

Interview Date: 4/15/05 and ?

Subject: Jack Rice – Lawyer: Degraf, Foy, Connelly, and Holt Harris 1962-1972

Jack Rice was the principal partner responsible for the CSEA account in the law firm Degraf, Foy, Connelly, and Holt Harris from 1967—when he replaced Harry Albright around the time the Taylor Law was enacted—until 1972. Working under Harry Albright, and then as principal partner himself, Rice was involved in the enactment of the Taylor Law, including CSEA’s legal fights to represent the state employees under the new law and the negotiations that led to the first collective bargaining agreements signed between the state and CSEA on behalf of its employees.

In this interview, Rice discusses how the Taylor Law came into being, and its significance in creating a statutory framework for negotiations between unions and the State on behalf of public employees and how important a role CSEA played in how the law ultimately benefited state workers. He mentions that one of the defects of the law was its avoidance of changing the ban on strikes and its severe penalties. However, recounting the way CSEA was granted amnesty after a statewide strike on Easter in the early 70’s shows how although the draconian penalties for strikes had not been removed from the law, the new mindset of the state that the Taylor Law had created provided that the penalties were lessened substantially in practice.

He spoke of how the new bargaining arrangement between CSEA and the state resulted in significant wage raises and the inauguration of Tier I, which provided pension benefits and shortened work weeks. He also described how the Taylor Law allowed for a lot of conflicts between CSEA and other unions to be resolved with representation elections, including prior rival AFSCME. Furthermore, Rice attributes the Taylor Law and its surrounding events as the catalyst for the evolution of CSEA from “kind of a passive organization to one that was a real union.”

Rice describes his personal role in regards to CSEA as the legal advisor to the president of the Association, its principal officers, and the board. He talks about the different people he encountered while working with CSEA, such as CSEA presidents Joe Feeley, Ted Wenzl, and Bill McGowan. He mentions the “tower of strength” Executive Director Joe Lochner and describes Danny Donohue as a “watershed point” for the union’s development.

Key Words

AFL-CIO
AFSCME
Civil Service Leader
Condon-Wadlin Law
Contract Negotiations
Feld-Hamilton Law
Office of Employee Relations
PERB
Public Relations
Representation Elections
Sanitation Worker Strike
Taylor Committee
Taylor Law

Key People

Harry Albright
Hugh Carey
John DeLuri
Carbin Desapio
Danny Donohue
Joe Feeley
Irv Flamenbaum
Arthur Goldberg
Governor Harriman
John Kelly
John Kline
Herbert Lehman
Joe Lochner
Al Marshall
Bill McGowan
Dan O'Connell
Joe Reedy
Governor Rockefeller
Amos Royalls
Joe Rulyea
Ted Wenzel

CSEA HISTORY PROJECT

JACK RICE INTERVIEW

4/15/05

MR. RICE: (Continuing) before the Taylor Law became effective in 1967 was to improve their terms and conditions of employment. They didn't have a collective bargaining statute. They were more or less dependent upon their ability to exert political pressure which was substantial. They had a lot of assets. There was a big cash flow so they could make monetary contributions to campaigns and they did.

They could also mobilize their membership, particularly focused on areas where they had large CSEA membership, in the case of legislators. As a matter of fact, many legislators' principal employer in their districts was the State, the State and the local governments involved in some of the metropolitan areas.

But in Nassau County I can remember they had 20,000 county and local government employees, plus they had a lot of State employees in those counties too, or in that county too, so they had significant political leverage, like CSEA does now. They were very

early sophisticated in the political process.

They also had very liberal insurance programs. Their competitor, which at the time was AFSCME, which of course they're part of now, said that it was a large insurance and social organization. There's no doubt that the insurance had a material effect on their success in recruiting. Probably it still does in the case of membership of organizations similar to CSEA.

And the social factor was important too. Man is a social animal, or humans are social animals and that had a value, which it hasn't -- CSEA, I'm confident, hasn't lost. It's the camaraderie that exists from institution to institution, workplace to workplace, that members enjoy by virtue of being a part of a large organization that has common denominators.

But I think, in my experience, which ran from 1962 to '67, before the Taylor Law, the bulk of the employees that I dealt with or that I knew, because I lived in Albany, socially myself belonged because they felt that

collective representation was -- was desirable but it was also essential if they were gonna gain improvements in the terms and conditions of employment.

INTERVIEWER: How did it actually work that local government entities were affiliated with CSEA, because I know that there was a period of, you know, really spectacular growth throughout the 1950s, into the early sixties.

MR. RICE: M-m h-m-m.

INTERVIEWER: Did individual local chapters sign up members and then affiliate as a group with CSEA?

MR. RICE: In some cases that happened in that fashion. There were independent groups that formed among themselves that then joined CSEA as a unit, and CSEA won -- it had a fairly large and very active field staff that went out and organized employees and they had organizational fights with competitors.

I can remember before the Taylor Law, even among State employees there were representational disputes, one of the earliest of which, which antedated the Taylor Law, was

the dispute between the Teamsters and CSEA for representing Thruway employees. The Teamsters had begun an organization campaign, particularly among the toll collectors in the Thruway, and CSEA went in aggressively and resisted their organizational effort and gained substantial membership.

Of course, we didn't have units and we didn't have an apparatus for solving disputes and no way to guarantee laboratory atmosphere as the Labor Law provided and that was one of the big achievements of the Taylor Law.

INTERVIEWER: So people -- but did people -- were they able to sign up as individuals because it was obviously a very large membership?

MR. RICE: Yeah. They did. They all signed up as individuals. We had people in each unit who would go out and get dues -- payroll deduction cards and authorizations signed and they'd deliver it to the employer. They'd become members and as they gained a significant portion of the unit that was involved, they'd demand that the employer recognized them and

bargained with, and that was well on its way before the Taylor Law became effective.

What the Taylor Law did in many ways was codify that process, improve it to be sure, and also guarantee rights, both for the unions and for its members, to give them a free choice and to provide an apparatus for the employer to resist organizational efforts that were inappropriate.

INTERVIEWER: As you describe this, it kind of brings to mind the fact that CSEA seems to have used public relations as a tool very early on.

MR. RICE: Oh, it did.

INTERVIEWER: I wonder if you would talk a little bit about what you remember about using that in terms of member organizing and in terms of --

MR. RICE: Yeah.

INTERVIEWER: -- lobbying and exercising other clout.

MR. RICE: Well, they used it for organization very actively. Their public relation staff was fairly large. It was

professionals, people who'd come out of the media and several of whom were very active in the legislative correspondence group: Gary Perkins, Joe Relyea, Marv Naylor, were experienced public relations people who went on after they left CSEA and went in -- further into the public relations field representing private companies and unions and, in some cases, government agencies, and they also used it in their negotiations with the administration at the State level.

They had what was tantamount to a house organ, the Civil Service Leader, which had very substantial circulation, particularly among government officials and people interested in government, and it was advertised or promoted as an independent entity but it wasn't.

It had a retainer with CSEA which was substantial, in the millions of dollars as a matter of fact, and politicians, whether they were mayors or county legislators or supervisors -- there weren't county legislatures back in those days -- didn't like their names in the headlines of the Civil Service Leader

because they knew there were thousands of people in their district that would be reading it, and if it was critical it was bad news for them because of the highly motivated and very unified group of people.

The philosophy that there was a -- that CSEA only lobbied prior to the Taylor Law is not an accurate characterization. They negotiated, they forced people to come to the table with them. They did it through -- primarily through public relations, but they had demonstrations which were a form of picketing at local government levels and they had informal relationships even with affiliated unions and they had cases where the unions would refuse to cross their picket lines. Unions that were rivals in other connections would honor it in a kind of supporting their brethren. And so public relations was the lynch pin of the whole operation really.

INTERVIEWER: Talk to me a little bit about how encompassing your position was as counsel. Were you doing lobbying, were you doing advice on the legal operations of the

organization and collective bargaining,
et cetera?

MR. RICE: We did that; our firm did. Our law firm did. By the time I left, which was in the early 1970s, we -- I had four or five associates that worked for me full time at CSEA. I was not there full time. I was the partner in charge of it and we had a staff of three or four other nonlegal personnel, so we had seven or eight people. We lobbied. We also represented them in litigation, acted as their General Counsel, gave advice on an ongoing basis regarding legal issues both before and after the Taylor Law and that's about it.

INTERVIEWER: After the Taylor Law came in I know you were involved with helping to negotiate the first contract between CSEA and the State of New York. What was that process like from having gone where you were kind of working with a team -- or a small team of people to kind of now having many members involved in a negotiating team. What was that transition like?

MR. RICE: It was a change and it was

substantial. It wasn't all new. The State had the same people involved early in the Taylor Law. Governor Rockefeller had his primary administration officials directly involved in the negotiations, the Budget Director Norm Hurd, the Secretary to the Governor Hal Marshall, and the president of the Civil Service Commission, Ursula Posten, were the Governor's negotiating team. He had a -- they had large staffs that --

INTERVIEWER: (Inaudible) from there.

MR. RICE: Okay.

INTERVIEWER: Go ahead. You were talking about the Governor had his staff level people --

MR. RICE: Yeah, and they acted -- they were there every day. They'd sit there into the wee hours of the morning, all three of 'em. There were, of course, dominant personalities on the Governor's side just as there were on CSEA's, and Marshall who is a very strong individual was his primary representative in those early years.

But it was several years before they really established the Office of Employee

Relations and had a director, the first director being Abe Levine, of course, but prior to that time in the first years of the Taylor Law there was a lot that was new because there was kind of -- everyone was kind of testing their way along.

CSEA had people that they had recruited from the AFL-CIO during the transition period from post- to pre-Taylor Law or pre- to post-Taylor Law, and the Governor's Office hired consultants too to advise him on how -- what might be appropriate but public employee bargaining was new all over the country as far as that goes.

New York claimed it had an Executive Order and had established a kind of labor relations fair practices act, but it didn't. It was more like CSEA in those pre-Taylor Law days than not, but you gotta remember those were real tumultuous times.

I mean we were out on strike all over the state all the time. This is when teachers were walkin' out and staying out for months and school districts were going without schools being open.

Tugboat operators shut down the Port of New York. Transit workers stopped the subways. The sanitation workers didn't pick up the garbage, and CSEA was going through the same experience. They had strikes in the State service at correction institutions. This was not far after Attica and we had a strike at Attica after the Attica riots. Those were not halcyon days. They were real tumultuous and tough and people were litigating, the Governor was suing CSEA with the -- through the Attorney General trying to get restraining orders, so that was superimposed on top of it but it was the sixties. It wasn't 2005. In 1970 people -- people took things into their own hands and that was true in labor relations in the state and local government of New York.

INTERVIEWER: Tell me a little bit more about the relationship between CSEA and Nelson Rockefeller.

MR. RICE: Well, Rockefeller had a distant relationship with everyone. He was so immensely wealthy, came from such privilege, so that it's hard to compare him to his successors

because he had a different relationship with the Legislature than any of the succeeding Governors, and from what I understand, a difference dramatically than even Governors Dewey and Harriman, who were also national -- very prominent national figures as he was.

But he had -- he believed his first job, when he got -- when he graduated from college was he took over as the construction manager of Rockefeller Center and he had a classmate at school, in college, a guy by the name of Barinelli who was a labor lawyer, became one after he graduated from school, and they bec...they were close friends and they remained close friends, so he was close to the labor movement.

Brennan, who became Secretary of Labor, was a Rockefeller recommendation to Richard Nixon. He recommended two people, Henry Kissinger and Brennan, and they both became, respectively, Secretary of State and Secretary of Labor, so he was -- he thought he was real familiar with the labor movement and yet in reality further removed than probably anybody in

the history of the country because of the vast wealth and the power that the Rockefellers had at that time; probably still do have, although you don't see it so much, but he'd come in to the negotiating sessions and sit down.

I think I told you last time about the story about we had a representative in one of our negotiating teams from Manhattan State Hospital and his son was playing in the final four --

INTERVIEWER: You told us that whole story.

MR. RICE: Yeah.

INTERVIEWER: You told me another story of one time about the Governor actually coming to your house --

MR. RICE: Yeah, he did.

INTERVIEWER: -- to settle the negotiations.

MR. RICE: Yeah.

INTERVIEWER: Can you tell us that?

MR. RICE: Well, he -- we were negotiating. We were at an impasse and we'd made one more effort. We were close. It was --

but neither side would budge and we had a negotiating team meeting at Hook Street, which is where CSEA headquarters was at the time, that ended about one o'clock in the morning after we'd been with the Governor's people until about three in the afternoon, and I got in my car and drove home.

And the driveway to my house went down and around the front. You came in the back, and I went in the back driveway and came around and here was that great big -- he had an Imperial limousine, Chrysler Imperial, that was custom made and the chassis of it was made by Carmen Gia in Italy and he put all Chrysler Imperial fixtures in it, and here the thing is sittin' there, and his driver and security guy are standing there.

His security guy, incidentally, lives about a quarter of a mile from me right now. I see him frequently.

I was standing in my driveway and I look in and there he is sittin' in my kitchen with Al Marshall and my wife is serving them beverages, sittin' there waiting. I walked in

and he said, Hi. What is it gonna take to settle this? And I said you got their demand on the table. They're not -- they're not one percent apart in gross figures. He said, Okay. Can you get a hold of Ted Wenzel? I said I think so. I'll call him. I just left him half an hour ago.

I tried to get Ted. I couldn't, and he said, All right. Tell Al tomorrow morning. We'll do it. It's done. Just bam.

He wrote it all out, too. He had a note pad, which I watched real carefully, I recall, because the stories of his dyslexia, of course, were rampant, but he could write notes pretty well, I'll tell ya. He kept the figures and he had 'em.

INTERVIEWER: Did he make substantial -- did he help create substantial improvements for the State employees?

MR. RICE: Oh, yeah. No doubt about it. He had a real desire. He was -- even before the Taylor Law, when he heard of what the average salary was he was shocked, and he made real efforts to move things forward. I think he

was -- there was a bona fide desire on his part to improve terms and conditions of employment and the clause that evolved from the negotiations, both pre- and post-Taylor Law, had a lot of his imprint on it.

He didn't believe -- he thought the retirement age was too young. He constantly expressed dissatisfaction with the 55-year retirement age. He said what are these people gonna do? They're gonna go out and they're gonna get, okay, 60, 70 percent of their final salary? Just gotta go get another job. They're not gonna be able to live on that. Lift the retirement and hold it off if we can't lift it and pay for it. I heard him say that on several occasions.

Of course, everybody wanted to retire at 55 because then they could go get another job and have a substantial base to work from, but he -- I think he had a -- he had a desire to help but noblesse oblige produces different results than real hard bargaining. It doesn't necessarily satisfy the felt needs of the workers.

INTERVIEWER: I had come across -- I was looking through some old issues of the Civil Service Leader and found one from 1970 where at the CSEA convention they had both Rockefeller and Arthur Goldberg to address --

MR. RICE: Yeah.

INTERVIEWER: -- address the delegates. I guess both were running for Governor --

MR. RICE: Governor.

INTERVIEWER: -- and CSEA was just simply letting them come in and make their case to the employees --

MR. RICE: Right.

INTERVIEWER: -- as opposed to endorsing either one --

MR. RICE: Yeah. Right. They didn't endorse people at the gubernatorial level. Something that CSEA still avoids frequently doing. Did last time, I guess, didn't they? I don't think you endorsed -- or no, maybe you did.

INTERVIEWER: '94.

MR. RICE: Okay.

INTERVIEWER: That we did that, yeah.

MR. RICE: All right. I can't remember Goldberg particularly coming. His campaign was so weak and so disorganized that it's hard to remember anything about it. I remember Bob Morgenthau coming to the CSEA convention.

When was Gold...Goldberg's --

INTERVIEWER: It was 1970.

MR. RICE: 1970. Uh-huh. Okay.

INTERVIEWER: I just thought it was interesting in the -- in the context that here, you know, CSEA had made some major strides under Rockefeller's governorship and just simply -- simply negotiated a contract with him, yet they weren't really taking a position to support him.

MR. RICE: Yeah. Well, he asked for it, for support, but they withheld it in the interest of self-preservation in a lot of respects. And of course, Goldberg had a labor background. He was a labor lawyer before he went into the public service. He was Secretary of Labor, as a matter of fact, U.S. Secretary of Labor for a time.

That campaign was real nasty. There was a biography of Goldberg written that subsequently revealed -- was paid for by people close to Rockefeller, but it didn't -- it didn't get -- it really didn't feel the impact of it at CSEA. Rockefeller made a pitch but when they said they were gonna remain neutral he accepted it without rancor and I was representing 'em at that time, in 1970.

I remember his efforts to get the endorsement. I remember very little of Goldberg's campaign and I don't remember the convention but I do know they always had both.

INTERVIEWER: M-m h-m-m.

MR. RICE: They had Hugh Carey when Malcolm Wilson was Governor as a guest at the convention. I can remember that fairly clearly because I remember distinctly how good Carey was. They liked him a lot, a lot. They didn't endorse him but they didn't endorse Governor Wilson either and the likelihood would have been, I think, that they would have gone for the incumbent Governor.

But I remember Governor Carey coming

very vividly because I met him at the door of the Concord Hotel. Is the Concord still open? I don't think it is.

INTERVIEWER: No.

MR. RICE: I think it shut down.

(Simultaneous conversation.)

MR. RICE: Are they?

INTERVIEWER: Redeveloping it.

MR. RICE: Yeah. But I can -- I can remember him coming. We had a private meeting with CSEA leaders, as a matter of fact, with Governor -- or with Congressman Carey during the campaign and several people that were leaders of CSEA endorsed him as a result of that meeting with the acquiescence of the statewide organization.

INTERVIEWER: Great. Well, this should do us very, very well.

MR. RICE: Super.

INTERVIEWER: Appreciate it.

MR. RICE: Thanks a lot, Steve.

(Conclusion of interview of Jack Rice.)

