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Hubert C. Wyckoff: Volume 2: Attorney and Labor Arbitrator

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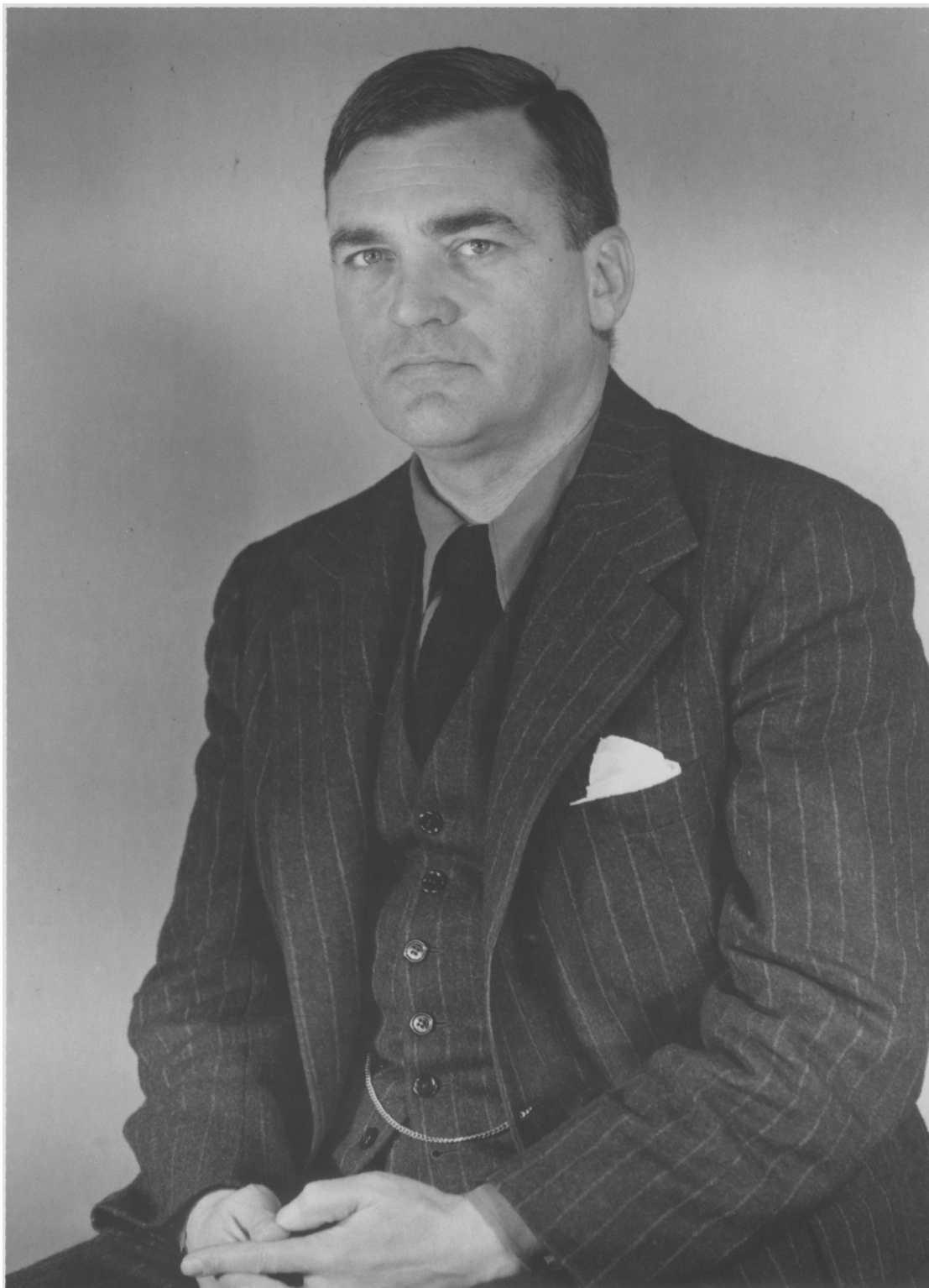
ATTORNEY AND ARBITRATOR

VOLUME II

Interviewed by Randall Jarrell

Edited by  
Randall Jarrell  
Doris Johnson

Santa Cruz  
1985



Hubert C. Wyckoff, Jr.  
Washington, D.C.  
1943

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## TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>VII</b>
<b>EDUCATION.....</b>	<b>1</b>
DECIDING UPON A CAREER.....	1
UNDERGRADUATE YEARS: THE UNIVERSITY OF CALIFORNIA AT BERKELEY.....	3
ROTC.....	14
HARVARD UNIVERSITY LAW SCHOOL.....	18
HASTINGS LAW SCHOOL: 1925-1926.....	24
THE CALIFORNIA BAR EXAM.....	27
<b>EARLY LEGAL PRACTICE -- SANTA CRUZ COUNTY.....</b>	<b>29</b>
WATSONVILLE: WYCKOFF, GARDNER, AND PARKER.....	29
SANTA CRUZ.....	31
<b>SAN FRANCISCO.....</b>	<b>40</b>
1928: ASSISTANT U.S. ATTORNEY -- SAN FRANCISCO.....	40
MARRIAGE -- LIFE IN SAN FRANCISCO.....	42
PRIVATE LEGAL PRACTICE IN SAN FRANCISCO.....	44
SOCIAL AND CHARITABLE ACTIVITIES.....	51
THE UNIVERSITY CLUB.....	52
SOUTH END ROWING CLUB.....	55
A PERSONAL RECOLLECTION: MATTHEW SCHMIDT.....	57
THE MACAULEYS.....	74
EARLY LABOR ARBITRATION CASES.....	76
PEARL HARBOR.....	81
THE WAR YEARS: WASHINGTON, D.C. ....	82
<b>WAR SHIPPING ADMINISTRATION.....</b>	<b>82</b>
THE CREATION OF THE WAR SHIPPING ADMINISTRATION, 1942.....	82
PREWAR BACKGROUND OF U. S. MARITIME AFFAIRS.....	84
THE ORIGINS OF FOREIGN FLAG SHIPPING: THE UNITED FRUIT COMPANY.....	85
U.S. MARITIME COMMISSION.....	87
PROBLEMS OF WARTIME MARITIME REGULATION: THE RED SEA CHARTERS.....	90
REGULATING REQUISITIONED OFFSHORE SHIPS: THE MERCHANT MARINE DEFINED AS CIVILIAN ADJUNCT TO THE MILITARY.....	92
<b>MARITIME LABOR RELATIONS.....</b>	<b>93</b>
THE PROBLEM OF COLLECTIVE BARGAINING AND WAR SHIPPING ADMINISTRATION VESSELS.....	94
FINDING THE SOLUTION TO THE COLLECTIVE BARGAINING DILEMMA.....	97
WAR RISK BONUSES.....	99
SETTING WARTIME WAGES.....	101
LIFE INSURANCE AND MERCHANT SEAMEN.....	105
MEDAL AWARDS COMMITTEE.....	109

MERCHANT SHIPS IN THEATERS OF WAR .....	113
ESTABLISHING A LABOR RELATIONS POLICY.....	122
SHIPPING COMPANIES .....	124
HISTORICAL DEVELOPMENT OF COLLECTIVE BARGAINING: A THEOLOGICAL DIGRESSION.....	126
HARRY LUNDEBERG.....	131
VINCENT MALONE.....	133
THE EAST COAST MARITIME UNIONS.....	134
MARITIME UNIONS AND POLITICAL ISSUES.....	138
ADMIRAL EMORY S. LAND.....	144
<b>SOCIAL LIFE IN WASHINGTON, D.C. ....</b>	<b>147</b>
<b>POSTWAR LABOR ARBITRATION .....</b>	<b>155</b>
THE INFLUENCE OF THE WAR LABOR BOARD.....	156
CLARK KERR.....	156
TRANSPORTATION AND HOTEL INDUSTRY ARBITRATION CASES .....	157
THE CONCEPT OF IMPARTIALITY IN ARBITRATION.....	160
WRITING AN ARBITRATION AWARD .....	164
PRECEDENT AS A FACTOR IN ARBITRATION.....	164
THE CUTTER LABORATORIES CASE.....	167
THE NIGHT DIFFERENTIAL CASE FOR LOS ANGELES SUPERMARKETS.....	171
THE ISSUE OF COMPULSORY ARBITRATION.....	175
PUBLIC EMPLOYEES .....	183
PROCEDURE AND AUTHORITY IN LABOR ARBITRATION .....	190
ROLE OF ARBITRATION BOARDS .....	192
EFFICACY OF ARBITRATION BOARDS IN THE MONTEREY CASE .....	194
WESTERN AIRLINES CASE: A NOVEL APPROACH TO SENIORITY.....	197
THE EDUCATION OF AN ARBITRATOR.....	201
<b>LAW PRACTICE IN WATSONVILLE SINCE 1946 .....</b>	<b>212</b>

ILLUSTRATIONS

Hubert C. Wyckoff, Jr. Washington, D.C. 1943	Frontispiece
Fishing on San Francisco Bay 1930s	46
Hubert C. Wyckoff, Jr., in his San Francisco Office	46

## INTRODUCTION

The Regional History Project conducted a dozen interviews with Hubert C. Wyckoff, Jr., in his home in Corralitos, California, from January 28, 1975 to June 8, 1976, as part of its oral history series documenting Santa Cruz County and California history. The first volume, the Memoirs of Hubert C. Wyckoff, Jr., Watsonville Recollections, issued in 1978, is comprised of the first six interviews which focus for the most part on turn-of-the-century Pajaro Valley and county history. This, the second volume, Hubert C. Wyckoff, Jr., Attorney and Arbitrator, contains the remaining interviews, and is primarily concerned with Mr. Wyckoff's career as an attorney, and his pioneering work as a labor arbitrator, a role in which he gained national eminence, and a special professional field in industrial relations about whose history and evolution he was deeply perceptive and knowledgeable.

This volume is issued posthumously. Mr. Wyckoff died on March 30, 1979, at the age of 78. Despite illness during the last years of his life, he was very active professionally, both in his legal practice and in his arbitration work. During 1978 he spent several months carefully reviewing this manuscript, making corrections and amendments to his spoken



narration, and in his distinctive, calligraphic hand, added clarifying details and asides to the manuscript's margins. His care and effort in behalf of this memoir conveyed his understanding of the collaborative nature of the oral history endeavor. Also, as a serious student of history, and as a founder of the Pajaro Valley Historical Association, Mr. Wyckoff possessed an unusually detailed knowledge of the region's geography and history, and a scholarly appreciation for historical sources and their preservation.

He was a fifth generation member of a prominent and civic-minded Watsonville family which settled in the Pajaro Valley in the 1850s. One of his great uncles, James Waters, introduced strawberries and apples into the valley's agriculture, and was a noted figure in contributing to the region's horticultural history. Another great uncle, Francis Wyckoff, was the author of Watsonville's first city charter. Mr. Wyckoff's own father, Hubert C. Wyckoff, Sr., helped to establish Watsonville's telephone system in 1919, and also brought honor to this region when he served two terms as president of the California Bar Association. These memoirs of Mr. Wyckoff's family life and history intertwine with Pajaro Valley and county history, and contribute as well to some of the less well-documented aspects of the social, political,

and labor history of California and of the United States. Mr. Wyckoff's wide-ranging narration of his first-hand experiences as either a participant or witness, includes such significant and disparate chapters in twentieth century history as the San Francisco General Strike, the attack on Pearl Harbor, the country's hastily-organized wartime agencies for mobilizing the war effort, (which included such entities as the War Shipping Administration and the War Labor Board), and the evolution of voluntary labor arbitration. These large-scale historical changes become more imaginable on a human, personal scale by means of Mr. Wyckoff's concrete and detailed recollections.

The interview sessions were held in the back parlor of the Wyckoff's spacious and comfortable home, which sits above the Corralitos Road, overlooking acres of apple orchards and rolling hills, and in the distance, the Santa Cruz Mountains. This room was very conducive for leisurely reflection, with its redwood panel walls and several fine landscape paintings. Lustrous old oriental carpets were scattered on the polished oak floors and the antique furnishings of carved walnut and velvet upholstery, the room's dim light and peaceful quiet, and an occasional crackling fire on chilly mornings, provided an ideal setting.

This volume includes Mr. Wyckoff's narration of what he

considered the major chapters in his adult life: his undergraduate education and legal studies; and his double career as both an attorney in the law firm established by his father, and as a labor arbitrator of national reputation, endeavors which he pursued over the years in a separate and balanced fashion. His law practice was in California, while he carried out his arbitration practice nationally, traveling extensively, as he specialized in arbitration cases in later years in the railroad and airline industries.

He attended the University of California at Berkeley, as had his parents, and studied law at both Harvard Law School and Hastings College of Law, before passing the California Bar examination in 1926. He briefly practiced law in Santa Cruz County, in the law firm Wyckoff, Gardner, and Parker. In 1928 he became an Assistant United States Attorney in San Francisco, and then, in 1931, he established a private law practice where his work included a number of appeals cases before the California Supreme Court. He spent the war years in Washington, D.C., at the War Shipping Administration where he was appointed Assistant Deputy Administrator for Maritime Labor Relations, under the Administrator, Admiral Emory S. Land. After the war he returned to Watsonville, where he practiced law and lived for the rest of his life.

In 1939, Mr. Wyckoff accepted his first arbitration case

when he was selected by the West Coast Marine Engineers Beneficial Association and the Pacific American Ship Owners Association to settle a labor dispute involving the intricate work rules governing offshore maritime workers. His introduction to what was then an uncharted field of industrial relations marked the beginning of his distinguished career as an arbitrator, during which he wrote and participated in some 5,000 arbitration decisions in a number of industries, including hotel and restaurant, maritime, and transportation disputes.

The virtually standard use today of voluntary arbitration to resolve labor disputes has come about only since the late 1930s, when intense and often violent labor strife in American industrial relations resulted in the passage of the Wagner Act in 1935, and the establishment of collective bargaining rights for workers. Yet even after this watershed legislation, work stoppages, strikes, and job actions continued, and eventually proved too costly and detrimental for both employers and unions. It had been hoped that collective bargaining would be the linchpin for establishing peaceful industrial relations; certainly it was of fundamental importance and did provide a new climate for resolving labor conflict, but it was only a first step in this new direction.

Mr. Wyckoff's commentary on this history provides many insights into the new array of problems which emerged as unionization proceeded in the maritime, transportation, and manufacturing industries. These centered around the implementation and interpretation of the employer/union contracts drawn up in the industries operating under these new and still untested arrangements. Mr. Wyckoff discusses the specific historical conditions which had shaped and structured work practices in different industries which were newly organized, describing the myriad difficulties which collective bargaining posed for both unions and employers struggling to come to terms with the nitty-gritty application of contracts on the job, on the point of production.

Learning to work and to live within the boundaries of these contracts required of both labor and employers patience, trust, and good faith, qualities which were often in short supply. In addition, the internecine conflicts among contending and competing labor unions contributed to the difficulties. Mr. Wyckoff provides an understanding of the reasons why a receptive atmosphere was created for the increasing use of voluntary arbitration as a means for resolving grievances and contractual ambiguities, for strengthening collective bargaining relationships, and for contending with the wide range of problems posed by the work

cultures specific to each industrial situation.

His commentary on this vast subject, on the interrelationship between labor history and the parallel evolution of industrial relations as an academic field, and arbitration as one aspect of its practical application, reflects his pragmatic and non-ideological approach to these matters. He conveys an appreciation for the dynamics of early collective bargaining history after 1935, and contributes his singular point of view and interpretation of this history, where ideological partisanship and revisionist scholarship still thrive.

Particularly illuminating is his discussion of his tenure at the War Shipping Administration. He describes his self-directed course in learning thoroughly the labor history of the maritime industry, necessitated by his responsibility for overseeing maritime labor relations as a part of the country's war effort. Armed with this knowledge, and with his recent experiences of West Coast maritime labor strife, he attempted to minimize the effects of the ferocious ideological disputes among competing unions, which might interfere with the war effort, and to maintain the maritime labor force as an independent, civilian labor force, against pressures to incorporate maritime workers

(as well as employers and shipowners) into a quasi-military arrangement. One of his primary tasks was quieting the quarrelsome relations not only between ship operators and unions, but also between the member-unions of the entrenched American Federation of Labor (AFofL) and the militant, newly-established Congress of Industrial Organizations (CIO), insofar as that continuing dispute affected efforts of the War Shipping Administration or endangered the war effort.

The sections focusing on the War Shipping Administration are not only a fascinating account of the daily, human effort to turn policy into action, but also show how wartime labor policies influenced the postwar labor scene and subsequent developments in arbitration. Certainly Mr. Wyckoff's training and experience as an arbitrator provided him with a very special understanding and overview of this complicated labor history. The concluding chapter on his education as a labor arbitrator conveys the singularity of his style as an independent thinker and his reflections on the institutionalization of arbitration now that this field has come of age.

The interviews comprising this volume were transcribed verbatim and edited for continuity and clarity. As mentioned above, Mr. Wyckoff carefully perused the manuscript, clarified ambiguities or inaudible passages, and made numerous small changes and additions to the transcript, all of which have been

incorporated into the finished manuscript.

Mr. Wyckoff's personal papers which include his arbitration decisions are on deposit at the University of Oregon Library in Eugene, Oregon. A listing of his arbitration decisions, and a selection of the texts of his decisions are in Special Collections in McHenry Library. The interview tapes have been preserved in the Regional History Project office.

The frontispiece photograph was provided by Mr. Wyckoff. Special thanks are due to Mrs. Florence Wyckoff for her help in locating photographs. Special thanks and credit go to Doris M. Johnson, the Project's Editorial Assistant, for her contributions as editor, transcriber, research assistant, and colleague. Her devotion to detail, especially in the compilation of the index, and in the many tasks involved in publication, made its completion possible.

This manuscript is part of a collection of interviews on California and Santa Cruz history undertaken by the Regional History Project. The Project is supported administratively by Marion Taylor, head of Collection Planning, and University Librarian, Allan J. Dyson.

Randall Jarrell



September 18, 1985  
Regional History Project  
McHenry Library  
University of California, Santa Cruz

EDUCATIONDeciding Upon a Career

Wyckoff: Just as my father had been predestined when his grandmother named him "Coke" after the Lord Chief Justice of England, it never occurred to me that I might become anything but a lawyer.

Jarrell: I was going to ask you about that.

Wyckoff: My mother used to nag me about it. She wanted me to major in English and become a writer, but it never took. I sometimes wish she'd won the argument. Of course she tended to be bitter about the fact, that all three of her sons became lawyers.

She tried to get one of them to become a doctor but none of us had a bent in that direction. She always said to me, "For damn poor table conversation just sit with a husband and three sons all of whom are lawyers who won't talk about anything else but law." Well, we all had expensive educations ... all four of us were sent to boarding school, including my sister; all four of us went to college; my sister went abroad to study music; the three boys all went through law school. My father paid for all of this; we always were on an

allowance. Except that when I got into law school I didn't have a fixed allowance. My father simply made a banking arrangement with the Harvard Trust Company in Cambridge where my overdrafts were covered and they would simply call on the local bank here for funds whenever needed. He did this because he said, "I don't want to give you an allowance because I know what you'll do -- you'll spend it all."

Jarrell: So this was to sort of regulate your spending?

Wyckoff: Yes. I'd hesitate, you know, a lot of times about taking money out of the account. I also realized that I had two young brothers who were going to be quite a drain on him.

Jarrell: Yes, that's true.

Wyckoff: I've just discovered a letter here the other day that I wrote my father from Harvard. He had been offered a judgeship by the Governor. This offer came to him in the '20s when I was in law school. My father turned it down because the salary wasn't adequate. I wrote this letter to him. I said in the letter that I hoped he wasn't doing it because there wasn't money enough to educate his children. But of course that was the

reason he did turn it down. That, plus leaving my mother provided for.

Undergraduate Years: The University of California at Berkeley

Jarrell: What did you do when you had finished Hoosac School? When did you come back to California?

Wyckoff: I came directly back in 1919. I worked that summer on a road doing pick and shovel work; the road I worked on was the first concrete highway in the county of Santa Cruz, and I worked on the portion of it that went from the city limits of Watsonville over towards Aptos -- what is now known as Freedom Boulevard. I did that work during the summertime, then I went to the University of California in August of 1919. This was the year when everybody was mustered out of the service at the end of World War I, so it was an unusually large class. I think there were two or three times as many as there ordinarily were. They were all of course much older than I and had been through the war; been overseas ... a lot of them were bald and some of them had beards. All the traditional requirements about what courses you should take, what

your curriculum would be, were abolished so that all you needed to graduate was 120 units. You could take 120 units in Chinese architecture if you wanted to. There was a great deal of shopping around to find what they called "pipe" courses -- easy ones.

Jarrell: Why was this?

Wyckoff: Because they were veterans ... ordinarily you were to take so much math and science and so much literature and ...

Jarrell: General requirement courses?

Wyckoff: Yes, that's right. But there were no requirements about this thing at all; you could graduate if you had 120 units, period. I fortunately had an uncle, my father's youngest brother, Stephen Nicholas Wyckoff, Jr., who much to the consternation of my grandmother Wyckoff, was born when my father was 21 years old and in the University. This was my uncle Steve who's only ten years older than I. So when I got to the University he was married and living in Berkeley. He had majored in botany and had gone to [UC] Davis Farm School [which is what it was called then] and tried to farm for awhile, but didn't like it and gave it up. He got back

into agriculture and botany, and became a plant geneticist and was with the Forest Service in the Department of Agriculture for many, many years. He was shocked at what my father had advised me about taking only courses in the humanities. He wanted me to take some scientific subject. When I was in boarding school, you could take a so-called scientific course ... which meant that you took algebra and geometry and physics; otherwise you could take Latin and Greek. And I chose to take Latin and Greek, so I never had courses in algebra or geometry or physics. My uncle was shocked and he said that I should take some mathematics and some scientific courses. Then he talked me into taking a course in botany. I took the freshman course, Botany 1 a and b, for the entire year, but it was quite a chore. I was fascinated when we started with the bark of a tree and the outside of a plant and went through all the processes of growth, examined its structure, getting ultimately to a cell which made the whole thing work. I was excited about that till I found out, when I got to the cell, that nobody knew what the hell it was, how or why it made things work, or where it came from. Maybe I'm being a little cynical or stupid about all this, but it didn't

provoke or stimulate me at all. My whole college course seems to me, by and large, to have been a waste of time as far as anything really stimulating me was concerned or getting me thinking in an exploratory kind of way. I remember there was one Japanese professor who offered some courses. His name was Yoshi Kuno. It was considered kind of a joke to listen to him because he didn't speak English very well.

Jarrell: [Laughter]

Wyckoff: So this was quite an adventure [laughter]. He loved football players and war veterans, so he was never known to give anybody less than an A in his course and as a result his classes were jammed. He was delighted because his tenure seemed to him to be insecure because previously he never had more than one or two students in his classes. All of a sudden he became one of the most popular professors in the University. He gave courses only in Japanese art, literature, and fairy tales. I then had the thought that I was going to be a lawyer. I never had any other thought in my head apparently. I wanted to take some courses in stenography and shorthand, bookkeeping and accounting but my father said, "No, don't do that." Then there was an elementary course on Blackstone's Commentaries

on the law. My father told me not to take anything even remotely connected with law or business or anything of that kind; to take so-called cultural courses or courses in humanities. He said to do two things: take courses that I was interested in and continue taking courses with professors I liked, who would inspire me. If I didn't get along with them, or didn't like them, get rid of them. I wound up taking practically nothing but Latin and French. For four years I took every Latin course that was offered and I took a great deal of French as well. I had taken both French and Latin in boarding school, of course. I took French courses but I was rather stupid about it; I should have taken courses in French Literature. I took a few, but I took mostly courses in French grammar, using the grammar written in French.

Jarrell: Syntax and grammatical intricacies.

Wyckoff: Yes, I tend to enjoy that sort of thing.

Jarrell: What about history courses?

Wyckoff: I don't recall taking any history courses.

Jarrell: Really?

Wyckoff: It was stupid and I should have, because they had some



wonderful people at Cal. Bolton [Herbert E. Bolton] was there and a famous Spanish-American historian, Chapman [G. Arnold Chapman], was also there.

Jarrell: What about English or European Literature?

Wyckoff: I did take Walter Morris Hart's classes in the English Department. I had taken intensive courses in Shakespeare when I was in boarding school, so I continued doing so. But Hart, who was a Shakespeare scholar, just read the text and commented on words and whatnot. He'd take a whole semester just with Hamlet for example or a whole semester with nothing but MacBeth. When you got through with a course like that, you knew every word in it; what Shakespeare meant and how, what was the history of the play and so forth and the history of the words. David Prescott Barrows was the President of the University during this time, all the four years I was there. His immediate predecessor had been Benjamin Ide Wheeler, whose counterpart at Stanford was David Starr Jordan. Those two men were eminent scholars, but they also turned out to be great administrators. I think Benjamin Ide Wheeler was a professor of Greek, and David Starr Jordan was an ichthyologist. Barrows on the other hand, had had some

army experience and he had done administrative work in the Philippine Islands. His subject was political science, but he was primarily an administrator. He spent the entire four years of his presidency fighting with the Academic Senate which was really a dreadful body.

Jarrell: You were aware of this even as a student?

Wyckoff: Oh, everybody was aware of it because it was right out in the open, you know.

Jarrell: What was the contention over?

Wyckoff: Oh, I think the contention was over who was going to run the University, the President or the Academic Senate. They fought about everything. For example, Barrows wanted to build a stadium where the stadium now is -- at a very beautiful site in Strawberry Canyon. This of course would have desecrated Strawberry Canyon to put a damn thing like that in it and clog the campus up with automobiles and tremendous traffic over weekends. The Academic Senate was against it, but Barrows won out on that issue. I think some professors who had houses up there left, and went to other places on account of that. This was just one

thing I can think of. They finally ran him out of there after he'd served four years -- the same four years I was there. He became President when the class entered in 1919 and ceased to be President when I was graduated in 1923.

Jarrell: Where did you live as a student?

Wyckoff: I belonged to the Delta Upsilon Fraternity located at 2601 Channing Way, at the corner of Channing and Bowditch around the corner from where my grandfather's house was. He was dead then. He died in 1915. My grandmother Wyckoff built a little house in the backyard. There were two apartments and she lived in one of those apartments and rented the other and rented the big house in her later years. She lived, like my mother, a long time after her husband had died. She lived to be 80 years old, didn't die until the '30s sometime. The University was hardly what I had expected college to be. My mother was always disturbed about it. As a matter of fact she came up and made me move out of the fraternity house because she thought I wasn't studying enough. I wasn't. She found a study and a bedroom for me in an old couple's home up on Haste Street a block or so above College

Avenue. My father was Phi Beta Kappa and I was supposed to be Phi Beta Kappa too, but I wasn't. Like everybody else I think I took my studies lightly and did an awful lot of playing around.

Jarrell: What was your student life like? What did you and your friends do to amuse yourselves when you weren't hitting the books?

Wyckoff: Well, I played tennis. I did a good deal of swimming; there was a beautiful swimming pool up Strawberry Canyon behind where the Stadium is now. The pool was fed by Strawberry Creek and was very large, irregularly shaped, fitted right into that Canyon. I don't know whether that pool's still there or not. I played tennis and squash. I played bridge a great deal for money. I went dancing. We'd go down to the Hotel Oakland or to the St. Francis or the Palace Hotel in San Francisco when there were famous jazz bands. Art Hickman at the Palace ... I've forgotten who played at the St. Francis. Then there were dances in the fraternity house several times a year; dances going on all the time at sorority houses. A great deal of time was spent with that type of thing.

Jarrell: As a student, were you and your contemporaries very

aware of the world outside the University and outside

Wyckoff: No.

Jarrell: Were you politically at all sophisticated?

Wyckoff: No. I was very little interested in politics. When I was at boarding school, there was a good deal of interest in it and there had been a good deal of interest in it in my home. I can remember in my home my father was what they called a stand-pat Republican, which means a reactionary Republican. He was opposed to Theodore Roosevelt; he didn't like Hiram Johnson. On the other hand, my grandparents, Grandfather Wyckoff and Grandmother Wyckoff were devotees of Theodore Roosevelt and Grandfather Wyckoff had been a great friend of Grove Johnson who was the father of Governor [later Senator] Hiram [W.] Johnson, who was a great reformer and governor here in about 1911. Hiram Johnson fought the Southern Pacific Railroad and was instrumental in forming the Railroad Commission or what now is called the Public Utilities Commission. It was called the Railroad Commission in those days because it was founded to regulate railroads. Then it gradually came to regulate all kinds of utilities and they changed the name to the Public Utilities

Commission. There used to be terrific arguments whenever Grandfather Wyckoff and Grandmother Wyckoff came down to visit with my father and my mother. They'd use the word 'liberal' and side with my mother; my father was on the other side. None of the members of my family was a Democrat; they were all Republicans, different breeds of Republican. When I was in college I don't recall any interest in politics at all. That was the time ... I believe when Harding was president. It wasn't a time for anybody to be particularly inspired about politics. He wasn't a very inspiring person to put it mildly. So the answer to your question is 'no.' I don't recall any discussions about politics or any interest in it at all in the circles in which I moved in college.

Jarrell: How large was the student body at that time?

Wyckoff: When my mother and father were there, there were only 500 in the University all together.

Jarrell: So by the time you got there....

Wyckoff: I think there were 12,000 in the University at that time with a great many if not most of the students making up the freshman class, entering in 1919.

ROTC

Wyckoff: I had to take military training, which I detested, ROTC. I had to dress in a uniform and wear a Stetson sombrero which didn't fit because I couldn't find a sombrero hat to fit; I have an abnormally large head - - 7 5/8 -- and there wasn't any such thing. So I was ashamed of this damn thing. It had a shoestring that came around under your chin, and it perched on top of my head.

Jarrell: [Laughter]

Wyckoff: I couldn't get it anywhere near on my head. I was a silly-looking sight. We had to line up at 11:00 o'clock on a field down west of California Hall where we did a lot of drilling. They kept our rifles in the basement of Harmon Gymnasium. We'd go down and get these rifles. The rifles were Krags, which was the army rifle used in the Spanish-American War. I was in a horrible squad. I remember the captain of this company was ashamed of us. When he said: "Present Arms" we'd hold the rifle up, then we were supposed to pull the bolt and the damn rifle always fell apart. Pull the bolt out and that would infuriate the captain. We didn't take good care of our rifles. Of

course I was in the dregs of the alphabet; I was "Wy" and was with people named Yek, and Zu and Zud, Yam....

Jarrell: [Laughter]

Wyckoff: We were a motley crew. 'Course we disliked all the officers, thought they were martinets. They always found something wrong with the way our uniforms were worn; always something wrong with these rifles. Twice a year, we would go way up into North Berkeley ... where there were no houses then. We would go through military exercises like crawling around on our bellies, or weed deploying in echelon in the tarweed. We were fighting a battle is what we were doing. We also learned how to dig shithouses and how to make one. At the time this was a compulsory course. They even made veterans take that course as if they hadn't had enough of it already. Another compulsory course was what was physical education, at the end of which you had to take an agility test. This test involved scaling a 20-foot wall with a rope hanging down; you'd go hand-over-hand over the rope, go up and over the top and then you had to run the 100-yard dash in a certain amount of time. You had to do all kinds of acrobatic things in the gymnasium such as going off a springboard and landing on a mat. That caused an awful



lot of trouble because everybody who went off that springboard was used to going into the water off a springboard. First time you'd go up you didn't know anything about what you were doing, you'd land on your nose. A lot of guys did land on their noses ... it's a wonder they didn't break their necks. I didn't land on my nose the first time I went off that springboard. What you were supposed to do when you went off the springboard was to curl up.

Jarrell: In a ball?

Wyckoff: Yes, in a ball, and just roll. And I went off the damn thing and lit on my arms and my feet went over my head and I lit just like a plank. I didn't curl at all. Well, I wasn't very good at that type of thing. That was a compulsory course. And then there was another course in hygiene given by Dr. Legge, the poor soul, who was the University doctor. He had had a predecessor as University doctor, a man named Reinhardt, the husband of Aurelia Henry Reinhardt who afterwards became famous as president of Mills College. She was a widow. But Dr. Reinhardt used to give this class, Hygiene 1A. He showed slides at his last lecture, pictures of people suffering from

syphilitic sores which was a scare business, to frighten everybody.

Jarrell: Women and men?

Wyckoff: No, this was just for men. They had one for women, but this particular slide show was just for men. Reinhardt wasn't satisfied at that lecture unless three or four of the boys fainted, and they did.

Jarrell: Really?

Wyckoff: Yes. But when I took that course ... there were all these roughnecks from the army and I suppose most of them had had gonorrhoea and syphilis both, so this was no news to them. Legge was trying to carry on this Reinhardt tradition. This was his first year with this course and with this type of class. I remember he had one horrible slide that he threw onto a big screen in Wheeler Auditorium. He said, "Boys, this is a picture of the human vagina. Look at it. Would you like to insert your penises in that cesspool?" And to a man, all 1000 in the class yelled, "Yes!" He was horribly disconcerted by this, naturally. And that's the type of thing that went on. Nobody paid much attention to what he was talking about.

Jarrell: Pretty graphic.

Wyckoff: Anytime he asked a rhetorical question, he'd get the kind of an answer he didn't want.

Harvard University Law School

Wyckoff: I went on to Harvard Law School in 1923. At the school they had been accustomed to receiving a first-year class of 600. But there were 1200 of us. So suddenly they found themselves with a glut of students. So what they did was to take all the applicants, take everyone who applied, so they had an incoming class of 1200. Then they divided us into two groups; they cut the alphabet in two. Each professor had to give two lectures a day, one to the first part of the alphabet and the same lecture to the second group. This was a little more work than they had been used to and they didn't care very much for it. They notified us right off the bat that they were going to get rid of half of us.

Jarrell: Weed out the class.

Wyckoff: Yes. So when I came back for the second year, there were only half as many of us and we were back to what

the normal entry was. The Law School wasn't ready for it, they hadn't expected the expansion.

Jarrell: When you got to Harvard were you adequately prepared? Did you have the discipline you needed?

Wyckoff: No.

Jarrell: How did you fare?

Wyckoff: By a great deal of difficulty ... I had to work like hell. I worked six days a week ... I went to school in the morning, one class from 10:00 to 11:00; another class from 11:00 to 12:00; another from 12:00 till 1:00. I had to study all afternoon to get ready for the ten o'clock class the next morning and I had to study several hours at night to get ready for the class at 11:00 o'clock ... this was six days a week. Then I just didn't understand what the hell it was all about. Because what they expected of us was the ability to analyze and I had been used to learning things by rote. I'd done a great deal of memorizing all my life, all my school life. So this was a new experience. I can remember getting to the Easter vacation and I just didn't understand what the hell this was all about ... I was sure I was going to flunk

out. I went back there with some friends and we lived together; I lived with Brett MacAllister who had been a classmate of mine at the University of California. We shared a dormitory room, a study and two bedrooms attached to it with a little fireplace right next to Austin Hall where our classes were [inaudible] hall. But he was going away -we went away on some Christmas and spring vacations to various places. I decided I would not go away in the spring because I was frightened. So I just sat there during this spring vacation. I took very elaborate notes; I took out my notebooks and just went back over everything. Curiously, at the end of that vacation period when I'd been absolutely alone, I wasn't doing anything but just staring at this stuff and thinking about it and had a most remarkable experience: All of a sudden it was just as if somebody pulled up a shade or turned a light on in a room ... something just flicked on all of a sudden. From then on, I was tremendously stimulated by my studies, enjoyed them, and made very good grades at the end of my first year. I was in the upper third of my class.

Jarrell: What was the nature of this illumination? Was it that you had an understanding of what this material was

that you were going through?

Wyckoff: Yes. Harvard Law School pioneered a novel method of teaching law which had been introduced by a man named Langdell. Instead of studying law from a textbook and listening to lectures, they had what they called case books which were original sources. They were appellate court decisions. If you took a course in Constitutional Law, for example, you got a case book that the professor had put together; he'd edited these decisions of the courts, but it wasn't a textbook at all, it was just a series of cases.

Jarrell: Of original decisions.

Wyckoff: Original decisions, grouped under chapter headings. You read the decisions and made digests of them. Then when you got into the classroom, the professor didn't lecture, but used the Socratic method. He asked questions. The first course where the curtain went up and the light went on, for me, was a course in torts. Some of these professors did a little talking about things at the end of the lecture period ... they'd talk a little bit, maybe sum up, but only give some kind of a hint. A fellow named Hudson was teaching the course in torts, which was supposed to be a simple, easy course, so he made it as tough as he could. At

the end of each lecture period, he would ask a series of questions, about a dozen questions. Fortunately I had carefully written them down in my notes. What I did during that Easter vacation was to sit down and painfully answer every one of those questions the best I could. When I put all the answers together I had a fairly good text of what that course was all about. I hadn't bothered to do that before. I had been ingesting without digesting so to speak. Here is one of my notebooks, if you want to keep this and put it with the rest of the collection.\*

Jarrell: I'd love to go through this. It's absolutely beautiful. This is always the way you kept your notebooks?

Wyckoff: I had a notebook like that for every course I took.

Jarrell: It's inspiring, such beautiful calligraphy and the red and black inks ...

Wyckoff: I'm inclined to think that I spent a little more time in the production of that notebook than if I had just sat and stared at the ceiling and absorbed the con-

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\* Ed. Note: The lawbook notes of Hubert C. Wyckoff, Jr., are on deposit in Special Collections, McHenry Library, University of

tents and thought it all out in my head, but I was incapable of that. I had to go through all this production in order to get myself in shape to where I could analyze it. This was the means for getting me through a final examination; since they didn't have periodic examinations, you had one examination at the end of the year.

Jarrell: No quizzes or anything?

Wyckoff: Oh, no. Just one written examination at the end of the year. And you sank or swam on that one exam.

Jarrell: And this happened each year at the law school?

Wyckoff: That's right. It was a legend around Harvard that the man who got the highest grades ever given by the law school was Justice Brandeis who got an 82. I think I had a 75 at the end of my first year, and 78 at the end of my second year.

Jarrell: What year did you graduate?

Wyckoff: I didn't. I went to Harvard for only two years. My father, who was a country lawyer, a man of modest means, had a family of four children. He gently



reminded me, at the end of my second year, that there were three younger children coming along. My next younger brother by that time had gone back to the boarding school I'd gone to; my sister Ann went to a boarding school up in Piedmont; and then there was the youngest child, Stephen, who was ten years younger than I. My father said, "They're all going to go through the same sort of thing you have. Your mother and I are spending everything we have on the education of our children and I think you'd better economize a little bit."

Hastings Law School: 1925-1926

Wyckoff: He suggested that I go to Hastings Law School in San Francisco. He had done the same thing. He went for one or two years to Columbia Law School, and then he came back out here and went to Hastings. Hastings was an interesting thing to do. I think my father wanted me to come back here to practice, which I did, and he was afraid that if I stayed a third year at Harvard I'd take a job in New York City or something like that.

Jarrell: Then he wouldn't see you for years.

Wyckoff: As a matter of fact, that probably would have been

what happened. He believed in shuttling back and forth ... Harvard was a great experience but not very practical training for a country lawyer. Hastings, as it still is, or as it was then, had classes that started at 8 in the morning. Their professors were practicing lawyers in the city of San Francisco. They weren't academic people at all.

Jarrell: So that would be an entirely different dimension.

Wyckoff: This is correct. They had a different approach. The faculty at the Harvard Law School were of course the leading legal scholars in the world. There were people like [Samuel] Williston, who wrote a definitive work on contracts, and [Edward Henry] Warren who was one of the foremost authorities on corporations. They'd all written textbooks, and were preeminent scholars in the field. But at Hastings, they were practicing lawyers so you got a more practical approach to things. My father had a very dear friend, a lawyer named Charles Shurtleff. Shurtleff was a successful practitioner in San Francisco and had been associated in some litigation with my father. Then Shurtleff got an appointment to the California Supreme Court and sat on the bench for awhile. In those days you had to run for

judicial office. A political judge by the name of Frank Kerrigan ran against him and defeated him. So Shurtleff had gone back into practice in San Francisco and had taken some office space in the Alexander Building. He had an extra little room there off his library and I was put into that room. I ran errands for Judge Shurtleff and looked up a little law for him when he wanted me to. He used to talk to me and quiz me which was a very valuable experience. Here was a man who'd been on the California Supreme Court, was well-known, and had been all his life in the legal community in San Francisco. As a result I got to know a lot of lawyers in San Francisco because of my father's wide acquaintanceship and also because Shurtleff made me known to a good many. So I spent my last year, 1925-1926 at Hastings. But because I flunked a course at Hastings I never did get a law degree.

Jarrell: Will you explain this?

Wyckoff: I had straight A's. But there was one required course called California Government. It was a civics course given by a man who somehow rubbed me the wrong way. I didn't pay much attention to the course.

Jarrell: The course then was not a law course at all?

Wyckoff: No. The course started out, "the executive of the State of California is the Governor, and there are two houses in the Legislature, the Assembly and the Senate;" this was the old rote business, memorizing stuff, and it was like a high school course in civics. This fellow had been around there for a long time; he was chief deputy attorney general and liked to reminisce about his camping trips in the Sierra. He just rambled around and talked a good deal. I was bored with this and skipped a lot of his classes. He used to boast that for ten years the examination had had the same ten questions. He said, "Shop around and you can get a set of them. But it won't do you much good because I'm a judge of human nature and I grade according to my judgment of human nature." So he gave me an F, the lowest mark there was.

#### The California Bar Exam

Wyckoff: I had straight A's in all my other courses. But the rule at Hastings was that you couldn't take the State Bar Examination unless you had a degree, and of course, since I'd failed this civics course, I wasn't going to get one, and it terrified me. So I went in to

talk to the dean at Hastings, a fellow named William Simmons, who was a Harvard Law School graduate. He said, "Well, you've had straight A's otherwise. I agree with you, that's a goddamn silly course that Harrison gives. But I can't do anything about it because I'm the dean." But Simmons said, "You go to so-and-so; take him your application and he'll break that rule for you. I'll talk to him about it." So this fellow signed it. That was why I was able to take the bar examinations. Otherwise I wouldn't have been able to. I would have had to go back to school.

Jarrell: Has that law since been changed? Aren't there people who don't have law degrees who can take the bar?

Wyckoff: I don't know. Of course many people used to take the bar examination without going to school at all. They'd train around in a lawyer's office.

Jarrell: Certainly.

Wyckoff: My father and John Gardner, while they were practicing here, did that. They had an office boy named Roscoe Taylor ... I don't think he'd even been to high school. But he trained around in the office there, and he subsequently became a justice of the peace.

Jarrell: So you took your bar exam then in 1926?

Wyckoff: Yes. I took the bar examination in August and I was admitted to practice August 17, 1926. I came down to Watsonville as soon as I got out of Hastings in June, 1926, took the bar examination, and was admitted to practice in August.

EARLY LEGAL PRACTICE -- SANTA CRUZ COUNTY

Watsonville: Wyckoff, Gardner, and Parker

Wyckoff: I entered the employment of the firm of Wyckoff, Gardner, and Parker in Watsonville, California, the summer of 1926. My father didn't want me to work for him, so I worked and trained under John Gardner, his partner; I took orders from him. I had a room next door to him and was his handyman for two years.

Jarrell: Was that a good way for you to get broken in to the job?

Wyckoff: Oh yes. Excellent, excellent. He was an excellent lawyer and a very severe taskmaster, a very hard worker. He worked almost every night; he couldn't stay

away from the damn place ... he'd even go down on Sundays and work for a while. It must have made rather dull living for the lady at home. But I was not married and I did the same thing. I used to work a good deal at night ... but I didn't work Sundays. I lived in this house in Corralitos with my father and mother. I was paid \$100 a month. For comparison I am somewhat shocked to tell you that my niece, Katy Wyckoff, who graduated from Pomona three or four years ago with a degree in philosophy ... right after graduating was offered a job as a para-legal by the largest law firm in Los Angeles, O'Melveny and Meyers, at guess how much a month?

Jarrell: \$1000?

Wyckoff: \$750 a month.

Jarrell: In 1926 you were making \$100 a month?

Wyckoff: \$100 a month. That's right. I worked nineteen years to get a license to practice law. But anyhow ... to make things more interesting, my mother thought it'd be a good idea if I'd give over \$50 of that \$100 for board, since I was overage and had a nice job.

Jarrell: Did you have an automobile?

Wyckoff: No. Hell, I couldn't afford it; I didn't have a thin dime.

Jarrell: You had \$50 to cover everything else?

Wyckoff: That's right. They gave me some raises as we went along.

#### Santa Cruz

Wyckoff: Then I went over to Santa Cruz. A local lawyer there named George W. Smith had died. Smith was half Irish and half Slavonian; his father was Irish and his mother Slavonian. He had all the volatile, fiery qualities of both races. He died and named my father executor of his will. Being executor of George Smith's will meant that the firm had to close out his practice. So they sent me over there to do that.

Jarrell: That would mean tying up all the loose ends in all the different pending cases.

Wyckoff: Yes, I had to take all his files and close everything that was pending in his office. Well, George had been district attorney and he loved to try cases, but he didn't like any of the rest of the practice of the



law. The consequence was that he had a filing cabinet there just full of unclosed estates and probates, which is a highly lucrative part of the practice. I moved over to Santa Cruz and lived in the old Beach Hill Inn up on the hill looking down over the Municipal Wharf. The Beach Hill Inn, God bless us, is gone. But the Beach Hill Inn at that time was owned and operated by a nice old lady named Mrs. Porter. It was a three-story, wooden structure with large rooms, entirely furnished with antique mahogany and rosewood furniture ... beautiful, beautiful furniture. Mrs. Porter rented me a room in that establishment. There was no kitchen connected with it; just one of these summer places. She didn't have anybody there in the wintertime. So I had a nice room with a beautiful view out over the bay. She let me go around the hotel and pick out the furniture that I wanted to put in my room, so I had a terrifically furnished room.

Jarrell: How lovely.

Wyckoff: Lovely old antique furniture. I worked like hell over there because I had quite a chore on my hands and I made a great deal of money for the law firm as well as for George Smith's estate. But I also picked up a lot

of business and I was fortunate in another respect -- George Smith, like his ilk, attracted people to him. He had attracted an old fellow named Fred Royce who had a room in his office. Royce peddled insurance and sold bonds ... since he had a license to do this. He was also an amateur detective. He had lived all his life in Santa Cruz; he knew everybody around there, knew all the angles and everything ... and helped George prepare his cases. Fred would go out and interview witnesses, and prepare a case beautifully. He did a lot of bird-dogging around and was of incalculable advantage to George who played everything by ear, including his law.

Jarrell: (Laughter]

Wyckoff: Fred Royce had prepared George's cases for him, and was a great benefit to me because he knew everybody in Santa Cruz. He could tell me who was who, and what was what, and I rapidly got to know my way around there and avoided stubbing my toes a great many times because of Fred's help. I promptly closed the George Smith estate. The firm got a handsome fee out of it. In the course of this I attracted a lot of business to that office and fortunately I was making a hell of a

lot of money for my father's firm. After I'd been there a year, they gave me a fractional interest in the business and that really put me in the money. I was running a highly successful enterprise there in Santa Cruz.

Jarrell: So you started getting a little recognition?

Wyckoff: Yes. I got to know people and people came to consult me. I got into some fancy lawsuits over there that got a little notoriety. Would you like me to tell you about one?

Jarrell: Certainly.

Wyckoff: I was appointed by the judge to defend a man on a criminal charge. He'd been indicted by the grand jury. I went over to the County Jail and interviewed the man. I think his name was Fletcher ... Now there was a law that had been just enacted in 1925 called the Habitual Criminal Act which provided that if a man suffered three convictions of felony and then suffered a fourth conviction, nobody had any discretion about it; he got a mandatory sentence to life imprisonment. The indictment charged him with the commission of three felonies specifying them in each count; then it

charged him with this fourth one that he was to stand trial for. I always thought that this was a silly law and this case epitomized it. Fletcher had never harmed anybody; he'd never been guilty of any crime of violence. He was a confidence man and he swindled people. That is all he ever did. And he didn't swindle very much, but enough to get himself into trouble. The first three counts in the indictment charged him with prior convictions on bad check charges. I found when I got into the jail that he was carrying on his swindling activities in the jail.

Jarrell: [Laughter]

Wyckoff: He formed what is known as a kangaroo court and he made himself the judge. He had a system of fines and penalties that he was administering in the jailhouse. The sheriff who ran the jail, Lowell Rountree, an old friend of mine, said, "In very short order with his kangaroo court Fletcher got all the loose change and all the tobacco away from all the prisoners." The fourth conviction, which I was to defend him on, was a charge of bigamy. It was alleged that he had married in San Diego a few years before, then married a second time in Santa Cruz County. They charged him with

bigamy. The woman here found out about the lady down in San Diego and left him and turned him in. I found that he had been convicted on a bad check charge and sentenced to three years in the penitentiary in Colorado. And then I discovered that within that three year period, he had contracted his first marriage in the State of Montana. This is the lady who later lived down in San Diego, his first wife. And I said, "How could you marry this lady in the State of Montana in such and such a year when you were serving a three-year sentence in Colorado?" "Oh," he said, "I was out on parole. I went over into Montana and married this woman." Well, this started something going in the back of my head. He had in fact suffered these three convictions, and he admitted that he had contracted two marriages so he was guilty of the bigamy charge. So I said, "You are guilty of all four charges. I don't know that I can do very much for you." "Well," he said, "no point in my going in and pleading 'guilty' because the court has no discretion. It'll just be a mandatory life sentence." He was a young man ... he was about 30, about my age ... didn't want to have that happen. So I said, "The only thing that I can do is to have you stand trial and maybe the district

attorney will trip on his proof."

Jarrell: The technical things.

Wyckoff: Yes, the technical things. So I said, "Well, I'll just lie in the bushes and we'll see what happens." I demanded a jury. Then I went back and started hitting the books, doing a little research. The day before the trial, we got a telegram from San Diego saying that the second wife in San Diego had secured an annulment on the ground that the marriage was bigamous. So the second marriage stood annulled by the time we went to trial. Then I discovered that the Civil Code says that a man sentenced to a term and incarcerated in a state penitentiary is deprived of all civil rights. The Civil Code also provides that marriage is a status founded on civil contract. If you don't have the capacity to enter into a contract, you can't enter into a valid marriage.

Jarrell: So he wasn't really married?

Wyckoff: So when we went to trial, I was prepared to prove that his first marriage was void because he had no capacity to enter into that contract. He was on parole and a paroled prisoner has the same status as an

incarcerated prisoner. He was in violation of his parole for leaving the State of Colorado and going into Montana during the parole period. So the first marriage was a nullity and the second marriage was annulled. I sat through this trial and gently developed the basic facts [laughter]. The district attorney didn't realize what was coming. The only time I ever raised my voice or talked was to lay a foundation for what I was about to do. I got all my proof in, including the telegram from San Diego showing the second marriage had been annulled. Then I moved for a directed verdict of acquittal on the ground that he wasn't married to anybody, and therefore couldn't possibly be charged with bigamy. The district attorney was astounded and asked for a recess [this happened about eleven o'clock in the morning), because he wanted to telephone the attorney general to get an opinion from him about it. We came back into court at two o'clock and he said that the attorney general had called him back and said that he'd never heard of such a thing before, but couldn't see a thing wrong with it. So the judge granted the motion. There was a hell of a to-do around town about that. I got a lot of notoriety out of the damn thing. Max Radin who was a

professor of law at Boalt Hall picked it up and there was quite a bit of publicity about it. Well this doesn't do a young lawyer any harm. Except I was harmed in this way: to crown his career, Fletcher walked down the street free and came to my office. He said, "I want to thank you. You saved my life. I would be laid away for life if it hadn't been for that great trick of yours. I can't thank you enough. I want to pay you a handsome fee." "Well," I said, "you haven't got any money have you?" I knew he had a pocketful of loose change that he'd taken away from the prisoners and maybe a little tobacco. "No," he said, "make out a promissory note for \$2500 and I'll sign it." So I said, "Well, I don't see much point to that. You'll never pay the damn thing, but let's make it \$250." So he signed a note for \$250 for my fee, borrowed \$10 from me and left. I never saw him again.

Jarrell: [Laughter] That's a nice story. Now how long were you in Santa Cruz practicing?

Wyckoff: About a year and a half ... but that office was making so damn much money they hired another lawyer to come down and take my place there.



SAN FRANCISCO1928: Assistant U.S. Attorney -- San Francisco

Wyckoff: The reason I left was that I was offered an appointment in 1928 as Assistant United States Attorney for the northern district of California in San Francisco. I accepted and went to San Francisco and became part of the staff of the United States Attorney where I served for three years until I resigned and was married in September, 1931. It was during my incumbency in that office, the United States Attorney's office, that I prepared the famous Fong Wong case of which you have a tape.\*

Jarrell: And that was in what year?

Wyckoff: Well this was between 1928 and 1931. I've forgotten what year it was. I prepared Fong Wong before I left the United States Attorney's office and it was tried after I left.

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\* Ed. Note: An anecdotal reel-to-reel tape made by Mr. Wyckoff is available for listening in the Regional History Project office outlining the highlights of this case.

Jarrell: You did the groundwork, the spade work?

Wyckoff: I prepared the case which was a very elaborate preparation as that tape will show you.

Jarrell: Yes.

Wyckoff: I looked up the law and wrote the instructions to the jury. The whole case was all prepared and ready to go. Florence [my wife] has very few enemies in the world, but everybody has some, and some of her enemies intimated that the only reason I married her was to avoid trying the Fong Wong case.

Jarrell: What did you do after you left the Attorney General's Office?

Wyckoff: I did several very foolhardy things. I managed to save a little money during my incumbency as an assistant United States attorney from which I received the magnificent salary of \$366.66 a month. I saved quite a bit of that money, although I bought tailor-made suits which then cost \$60 and cost about \$300 now. I lived in grand style in the University Club in San Francisco of which I was a member. I had a fine room for which I paid \$60 a month. I really did manage to save quite a

bit of money.

Jarrell: Did you board there?

Wyckoff: Oh, I ate meals there and I ate around. I ate most of my meals in the club. There was also a valet in the club who'd come through your closet and see that your clothes were hung up properly. He had a whiskbroom and he'd brush your clothes and shine your shoes. He'd tidy up your things in your dresser drawer, open the laundry and put it away. So by the time I got married, Florence thought I was thoroughly spoiled.

Marriage -- Life in San Francisco

Wyckoff: Florence had been previously married and the marriage was annulled. She had married a fellow who had been sent to military school. He made his own bed and shined his shoes and did all his own work. I had come out of this club atmosphere...

Jarrell: [Laughter]

Wyckoff: ... which disgusted her but she hasn't broken me of it yet. But as I said I did a couple of foolhardy things. I resigned from the United States Attorney's office, got married, and rented a flat on Russian Hill in a

highly desirable neighborhood. We lived in an old Willis Polk house at 1019 Vallejo Street. We always had a male Chinese cook. There were just two of them. One was Yee Yuen and the other was Wong Yen. They were very helpful indeed to Florence. And they were excellent cooks. We both learned a great deal about Chinese cooking and Chinese diet from them. Willis Polk was a famous San Francisco architect. We lived in the house which he had built for himself and his father. There were a number of old redwood houses up on the top of the hill on Vallejo, between Jones and Taylor; there are a lot of them still there. They're redwood throughout. And the redwood in them has never been touched ... that is, never been varnished or painted ... just raw redwood. They were built in 1895 and successfully withstood both the fire and the earthquake; the fire burned around Russian Hill; it didn't get up on top because there were gardens around those houses. There's nothing like a redwood house to withstand an earthquake. This house [here in Corralitos] is a redwood house, the underpinnings are all redwood beams. It's a very comforting kind of a thing to be in during an earthquake because you can feel every nail give in the house; it squeaks and

rolls as if you were in an old basket.

Jarrell: But it holds.

Wyckoff: Everything gives. And this was true of all those houses.

Private Legal Practice in San Francisco

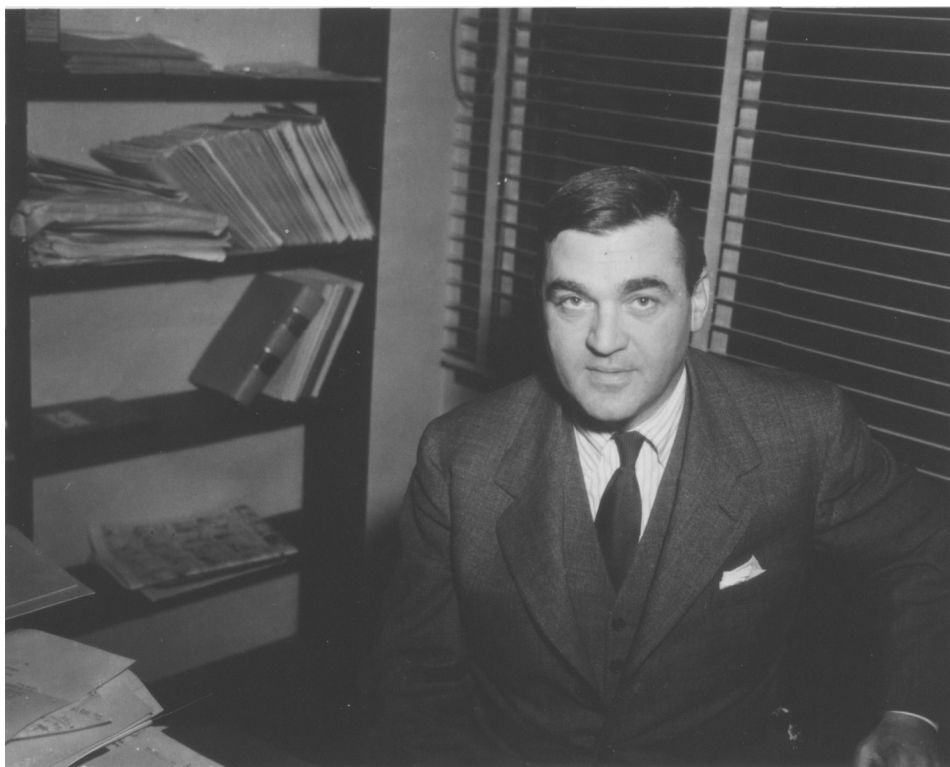
Wyckoff: Well ... I opened an office ... I had office space in the Alexander Building which is right down in the middle of the financial district on the corner of Bush and Montgomery, diagonally across the street from the Mills Building. I was on the seventh floor. I had no idea where any practice was going to come from and I was committed to pay rent for a home and rent for this office space. I shared space with two other lawyers and I shared the cost of their stenographer. The two of them spent very little time in the office, so this one girl who was a genius, was able to take care of all three of us. I would never dare do such a thing now. It was a foolhardy thing to do, but it worked.

Jarrell: Did you think that people would sort of walk in off the street?

Wyckoff: I didn't think about it. If I had, I wouldn't have done it. Of course my father had friends and I had got to know a few people and a person gets a little reputation from simply being in the United States Attorney's office. Practice in the federal court was just kind of a black art in those days; not very many people knew their way around the federal court. They were frightened about it. I immediately got associated by lawyers in quite a few cases that took them into federal court. In other words, I had a specialty in federal practice. When I started practicing in San Francisco in '31, I handled appeals before the California Supreme Court. There were seven judges, and I knew most of them personally. I remember I lost a case once and wrote a petition for rehearing -- a very intemperate one -- and the court was outraged; they stuck it in the files and some of the judges wanted to throw me in the can for contempt. But the Chief Justice talked them out of it and said that instead of putting me in jail, fining me, or giving me a public reprimand, that he would strike my petition for a rehearing from the files and administer a private reprimand in his



Fishing on San Francisco Bay 1930s



Hubert C. Wyckoff, Jr., in his San Francisco Office

chambers. So William H. Waste who was Chief Justice then sent for me. This was in the early 1930s and I was practicing downtown in San Francisco. He was an old man then -- he had written the opinion of the court -- I knew he was senile, but I didn't know he was as senile as this story will show. I went out to the State Building and went into his chambers. He said, "Sit down, Wyckoff. I have very fond feelings about you because your grandfather, Stephen, was a close personal friend of mine. We both belonged to the Masons and he was a great Mason." As he talked, it sounded like the Masonic ritual to me or the Child's Garden of Verses. He got to talking about my grandfather and reminiscing and the old son-of-a-bitch forgot that he was supposed to reprimand me.

Jarrell: [Laughter]

Wyckoff: He thought I'd just paid a social call on him. I finally thought well, "Hell, I'll get the hell out of here." Now I hadn't wanted to go in at first. I told Douglas Edmonds, also a member of the court, that I wasn't going to let that old son-of-a-bitch lecture me. He said, "Come on, don't be foolish. All you have to do is go in there and listen." I said, "I'll do it



on one condition: that I don't have to say anything. I'm certainly not going to apologize to the old bastard." Edmonds said, "That's all right. Just go in and sit still ... that's all you have to do. You don't have to say a damn thing." So I went in there and listened to all this guff. And he never did reprimand me ... he'd forgotten all about it.

Jarrell: [Laughter]

Wyckoff: He thanked me and said, "I'm very lonesome out here. It's certainly a great pleasure to have you come and call on me and I hope you'll do this often. Because I've renewed the very many pleasant associations that your grandfather and I had in Berkeley." They both lived in Berkeley. Now I don't like to say this stands you in good stead, but it makes it a little easier arguing cases before that court to know a lot of these people on this kind of a basis. Then of course when I said my name was Hubert Coke, Jr., and my father was well-known and highly respected before that court, it didn't hurt me any to have that in my background. You argue a case with a little more ease when you're talking to people that you know. So, I became what we call a "lawyer's lawyer." There were also people who

befriended me such as my friend Brett McAllister's father, Elliott McAllister, a practicing lawyer in San Francisco. Just about the time I was to open my office [Brett who of course knew about it, told his father], his father had had an operation and they found that he had an inoperable cancer so they sewed him up and told him to go home and die. He went home to San Mateo and was in his upstairs bedroom, a large room, and he had moved to his home several filing cabinets that had all his cases in them. He sent for me and I went down there and spent several days with him. He was pulling these files and giving them to me. I'd take suitcases down there and take whole bundles of these files to my office. Then he got a secretary down to his home and dictated letters to all his clients telling them that he was about to die and that he was turning' his files over to me. He recommended that they let me go ahead and finish up his business. And then he died. The family made me the lawyer to administer his estate, which was going to get me an attractive fee. Then there was another lawyer, Alexander Baldwin. He was a classmate of my father's at the University of California. His son, John Baldwin, was a classmate of mine at the University of California and had also gone

to Harvard Law School with me. But after graduation John had gone into a large New York law firm. Alexander Baldwin had for many years been general counsel for the Western Pacific Railroad ... with headquarters in San Francisco ... and then later president of the Western Pacific Railroad with headquarters in New York City. When I was in law school, he had moved his family back to New York and was living in the Hotel Gotham. He had a large suite there when he was president of the Western Pacific. At that time his son John was at Harvard Law School with me. His daughter, Mary, was a contemporary of mine. She lived there with him and she subsequently married Elliott McAllister, Jr. Elliott Jr. worked in the Bank of California and he sent me things from time to time from the bank. Then I worked with him on his father's estate and afterwards on his mother's estate and I closed his grandfather's estate. But to get back to Alexander Baldwin ... he got tossed out as president of the Western Pacific because a stock manipulator by the name of Arthur Curtis James bought the controlling interest in the Western Pacific Railroad and gained control of the Board of Directors and he wanted to be president, so he just tossed Mr. Baldwin right out on

the street. So Mr. Baldwin came back to San Francisco and opened an office of his own. He was rather disappointed that his son was staying in the New York law firm. He wanted him to come out here but John didn't want to. So the old man was alone in the Mills Building, diagonally across the street from me. He used to associate me in cases once in a while. He went to the hospital once and I took care of some of his things which apparently impressed him.

#### Social and Charitable Activities

Wyckoff: It was through the good offices of Elliott McAllister who had been secretary of an Episcopalian orphanage for girls called Maria Kip Orphanage that I became secretary of the Maria Kip Orphanage. Bishop Parsons, who was an old friend of my father's, was bishop of the northern diocese of California and ex officio president of the Maria Kip Orphanage. William H. Crocker was the treasurer. So I was in august company as secretary of that orphanage. Parsons was from Berkeley and he was a friend of Florence's family so he got Florence to put on a thing that was called the Board of Lady Visitors of the Orphanage. She used to

go out to the orphanage in San Francisco which was operated by four Episcopalian nuns and inspect the place. I used to get a little business from that institution because people would die and leave legacies and I'd have to handle their estates. So in one way or another I had a fairly successful practice in San Francisco. We lived comfortably up on Russian Hill in modest circumstances but in very beautiful surroundings. There was a big garden outside our window. As I mentioned before, we had this old redwood house designed by Willis Polk. And we always had a Chinese cook who came up about four o'clock in the afternoon and got dinner; then he washed up the dishes, tidied things up, and left. That's about all he did. I ate lunch downtown ... so the only other meal Florence really had to fix was breakfast.

#### The University Club

Wyckoff: I retained my membership in the University Club. I also belonged to the Olympic Club and the Family Club.

Jarrell: I've always heard about the University Club; what is it exactly?

Wyckoff: You can't belong to a university club unless you are a

graduate of a university. The first university club in this country was established in New York City; the second one in St. Louis; there must be about forty of them around the country now. The one in San Francisco was established in 1892. They have reciprocal privileges with other clubs. I have a list of thirty-eight university clubs throughout the United States where I can stay. It's a highly advantageous thing to do instead of going to a hotel. You get an introduction card from the club you belong to in San Francisco and they'll let you stay. All these clubs have permanent guests such as I was when I was in the United States Attorney's Office. We were on the second floor of the club. There were bedrooms on the second floor and also on the first floor. The bedrooms on the first floor were for transients.

Jarrell: Well that must have been very convenient over the years when you traveled all over.

Wyckoff: Oh, tremendously convenient. Also a highly economical thing, too. I used to go to Portland on business a good deal and there's a wonderful old club there, a very large one. I used to get a room there for \$3 a night where it cost you about \$12 or \$15 in a hotel.

And individual tipping was forbidden because you gave a large gift at the end of the year at Christmas which the club just divided up among the employees. They all have periodicals, newspapers and magazines, and a bar of course. They had excellent food; the dining rooms in these places are superb as they are in most men's clubs. I don't know about women's clubs.

Jarrell: [Laughter]

Wyckoff: They also have very interesting libraries. For instance, this type of library is built up when a man dies ... and leaves a widow and a large house. The wife decides she wants to move out of the large house. There's a large library there; put together according to whatever the man's interests were. And she doesn't necessarily share those interests. So instead of junking these books ... you don't get much for books when you sell them like that secondhand. The tendency would be in a situation of this kind to give these books to the university club. So they're curious libraries but they're interesting as hell to browse around in. And there's quite an extensive library at the club in San Francisco. The library in the University Club in Chicago is so large that they have

a permanently employed librarian, and it's very elaborately cataloged and takes up a great deal of space.

Jarrell: That's great.

Wyckoff: It's a cat and dog library of the kind that I've just talked about. But they also purchase books and balance out the library so it's really ... it's a hell of a library. The one in Portland has a librarian, a fellow who lives in and is a permanent guest ... donates his services as a librarian because he loves to fuss around with books. Essentially, it's a hodgepodge, but a most interesting one. A big club like the University Club in Chicago has a swimming pool downstairs and masseurs and all kinds of fancy business. I also belong to the Olympic Club in San Francisco which is an athletic club. And I also belong to a thing called The Family Club which is like the Bohemian Club only on a far more intimate and smaller scale. I got to know a great many people around town in San Francisco by virtue of these connections.

South End Rowing Club

Wyckoff: I also belong to the South End Rowing Club which is at



the foot of Hyde Street. I used to go out with a friend, Frankie Burland, and row; pair-oar Navy hull, sliding seats. Florence would go along as tiller girl. We used to watch the tide tables carefully ... then we'd row with the tide outside the Golden Gate; then the tide would turn and would bring us back in. If you got caught you might go to sea if you didn't calculate properly.

Jarrell: Oh yes.

Wyckoff: We would also leave the South End Rowing Club and row all the way over to Tiburon ... straight across the Bay ... when the tide was slack ... when it wasn't going one way or the other. You could make your way straight across. We had privileges at the Corinthian Yacht Club ... I mean the South End Rowing Club had privileges with the Corinthian Yacht Club in Tiburon pissing privileges is all they were.

Jarrell: [Laughter]

Wyckoff: You could use their facilities. It was a little hard to piss out of one of those boats on the Bay. We led a very happy life for ten years in San Francisco. We were in modest circumstances. I remember at first the

going was a little tough till I got settled down a bit. We shopped at a store called the Russian Hill Market which was owned by two Italians, Gianni and Natucci. The reason I said our enterprise was foolhardy was that it was right in the trough of the Depression.

A Personal Recollection: Matthew Schmidt

Explanatory Note on Matthew Schmidt -- Editor

The bombing of the Los Angeles Times in which twenty men were killed and seventeen were injured during a series of protracted labor organizing struggles in the anti-union atmosphere of Los Angeles on October 1, 1910, is a landmark event in both California and national labor history. The court cases arising out of the conspiracy evidence in the bombing attracted national attention, and brought the American Federation of Labor, on the one hand, and the National Manufacturers' Association, on the other, into bitter conflict. Ultimately the outcome of the case worked against the labor movement, and employers in Los Angeles were able to keep the city a stronghold of the

open shop until the 1930s, and to discredit the rising Socialist trend then sweeping the country. In 1911 three suspects in the bombing, Ortie McManigal, James B. McNamara, and John J. McNamara [brothers], were brought to trial, accused of organizing the bombing. The McNamara brothers were sentenced, J. B. to life imprisonment, and J. J. to fifteen years, after they changed their pleas from not guilty to guilty. The plea change is discussed by Mr. Wyckoff as it involved Matthew Schmidt, an anarchist convicted on conspiracy evidence arising out of the Times bombing case. Mr. Wyckoff's friendship with Schmidt began after "Smitty's" sentence was commuted and he was released from San Quentin prison, and is an illuminating footnote to one of the principals in the McNamara case.

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Jarrell: How did you meet Matthew Schmidt?

Wyckoff: Our next door neighbor at 1019 Vallejo Street was Elizabeth Livermore and her mother, Mrs. Horatio Livermore, who lived in a large house and had a large

garden. They had lived there from the early '90s when people started moving up there. Horatio Livermore built the first house up there and had a big garden right on top of the hill. And across the street from him and alongside the Livermores, Willis Polk, the famous San Francisco architect, built a lot of beautiful redwood residences. Well, as I said before, we lived in a portion of the house where Willis Polk's father had lived and for whom Willis had built the house. It was four stories high in the back end and two stories in the front. It was perched on the side of the hill. And Willis Polk's studio was above us. Our next door neighbor Mrs. Horatio Livermore lived there with her daughter, Elizabeth, who was a maiden lady, a little bit older than I, and a Chinese cook who had been in their family for years and years, Lim Ti Ark ... they called him Ark. And he was a typical San Francisco celestial cook.

Jarrell: Celestial cook?

Wyckoff: Yes. They called them celestials.

Jarrell: Why?

Wyckoff: I don't know why. [Laughter] I think Bret Harte

started it. Ark was very much a member of the family. He'd been with them fifty years or more. Once in her latter years, in her 30s, when Mrs. Livermore went East on the train to visit some of her children or grandchildren in the East, Ark went with her to see that she was properly taken care of. And they shared a section. Mrs. Livermore was in the lower berth and Ark was in the upper berth. That's the way they traveled. So you can see how close a member of the family he was. He was a good friend of mine as well. What he particularly loved was to bake a whole fish -tail, and head and all. We used to fish a good deal. So I used to always bring him in a 20- or 30-pound bass. He would doll it all up. He was delighted to serve that. He was a wonderful cook. Made beautiful soufflés. Mrs. Livermore was a rather overpowering woman, and Beth had never married. Beth was an ardent champion of the underdog, busied herself with good works, and was an ardent Democrat. Much to the dislike of her brothers. Horatio Livermore had married twice and he made a large fortune in power companies. I think he owned one of the predecessors of the Pacific Gas and Electric Company. In addition to this home next to us in San Francisco, they had a beautiful summer home at the

foot of Mt. St. Helena in Napa County where they went for summer vacations and for family occasions.

Jarrell: How did Beth Livermore become involved with the Schmidts?

Wyckoff: Well, Beth presided over the death of Matthew Schmidt's sister when he was still in the penitentiary. On her deathbed, the sister asked Beth Livermore if she would look after her brother, Matthew, because he was then about to be paroled or released from the penitentiary where he had spent thirty years. And she was fearful that he'd fall into evil company, or through inexperience get into trouble of some kind. So Beth promised she would take care of him. That was how he came to move into the big house alongside of us. And of course we'd always been firm friends of Beth and the Livermore family. So we came to know Matt Schmidt. We went on trips together; we took a very beautiful trip once, up to Tuolumne Meadows in the Sierra and on into Tahoe and then back. I liked Matt. He was a fine person and a very entertaining man to talk to. He was not given to profanity, but he had, as people who are not given to profanity have, some special forms of profanity all

his own. One of his oaths was "Ten Thousand Christians."

Jarrell: What kind of a man was he after almost thirty years at San Quentin?

Wyckoff: He was not at all bitter. He was not embittered by it. He was a philosophical man. When he was incarcerated he knew he was in there for the rest of his life. So he adopted a philosophical attitude about the whole thing that made him the friend and confidant of the prison population there. He also had the complete confidence of wardens and guards over there. And he was very helpful to both the authorities and the prison population in composing disputes and smoothing the way for everybody.

Jarrell: Did he talk much about his life in prison?

Wyckoff: No. Occasionally, but he didn't dwell on it. I remember on the way back from one of our trips, we passed through the town of Livermore, and we paused ... we were trying to find a place to eat lunch ... so we stopped in a service station and Smitty and I walked down the main street to try and find a restaurant someplace. I noticed that truck drivers who went

by, they'd lean out of their cabs and say, "Hi, Smitty." A great many people he met on the street would greet him. And I said, "Jesus, you know everybody around here, don't you?" He said, "Those are all alumni of the university," meaning San Quentin prison. So ... one of these fellows finally put us on the track of a good place to take lunch, which we did. After Mrs. Livermore died, he moved into the Livermore house. Mrs. Horatio Livermore had had a kind of a penthouse on the roof of the dwelling and he moved into that and there he lived for his remaining days. It was not an easy house for old people to navigate in because the dining room and kitchen were on the lower floor. Then there was a living room on the next floor and Smitty's bedroom on the top floor. Ark's quarters were way down underneath all of that ... so there were four stories in all perched on the side of the hill much the same way our house was.

Jarrell: Could you talk about Smitty's life from what he told you -- during the period before he went to San Quentin?

Wyckoff: Well, he told me a little bit about his life. He told me about how he was what he called "on the run" for a



good many years. This was after they had arrested and imprisoned the McNamara Brothers who were implicated in the Los Angeles Times dynamiting in Los Angeles. Lincoln Steffen's autobiography\* has a very interesting account of the bombing because Steffens got himself into the middle of this whole thing. What Steffens claimed had happened was that ... they were all charged with murder ... because while ... Smitty told me they hadn't intended to kill anybody; they thought the building was empty when they dynamited it. But the dynamiting of the building ruptured some gas mains and turned it into a fire, a greater explosion than they ever thought it would be. People who are experienced in the use of dynamite can do very delicate things with it ... they can take a steel ship and by spacing the dynamite at proper intervals, they cut the ship in two.

Jarrell: Very neatly.

Wyckoff: Very neat ... yes, with one blast. Without blowing the ship up. But during the Times bombing they touched off some gas mains and turned the damn thing into an awful

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\* The Autobiography of Lincoln Steffens. Harcourt, Brace and Company, New York, 1931.

mess. Well a large group of these fellows were indicted ... the McNamara Brothers and a fellow named McManigal and Schmidt and some others. Smitty got a tip of what was coming and he took out for the tall timber. Under an assumed name, he moved around the Middle West and around the United States ... as he put it, on the run. He was trying to avoid arrest. Meanwhile, Clarence Darrow had been employed by the American Federation of Labor to defend the McNamaras. In the middle of the trial or at the outset of the trial, one of the McNamaras entered a plea of guilty ... his brother was dying of tuberculosis, so the brother got a very light sentence. So he got a light sentence also -fifteen years, something of that kind, if that's light. Then there was a hunt for Schmidt. Steffen's story was that the McNamaras agreed to plead guilty ... because there was a deal with the district attorney ... to plead guilty provided the authorities would let the other people involved alone ... dismiss the indictment against Schmidt. But according to Steffens, once they got the pleas out of them, and locked them up, they double crossed, welshed on their part of the promise. When they finally caught Schmidt, they tried him in Los Angeles. Smitty always referred

to Los Angeles as being in the maniac belt. He didn't like that atmosphere down there. And he got a thirty-year sentence out of it. He was not pardoned. His sentence was commuted to time served. This meant that his civil rights weren't restored; he couldn't vote because he had a prison record ... which a pardon ordinarily erases. While he was in prison he worked in and out of the warden's office performing administrative duties of one kind or another. He told me once that during prohibition the prisoners kept a bottle of bootleg whiskey under a statue in a hollow bust on a bookshelf in the warden's office. [Laughter] He was a skilled mechanic and artisan by training. I remember he told me once that in the Middle West ... this was before the Los Angeles Times dynamiting ... there was a lot of dynamiting going on among radical people ... the IWW's were dynamiting things.\* They weren't trying to kill people, they were trying to just blow buildings up. Another favorite target was electric power [installations] ... those enormous power poles ... knock one of those down, they'd black out a whole city. Smitty once told me about dynamiting

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\* Ed. Note: Refers to a member of The Industrial Workers of the World. Some wobblies, as they were called, engaged in

a furniture factory out in the Middle West. He said it was a beautifully clear evening. He set the dynamite in places in and around this furniture factory in such a way that it'd blow the whole damn thing up. Then he said he went off a mile or so, sat down under a tree to watch it. It all went up like matchsticks. He told me that it looked more like the famous [Marcel Duchamp] painting Nude Descending a Staircase than anything he'd ever seen. Have you ever looked at the Nude?

Jarrell: Yes, certainly.

Wyckoff: You'd look at the nude ... and then think of a furniture factory going up in that way. [Laughter]

Jarrell: The aesthetic of it appealed to him? In many ways he was very childlike ... a long prison life like that deprives a man of any initiative ... he never does anything except what people tell him to do. He can't do anything except what people tell him to do, so ... decisions had always been made for him by other people. By the time he spent thirty years in prison, from the time he was 30 till he was 60, leading a life like that, you're not very well equipped to get out

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industrial sabotage.

into an active world. His sister knew this. He couldn't and didn't want to keep a bank account. He didn't have any money anyhow. Also he was very proud about accepting money from the Livermores. So he had a little money in his pocket ... a little spending money. He was a very trusting soul. I can best describe him by saying that he was naive and rather childlike. Not that his intellect had been impaired in any way, but he was that way for the reasons I've just stated. When Beth died, this left him alone in the house with Ark. And Ark, of course, had his quarters down below the kitchen on the ground floor of the house and Smitty was up on the fourth floor. The floors were highly polished oak with oriental rugs scattered around various places. One night after Ark had served dinner and gone to bed down below on the ground floor, Smitty fell on one of these rugs in the living room and broke his hip. He was alone. And he was unable to move. He couldn't even get to a telephone. He lay there all night. And then when Ark got up in the morning to serve him breakfast, he found him on the floor, so they took him to a hospital. He got pneumonia, and he died from that. Before his death and after Beth died, he went on living in the house

there. Beth had not drawn a will. But she was married to Smitty, and the effect of this was ... that ... not having a will, he inherited, as an heir of his wife, a half interest in everything she had. Well she had about a quarter of million dollars worth of securities and she owned this house. So Smitty got a half interest in the house and then the \$250,000. The Livermore family immediately started importuning him to sign it all over. They were ugly with me because they said, "Why didn't you draw Beth's will?" "Well," I said, I'll give you a good reason for that. She's got nephews who are lawyers and she never consulted me about drawing a will." She never had. Well, they were suspicious. They wanted Smitty to sign everything over because they said it was a mistake and it was all Livermore money and it wasn't his. I wouldn't permit him to give them an answer until we discussed it. We talked it over together thoroughly and he wanted to sign it over. He didn't want anything. He was proud. They had never approved of the marriage and he had not been received by the family. So he just wanted to throw everything back to them. I told him it was a mistake, that he shouldn't do that; that Beth wouldn't have wanted that ... that he was an elderly man and

needed a place to live and needed some income. Then he told me, "I have no relatives that I would like this money to go to. I was disowned by my family. All except one nephew, Al ..." who lived in Minneapolis ... and I met Al and talked to him. 'Cause he came out when Beth died. But Al was well-to-do. He'd done well by himself. So Smitty said, "He doesn't need anything." And Al told me, he said, "I don't care about being left anything." Smitty actively didn't want any other members of his family to profit by his death since they had rejected him when he was convicted of murder. So I entered into a long negotiation with the Livermore family.

Jarrell: You were formally representing him?

Wyckoff: Yes. Putnam Livermore, one of Beth's nephews who was a lawyer in a large firm in San Francisco, represented the estate. I created a trust, so that Smitty took a life estate in the house and in the securities. Upon his death everything passed to the Livermore family.

Jarrell: But he had the use of everything that he needed?

Wyckoff: He had the use of everything until his death. So that during the short time he lived after Beth died, he was

comfortable and lived in the old house, and was well  
taken care of. He saw his friends there,



and ... didn't have to bother his head about money.

Jarrell: Did he seem to be very vocal about political events that were going on at the time or had he kind of lost interest?

Wyckoff: Oh no, no. He was interested. He wasn't partisan about things. He had views about politics, and he was mostly amused by politics I think. He wasn't a flaming radical or anything of that kind. He was not bitter. But he was widely read of course because he'd spent a great deal of time reading while he was incarcerated. So he was a well-educated, self-educated man and a very accomplished conversationalist. He could carry on highly intelligent and interesting conversations on social occasions. He was a man it was a great privilege to know and I enjoyed his company. I like to think that he enjoyed mine or ours. I was perhaps the closest friend he had. And of course there were a great many people who wanted to write his autobiography and wanted this, that, and the other from him ... a lot of people striving to get at him to talk to him. And get the inside story about this, that, and the other. He wouldn't have anything to do with anything of that kind. Although I'm sure if he had wanted to, he could have made a lot of money off

it.

Jarrell: But he wasn't inclined that way?

Wyckoff: No, no. He wouldn't have anything to do with it.

Jarrell: Well, that's a fascinating acquaintance that you had with him.

Wyckoff: He was reluctant to talk on the hypothesis that the McNamaras were guilty. Or that they were not guilty. He just wouldn't discuss it. Of course what the McNamaras did spoke for itself. Clarence Darrow damn near got hounded out of the legal profession for pleading them guilty. And Samuel Gompers [President of the American Federation of Labor] got into a lot of trouble because he had used American Federation of Labor funds to pay Darrow's large fee. Gompers had gone around the country to labor meetings like a damn fool proclaiming the innocence of the McNamaras and then all of a sudden to get it right smack in the face when they walked in and pleaded guilty. He'd raised thousands, maybe hundreds of thousands of dollars, from laboring people to defend them. And here they were confessing their guilt. So he was damn near deposed as president of the AFofL on that account. [Laughter] There was a terrific uproar about it. I

think that uproar maybe had a good deal to do with the district attorney [in Los Angeles] welshing on his promise to dismiss the case against Smitty.

### The Macauleys

Wyckoff: Among our friends in San Francisco during this time were an elderly couple -- Captain Edward Macauley and his wife Jean. He was a retired Navy officer; he had served in the Spanish-American War as an ensign just out of Annapolis and served with Admiral Dewey when Dewey took the Philippines in the Spanish-American War. During the course of their lives they had been very close friends of Franklin D. Roosevelt when he was Assistant Secretary of the Navy under Wilson. Macauley was a captain of the ship that took Wilson to the peace conferences and also once was sent abroad to bring the King and Queen of Belgium over here after World War I. Eddie was from an old family in Washington; Jean, his wife, was the daughter of a Senator\* from Pennsylvania and had grown up as a young girl in Washington, D.C. So they had quite a cosmopolitan life. They had large means and had a very

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\* Ed. Note: Jean Oliver Macauley's father was George Tener Oliver who served as U.S. Senator from Pennsylvania from 1909-17.

beautiful place in San Mateo. Well we had got to know them and became fond of one another. It was a close relationship. Jean and Florence were very congenial and I enjoyed Eddie, although he was old enough to be my father. They had a beautiful, large place in San Mateo with a squash court, and I used to play squash with Eddie. We took a house and lived down there for two summers in San Mateo. And as an aside, here is a curious commentary on the Chinese chefs. Wong Yen [our chef] wouldn't live in the country; he wanted to stay in San Francisco. But there was always a Chinese cook in the house. We had no control over that whatsoever. There'd always be a man there who had been trained by the other Chinaman; he knew just exactly how I liked my eggs, how Florence liked this, that, or the other, so that there was really no break in the way we lived at all. The theory of this was that the job belonged to our chef in San Francisco; it was his job, and whenever he couldn't fill it, he saw to it that Chinese friends of his would fill the job. Sometimes they couldn't even speak English. I had to use my sign language, but they knew everything that was necessary to take good care of us. Finally a vacancy arose about 1939 or '40 on the U.S. Maritime Commission and Eddie

was taken out of retirement and appointed to the Maritime Commission, in Washington, D. C. After they were back there, they talked to us, and got us thinking about going back there. Eddie told me that if some kind of opening turned up, he would send for me.

#### Early Labor Arbitration Cases

Wyckoff: At that time I was doing some labor arbitrating. The first arbitration case I ever had was in 1939. I was selected by the parties -- I don't know how or why -- by the Marine Engineer's Beneficial Association and the Pacific American Ship Owner's Association was what it was. They fell into dispute about the use of the Stockton River Channel, which had just been dredged out so that sea-going ships could go all the way up to Stockton. The dispute centered on the question when sea watches should be broken and the crews put on day hours. The unions were taking the position that this was an inland run and that it was not a transoceanic voyage or offshore shipping voyage which was what the contracts covered. The union took the position that when the ship entered San Francisco harbor, sea watches should be broken and the men should go on day hours. This would have meant that keeping any of them

on the ship after 5:00 p.m. and before 8:00 a.m. would be equivalent to their working overtime; whereas if they didn't break sea watches, they wouldn't have that kind of overtime. So the question was whether this run from San Francisco up to Stockton and back was an inland run or part of a sea voyage. They fell in dispute about this and I was called in as arbitrator to decide that question for them.

Jarrell: Now this was your first arbitration?

Wyckoff: Yes, the first arbitration I ever had and it was not solicited by me. It was brought to me by the parties. After that incident, there was a disastrous hotel strike in San Francisco in '37; it shut all the major hotels in San Francisco down for 70 days. You can imagine what an uproar the town was in. All the big hotels, that is, all hotels that had culinary establishments were closed by this strike. And it was, needless to say, a very bitter strike. Finally it was settled by the parties agreeing on most of what they could agree on about the terms of a master contract that would cover all these hotels. But what they couldn't agree on, they agreed to arbitrate. The arbitrator was a lawyer in San Francisco named Fred Athern who wrote the terms of the first hotel

collective bargaining agreement in San Francisco. They had trouble arbitrating disputes under that contract in '38, '39; and I believe in the part of '39 they had run through and fired about four or five different arbitrators. These were arbitrators of disputes under this agreement. A fellow would be made arbitrator, a standing arbitrator, and then he'd decide a case and the side he decided against would make it damned unpleasant for him and they'd ask for his resignation. They'd fire him in effect. Well they came to me and I was well aware what was going on. I'd seen one or two friends of mine who were lawyers in San Francisco who'd been executed under this assignment. The parties asked me if I would take the job and I said, "Yes, I will provided you give me tenure." I didn't want to go in there and decide one case and then be fired. They said, "No, we can't give anybody tenure." "Well then," I said, "if you don't want to do that, how many undecided disputes do you have?" And they said, "About fifteen." They'd backed up you see, because they hadn't been able to operate. I said, "Well, I'll tell you what I'll do. We'll take these fifteen disputes. I'll hear all fifteen of them before I decide any one of them, then I'll decide all fifteen of them at the

same time. At least by that device you'll get rid of the backlog you have here." I fully expected to be fired at the end of that performance.

Jarrell: What exactly did you mean by tenure? A contract for a certain period for your services?

Wyckoff: Tenure meant that they'd hire me for a year and not fire me.

Jarrell: I see. A definite time on it.

Wyckoff: Yes. They couldn't fire me for a year. Well I handed down fifteen of these awards all at once. And one thing I did because there'd been a lot of abuse when these people read these things, was to have a court reporter present. I also called a session of the full Adjustment Board because they had to sign the awards. The one's who'd lost the award would dissent and the others would concur and so that's how it went. I insisted on having a reporter present during this exercise and nobody spoke a hard word. There was no cursing or swearing or anything [laughter] as a result of this because it was being written down and they didn't want to go on record with all this kind of nonsense. So we had a peaceful session. If they wanted a brawl scene, they had to go out in the street and do



it after the session. As a result of that maneuver, they came and said they would give me tenure ... they'd sign a year's contract with me. "Well," I said, "I don't think I want it now. I don't want to be working someplace where I'm not welcome so that anytime anybody doesn't like what I'd done, they could say so, and with both groups here you ought to be able to control one man who wants to break the whole show up." So for a couple of years after that, I was chairman of the Adjustment Board for the larger hotels, some 30 in number, in San Francisco. And I guess I must have handled about, I don't know, 50 or a 100 hotel disputes, and wrote awards in all of them. All of this was of course in the formative years of the interpretation of that contract, so it was kind of an important and difficult job. Each question that arose was fraught with all kinds of pressure and emotion. But it was a happy relationship. They put up with my mistakes. It was just as far as I'm concerned, and I believe it was a successful venture.

Jarrell: Was the Adjustment Board a governmental board?

Wyckoff: No.

Jarrell: No?

Wyckoff: No, not. It was an adjustment board set up under the terms of the collective bargaining between all these hotels and all the unions.

Jarrell: Yes. To oversee all this.

Wyckoff: To administer the collective bargaining agreement. The contract itself provided for the creation of this adjustment board, and for the appointment of the chairman. So it was purely a creature of the contract. The government had nothing to do with it. They were very jealous about not having the government involved. They wanted to run their own show. They didn't want outside interference of any kind. They wanted control over that chairman to the extent that they could get it. I saw to it that nobody could get any control over me, because I just called my own shots and I operated the way I thought the whole thing ought to operate. This became an important part of my law practice because it was a lucrative arrangement.

#### Pearl Harbor

Jarrell: Were you still alone in practice?

Wyckoff: Yes. I was still alone. And then came Pearl Harbor. Florence and I were sitting listening to a symphony

concert; sitting on a porch of our house looking out over the city at 11 o'clock on a beautiful morning. Somebody broke in on the radio and announced that Pearl Harbor had been attacked. Of course, we couldn't believe it at first and there was a lot of nonsense about it, and finally everybody realized what had happened. Well, anyhow, I got a telephone call from Eddie Macauley saying certain things were going to unfold in Washington, D. C., and would I go back there? Well, I said I'd have to wind up my law practice first. That was December, 1941, and it took me a couple of months to get things in shape. We had a flat there, our home, all our furniture in it, all our possessions. Finally we found a good tenant who stayed in that place until we returned four years later.

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THE WAR YEARS: WASHINGTON, D.C.

WAR SHIPPING ADMINISTRATION

The Creation of the War Shipping Administration, 1942

Jarrell: Can we backtrack? When Macauley telephoned you that

things were going to unfold, this was subsequent to the establishment of the War Shipping Administration in 1942, but when you finally did go back to Washington, what was the exact title of your appointment?

Wyckoff: Well, Admiral Emory S. Land was the Administrator of the War Shipping Administration. He had two deputy administrators under him. One was Lewis Williams Douglas from Arizona, who afterward became Ambassador to Great Britain and who was one of the young New Dealers who broke with Roosevelt in the early days of the New Deal. Douglas was in charge of everything but personnel. Eddie Macauley was the other deputy administrator and was in charge of personnel. I was the assistant deputy administrator under Macauley; I was called Assistant Deputy Administrator for Maritime Labor Relations. My staff consisted of three divisions. The first was in charge of gathering together these collective bargaining agreements, indexing and making outlines of them, busying itself with the general administration of the agreements; the second division served the Maritime War Emergency Board [bonuses and life insurance]; and a third division supervised personnel disputes. So, anyway, we

went to Washington, taking nothing with us but our clothing and one or two knickknacks which Florence didn't want to leave behind. This was in January, 1942.

Prewar Background of U. S. Maritime Affairs

Wyckoff: Well, when I arrived in Washington ... one of those familiar Roosevelt devices by which bureaucratic inertia was overcome had been put into effect. The device was that instead of trying to change the Maritime Commission, which was a statutory body, they'd created the War Shipping Administration by presidential order under his war powers. Congress had given Roosevelt very extensive war powers ... he had power to do almost anything if he'd first declare an emergency and then go ahead and do something.

Jarrell: This was in February, 1942?

Wyckoff: Yes. The duty of the War Shipping Administration was to operate ships and the duty of the Maritime Commission was to provide and build ships. Here was the Maritime Commission which was a statutory affair loaded up with civil servants and personal appointees of whoever the chairman of the Maritime Commission

happened to be. And the chairman of the Maritime Commission at that time was Emory S. Land\* -- Admiral Land -- known as Jerry. The commission was an outgrowth of Senator Hugo Black's\*\* investigation of the maritime industry when he uncovered a lot of abuses. It was felt that the creation of the Maritime Commission and the Merchant Marine Act of 1936 would cure these evils.

The Origins of Foreign Flag Shipping: The United Fruit Company

Wyckoff: The first chairman of the Maritime Commission was none other than Joseph P. Kennedy.\*† He was in Boston then; he had grown up in Boston and made his fortune there and had very close ties to a fellow named Samuel Zemurray who owned the United Fruit Company. The United Fruit Company was owned in Boston and based in New Orleans. But to get to the seagoing aspects of the

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\* Ed. Note: Emory S. Land was appointed as a commissioner on the U.S. Maritime Commission in 1937; in 1938 he became its chairman.

† Hugo [La Fayette] Black served as U.S. Senator from Alabama[D] from 1927-1939. In 1933 the Black committee's hearings on the question of government subsidies revealed how tax subsidies for building up the U.S. Merchant Marine had been illegally diverted and spent in high salaries, and other extravagant expenses. The committee's disclosures resulted in sensational newspaper headlines, and a review of U.S. Shipping Board policies.

‡ Joseph P. Kennedy was appointed chairman March 9, 1937, and

operation, United Fruit had a large fleet of ships, known as banana boats. They were beautiful white yachts with teak decks and beautiful mahogany cabins. They'd take about twelve passengers and then they brought bananas back from the Central American republics which were allegedly owned and dominated by the United Fruit Company. In other words, the corporation, the United Fruit Company, was stronger than the government[s] of these small republics, which became dependent on United Fruit and economically on the banana trade which became the most important industry they had and it was already dominated by United Fruit. United Fruit had a bad reputation. One thing they did was put all their ships under Panamanian or Honduran registry; that is, they were foreign flag ships. As such they were not subject to any regulation by the United States government, although their home ports were in New Orleans or Boston. They used American crews; they paid whatever wages they pleased; they had no working conditions except those promulgated by the company. Although the crews did have good quarters on the ships, because they were beautiful ships, the wages and working

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resigned later that year.

conditions of the seamen on these foreign flag ships were poor, very poor. Of course this was a bad situation; all the capable seamen, the desirable employees, were of course employed on American flag ships [which were mostly organized by 1935], and all the riffraff and misfits and the drunks and the psychopaths were on these Panamanian registered ships. They were an unruly crowd and I guess they were treated the way people treat unruly crowds of people. So it was a dark spot in the U.S. Merchant Marine. But United Fruit Company wasn't the only company participating in this foreign flag device; any company wanting to escape regulation by the Maritime Commission as to holidays, vacations, shifts, working hours, safety measures, crews' quarters, etc., simply registered under the Panamanian or Honduran flags.

U.S. Maritime Commission

Jarrell: Could you discuss how this state of affairs, with the foreign flag ships and Kennedy heading the Maritime Commission, for instance, how this affected the maritime situation as we entered the war?

Wyckoff: All of this was directly under the Maritime Commission. This was what the Maritime Commission had



to do in the 1930s. Joseph Kennedy was a close friend of Zemurray and he may have had a large investment in United Fruit, I don't know, but it was alleged that he did have. But he loaded the Maritime Commission with people from United Fruit so that most of the people who held important positions in the commission were connected with United Fruit. .So when Pearl Harbor occurred ... of course Kennedy had gone out and Land was chairman ... they loaded up the Maritime Commission with Navy people. Land was made chairman and Macauley was a retired Navy man. Another prominent one was Howard L. Vickery,\* another Maritime Commissioner. They decided that the Maritime Commission or a civilian agency would have to build a lot of ships. There were then 1200 seagoing ships in the American Merchant Marine at the time of Pearl Harbor ... that is, offshore ships engaged in offshore trade. They realized that the fleet would have to be augmented by a shipbuilding program. Of course submarine warfare made that doubly important, because only a year after Pearl Harbor, by June of 1942, they'd got down to 600 ships. You see they'd lost a staggering amount of shipping. What the submarines

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\* Ed. Note:       Appointed in 1940.

were doing was congregating in what were known in those days as "wolf packs." They'd lie around outside of New York harbor and wait for a bunch of ships to come out. For the first six months of 1942 it wasn't possible to convoy these merchant vessels ... they'd just have to go on their own. The only thing that made the trip hopeful at all was the fact that a merchant ship could outrun a submarine. They could make 21 knots and a submarine couldn't make 21 knots. So all these poor bastards could do when they got out and sighted a submarine was to run away from it. If they couldn't run away from it they were torpedoed. And of course the loss of life and the loss of shipping was terrific. The story that went around Washington was that Land called the big shipbuilding executives in -- from Newport News and the Brooklyn Navy Yard, for instance -- and asked how many ships they could build. This was during the time when this terrific submarine warfare had started. So anyway the shipbuilders gave him [Land] the number that they could build. He said, "Go back and see if you can't double that. You have to do better than that. We need more than that." So they went back and scratched their heads and came back and said, "Yes," they could double it. So he said, "Well,

I've been thinking it over and getting fresh news about the state of affairs, and you'll have to treble it." "Well," they said, "we can't do that." Henry Kaiser was then knocking at the door. He didn't know a damn thing about building ships, but he had what in many circles was considered a harebrained [particularly by the old-time ship builder] idea of welding ships and doing the whole shipbuilding job on an assembly line basis. And he could build and turn out Liberty ships like hot cakes off a griddle which as a result put all these conventional shipbuilding outfits to shame. But it took a long time for that Liberty ship program to take hold. One thing that the United Fruit people in the Maritime Commission had been doing ... as they needed ships they requisitioned them.

Problems of Wartime Maritime Regulation: The Red Sea Charters

Wyckoff: Another thing that caused a frightful scandal was that they were shipping into the Red Sea. It became important to send munitions and cargo of one kind or another to the Red Sea, but by that time the Suez

Canal had been closed. They had to go around Cape Horn, Africa, and up into the Red Sea. There were very few of them that ever came back. They were torpedoed or dive-bombed by German aircraft. These were known in the trade as the Red Sea Charters. If you chartered to the government under one of these arrangements ... a leasing arrangement is what it really was, but the ship would never come back, so the insurance companies would pay off. Crews wouldn't go on those ships because they faced death. The consequence was that the price of those charters went up astronomically. Also, the crews' wages on those voyages were terrific; they paid eight or nine times what the ordinary wage was because they figured they were never coming back. So it was a suicide proposition. Well this was scandalous because a lot of shipping companies were making a lot of money off the Red Sea Charters ... a great windfall ... getting rid of junky ships they had. Admiral Land came forward with the idea in February of 1942 of stopping piecemeal requisition. One thing that caused a scandal was the fact that it was claimed that the people who were in control of the Maritime Commission, the underlings, were all United Fruit men. They weren't requisitioning any of their great white fleet

because they figured that they had never carried anything but passengers and bananas. They didn't requisition them; they didn't put them to wartime uses ... they didn't want to load those teak decks with tanks and just mess the ships up. So they were going easy ... they weren't requisitioning their own shipping. They were playing favorites.

Regulating Requisitioned Offshore Ships: The Merchant Marine Defined as Civilian Adjunct to the Military

Wyckoff: So in order to put a stop to this, Admiral Land put out a requisition order in February, 1942, requisitioning all offshore shipping over 3000 tons.

Jarrell: So they would become general agents?

Wyckoff: The government took title to these ships. Then the problem arose, how were they going to operate them. There was talk about having the Navy do this. They were going to make all the officials of the steamship companies admirals, captains, and the rest of the whole damn establishment would be put into the Navy. Well the Navy didn't like that. They couldn't train people to operate these ships. Very rapidly they faced

the inevitable. Each existing steamship company became an agent of the United States government for the purpose of operating their ships which had been requisitioned; title to which became vested in the government.

#### MARITIME LABOR RELATIONS

Wyckoff: Of course the coordinate problem was how were they going to man the ships; where were they going to get the crews; and what were they going to be? Well the lawyers were all arguing; there was a tremendous amount of arguing going on. And I got right into the middle of it when I got back to Washington. The lawyers all said, "Well, all these seamen are government employees because the government owns the ships and the ships are being operated by agents of the government under government control. And the government cannot recognize collective bargaining." So they talked about blanketing them under civil service. There was talk about drafting all the seamen. But Admiral Ernest Joseph King, who was a close advisor to the President finally wrote a memorandum to the President [I saw the memorandum, Macauley showed it to

me] and said, "You'd better stop all this talk about the Navy operating the merchant marine. We cannot do it. We haven't got the personnel to do it. We haven't got the skill to do it. We don't know anything about that type of operation. This merchant marine is needed as an auxiliary, as an adjunct to both the Army and the Navy in carrying supplies and troops." They took large passenger vessels, ripped all the cabins out and made dormitories out of them. A large American passenger vessel so converted could carry 12,000 troops. And of course those big passenger ships could really travel; I've forgotten what they made, but they made 30, 40 knots, I think ... they could easily outrun submarines.

The Problem of Collective Bargaining and War Shipping Administration Vessels

Wyckoff: Well anyhow, this manning argument was boiling up and I walked into the middle of it. There was a lot of talk about how the government couldn't bargain collectively with anybody, couldn't enter into labor agreements. I got to nosing around, and Florence and I got to know Abe Fortas and his wife, Carol. Abe Fortas was then Under Secretary of the Interior under

Secretary Harold L. Ickes. I got to talking to him about this problem of collective bargaining agreements and he said that the Alaskan Railroad was owned by the United States Government but that it had always operated under the collective bargaining agreements with the railroad brotherhoods. I found that the same practice obtained on the Panama Railway which the government owned and operated under collective bargaining agreements with the railroad brotherhoods. Thus, there were two precedents notwithstanding the theoretical arguments that the government could not recognize labor unions and bargain collectively with them. One of the main difficulties about collective bargaining -- and this is the trouble they're having today with collective bargaining and government agencies: you couldn't have an outside labor union or outside arbitrator, who's not a public officer, spending government money, or "controlling the purse," as they used to say, and still do. Both the Alaska Railroad and the Panama Railway fully recognized these railroad brotherhood collective bargaining agreements, but they had a clause in each one of them saying that any change in working rules or wages and any arbitration of disputes that involved money would not



be final until the Solicitor of the Department of Interior approved it. So, if they had a dispute, they went through the customary procedures of the Railway Labor Act and would wind up terminally with an arbitration award. They went through all the processes of collective bargaining down to and including submission to arbitration and an arbitration award. But it took the signature of the Solicitor of the Department of Interior to make the end result valid and, binding on the government. I asked this Solicitor if at anytime in the history of these railroad operations had any solicitor of his department ever repudiated one of these arbitration awards. He smiled and said, "No." [Laughter] So the problem never really presented itself. Whether he had the power or not ... it was really just a face-saving device. The upshot of all this uproar was that I spent most of my time arguing with the legal department of War/Ship, head of which was a fellow named William Radner.\* Fortunately he was not a man with prejudices about anything. All he wanted was to get things done. He was of great assistance to me because if there was going to be any trouble, Radner knew what all the difficulties were

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\* Ed. Note: Appointed 1942, General Counsel, War Shipping

going to be and we could guard against them. Well, we wound up having Admiral Land recognize "all existing collective bargaining agreements" with offshore maritime unions as the basis for operation of all vessels operated by War Shipping Administration.

Finding the Solution to the Collective Bargaining  
Dilemma

Wyckoff: First off we didn't call what he signed collective bargaining agreements, we called them "Statements of Policy" ... another one of these face-saving devices.

Jarrell: Euphemisms.

Wyckoff: The "Statements of Policy" were very simple documents, and the<sup>v</sup> were signed by Admiral Land on behalf of the War Shipping Administration and by the heads of the maritime unions in the United States. The principal West Coast maritime unions [comprising unlicensed personnel) were the Sailors Union of the Pacific [SUP], the [Pacific Coast] Marine Firemen, Oilers, Watertenders, and Wipers Association [MFOW], Marine Cooks and Stewards Association of the Pacific Coast

[MC+S]. Then on the East Coast the "Statements of Policy" were signed by the National Maritime Union, which covered all unlicensed personnel. Then there were two main national unions governing officers of merchant marine ships, the Master, Mates, and Pilots Union [MM&P], which covered the Atlantic, Pacific, and Gulf of Mexico, and the Marine Engineers Beneficial Association [MEBA], which likewise covered both coasts and the Gulf. I assisted in the drafting of these statements. They simply had about three or four subdivisions that said, first, the War Shipping Administration recognizes and agrees to use as the basis for operation of the American merchant marine [by its general agents] all existing collective bargaining agreements. We didn't even know what these agreements were, how many there were, or anything else beyond the fact that they existed. Second, the unions agreed not to strike or to engage in any work stoppages for the duration of the war. Third, everybody was worried about discipline [on ships], especially a lot of hardhats in the Navy and Army. So we had a lot of words about discipline [in the agreements] and that everybody should behave themselves. The War Shipping Administration had

control of the administration of discipline in order to maintain discipline on ships. That's all there was to it. I then set about trying to build up a file of all of these collective bargaining agreements. We'd confirmed them, but we didn't exactly know what they were. Following the patterns long established on the Alaska and Panama Railways, amendments of the collective bargaining agreements and arbitration awards required approval by me on behalf of the War Shipping Administration.

Jarrell: There were quite a few, weren't there?

Wyckoff: There were a hell of a lot of them.

Jarrell: Conflicting and ...

Wyckoff: I had a division under me which established a file of "the existing collective bargaining agreements" and assisted in administering them. I also had a division under me that had to do with complaints. All complaints of merchant seamen came to this division. It was also supposed to maintain discipline, whatever that meant. We didn't have any very clear ideas to start out, but they evolved.

War Risk Bonuses

Wyckoff: There was another division that furnished personnel and operated the Maritime War Emergency Board which had been established before Pearl Harbor to fix risk bonuses for the Red Sea Charters. They still got the basic wage under the collective bargaining agreements, but when they went into that area, that Red Sea area where all this danger was, they got the additional compensation called "risk bonus." Now the steamship operators felt this was intolerable. They didn't want any part of it. They had a big meeting in December of '41, just before Pearl Harbor at the height of this Red Sea scandal. They created the Maritime War Emergency Board to fix uniform risk bonuses. My boss Eddie Macauley was made chairman. Frank Graham, who was President of the University of North Carolina and then a public member of the War Labor Board, was another member of this Maritime War Emergency Board. A third member, John R. Steelman, was the Director of the Federal Mediation and Conciliation Service in the Department of Labor. This was a collective bargaining device too. The entire steamship industry gave these three men the power to fix and determine compensation for war risks. The industry was perfectly willing to do this because what they were afraid of was getting

their collective bargaining agreements pushed out of shape; they wanted the wage maintained which they had bargained for collectively. So they let this board put this additional compensation on top of the original wage by calling it a war risk bonus. The theory was that when the war was over, they would then abolish the war risk bonus because the risk had ceased to exist; they'd be right back at the wage scale they had agreed to originally.

#### Setting Wartime Wages

Jarrell: Weren't wages frozen for the duration of the war?

Wyckoff: Yes, they were. The War Labor Board froze wages: they established the "Little Steel Formula" which they used to cure inequities. Whenever anyone wanted to amend one of their agreements, I would have to approve any change in wages. I had got in touch with the War Labor Board because I didn't want to find myself administering the "little steel" formula or any of their devices for controlling wages. We didn't have the skill to do such things. I didn't want to; and they didn't want me doing it either. So if I approved an agreement, I would approve it subject to approval by the War Labor Board, to see that it met their

requirements. If the War Labor Board approved it, that was it. Frank Graham once told me, "If you want to beat the Little Steel Formula ... here's the fellow on our staff to talk to. He knows 9000 different ways to beat it." So if we really wanted to get a change through, we'd connive with him. There was connivance between the two agencies that way. That took a lot of heat off me, because, like the Solicitor of the Department of Interior, I was chary about turning down awards or amendments reached by genuine collective bargaining. So I'd send these requests across the street to the Labor Department and let the War Labor Board kill them if they violated their stabilization theology. Let them take the heat for it. I wouldn't get it. The head of the Pacific American Shipowners' Association [which represented all the shipping companies on the Pacific Coast], was a fellow named Jack Bryan. I had known him in San Francisco. He had his troubles with his members. He had a large salary, but the funds in the Pacific American Shipowners' Association, out of which his salary was paid, were based on contributions by the members on a tonnage basis. The consequence was that the largest operator, Matson Navigation Company, made the principal

contribution to the treasury of this association. Bryan was very frank with me. He said, "I have my difficulties administering my job because of the dominant position of Matson; it's the largest operator and also the largest contributor of the money that pays my salary and permits us to exist."

Jarrell: Yes.

Wyckoff: He said, "So Matson has tremendous leverage on me; and when they make demands, I have to be very careful because they frequently make demands which, if acceded to, would result in embarrassing or even wiping out small operators. I sometimes have difficulty standing up to Matson." So he said, "I will telephone you when Matson is making an unreasonable demand on me which I want you to deny if you agree that the demand is unreasonable. You will have my support and the support of the bulk of the trade on the Pacific Coast." I trusted Jack Bryan and his wisdom and advice.

Jarrell: So he wouldn't take the heat?

Wyckoff: Oh, he was used to taking heat but I was glad to take the heat off Bryan in a proper case in which I was able to take the heat more easily than he was. Of course I didn't give a damn about Matson Navigation ...



Jarrell: So you agreed?

Wyckoff: Yes. I would say to them, "Hell, what you want to do is murder on these smaller operators. You all look alike to us back here. We don't give a goddamn ... you're no better than the smallest operator out there as far as we're concerned. We have to view things that way, because we're a government agency. You're not contributing any money to us the way you are to that shipowners' association." Well, they understood that. We could always say, "There's a war going on and what you're doing is pursuing private aims and objectives." Well this was an interesting thing. I always did have a tremendous feeling of how powerless we were in Washington. Here was an agency with all the war powers the President had, unlimited power, but exercising it was another thing. You don't really know what you're doing; you don't know what's going on the ground or on board ship. I did a good deal of traveling around ... going to big ports ... you've got to just get the feel of the thing. I had to get a look at what was going on. All the unions published newspapers and I read all of them. I think all people with any sense in Washington realized that you couldn't put an order on a piece of paper. It wouldn't mean anything unless it

made sense on the ground. So, as I say, there was always a tremendous feeling of helplessness.

Life Insurance and Merchant Seamen

Wyckoff: People in War Shipping under my supervision ran the Maritime War Emergency Board, fixed the bonuses and fixed life insurance for merchant seamen. Seamen were given free life insurance. They didn't pay premiums for the life insurance, but each seaman who signed on a War Shipping Administration ship had \$5000 life insurance because commercial life insurance companies wouldn't insure against risks of war. It was a highly dangerous profession as you can see from the fact that 1200 ships went down to 600 ships in a space of six months in 1942. Many of the ships went to the bottom and there was a tremendous loss of life among these merchant seamen. Merchant marine vessels were running then without armament and without convoy.

Jarrell: Later though didn't they put on the Navy gun crews?

Wyckoff: We put the armament on ... and then started putting Navy crews on to shoot the guns. But it took time to outfit 1200 ships to start out with. We not only had

to install the guns, but the Navy had to train crews to shoot them. Merchant ships were tight ... they had quarters designed to take care of the crew. An average merchant ship like a Liberty, had personnel that amounted to ... well there were about forty personnel aboard to operate it. They put twenty more guys on the gun crew, who were mostly raw Navy recruits in charge of some guy who did know how to shoot a gun. But you had these people all in together. The gun crews were Navy personnel and they were getting very low military wages and they were subject to military orders. All these other seamen on the ship were being paid under collective bargaining agreements with rights to overtime and all kinds of benefits of one kind or another and free life insurance. Well I ran into trouble with the law department about this insurance. I figured I knew as much law as they did and I could really argue with them about things and fortunately the War Shipping legal staff were reasonable men. There's a doctrine of law that says if somebody disappears and he has a life insurance policy, the burden is on the insured or the beneficiary to prove death, because your policy isn't payable except in the event of death. Well that's done conventionally with a

medical certificate ... that's how insurance is ordinarily paid. In these maritime cases [laughter] a guy just simply disappeared. Well common law took care of that by a presumption: if a man were absent for seven years, unexplained, it was considered tantamount to proof of death. So these lawyers started saying, "Well, the ship will start off from New York Harbor bound for Liverpool, and we'll never hear of them again." One of these wolfpacks would get it just outside of New York Harbor and it'd go to the bottom. These submarine crews would generally surface and shoot down the lifeboats right after the sinking so there'd be absolutely no trace of the crew or the ship. Well, the idea of making a seaman's family wait for seven years was just goddamn nonsense. These lawyers said, "Well, what are you going to do?" I said, "Well, hell, I'll tell you what I think we ought to do. It's our insurance. We can do any goddamn thing we please. I don't care what the law is." It's one thing for a man to disappear, but it's another thing for a man to disappear into a situation of imminent peril where you know goddamn well if he doesn't show up, what's happened to him -- he's dead. He's not going to be floating around in a lifeboat for seven

years in the middle of the Atlantic Ocean. So we hit upon the idea that a normal voyage from New York to Liverpool could be accomplished well within thirty days. Of course there were instances where rafts did escape and floated around for a couple of weeks on the high seas before they were picked up. But we decided to pay off in thirty days anyway. "Well," the lawyers said, "what are you going to do if they show up after that?" "We'll go try and collect it," I said. "And if you can't collect it, write it off. Forget it. Go on about your business." Well there was a lot of moaning about that idea, but we finally got it through; Admiral Land went for it; we went around the staff. If we couldn't settle it, we'd go to him [Land]. He'd raise hell. He said, "I want you to settle as much as you can of this. I'm doing the same thing. I'm trying to keep as much as I can away from the President so he's not bothered with things. Get these things settled." So we did. But the refreshing thing to me was that vast numbers of these families wouldn't take this insurance, because they still held out hope that their sons were still alive. It was touching.

Jarrell: Accepting the insurance would be equivalent to ...  
admitting the death ...

Wyckoff: Time would pass ... we'd just hold it for them. Finally they'd come in. I guess they'd get into some kind of an economic bind and finally give up hope and then take the money.

Medal Awards Committee

Wyckoff: Part of my duties was to do some public relations. I went down once, on behalf of the Admiral, to a large shipyard at Sparrow's Point, Maryland, which was the Bethlehem Steel Corporation shipbuilding yard. Congress had passed a statute providing a Congressional medal to merchant seamen for heroism, like the Congressional medal that goes to the military. I was on the first Medal Awards Committee. And I'll never forget [laughter] a salty old admiral who was on that committee. He had also been on the Congressional Medal Awards Committee in World War I. Anyway, we had a merchant seaman who had been at the helm of a tanker and he steered it into the wind in such a way as to enable the crew to get into the lifeboats and get away from the burning tanker, but he got horribly burned by staying at the helm long enough to enable them to do so, and then he jumped. The ship was on fire. It had been torpedoed. They picked him up and took him into

New York. They put him in a hospital; fortunately they saved his life. But the minute he got out of the hospital he went on a toot and he got drunk and held up a bank. He just raised merry hell all over New York City. This case came before the Medal Awards Committee and some of the members of the committee said, "Well, you can't give a medal to a guy who did all these things." The admiral said, "Well, the British have a great formula for this type of thing. What you do, is you give him the medal on account of his heroic conduct, and then you throw the son-of-a-bitch in jail for the rest of the performance." Well I went down to this shipyard ... what we did was to get one of these young skippers who'd sailed on a ship that had been built in that particular shipyard and been torpedoed and pin a medal on him and read a little citation to him. I went down to do this ... Florence went with me ... and this performance was put on when the morning shift went off so that we'd see the maximum number of people coming out of work. There were tremendous crowds in the entire place. This was to enable the people who were building the ships to hear our little story, and see one of these fellows. So I would pin the medal on him, and then read the citation, and that

was all there was to it. Then we'd go in and have a palatial lunch in the executive dining room in the shipbuilding company. On one such occasion this fellow, who was a young skipper for the Weyerhaeuser Steamship Company, and the port captain of the Weyerhaeuser Steamship Company were there at lunch. The port captain is generally in charge of personnel on a ship when a ship comes in after a voyage. He's supposed to hear all the beefs and settle all the overtime disputes and all the rest of it as he can. But this port captain had also got a medal the year before. He sat next to Florence at this lunch and they got to talking. She asked him how he got his medal. He said, "Well we were torpedoed. I got most of the crew onto rafts or into a couple of lifeboats. We were 21 days drifting around in the Caribbean." This is where he'd been torpedoed, coming out of New Orleans. He said, "We were out there 21 days, and I finally made a landfall and we made for a little island in the Bahamas. We knew that during the war the British had put the Prince of Wales [formerly King Edward VIII] on this little island in the Bahamas. It was a beautiful spot and he and the Duchess [of Windsor] had this palatial place there. The port captain went on, "Where



do you suppose I landed those poor bastards? I landed them on the front lawn of the Duke and Duchess of Windsor! They'd spotted us and the Duke was down there with a big silver tray with bottles of cognac."

[laughter] ...

Jarrell: Oh, beautiful!

Wyckoff: This port captain turned to me and gave me a big nudge in the ribs and said, "How's that for navigating?"

Jarrell: [Laughter]

Wyckoff: So you see these fellows had been afloat long enough so that all their families had been paid their insurance. So we did have instances where that sort of thing happened. But, hell, you take things like that in stride. If people have any of it left, they give it back to you. Most people are honest, despite the bad example President Nixon set for all of us. The airlines told me that they proceed on the basis that 98% of the public is honest and they said they found it to be true. I've often thought about it ... you put your handbag down in an airport and walk away someplace: nine times out of ten you come back and it's still there unless somebody's picked it up and taken it to a lost and found department. Very rarely

are bags like that stolen in an airport. Well this behavior was true of this insurance program. So it went. It was a very rich and rewarding experience.

#### Merchant Ships in Theaters of War

Wyckoff: I worked primarily with a very fine man named John Cushing who had been president of the American-Hawaiian Steamship Company. After the war, he became president of Matson Navigation Company. He understood that I wasn't a crusader about labor matters. I had no ax to grind. He rapidly convinced me that all he wanted to do was to make this thing operate. He had a hell of a job of seeing that ships were victualed, manned, sailed on schedule, and met the requisitions and requirements of the military. We had control over the operation of that ship, control over its master and its personnel, until it got into what they called a theater of war. The minute a ship got into a theater of war, it became an auxiliary of the military. And they became subject to the orders of the military man who was in command of that theater. He might be an admiral or he might be an army man. Well we had lots of trouble about that because the average military man was contemptuous of these merchant marine crews. They

were a sturdy, self-reliant lot; they wouldn't take any nonsense or orders from the military; they'd pay attention to the orders of the skipper of the ship. If a lieutenant came on board telling somebody how to do this or that, they wouldn't pay any attention to him. As a result, they got into trouble.

Jarrell: If there was a dispute like this, where the unions didn't want to be regimented or interfered with, did they go to you?

Wyckoff: Well I had to get these union people in and say, "The minute this ship of yours gets into a theater of war, we have no control over it anymore. And if the military does abusive things, there's nothing much we can do about it." I said, "You'd better tell your people not to fight these things, and not to make confrontations out of them." Hell, we had a ship that landed in North Africa once, and the military got to pushing their weight around. It was often some goddamn second lieutenant who came on board with a swagger stick and started ordering people around. This one lieutenant marched onto this ship and said. "There's not going to be anymore overtime here. You're going to work extra hours, and you're not going to get paid for it." Well, he didn't have a goddamn thing to say about

what they were paid because when they got back to port -- if they ever did -- the captain, who had a record of overtime hours worked ... saw that they were paid the overtime regardless of some pronouncement some lieutenant made out in the middle of the theater of war. The lieutenant wasn't paying the ship. The War Shipping Administration was paying off the ship when it got back to port. Then the War Shipping Administration would bill the Navy Department. So I told all these people, "Let these birds go ahead and pop off all they want, say what they want. But when we get back we'll just pay no attention to what they've said. You'll get your money and that'll be that." But if you start fighting that kind of thing I'll tell you what happens. In North Africa ... there was a terrible row with the crew of the ship. An impertinent fellow came swaggering around ordering this, that, and the other instead of having the sense and the decency to ask the skipper to give the orders. Giving direct orders to the crew is just a plain breach of common sense. But anyhow there was a terrible jangle. They were all accused of insubordination and this jerk took the crew off the ship and put them into a military stockade. Well this raised hell with the ship. They

couldn't move because they took his crew away from the skipper. You take ten men off a merchant ship and she won't operate, that is, if you get your hands on the right personnel. So that move just immobilized the ship. They let go of these guys down in that stockade in a hurry when they found out that they couldn't move the ship. You can't do a thing on the ship without the crew. So it took time to get these things straightened out. Another notorious example of what I'm talking about occurred at the time of Pearl Harbor. San Francisco Bay was full of merchant vessels and they were on day hours. They broke sea watches when they got into port; from 8:00 until 5:00 they were ashore. Most of these guys took shore leave because they were just in from a voyage. General [John L.] De Witt, who took part in the decision to intern all the Japanese in California ... well another thing he did was to put all merchant ships in San Francisco Harbor on sea watches. The idea being if the Japanese bombers came over San Francisco Bay these guys wouldn't be sitting ducks the way they were in Honolulu and would be able to steam out of the harbor. But of course they'd get the hell plastered out of them on their way out, but he didn't think about that. Anyhow, he put them all on

sea watches while they were in port which put everybody on overtime between 5 p.m. and 8 a.m. I had a hell of a lot of trouble with this. The unions were starting to raise hell about it. And I said, "Well the goddamn order doesn't mean anything. Sit still for Christ's sake, and obey it and you will get your overtime."

Jarrell: Well, how could General De Witt, of the U.S. Army, have jurisdiction over Pacific Coast merchant ships?

Wyckoff: Don't ask me; he didn't have jurisdiction, but he did it anyhow just the way he interned all the Japanese.  
[Laughter]

Jarrell: Right.

Wyckoff: The government paid off afterwards for it. But what I did with this damn thing was, I said to these labor stiffs, "Arbitrate. Just make a demand for arbitration and keep careful track of your overtime and put in claims for it." So there was a hell of an overtime bill from this damn thing. Here were all these claims and the lawyers were scratching their heads and the agents were scratching their heads and I said, "Arbitrate the goddamn thing. Just turn down all these claims." I told the shipping operator, "Turn them down

and go through the regular procedures," which they did out in San Francisco. They agreed on an arbitrator ... I had a little something to do with the selection. There was a lawyer in San Francisco who had been doing arbitrating the same way I had. He wasn't an expert in the maritime field at all. I explained this thing to him; he caught the point because he understood the problem. I said, "What'll happen here is the shipping operators have no defense; there's an undoubted breach of the collective bargaining agreement. The only question is whether this military order had any effect. On the other hand, Admiral Land has agreed in these statements of policy that this is the way we're going to operate, and this is it." And what he did was to make an award approving all of these claims.

Jarrell: And they were paid?

Wyckoff: Yes. It was paid by the War Shipping Administration and the War Shipping Administration sent the bill to the Army, saying, "This is your order. This is what it cost. You pay for it." They had a hell of a fight. It got them off my back, but it turned into a hell of a fight between War Ship and the Army. The Army finally paid it. That thing had the effect of teaching those birds to keep their hands off our operations even when

they had control of them in theaters of war. These are some of the examples of the type of thing that we were up against. I want to get back to my friend Cushing, God bless him; he understood this thing from the operating standpoint. Of course his having been president of a steamship company helped. I didn't know a goddamn thing about it when I went back there; I hadn't been on anything bigger than a ferryboat. I took with me to Washington an old retired master from the Master, Mates and Pilots Union who had been serving on the San Francisco waterfront as a patrolman. He was employed by both the Sailors Union of the Pacific and the Union of Masters, Mates and Pilots, to call on every ship that came in and settle beefs which arose between the master and the crew.

Jarrell: Who was this?

Wyckoff: Captain A. T. Peterson. He went to Washington to be on my staff. He was of great assistance to me because he was thoroughly versed in maritime collective bargaining and knew the whole history of the maritime labor movement on the Pacific Coast. So I had him to advise me and also had Cushing. Cushing and I just had a general idea of how we were going to make this thing work. We weren't going to permit any nonsense of any



kind cause this was a serious affair. I was always bitching to Cushing about the Panamanian vessels because we were caught with the practice. I wanted to put a stop to it.

Jarrell: You mean you wanted to stop foreign flags?

Wyckoff: I wanted to stop taking an American owned vessel with American crews, and putting the goddamn thing under a foreign flag like the Panamanian registry because it was just an obvious device for evading all kinds of government regulations. While the United Fruit Company had decent ships and decent crew quarters on their ships, other ship operators had vessels that couldn't meet federal requirements. They had old super-annuated and bungled-up ships and couldn't get registry under the American flag. They put them under the Panamanian flag. There was the biggest collection of junk that you ever saw in your life in that trade. I kept bitching to Cushing about it. I said, "You know goddamn well that one of these things just sinks of its own [laughter] obsolescence and want of repair. The United States government is going to get blamed for it, and we just can't afford to be operating this kind of thing." "Well," he said, "we have to operate them. We just pick things up as they are, and I'm

sorry, but from an operating standpoint, we've got to use them because I was told to use whatever tools we have." So I said, "Well, if you ever get a chance to scuttle these ships I hope you'll scuttle all the Panamanian-flag ships first." He called me one day and said, "I have some news for you. You might as well know it, but few people know this; we're about to make an invasion of Europe. It's going to be mounted in England and put into effect off the Normandy Coast. We're going to build harbors there and we've concluded with the Navy that the way to build these harbors is to take a lot of ships over there and scuttle them and make a harbor out of sunken ships." And he had a big grin on his face. He said, "I remember something you said once. I've got control over what ships are going to make that harbor. We'll sink the Panamanian ships first. [Laughter]

Jarrell: But were the Panamanian ships chartered by the United States?

Wyckoff: Oh yes. They were American-owned.

Jarrell: Even though they registered under a foreign flag?

Wyckoff: It didn't make any difference; they were American-owned. What we were requisitioning was owned by

American ship owners.

Jarrell: I see.

Wyckoff: Yes. They also had American crews.

Jarrell: Unusual. But they didn't sign any agreements with any of the American unions, so ...

Wyckoff: Oh no. That was another way of ducking collective bargaining agreements.

Jarrell: Nowadays American-owned foreign-flag ships have foreign crews.

Wyckoff: No, a lot of these ships that are Panamanian or Honduran registry or those South American, Central American countries, which are corrupt enough to engage in practices of this kind are American-owned and manned with American crews.

#### Establishing a Labor Relations Policy

Wyckoff: I've talked about some of the personalities I had to deal with. Another man who was a joy to work with and a thoroughly competent man was James L. Adams. He was an admiralty lawyer from Lillick's office in San Francisco, a great admiralty law firm. He was brought

to Washington and made Assistant General Counsel in charge of labor relations in the legal department. And [laughter] being a lawyer myself, during that four years, I indulged in the luxury of having a lawyer, an attorney, assigned to me. The story around the Commerce Building [the entire fourth floor of which was taken up by the War Shipping Administration] was that I did all the law work of labor relations and Jim Adams decided all the questions of policy. But the real truth of the matter was that we had some terrific arguments. When Land wanted something done, we worked things out together so that other people didn't have to make decisions. For example, I finally talked Jim into going along with me on getting rid of that damn seven year unexplained absence presumption and paying off within 30 days all insurance claims if a vessel didn't show up in 30 days. He was a good man to work with. I suppose I was too. He had none of the ideas that lurked in the hearts of many ship operators and shipping companies ... that they were going to get rid of the collective bargaining agreements; they were hostile to them. Jim had no such motives. He realized that I was not going to be a blind advocate for any kind of labor demands or labor aims, hopes, and

aspirations that didn't .make a definite contribution to what we were trying to do, which was to run ships during the war. So Jim, like Cushing, were both people whom you could reason with and argue with. We had a good deal of common respect for one another's opinions and the ideas each of us had to contribute. It was a very happy working relationship.

### Shipping Companies

Wyckoff: On the other side I didn't see much of the ship operators except when a lot of them would call on me just to get a look at me and find out what kind of an animal I was. They wanted to make up their minds whether I was worthwhile listening to or whether I was just a nut or somebody off the street who didn't know a damn thing about shipping. I had interesting relationships of that kind with them. But primarily I dealt with the heads of the big employer associations -- Jack Bryan who was the President of the Pacific American Shipowners Association, which controlled all the ships on the West Coast, and Frank somebody-or-other -- his name escapes me -- who was head of the American Merchant Marine Institute, the largest aggregation of shipowners in and about New York City,

and the whole Atlantic Coast for that matter. Then there was another association of shipowners in the Gulf of Mexico whose member shipping companies were based in New Orleans. Lykes Brothers, and Waterman Steamship Company were two of the largest. Most prewar shipping went out of New York, out of New Orleans, or out of San Francisco. But with the advent of the war it became important to disperse this type of operation. We needed to get away from these so-called wolf-packs. It also became important for internal logistics within the United States that they made use of, activated, as they said, a lot of ports that hadn't been particularly busy. Thus Philadelphia, Boston, Savannah [Georgia], Los Angeles, Seattle, and Portland became important seaports.

Jarrell: Wasn't this also to follow the needs of the military?

Wyckoff: That's true. These were embarkation points. So I dealt with Jack Bryan who was the President of the Pacific American Shipowners Association and also with the President of the American Merchant Marine Institute. Bryan was a much easier man for me to deal with because he understood that I would not stand for trying to get rid of collective bargaining agreements or do anything that was in opposition to the

fundamental theory of collective bargaining. This fellow from New York, from the American Merchant Marine Institute had to cater to his constituents. He was a good politician; he rolled with what they wanted to do, just as Jack Bryan had to do once in a while in San Francisco; but I never got along with him very well. Then there was a good realist down in the New Orleans area with whom I became very friendly. He was an official in the Lykes Brothers Steamship Company. I can't remember his name. But a lot of these fellows I got to know telephoned me about their problems, would kick things around, which kept me in touch with things on the ground.

Historical Development of Collective Bargaining: A  
Theological Digression

Wyckoff: The labor part of this job was exceedingly complicated. It seemed to me very important that I not become too deeply involved in it from the standpoint of direct, overt attempts to influence what labor was doing. Because you see, what I call "theologies" were all mixed up in the labor movement. At this time the main theologies were Marxist and Trotskyist, and the amount of internal uproar and strife was terrific.

Jarrell: You are referring to the ideological disputes which had characterized the American labor movement during the organizing drives of the 1930s, particularly the opposition between the militant CIO and the older AFL?

Wyckoff: Correct. For example, I went back and studied the history of all these [labor] movements in the excellent law library in the Congress building. I read avidly and closely the entire history of maritime labor and of developments in American shipping; I read all of the material from [Senator] Hugo Black's committee which brought about the Merchant Marine Act of 1936 and the creation of the Maritime Commission and the advent of government entry into that field. Well, to give a summary history of what had happened during World War I -- I had gone back and read that history, too. There was at that time a body called the Shipping Board which was roughly equivalent to the World War II War Shipping Administration. They had some strong-minded characters on this shipping board. There were some collective bargaining agreements from say, 1910 on. Andrew Furuseth\* was one of

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\* Ed. Note: Andrew Furuseth (1854-1938), known as the emancipator of American seamen, was president of the International Seamen's Union of America, and a life-long activist in behalf of the civil rights of seamen. The passage of the La Follette Seamen's



the leaders in the movement to organize American seamen. When the War Shipping Board got into the picture the ship operators got the idea that here was a good chance to dump and stifle all collective bargaining; they got in bed with the shipping board. By the end of World War I, and for some years afterwards, and into the early 1920s, all wages and working conditions were promulgated unilaterally by the shipping board; they fixed wages, working conditions. They could do this because the government was operating the merchant marine then. There was always a big temptation for me to interfere instead of letting these people do their own business. What happened was that after World War I seamen were getting about \$20 a month. It took a horrible thing like the maritime strike of 1934 [in San Francisco] to get these labor unions the help of the Roosevelt Administration. The point was to get these labor unions back into the picture again after what had happened after the first world war. Notwithstanding all of the union activity and the organization of these seamen, they were never strong enough to pump that wage scale up. Of course

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Act of March 4, 1915, culminated his unswerving legislative efforts to change the legal status of seamen in the United States from virtual slaves to free citizens.

they were operating in a depression period; they pumped it up. from \$20 a month in the Andy Furuseth days in the '20s, to \$87.50 a month for an able-bodied seaman and \$82.50 for an ordinary seaman. That wage level also prevailed during World War II in the engine room where the oilers, water-tenders and wipers were. But anyhow, during the 1934 General Strike in San Francisco people were shot in the street and there were sandbags on the waterfront. We were living there at the time. There was then the Maritime Federation of the Pacific\* in which Harry Bridges of the longshoremen, and Harry Lundeberg of the sailors, were the dominant figures; they had all of the seagoing and longshoring labor tied up in the MFP. There was a lot of talk about the march inland. Lundeberg had the shipping organized; Bridges had the long-shoring organized. Then Bridges started organizing warehouses; he got some warehouses organized in San Francisco. Then he talked about the march inland. They were going to go inland and organize agriculture. So here was a brief resurgence of these labor movements. They got

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\* Ed. Note: The Maritime Federation of the Pacific, established in April, 1935, was a short-lived effort to foster unified action among contending maritime labor unions in disputes with West Coast employers. By 1938 the federation had lost its effectiveness, due to ideological and personality

overly ambitious and reference to the march inland was to get not only the docks and the ship organized, but warehousing and finally, agricultural production itself. It was overly ambitious and it fell apart of its own weight. The way it fell apart was that Lundeberg and Bridges started fighting. And, as I always got the story, Bridges was a Communist -- I don't know if he was a Communist [Party] member; he followed the Communist line and there sure in hell was no question about that. Lundeberg followed the trotskyist line; he was always a pork chop man;\* he didn't give a damn about the theology of the thing. Now when Bridges and Lundeberg fell apart, Bridges took over the longshoring part of the operations and kept his warehouses; Lundeberg confined himself to seagoing labor. The dispute between the two of them extended to their jurisdictions; there was always a good deal of jealousy about little points where the duties of seamen and longshoremen might overlap. It took place on the docks of course. And where that difficulty surfaced was where their duties met which was of course in the loading and unloading of ships. The seamen had the motor power for loading and

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clashes among the leadership of its constituent unions.

unloading; that is, winches were on the ships. So the ship had to be operating. The engine crew had to be on board to keep the boilers going in order for what they call the donkey boiler to operate the winches. So there were many such jurisdictional disputes between the sailors and longshoremen. But that was the situation on the Pacific Coast, generally speaking. The unions out there fell roughly into those two theological categories I set out above. Lundeberg was AFL for example, and Bridges was CIO. The Marine Engineers were CIO; the Masters, Mates, and Pilots were AFL. This represented the two dominant strains of thinking in those unions.

Harry Lundeberg

Wyckoff: Now Harry Lundeberg, God bless his soul, was a remarkable character; he always wore a cap and shirt; he never wore a business suit. He was once taken to the White House by Florence McAuliffe, a lawyer in San Francisco. Florence McAuliffe tried to get him to put on a necktie and to wear a hat instead of the goddamn cap and he wouldn't do it. [Laughter] The story went that he barged in to the Oval Office with his cap on. Roosevelt had a big time of it, of course; he had to

hear about the cap and the necktie. Lundeberg was a refreshing guy in my book. He firmly believed in collective bargaining to this extent: he didn't want anybody, the government or anybody else, interfering with his negotiations with the shipowners. He didn't want to arbitrate at all; he'd work the goddamn thing out himself. Of course the way he worked it out was with baseball bats. He was arrested once on the waterfront. He'd gone down there to settle some beef - - some trouble on a ship. There was some fighting with longshoremen going on the docks, too, at that time. Well, the San Francisco police picked him up [laughter], picked his car up. When they opened the baggage compartment in the rear end it was full of baseball bats. [Laughter] That is what he went down to settle the dispute with. He had some union people in Washington who'd call on me every day or so. I saw more of them than I did of him. He came to my house a couple of times in Washington. I was careful not to have anybody there but Florence and me. I'd ask him to bring one of his henchmen along, one of his representatives in Washington, a fellow named Duke Dushane. This way there'd be two and two at dinner. My friend Cappie Pete said, "Don't you try to serve Harry

filet mignon or anything fancy." So I asked what he liked. He said, "Beef stew." Florence makes a great beef stew, so we always had beef stew whenever he came to dinner. He was guarded about talking very much about shop and I didn't try to pump him or anything of that kind. All I wanted to do was get on a talking basis with him as much as possible. Another admirable thing about him was that ... I was told that as Secretary-Treasurer of the Sailors Union of the Pacific he declined to take a large salary. The most he would take was what the highest paid member of his union got which was the munificent sum of \$87.50 a month, which is what I think an able-bodied seaman was paid.

Vincent Malone

Wyckoff: There was a very interesting character named Vincent Malone who was the President of the Marine Firemen, Oilers, Wipers, and Water Tenders [MFOW] which is the below decks engine crew, the unlicensed personnel below deck. Vincent had, like the present Governor [Edmund G.] Brown [Jr.], been trained to be a Jesuit. But then he decided he wasn't going to get into the priesthood. He was a very thoughtful guy and he was

unimpressed by the theology one way or the other. I took his opinion seriously because he really thought things out. He often had some kind of a problem where Lundeberg would tend to go off in his own direction and shy away from anything Bridges wanted. Bridges still had a row with Lundeberg on his mind. So it was hard to get them to cooperate. The minute Lundeberg was for something, Bridges was against it; then, if Bridges was for something, Lundeberg was against it. Malone took his own course. And he was a good man to listen to from my standpoint because I wanted to do exactly what he would, and he would always convince me that what he was doing was the right course. So he was very helpful to me.

#### The East Coast Maritime Unions

Wyckoff: Now on the East Coast, this situation was very bad news for me because I had to deal with an industrial union, the National Maritime Union, which was supposed to be Communist-dominated, although internally there were cats of both breeds in official positions. The NMU was dominated primarily by people who followed the Communist Party lines. Now long-shoring [on the East Coast] on the other hand was under the control of

Joseph Ryan of the International Longshoremen's Association [ILA]. That was a troglodyte. Oh it was a terrible, troublesome, violent situation. They [the ILA] had the practice of the "shape-up," the thing that Harry Bridges out in California had gotten rid of. He'd instituted the rotation system of hiring. But hell, the "shape-up" was still in full swing in New York Harbor, and in New Orleans, and along the East Coast. Ryan dominated the goddamn thing. The "shape-up" meant that if you wanted a job and you heard there was work to do at a certain dock, a great crowd of you would all go down to that dock. They'd pick out whoever they wanted. There were favorites, of course. If you were in with the political hierarchy in that union, you'd get a job; if you weren't, you never got a job. There was a lot of gangsterism, beatings, and all kinds of trouble.

Jarrell: In comparing the labor situations on the West and East Coasts, which coast gave you more headaches? The East Coast?

Wyckoff: Oh yes. A hell of a lot more. A hell of a lot more.

Jarrell: In spite of the standoff between Bridges and Lundeberg?



Wyckoff: Naturally I stayed out of this goddamn thing; I didn't want to get mixed up with theology; it was none of my business. I didn't care very much really. What I really cared about was whether something would work or not. I didn't like the way that ILA worked. To be frank with you, I didn't care very much for the way the National Maritime Union worked. The head of the National Maritime Union was a fellow named Joseph Curran whom I got to know but with whom I was never particularly friendly. He never came to my house. I talked to him and to members of his staff. To give you an example of what went on in my office ... I had a large office, the room was large, and there were two big bay windows in it. It was on the fourth floor of the Commerce Building. I found an excellent secretary, Olive Walter, a wonderful person. I had my desk in one corner and she was in the other corner with the telephone. Then there was a waiting room outside where the stenographers worked. I had a messenger boy there, an eighteen-year-old, young black man named Walter Lacey. He ran errands for all the girls. He went downstairs and got coca colas for them. The reason I mention this about my office layout was because once Curran came down and set up a special appointment to

see me. He brought along three members of his staff, so I wanted somebody there besides Olive Walter ... she sat on the other side of the room and listened to things and surreptitiously took notes. I didn't have any bugs or anything like that in the room. So I brought in Roland Davis, who was the head of the Collective Bargaining Division in my office. He was an extraordinarily capable fellow, a very brilliant young lawyer in San Francisco who subsequently became the dean of all the lawyers in San Francisco representing unions. Roland, I believe, is retired now. So I asked him if he'd come and sit in with me. Of course he was very well versed in all this business. So Curran complained once we got into my office that we were trying to intimidate him. Curran was curt and a little insulting. He had a fellow named Hedley Stone with him, who put on the goddamnest performance I ever saw. I thought he was having an epileptic fit. Every once in a while he'd pound on the table and wag his finger at me, curse and scream at me. He sat there convinced that I was trying to promote Lundeborg and get rid of the National Maritime Union. It was a terrific performance. He really did a fine job. He waved his arms and pulled his necktie out and got his hair all

roughed up. I thought he was going to have a fit. He finally ran out of steam. There was a tense moment where nobody said anything. I was supposed to say something. I couldn't think of what the hell to say, so I just turned to Roland Davis and I said, "What does he want, Roland?"

Jarrell: Right in front of him?

Wyckoff: Yes. Oh, in front of them all: I said, "What's he want anyhow? What's he talking about?" That had a completely deflating effect on them. They just turned around and left the room. [Laughter]

#### Maritime Unions and Political Issues

Wyckoff: But here's the kind of thing that went on. You may recall that after we got into the war, there was terrific agitation on the part of the Russians for us to create a second front.

Jarrell: Yes.

Wyckoff: This was the Russian cry. We of course weren't ready for it. And Lundeberg wouldn't take a position on it. He took the position that it was none of his business since it was political. And of course, it wasn't any of his business. But the National Maritime Union made

a decision to establish a second front. It was of course part of the theology I mentioned earlier. They used to come down and raise hell with the Admiral; raise hell with me ... because we weren't creating a second front as soon as possible.

Jarrell: A second front in support of the Soviet Union?

Wyckoff: Yes. But another thing the National Maritime Union and these so-called communist-dominated unions did was to go pro-Hitler when Stalin was pro-Hitler -remember when that happened? So it was very plain they were following that Communist Party line. There was no nonsense about it because they went one way, then the other way. Then to cap the whole situation [Harry] Bridges came in to see me one day. He went down and talked to the Admiral first because it was beneath him to come down and talk to some hireling. So he talked to the Admiral. The Admiral said, "You're talking some things I don't understand here ... go down and talk to Wyckoff about this one." What Bridges wanted to do was ... he had Curran prepared to do this too; Curran was with him ... they were prepared, in order to further the war effort, to permit us at War Shipping to do anything we wanted, to suspend their collective bargaining agreements for the duration of the war. I

sat and listened to him for a long time. I said, "I don't want to argue with you about this, gentlemen, but the Admiral's committed in these statements of policy to operate this way. This is the way we're going to operate. We can't permit you to do a thing of this kind." Of course, Lundeberg heard about this caper on their [Communist] Party line and he just hit the roof ... did a lot of screaming and yelling about it.

Jarrell: You'd think a lot of the unions would have.

Wyckoff: Oh, hell, yes. They all did. Sure. The labor movement generally, the AFL was against any such thing. And, of course, they hung this whole thing on Curran and Bridges as being communist-dominated and getting their orders from Moscow; they were called un-American and all this sort of thing. There was unrelenting pressure about that. It was hard to maintain your equilibrium in that type of thing. Another representative of the National Maritime Union who called on me regularly and was stationed in Washington, D.C., was a fellow named Bjorn Hailing. He and the NMU's Washington representative thought, at the time, that I was hell on wheels and dedicated to the destruction of the National Maritime Union. When I left Washington, I

went to say goodbye to the Admiral. He fumbled around in his desk and came out with a copy of a letter. He said, "I want you to have this." It was addressed to Admiral Land by J. Edgar Hoover and signed by Hoover. Land said, "I know that you're not part of the labor movement, but because you fussed around with it, as your life goes on; you're going to be accused of being a communist. I know all about this because I have on the staff of the Maritime Commission a lady that we've always taken care of, the widow of A. Mitchell Palmer. She became destitute when her husband died and she's always had her civil service job." She had a little room tucked away there in the Commerce Building. "Well," he said, "here's this letter." In it Hoover said to Land, "We, the FBI, have infiltrated communist [Party] cells in New York City. It might interest you to know that a man on your staff has been the subject of discussions in these communist cells." The gist of this discussion was that I was a man to be watched because Eddie Macauley was old and didn't know what he was doing and I completely dominated Macauley. I was supposed to be dedicated to the destruction of the Communist Party. [Laughter]

Jarrell: Interesting.

Wyckoff: So I'll show you that letter. There was another fellow there I was supposed to be conniving with ... engaged in this pursuit.

Jarrell: Do you think you treated everyone fairly, all these different unions? You were juggling a lot of them.

Wyckoff: I doubt it very much but I tried to. Jesus Christ might treat them fairly, but ... I made lots of mistakes as I look back on it now. It's a wonder to me that I was permitted to go on operating. I've been arbitrating for forty years and it's a never ending source of surprise to me that anybody would put up with me, because I know I've made some horrible mistakes. People finally recognize that although you have a lot of power about things sometimes, you're a human being after all ... you're not ... you're not God Almighty. Oh, I forgot one thing that was, I think, invaluable to me and that was this: each of these seafaring labor unions published a little newspaper for their own constituents and there's still ... I think there's still the West Coast Sailor, Lundeberg's organ ...

Jarrell: And the ILWU Dispatcher?

Wyckoff: I've forgotten the name of the one with the Maritime

Union ...

Jarrell: The Pilot.

Wyckoff: The Pilot. That's right. Another big newspaper. I subscribed to every one of those papers. I read them religiously every day. That was the first order of business in the morning. Another thing I did to keep in close touch with things was to skim all the incoming mail. I wouldn't permit anybody on my staff, [there were about eighty people on my staff], to sign a letter. I signed all the mail. It took me a couple of hours. I'd sit in my office from 5:00 till about 6:30 or 7:00 o'clock at night signing mail.

Jarrell: Why did you do this?

Wyckoff: Because I wanted to know what the hell was going on and what was going wrong. I didn't prepare the mail; the mail was prepared by the staff. There were three divisions under me and there was a variety of subject matter. And there were lots of times I wouldn't sign them [the letters] ... I'd send them back ... scribble across the thing that I was objecting to. I did learn to be humble about one thing ... I was fussy about punctuation and grammer and that kind of thing. I rapidly got over that because I would have made them



rewrite every letter. [Laughter] Very few people punctuate the way I do. I don't believe in commas for example. I use as few as possible. Another thing Admiral Land told me right off the bat was ... "You're going to be preparing letters for my [Land's] signature. When you prepare letters for my signature, I want you to remember one thing. I have a reputation for being a very blunt, intemperate man. I cuss the hell out of people and speak my mind in my own office. I say what I please. But I don't ever sign things like that. If you put the least note of asperity or impatience in any letter of mine, I won't sign it." And so that was a very valuable lesson to me. I learned two things: first, don't wisecrack in a letter, never, because these are serious matters. They may not be serious to you, but they're serious to the guy that's writing to you. Also never put humor in letters; you should always be deadly earnest and serious. Second, never get impatient or angry in a letter. This is all with respect to letters sent out by government agencies. I think it's a pretty good idea generally. I try to follow it.

Admiral Emory S. Land

Jarrell: Is there anything more you'd like to say about Admiral Land, and what kind of a person he was to work for?

Wyckoff: Nothing ... except I have great respect for him. He conducted a highly successful operation. He was an easy man to talk to. I could always get in to see him whenever I wanted to. He was a very forthright man. He used to always tell me that he was prejudiced against labor unions. He said, "I'm relying on you to do the wise thing about this; you know more about it than I do. I'm just a goddamned military man, a Navy man." He was an amazing man to work for -- very strong personality; you always knew where he stood; courageous little man; decisive, a very decisive person; a little fellow; stood about 5'3", I think. Like lots of little people, he was peppery. He had a secretary, Miss Van, who looked like Silver in Treasure Island ... the fellow with one leg. She had a crutch just like John Silver. It was a thing she put under her arm and had a long broomstick-like handle. She wasn't a one-legged person, but she had a withered leg. She could only operate one of them. She was as great a tower of strength to the Admiral as Olive Walter was to me. When she retired, and the Admiral still went on, guess who became his secretary -- Olive

Walter replaced Miss Van, which of course was a great thing for her. There was little rancor at War Ship. For example, I never got along very well with Lew Douglas who was an overbearing kind of a guy. He was the one who broke with Roosevelt during the early part of the New Deal. I don't know if you recall, but in the history of the New Deal, Douglas, who was from Amherst, had been a congressman from Arizona. His family was very wealthy; they owned copper mines out there. Dean Acheson left the New Deal at the same time Douglas did. Dean Acheson got back into government. He was Secretary of State under Truman. Well, he and Douglas were reactionaries and they started out with Roosevelt in positions of great importance. They couldn't take it so they broke loose and resigned in a huff because they didn't like the New Deal. Douglas was that type of guy. I remember that Douglas had some administrative assistants around that I could never get along with because they were terribly arrogant people. One of them was the fellow who later got into the CIA at the very start. He was the guy who later masterminded the invasion of Cuba ... the great fiasco in [President] Kennedy's administration.

Jarrell: The Bay of Pigs.

Wyckoff: When Kennedy found out what was going on, he was horrified. He called the whole damn thing off and it just went all to hell. This guy lived in Georgetown a couple of doors away from me on 3416 Q Street in Washington, D.C. He was a real fathead. I didn't like him and I didn't like the way he operated; and I am sure he believed I was a Communist.

Jarrell: I'm trying to think of his name.

Wyckoff: I think Bissell was his name.

#### SOCIAL LIFE IN WASHINGTON, D.C.

Wyckoff: Florence and I had a very happy life in Washington, D.C. It was a tremendous inspiration working on something vital. There was very little of the kind of infighting that probably goes on in Washington now during nonwar times. Everybody had one objective and that was to win the war. We fortunately had friends. There were a lot of people that I knew. We had a whole list of other friends. When I first got there they gave a nice cocktail party for me with a lot of people present who were interested in the labor movement, a lot of people who were highly influential and had been in the New Deal. They were brilliant young people.

This was a good way to find living quarters in Washington, at a cocktail party where everybody knew we were looking for a house. Pretty soon instead of putting an ad in the paper, Florence had all kinds of people calling about one house and then another. We finally wound up in a three-story house half a block away from Georgetown University. It was a 35-foot lot and the house was built on every square inch of that 35 feet ... except for a little pocket handkerchief garden out in back. You came in the front door into a hallway with a staircase; then there was a dining room with French windows that opened out into this little garden; alongside of that was the kitchen. On the second floor was a bay window. The entire side of the house looked down into this little garden ... the garden was in back, not in front. There was a living room; the staircase came into that. Then there was a guest bedroom on the street side; then the staircase went on up to the third floor and there were two bedrooms up there, one for Florence and one for me. Florence told me about this house and said she wanted it, but that there was something I wouldn't like. She said that we'd be renting it from a Navy man who had to give up the house, but that they had a colored maid

there named Rosa Lee Covington, who came with the house; they wouldn't rent the house unless we took the maid. I said that I didn't want any part of anything of that kind; I won't do things like that blind. Well, Florence wanted that house so badly that I finally said to go ahead if she wanted to. Rosa Lee became a devoted friend of ours. She lived at home and came in at 3 o'clock in the afternoon and tidied the house up, did the breakfast dishes, got dinner, made the beds, and generally took care of things. She was with us the entire four years we were there. When the people came back after the war ... they had insisted we do this [keep Rosa Lee] so they could keep her, you see; she went with the house just like a southern slave ...

Rosa Lee made a terrible row with Mrs. Keck. She said, "I want to go on with Mrs. Wyckoff. If she'll take me to San Francisco, I'll even go out there." And Mrs. Keck of course was mad as hell. She claimed Florence had stolen her girl. Rosa Lee of course had got to know friends of ours, and particularly another friend of ours, Randolph Paul, who was general counsel to the Treasury, a great tax authority. Randolph had a beautiful home in Georgetown. When we left he took Rosa Lee, much to Mrs. Keck's outrage. He kept Rosa

Lee going as long as he lived. He bought a home for her just northeast of the Capitol. Rosa Lee's still alive. She still sends me a box of cookies, the kind I like that she made; every Christmas I get a lovely box of cookies ... generally all broken up by the time they get here. She still writes Florence. That was a very happy relationship and it certainly eased our life for us. Have you got time for a little more guff, here? I'll give you one more thing.

Jarrell: Fine. Yes.

Wyckoff: Rosa Lee had a son named Benjamin Franklin Covington. And of course during World War II, we got into the problem of black people on ships. The National Maritime Union was the leader in touting that. I was the first man in the Commerce Building to hire a black stenographer. Did I tell you about that?

Jarrell: No, you didn't.

Wyckoff: She was a nice little thing. I thought I might as well break the ice. Of course that [black] messenger boy didn't count for much; everybody had black messengers around there, but having a stenographer was really something. They put her in the lowest grade, junior clerk-typist or something like that. One of those

NAACP outfits forced her to go and take a job but she didn't want the job. She worked for a while and then finally came hollering and in tears to Olive Walter and said, "I just can't, I just can't do this work. It's too heavy for me. I want some other kind of a job." And I asked Olive, "Are any of these girls or is anybody else out there raising hell with her. She's not getting out of here because people have made life uncomfortable is she?" She said, "No, evidently not. She just can't ..."

Jarrell: Hack it.

Wyckoff: Yes. She couldn't spell and had to retype everything she did; she just couldn't operate a typewriter. She couldn't take shorthand. But Rosa Lee Covington had a son named Benjamin Franklin Covington. And the Navy finally ... the Navy always had black people on board, but they were always below deck in the galley. They finally issued an order that they were going to take blacks on the deck on destroyers. This is kind of a tough place to start because they're living in cramped quarters and they're all together. They not only have to work together, they have to sleep together, eat together, and take their recreation, whatever they can get, together.



Jarrell: It was the intimate daily contact I guess?

Wyckoff: Yes. Terribly intimate on a small vessel. The Navy issued an order that they were going to put black men on the deck for the first time in the Navy. Benjamin Franklin was one of the first guys to get a deck job on a destroyer. And of course Rosa Lee was terribly proud of this, justly so; he was a good boy. I came home one day and Olive Walter called me. She said, "You'd better go home. Rosa Lee's on the phone and she's hysterical." I said, "The only thing that I can think of is that her son's dead."

Jarrell: Dead?

Wyckoff: Dead. Yes. Well Olive said, "Has Rosa Lee got a son named Benjamin Franklin?" And I said, "Yes, she has." "Well," she said, "He's dead." So I said, "Well, I better go home. You try to find Florence. I don't know where the hell she is, but you can telephone around town and try to locate her." Olive Walter knew things like where Florence might be attending meetings and such. So I just went out and got a cab and went home. When I got home, Rosa Lee was in disarray. She had torn off part of her shirt and she had her hair all pulled down over her face, and she was hysterical. She

said, "Benjamin Franklin is dead." "Well," I said, "come on." I took her into the guest room and I said, "Take your shoes off, and get in bed here." I covered her up with a blanket and started to talk to her. Then she said, "There's a telegram come for me. They notify the next of kin, you know." I said, "The military doesn't notify next of kin when somebody's died, it's always done by telephone." She'd never got a telegram before, but she knew about this. She figured it was a telegram notice that said Benjamin Franklin was dead. I said, "Where in the hell is this telegram?" Well she said it was at her home. Her nephew had called. So I called her home. The nephew was there, and I said, "Is there a telegram there for your aunt?" And he said, "Yes." Well I said, "Have you read it?" And he said, "No, it's for her, not for me." Well I said, "Jesus Christ, open the goddamned thing and read it to me, will you?" And guess what it was? It was a cable from London. It was from Benjamin Franklin who had got shore leave and it was Mother's Day and he'd sent a telegram to her." [Laughter]

Jarrell: Oh, God!

Wyckoff: Well we were going to have a dinner party that night and we had invited half a dozen people to dinner. I

told this kid, "Bring that goddamned telegram. Get a cab and come down to my house and bring that thing for your aunt." Now this kid was a Navy boy too ... he had his Navy uniform on when he arrived. I told him to go upstairs and comfort his aunt and read this telegram to her, so everything would be all right. But she was so distraught that I realized that she was going to have trouble with dinner, so I asked this nephew to stay and help his aunt serve dinner. He put an apron on and served dinner by God that night. Did a nice job. Rosa Lee was out in the kitchen raising hell. She had a hot plate out there, one of these electrical units, and she put ten dinner plates on that thing to warm them up. Well we heard what sounded like artillery fire out in the kitchen. The plates just exploded. [Laughter] She had the burner turned up high. It just shot six, eight plates, bingo, one after the other ... just made awful reports. It was kind of a tough dinner party. But this is how we celebrated Mother's Day. That was a little chapter in Washington life.

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POSTWAR LABOR ARBITRATION

Jarrell: Mr. Wyckoff, you have already discussed your early cases as an arbitrator in San Francisco before the war. Would you discuss your work as an arbitrator after the war and specifically, to begin, your understanding of the war labor situation and the War Labor Board and their effects on the then young field of labor arbitration?

Wyckoff: I came back to Watsonville in the latter part of 1945 after the war was over, and I joined the local law firm here in Watsonville which my father had founded in 1900. I joined it January 1, 1946, and I've been practicing here ever since; I devoted about half my time to the practice of the law and the other half to arbitrations. I could have devoted more time to arbitration, but I didn't want to because I didn't want to stop practicing law. So I tried to devote an equal amount of time to each. I had no idea at the time that I would get a lot of arbitration work when I

came out here. I suppose the work that came to me came because of my activities in arbitration prior to the war; notably my experience as chairman of the adjustment board of the big hotels in San Francisco in the course of which I wrote, I don't know, thirty or forty awards before I went to Washington.

#### The Influence of the War Labor Board

Wyckoff: I think the main thing that gave arbitration its great impetus after the war was the War Labor Board. There were a large number of people working for the War Labor Board who were so-called specialists in labor matters. After the war, most of them went into academic life and were instrumental in forming schools of industrial relations in various universities and colleges all over the country and hiring ex-War Labor Board personnel.

#### Clark Kerr

Wyckoff: A notable example of this is Clark Kerr who was an economist and who served with the War Labor Board during the war and then went to the University of California at Berkeley and founded a school of industrial relations there. He thereafter became

President of that University. When he formed this school of industrial relations he was named as arbitrator in many, many cases. I guess he had more cases than I did, because he had more time for it. He served for a while, for example, as chairman of the arbitration board on the waterfront for [Harry] Bridges and the Pacific American Shipowners Association. This sort of thing went on all over the country.

Transportation and Hotel Industry Arbitration Cases

Wyckoff: So having served as head of the Labor Relations Division in War Shipping Administration, I was naturally asked, although I had not expected it, to serve in many arbitration cases. I also sat in on a series of cases of considerable importance involving all of the seagoing maritime unions on the Pacific Coast and the Pacific American Shipowners Association. These cases involved the wages and working conditions of their contract -- they'd been unable to agree on them. A similar arbitration was occurring on the East Coast.

Jarrell: What year would this have been?

Wyckoff: Well, those awards were published in Labor Arbitration, Bureau of National Affairs. I've forgotten what year it was, but it must have been '48, '49, something like that. My work was by no means confined to maritime work; it was general.

Jarrell: Once you got a reputation or became acknowledged in a certain area like maritime transportation, would people in other areas, say restaurant or hotel industries, ask you to arbitrate for them?

Wyckoff: Oh yes. When I came back from Washington, the man who had been serving as chairman of the Adjustment Board for the Hotel Industry resigned. He wanted to devote his full time to the practice of the law, so he resigned and I became chairman of the Adjustment Board for the Hotel Industry and served thereafter. This was 1946. I served for about 25 years as chairman of that board. I had served as chairman of that board before I went to Washington. When I came back I resumed the chairmanship. Soon after returning from Washington, I was appointed standing arbitrator by Bethlehem Pacific Coast Steel Corporation which had plants in Los Angeles, San Francisco, and Seattle. I served in that

capacity until they went national. Ralph Seward, who had been on the War Labor Board, became what they call standing referee or umpire arbitrator for the Bethlehem Steel Corporation all over the country. They centralized their arbitrating in one man in the East. But I had done all their work on the Pacific Coast for several years before that happened. Well, there were just all kinds of cases: racetracks, retail clerks in the various stores in San Francisco ...

Jarrell: Would you say that over the years that you have specialized in transportation?

Wyckoff: Yes; first, maritime; then railroads and trucks and bus lines; then airlines. I took cases before the National Railroad Adjustment Board. I wrote several hundred awards in the railroad field and then that led to further employment in the railroad industry. I am still on a standing board down in Houston, Texas, where I'm so-called standing neutral arbitrator. I've been serving for fourteen years on that board. I go down twice a year to Houston and handle all their disputes.

Jarrell: They build up and then you just go down there twice a year to deal with them?



Wyckoff: Yes. They have about six every six months. Average about twelve a year.

Jarrell: Are you retained on a contract? Is that how it is?

Wyckoff: No. I'm employed, but they could fire me tomorrow if they wanted to. Why they haven't I don't know. You'll have to ask them. Maybe they don't know. Sometimes things happen because of inertia. This thing has a snowballing effect. It often resulted in my being offered a lot more employment than I felt I could conscientiously take with regard to my obligations to the law firm here in Watsonville.

Jarrell: So you have managed to balance them out, and you haven't neglected one for the other?

Wyckoff: I'm still doing both.

#### The Concept of Impartiality in Arbitration

Jarrell: Would you discuss from your present perspective and your historical view in terms of your approach to arbitration how you go about composing an award? Specifically, has your approach changed significantly over the years?

Wyckoff: Well I guess everybody changes over the years. It's hard to make any set rules about this kind of thing because as you go from industry to industry the habits and practices of each industry are unique. You might learn a lot, as I did, about what the usages, practices, prejudices, aims, aspirations and hopes of the maritime industry are, and then when you get to arbitrating in the railroad industry or the hotel industry you find they're entirely different practices with particular characteristics. So it's very difficult to generalize about these things. Of course the primary thing that everybody talks about in characterizing an arbitrator, is that he must, as a judge, be impartial. I don't know, I've been employed in labor matters, by employers or unions or employees and I haven't had any difficulty with impartiality. I don't think that I have any bias or prejudice one way or the other. Apparently I haven't because if I had it would have shown up; when you've been engaged in this business for almost forty years ... you have to write opinions and if you have any kind of a slant or bias or prejudice it would easily be detected. Sometimes you get on a topic that is a raw nerve for most people. An example of this is a case I got into during

the height of McCarthyism. It involved Cutter Laboratories and one of its employees.\* A woman employee was discharged for being a communist. I ordered her reinstated. This caused quite a bit of clucking around town and San Francisco. As a result of this, the San Francisco Employers Association, a group of employers, put me on their blacklist so that for some time I didn't get any cases originating in San Francisco at all. I notice even now that the Federal Mediation and Conciliation Service which maintains lists of people they consider to be acceptable referees [which they give to the parties and let them pick off the list] don't recommend me for employment in the city and county of San Francisco. This has been since the Cutter Laboratories case.

Jarrell: They still do this?

Wyckoff: I suppose so.

Jarrell: You attribute your lack of San Francisco cases to that?

Wyckoff: Why I know it's a fact. I get stray cases in San Francisco, but never any cases involving the San Francisco Employers Council which represents a great

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\* Ed. Note: See Appendix I

many employers in San Francisco. But notwithstanding that decision, the Federal Mediation and Conciliation Service, the American Arbitration Association, the National Mediation Board, and the National Railroad Adjustment Board don't consider me to be disqualified by that decision although I know they know about it. I'm often recommended by the American Arbitration Association and the Federal Mediation and Conciliation Service to sit in arbitration in the periphery around San Francisco, Los Angeles and elsewhere in the United States. I find myself in places like Oakland and Contra Costa County, Sacramento, Los Angeles, and the San Joaquin Valley. I'm occasionally offered arbitrations in my own dunghill involving industries and labor unions in Watsonville, Salinas, and Monterey. I generally turn these cases down because they're too close to home.

Jarrell: I see.

Wyckoff: One of the great advantages in being an arbitrator is that you can call a shot then put your hat on and run for the nearest train or plane. You can't do that if you take a case right down on your own dunghill. Another reason for this position is that our law firm represents many people down here. I'd get into

conflicts with clients in the office and so forth and so on. So I've generally turned these close-to-home cases down. Once I took one and got no particular static about it from the parties. But I just avoid them. Well so much for impartiality.

#### Writing an Arbitration Award

Wyckoff: I have always felt that when parties come or select a man as an arbitrator, he should not write a lawyer-like award; he should write something that is readily understood by the most simple, humblest employee. Such an employee is the real audience if you want to call him such; he's the one I'm trying to talk to through my decisions.

Jarrell: I must say from my reading of your decisions that they certainly meet that requirement.

Wyckoff: I never as lawyers do, for example, rely on precedent. Lawyers find decisions of other arbitrators and they cite them and rely on them.

#### Precedent as a Factor in Arbitration

Jarrell: Yes. I was going to ask you, do you keep abreast of all these decisions as they are published?

Wyckoff: Oh yes, I do. I do indeed. I have services that publish arbitration awards and they've published a great many of mine. I never cite them in an award though.

Jarrell: Why do you do this?

Wyckoff: Because I feel that when I am selected, the parties involved want my reaction to the situation and not the reaction of somebody else, even though he might be the most famous man in the arbitration field, far more famous than I am. If they wanted him, why didn't they go and hire him?

Jarrell: Well that's a very interesting approach.

Wyckoff: They don't want a composite of all these arbitration awards that are published because they could make a composite themselves by reading the awards and then totting them up and averaging them out and settling the case accordingly. I've always felt that what they wanted was my reaction to their problem and that's what I give them.

Jarrell: So this idea of precedent doesn't play such an important role then or does it?

Wyckoff: It may be important unconsciously because I read all the awards and I know what the general drift of

opinions is among arbitrators. I don't consider myself bound by the opinions the way a lawyer feels himself bound by legal precedent.

Jarrell: I never thought there was such a distinction in arbitration techniques because when studying the published arbitration reports I find that often other cases are cited in the award.

Wyckoff: I feel it's a cowardly thing to do. If a man hasn't guts enough to say what he thinks about the case, or if he thinks that his word won't carry enough weight, he'll spray his opinion full of quotes from some arbitration award by Clark Kerr on the grounds that Clark has great eminence in the field. He's adopting what Clark Kerr has thought out himself without any independent thinking on his own part. I think this is wrong. I think, as I said before, that if the parties involved wanted Kerr's thinking, they would have gone to Kerr. Arbitrating is an intensely personal thing. I think the awards should be written in as simple, direct language as possible. By direct, I mean as brief as possible. I don't think they should be ornate or rhetorical. An award ought to be written in what they call lean prose. It's very bad to be humorous or to joke. When you decide a case, you're going to make

somebody happy; he would enjoy a wisecrack; but the guy who loses is bruised and injured and his feelings are aroused. If you're joking, or if you write a joking award, you're rubbing salt in the loser's wounds. It's a very bad thing to do. I've seen people who have written them. Judicial opinions are sometimes written this way.

#### The Cutter Laboratories Case

Jarrell: Would you like to talk about any specific cases which illuminate some of these factors you've just mentioned? For instance, you mentioned the Cutter Labs Case over in Berkeley. Would you go into that more fully?

Wyckoff: Well, that case ... generally the parties don't tell you what the nature of the case is that you're being called upon to arbitrate. So you often walk into these things blind. In the Cutter case, all I knew was that there was going to be an arbitration in the Sir Francis Drake Hotel in San Francisco on the mezzanine floor. I went up to the mezzanine floor to such and such a room, and I couldn't get into the room. Every newspaper reporter and cameraman in San Francisco was there. These cameras were all set up in the room where



the arbitration was going to be conducted and you could just barely get through the door. Well, the attorney for the company was a state senator and I always suspected that he tipped the press off about this thing. So there they were. Well, I didn't like it, and I didn't propose to have my picture taken. I didn't propose to conduct arbitration procedures in the presence of the press because arbitrations are private. So I asked the parties, I said, "Do either of you have any objection to the presence of outsiders in the room during the arbitration?" And the company said, "No, we don't have any objection." But the union objected. So I said, "As long as one of you objects, I've got to exclude the press." So I said, "Gentlemen, I'm going to have to ask you to leave." So they all left. I stepped out in the hall as they were going and I heard some of these reporters talking. They said, "They're going to tar and feather that woman is what they're up to." Well I went back in there. It turned out it was a case where a woman had been discharged on the grounds that she was a member of the Communist Party. The Senator McCarthy furor was at its height then. So what I had walked into was a highly emotional situation. It was a difficult case. I generally

believe in not avoiding issues, but also in not compromising. The parties are at liberty to compromise if they want to. But if they can't compromise before they enter arbitration, I feel that I shouldn't do it like Solomon cutting a child in half. So I met this confrontation head on and finally wound up by reinstating this woman; annulling the discharge. I touched a lot of raw nerves among employers who felt that they were certainly justified in getting rid of a communist. I guess the prevailing temper of the times supported that view. Anyhow that case was taken into court by the company. Judge Molkenbur, Superior Court Judge for the city and county of San Francisco had it come up for a hearing before his court. A petition to annul the award had been entered. He was a prominent member of the American Legion in San Francisco and a Roman Catholic and I thought oh, here we go on this one. But to my surprise he upheld my decision. He confirmed the award. He wrote an opinion that was more radical than the one I had written, which astounded me.

Jarrell: If I could interrupt for a moment ... when you write a decision, is it binding between the employer and the union?

Wyckoff: Yes, but the statute concerning arbitration says that it can be annulled if the arbitrator has exceeded his authority, or if he's been guilty of fraud or illegality.

Jarrell: These conditions are to be determined by a court?

Wyckoff: It's well settled now that even though a court disagrees with the award, even though the court may think that the award is bad law, it still must confirm the award.

Jarrell: Why?

Wyckoff: Because if the parties had wanted a law applied to the situation, they'd have gone to court about it.

Jarrell: That's why there was confusion over this for so long.

Wyckoff: When the parties involved decide to arbitrate, then they have decided that they don't want a court decision; they don't want law applied to their problem.

Jarrell: Then this is another realm of justice that they can appeal to?

Wyckoff: That's correct. It's what sometimes called a "new body of law," made by arbitrators. It's what is sometimes known as "industrial law." There are all kinds of

examples of this. Certain trades have a law all unto themselves. Importers and exporters have little special rules of their own that don't conform to the general law. Their trade practices of one kind or another change things. The law recognizes these trade practices just as it recognizes arbitration law. So the Cutter Labs case then went to the District Court of Appeals and Judge Peters affirmed, a court of three. Then it went to the California Supreme Court and the Court split 4-3. The Chief Justice, Roger Traynor, wrote a very eloquent dissent, which I thought was better than my merchandise. Then the union took the case to the United States Supreme Court. They lost in the United States Supreme Court upon the ground that no federal question was involved. The court didn't have jurisdiction so they never got to the merits. Justice Tom Clark wrote the opinion.

The Night Differential Case for Los Angeles  
Supermarkets

Wyckoff: I had one other case once that went through the courts. It was a case that involved all the supermarkets in Los Angeles. The question was whether the existing night differential was fair, or whether

it should be increased. The unions wanted it increased and the company wanted it left alone. I decided that case in favor of the union. They had negotiated about ten years before for a night differential of two or three cents. This wasn't realistic because when they negotiated the night differential wage ten years earlier, no grocery stores were operating night shifts. It was one of those things you stuck in an agreement just in case somebody did do something in the future. It had no practical effect at all at the time. No one was particularly concerned about it. The union just wanted it in the contract for the reason I've mentioned. They weren't focused on the amount of the damn thing because it had no effect on anybody. It went through several contract renewals and they kept readopting it, and readopting it, and readopting it. Then some supermarket in Los Angeles, a place called the Farmer's Market located around the corner from the Hollywood Roosevelt Hotel, all of a sudden went through a great ballyhoo and announced that they were open around the clock -- 24 hours a day. They put on night clerks and paid them the three cents night differential or whatever it was. Of course when one guy does something like this, then everybody else has

to do it. So they all started falling in line and permeated the hotel trade down there. A lot of rowing about it occurred because many of these supermarket owners were "Christers" and they thought it was horrible to be working at night. They thought it was bad morally for employees to be working at night. They thought girl checkers and whatnot shouldn't be on the streets at night because they'd be raped. There was a horrible-to-do in the grocery industry about it, but pretty soon they were all operating around the clock. I guess they still do. So I hiked that differential because it was out of line where differentials meant something like other industries like steel operating around the clock shifts. That case was jerked into court because it involved a hell of a lot of employees and several hundred thousand dollars by the time they got around to me. Then they went to lawyering about it in court. Instead of paying the employees, in obedience of the award, they impounded the money. All these supermarkets in Los Angeles County agreed to do that while the case was in court. Then they went tortuously through the courts. Some guy trying to get into the arbitration business was on the Wage Stabilization Board. That was like a boy wanting to be

a fireman. He was a conscientious guy, and had been involved with that Wage Stabilization thing, and he held that my award was in violation of wage stabilization principles; he annulled the award. So then there was a fight over that. The parties fought that all the way up to the Supreme Court of the United States. When they got back to Washington, D.C., this guy who had annulled my award on the basis that it violated wage stabilization principles, sought an appeal. There was a provision for the employer to do this. Well, he hadn't taken an appeal and somebody went into President Eisenhower and tried to fix the case. [This is all gossip that I heard.] There was a hell of a to-do about it. Finally it was decided that the Wage Stabilization Board would reconsider the whole matter. Midnight of a certain year came, and the Board became functus officio ... it was abolished. So it couldn't act on the appeal. So it was a dead case. No one could decide it at all. So that just left the whole thing in limbo. Somebody did get to Eisenhower because Eisenhower made an administrative order. I don't know what ... [laughter] what authority he had to make it, but he did. He made this administrative order that nullified the determination of the Wage

Stabilization Board which was made when they had authority to do it. This had the effect of reinstating my award.

Jarrell: Right.

Wyckoff: By that time this had gone on five or six years.

Jarrell: All this money was still impounded?

Wyckoff: There was twelve million dollars in that fund. The lawyer for the union who handled that case, George Bodle, retired on that case. He got a fee of \$300,000 out of it. All the retail clerks were happy in Los Angeles for a while till they blew it all. So they spread twelve million dollars around the town on the strength of that award. So there are two awards of mine that went all the way to the United States Supreme Court [laughter]. One of them was torn up and annulled and the other one was I don't know what, but it remained in effect. Those are two interesting ones.

#### The Issue of Compulsory Arbitration

Jarrell: There has recently been much controversy over the subject of compulsory arbitration for public employees. How do you feel about this? Do you think arbitration should become compulsory?



Wyckoff: I feel that it should not. The whole, the basic theory or aim, or objective of arbitration is to get away from that sort of thing. To take these cases away from courts which are compulsory things. Adjudications. [I think] the process should be consensual, so that the parties to the collective bargaining agreement can agree that they will arbitrate all disputes. In effect that's compulsory if they agree to it. But they don't have to agree to it if they don't want to. They can agree that they'll arbitrate in certain kinds of disputes and not others. You find that it's quite common in collective bargaining agreements where the parties will arbitrate all disputes involving the interpretation or application of the agreement, but they will not agree, they never agree, to arbitrate the terms of the agreement. So that they may sign up for three years ... that means they'll have peace for three years because they've got to arbitrate these things ... and neither side can change the terms of the agreement during that three years. When the agreement terminates, it's all up for grabs again; they have to start negotiating all over again. They could take the same agreement and go on with it or they could throw it in the wastebasket and draft a new

agreement. Very early in the history of labor relations in this country, the state of Kansas went a step further than compulsory arbitration, and by statute created a separate judicial system of what they called industrial courts. These courts were part of the judicial system of the state of Kansas. It was a court to adjudicate all labor disputes. Now that was compulsory because the jurisdiction of these courts could be invoked. Once you got into that hamburger mill, you were in until they made the decision. There had been a similar statute enacted in ... Australia or New Zealand ... one of those places. They had had some success with it down there. Or thought they had. So they got the bright idea of doing the same thing in Kansas. So Kansas passed this statute and was in the process of setting it up when the issue was taken up to the United States Supreme Court. The Kansas statute was attacked as being unconstitutional and the reactionary court held that parties were entitled to freedom of contract by the Constitution ... that this was an impairment of the right to contract and they invalidated the statute. Most people, myself included, always thought that decision was foolish and wrong. It would have been an interesting thing to permit the

state of Kansas to experiment with it to see how it worked. They might have made some modifications of it that might have been valuable or they might have gone on living with it. Other states could look it over, and if they didn't like it, they didn't have to do it. But it got frozen in this damn decision, and there were some queer decisions by that court.

Jarrell: This would have been about what year?

Wyckoff: In the 'teens. Maybe earlier. But it was a reactionary court. It was the court that produced all the famous dissents by Brandeis and Holmes. They dissented in that case. I'm not sure about this ... but I think there was some old decision that held that compelling a man to join a labor union was depriving him of the right to enter into a direct contract himself with an employer. Of course, that isn't much of a right, because what kind of a contract of employment would one man be able to negotiate with the United States Steel Corporation, for example.

Jarrell: That's right.

Wyckoff: The aggregations of capital into corporations which are sanctioned by state laws have been met by the aggregations of employees into labor unions on the

other side. Then the New Deal came along with the Wagner Act to attempt to equalize that struggle between the two, and to produce bargaining by parties of equal strength.

Jarrell: Could you discuss this question in relation to public employees and the notion of protecting the public ... a current area of concern?

Wyckoff: Well of course I had direct experience with that during World War II on, in the War Shipping Administration. Because all merchant seamen were public employees, like policemen and schoolteachers and all the rest of these people, like postal employees. The government was paying their wages.

Jarrell: That's right. Under these special war conditions.

Wyckoff: That's correct. We secured from the unions these documents called Statements of Policy on our side ... when I say "ours" I mean the War Shipping Administration recognized all the collective bargaining agreements. But in exchange for that promise of recognition the unions all gave up the right to strike for the duration of the war. This meant that their only recourse if they had grievances was to use the grievance procedures in the union and

to arbitrate. I was very zealous about protecting that right and in encouraging them to pursue it. However, it wasn't extensively pursued. The National Maritime Union, for example, which was a large Communist-dominated union, didn't want to press any grievances. They were perfectly willing to let the War Shipping Administration ride all over their agreements and pay no attention to them. They did this to further the war effort. There was a lot of talk about that. Harry Lundeberg of the Sailors Union of the Pacific, on the other hand, was very jealous about his agreements ... and didn't want them interfered with ... except to the extent that he'd agreed upon. But he was a man who didn't believe in arbitration. He never had arbitrated ... I never knew him to arbitrate anything. As I mentioned earlier, his method of settling disputes was with baseball bats -- direct action.

Jarrell: So the unions gave up the right to strike.

Wyckoff: Yes. They gave up the right to strike. They also expressly recognized that discipline was important in a war effort. There was an interdepartmental committee, and Admiral Washee of the U.S. Coast Guard put his principal aide, Captain Lawrence Bernard, a guy about my age, on this committee. He also put me on

[representing] War Shipping. Bernard and I got the two [agencies] working together since there had been friction between the two at the start of the war. So Bernard and I worked out a deal whereby the Coast Guard would hear disciplinary matters. The reason they had a right to do that ... I recognized they had a right to do that, and the seamen all recognized it too ... was because the Coast Guard was the one that issued the certificates. If you wanted a certificate as an ...

Jarrell: Able-Bodied Seaman?

Wyckoff: AB or, or as a licensed officer, you'd have to get it from the Coast Guard. Of course the Coast Guard had been an arm of the Treasury Department and was a civilian institution. But when the war came on, the Coast Guard was transferred from the Treasury to the U.S. Navy by President Roosevelt's Executive Order. The Coast Guard became an adjunct to the Navy, became militarized. And Washee was an Admiral. My counterpart that I was working with, who was Washee's principal aide, was Captain Lawrence Bernard. We worked out a system of having Coast Guard ships board merchant ships when they came in ... before they landed and tied up. For example, when a ship would come in from a

long voyage into New York Harbor, she'd be met at sea by a Coast Guard boarding vessel. They'd board and find out if there'd been any trouble. If the Captain had somebody in the crew who'd caused some trouble, and wanted him disciplined ... he'd be tried by the Coast Guard, given a regular hearing, and the ultimate thing, was that they could lift his license. Or they could suspend him so he couldn't ship out for a while. So they had disciplinary courts. This had a quieting effect on conduct at sea. There was a lot of misconduct at sea that got tangled up with ideology. I remember there was a fellow on one of these ships who was a troublemaker ... Lundeberg used to call them "performers."

Jarrell: Yes.

Wyckoff: There was a performer on one of Lundeberg's ships down in the south seas. The captain had had continuous trouble with him. He was a member of the Sailors Union of the Pacific, but Lundeberg claimed that he was really a plant, an artichoke, that had been sent there by the Communist Party from New York to join the SUP, then get out to sea and raise hell, and give the Sailors Union of the Pacific a bad name. So I suppose there was that sort of thing going on.

Public Employees

Wyckoff: But this is a long roundabout thing here, but what I'm talking about is that during a war conditions are different. Now you start this wave of collective bargaining in what they call the public sector ... postal employees, policemen, school teachers ... there's still this knotty problem about money. They're paid with public funds, and the administrator of those funds, the police chief or the police department is spending public money and budgeting ... and the same thing goes on in the school districts and the same thing is true in the Postal Department. If you push this thing to its ultimate and these employees can strike in aid of a grievance, they're coercing the public employer to pay out some money to get people back to work that he hasn't budgeted for and it's public funds and ... that's the argument.

That's the thing that caused me a lot of trouble, and ... to get that system adopted. It's still a source of great difficulty. I've been doing some arbitration in the public sector recently. I notice that I had one agreement, a postal agreement, that distinguished



between advisory arbitration and final arbitration that was binding on the United States government. And if the grievances or disputes were minor ... if money over a certain amount was involved ... no more than a certain amount, the arbitration award would be final and binding ... and that'd be the end of it.

Jarrell: But otherwise ...

Wyckoff: But otherwise it'd be advisory only. You get to that same situation I was telling you about ... and that way the Alaska Railroad and the Panama Railroad had a provision that they would arbitrate anything ... it would be final and binding provided it had the approval of the solicitor of the Department of the Interior. So that's what this advisory business means.

Jarrell: It's a little safety clause.

Wyckoff: Yes, that's right. That's right. As I told you, the solicitor told me that he didn't know of any case where the solicitor had ever nullified an arbitration award arrived at through processes of collective bargaining agreement. I made one award in a case that ... it was final and binding. It was the Internal Revenue Service, their big installation down at Fresno.

Jarrell: This was among IRS employees in Fresno?

Wyckoff: Yes, IRS employees. Final and binding. The other award was advisory only because they're under the terms of the agreement. The amount involved and the nature of the offense was such that the government wouldn't agree to the finality of the award ... it took approval of the Post Office Department. But I made the recommendation ... whether they approved it or not, I don't know ... they never tell you these things. This whole business of collective bargaining in the public sector is in the process of evolution now. These people are fighting and struggling and experimenting, and temporizing, compromising, and where it's going to lead to, I don't know. But it's hard for me to believe that they'll ever dislodge the collective bargaining process because the time, I think, has gone by when the people in authority can make arbitrary non-consultative orders or directives, and get away with it. In other words edicts and proclamations, and pronunciamientos just won't work.

Jarrell: Do you think that collective bargaining in the so-called public sector is fundamentally different from the process among private corporations and their employees?

Wyckoff: No.

Jarrell: Well, some critics say that since a corporation is a profit-making enterprise and the public sector comprises employees who are paid from public funds ... you don't see that that is an important difference in terms of ultimate outcomes?

Wyckoff: Yes, it is. And it has caused a lot of emotional conflict. But they're still, these government agencies and schools and whatnot enter into collective bargaining agreements. But the thing the public employees don't relinquish is control over the purse, and they won't relinquish some say in what they call major matters. Suppose an employee is disciplined for being late ... they'll abide by an arbitrator's decision there. But suppose he's a postal employee and he's discharged for destroying mail and stealing postal funds ... there they won't abide by the decision of an arbitrator, but the arbitrator makes a decision that's said to be advisory.

Jarrell: Isn't that sort of a pointless function then?

Wyckoff: No, I don't think so. I don't think so. I wrote an award, as strong as I could, to pressure the postal authorities. I wanted them to take my advice, so I

tried to make this thing as reasonable and as hard for them to refuse to follow as I could. 'Cause that would help the employees and the union, because if I was on rational ground and it was convincing, it would put the postal authorities in a bad position, at a disadvantage in trying to refuse to take the advice.

Jarrell: At a disadvantage. That's right. So it's not an exercise in futility at all since you've made a logical demonstration?

Wyckoff: No, it's not in the least.

Jarrell: And there's that record, that documentation of the case.

Wyckoff: Oh yes. Yes.

Jarrell: So that's important. I understand.

Wyckoff: I'll show you that award if you'd like to see it.

Jarrell: I would.

Wyckoff: It's an Internal Revenue Service award. You know, these government people get ... like the Nixon [Watergate] experience ... get power-crazy. Also they turn into what they call a sprawling bureaucracy. They had whole staffs of people answering mail down there in

this Fresno installation. They were all documented. Four or five people would answer taxpayers' letters asking about their refunds. Well these things would be sorted out and assigned to particular people. Then other complaints from irate taxpayers were assigned to other people. But they had 9,000 people down there answering mail. Another thing about it is the tremendous hush-hush that goes on nowadays -- the secrecy. That place had armed guards all around it, that big building, there were 6,000 employees in it. It's a place where, where your and my income tax returns go first.

Jarrell: For processing?

Wyckoff: Yes. Process is a good word because they certainly churn paper around that place. But I had to get a badge to get into that place, and I don't like these badges, they're always falling off, so I stuck it in my pocket.

Jarrell: [Laughter]

Wyckoff: I was walking down the corridor and there was a cop with a billy club on one hip and a big 45 revolver on the other, and he pushed me up against the wall ...

Jarrell: No!

Wyckoff: Said, "What are you doing in here?" I ... [laughter]

Jarrell: He pushed you up against the wall?

Wyckoff: He did. I didn't have my badge on. I was an inter-  
loper. The place was swarming with cops. Like the time  
I went up to a nuclear installation up in the state of  
Washington ... 500 square miles where they conducted  
all these experiments ... they had a thing in the  
collective bargaining agreement up there called  
isolation pay. Because when a guy was put out on range  
200, which is designated super secret, he couldn't  
even write letters to anybody and he couldn't get any  
incoming mail. So he got paid ... what they called  
isolation pay. It was a bonus on top of his regular  
salary.

Jarrell: For undergoing those conditions?

Wyckoff: Yes. Yes. But I went into the can there, the mens' can  
and here are great big signs all around in the toilet.  
Sh-h-h.

Jarrell: Sh-h-h.

Wyckoff: Yes. Finger over the mouth.

Jarrell: The microphone can't see that.

Wyckoff: Yes. Index finger over the mouth. [Laughter] Have I answered your question?

Jarrell: Yes, you've answered that question.

Wyckoff: It's hard for me to answer questions like that without wandering all over the lot.

Procedure and Authority in Labor Arbitration

Jarrell: About how many awards have you made?

Wyckoff: I don't know, must be several thousand.

Jarrell: Several thousand over an almost 40-year period?

Wyckoff: Yes. From 1939 on.

Jarrell: Just something on the mechanics of this ... you said when you go into a given situation, you go into it blind?

Wyckoff: Yes.

Jarrell: They just say we need you at such and such a place?

Wyckoff: That's right.

Jarrell: Do you know beforehand who the parties are?

Wyckoff: Yes.

Jarrell: How are the facts presented and what kind of a ritual do you go through?

Wyckoff: That differs. Generally it's done the same way they do in court; call witnesses.

Jarrell: I see.

Wyckoff: As an arbitrator I have statutory authority to administer oaths. Nowadays it is customary to swear witnesses, so if they lie, they can be prosecuted for perjury. Then proceedings are conducted in the same way as a court trial. Each side calls witnesses, and cross-examines witnesses. They make evidentiary objections. I tell each party that I'm probably going to overrule their objections, because it's not a law court; rules of evidence don't obtain; but I think it actually gives you an opportunity to argue your case a little better. So they go along and indicate to me what they think about certain evidence by making their objections and their arguments.

Jarrell: Are you able to question people? For instance this case in L.A. with the clerks working at night, say you wanted to find out what were common practices in a given area, whom would you ask to get this information?



Wyckoff: I'd have to ask witnesses.

Jarrell: I see.

Wyckoff: I suppose I could call witnesses. I wouldn't call witnesses myself. I'd ask one of the parties to call a witness.

Jarrell: Right. But usually the information that you need to know is forthcoming?

Wyckoff: I just tell them that I'm interested in so-and-so and so-and-so. Usually they'll immediately produce a witness or a piece of paper or something. Then they argue the case orally. That's the conclusion of the taking of evidence. Nowadays they write briefs. Then I go home and sit here in this chair and write the award.

Jarrell: I see.

#### Role of Arbitration Boards

Wyckoff: When I finish if it's an arbitration board affair, I take the award, its draft, to the board to get other signatures besides mine. I just went up last Monday to San Francisco for this sort of thing. I heard a case the 18th of December in Los Angeles, Western Airlines,

and Brotherhood of Railway and Airline Clerks. I prepared the award and the board and I met in San Francisco for adoption of the award. There were four of them besides myself. They voted on it and two of them concurred and the two union people against whom I decided the case dissented. I had the deciding vote you see. So that made the award.

Jarrell: Is the idea of a board common in your practice?

Wyckoff: Oh yes. It's a lot more common than being appointed sole arbitrator. The situation varies in different industries. In the railroads, they're boards. In the airline industry, they're boards. I'm on Eastern Airlines' board. I've got my name written into the contract. I've had some other cases here recently. The retail clerks and grocery stores in Walnut Creek hired me as the sole arbitrator for that case.

Jarrell: So it's what's at stake, I guess. It's all a matter of the scope of the disagreement?

Wyckoff: I rather welcome a board because it gives them a chance to argue a little bit. I often tell them there's not much use in arguing about the thing unless I've made some mistake in my facts. That's what I'm really interested in. If my facts are wrong, then my

conclusions are probably wrong. So I tell them, "If you know more about the facts of these things than I do, maybe I've stated them incorrectly, or left out something that you want in here, you let me know." So they do a good deal of that. We interline things, and correct mistakes. I listen to argument about the final conclusion, but they know that it's futile; they've already exhausted themselves arguing; they've had one chance already. So I don't get much argument during final conclusions but I get a good deal of help from boards.

Efficacy of Arbitration Boards in the Monterey Case

Wyckoff: I remember once that the Matson Navigation Company owned a big passenger ship, the Monterey. She'd been taken into the shipyards during World War II and converted to a troop carrier, which meant they knocked all the cabins out and put bunks in their place. They'd really turned it into a cargo hold. The beds were stacked up on pipes and went all the way up to the hold. They put in 12,000 troops. It was a terrific goddamn thing. They traveled across the Pacific with no Naval escort because they could outrun a submarine. Submarines in those days couldn't make more than 21

knots. These big passenger vessels could make a lot more than that, so they'd spot a submarine and run away from it. Well, when the war was over, they put the Monterey into the shipyard in San Francisco for reconversion to a passenger liner. This reconversion involved the building trades, the people who worked in shipyards. When they got to making compartments they fell into dispute about which craft would make them. The Monterey had originally been paneled with wood, the cabins had, but there had been a bad fire on the east coast on the Morro Castle. The government made regulations or passed law that said you couldn't make compartments in a passenger vessel with wood; you had to make them with some fireproof material. So they used something called "Masonite" which was neither wood nor tin. It was "Masonite." Something new. Well, the tinsmiths union laid claim to this work and the carpenters laid claim to it. The carpenters said it was wood and the tinsmiths said it was metal. A ship's carpenter who works in a shipyard isn't called a carpenter, he's called a joiner. I've forgotten what they call the tinsmiths; they have a special name too. But anyhow, this thing developed into a jurisdictional dispute. People frown at them, but after all what

these men were fighting about was their livelihood.

Jarrell: A job. Their jurisdictions.

Wyckoff: They're fighting for a job, sure. When somebody takes your job away from you, they're taking bread out of your baby's mouth. So it's serious.

Jarrell: You can't get more serious than that.

Wyckoff: That's right. So this thing tied up several shipyards. The city of San Francisco got locked up in it finally, because you can't strike in San Francisco unless you have sanction from the Labor Council and the Labor Council gave sanction and the damn thing went on. They were heading for a general strike. So rather than have a strike, the unions involved decided they'd submit their dispute to arbitration. The employer, Matson, wasn't in it at all, because they had nothing to say about it when you really got down to it. The dispute was between two different unions. So I was appointed the neutral arbitrator, and there was a six-man board. There was one representative from the tinsmiths union and one representative from the carpenters union. Labor Council put other union members on it, so there were six all told. There were three on each side though presumably the extra union people on that board

were more or less neutral. They were appointed by the Labor Council So I heard argument, and then I prepared an award and took it up to the board and submitted it to them. They said, "This is well thought out and very good, but you've got one reason in here that you devote about a page to that is unnecessary because you've got other cogent reasons for your conclusion and you're just pouring it on with this one. And this one reason that you've devoted a page to will spark eight or nine other jurisdictional disputes."

[Laughter] So I said all right, let's take that page out. [Laughter] That taught me a valuable lesson about the efficacy of a board. See a stranger like myself would walk in blind into a damn thing like that; these people were sensitive. They taught me the error of my ways. I wasn't really getting outside of my area. I was giving a reason for my conclusion that got me into hot water. They said I had enough reasons without that one, so that's the way we did it.

Western Airlines Case: A Novel Approach to Seniority

Wyckoff: I had another case once that had nothing but union people in it and no employer. This case was between

Western Airlines and United Airlines pilots. This was years ago. Western Airlines was in debt, they were in distress, they were on the point of bankruptcy. And so they sold a flight.

Jarrell: Is that comparable to a trade route such as shipping companies have?

Wyckoff: Yes. The flight that went from Los Angeles to Salt Lake City was a very remunerative flight. It was a direct flight. I think it may have had one stop. When an airline sold a flight like that they sold the plane necessary to operate that flight; they sold the stations, like the one in Salt Lake City and the one for the intermediate stop, and they purported to sell the pilots by saying that the pilots who were on the flight at the time of sale could go with the flight. Well that meant they would become employees of United Airlines. That was all very well and an equitable thing to do, because it was taking pilots' business away from Western and giving it to United. Something though had to be equitably done about the Western Airlines pilots who were affected by this thing. The thing they all forgot about was that Western Airlines was the oldest airline in the country. They are celebrating their 50th anniversary this year. [1976]

They were the first commercial airline to carry cargo and passengers in the United States. This was in 1926. This flight from Los Angeles to Salt Lake City was a prize flight you see ... short hours and lots of money. For some reason these guys liked to go to Salt Lake City and lay over. Maybe they had some babes up there who were Mormons and sang in the choir. [Laughter] So getting back to the United pilots -- the Airlines Pilots Association employed me to arbitrate this dispute. I had a seven-man board; I was the seventh man. There were three Western pilots and three United pilots. The thing that caused the trouble was seniority. Being the oldest airline and being a prize flight, most of the senior pilots of Western were on that Salt Lake flight, and they all had seniority over anybody in United Airlines because they were the older airline. The effect of this merger was that if you merged these pilots into the United Airlines seniority list, they would have gone to the top of the list. The United pilots wouldn't stand for that because they had 1200 pilots and Western had about 400. It was just taking a certain number of guys and just shoving them right to the top of a 1200-man seniority list. When you engage in that kind of infiltration of course you



knocked fellows at the bottom of the list even lower. Essentially, you put them on furlough is what you did. So it was a serious thing. I didn't know much about it. I knew what seniority was and all that, but these fellows knew what the effect of this merger would be. Actually I wrote out the award, but they told me how to write it. We had a session down at the Beverly Hills Hotel in a big room down there. I guess all the rooms in that hotel are big. This was one of the first awards on this subject. We agreed that we would dovetail. We divided the Western Airlines group of pilots who were on that Salt Lake flight into four groups. Then we divided the United Airlines seniority list of 1200 pilots into four groups. We tucked the ones in the top group of Western into the top group of United. Then the second group of Western pilots into the second group of United pilots and so on down the line. We provided that any United pilot who got bumped, that is, if he got furloughed as a result of this infiltration, would have a right to use his seniority to infiltrate the Western Airlines seniority list. Well that was an interesting experience; a little bit out of the ordinary.

Jarrell: Seems very complicated.

Wyckoff: No employer was involved in this affair at all. Those were some of the interesting ones. I think more of two or three other awards that are, I think, some of my better work.

The Education of an Arbitrator

Wyckoff: I want to tell you another thing about collective bargaining. And that is ... you arbitrate a case with the Steel industry and the steel contract. And you think you know it all. But you don't. You don't know a damn thing. Because you then go to the hotel industry with the next case and you get a contract that reflects an entirely different attitude towards things. A notable example is a provision in the San Francisco Hotel agreements that fixes wage scales ... so much for a cook, the first cook, second cook, third cook, lowest cook, sauce cook, soup cook, roast cook, this, that, and the other ... but a specific wage for each one of these. Then there's a provision at the end of the wage scale that prevents the employer from paying more than the scale set forth here. They did this because the employer might want to pay a man something extra because he was good.

Jarrell: That's right.

Wyckoff: Sometimes they call it red-star rates. All right. Now I have also been in industries in other towns like Los Angeles ... where if the employer pays any one employee more than the union scale, this is looked upon with suspicion ... as if the employer were trying to bribe him and shame the union ... and discriminate against the rest of the union members by not paying them the excess amount too. This is accounted for by the fact that in San Francisco those hotel unions were so firmly entrenched that they didn't care about the employer trying to bribe employees ... it didn't bother them a bit. But in a town like Los Angeles where the employers are ... have never been receptive to unions ... are still fighting them and ...

Jarrell: All these years later.

Wyckoff: Yes. The unions look upon something like that with suspicion. And they wouldn't anymore agree to it than [laughter] ... they just wouldn't agree to it. Wouldn't tolerate it. Well there's what I'm talking about it. Each industry, each trade has different habits, practices, and aims, hopes, aspirations and attitudes. So it's very difficult to generalize about these things. Then of course when you get over into public employment, you get into another entirely

different atmosphere ... different attitudes. I was very much struck by ... the last arbitration I heard was postal employees ... at a large installation in Richmond. Everybody involved in the arbitration was black. The superintendent, the manager of the installation there, he was black; the grievant was black, the guy who had got in trouble was black ... all the parties ... all the witnesses, they were all black. This shows you that the blacks, a minority like that, can infiltrate government positions a lot easier than they can private industry. Private industry may be resistant about it, but the government is more or less helpless.

Jarrell: Yes. It's a more vulnerable institution.

Wyckoff: That's correct. Yes, it is.

Jarrell: Yes. I've noticed that in the Muni [municipal railway] in San Francisco.

Wyckoff: Yes.

Jarrell: I think that's ... a considerable proportion is black.

Wyckoff: Yes. The gripmen on these cable cars.

Jarrell: Do you think that for someone who wants to go into the profession of labor arbitration that there should be

advanced academic training?

Wyckoff: Do you mean a school for arbitrators?

Jarrell: Yes. Schooling or training or something that's more institutionized and formalized than the case is now.

Wyckoff: I don't know the answer to that question because I felt my way through it and I learned by making mistakes. Why people kept on hiring me, I've never been able to understand, because I made some pretty bad mistakes. Nowadays they have a lot of industrial relation schools in universities and they're training these people. There's lots of books now about labor relations. Everybody writes a book. And also there are three large publishing services that print awards. The American Arbitration Association also prints now selected awards. It's quite prevalent.

Jarrell: I figure you got in on the ground floor before there was such a thing as a formalized calling, when this field was in its infancy.

Wyckoff: That's right. That's right. It certainly was that.

Jarrell: That's right. So I'm asking: Is the proliferation of paper and professionalism distasteful to you? How do you feel about arbitration's "institutionalization?"

Wyckoff: Oh I think it's improved the art. But whenever you improve the art and vastly increase the number of people who are practicing it, you're going to get a lot of duds and stupid things.

Jarrell: Dilution.

Wyckoff: It has also made ... something I was talking about here the other day ... for a slavish adherence to precedent which I think is bad.

Jarrell: You mentioned that.

Wyckoff: Yes. I think I spoke at some length about it. I feel very strongly about that.

Jarrell: You said you thought that each case should be approached on its own merits.

Wyckoff: Well an old man, representing the railroads, who sat on the National Railroad Adjustment Board told me once that ... he said, "The most important thing about your awards is not whether they are right or wrong, but what the reasoning in them is. If you got a good reason for something, let go. You ... be confident you'll be all right. But you might get something somebody might think was a right award his way, but the reasoning was bad, why you're bad too, when you do a

thing like that." So I've always felt very strongly, and I express as forcibly as I can, my own personal reactions to these things. And reason very carefully every claim that's made.

Jarrell: Do you find that among your colleagues, and from your knowledge of the mechanics of how other people arrive at their decisions, that you're in a kind of a minority?

Wyckoff: Oh yes, I think so.

Jarrell: Yes?

Wyckoff: Yes. Not a big minority, but a minority. I think the majority of these guys do what courts do. And then you've got these services that print awards. They're all matching up awards. Whenever I try a case, the guys that present the case are always presenting ... hand me a big handful of awards.

Jarrell: So it's safety in numbers, sort of ...

Wyckoff: And then they say, "So-and-so, a very eminent arbitrator, held so-and-so and so-and-so ... and you ought to pay attention to him certainly." I don't give a damn about him. And of course he may have been addressing himself to a problem in an industry that's

entirely different from the one I'm addressing myself to.

Jarrell: Even though superficially facts might be similar?

Wyckoff: Yes. Facts could be similar, but in view of the prevailing attitudes in this particular trade, it makes a hell of a difference.

Jarrell: I see.

Wyckoff: So it calls for a great deal of sensitivity ... you have to keep your pores open, sit and listen very patiently, too. I let people ramble around and talk ... the more they talk, the more I can find out about their attitudes, what their feelings are about these things. I tune [inaudible] not only the people presenting the cases, but also witnesses. I always question witnesses myself when I think there's something that hasn't been adequately covered. Sometimes I turn up things that the lawyers don't want gone into at all because they're harmful. But ...

Jarrell: But they're helpful to you.

Wyckoff: The more you can get yourself, identify yourself with everybody that's involved in these transactions, it seems to me the better your judgment's going to be.



And that's hard to do if you're going to get out and decide it on the basis ... well Clark Kerr just decided this way and somebody else decided this way, but Clark Kerr is a much more prominent man, therefore we'll decide it his way, you know. Then you're not using your own power of reasoning on it at all. Doesn't tell them anything about what you'll do with the next one.

Jarrell: Well, unless you have further comments to make, I think that's all I have to ask.

Wyckoff: I think it [arbitration] is a highly important aspect of our lives nowadays. You hear about strikes, but by and large it's been a powerful instrument of industrial peace ... I'm very grateful for having been identified with it and I'm also grateful that I'm still found to be useful by people.

Jarrell: Yes.

Wyckoff: Most of my appointments come about by agreement by the two parties that they want me to arbitrate ... not by reference from the Federal Mediation and Conciliation Service or the State Mediation and Conciliation Service or the American Arbitration Association. I always feel happier when the parties have agreed on me

rather than having somebody else assign me to something.

Jarrell: It's a measure of confidence ...

Wyckoff: Well, it's voluntary, then.

Jarrell: Yes. They have selected you.

Wyckoff: Yes. Maybe they've read some of my awards and like the color of my thinking. Did I give you an award that ... the girls in my office call it the "disgust award."

Jarrell: Which one?

Wyckoff: D-I-S-G-U-S-T. Somebody wrote me about one of my decisions ... involving an Alpha Beta market.

Jarrell: Oh yes, I have that. I love that.

Wyckoff: Did I give you the letter?

Jarrell: Yes, I have the letter where the man will never, ever call on you again for an arbitration.

Wyckoff: Well ... the United States Supreme Court just decided to hear a similar case. The Supreme Court decided that a police department someplace could make cops shave their beards and cut their hair.

Jarrell: That's right.

Wyckoff: Did you read it?

Jarrell: Yes, I read it.

Wyckoff: You did?

Jarrell: Yes. It was just the opposite of your decision.

Wyckoff: Yes. Renquist. But if you read my [Alpha Beta] award carefully, you'll see that I hedged myself on that one. I don't think if they took that award of mine to court they'd get anywhere ... or that they could annul it. I said that they'd given me a lot of awards to read, and I read them with interest, awards and court decisions, and I said I was aware of the fact that there were court decisions saying that no school-teacher or cop had a constitutional right to wear a beard, but I didn't consider those cases to be in point. Or that those cases would bind me or govern me. And they don't. 'Cause these are private employees. They've agreed to arbitrate this case, and they caught this in their, employer hooked with it.

Jarrell: And you fashioned your own mode in responding to it.

Wyckoff: Well the employer in the Alpha Beta case had been temporizing with the problem by permitting women to wear long hair which seemed to me they were discrimi-

nating against men ... unless you have the notion, which I suppose is prevalently held, that a man who wears long hair is a homosexual or transvestite ... I think there's a basic feeling of that lurking way down deep somewhere ... which I don't share. I don't. My hair is closely cut, always has been ... but I don't care, it doesn't bother me if somebody wants to wear long hair. That's his business. And it doesn't bother me if they have to get it out of sight when he's on duty. But when you start telling a guy that he can't hold his job unless he shaves a beard off or cuts his hair off, that seems to me to go too far 'cause that's reaching out into his private life ... off duty ... what I call off duty.

Jarrell: That's right.

Wyckoff: For example, I would be the first to uphold a discharge of a man for drinking in an industry where he would be endangering his own life or the safety of passengers or whatnot ... but I would vigorously defend his right to get drunk all he wants when he's off duty if it doesn't affect his on-duty performance. I think this distinction between on-duty and off-duty performance is very important, and apt to be overlooked. Because sometimes some types of off-duty

performance may cause some notoriety that will adversely affect the employer's interest. So you can't be too categorical about ... for example, it's one thing for a railroad conductor, or engineer, to go into a saloon and get drunk. But it's another thing for him to go into a saloon and get drunk with his engineer's badge on and his Southern Pacific engineer on his cap.

Jarrell: Yes. So that he's identified.

Wyckoff: Sure, yes.

LAW PRACTICE IN WATSONVILLE SINCE 1946

Jarrell: Would you discuss your law practice after you came back after World War II to Watsonville?

Wyckoff: Oh briefly I want to make sure I talk about personalities who stimulate me and were of great help to me in the practice of the law. The United States Attorney was George J. Hatfield who was a Phi Beta Kappa from Stanford and a product of Stanford Law School. And a thoroughly competent and intelligent and skillful trial lawyer. His chief deputy was a man named George M. Naus who was a ... he was a brilliant lawyer; very

able trial lawyer and able draftsman; a good researcher; a good all-around lawyer. And he was a stern taskmaster and herded us around ... all the deputies in the office. After I had been in the United States Attorney's office for three years, I resigned and went into private practice in San Francisco. I think I've told about this. But George Naus was one of my office associates. We were not partners. We shared office space, three of us, in the Alexander Building which is diagonally across the street from the Mills Building on Montgomery Street ... and I practiced there for ten years ... alone, on my own account.

Jarrell: Can you indicate what sort of practice you had during that' decade?

Wyckoff: Well, I did a little of everything that came along. I did a good deal of probate because George Naus was bored with probate practice. So he turned all his probate work over to me. Also, having been in the United States Attorney's office I got a lot of referrals from other lawyers in cases that involved going into the Federal Court. I didn't get rich at the practice but I made enough for Florence and me to live comfortably and do as we pleased. I also got to know most of the lawyers in San Francisco. And then I went

to Washington, was there three years during World War II. I've talked about that. Then I concluded that I didn't want to stay in Washington permanently as a way of life. When the war was over, I thought, well I'm going home now; I didn't know quite what to do. I didn't want to go back to San Francisco and ...

Jarrell: Why?

Wyckoff: Well, to be frank with you, I didn't think I could make a go of the practice. I'd been away from there for four years ... I had no ties. I was broke ... we had spent everything we earned. I got paid well in Washington, but we lived it up. And I didn't have anything. And I didn't quite know how to start. I didn't want to go into a large law firm on a salaried basis; I wanted my independence. So after thinking it all over, I concluded I'd come back to Watsonville. By that time my brother was a member of the firm here; my father was dead and Mr. Gardiner was dead ... and the only ones left were Mr. Parker, my brother, and Phil Boyle. So I joined with them on January 1, 1946, and have been there ever since. Well, the three of us started up together and I still have the letter ... they wrote me saying that they would take me into partnership, but that the amount of my participation would not be determined until December 31, of the year 1946, a year later. They would wait till they saw how things went before they'd determine what percentage I would get ... I suppose to find out what my performance was going to be. I had a draw of \$300 a month. So that's the way we started off in '46. I had nothing.



Jarrell: Where did you live?

Wyckoff: We lived for a while with my mother in this house in Corralitos. And then we finally rented a house up the road here ... a two-story house up Corralitos Road, halfway between here and the store. Nice house with a nice garden around it. Lived there for several years and then finally bought this place from my brother when he decided to move out, and when Florence's father had come back to live with us. This practice has been a very happy experience for me down here. I've been able to do what I please. My partners have been very tolerant, easy to live with. They encouraged me to take arbitration cases. I didn't know whether I was ever going to get any arbitration cases or not. And then I got quite a bit of it. Very shortly, I was earning \$30,000 a year from the arbitrations alone. The office down here had almost died during the war ... my brother and Harry Parker were trying to hold it together ... Phil Boyle had gone into the army; he was in the office. Then he and I came back ... that made four of us here. The gross had been about \$60,000 a year. At the end of that first year, in December of '46, we woke up and found we had \$150,000 in the bank. And so we had a nice little melon to cut up, and they

arranged the extent of my participation. And the firm has gone on. Now we have a branch office in Aptos, another branch office in Hollister. For a while we had one in Monterey, but it didn't work out very well. We abandoned it. But we still have these three offices. I have ten partners. And we employ three or four lawyers who are not partners. We also take law students on during the summertime ... what are called para-legal people. It has been a very stimulating, and satisfactory experience for me. I've been able to take whatever cases I wanted to take and the ones I didn't want to, I just didn't take. I've been able also to take as much arbitration work as I wanted to. But I've tried to hold that down so as not to make me entirely into an arbitrator. So I've been riding the two horses ... I still am. I'm 75 years old and I'm still active in the practice to the extent that I'm able to be. And then my partners, as I say, have been very tolerant. They're easy to live with. Some of them are, a few of them are, brilliant lawyers. Phil Boyle, one of my partners, younger than I, is one of the most brilliant all-around lawyers that I've ever run across. It's a great stimulus to be near him and to work with him. He's not easy to get along with, but not objectionably

so. And my relations with him have always been of the best. Bruce Richardson, Florence's nephew, was taken into the firm. He is a brilliant boy ... I won't say he's a boy ... he was in Naval Air during the Korean War.

Jarrell: So he'd be in his 40s?

Wyckoff: Yes. He has had an interesting career. Did I talk about him before?

Jarrell: No.

Wyckoff: He is Florence's brother's son. Florence's brother never made a go of things very much financially. So little Bruce got jobs when he was in Berkeley High School. He was a brilliant mathematician. He got a scholarship which sent him to Kenyon College which was noted then for mathematics and physics. He graduated first in his class. Once when I was in Chicago on arbitration business, Florence was with me and she went down to Kenyon to call on him to see what was going on down there. Those were the days when McCarthyism was at its height. And he was so discouraged about it that he dropped the idea of becoming a mathematician or physicist and decided he

wanted to do something about what McCarthy was doing, so he decided to study law. Then the Korean War broke out. He went down to Pensacola and entered the Naval Air Training Station there. He graduated first in that class. Then for three years he was in the service. When he got out of that, he got married and came out to Berkeley and went through Boalt Hall for three years. Then he came down here and joined us. He was also on the Law Review at Boalt Hall which meant that he was a top student. So you see, he has a brilliant scholastic career. And he is a brilliant, technical lawyer.

Jarrell: What does that mean?

Wyckoff: Well, he's just damn good. He knows all the hoops, and jerks and twists and turns and everything else. He's resourceful ... let's put it that way. He was offered jobs by large law firms in Los Angeles at salaries far more than we could afford to pay him. But he decided he didn't want to live in a large city ... he preferred to come down here and join us. He is now the business manager of the firm. That is, he runs it in addition to practicing. It doesn't take him full time to do that. He does that off his left shoulder. He has

a tremendous capacity for turning out work. He's an inspiration to work with. He and Boyle are tremendously stimulating people. And the rest of the partners are good, capable lawyers. We wouldn't have anybody else in the firm if he wasn't capable. And they're good human beings, easy to live with. So I've had a very happy life at the practice. I don't want to retire. And I am told by my partners they don't want me to retire, so, what I'm doing is slacking off. If I get tired at 3:00 in the afternoon, I can put my hat on and go home. The doctors think I should not retire also ... they think it's good for me to go on working, if I want to. And I do. And that's that. Amen.

Jarrell: Amen? All right. Shall I turn the tape recorder off?

Wyckoff: Yes.

Jarrell: All right.

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