TRANSCRIPT

The Work Goes On

Guest: William Gould IV
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William Gould:

I think it is nonetheless a characteristic that is an extremely important one for the National Labor Relations Board to have – to be able to cast a vote, write an opinion which may irritate some of the very same people who were responsible for your appointment.

Orley Ashenfelter:

Welcome to The Work Goes On, a podcast from the Industrial Relations Section at Princeton University. I'm your host, Orley Ashenfelter, the Joseph Douglas Green 1895 Professor of Economics, emeritus at Princeton University. In this podcast series of conversations with leading thinkers and practitioners, we are creating an oral history of an entire generation of industrial relations experts and labor economists whose contributions to their fields have been absolutely extraordinary. Our guest today is William B. Gould IV, who is Charles A. Beardsley Professor of Law, emeritus at the Stanford University Law School. He's renowned for his work in American labor law and industrial relations and has served as chair of the National Labor Relations Board. Bill, welcome to The Work Goes On.

William Gould:

Thank you, Orley. Good to be with you.

Orley Ashenfelter:

Let's begin the discussion by talking about your background. Where did you grow up?

William Gould:

Well, I was born in Boston, Massachusetts. Really both sides of my family come from the Massachusetts area, but I would say I really grew up in New Jersey where we moved when I was four years old in 1940.

Orley Ashenfelter:

Is that right? You went to high school in New Jersey?

William Gould:

I did, yes. I'm a graduate of a Long Branch Senior High School, the class of '54.

Orley Ashenfelter:

Well, that's wonderful. It's shocking actually, on the podcast we've had several people, often they grew up in New Jersey and I didn't know that. I'd say first place goes to Brooklyn. Yes. Second place goes to New Jersey. Now, I know that you went apparently from New Jersey to the University of Rhode Island. How did that happen?

William Gould:

Well, it happened really because notwithstanding the fact that I was lucky in having parents who guided me and tried to prepare me to go to university, I was very undisciplined as a kid, and I did do a fair amount of reading and had some aspirations, but really when it came time to graduate from high school, my record was undistinguished and I thought about the fact that we had had a number of our family in the New England area, and I thought, well, that's a school that I can be, maybe I have a chance of being admitted to. And so, I wound up applying there and they accepted me.

Orley Ashenfelter:

What did your parents do?

William Gould:

My father was an electrical engineer. He went to Worcester Polytechnic Institute in Worcester, Massachusetts, and my mother became a schoolteacher. She had gone to Boston University and obtained a degree when we were, my sister and I were kids, and she taught at Red Bank Catholic High School and then at the Eatontown schools right near Long Branch.

Orley Ashenfelter:

Oh, yeah. So, those are all around, I'm sure still now I know from Rhode Island, and this has got to be another jump that you went to the Cornell Law School.

William Gould:

Yes, yes.

Orley Ashenfelter:

How did that happen?

William Gould:

It happened because I thought that Cornell was a logical place to go because of the Industrial Labor Relations School, but I didn't really realize that at that time in particular, students had little flexibility in taking courses the first year outside of the law school proper. But that's where I went. And when I got there, I began to think and probably with a measure of accuracy that the law school… that I had made a mistake going to law school. But I was very lucky there again, because I met a professor, Kurt Hanslowe, who was just beginning his teaching career. He had been with the United Auto Workers in Detroit, and he was my professor my very first year there and taught the legal research course and the problem he devised for us was focused on a Supreme Court decision called Steele against Louisville and Nashville Railway, which established the duty of fair representation obligation for unions for the first time in 1944. Well, I took to that problem like a fish takes to water, and I immediately came to the attention of Hanslowe, and that was my first really lucky professional break in life.

Orley Ashenfelter:

So, you had a connection. The ILR School, of course, had the incredibly famous people there at the time.

William Gould:

Yes, yes. He taught over there as well. I didn't know any of these people. I think Perkins herself was still there, but I never met Secretary Perkins. And that school, like it is today, I think was really a smorgasbord of just every course imaginable.

Orley Ashenfelter:

And they had such a tradition at Cornell actually, of going across departments and schools. So, it's much less stratified in the normal sense.

William Gould:

Yes.

Orley Ashenfelter:

I could see how you probably enjoyed that. And Hanslowe, of course, is well known in the industrial relations world.

William Gould:

Yes, yes. He was well known, and he invited me over to his house and we had lunch together at his house and dinner together, and we went to a movie. *I'm All Right, Jack*, the British movie.

Orley Ashenfelter:

Oh, I remember it very well. What about the workers?

William Gould:

Yes, that's right. That's right. And later when I read *Saturday Night and Sunday Morning* and Kingsley Amis, I became more familiar with this when I was at the London School of Economics a few years down the road, but Kurt really opened the doors for me.

Orley Ashenfelter:

I know you did go to the London School of Economics, which, of course, is at that time was also a remarkably incredible number of famous people. Did you work in between?

William Gould:

Yes, I did. Kurt recommended me when I was still in law school for what we called then a clerkship, now they call them internships, at the UAW, and then they hired me on when I graduated full-time. And goodness, that was the dream of my life I had always read about, and it was interesting people like Reuther and so many of those in the 1930s.

Orley Ashenfelter:

So, Walter Reuther was there when you worked there?

William Gould:

Yes, yes. I never knew him well. My boss, Cranefield, Harold Cranefield, who had been the NLRB Regional Director in Chicago, when the Board was first established, took me in that first summer of 1960 to meet with Reuther, and he gave me about 15 minutes, and it was a one-sided conversation, of course, but Harold said to me when I left, he said, most people don't get that amount of time with him.

Orley Ashenfelter:

Well, he was without a doubt, one of the kings of the labor movement and widely regarded by everybody as a historical figure.

William Gould:

Yes, yes, indeed.

Orley Ashenfelter:

So, then you went from there to the London School of Economics?

William Gould:

I did. I did. While at Cornell, I had met a woman who became a good friend of mine who was from Britain who kept saying to me, "You really have to go to the London School of Economics. That's the place for you with your interests." And somehow, I had this deeply instilled within me. And so that looking back at it in the short run, I think it was somewhat foolish, but it seems to have worked out okay even though I had this dream job in Detroit, and I loved Detroit. I had the most friends, the most involvement with interesting people than I had ever had in my life, but I had this idea that I wanted to go to the LSE, and so I left in the fall of '62 and went to.. Kahn Freund, Otto Kahn Freund took me on as his research student, and he was my tutor, and I would meet with him once a week, and he was a wonderful guy, very, very personable. And I also felt that law school had destroyed my ability to write, and I needed to read more and write more, and that was a very successful year in that regard, I think. And just taking whatever courses I wanted. I had met Walter's brother, Victor, who introduced me to most of the leadership in the British Labor Party at that time.

Orley Ashenfelter:

You mean Walter Reuther had a brother named Victor?

William Gould:

Yes, yes. Oh, the Reuther brothers. You must read a book by Victor called *The Reuther Brothers*, and it's about the three of them. Victor was in Washington and at the UAW office in Washington. Like Walter, he had been the victim of an assassination attempt in the thirties. Roy was the most personable and friendly of all. I'll never forget when I first came there in '61, he said to me, "Welcome to Solidarity House" - a wonderful guy. Walter was somewhere in between two. Victor was rather stiff, but he opened all these doors for me because of his international connections in Britain and on the continent. I met trade unionists and Socialist Party leaders in France as well as in Britain and in Scandinavia also. So, it was a remarkable year and a very exciting year, one in which I wasn't studying for a degree. I could read whatever I want to, go to whatever courses I wanted. It did turn out to be a good bet, although there were times when I thought that perhaps it hadn't been.

Orley Ashenfelter:

It sounds interesting because of course the British Trade Union leaders were all kind of famous in their own way, maybe more so than they ever were in the U.S.

William Gould:

Yes. And of course, the British unions are a more dominant element in society and the country and politically because of their close association, I mean because of the fact that they created the Labor Party along with some others, and they were the tight knit relationship, which has frayed in years between the trade union movement and politics. And as I think back on it, within a few weeks of the time I got there, I was sitting in Parliament having tea with Jennie Lee, Nye Bevan's widow, and that was all because of Victor. He set that up and really opened every door imaginable to me.

Orley Ashenfelter:

That's really wonderful. So, you left the LSE and what happened next?

William Gould:

The other big development in my life at that point was that I met a woman in Britain whom I married, and she and I came back to the United States. When I returned to the United States in August of '63 she followed a month or so afterwards, and we moved to Washington where I was a junior attorney with the NLRB in Washington. Jack Sheinkman, another Cornell connection. I think professionally, there are two big people in my life, Kurt Hanslowe and Jack Sheinkman. Jack, this is really serendipity. He had graduated from Cornell Law School, undergraduate Cornell, and he, as it turned out, lived in the same small boarding house that I lived in, and so, he took a great interest in me. Whenever I would visit New York, we would get together. And he, when I returned, said, "what are you going to do?" And I said, "well, I had hoped to go back with the UAW, but my boss was now gone. They had changed everyone in the legal department. I had no connections there." And he said, "well, Frank McCulloch is a good friend of mine. President Kennedy has just named him Chairman of the Labor Board. I'll call him." And boom, right away I got a call from Chairman McCulloch's office inviting me to be on the staff of the NLRB, and that's where I went from mid-September '63 for the next couple of years.

Orley Ashenfelter:

I see. And then eventually, I know you ended up in private practice.

William Gould:

Yes, yes. In '65, I went to a law firm called Battle, Fowler, Stokes, and Kheel. Of course, the big thing there was Ted Kheel who was so close to Mayor Robert Wagner Jr., the son of the author of the Wagner Act, the National Labor Relations Act. He was sort of…

Orley Ashenfelter:

Famous name. Kheel is a very famous name in labor.

William Gould:

Ted Kheel was sort of the go-to guy for Mayor Wagner on just about every labor dispute at that point. And that, again, was really fortunate for me because what it did was we had an unusual situation where I would sit in sometimes on arbitrations as an arbitrator where I would hear the facts and write a draft

opinion and report back to Kheel, and his name would be on it. And I think I have to say that sometimes he was too busy. Sometimes he got me involved in cases. I don't think he really wanted to hear like those involving no strike clauses of where the National Maritime Union was the responding party. I don't think Ted was too interested in getting involved in those. So, I was just a junior guy and young guy, and I was perfectly pleased to do it, and it gave me a great opportunity, and then I also was able to represent a number of their clients on both the employer and union side. It was a very unusual firm in that regard.

Orley Ashenfelter:

That is unusual. Usually, they're on one side or the other, aren't they?

William Gould:

Yes. Yes, but I was able to do both. I represented a number of big employers like Proctor and Gamble and Diners Club and US Industries, and I represented some of the Teamster locals in New York City, and I had some very interesting experiences with all of them.

Orley Ashenfelter:

We'll come back to talk about your arbitration experience, but first of all, how did it happen that you ended up as director of the National Labor Relations Board?

William Gould:

Well, that also is due to Jack Sheinkman. When President Carter won in 1976, Jack called me and said, did I want to go to the White House and to be a special assistant in the White House? And I said, "No." I was already 40 years old at that point, and I felt, and I had three children, and I know how those people live in the White House. Not a second is their own. These very young people come out. I was too old already, and so Jack had recommended me, but then Jack, once President Clinton won in '92, Jack came here to San Francisco. We had breakfast together, and he said to me,
"what would I like to do in the Clinton administration if an offer was forthcoming." And I said, "well, I'd like to be in some kind of policy job in the Labor Department." He said, "no, I think that your natural position would be as chairman of the NLRB." He said "because all your life has been basically involved with the statutes, this is where your writings are.

This is what most of your focus has been." He said, "this is where I think you should go." He said, "what I'm going to do is I'm going to go to President Clinton, President-elect Clinton at that point. He has this annual meeting down in South Carolina, and I'm going to go to him and tell him that you should be chairman of the NLRB." And he called me afterwards and said, "I raised your name with President-elect Clinton." And Jack was very close to him because Jack's union, the Amalgamated Clothing Workers at that time, was the first union in Arkansas to support Clinton for governor before he became president. And so, oh goodness. Jack said to me that "Clinton had actually looked at the papers that he had given him," and he said, "I think you'll be hearing from them." And I did, and that's how I was appointed.

Orley Ashenfelter:

How long were you there?

William Gould:

I was there for about four and a half years. The term of office is five years, but it took me so long to be confirmed by the Senate that I ate up half a year involved in investigations of me and the hearings, and

ultimately a vote on the Senate where I was successful in obtaining the largest number of no votes of any Clinton nominee at the time that I was nominated, at the time I was confirmed in March of '94.

Orley Ashenfelter:

That's kind of amusing actually, that you had a lot of no votes, but obviously not enough.

William Gould:

Yes. Well, the Democrats held the Senate. I got 58, yes, and 38 nos, and I got five Republican votes, and ironically, one of them became my very best friend in the Senate, the entire time that I was there, we became close friends. Mark Hatfield of Oregon.

Orley Ashenfelter:

That's an old-fashioned Republican.

William Gould:

Yes, that's right. That's right. Yeah. I would have lunch with him often and over at the Senate building, the Senate luncheon office, and we would talk often. I remember one time-- my father at that time had died, but my mother was alive in New Jersey-- I drove to New Jersey to see her, as I walked into the house, she said, "Mark Hatfield's on the phone." So, he was a great pal to me.

Orley Ashenfelter:

Now, NLRB, of course, is some controversy about it now over the… I guess the history is that people keep their jobs, even if the administration changes, at least for some length of time, and the current administration seems to want to change that. What do you think of that?

William Gould:

Well, I just wrote a piece about this a few days ago in the *Los Angeles Times*, and I think that the attempt to change the appointment process will rob it of one of its greatest, strongest characteristics, and that is that really with the advent of the National Labor Relations Board in the 30s, which was a repudiation of the way in which the courts of general jurisdiction had handled labor disputes before that, we brought with that the rule of law in the workplace. And the rule of law meant that, theoretically anyway, because a person was appointed for a period of time, specifically a five- year term in this case, there wasn't immediate pressure upon that person to decide a case in a particular way that the person could, as a judge, should decide that case independent of any possible pressure from the outside.

It doesn't really always work that way, regrettably. I found that out, much to my regret when I was in Washington in the 90s. But I think it is nonetheless a characteristic that is an extremely important one for the Board to have, to be able to cast a vote, write an opinion, which may irritate some of the very same people who were responsible for your appointment, and to be able to do that and to do an honest job of it, rather than a situation where you cast a particular vote and the President says, "I don't like your vote. You're out of here." Which is what of course he can do to most of his appointees. But these quasi-judicial administrative agencies, these alphabet agencies, as we used to call them when we were in high school, learning about them in ninth grade, which came in for the most part with FDR, had this characteristic as one of their abiding ones. And that's what the issue is today. And I think that the courts have been thus far have recognized that. And Judge Howell has written a very fine opinion in connection

with the dismissal of a board member, Gwynne Wilcox in New York, who comes from New York City. And my hope is that when the matter gets to the Supreme Court, I'm not sure of this, but I hope that the Supreme Court will affirm what the courts have done thus far. And that is to preserve the system constitutionally.

Orley Ashenfelter:

That's very interesting. I want to ask you a couple more things, but I don't want to take too much of our time for this. At the NLRB, what do you think… I know you're associated with the baseball strike while you were at the NLRB, but what do you think, what was the major accomplishment that you had there?

William Gould:

Well, I would say the major accomplishments related to a provision of the Act of the National Labor Relations Act, which the Board administers and interprets, called Section 10(j), which authorizes the Board to go into court and obtain the temporary relief while the administrative process works its way to conclusion. You know justice delayed is justice denied. And it takes about three or four years, often for the matter to even where one party, management or labor, alleges that the other party isn't engaged in good faith bargaining for the matter to be even resolved administratively. And so, it becomes important to get into court and to remedy, perhaps not all, but some of the unfair labor practice, which may have been committed in the interim. And I think that I would say the major accomplishment I had in Washington was to lead our Board in obtaining the largest number of so-called 10(j) petitions to the federal courts and the largest number of 10(j) authorizations ever obtained in the 90-year history of the Act. And we undertook other similar efforts to expedite our process. I think that was and is today still the major problem in labor law matters arising under that Act in particular.

Orley Ashenfelter:

It just takes too long. Well, we're coming to the end of our podcast, but I do have to ask you about one more thing, which I know is probably a labor of love for you. You edited the diary or annotated and edited a diary of your… I guess it's your great-grandfather.

William Gould:

Yes, yes.

Orley Ashenfelter:

William B. Gould, who was an escaped slave who joined the Union Navy.

William Gould:

Yes, yes.

Orley Ashenfelter:

How in the world, and I guess you came across this diary much, much later, and now you're named for him, I suppose you're William B. Gould the fourth. Was he William B. Gould the first?

William Gould:

Well, no, he is just William B. Gould. His father was named Alexander Gould. And when we lived in New Jersey, every summer we would go back to Massachusetts to a town called Dedham, which is

immediately south of Boston, which is where all the people on my father's side had lived since the end of the Civil War. I knew the sons and daughters of this man William B. Gould when I was a child, but I never cross-examined them about William B. Gould. I was really virtually unaware of him. But my father in 1958, when one of the last of those great uncles died, he had willed his property to my father, and my father went up there and the workmen were already throwing things out, and my father went up into an attic and discovered this diary written by William B. Gould between 1862 and 1865, and it begins shortly after he escaped from Wilmington, North Carolina and joins the United States Navy. He ultimately comes north, and he is able to reunite with my great-grandmother, who had come from Charleston and who had lived in Wilmington. And he then becomes part of the Navy's effort to chase down the Confederate ships that were being built by the European powers during the war. And so, he keeps a diary about this three-year period, and ultimately, I wrote a book, this book, four chapters, introductory chapters, and then annotated the diary and have an epilogue about William B. Gould.

Orley Ashenfelter:

I read some of it and I was shocked. I did not realize that the Union Navy would actually go to Europe trying to track down these Confederate ships, which were typically named after Southern states.

William Gould:

Yes, yes. Right. Well, you see, one of the problems that President Lincoln had was that the European states, all except ironically, when think of today's events, Russia, all of them were very pro-Confederate because of the relationship between textiles and cotton. And although the British workers… The union movement in Britain was supported, much to their economic disadvantage, the United States, the North and my great-grandfather sets off from New York City in a ship, a vessel that called the Niagara, the USS Niagara, and they're looking for a number of Confederate ships, the Florida, the Confederate Florida, and also the Alabama. And when his ship comes into Britain up the channel, they get the news that the Alabama has been sunk by the Kersage. And my great-grandfather said, “we were hoping we would get a shot at her, but the crew is just as proud as if they had done the deed themselves.”

Orley Ashenfelter:

Well, it's a remarkable story, and I know that your great-grandfather was an important figure in Massachusetts, and I gather he had been trained while a slave as a plasterer and bricklayer, which of course was actually common amongst the skilled trades among slaves in the South. So, it's just a wonderful story, and I started reading it, and it's easy to get sucked into it because most of what I learned about your great-grandfather is something I would never have known about even having to do with the Confederacy and the Union in the first place.

William Gould:

Yes, he's a remarkable guy in remarkable circumstances. He settled in Dedham at the end of the war, became a leading citizen there because of his work as a tradesman and also a founder of the local Episcopal Church to which I owe much, and also an officer in the Veterans Organization, the Grand Army of the Republic in Dedham. One of the really rewarding upshots of writing this book was that ultimately people in Dedham today became much more interested in him, and two years ago, they established a park named for him and created a statue of him, which you'll find if you go to a Dedham, which otherwise is known for the Sacco-Vinzetti trial.

Orley Ashenfelter:

Oh, well, Bill, it's just been absolutely a pleasure to talk to you today, and I'm glad we could end on a high point about your great-grandfather.

Our guest today has been William B. Gould IV, Professor of Law, emeritus at Stanford University. Please join us again for the next episode of "The Work Goes On: an Oral History of Industrial Relations and Labor Economics" from the Industrial Relations Section at Princeton University. I'm your host, Orley Ashenfelter. Thanks for listening.

Announcer:

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