me ask you, first, was this whole notion being pushed to any great extent within the Administration, and if so, where specifically was the source of it?

SIMKIN: I don't think that there has been at any time, even right up to the present, any strong force within the Administration pushing toward compulsory arbitration. I would suspect that there may be a few people in Defense who would be likely inclined to move in this direction. I'm not talking about McNamara [Robert S. McNamara] because I'm pretty well convinced that he would not favor this; but at lower echelons in the Department of Defense I would guess that there would be some who would push for this. There has never to my knowledge been anybody in the Department of Labor who has pushed in this direction. Neither Hodges [Luther H. Hodges] nor Connor [John T. Connor] to my knowledge has.... I think this is one area in which labor and industry are pretty well united with a few significant exceptions. This is outside our own field. As you know, we don't have railroads or airlines, but there are fairly significant elements in the railroad industry on the industry side who have pushed for compulsory arbitration.

In our own areas there are people, particularly in the maritime field, who at various times have pushed for compulsory arbitration. One of the members of our panel, one of our best members, Paul St. Sure [J. Paul St. Sure], who died a few months ago, at various times has been a proponent in that particular industry for compulsory arbitration, in spite of his general anathema to the idea elsewhere. Here and there in particular industries you can pick out a few industries like that where I'd say the dominant industry position would favor compulsory arbitration; and here and there in other industries you'll find individuals. But the overall sentiment on the industry side is in opposition, and certainly labor is in opposition.

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As far as internal pressure within the Administration, I would be hard pressed to find anybody that I know that has pushed this. Although I've had some differences of opinion with Gardner Ackley -- not on the principle of the guide posts, but on their practicality. Though I've had some differences on the practicality of the guide posts, I'm not aware that even the Council of Economic Advisors has exerted any pressure towards compulsory arbitration. I would doubt that. In fact, I'm pretty sure they haven't.

STEWART: Maybe I'm misreading this. Do you have the 1963, fiscal 1963?

SIMKIN: Yes.

STEWART: I can find the quote right here.

SIMKIN: I think my reference to intellectuals was not intellectuals within the Administration.

STEWART: Yes.

SIMKIN: Well, maybe my use of the word intellectuals was a little loose there but...

STEWART: But it definitely didn't come from within the Administration?

SIMKIN: No. I would say it's not from within the Administration. I was thinking, frankly -- well, my old friend Abe Raskin of the *New York Times* has been at various times pushing in this direction.

STEWART: I read his article this morning in the *Saturday Review*.

SIMKIN: A few of my old arbitrator friends have at various times publicly and otherwise pushed for compulsory arbitration. Not too many, but a few of them have. There are some other economists on various university faculties who have spoken out in this direction. My reference in the report is loose.

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STEWART: It never became a serious problem though. I see that this interview....

SIMKIN: No. To repeat, I'm not aware of any significant pressures internally within either the Kennedy administration or this one. There have been some obvious, as you know, some obvious moves on the Hill on the part of certain congressmen and certain representatives and senators who were periodically introducing bills which would include this concept. But I'm talking about the executive branch when I say I don't think there's been any real support that I know of at high levels.

STEWART: The Service, of course, has a voluntary labor arbitration program. How in general would you assess its effectiveness during the Kennedy administration?

SIMKIN: Well, I think that this has been quite effective, but it's a very limited role that we have. Our role, in the simplest, is to supply unions and companies, on request, a list of names of qualified arbitrators. We get a request for a list of names, and we send out that list of normally five, seven, some odd number. The parties take that list together with the information that we supply them. We give them some biosketches on these individuals. The parties take that list, they make the selection of the arbitrator by a variety of means. We officially notify them as to the selection if they don't know themselves. Sometimes they get together and make the selection with the representative of the company or the union at the time and simply tell us who they selected. Other times, they make their selection either by order of priority or by scratching names and we notify. Once we have notified both the arbitrators and the parties, then the whole process front aht point on is not our process, it's a private relationship between the parties and the arbitrator.

There are a limited number of circumstances where I may make what is called a direct designation, where the parties do not select from a list but they ask me to simply

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appoint an arbitrator. Even in those cases, after the arbitrator has been appointed the matter is out of our hands and we assume no responsibility for the decision. We do assume limited responsibility for trying to see to it that costs are within reason. If arbitrators in our judgment go haywire on charges, or if there are complaints of that sort, we investigate them to see what we can do. But this is a non-compulsory kind of thing except that if the arbitrator in our judgment is off the reservation we simply pull him off our list and don't use him anymore.

STEWART: Again, were there any major changes in the approach of the Service to this?

SIMKIN: No major changes except that we have tried to improve our efficiency in this respect, and I think we have. This is one of the relatively minor functions that we perform that has been going up -- if you read the annual reports, you see the statistics. The volume of this work has been going up steadily in a geometric progression of an increase of ten, twelve, fifteen percent a year ever since I have been here.

STEWART: Again, in fiscal year 1962, according to your report, the Service began limited experimentation with the use of part-time people or so-called national reputation in labor management relations. Was this something that you would consider a significant new approach by the Service?

SIMKIN: Well, it's not completely new, but almost new. There had been one instance that I know of in a prior administration where this device had been used. We have used it sparingly. I have had the notion -- and I think it's borne out by our even limited experience -- I have had the notion that there are fairly serious disadvantages in the special board concept. We have used that, too. For example, in the 1962 aerospace disputes, we brought in at my recommendation the so-called Taylor Board: George Taylor, Ralph Seward and Charlie

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Killingsworth. They came into that aerospace controversy by Presidential appointment to mediate and make recommendations. There are some serious disadvantages to this, of bringing in a group of three or any number of individuals who had no participation in the case up to that point and who in effect take over at that point. There is a possibility -- although even in that case I think we avoided some of it -- there is a possibility of losing the knowledge and experiences developed up to that point. There is a tendency for the outside board to simply take over and for the Mediation Service to drop out of the picture entirely.

Our field mediators in most of these, even these big cases, are fellows who have worked with these parties over a period of years. They have a very large field of knowledge

about the background of these disputes and about the personalities involved, which is sometimes more important than the so-called facts. I have felt very strongly that to get maximum effectiveness of the mediation process, it is inadvisable to have a complete break. One of the ways of avoiding a complete break and at the same time to get the prestige value and the psychological value of a so-called outside expert is not to appoint a whole board of new people, but to bring in one man to work with a couple of our guys who have already worked on the case.

We have done this in, I'm afraid, too few cases, but we've done it a number of cases. For example, we have used John Dunlop officially and unofficially frequently in quite a few construction situations. We've brought John in as a consultant more times unofficially than officially. He has been a tremendous help to us. He knows how to work with our fellows as well as work with the parties. Jim Healy [James J. Healy] has been used extensively, particularly on maritime matters. He has, not only by reason of his general reputation in the field but by reason of his general reputation in the field but by reason of the work that he's done, he has a good relationship with most of the parties around the country. We used Jim in maritime and in a few other instances. In the maritime disputes, the last go-round I brought Ted Kheel [Theodore W. Kheel] in to work with us officially.

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We have used Father Leo Brown on a number of disputes. Perhaps the most outstanding one in this connection was the sugar dispute on the island of Hawaii. We had used Father Brown as an individual in this capacity, and we used him twice in Hawaii in disputes. In the sugar dispute we had a very interesting panel. We had Gil Selden, who is our Assistant Disputes Director here in the Washington office and Wayne Kenniston, a field mediator, working with Gil. I'm getting mixed up here. In the sugar dispute we did not use Father Brown. We used him on an earlier case in the Hawaiian Islands. But in this particular case, our field mediator was Wayne Kenniston, who had worked on the case initially. He was an integral part of the panel. Then we put Gil Selden, our Assistant Disputes Director from the Washington office, on the panel, and the third man was -- what's his first name? His last name is Kobayashi [Bert Kobayashi]. He was Attorney General in Hawaii and has an excellent relationship with both labor and management on the island. So we had here in this case a member of the state government, who was, unofficially at least, the governor's appointee, plus our national office man, plus the field man. This proved to be a very effective mediation panel.

Then we have used Father Brown on either sugar or pineapple, an earlier dispute. Father Brown has worked with us and more extensively as a part of the so-called Ching panel and the disputes in Las Vegas. We've used Father Brown in a number of other cases. Well, these are illustrative of this kind of operation.

STEWART: Again, was there any resistance to this approach, either from the White House or from the Department of Labor?

SIMKIN: No, not that I know of. I simply did it, and I've had no kickback. Candidly, I

didn't consult with anybody about it, I simply did it. I have at various times in conversation talked to Secretary Wirtz about this method of approach, and there had been no opposition to it. But in specific instances there was no consultation.

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STEWART: And there was no -- on the other hand, people weren't pushing the public panels that you mentioned you weren't too in favor of?

SIMKIN: Well, I want to be clear. I'm not opposed to outside panels in some cases.

STEWART: No, no.

SIMKIN: In fact, in some instances I have personally made that recommendation myself. It so happened, perhaps because of my feelings on this matter, that we have had in the last three years particularly, we've had very few of those boards. Arthur Goldberg's penchant was for the board, and candidly, my own thinking in the early days when I was here was not along this other line. This has been a somewhat more recent development since the Kennedy administration. In our own area, we've had very, very few of these big outside boards in the last three years.

STEWART: Look, I think your secretary said you'd have about until eleven thirty. Do you want to....

SIMKIN: That's true, I....

STEWART: It's apparent that we're not going to get through everything today and....

SIMKIN: Well, maybe we had better pick up at a later date. We're down to where?

STEWART: Oh, about number nine.

SIMKIN: Technically, we're down through number nine.

STEWART: Right, right.

[END OF INTERVIEW]

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