Oral History Interview with

DAVID L. COLE

Served on Presidential boards in labor disputes in the coal mining, railroad, air line, and waterfront and maritime industries during the Truman Administration; Governor, National Academy of Arbitrators, 1948-52, President, 1951-52; and Director of the Federal Mediation and Conciliation Service 1952-53.

Paterson, New Jersey
September 20, 1972

by Jerry N. Hess, Harry S. Truman Library

The Harry S. Truman Library
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NOTICE
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HESS: Mr. Cole, to begin and for the record, would you relate a little of your personal background? Where were you born? Where were you educated and what positions have you held during your career?

COLE: Well, starting at the beginning, I was born here in Paterson, New Jersey and I have lived here practically my entire life. I was educated in the public schools and then attended Harvard College and Harvard Law School, graduating in 1921 from the college and in 1924 from the law school.

I practiced law in the City of Paterson, and for a short time in the City of New York. Very early in my career I was exposed to labor relations because Paterson, New Jersey, as you are probably aware, in its early years had a good deal of so-called "labor troubles

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and labor agitators, etc." We like to say that that we had major labor disputes "before Hector was a pup."

We have the silk industry in Paterson, New Jersey, and this had a very tumultuous and confused labor background. All sorts of radical labor movements developed early in Paterson.

In my early years I represented silk manufacturers. My father was a silk manufacturer and my first experience was as advisor and ghostwriter for the president of the silk manufacturers association. The unions would have short lives. We'd have a union for a year or two and it would fall apart and another union would come in. But the one thing that we could pretty well depend on was that each year, starting about Labor Day, we would have a strike. Most of them were general strikes -- the entire city would go down. As a result of this type of thing I had a great deal of exposure. This continued until 1937 or '38 when Sidney Hillman came into Paterson as the Chairman of the Textile Workers Organizing Committee of the CIO. I was attracted to him, and I think he was to some extent to me. We both bemoaned the kind of experience that Paterson's silk industry and the textile workers

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were constantly going through. We tried to work out a program under which the strike would be relegated to a secondary position and where we would find other ways of resolving differences. This turned out quite successful and as a result I discovered that many of the labor people with whom I had been quarreling over the years were pretty decent and responsive people.

In 1940 or '41 there was a new state mediation board in New Jersey. We then had as Governor, Charles Edison. He relied heavily on some of the better informed labor representatives or leaders. When he was searching for a chairman of the New Jersey Mediation Board, to my surprise the textile leadership, primarily Carl Holderman, nominated me for the position and the Governor appointed me. This put me in the middle position as a labor peacemaker. I have always regarded this as a great compliment, that the labor people with whom I had been battling would want to nominate me for a peacemaking position. Perhaps this was their way of getting rid of me as an antagonist. In either event I considered that a compliment too. I have remained in the middle of the road ever since 1941.

Shortly thereafter the War Labor Board was set up and the chairman of the New York State Mediation Board

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and I, as chairman of the New Jersey State Mediation Board, were made public members of the regional board in New York, and from this position I moved into a number of national disputes on an ad hoc or semi-permanent basis.

Shortly after the war I began doing private arbitration, as a neutral -- the third man on the board or as the sole arbitrator. I remember very vividly my first private arbitration, which was between General Electric and the United Electrical Workers Union who had had little or no experience with arbitration either. At that time the vice president of General Electric was William Burroughs and [Albert] Fitzgerald, I believe, was the head of the UE. We had disagreements about the seating at the table and all that sort of thing. I do remember Mr. Burroughs asking permission of the union to tell me what was involved and they told him to go ahead. He said, "We're going to put a question to you and we want a direct answer, either 'yes' or 'no.' If your answer is 'yes' we owe twenty-five million dollars. Are you ready to proceed?" This was my first arbitration. It involved a disagreement over commitment that the union said the

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company had made immediately after Pearl Harbor to reward the employees for increased production. The company said there had been no direct obligation or commitment of this kind, that what the company had done was simply to whip up enthusiasm for the war effort. The company pointed out that they had made other contracts with the union subsequently and no mention was made of this, arguing that it was an afterthought on the part of the union to try to get some additional compensation for their people. Then came a series of...

HESS: What was your answer?

COLE: My answer was "no." There was a drive for support of the Nation's war effort, but there was no contractual obligation. Their later agreements spelled out in fine detail things as unimportant as to where the union might post notices on the bulletin board, but not a word was mentioned about any special production bonus.

HESS: And that was the time that the union should have got it in the contract if they thought that that was...

COLE: A legal or contractual commitment.

HESS: An actual commitment.

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COLE: Of course, anything as important as this, involving all these millions of dollars of additional pay for the employees, could hardly be overlooked as a contractual item when they were negotiating a new contract, and I so ruled.

In 1944 came my first national labor dispute board. It was during President Roosevelt's administration and it was the follow-up case to the "little steel" formula case during the war.

I was selected, I am convinced, because anybody who was known was objected to by one side or the other. I was almost completely unknown and this led to my acceptance.

This turned out to be a rather important case. It was a national steel case -- basic steel. There were some six hundred companies involved, many of them not really in the steel industry, but in the case merely because the Steelworkers' Union represented their employees. We had in this great steel case companies that manufactured paving blocks or that canned pork and beans, things of that kind, but nevertheless, there they were in the national basic steel case. It was a six-man board and Professor [Nathan P.] Feinsinger was my associate chairman. We had two industry representatives

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and two labor representatives. It was a hotly contested case. There were some rather distinguished and well-known people in it. Philip Murray presented the case primarily for the union; his attorney was Lee Pressman. John Stevens was then the vice president of U.S. Steel and pretty much the top figure on the management side, except when Benjamin Fairless appeared.

Of course, with all these companies, there was a good deal of coordinating to do. They all had their own attorneys and their own spokesmen. Chester McLain, who was counsel at the time to Bethlehem, became the number one legal spokesman for the industry. He had been my teacher at law school and the reversal of positions rather intrigued me. I remember talking to him one day as we were walking back to the hotel from the Inter-departmental Auditorium, where we were conducting the hearings. He asked me, "How much do you get for serving as chairman of a board like this?"

I answered, "There's no secret about it; it's in the statute." And I believe at that time it was $45.68 per day or something of that kind, and he expressed surprise that one would be expected to carry such responsibility at these rates.

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I added, "I get $9 a day for subsistence, too. Well," I said, "you've asked me, now I'll ask you. How much do you get?"

"Oh," he said, "of course, you know, I have research assistants here and secretaries."

I said, "I'll assume your disbursements are in addition, but what is your fee?"

"It hasn't been settled," he said, "it depends on how long it goes on." And he said, "You must remember I'm only representing Bethlehem Steel, the other attorneys here all represent other companies."

"Well," I asked, "what's your estimate?"

Thoughtfully he replied, "My best estimate is about a quarter of a million dollars."

HESS: He was doing a bit better, wasn't he?

COLE: A bit better, yes. But curiously in those days one didn't think in terms of comparisons or inequities or unfairness in compensation. The exhilaration of sitting as chairman in a proceeding of that kind and having my former professor and other important lawyers appear before me and appeal respectfully for my favorable consideration amounted to great compensation in itself.

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After that there came a series of labor disputes in which the President or the President's office was concerned. The basic steel case was the most important one I participated in during the Roosevelt administration. There were many more after President Truman came into office. There were railroad cases; there was another national basic steel case; airline cases; and, of course, the John L. Lewis coal mining cases.

HESS: Good, we will want to go into those cases rather deeply. But, first, what are your earliest recollections of Mr. Truman?

COLE: I came to Mr. Truman by way of John Steelman. He was the guardian at the door or the gate, and the man who did the inviting, and who pretty much set up things in important labor matters in the early experiences I had with President Truman.

I approached President Truman as I would any President, with great respect. He was the President. I had never met him before. I was quickly impressed with his informality, his total lack of pretense. He was just a straightforward person, and a regular guy, so to speak.

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I was also very much impressed with the great attention that he gave to anything that was said to him. He would ask a question and he would really wait to hear the answer. He would look at you and remember, too, what you told him. I must say, parenthetically, that some years later I ran into another younger man who had the same habit, but there was something different about him. The younger man was President Kennedy. Kennedy would also ask questions and listen carefully and remember what you told him, but somehow it seemed to me he was listening critically, whereas, Truman was listening sympathetically. He wanted to hear you and he seemed to want to accept and respond.

HESS: He wanted the information.

COLE: He wanted the information, he wanted to know what you thought, because after all he had invited you in to give him advice and help, and he wanted to take the advice and help. He wasn't there primarily trying to find some way of disagreeing or being critical.

HESS: And that was the feeling that you had with President Kennedy?

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COLE: With President Kennedy I had a feeling, as I have said, that he was listening more critically. He was ready to find some flaw in what you were telling him, but he <u>was</u> very flattering also in that he listened very carefully and he did remember, because sometimes a

month or two later he would come back to the subject we had been discussing, remind us about some detail and ask some questions about it.

HESS: Do you recall anything about Mr. Truman's handling of the Senate Committee to Investigate the National Defense Program? The Committee he headed while he was a Senator?

COLE: Yes. I knew about it at the time, of course, but not in any personal way. I merely knew about it as a citizen, one who was interested and, of course, interested in Senator Truman.

I know that, generally -- and this is certainly not news at all that -- I suppose this is when he made his reputation, when he came to favorable national attention.

HESS: What did you know about Mr. Truman at the time that he was selected by the Democratic Party to be the vice-presidential nominee in 1944?

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COLE: I knew very little about him other than the fact that he had been a politician in Missouri and that some people considered this a handicap. My own feeling was that a man who had done the job that he had as chairman of the Committee on Defense Contracts certainly was not a routine or run of the mill politician. But I knew very little about him, other than what I read in the newspapers and heard. Of course, what one hears in these situations on the eve of an election, reflects mainly the viewpoint and prejudices of the person talking -- including his politics. By and large I would say that his selection was not too favorably received at the time. There were those who had misgivings about him. I had an open mind. I mentioned a few moments ago, I had gotten rather friendly with Sidney Hillman. Hillman thought well of Harry Truman and this carried weight with me. I had a wait and see attitude. But I was not seriously concerned that the country might be in bad hands with Harry Truman as Vice President.

HESS: Do you recall if Mr. Hillman made any comments during those years about Mr. Truman, when you would be speaking with him?

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COLE: He spoke of Truman to me only after he was nominated.

I asked Sidney Hillman, "How come?" Harry Truman wasn't the only prominent man suggested at the time and not the best known name.

His response was, "You wait, this man has a lot to him." Hillman had a very homey way of expressing himself. "This man is all right." This was the type answer he gave me, but it carried conviction.

HESS: What were your impressions on April the 12th of 1945 when you heard of the death of President Roosevelt?

COLE: Well, at that time my feelings were more of sorrow and grief over the loss of Roosevelt than about Mr. Truman.

I had known Sam [Samuel I.] Rosenman as a lawyer and as a friend in New York, and I knew that he would be playing a part. As soon as possible I spoke to Judge Rosenman about Harry Truman. He spoke with great affection of him and he expressed admiration for his humility. Sam Rosenman had his own economic problems at the time. He had two sons about to enter college, I believe, and he had been with President Roosevelt for many years. He had given up his judgeship in New York and he really was broke, and he wanted to return to private law practice.

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Harry Truman, as I recall Sam's story to me, said, "Look, I need you much more than Franklin Roosevelt did, he was able to handle things himself, and for the sake of the country and for my sake, please stay on for a while and help me get headed in the right direction." Rosenman told me he could not resist this appeal and did stay on.

HESS: Which he did. He stayed until February the 1st 1946, almost a year.

COLE: Yes. And the reason he left was not because of any disagreement with President Truman, but because he just couldn't get on financially. Rosenman pleaded his case with President Truman by showing him his bankbooks and insurance policies to demonstrate that he had borrowed all he could. And Harry Truman said, "I have no right to ask you to stay any longer, I'll have to make other arrangements. I'm going to release you now."

HESS: What kind of job did you think Mr. Truman would do?

COLE: I was hopeful, I had no strong feelings either way. I liked the fact that he retained a number of the people who had been working with President Roosevelt. This

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gave me some sense of assurance. I didn't know. I hadn't met President Truman yet at that time and I just didn't know and I waited to see. I was glad, as I say, that people like Rosenman and others remained on with him for the time being and I was very pleased with his humility. This made me feel the man was bigger than people realized.

HESS: When was it that Dr. Steelman called you in? What was your first case?

COLE: It was the bituminous coal case in 1948. There were, I believe, three such cases in rather rapid succession. The one prior to the one I was called in on by Dr. Steelman involved a board in which George Taylor, Senator Minton at the time, subsequently Supreme Court Justice Minton...

HESS: Sherman Minton.

COLE: Sherman Minton, and I forget the third member of the -- oh yes, Mark Ethridge, was the third member of the board. That board was excoriated by John L. Lewis. He had some unkind things to say about each of the board members. It was a difficult situation. In the course of that coal

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strike, John Lewis was found guilty of contempt of court and fined a very large amount by Judge [T. Alan] Goldsborough. Our board was appointed some months later in what seemed to be a repeat performance. Some of the same issues were involved, one of them being the establishment of the welfare and pension fund of the coal miners union. Steelman and others in the White House expected Lewis to ignore court injunctions and keep the miners out on strike. Wight Bakke of Yale and Waldo Fisher of the University of Pennsylvania were the other two board members. Our experience with John L. Lewis turned out to be not as unfortunate as anticipated. I remember that Dr. Steelman warned us that he would "probably lop off our ears," and that we better expect this and be prepared from the outset to issue a subpoena for Lewis to appear. This turned out to be correct only in part, very small part. John Lewis did not appear at our first hearing. The coal mine operators did, and they told us the sad tale of meetings that had extended over a period of months and at the end of these months they didn't even know what John Lewis wanted. He hadn't told them what he wanted. Lewis did not appear.

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Dr. Steelman then renewed his suggestion that we get a subpoena from the Circuit Court of Appeals and require Mr. Lewis to be present, assuming he would probably ignore that too and then the court would have to handle it as a matter of contempt.

I thought this was not a wise thing to do. It was a serious situation that would shut down the coal mines at a critical time. I remembered that I had seen the name of Lewis' lawyer, Welly Hopkins, and so I called him on the telephone, introduced myself, and asked him how he felt the public was going to react to Lewis' refusal to come before a board appointed by the President, and whether he thought this was going to help the coal miners' cause. He agreed that it wouldn't and would I wait until morning and he'd have a response for me.

He called later that day and said he had been in touch with Lewis, who was then in Philadelphia, sitting in a hotel room while the Republican National Convention was on. Mr. Lewis hated to leave the convention but he recognized the validity of my position and sent word that he would be glad to come in the following day, if we would hear him. We said we would be very happy to. When I reported this to Dr. Steelman, he said, "You'll probably

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regret this. This man is not going to like the idea that you interfered with his plans and activities at the Republican National Convention. He is now getting even with the Democratic Party, you see, and he has Joe [Joseph] Martin running errands for him at the Republican National Convention and he's rather enjoying it. You're going to interfere with it, you wait and see."

Well, he turned out to be completely wrong. The next morning when I came to our meeting place 15 minutes early, Lewis was sitting there all alone. I introduced myself and he was very polite and respectful, and then after the people assembled I invited Mr. Lewis to come to the table. He asked, "Where shall I sit? What would you like to have me discuss?" All very politely, and then he proceeded, in a most amazing manner, to tell us the troubles -- as he saw them -- that the coal miners were having with these coal mine operators.

Somehow at his right side his attorney had materialized, and on his left his statistician or economist. Lewis spoke without notes. He responded to each of the things that the coal mine operators had told us, although he had not been present, and he did it most effectively. He responded to each point completely and logically, and with a little

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conclusion at the end of each discussion. And as he was talking, without missing a step, he would lean to the left and get some economic fact or some data or figure, which he would weave into what he was saying without breaking his train of thought. If the question was one involving some legal proposition, he would turn to Welly Hopkins while he was talking, Hopkins would whisper something and Lewis would state the...

HESS: Incorporate it right in.

COLE: Incorporate it right into what he was saying. I do remember one item in particular. The coal mine operators had objected that they didn't know what Lewis wanted at the end of thirteen weeks of discussions that they had had, how unfairly he had treated them, and what utter lack of good faith there was in his bargaining. When Lewis finished his discussion of this point, he had done it with such conviction, that as soon as he stopped talking all the coal mine operators nodded in agreement. It was a case, I think, of group hypnosis. We then reminded Lewis that a Taft-Hartley board of inquiry had very little authority. It couldn't even recommend a form of settlement. All it could do would be to state

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the issues and what the status of the dispute was, which everybody already knew, it having been in the papers for days.

And so we said to Lewis that the only discretion we had was as to the form of hearing we could conduct. We proposed that instead of having Lewis say he had bargained in good faith and the coal mine operators contradict him on this, we would have him, and the coal mine operators actually bargain in our presence, in lieu of a more conventional kind of hearing. We would close the doors and do this in private. As a board we would observe and see who was bargaining in good faith and who wasn't, and later in our report to the President, and the public, we would place the fault where it belonged.

Lewis thought this was rather novel and he and the employers' representatives agreed. After we had observed them negotiate for a few hours, they asked if we would excuse ourselves and let them meet by themselves. We were glad to accede to this.

The follow-up was that within two days a complete agreement was reached by the parties. This had been a very trying time for President Truman. He had told us that he didn't know what to do with 500,000 coal miners

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who refused to go to the mines, even though a lack of coal would present a critical problem for our nation. After the settlement was reached I called Cy [Cyrus S.] Ching, who was Director of

the Federal Mediation Service at the time. He had been involved in the early stages of this labor dispute, and I thought I should go through channels. His suggestion was, "Why don't you call John Steelman; the White House will be very happy to get this news from you."

I called Steelman and I told him we now had complete agreement. He let out a whoop and said, "Wait a minute, where are you?" I told him we were at the Carlton Hotel. "Well, stay there while I speak to the President." (The Boss, he called him.) "He'll be very much relieved."

He called back a short time later and said, "The Boss is so delighted; can your board come in tomorrow morning, so that the President can thank you personally?"

I might add parenthetically, that between the two calls we had a bottle of prefabricated cocktails brought in. Wight Bakke said it was too expensive to order drinks from the hotel. So he went out and bought a bottle, but the trouble is that in our exhilaration we drank it up too quickly. So when John Steelman called and said,

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"The President would like to thank you, can you come in tomorrow morning?" I answered, "Sorry, I'm busy tomorrow morning." But they were very sympathetic and understanding and suggested we come on Saturday morning. "Tomorrow is Friday and it is Cabinet day, anyhow, so you come in on Saturday."

HESS: You told them you were busy and couldn't make it on Friday?

COLE: That's right.

HESS: Was this the first time that you had had occasion to work with John L. Lewis?

COLE: Yes. I had never met John L. Lewis before. Of course, I had heard about him and had read about him. This was a successful experience. It worked out well.

HESS: All right. Now the provision for the settlement which were described quote "a major victory for Mr. Lewis and his union." They included a wage increase of a dollar a day and a ten cent per ton increase in payments to the union welfare and retirement fund. Do you think that to characterize this settlement as a "major victory for

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Mr. Lewis and his union," was correct?

COLE: Lewis felt that he had a great victory. The coal mine operators had held out for considerably less. They didn't want to increase the royalties to the welfare fund. The royalty was raised from twenty to thirty cents a ton, a fifty percent increase in payments into the welfare and retirement fund. The coal mine operators were not a completely unified group. The southern coal miners had substantially different wage and work standards they wanted to adhere to. Lewis was insisting upon the same wage rates north and south, and Lewis prevailed in that. And the wage increase seemed fairly generous at the time. By later standards, of course, it turned out to be rather modest.

Lewis made a statement in that proceeding which is still vivid in my mind. He asked whether I was aware of the fact that coal mining was the most hazardous of all major occupations in the entire world, that the incidence of traumatic injuries and deaths suffered by coal miners was greater in the coal mines of the United States, with all its safety regulations, than ever in any of the Armed Forces in time of war. Not a single coal mine operator

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rose to dispute this. He mentioned the fact that as of that day (he did this with great dramatic effect), there were several hundred cases of broken backs in communities of West Virginia, Kentucky, and the Appalachia country, many in localities which had no hospital facilities for caring for them. This made a great impression on us.

In those terms an increase in the welfare payments, as a result of which they were able later to build hospitals in West Virginia and other places, was not a matter of personal triumph. It was an essential improvement and reflected overdue justice.

HESS: Today we hear a lot about black lung and hazards of working in mines and breathing in coal dust, was very much said about that hazard back in those days?

COLE: No, not too much. It was mentioned, silicosis and all sorts of lung conditions were mentioned in passing. The thing Lewis emphasized were the things that were demonstrable and undeniable, like broken backs, or actual crushings of people, or explosions.

HESS: Traumatic things.

COLE: Traumatic injuries that one could readily understand,

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about which there could be very little debate. Those were the things he talked about, and those were the things he was trying to cover primarily through the welfare fund, plus the great concern he showed for the elderly unemployed people, and those who had been disabled previously. Such retired or disabled coal miners were practically paupers, creatures of charity.

HESS: All right now, that board was established on June the 19th of 1948. According to the record, you made your report to the President on June the 24th of 1948. Did you meet with the President at any time during this period of time?

COLE: We had one other...

HESS: In other words, how closely did he follow that?

COLE: We were meeting primarily with John Steelman, and he took us in on one occasion to see the President and tell the President what we were doing. And then, of course, we met again when the President thanked us for helping work out a resolution. So, we met with the President twice during that proceeding.

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HESS: How closely did he follow the matter? What type of questions did he ask? What seemed to be his views on how the matter should be settled?

COLE: He was very close to it. He was kept currently informed by John Steelman, and he wanted to know all the details and developments. I could partly answer your question by pointing out that in a subsequent coal mining case in 1950, President Truman said to the later board of inquiry, of which I was chairman, "This is the worst crisis I have ever faced since I have been President." This is how seriously he took labor disputes in the coal mining industry at the time. This was the cold war period, coal mining was basic to our other industries, and was essential for defense activities. He was very much concerned about coal mining. And, incidently, I must add that he had no confidence in John L. Lewis, in fact, he disliked him intensely.

HESS: Did he say so?

COLE: Yes, he said so. In still another coal case in 1952, we were making some progress toward a settlement. It was during Korea, and the problem there did not arise

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out of a dispute between the coal mine operators and Lewis as such. Harry Moses then was the major spokesman for the coal mine operators. He and Lewis had come to an agreement, but the Wage Stabilization Board had turned down six cents of the agreed upon settlement.

HESS: At the time Charles E. Wilson was Defense Mobilizer?

COLE: No, in 1952 Roger Putnam was Stabilization Director. I believe that was his title. In the first instance, however, we had a Wage Stabilization Board of which Archie [Archibald] Cox was the chairman. Moses and Lewis had settled and the Wage Stabilization Board had turned down the settlement as a violation of the stabilization rules. That is, six cents of the settlement was not allowable they said, and as a result of this the strike broke out.

I was then Mediation Director and as Mediation Director I wanted very much to get the strike behind us because Korea was on. It was a critical period, and the President impressed this on me. I thought I had worked out an arrangement with Lewis and Moses under which work would be resumed. But Lewis said, "I trust you, Mr.

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Cole, you know I do, but I think I need higher authority to give me the same assurance you've given me." The assurance was that the ruling of the Cox Board would be given a fair re-examination on appeal. That was provided for in the statute. But the higher authority Lewis had in mind was the President.

In 1950, when I once suggested that perhaps we could accomplish something if we brought Lewis into the White House, the President said, "Do you think that's necessary?"

When I said, "I think it might be helpful," he very deliberately said, "No. I won't have this double-crossing S.O.B. in the White House as long as I'm President."

I didn't know what the double-crossing reference was. It was something political and I didn't press the matter at that time; but in 1952, during Korea, when we were on the verge of a settlement, and Lewis wanted assurance from "higher authority", I then proposed again that we bring Lewis into the White House. The President said, "If it is essential I'll do it." We went to the White House on a Sunday evening. John Steelman arranged it. We had Roger Putnam there as well. He was the man to whom the first appeal would be taken.

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HESS: As head of the Wage Stabilization.

COLE: No, as Wage Stabilization Director. The power immediately above the Wage Stabilization Board. There was a higher authority than Putnam, also, there was [Henry] Fowler. Fowler was economic director -- Economic Stabilization Director.

HESS: Economic Stabilization Board.

COLE: Yes. Economic Stabilization Board Chairman, I think. But in any event, we met in the White House and it was really a very dramatic meeting. Lewis and the President were quite cool to each other, very, aloof and very arms-lengthish. The President put on a magnificent demonstration of salesmanship. We needed help from Lewis. We wanted his people back at work promptly, and there was no reason why they shouldn't be, but we couldn't quite budge him and get him to arrange it. Lewis had gone through the charade that he normally went through, of sending telegrams to the union's district directors, "Return to work at once because of the court injunction." But the people ignored it, and this was to cover Lewis against a possible contempt citation later.

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Nobody outside the union knew just what the code was, why they didn't go back when Lewis sent this telegram which said very plainly they were to go back. They didn't go back. We had this meeting, and we talked at some length. The President had us meet upstairs in the White House, in the family living room. The President sensed that he was not getting through to Lewis. The President then said, "They have just rebuilt this house." He had been living on the other side of Pennsylvania Avenue in Blair House for some time. He said, "I'd like to show you what they have done to the White House because I won't be here very much longer."

He took us on a little tour and I wondered, because I knew that the President was scheduled to leave on a "whistlestop," junket on behalf of Adlai Stevenson. There was a train waiting for him at the station in Washington, but he took the time to take us around and point out various objects. "This was given to me by so and so, and this was given," and nothing seemed to make a great impression on Lewis until we got to a small oval table which the President stroked affectionately and said, "This is my favorite of all things in the White House. This is the table on which Abraham Lincoln signed

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the Emancipation Proclamation."

Now, Lewis was also a student and lover of history and he stepped up to the table alongside the President and asked, "Mr. President, may I touch it?" And so the two stood there.

HESS: That made an impression on him.

COLE: Yes. The two stood there stroking the table, the President and John L. Lewis, as if it were a living thing. And suddenly a smile broke out on Lewis' face and he declared, "Mr. President, the coal miners will be back at work tomorrow." And they were. That broke the ice. The President knew he needed something more than the conversation we had had; that hadn't quite registered.

HESS: It had been a chilly atmosphere up to that time.

COLE: Chilly atmosphere up to that moment, and the next morning they were back at work in the coal mines.

Now, I don't know what the relations between Lewis and the President were thereafter, they couldn't have been as cold as they had previously been. I suspect that the ice was rather thoroughly thawed out that evening.

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HESS: They found a common meeting point.

COLE: Yes.

HESS: Some common ground. Very good.

Now, during this period of time back in June of 1948, tell me about the position of Dr. Steelman in this matter. Did he help on policy decisions? Just what seemed to be his role?

COLE: John Steelman, I think, handled the procedures more than the substance. He was the shepherd, he shepherded the whole thing. Everything cleared through him. I found him very good to work with. He was very understanding. He was very helpful. However, John Steelman incurred the displeasure of some people in the bureaucracies in Washington. For example, the Department of Labor and the Mediation Service -- they felt that these disputes belonged in their jurisdictions, and not in the White House.

HESS: Do you think that they had some validity in their way of thinking?

COLE: In terms of structure and protocol, things should have remained in the Mediation Service or the highest level

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of the Labor Department. But the fact was that these were matters of great national urgency and they had been handled by the Mediation Service and the Department of Labor and yet the strikes had broken out and were continuing. The President wanted some action, and he didn't seem to be able to get the action he felt necessary with the speed that he needed, and so he asked John Steelman to do something about it.

HESS: Do you think that's why Mr. Truman appointed Dr. Steelman as his labor adviser right in the White House?

COLE: I think very likely so.

HESS: Didn't that downgrade the Labor Department?

COLE: It did, it did. The Labor Department didn't like it. It hurt the Labor Department. John Steelman tried to cooperate with the Labor Department, but it didn't always work. There was a good deal of jealousy on the part of the officials and staff of both the Labor Department and the Mediation Service. Now, John Steelman had come out of the predecessor of the Mediation Service. He had been chairman of the U.S. Conciliation Service which predated the Mediation Service, and they felt that he should have

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understood that their position, their prestige required that these matters remain with them. Well, they didn't remain with them only because John Steelman was being pushed by the President, and these strikes were going on or were about to break out during the time of pressing economic necessity. The President perceived the urgency, and he didn't have the patience to wait, and observe strict protocol, or bureaucratic courtesy. He would rather have some action. And John Steelman could give him the action, he felt.

HESS: During this period of time did you request any assistance from the Department of Labor?

COLE: When I was on these boards?

HESS: On this particular board.

COLE: On this coal board?

HESS: Yes. Now, why I'm mentioning this is that this comes at an interesting time, because Lewis Schwellenbach, who was the Secretary of Labor from June the 30th in 1945, had just died. He died on June the 10th of 1948 and there was a period of time -- you see that was nine days

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before the board was set up -- now there was a period of time before he was replaced, because it was on August the 13th when Maurice Tobin took over. So, at the time you had this board there was no Secretary of Labor.

COLE: No, there was no Secretary of Labor, but there was a Mediation Service, which was independent under the Taft-Hartley Act, which had been enacted only a year before. It was in 194...

HESS: 1947.

COLE: ...'47, yes. Nevertheless, my answer to your question is no. I dealt directly with Dr. Steelman, because this had reached the level of the White House and I didn't think it was for me to make the policy determination to return it to some lower level. I thought that was a matter for the White House to determine.

HESS: Now, there were others in the White House, such as Clark Clifford, at this time was Special Counsel. Charles Murphy came in later, was Special Counsel. Did you receive any help -- any assistance from any other of the other White House staff members?

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COLE: Yes, one other, David Stowe. Dave Stowe did play a part in the 1952 Stabilization Board incident that I referred to.

HESS: Did he give you any assistance earlier on? As you undoubtedly know, early in his period of time at the White House he was Dr. Steelman's deputy.

COLE: Yes.

HESS: And he moved over, as we call it, from the East Wing to the West Wing and then he was one of the three administrative assistants in his own right in 1952, not really on Dr. Steelman's staff. But how about in 1950, did you receive any assistance from him?

COLE: No. In 1950 my contact was entirely with Dr. Steelman or, at that time, in part with Cyrus Ching. Steelman and Ching were good friends and compatible, and the jealousy that I spoke of before did not seem to manifest itself between Ching and Steelman. Ching did not resent Steelman's intrusion into these things. In fact, he would work hand in hand with him.

HESS: He thought that the President needed a man that close

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on labor matters, right in the White House, also. Have I got that right?

COLE: Yes. And he was criticized for this by his professional staff mediators, but Ching was willing to take that criticism. He and Steelman worked together very closely.

HESS: All right, is that everything on that particular episode?

COLE: No, there's one item I think of interest. I mentioned the fact that Lewis wanted assurance from higher authority, you recall, as to whether the decision to disallow six cents could be reviewed. Roger Putnam had difficulty arriving at a decision.

Well, I had him meet with Lewis and Moses and me on one occasion, and I asked Mr. Lewis not to "lop off his ears," but to reason with him. I was sure that Mr. Putnam, as a reasonable man, would see the light, because I was convinced that Lewis was right. Here was a settlement arrived at in collective bargaining between the industry through a very competent man, Harry Moses, and John L. Lewis, and I thought we ought to encourage this. Under the law at the time, the objectives of the program were several, and not only to stabilize wages. One of the

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statutory declared purposes was to promote effective collective bargaining, and I thought that if the coal mining union and industry could arrive at their own agreement, we ought to encourage them and not interfere or impose obstacles. Putnam listened and Lewis was very courteous to Putnam.

We met in the Mayflower Hotel. You will recall that when Archie Cox's board announced its decision it was acclaimed editorially by the New York *Times* and other newspapers as evidence of courage on the part of the board -- they weren't going to bow before the might of John L. Lewis and all that sort of thing.

Roger Putnam, who was the first appeal step as chairman of the review board, was present at the press conference that Archie Cox had. Putnam shouldn't have been there because, after all he was going later to sit as an independent review agency. At this press conference Putnam volunteered the statement that he agreed with Professor Cox that this six cents couldn't be allowed under the law.

Well, there was nothing yet before him; the decision had not yet been appealed. He should not have prejudged the matter. Lewis was asked by the press to comment on Putnam's gratuitous opinion. He referred to the fact

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that this was a sad case because Mr. Putnam comes from a very fine New England family and he should know the difference between right and wrong, but apparently he speaks with the voice of the NAM, and this is all he said.

As Mediation Director, when I arranged the meeting at the Mayflower, I asked Lewis to be polite to Putnam and to reason with him. I thought we could make better progress that way. Mr. Lewis kept referring to him as Mr. "Putman" -- n-a-m -- and after doing this several times, I said, "Mr. Lewis, this is Roger Putnam -- n-a-m."

He burst out with, "What!" And you could see the wheels in his mind whirling, visibly resisting the obvious temptation to refer again to the voice of the NAM.

HESS: National Association of Manufacturers.

COLE: Subsequently, after the election of General Eisenhower, but before he was inaugurated, we still had this matter unresolved.

On Thanksgiving Eve of 1952 President Truman called us together. I remember it vividly. Lewis had been assured by "higher authority" that there would be a review, and so we met in the White House. Archibald

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Cox asked me to get an invitation for him to be present and I thought that that would be helpful because after all he had made the original decision and was familiar with all the facts; but Putnam wouldn't have it. Putnam thought it was sufficient for him to be there with Henry Fowler. They sat at one side of the table; I sat on the other side with John Steelman and Dave Stowe, and the President sat at the head of the table. Roger Putnam said he was very troubled. No, he couldn't in good conscience agree with Mr. Lewis and allow this appeal. He thought the law was as the Stabilization Board had interpreted it, and he just couldn't think of any other acceptable course.

I happened to know, because he had told me, that he had written opinions both ways. He had one in one pocket and one in the other pocket. So I knew that his conscience hadn't bothered him to that extent, and I reasoned that the law encouraged effective and free collective bargaining and that as this was a war measure the maintenance of production and the avoidance of interference with production were also among the vital purposes of the law. I thought that these objectives were promoted by the parties' agreement, and that this would be far better than putting this six cents, as suggested by the board, into a Christmas bonus,

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or into some other form. I couldn't see why a Christmas bonus would be any less unstabilizing than six cents in the pay envelope. It would provide the same amount of spendable money. After we all had our say, the President asked whether anybody wanted to add anything. Fowler had had very little to say. He just sat there rather amused with the whole thing. We said, "No."

And then the President said, "I'm going to agree with you, David. I think what you say makes sense and will you write it up in just the way you've put it, so that I may incorporate this in my statement?" And he turned to Roger Putnam and said, "Roger, will you do me a favor, please don't submit your resignation for at least three weeks."

HESS: Don't submit it for at least three weeks. But he sounded like at the end of that three weeks' time he wanted it.

COLE: No, he expected it. I don't think he meant that he was demanding it, but that he was sure that Roger Putnam was so disappointed that he was going to resign.

HESS: Oh, he was not demanding the resignation.

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COLE: No, no, not a demand for a resignation, but Putnam's face showed his disappointment because the President wasn't supporting him, and it was quite evident he was going to walk -- well, remember the President was a "lame duck" at this time. A new President had been elected; he had only a couple of months more to go in office. This was November of '52.

HESS: Yes.

COLE: And everybody was chafing and I guess Putnam was impatient to get back. He had been the mayor of Springfield, Massachusetts and he had business interests up there, and was anxious to get back, anyhow.

HESS: What is your evaluation of Mr. Putnam's effectiveness and his overall ability?

COLE: It isn't very high. I think my reaction is evidenced by what I said before. His intrusion into the press conference that the subordinate body conducted when he was going to be the appellate body -- you know you don't have to be a lawyer to know that if you are going to sit in judgment, you don't prejudge before you hear the parties. And I think this is typical of some of the things

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that Roger Putnam did.

HESS: All right. And on October the 22nd of 1948, not too long after that, President Truman named you as a member of an emergency board on the disputes involving sixteen nonoperating unions and the railroads of the country. The board's report was submitted to the President on December the 17th. Other members were William M. Leiserson and George A. Cook.

COLE: Yes, this was a very important case; this was one of the most important boards I had the privilege of serving on. The nonoperating unions at the time had a million and a half workers, members; they were all the employees on all the railroads, other than those who actually operated the trains, as you know. They did not include the locomotive engineers or firemen type. But they included all the others, the road maintenance people, the mechanics, the signalmen, the clerks, and so on.

The major issue in that case was not primarily wages. It was the length of the work week. The railroads had a normal work week of 48 hours. American industry had pretty well gone to a 40-hour week long since, starting with the NRA, in 1934. But the railroads were still on a

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48-hour week and this was an effort brought by the railroad unions to get the 40-hour week.

It was a major case and took all our time constantly for many months. We were working under a time pressure, because the railway labor act governed this proceeding, and it called for a hearing and decision within a specified time unless the time was extended by the parties or by the President.

Dr. Leiserson was the chairman of that board, George Cook and I were the other members. George Cook had been Chairman of the National Mediation Board and had had a good deal of experience. He also, I might add as a footnote, had been the national fly casting champion. Eli Oliver was one of the principal spokesmen for the railroad unions along with George Harrison. Dan Loomis was the Principal spokesman for the railroads -- these were all the Class I railroads of the country. It was a long, drawn-out proceeding.

I remember well the first day, when Guy Knight, who was counsel for the Pennsylvania Railroad, stood up and said, "We want this board to know what is really involved here. The difference between our position (the railroads), and that of the unions in money amounts

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to one billion seven hundred and fifty million dollars per year."

He was, of course, putting a price tag on the reduction in hours and the overtime that might result and the cost of the additional people they might have to employ, as well as the money requests and other things that the unions had made. It was a very interesting case. It was my first experience with the railroads, which in labor relations is a world unto itself. They are proud of the fact they have a long history in labor relations and they have special laws governing their industry. And not only do the railroads feel this way but the railroad unions also feel that they are something separate and apart from American industry as a whole. They speak of "outside industry" referring to all the other industries, as though the only industry that counts is the railroad industry. I suppose they have reasons for being proud.

The Railway Labor Act was a product of a joint effort of the railroads and the railroad brotherhoods. They have their own retirement program enacted into law by Congress, and so on. And I think they saw the handwriting on the wall. They foresaw the decline in

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employment on the railroads as the lengths of the freight trains were increased, and the diesels came in and dispensed with the need for the man who shoveled the coal, and as numerous other technological advances were undertaken.

HESS: A train could go further in a day and just needed fewer crews.

COLE: Fewer men. Of course, they had reacted to this in part on a state level by lobbying for minimum crew sizes and things of that kind, in terms of safety. It would be put on the basis of safety.

In any event, this was the great trial case. We made our report -- and, unlike the Taft-Hartley boards of inquiry, the railroad emergency board may make recommendations, although not binding decisions. Our recommendations called for a gradual reduction in hours to 40 hours and some adjustments in pay, so the people wouldn't earn any less and with a modest increase in overall earnings I think of six cents an hour. This, however, was not merely six cents an hour, it was six cents an hour above what they had previously been paid or earned, but now they were going to earn it on a 40 hour basis rather than 48

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hours, so that it meant more money than that. We made our recommendations and the interesting feature is that while this was sort of shocking, it reflected an important change in the matter confronting the railroads. Neither side rejected our recommendations, but they said they wanted clarification and further discussion, and they asked our board if we would come back on the basis of a private retainer from the railroads and the unions to sit with them while they negotiated so that we could clarify things that they thought needed clarification. We did this and the area of difference was narrowed considerably. But they still had an area of difference.

They then asked us if we would now accept an appointment by them as binding arbitrators, as arbitrators making binding decisions on the remaining items that were still open, and there were relatively few by this time. This all required a period of some months, and we did this and, actually, we thought it necessary to write provisions on which the parties were in disagreement, as part of our binding award.

In order to make sure that we didn't overlook some of the technical requirements or needs, we asked that one from each side be appointed as adviser to our board of three so they could guide us on the technical aspects of the operation of railroads. And Dan Loomis was

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appointed by the railroads and George Harrison by the railroad brotherhood, and they behaved admirably. We made it clear -- the rule of the game was, when we tell you what we want we don't expect any further arguments -- this was the result of all the arguments we'd had.

Now, we ask you how do we express it so that it's meaningful to you people, so that you will not be in disagreement when you apply it, and they did perform this function very well for us. I remember once George Harrison looked at some item and he said, "I understand you to have said so and so here, well, you know we don't like that."

I said, "Yes."

He said, "Now, I'm not going to argue about it, but I want to tell you that you've left us a loophole, and I don't think you want to leave us a loophole. I think you ought to say thus and so, so that we cannot claim that there is any ambiguity here that will give us what we originally wanted." It was this kind of cooperation that we had that was really outstanding.

The President was very much interested in this. He had been very much interested in the earlier stages,

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but in the meantime you remember -- this was 1948 -- there had been an election.

HESS: This was a very interesting period of time, because between October 22nd of '48 and the time that you reported, December the 17th, he had been reelected.

COLE: Exactly so.

HESS: November the 3rd.

COLE: I shall never forget the meeting with the President. He had been reelected when we were reporting to him. It was a rather lengthy report; it was a technical report.

HESS: This was the December 17th report.

COLE: December 17th report. And we also reported on what we were doing and where they were going from then on. Some of the things that I related a moment ago. He was interested, but he had difficulty containing himself. He wanted to talk about the election. We sort of thought he was entitled to.

HESS: What did he say?

COLE: Well, he talked a little bit about it. He talked

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about the Chicago *Tribune* story.

HESS: Dewey beats Truman.

COLE: Yes, the Dewey beats Truman thing, about the -- oh, I commented to him that before this dispute came to a head the railroad brotherhoods threatened to walk out on strike. The President had said, "This is a terrible thing to do. The country definitely needs railroad service and these leaders are behaving worse than the Russians, and if necessary we'll call out the Army and run these railroads." And the president of the Brotherhood of Railroad Trainmen, Whitney...

HESS: Yes. Now this was '46.

COLE: '46? Well, he said this in '46. That's right, these were the operating brotherhoods. The ones before us were the nonops.

HESS: This is the time that A. F. Whitney made the statement that he would spend the last dime in the...

COLE: Exactly so.

HESS: ...in the union treasury to defeat Mr. Truman in 1948.

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COLE: Well, he said more than that. He made a speech at Cooper Union in New York City, and he said just what you said, but he also added, "After all what can one expect. You can't make a purse out of a sow's ear. You can't make a President out of a haberdashery clerk." And he said, "We'll devote our entire treasury to see that he is not elected."

The President chuckled and said, "You know, you don't take these things seriously when you are in politics. You expect things like this. People say things, and words don't always mean what they seem to mean."

HESS: Besides, two years later, in 1948, Mr. Whitney was one of Mr. Truman's supporters.

COLE: Exactly, precisely what the President said to us. "Were you aware of the fact that he really supported me and that he contributed money to my cause?" And I said, "I'm amazed, I really didn't know it." Of course, after he made that speech I said, "Nevertheless, I was terribly, terribly affronted by what he said. It was disrespectful of the office of the President and disrespectful of you, Mr. President."

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"Oh," the President said, "that's nothing, we expect these things."

I said, "I don't expect them. Really you had a wonderful retort to make and I wish you had made it."

He said, "What was that?"

And I said, "Well, when he said you can't make a President out of a haberdashery clerk, you can't make a purse out of a sow's ear. I think if I were you I would have said, 'That may be true, but you can't make a labor leader out of a sow's rear either.'"

And the President slapped his thigh and let out a roar and said, "Why didn't you tell me that, I would have put on a national hookup."

HESS: He thought that was pretty good.

COLE: Yes, he said, "I would have put that on a national hookup."

HESS: Well, since these events did take place during the election time did you get very much assistance from Mr. Truman? Was he pretty well tied up with other matters during this period?

COLE: We didn't look for any assistance from him. As a

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matter of fact, there was no occasion to do it.

HESS: How about Steelman or anybody in the White House?

COLE: No. I think the matter was, at that point, under the Railway Labor Act when the board is appointed and has this limited period of time in which to hear the parties and determine the merits of the dispute, I think we are supposed to be on our own.

HESS: I see, the White House is not involved.

COLE: Not involved, except to know when you expect to make a report, or where are you meeting, and at what stage are you? Nothing into the substance.

HESS: Even if they had not been busy with the campaign they would not have taken...

COLE: No.

HESS: ...more of a hand in it?

COLE: No. I think if they would -- they would have been subject to criticism if they had. We were supposed to be experts, and we were handling an independent judgment of a nonpolitical kind, and there's always the danger

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that somebody in the White House might have been politically oriented or something of that kind. And it was important that the board, which is selected supposedly carefully, should perform this function.

HESS: What was your personal view about Mr. Truman's chances for reelection in November of 1948?

COLE: I liked him very much. By this time I had gotten to know him. I had talked to him and I admired him; and I saw how conscientious he was; and how extremely capable he was. And what I liked particularly about him is that when he would say I agree with you, you go ahead do this, you could bet your last dollar he would do it. He would do whatever he said he was going to do, and I had great admiration for him. I despaired of his election. As a matter of fact, it was during our hearings that this election took place; and I came back to New Jersey to vote for him and then flew back to Chicago that night; and I was walking the streets with Dr. Leiserson and we bought this Chicago *Tribune* which announced his defeat. Unfortunately I didn't keep it.

HESS: Where did you see that copy?

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COLE: On the street in Chicago.

HESS: Oh, you were in Chicago at that time?

COLE: I flew back election day.

HESS: Is that where the hearings were being held?

COLE: The hearings were in Chicago. This was customary in the major railroad disputes, to have the hearings in Chicago.

HESS: Is that right?

COLE: It was a railroad center. Yes.

HESS: Railroad center. And you had one of the copies?

COLE: I had one of the copies.

HESS: And didn't keep it?

COLE: I didn't keep it.

HESS: It's a collector's item today, you know.

COLE: Oh, yes. The President had his framed -- had one framed, of course, as you know.

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HESS: Yes.

COLE: It was in his conference room.

HESS: Well, the Library...

COLE: The fish room.

HESS: The Truman Library now has loaned one to the Fine Arts Gallery in Washington, and there is an exhibit on unsuccessful candidates. This was really Mr. Dewey's, and so our copy of the Chicago *Tribune* is now on display in Washington, D. C.

COLE: Yes. Very often we would meet in the...

HESS: So you were surprised that he won?

COLE: Oh, yes, very much so. I thought I sensed more than Dr. Leiserson did, who also was a good admirer of the President. I was slightly more optimistic than Leiserson was, because I thought I felt a change in the atmosphere, you know, in the climate. But I did not believe he was going to be elected. Even at the last moment I was afraid he wouldn't be. And I think my feeling in going to the trouble of going back to New Jersey to vote was

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that I wanted to make as good a showing as possible. I really despaired of his being elected at the time.

HESS: All right. Now moving on, in February of 1950 the President signed Executive Order 10106 creating a board of inquiry to report on a labor dispute affecting the bituminous coal industry of the United States. The order was issued under provisions of the Taft-Hartley Act, and on the same day the President appointed as the board, yourself as chairman; W. Willard Wirtz; and John T. Dunlop as members. The board report entitled "Report to the President, the Labor Dispute in the Bituminous Coal Industry" was submitted to the President on February 11th, 1950. Anything come to mind on that?

COLE: Oh, yes, that was a very dramatic case. It was the follow-up to the one I described in some detail earlier, the second 1948 case. This was a good board, an unusual board, Willard Wirtz subsequently Secretary of Labor; John Dunlop, Dean at Harvard, one of the great experts in labor relations in the country. A delight to work with always. This was a good board and it was an interesting case. We had more confidence in dealing with Lewis. By this time we knew Lewis. We'd dealt

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with him before. We had difficulties with the northern and southern coal miners breach. They did not see eye-to-eye entirely on the operator's side.

HESS: Here's a copy of the report.

COLE: Yes.

HESS: That's a copy of the report.

COLE: February the 11th. Yes, we were appointed on February 6th and on February the 11th we made our report and, of course, the report was -- no, excuse me -- I must backtrack. We were appointed on February 6th and we made our report on February -- yes, it was February 11th, isn't it?

HESS: Yes, that's the date of the report.

COLE: Yes, February the 11th. Those were a hectic five days. We achieved a settlement, as you noticed in the sheets of the report. We made the happiest kind of report. "Dear Mr. President, there just isn't any dispute anymore." This was the happiest kind of report one could hope to make; it was a very dramatic development. We had had very intense, long sessions -- and we were able to take more liberties with Lewis than he permitted us in previous

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go-arounds because we knew each other now, and this was very helpful.

Instead of conducting a conventional hearing, we again asked them to negotiate -- conduct collective bargaining while we observed -- and they made great progress while we were sitting there. It was because both sides were concerned with what we might say to the public, or what we might say to the President, that they conducted themselves much better in our presence than apparently they had done previously in their private negotiations; they sawed wood while we were there.

This was the occasion when the President said to me, I believe privately, that this was the worst crisis he'd faced as President, and I observed to the President that this was just another labor dispute, a John L. Lewis labor dispute; and there had been others.

He said, "No. What were my choices? We desperately need coal, and I cannot mine coal, you know, with the Army, bayonets and all that sort of thing Lewis challenges us to do. What am I to do with hundreds of thousands of defiant coal miners?"

I remember saying to the President, "Mr. President, you had to make a decision about an atomic bomb."

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He said, "That was a relatively easy decision to make, as Commander in Chief, compared with this dispute, because I don't know what to do with these coal miners if they persist in following Lewis."

So, we were very, very happy when we were able to report that the dispute had been resolved. There were some very interesting developments in the course of this case. We thought at one point that we had a settlement in sight. I believe it was at this time that Lewis' brother died. Lewis had to leave town to attend the funeral in Springfield, Illinois. When he returned we tried very hard to get Lewis to make a relatively small concession which we thought would settle the case, but Lewis insisted that the southern coal mine operators had planned the whole thing. He maintained that they planned their strategy so that there would be a legal contempt proceeding. They were ready for it; and they were setting up all their plans for it. As Lewis put it, "They have been smelling our blood, thinking of it all these months, and we can't deny them the opportunity to taste it now."

HESS: And in 1952 you were named Director of the Federal

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Mediation and Conciliation Service.

COLE: Yes.

HESS: Now, we have the report for that year and it indicates in there that you took over on October the 1st of 1952, and we have just noticed on your commission on the wall that it is signed the 15th of September.

COLE: Yes. I didn't realize that the Mediation Service report stated October 1st. I didn't want to be Director of Mediation, and I certainly didn't want to become Director of Mediation at the tail end of President Truman's administration, because there was going to be a new administration elected shortly thereafter, and I thought that the director of this agency should be designated by the President in office. My experience had been that the director must work closely with the

White House. I felt that the new President would be more comfortable with his own appointee, and this, of course, made one reluctant.

Cyrus Ching was well on in years by this time. He had wanted to retire, but he was a very conscientious man and didn't want to retire until they found somebody he thought he could approve as his successor. He and Steelman

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worked on me. I was back practicing law and serving as a private arbitrator in several industries. I was enjoying my work, so I turned the invitation to be Mediation director down. But John Steelman asked me if I would come down to the White House and explain to the President why I was turning it down. And the mistake I made was to agree.

HESS: Isn't that a little difficult to do, to be called into the Oval Office and say, "No"?

COLE: It certainly is.

HESS: You found it difficult.

COLE: I found it impossible. I could not say "no" to the man who was President of the United States when he said that he thought I could do something that needed to be done. I remember saying to him almost in desperation, "Mr. President, I'm not even a Democrat. The last time I voted in a primary it was a Republican primary," candor compelled me to add that I mostly vote for Democrats.

He said, "I didn't ask you about that. As a matter of fact, your predecessor Cy Ching here is a Republican, and I didn't care about that either; I didn't ask him, did

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I, Cy? There is one warning I want to give you, one bit of advice. Don't ever let anybody play politics with the Mediation Service, that's the easiest way to destroy it."

I remembered that and made the same point later, after President Eisenhower came in, to Alexander Smith, Senator Smith, who promptly began to play politics with the agency. He was a Senator from New Jersey and supposedly a specialist in labor matters. As Mediation director I went over to talk to him about emergency disputes. He wanted to know if I would be willing to consult the National Republican Committee before we would name any mediators. I replied by telling him what President Truman had said to me. I assured him that I took President Truman's advice very seriously, and I certainly did not intend to play politics. I expressed the hope that the Republicans wouldn't be the ones to introduce politics after the great "politician" from Missouri had said we mustn't. This displeased him greatly; he just didn't like it one bit.

HESS: You know Mr. Truman appointed several Republicans to high positions. Paul Hoffman ran the Marshall plan.

COLE: Right.

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HESS: There were various and sundry other, but what is your opinion of Mr. Truman's understanding of the necessity of having members of the opposition party in government and in positions of importance?

COLE: I think you are practically stating the answer in the way you are framing the question. I think he did have a good feel. In nonpolitical areas, where the essence to what is done is what counts, not who does it, he was able to play down the political approach. Certainly I would say the Mediation Service is one of these.

I am not an expert in all branches of Government, by any means, but I do fancy myself as knowing something about labor disputes -- this is a sensitive and critical area, and if this is permitted to become an arena for political maneuvering, it could be disastrous, and President Truman realized this, he saw it very clearly.

HESS: You stayed on as director until April the 30th of 1953, right?

COLE: Right.

HESS: All right. Two questions; what important cases came up during the period of time that you were director?

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And, the second part is a completely different question, is about the transition from the Truman administration to the Eisenhower administration.

COLE: This is an interesting story. I would say the first major case was the hydrogen bomb plant case involving American Locomotive, which made the only nickel-lined pipe for the new Savannah River plant. This dispute involved the Steelworkers, which represented the employees of the four plants of American Locomotive, one of which produced this nickel-lined pipe, the only nickel-lined pipe plant in the country. President Truman intervened in that one, before he left office, and declared it threatened national health and safety and appointed a Taft-Hartley board of inquiry and an injunction was obtained to stop the strike in this one plant of the company.

Such injunctions, as you know, run for 80 days and then they expire. This injunction ran until after President Eisenhower came into office, and it was a critical matter -- a very critical matter.

Now, some people close to advisers of President Eisenhower apparently did not like John Steelman, or they found it convenient to blame some of the settlements that had been

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made and which they didn't like, on John Steelman. I think this was unfair because Steelman really did not interfere in the substance of what we were doing -- in my experience, at any time. He never told us what he thought ought to be done. He guided us and streamlined things;

expedited things for us procedurely, but I don't remember ever, John Steelman trying to tell us what he thought we ought to do as board members, by way of recommendation or otherwise. Moreover, he helped avoid or shorten many strikes and when he did so most people were happy and grateful.

HESS: What advisers were critical?

COLE: American industry, the NAM or U.S. Chamber of Commerce. Some of these employers had made settlements with the union, which they would have liked to avoid. Some had tried to keep unions out of their plants and the unions had succeeded in establishing themselves, somehow. Now that they thought the White House was sympathetic with them and they found it convenient to use Steelman as a scapegoat.

HESS: Do you think that it was a view that big business figured that, okay the Republicans are back in office, we're back

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in the saddle, now let's change a few things that have transpired.

COLE: No question about it. The common expression was "the pendulum has swung too far, let's swing it back the other way." This was the cliche they were constantly using. I thought it was very silly because in social movements you don't swing pendulums back and forth. The trend is one direction or another; but in any event, they were critical. On the other hand, the new administration realized that they desperately needed his help, for a while at least. He was continued on in the White House, and as you know, was relegated to a small office, while Sherman Adams took over in the big office.

They had a man, Governor [Val] Peterson on their hands, Governor Peterson of Nebraska, whom the President had wanted to designate as the Ambassador to India. Governor Peterson couldn't get confirmation from the Senate and they named him as presidential assistant and turned over labor matters to him. Unfortunately, he had no experience in or knowledge of labor relations. It was my duty as Mediation Director to notify the White House that they were facing the decision as to what they

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were to do with this American Locomotive dispute. The injunction was about to expire and some course of action had to be decided upon. Sherman Adams was then the number one director of traffic in the White House and he asked me to speak to Governor Peterson, and this was quite an experience. Governor Peterson didn't even know about the Taft-Hartley Act.

In fact, when I went in to brief him about the dispute and its importance, and why the court had granted the injunction, and why President Truman had invoked the law, he asked, "What do we do now?" I told him what the alternatives were one of which would be for the President to make a report to Congress with the recommendations, and he said, "What is that you're reading from?"

I said, "This is my copy of the Taft-Hartley Act."

And he asked me if I would do him the great favor of letting him have my personal copy of the Taft-Hartley Act.

HESS: He didn't have one.

COLE: He didn't have one. Well, then came the problem of what to do about this case. The strike involved four plants of American Locomotive, including this one in which nickel-lined pipe was made. That was the only one that

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was working under the injunction, the others being out on strike.

A short time after my visit I received a call to come over to see Governor Peterson again. They had made a decision.

So, I went over to the White House, but they had neglected to tell the guard at the gate that I was expected. He wanted to know whom I wanted to see, and distracted by thoughts about the case, I said, "I want to see the Governor."

And the guard said, "Well, we have more than one Governor here." He meant Governor Adams and Governor Peterson. "Which one do you want to see?"

I replied without thinking, "Governor Stevenson."

And he replied emphatically, "He doesn't live here."

HESS: He didn't make it.

COLE: He didn't make it. "He doesn't live here," he said.

HESS: He doesn't live here.

COLE: So, I saw Peterson and the decision they had reached was that I should draft the President's message to

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Congress, and he could say it in good conscience, that this law was invoked by President Truman, not by himself, and he is in accord that this is a major matter. And since the 80 days are about to expire and we still didn't have peace, he was asking Congress on an ad hoc basis to extend the injunction period indefinitely, because we cannot spare the nickel-lined pipe. Our thermonuclear plant cannot be built without it.

I decided that as Mediation Director that this would be very bad, because Congress in this honeymoon period would undoubtedly have gone along with the President. Members of both political parties would have supported this. I thought that this would be an undesirable precedent for the handling of critical labor disputes -- emergency disputes.

HESS: That hadn't been done before.

COLE: Hadn't been done before.

HESS: That would have set a precedent?

COLE: It would have set a precedent at that time. And I didn't like that precedent. They'd used it in Canada in the railroad dispute that followed our 1948 case that

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we spoke of earlier. They had the 40-hour week movement up in Canada, too. And there they had a strike and they had by special legislation prohibited the strike and set up a special procedure, which worked in that one instance. They went back to work. But in subsequent labor troubles in Canada it did not seem to work, it quickly lost its effectiveness.

So, I called in Perry Egbert, who was chairman of the Board of American Locomotive, a man who had never previously negotiated a labor contract. Just before then Philip Murray had died. He was president of the Steel Workers, and David J. McDonald had taken his place. I brought David McDonald in. I brought them into my own room, worked on them, and practically locked the door and told them to stay there until they had some solution.

And they did this, and they arrived at a settlement. But the trouble was that the union committee rejected the settlement, which was unheard of at that time. We had a terrible time; Perry Egbert was terribly upset. He had never negotiated a contract and here he had agreed as a gentleman with Dave McDonald, shaken hands, and the union turned it down, that is, the policy committee of the union.

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I found out, then, through Arthur Goldberg, who was counsel to the union, that it was turned down because David McDonald wasn't a strong leader, didn't have the status that Philip Murray had had. They would never have turned down anything Murray had negotiated. Moreover, the man in whose jurisdictional region this plant was, Joe Maloney, wasn't sure he liked David McDonald and he was going to make it a little bit hard for him.

So, we had to start all over again up in Buffalo with Joe Maloney present instead of David McDonald. Perry Egbert wouldn't sit in the same room with him, because he had lost his confidence in these union fellows. In fact, McDonald called me and asked me to stop Perry Egbert from abusing him. I asked, "What's he doing?"

"Well, he just told me that after he shook hands with me, if his board of directors had repudiated an agreement he made he would resign, why don't I resign as president of the union?" David McDonald considered this abusive and urged me to stop Perry Egbert.

Well, we worked out a settlement in Buffalo and avoided the necessity of having the President send this message to Congress.

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HESS: Any other cases come to mind?

COLE: Yes. They had a number of important cases during that period, but we were very fortunate none of them broke out in a strike. I was able to exploit the fact that we had a new President and that we owed him the obligation of working closely with him. We had some atomic energy issues at the time. None of them flared up into strikes during that period. The administration had decided, the Republican group had decided, that everybody named by President Truman had to leave and that included me. I had tendered my pro forma resignation when the new President came in, and I was told by Lewis Strauss, with whom I was friendly, that they disliked seeing me leave, but I had been appointed by President Truman and I must go. Since they wanted my advice, however, would I be willing to take the position of chairman of the NLRB, the position that Paul Herzog was filling -- Paul had also submitted his resignation. I turned this down. I said, "No, I really would prefer to leave, and if I stayed in Washington the only position I would be willing to stay on was the one I was in." Of course, I was interested in the mediation of labor disputes, but since their

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policy was to make a change I would like to be relieved.

Before I left I saw President Eisenhower, to the chagrin of Sherman Adams somewhat, and Eisenhower was very much interested in the work and in my thoughts on the subject.

HESS: How did you get by Sherman Adams?

COLE: I didn't get by him, I got through him. He arranged the appointment. He didn't like it but he felt he had to. Oh, he had some trouble, some difficulty did arise in atomic energy while I was still Director of Mediation, and Sherman Adams bypassed Peterson -- got hold of me -- "What do we do now?"

And I said, to him, in a really mischievous vein, "I really don't know, I've done very little in atomic energy but there's been a special atomic energy labor management panel under the leadership of William H. Davis, and I think he ought to ask Mr. Davis."

So, Adams said, "We can't because I fired him."

And I said, "Well, I don't think that would stop Will Davis from giving you advice. Why don't you call him in and ask him?"

He said, "Do you think it's necessary?"

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I said, "I do."

He said, "Then you call him."

I suggested, "If you're inviting him in you should call him."

"No, please, you call him for me."

I called Davis, and Davis being a fine gentleman, and conscientious, said, "All right, I'll come down."

He came down to Washington, and we went over to the White House. As we walked through the gate, Davis made this classic remark, "Watch out you'll get conked on the head by a golf ball." Then he said, "You know, I hold a great distinction."

I said, "What is that, Will?"

He said, "I was not only fired by Sherman Adams, by the President through Sherman Adams, but he fired me retroactively. He fired me on March 10th retroactive to February 2nd or some such date."

HESS: Did they demand part of his salary back?

COLE: I don't know. Maybe he hadn't been paid that part of his salary yet.

HESS: Yes. Maybe so, maybe so.

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COLE: And so we went there and we did work out this problem that was troubling them. It was Oak Ridge, I believe. It was something that was routine. Adams could have handled it but I just thought he ought to call on Will Davis to do it, who knew more about it than anybody else in the country. Before you fire a man you first find out whether there is any unfinished business that you'd like to have him conduct.

HESS: You should find that out anyway.

What is your general overall evaluation of the transition? Was it a smooth transition?

COLE: It was a rough transition.

HESS: It sounds like it was pretty rough.

COLE: It was a rough transition, by and large. Alexander Smith was a bad influence at the time. He was the chairman of the Senate Labor Committee of the Republican minority.

HESS: It was a Republican Congress.

COLE: Yes. He wanted to play strict old-fashioned politics with this work. And he had his friends and cronies that

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he was trying to appoint to jobs. He had difficulty with his fellow Senator from New Jersey, [Robert C.] Hendrickson, who spoke to me repeatedly about not relying on Alexander Smith, not believing him and all that sort of thing.

My resignation was accepted and I was replaced a few months later. I was fishing up in Ontario, when I received a call from the White House and I called back. It turned out to be Governor Adams. "The President is thinking of appointing a board in the longshore industry and he is thinking of possibly appointing you, could you come right down?"

I said, "Of course not, I've been here for only a day."

This was the President -- I liked him, but I didn't have a very good feeling about Sherman Adams when I left. Besides I had just gotten here with my wife and some friends. "Then we'll get somebody else," and he abruptly hung up the receiver.

I just mention this only because this was a reflection of the transition period. I was still of the Truman group, you see. But the following day while I was fishing, someone came out and told me the White House was

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calling again. This time the tone of the conversation was different. It was, "Hello, Dave, this is Sherm. The President says he can wait for you, he wants you to be chairman. When could you come down?" A very interesting change.

HESS: And President Eisenhower had said specifically later that he did want you. So Adams had to come back on it.

COLE: Oh, yes. In fact, when I came down the President was very nice. He stood up and greeted me and turned on that smile. He had quite a smile. "We didn't let you be very long," I remember him saying. My farewell meeting with Eisenhower had been very pleasant, too. He hoped I'd be available and all that.

HESS: Mr. Cole, what talents or attitudes does it take to make a successful labor arbitrator?

COLE: Arbitrator or mediator?

HESS: Mediator. I had arbitrator here but mediator is really what I meant.

COLE: Well, it would be easy merely to say that you must be judicial in temperament. It isn't that. We have had many

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good judges, many good decision-makers who I think have not been or would not be particularly good mediators. I think a mediator must truly be objective and impartial but yet sympathetic and understanding, and it is not easy to mix these qualities. Above everything else he must have the ability to inspire a certain degree of confidence in the parties, that he will not be doing a job on them. He must have no ulterior motives or motivation. He must have them feel that he will try to understand what it is that is troubling each of the parties and try to weigh these considerations, try to steer a course that meets their essential requirements. And, mainly, he must remember that he is not a judge. He is not a decision-maker but he is a friend of the parties who is guiding them toward a meeting of the minds.

HESS: And an arbitrator is more of a judge, right?

COLE: An arbitrator is very much a judge. There are some excellent arbitrators who I think would be very poor mediators. They can take the evidence, weigh the evidence and decide quite accurately where right and wrong fails. They are guided by the terms of a statute or by the terms of a labor agreement, which is their Bible in the

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case, and they interpret and apply those provisions. This is quite different from trying to persuade parties who become embattled, facing one another, feeling the other is doing them wrong or trying to do them wrong, and proceeding nevertheless with them to an accord.

The mediator has no authority to impose anything on the parties. He must persuade them. He has the power of persuasion. I have many times wrestled with the question of what are the vital qualities for a mediator. How does one tell or advise young people who want to get into the field what it requires. I wrote a piece on this once for the *Annals of the American Academy of Political Science* in which I said essentially what I've said now, with some illustrations, and pointed out that very often those who are successful in the art of mediation don't know precisely why they are successful. There are intangible qualities, perhaps of appearance, of background, of history, that appeal to people. It is so easy for one party or the other to feel that a job is being done on him or is being tried on him. Once they get this feeling or impression it is pretty hard to dispel this. You are pretty much a dead duck if they lose confidence in you.

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You might just as well step out. Incidentally, this may explain some of the things we were talking about earlier.

Why is it that the Mediation Service is supplanted in certain stages in major disputes by the Labor Department? And then, why is the Labor Department supplanted by the White House? I think it's because sometimes familiarity does breed contempt. The mediator spends a long time with the parties and in the early stages they're quite determined and quite emotional and if the mediator doesn't agree with them wholeheartedly they ascribe this to some of the prejudices of the other party...

HESS: If you're not for me you're against me.

COLE: You're against me -- and after a period of time he finds himself expended. Yet he has performed his function perhaps in narrowing the issues, even though it may be well to have a new character step in. Perhaps it may be the Secretary of Labor or somebody appointed by the Secretary. And I think in the great national cases the Secretary of Labor should not resent the White

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House. It isn't interference, it is coordination, it complements his efforts. He has brought the parties a certain distance down the road and they need another shove. When they get to the White House they know that they are at the end of the road, there is nowhere else they can go. In some cases, some industries and some unions feel they are so important they must get the ultimate authority, so to speak, to step in. I have seen disputes settled in the White House on the same terms that were proposed very earnestly in some other stage, but they weren't quite ready to accept it, either because of time or because of the person who was proposing it; or the prestige of the person who was suggesting it.

Now, the use of this authority and the sense of timing is very important, both are very important. A good mediator must not come forward with proposals before the parties are receptive to them. And this is a very important quality, too.

To me mediation is much more exciting than arbitration. Arbitration is much easier. In arbitration you are legally endowed with the authority to force the parties to do something, and you make your decision and

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go home like a judge. If they want to take an appeal, there is practically nowhere they can go, for in arbitration they have legally agreed that the decision is final and binding. There are rare exceptions, as when there is an evident miscalculation of figures or fraud or something of the kind.

In the run of the mill case the award is the end of the road. All that a dissatisfied party can do is not appoint you next time around. This may be a consideration sometimes, I suppose, in the minds of professionals. But, nevertheless, the functions are easier for the arbitrator than for the mediator. In the last several years I have found that mediation has become increasingly difficult.

HESS: Why?

COLE: I thought at first it was because I was getting older and that powers were waning. But I am convinced now it isn't just this. I find that the best mediators seem to be having the same difficulty. I think there is a lack of discipline, there is a lack of respect for office, for people, for law. I think a very large boost or a shove in that direction came from the public employees, the people who in former years were the "Caspar Milquetoasts." One

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couldn't think of schoolteachers going out on the picket line, but in recent years this has become commonplace.

HESS: They do now, don't they?

COLE: They do now. And certainly one could not think of policemen and firemen striking, and they do now. Once when policemen dared to strike it resulted in elevating a Governor into the President's office. But such strikes are no longer unthinkable, we see this sort of thing frequently now.

I served on a board with George Taylor, who was a great expert in the field of labor relations. He was a good friend of President Truman's, too; and I admired him very much. A board was appointed by Governor [Nelson A.] Rockefeller to look into the business of labor disputes in the public sector in New York State. John Dunlop served on this board and Wight Bakke, and the other was Fred Harbison of Princeton, a good board.

We came up with many recommendations, one of which was that the existing law in New York (the Condon-Wadlin Act) ought to be repealed. It was strictly a punitive law. It didn't accomplish anything, and it was unfair. We thought that there should be an effective mechanism for

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the settlement of legitimate disputes. There are equities that have to be considered, and we had the temerity to believe there would then be little desire or need for strikes in the public sector. The strike was never designed for use in public employment, we pointed out, and there was no tradition favoring it. We thought this was a good report. Copies were distributed all over the country. This was at a time when the country was restless and when there was a strong spirit of protest in the air generally.

So this report, which I think a few years earlier would have been accepted gladly by the labor relations fraternity, the experts, the public administrators, and the labor leaders as well was declared largely unacceptable to labor. They defiantly started to strike in New York, in violation of law. There was no state in the country that permitted strikes. They were and still are prohibited in the Federal Government. Since then two or three states have enacted laws which permit strikes to take place under certain conditions. The labor leaders who struck and were punished by being sent to jail for 30 days or whatever it might be, became the heroes. In fact, our expectations turned out to be wrong in this regard, and if anything maybe we encouraged strikes by

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prohibiting them, although they had never been legally permissible. But by reasserting, restating, redeclaring the prohibition, even though we provided, we thought, all sorts of measures and procedures to see that justice would be done, we seemed psychologically at that stage to create a springboard for strikes. Actually, based upon the long experience of all of us we picked up all the techniques and things that had been tried, more or less successfully, in private industry and made them applicable, as a matter of law, in New York State to the public sector.

We thought this would spell out and give these public employees rights they had never had before, it would guarantee them fair play, status and dignity. But, I must say that we were badly disappointed.

I have acted as a mediator in some important disputes the past few years. One of these was in the longshore industry. This was toward the end of Lyndon Johnson's term. I was told what I could tell the President to do when I suggested that the President of the United States had asked me to tell them that he looked to the labor leadership for help and support. They told me what I could tell the President to do and it wasn't very flattering, I assure you. The strike went on. This

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never used to happen before. In former years, on a discreet basis, I would sometimes say that the President had told me that the particular strike cannot go on and that he insists it must be quickly resolved. This would carry tremendous weight. But this time I was told what I could tell the President to do.

I stepped into the crisis at the Metropolitan Opera dispute and I thought after all this was a nonprofit operation, a great cultural center, and something of which everybody should be proud. Really, I was told off to a fair-thee-well. It was a new and rough experience for me. I had never personally been subjected to as much disrespect or abuse. In my earlier experiences, it sometimes took longer to work out things, but in some of these recent cases it bordered on the disrespectful. I found this in the newspaper dispute in New York when [John] Lindsay asked me to step in. I did it gladly because the *Herald-Tribune*, the *World Telegram*, the *Journal American* were threatened with extinction. They were combining to survive, and I thought that I had all the chips in my pocket, every reason in the world why they would be induced to accept a settlement in their mutual interest. I did manage to get a settlement

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with six of the ten unions promptly, including Bert Powers' typographical union, the great troublemaker, the John L. Lewis of that industry. But the remaining four were determined to get more; they wouldn't accept the same terms, and they really killed the urge to keep these newspapers alive.

HESS: Do you think this is a changing attitude just toward the work ethics of modern people?

COLE: Not toward the work ethic, I think as such; I think it's a manifestation to some extent of independence, of protest; and I must say of avarice. The muscle is there to get more without conscientious concern for what the social consequences will be, and the consequences sometimes have been severe, the destruction of three newspapers for example. It is a very serious thing in New York City, really, to have only one major newspaper left in the great City of New York. And this was the result of somebody wanting to get a little more than others had gotten, there was no principle involved in it at all. I am sure all of the unions and their members would have preferred to see these newspapers survive. They didn't want them to go out of business.

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HESS: That's really what happened, went out of business.

COLE: What happened, yes. And my mediation efforts, I thought, were as adroit and as imaginative and resourceful as any I had ever used before, but they didn't seem to click, didn't work.

HESS: All right, going back to the Truman administration, what are your views on the Taft-Hartley law? Did you see it as something that was necessary, something that was workable?

COLE: Of course it is hard to avoid using some hindsight. The way we felt at the time in '47 was one thing, the way we feel now as we review it is something else. My main concern has been with title two of the emergency disputes provision. I thought these provisions were stupid.

I remember William H. Davis saying that these provisions first require the President to declare that the health and safety of the Nation is in danger. Very solemnly then, the President of the United States will tell the Attorney General to go and tell this to the courts. The courts then issue an injunction as a matter of course. At the end of 80 days when the positions of

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the parties have become more frozen, more hardened, and the likelihood is that the strike is going to be resumed and will continue on a more emotional and bitter basis than ever, the learned judges fold their gowns and depart from the scene and say now work it out yourselves. I can't imagine a more stupid procedure than that. When you need them they are gone, and the law says they must disappear.

Then, of course, you have the other feature that there be appointed a board of experts, but these experts are told that after they study the dispute they must not make any recommendations. Now, if the implication of the procedure is based on the threat to national health and safety, why do you call in an expert and tell him he must not even make any recommendation? If people want the right to slug it out, why bother with a board in the first place? Let them slug it out.

And, incidently, this is a respected point of view. Some people believe that this is the way free collective bargaining should be conducted. They contend they should have the right to declare war on each other, based on their evaluation only of the consequences of the war in terms of what it will do to the earnings of the workers

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and the production of the employer and his profit. Maybe this will force them, by knocking their heads together in this way, to resolve their differences. For example, this has been the point of view expressed by General Electric's former officers. It still is their point of view to a considerable extent. They believe they should be free to take a strike, and their unions in turn should have the right to strike, arguing that we will take care of ourselves the best way we know how.

The effect of such an approach is a repeated threat to the national economy or safety, sometimes even the health of the Nation. These threats to our general welfare seem in the minds of some people to be subordinate to the profit motivation or to the advancement of narrow economic advantage. Too many people feel this way. It is a repudiation of the theory of social responsibility.

HESS: One of the sections that the unions don't care for at all I believe is 14B, is that not right? The so-called "right to work." What is your feeling on that?

COLE: Well, this is a reflection of a curious psychology. This has been puffed up beyond its importance. We have been inconsistent. We have two national policies on this

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subject. We have the national policy in 14B that the states may prohibit compulsory union membership, and, if so, the Federal Government bows to that superior right in the states. But on the other hand, in the Railway Labor Act we had an amendment enacted in 1950 or '51, which said that state laws to the contrary notwithstanding, unions in the railroad industry or in air transportation may have compulsory union membership. The same Congress only three years later declared a national policy quite contradictory to the earlier one in Section 14B. It seems to me that this has grown into a sort of a cause célèbre, far beyond what it deserves. I think that good relations don't depend on whether you prohibit union shops or not. They depend on other things. I don't think that a union shop, if the union is able to get it, is the thing that makes bad labor relations. I think we have had bad labor relations because of other reasons. If a union is strong enough to exact a union shop it is strong enough to exact extortionate demands too. And I don't think you have to "wet nurse" American industry, they can take care of themselves.

General Electric, I mentioned before, has take excellent care of itself. It has always remained a little

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bit stronger than its unions. They don't have very many strikes, because they indicated they can take strikes and carry them on for some period of time. It has little or nothing to do with the union shop or compulsory union membership. They prevail just as well in states where there are no right to work laws as in states in which there are such laws. They do equally well from the corporation's point of view in states like New York and New Jersey and Pennsylvania and others, which don't have the right to work laws.

HESS: Mr. Truman, of course, vetoed Taft-Hartley and it was passed over his veto.

COLE: Yes.

HESS: He is condemned in some sections because after vetoing it later in his administration he employed it several times. He is also condemned on other sources because there were times when it might have been employed and he did not employ it. What is your view? Do you think that it is inconsistent for Mr. Truman to veto and then later use it?

COLE: Not at all. I think it's a mark of his strength and

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his adaptability that he used it when he thought it was appropriate to use it. It was part of the law of the Nation and applied to the Presidency as well as to the other segment of the political society, and the fact that he chose the times and places to use it is very much to his credit. The law gives the President discretion to invoke the law or not to invoke the law. He is free to make the decision. We've had Presidents since then, Eisenhower in particular, who in many of his campaign speeches and statements later said that under him the Government was going to pursue a hands off policy in these major emergency disputes. But, I think, and I say this quite carefully, I think that the Eisenhower administration intervened in as many labor disputes as the Truman administration did. In spite of President Eisenhower's desire not to, he set up boards and intervened in many cases.

I was on several boards during the Eisenhower administration. In all of them it was discretionary as to whether to have an emergency board or not; airlines, railroads, etc. We saw Secretary [James P.] Mitchell intervene over and over again in steel disputes and railroad disputes and what not, all with the blessing of

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the administration, of course. In fact, the great steel strike of 1959 was terminated by Mitchell, but he gave a fellow named [Richard M.] Nixon credit for it, and I don't think it hurt Nixon politically at all. I didn't hear anybody saying they wanted to keep a hands off policy at that time. As a matter of fact, George Taylor and I were asked to step into the Westinghouse strike and that lasted six months or so, and involved plants in a number of states. We were first asked to step in by a group of Governors and the company refused to appear before us, saying that they were under the Federal jurisdiction and they didn't care to appear before a board appointed by several Governors.

The real reason was that the Governors of the states involved were mainly Democrats and they didn't want to appear under the auspices of a so-called Democratic board. But the President, Eisenhower, asked us to step in and serve for him as special mediators. The company then appeared before the same two men and we managed to work out a settlement of this bitter and bloody strike. Before we met the Mediation Service felt it had practically expended itself. The strike had been going on for a long time. There was a mediator named John Murray, and George

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Taylor and I asked him to sit with us because he had been on this case right along. As we walked down the corridor to our first big meeting in the Labor Department Building, Al Hartnett who was the second in command of the union IUE, the electrical workers' union, and John Murray, the mediator, touched -- they did this, they pulled their hands up inside their sleeves like this. It was a very serious moment, we were going to this great meeting, somebody had been killed on the picket line, so I said, "What's this performance for?"

And one of them said, "Well, haven't you heard of the administration's hands off policy?"

HESS: They were going in with hands off.

COLE: Hands off.

HESS: All right. During the Truman administration there was a good deal of labor unrest, after the war, then all through the Truman administration. Just what is your general evaluation of Mr. Truman's handling of labor matters?

COLE: Just to backtrack one bit -- I don't think there was a great deal of labor unrest. I think there was an

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expression of desires that had been contained for a long time during the war period. And people were suddenly able to express themselves. They had been retarded, there were developments that would have taken place during that period but for wartime restrictions. The war period was moderately prosperous, after all. And this was a matter of how to slice the melon or share the pie, whichever you want to call it, and they hadn't had their chance to express themselves. So we had an accumulation of disagreements over such issues. I would say President Truman had remarkable success considering the explosiveness and the pent up emotions and demands and desires of the war years. The War Labor Board and the Stabilization Board had really sat on the lid pretty tightly, and when this was removed suddenly the country had these serious cases, like the steel, coal, and the automobile cases.

I would say that perhaps my only criticism of him would be that he sometimes expressed his displeasure too freely, for example, the 1946 business on the railroads, that "They behave worse than Russians." I'm not sure it was necessary to say that if he was going to act as a mediator. You may feel this, but you have to bite your tongue sometimes, even a President does. And generally

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he...

HESS: He spoke a little too quickly sometimes.

COLE: Yes.

HESS: Shot from the hip, I think.

COLE: He shot from the hip a little bit. But, I must say, though, that when we came in, or any others in my position came in, and there were many others, none of us could ever complain about a lack of cooperation or understanding or helpfulness to us, and a willingness to listen to us and take seriously what we said regardless of what his own first reaction had been. He was a remarkable man to work with, a delight to work with. On balance, I would say that in that troublesome period he had remarkable results.

HESS: What is your opinion of Mr. Truman's major accomplishments during his career, overall, and his major failings?

COLE: Well, I'm not sure that I am in a position to give a historical overview. When one, as you look at his various accomplishments, there are so many of them that there is an expression which has become commonplace now,

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that when history is written people are going to find that Truman was a great President. I don't know why people are so surprised at this; maybe they just assumed he was going to be a Calvin Coolidge or something and he just didn't turn out that way. He turned out to be a good President. He was a man who spoke his mind. We knew where we stood always, and I think this applies to the nations we dealt with, and this is very important. He also followed up.

When he wanted to do something he showed a great, rare determination and I think that this is very, very much to his credit, and I suppose this is why people say he is much bigger than they thought he was going to be. He took his office very seriously, he had tremendous awe and respect for his office, which I think is wonderful. I don't think the Presidency ought ever to be downgraded by anybody including the President, and Truman certainly didn't do that.

HESS: Do you think he had more success in the foreign field than he had in the domestic field?

COLE: I think he had good success in the labor relations field. Those were troublesome times. In the foreign field I would say he gave an excellent account of himself.

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We had the Truman plan, the Marshall plan, and the cold war that he was conducting under very trying circumstances. I think this is what we mostly remember. I remember the labor thing because of my personal involvement. But I think most people remember how he stood up. They were proud of him as the champion of the American people.

HESS: What is your estimation on Mr. Truman's place in history?

COLE: Oh, of course, it's high. Well, a place in history is what people think of a man. So many people now make the remark that I made before, that history will show admiration, thus reflecting their own feelings. I think people have quickly developed such a new respect for Harry Truman that they themselves are surprised sometimes. I have great regard for Harry Truman. Sure, he sometimes "shot from the hip," as in the incident of his daughter and the music critic. But you know, this was lovable, my only criticism of it is that he forgot he was President for a moment.

HESS: He forgot he was President and remembered he was a

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father, didn't he?

COLE: Remembered that he was a father. I had a little experience with him on that subject. It was during the 1948 railroad case (that was a great meeting that day) the President asked, "You didn't give these fellows any more of that featherbedding, did you?"

Billy Leiserson said, "Mr. President, you shouldn't complain about featherbedding, your union practices are featherbedding."

"What do you mean?" asked the President.

"Well, aren't you a member of the musicians union?"

"Oh," he said, "[James C.] Petrillo, oh, yes, Petrillo's union; that's right, he gave me an honorary membership card. Let me tell you about Petrillo. My Margaret [and there was a picture behind him and with great affection he spoke of her] my Margaret is going to sing at this charity affair. She doesn't get paid for it. She came in crying the day before, and she said, 'Father, Petrillo won't let me sing because the band are not members of his union and he doesn't want me to sing with a non-union band.'" He said, "I went after him and I made short shrift of this fellow." He said, "You know

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what band it was that he wanted to join the union, the United States Marine Corps Band."

HESS: He thought the Marines ought to be union members.

COLE: Union members.

HESS: Do you have anything else to add on Mr. Truman or your role in the Truman administration?

COLE: Nothing, other than to say that they were very enjoyable years. They were very productive years for me. Getting to know the President, having access to the White House and to the President's office, was very exhilarating to me, very exciting. And finding that the country was in good hands, good dependable hands, made a great impression on me.

I knew Harry Truman's reputation as a Missouri politician, but somehow when he sat in that office he was the President and I felt that he filled the position well. He fitted in there very nicely. I wish all our Presidents would do as well.

HESS: We thank you very much for your time and we will be looking forward to your papers.

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COLE: Thank you. You are going to have them.

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