

In a second interview, Rice expands on the effects of the Taylor Law on CSEA, including the ability to mobilize their membership. He attributes CSEA's success in recruiting new members to their liberal insurance program. He also felt it was the camaraderie that existed within CSEA that made those members want to stay there.

In this second interview Rice discusses in greater detail what was going on before the Taylor Law was finally enacted, including representational disputes and the development of units.

He also mentions CSEA's newspaper *The Civil Service Leader*, and how important it was as a communication tool to unify the members.

Rice elaborates here on his involvement in negotiating the first contract between CSEA and the State. He describes how the process of trying to bridge those relations was difficult due to the strikes going on throughout the state and the general tumult of the 60's and 70's era, but ultimately successful.

## **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

## Interview with Jack Rice

JR: My name is Jack Rice. I'm a lawyer. I've practiced in the City of Albany since 1960. In 1962, I joined the firm of Degraf, Foy, Connelly and Holt Harris. The firm, at the time, was counsel to CSEA and had been since the mid-1930's. John Degraf Sr., as the senior partner of the firm, had taken over the CSEA account in the 1930's, just before, as a matter of fact, the enactment of the Feld-Hamilton Law, which established state salary schedule. This still has some vestiges embedded in the Civil Service law. After he acquired more clients and diversified his own personal practice, as the firm grew, the account was taken over by a fellow by the name John Kelly, a World War II hero who was really a dynamic guy. He was in the Normandy invasion. He suffered some 'bad injuries, complications of which led to his death at the time that I came on board as an associate of the firm. The principal partner, when I joined the firm in 1962, handling the CSEA account was a fellow by the name of Harry Albright, who served in that capacity until 1967), when he joined the Rockefeller administration. Governor Rockefeller was governor in 1962, when I joined the firm; governor in 1960, when I graduated from law school, for that matter. He was still in office in 1967. The day the Taylor Law became effective, Harry went to work for the governor's office, first as Deputy Secretary, the number two operating officer in the state, reporting directly to the governor. But his boss was a guy by the name of Al Marshall, with whom CSFA had dealings during the entire course of my representation of CSEA. So that I became on that day the principal partner in the firm responsible for CSEA. There were several associates that worked for me; a lawyer by the name of Al Hoyt, two other lawyers by the name Jim Roemer and Jim Featherstonehaugh, all three associates of the firm at the time. And I continued to be the principal partner in charge of the CSEA account from September 1, 1967 through 1972, when that responsibility was transferred to other people in our office.

So that, really, my involvement-because I worked with Harry or for Harry during his tenure as the principal partner in our office-my tenure really spanned the period from 1962 to 1972, 10 years. Then involved the events leading up to the Taylor Law and the first five years of the Taylor Law itself, including the legal fights that occurred in CSEA's successful effort to represent the state employees under the newly-enacted statute, then the negotiations that led to the first collective bargaining agreements that were signed between the state and CSEA on behalf of its employees.

So that's where I come from. Since that time, I've been a very interested observer in CSEA's progress, which has been significant, and for which I am very proud of myself, and very pleased for the people they represent and the people of the State of New York.

FV: Let's talk about the role you played in those significant years), because they were interesting ... When you started with CSEA, what were the legal obligations at that time, and how did they- what happened, how did they happen, how did they develop and change?

JR: Well, the firm work was a very sketchy one and it was harsh. The state had in place this salary structure that had been established by the Feld-Hamilton Law in the late 1930's, and negotiations between state unions and the governors from the time of Feld-Hamilton in the 1930's up to 1967 were on an ad hoc basis and had no real statutory framework. There were laws applicable. There was, for example, an anti-strike provision with really draconian penalties, so harsh, as a matter of fact, that it was observed in the breach. And, of course, the 601's were tumultuous times in American society generally, particularly in labor relations, and particularly in public employee relations, with strikes all over

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the country. New York didn't escape those tumultuous events. As a matter of fact, in some ways, it was the center of them, both in the city and upstate. For example, the sanitation men and the transit workers in New York had had a couple of strikes in the early 1960s that had really significant consequences in New York City. Anyone who was alive in the 1960's can remember the garbage piling up in the streets for days and days, and ultimately weeks on end. When John Lindsay was inaugurated as mayor, there was no transit service because the transit workers walked out.

You may recall, you might be old enough, I think you are-I'm not going to blame you for it, but we'll take joint credit for it- the first days in office, Lindsay walked from Gracie Mansion up in the 90s all the way down to city hall in lower Manhattan, and that was a real significant event. Here's the mayor-we were then accustomed to our politicians riding around in big Cadillac limousines-walking to work. It endeared immediately to all the subway riders because he was suffering the same as they were.

The transit worker union head, you may recall, was a real colorful guy by the name of Michael Quayle, who had a beautiful Irish brogue, and who was a real effective speaker himself, and a very charismatic figure, as Lindsay was. But that was the background. The teachers' unions were the principal focus of strikes upstate in the early 1960's, although other public employee groups, including some affiliated with CSEA, had struck before 1967. In 1966, the governor appointed what was called the Taylor Committee, headed by a professor of labor law at the University of Pennsylvania, consisting of four other academics from around the country, only one of whom was from New York; a fellow from Cornell University School of Industrial Labor Relations. They studied the absence of any legal framework and legal authorization for employee representation and collective bargaining, and they made recommendations that really formed the framework of the collective bargaining provision of the Taylor Law. Lamentably, they avoided dealing directly with the issue of the ban against strikes, and they kind of took the easy way out by continuing the outright ban, trying to ameliorate the penalty provision somewhat, but not doing too good of a job of it, and really, what resulted was a continuance of the old Condon-London Law, which was the total ban against strikes that had existed for decades, with no real safety valve provisions.

However, the enabling legislation, as far as giving the employee unions the right to be recognized, the right to collectively bargain on behalf of their members, the right to institute grievance procedures, all were significant steps forward. And CSEA can take a lot of credit for how that law ultimately benefited public employees. And really, I don't think it's charged with any of the responsibility for its defects, such as they were and, to a certain extent, such as they still remain. Because they fought against the provisions that didn't go forward as far as they could have.

My personal role was really as the legal advisor to the president of CSEA, its principal officers and the board. All of those persons participated actively between 1966, when Rockefeller appointed this committee, and the enactment of its ultimate recommendations. And we were there negotiating with the governor's office. The counsel to the governor, at the time a fellow by the name of Robert Douglas, and his associates, really were the primary people representing the governor at the time, so just by virtue of circumstances, the lawyers for CSF-A, including myself and, at that time, my boss, Harry Albright, who was the partner in the firm primarily responsible, really worked out the terms of the bill that ultimately passed. CSEA strongly supported its enactment.

The competitor unions did not like it. There's a real perverse result that occurred because they fought against the recognition provisions, claiming that the units ought to be broken down very small since the largest competitor CSF-A

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had with state service at the time was AFSCME's Council 50, which had only about 5,000 members. CSEA at the time had over 100,000 state employee members. They knew that their best bet was to get real small bargaining units, and they sought to get some that were as small as five or ten persons, in order to get a foothold. The law didn't authorize that, and that was, much to their chagrin, and they fought it very strenuously in the legislature, even though it granted tremendous additional rights to public employees. As CSEA's success thereafter is testament to, the result was, the Taylor Law got enacted and CSFA was promptly recognized by the governor because of its overwhelming majority of membership, and began to negotiate with the governor.

Curiously, just recently, the public employee unions have sought to revert to that recognition on the basis of membership without the necessity of elections. The reason I say it's curious is that every other union wanted to have elections. They didn't have members so they were hopeful that in secret ballots they would get some mysterious groundswell of support from some undisclosed source and promptly be designated as the bargaining agent for some unit, somewhere. Now those unions want to go back to what CSEA used as the first criterion for employee choice, which was actual membership. As the world goes around, as we were saying before, things that look different now turn out to be not so different later. But it was a real eventful period in the early 60s. There was a huge strike that you might recall, of sanitation workers in 1966; the same time that a group of tugboat operators struck with only some, 20 members. The sanitation workers were in the thousands. I can't remember the exact number, but it was several thousand. Of course, they got all the publicity because of the garbage piling up on the street. You may recall the pictures that were on the front pages of every newspaper in the country, with heaps 20 and 30 feet high of garbage strewn down streets intersecting with 5th Avenue and Park Avenue. The city really became a mess. It was settled-incidentally, the union leader that was the president of the sanitation workers was a guy by the name of John DeLurit who was also a charismatic figure, and able to get tremendous support from his membership with really fiery speeches. It was settled, and he claimed, in order to avoid the draconian penalties that were in the law at the time, that he had been forced to call the strike by his members; it wasn't his responsibility. A part of the settlement agreement was that that position would be accepted, and he was given amnesty. The 20 tugboat operators weren't given amnesty, and the public, perceptive as it always is, albeit sometimes late, said, Wait a minute; this not fair. If you've got a lot of political strength and a highly visible position, you get to break the law and not suffer the consequences. On the other hand, if you're small, politically weak, not led necessarily by a charismatic figure like the sanitation workers and the transit workers, you get the full impact of the penalty. That really was the catalyst, finally, for legislation in New York. That's why the Taylor Law got enacted.

FV: Let's talk about some of the people at CSEA that you represented and worked with within the governor's office at that time. The personalities, what they were like, what they did, how they fought. Give me a picture of those.

JR: There was an interesting composite of state service. The president of CSEA in the 601 s was a fellow by the name of Joe Feeley. His title was clerk in the Dept. of Tax and Finance. Not file clerk; he was a clerk with administrative responsibilities that were significant. He ended up, when the bargaining units were defined, in the administrative services unit. So, he really came out of the ranks, but he was a college graduate. Articulate guy who had a real strong interest in public service. He kind of matched Rockefeller. Rockefeller had a perception of the state service as something like the British civil service.

He used to talk about it all the time when we met with him. He thought everybody ought to work together to create a public service that was more akin to the civil service in England that transcended political affiliations. Of course, he excepted himself from that because he demanded, like all politicians-or rich people too for that matter, and he was both-complete fidelity and absolute loyalty. When he didn't get it, he got angry, like politicians generally, and like rich people generally. Joe Feeley had the same kind of concept. He had an idea that the state service could be improved by improving conditions for the membership that allowed upward mobility. He was Albany oriented, which is significant because CSEA very much at the time was focused on Albany. Its roots were in Albany back in what was then the dim past. Now my era is in dim past, so I think back and when I think about people talking about what had happened 20 and 30 years earlier, in the 30's, 40's and even 50's, I think now that we're looking from the same perspective in the year 2002 back at the 1960's and 1970's.

Other people that were real active included Bill McGowan, who succeeded Joe Feeley as president. The intervening president, Ted Wenzel, who was there from early in the Taylor Law era-I think Feeley was actually still president in 1967, and Ted, if he wasn't elected at that time, became president shortly thereafter. As a matter of fact, he was president in '67, and he remained president until the early 1970's. He had a doctorate degree in education; he came from the teachers' retirement system. He had worked his way up in the teachers' retirement system to an executive position and was in the professional unit, the PS&T unit. So he was really something different than the general picture of an active labor leader from the ranks. He was an executive and he thought like an educator. He was a really contemplative person. He had a real vision for CSEA. It didn't necessarily fit completely with the times, but in a lot of ways, it certainly was a harbinger of the future. Ted, I think, is the first person that served as president that really thought seriously about the necessity of affiliating with the house of labor and becoming a unit of the AFL-CIO. I think it would have been difficult for Joe Feeley to have come to that conclusion in his era, in part because of his philosophical orientation and, in part too because Joe was more active during the period that CSEA was fighting very strongly against AFSCME, its current parent union. The consequences of that combat, which was very, very strenuous and, in a lot of ways, very spiteful, I think biased Joe enough so it would have been tough for him to see his way clear to exploring possible affiliations. None really occurred until Ted became president. Most of what happened after Ted became president, in that respect, I participated in personally a lot of times representing Ted and the other officers who saw affiliation as a way to gain strength and status and also labor peace. In meetings that only I attended, I met with a number of leading labor figures at the time; Harry Van Arsdale, Brennan, who subsequently became US Secretary of Labor, both of who were building trades members in the City of New York; Vic I who was AFSCME's District Council 37 head in New York City at the time, whose wife, incidentally is now the Public Advocate in New York City. They stay around forever. I'm not the only one, I guess. And a fellow by the name of Howard Coughlin, who was head of the office and professional workers' union and who had affiliated with public employee unions that were independent like CSEA in other parts of the country. That at the behest of Rockefeller, who tried real hard to encourage CSEA to affiliate. He was very interested personally in achieving that, thinking it would reduce the turmoil that was caused by various smaller unions seeking to get into the public sector by challenging CSEA's representation. Tom McDonough was the vice president of CSEA in the late 60s, when I was most active, from the Bureau of Motor Vehicles here in Albany. A gal by the name of Betty Duffy, I was recalling after you made this date with me, with my wife. She used to call-she was a nurse at Pilgrim State Hospital, which is now shut down. At the time, it was the largest hospital in the world; a

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mental institution in Islip, Long Island. She worked the night shift, and she called constantly when she got done, like at 3 o'clock in the morning, yelling and screaming at me. A real dynamic person and very effective.

FV: What was she yelling and screaming about?

JR: Conditions down there. And she was angry with whoever she got on the other end of the line. She couldn't get her bosses because they were all in bed and had their phones disconnected or had answering services, so she called Albany and, it seems, got me most easily, because I'd pick up the phone. But those were interesting times and a lot of fun. It's fun to recall them. I'm not sure-maybe the discomfort of those midnight calls has been forgotten, but if it has, I'm glad I've got the good part of it.

Amos Royalls, he was an interesting figure and characteristic of the CSEA. Amos Royalls, R-0-Y-A-L-L-S. A very famous name at the time because he had a son that played for Jacksonville in Florida, which, during our first negotiations for our first contract, went to the final four, a small state school in Florida, which went to the final four in basketball. Amos' son was the star of the team and he was a mental hygiene attendant at Manhattan State Hospital, which, like Pilgrim State, has been closed and its functions largely terminated, although the facility still operates out there on the island there in the East River.

Real strong-willed dynamic guy; a big, tall, handsome person; quiet, taciturn personality, but very forceful. He really had-I went to several of his membership meetings down at Manhattan State, and he really had control of the membership. I recall that during one of our negotiating sessions ... we used to alternate between the division of the budget and CSEA's headquarters so that everybody had an equal-and it didn't look like it was favored-venue for either side. Then when we got in real big arguments, we'd adjourn to the DeWitt Clinton Hotel so that the ground we were meeting on was totally neutral, but this was early in the round, so we were, at that point, in the division of the budget offices upstairs on a little platform with a great big table, with about 20 people on our side and 20 people on the state's side. We were still in one unit. They hadn't issued their uniting decisions.

Amos is among the crowd and Rockefeller walked in unannounced, which he frequently did all throughout his tenure. He loved labor relations because, when he first got out of college, he got real active in the building of Rockefeller Center, was the construction manager, kind of. I can't imagine a Rockefeller as a construction manager, but that's what he called himself, and he could call himself anything he wanted because his father owned it. So, he'd come in and sit down and he'd actually get right into the nitty-gritty. I remember he walked in-this is just the week before the final four. It's between the sweet 16 and the final four. I think there were only 16 teams, as a matter of fact, at the time he competed. And he looks down the table and he sees Amos. He says, "Amos, what are you doing here?" And he said, "I'm here bargaining for my people, governor. What are you doing here?" He said, "Well, I'm bargaining for mine, too, but isn't your son up training for the final four this weekend?" He said, "Yes, he is." He said, "Why aren't you out there?" He said, "Well, Mrs. Royalls and I, we've got nine kids and it's everything we can do to keep body and soul together, support them and help Amos Junior out there with the meager wages you're paying us, governor." The governor said, "Well, that's a good point, Amos. You win that argument, but are you going down for the game?" And he said, "No, we aren't because we can't afford to." And he said, "Well, I'll tell you, I've got a plane that's flying there. How about you and Mrs. Royalls and your whole family go." He said, "Really, governor?" He said, "Yup. As a matter of fact, it's got about 32 empty seats in it. Take anybody you want. All your

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friends up to 32." He said, "All right. What do I." He said, "Nothing. When we get done here, go on back home and I want everybody to know we're doing this. I don't want any conflicts of interest. This plane's already going." He said, "Where we gonna stay?" He said, "Gee, we got rooms there at the hotel that we're not using, too." He flew them all down, flew them all back, came back in the next week after the kid was a star.

I remember a lot of gathered at CSEA headquarters. They lost, but he was fantastic. They panned across and caught Amos then and nobody saw it, except those of us that knew him. He came back; he was proud as punch. And we're sitting, this time at CSEA headquarters. We get a call and the head of the state delegation gets up and answers the phone. He says, "Yeah, governor, he's right here." Amos says, "Yeah, I think I left that on the plane. Sorry, governor. Yes? Oh, okay." He hangs up. Held left something on the plane. Somebody comes over from the Capital and delivers it with a little note from Rocky, "He did great." So there was a personal touch to it to, in spite of some real tough contests with Rockefeller, that he wasn't used to having, CSEA stood up to him real strongly. I really think that's why the governor respected him so much. I think he was the kind of guy that liked a good fight. I know he was. They prevailed. They really turned around state service during that period, in the 60s and 70s; really significant pay raises for very meager salaries that had prevailed in public employment generally theretofore, because Rockefeller inaugurated minimum raises. Large percent of raises-the first two were 10% each year. That's a big jump, even from a relative modest base salary. Tier I was inaugurated during that period of time, so they got significant pension benefits, shortened work weeks, all the meat-and-potato issues really got onto the table in the framework of this newly established, more formal, collective bargaining arrangement.

FV: It's fascinating because, I mean, CSEA is definitely, from what you're telling me, they're working so hard for their people and yet they're being fought tooth and nail by every other union that wants to come in. This is-how do they keep their place?

JR: It was hard. It was a real challenge, and there were constant efforts by their competitors to lure significant officers and members of the union over to their side in these fights for representation. Basically, the Taylor Law allowed those to be resolved and settled. It was tough for CSEA to accept the way it ultimately was resolved because it was resolved with representation elections, which made the CSEA leadership Ted Wenzel, Joe Lochner, who was really the chief operating officer for CSEA for a period of like 30 years, and their allies, these officers I've already described. And their colleagues felt they were entitled to the recognition, but ultimately, the Public Employment Relations Board said, "Well, no, you gotta have an election. The only way we're going to settle this is to let the employees themselves vote in a secret ballot, preserving as far as practicable a laboratory atmosphere without employer interference." Accordingly, they split it up among five bargaining units and said, okay, we're going to have elections in each unit. It ultimately resulted in CSFA winning for the five by really strong majorities, losing the fifth, which was one no one ever expected, which was the security unit, to Council 82 of AFSCME, but really becoming strongly entrenched in the other four, so that the sacrifice really the benefit of the union and the members in those four units. Although, in the immediate wake of that loss to Council 82, it would have been hard to convince anybody that was directly involved in that. But that did resolve the representation issue and it did allow them to gain focus that they couldn't have therefore. Because I think your point is very good. They were kind of fighting with one arm against their competitors and with their other arm



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against the employer. That dissipated their effort. There's no doubt about it. That was another beneficial consequence, unintended but beneficial, of the Taylor Law and its representation format. And, as everybody expected, once you got elected, that was tantamount to designation into infinity, because there was no one who could come in units that were this big and really mount a viable challenge. They became stronger. Very early in these negotiations, we got a contractual provision of agency shop, which gave dues income from beneficiaries of the collective bargaining agreements who were not members, thereby strengthening the union even further. Something that has been carried into the law up with Danny Donohue, whose good offices he really secured significant benefit when he got that codified into law. It's a great victory for the union and for the members. So those were times when there were real threats, even though, numerically, it didn't look like there were very long periods when the union was fragile and subject to challenges that were threatening. Because without any sort of statutory framework, they were vulnerable. There's no doubt about it.

FV: What were the conflicts like. I mean, when they were challenged, before they were affiliated? That was probably before you, but I mean there must have been some pretty personal kinds of...

JR: Well, they were personal and there were conflicts that were - this was the 1960s. There was violence. There were things like offices being raided and broken up and trashed, broken into. There were reports of physical violence in various parts of the state, when there were these fights in these local work locations between competing unions and CSEA. It was no picnic. There were real strong disputes and real intensely held feelings.

FV: Legal action was taken?

JR: Lots of legal action. There were lawsuits all over the place. There were arrests.

FV: ...was arrested and who was sued and ... ?

JR: I can't remember the names of any people that were arrested. There were competing union representatives that were arrested for unlawful entry and for, vandalism, and things like that. There were lawsuits between CSEA and Council 50, and other unions, Teamsters and the like, that were pending regarding designations and collective bargaining attempts by various challengers to import the provisions of the National Labor Relations Act and the State Labor Relations Act into the public sector, all of which were unsuccessful. But they were in combat. This was a real big prize and, as a result, the competition for it was stiff and it wasn't a picnic. It was amongst the competing factions. That's why there was really a real strong influence from the public at large as well as from both the government, his employer and the employees themselves to come to some kind of agreement that avoided that kind of distraction. I think your question earlier was pertinent because there's no doubt that it dissipated the resources of the union to fight competitors over basically, turf, that didn't redound directly to the benefit of the members in any respect whatsoever. And CSEA, because it was a product of those times, developed into a very militant organization. In some cases, undoubtedly, they were just trying to outdo their competitors. But at the same time these strikes were occurring, there were leaders of CSEA who felt constrained to strike themselves, even when a strike might not be warranted, probably. We had a state-wide strike, which I know

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you've already talked about, I was told before this interview in here, conversations with others, but that was for CSEA. They felt that they had to do it. Because they felt they were not getting what they deserved. They also felt that they had to prove themselves and match the militancy of the time and of their competitors. So they walked out on an Easter weekend, right in the teeth of the penalties that the Taylor Law provides, which would have been destructive if they'd been enforced to the fullest extent. One thing they learned, and they taught everybody else, was that the same kind of amnesty that had been frequently granted under the old Condon-could still be obtained under the Taylor Law, really, because they ultimately settled for a good benefit in their contract and also for amnesty. They escaped the sanctions.

FV: What year was that strike?

JR: The early 1970's, I think. Like '71 or 172.

FV., So, instead of being penalized, they got their objective

JR: That's right. And of course - Well, that's why the part of the Taylor Law that really didn't represent an improvement was the part that contained the outright ban against strikes with sanctions for anyone that struck and no kind of ameliorative fact-finding process that would allow a just cause and allow a balancing of the adverse impact of the strike against the of the grievance. There was a lot of talk when the Taylor Law was being considered to changing the provision relating to the ban and saying, sure, there are some strikes that are bad. They're so hostile to the public interest and the welfare of the public at large, that they ought not to occur. There are other public strikes where the public service is more akin to the private sector, where the service on an immediate basis is not so essential that a strong grievance that needs redress, while it doesn't warrant the strike, at least excuses the strikers from suffering the adverse consequences of conduct that really was forced as much on them as it was on their adversaries. That view didn't prevail and maybe it never will because it's hard to get a legislature to accept the proposition that sometimes they're wrong too. So, they didn't go that far. But the consequence of that was that there's a kind of extra judicial adjustment that's provided the same safety valve that more sensible legislation might provide, because, in spite of the attempt to make all of the sanctions automatic, there is an ability to work around it and ameliorate the penalties so that they're minor enough to really be nonexistent. That's what we learned in that statewide strike. And of course, teachers' unions are still experiencing it to this day. The result might be that in the view of the writers of the Taylor Law, the law was a failure because what they purported to do was eliminate this practice of just ignoring the law when it was convenient and enforcing it when it was politically popular. But I think it's changed the context, certainly. So have the times changed, for that matter. It's changed the context enough so that it accomplished most of what it wanted to do.

FV: This thing about CSEA starting out as an association, really, a social club, back when it started in the I don't know if they were forced to become militant or if they ... What made that transition. I mean- when did they wake up and realize ... Was it all the fighting, all the challenges? How did the culture change?

JR: Well, it was a cultural change and, like all cultural changes, it was evolutionary. It didn't occur just by waking up one morning and saying, okay,

we're a tough, hard-nosed union that's going to go for broke on every issue. It evolved, certainly before I was in it, in 1962. It had started to grow UP- You can go back and look at the bill jackets of the statutes that were passed in the 1930's, like the Feld-Hamilton Law establishing the salary schedule. Herbert Lehman was governor and he wrote a - I can recall seeing - I haven't looked at it for 25 years, but a memorandum he wrote where he said that the Civil Service Employees' Association had said that there had to be equitable upward adjustments in salaries, but also equitable relationships among state employees, so that it didn't look, and didn't in fact occur that certain employees, just because of the popularity of the position or their political standing, got huge salaries and other employees got meager salaries. It looked as if there were some relationship between merit and skill and tenure period of service. So they established this salary schedule with increments that went out into the distant future, really, because there were upward adjustments even to 12 and 15 years. That occurred by virtue of demands by CSEA. Now, that's radically different than the forebears of the union had a vision, certainly 10 rule out 20 years earlier, even in the 1930's, in the depths of the Depression. Post-World War II, think things really started to change radically for CSEA. I heard stories from people like Joe Lochner about the Harriman era, the four years that Averill Harriman was governor.. And the guy who was Secretary of State at that time really was kind of like the' chief of staff to the governor, was a guy by the name of Carbin Desapio, and I can remember Lochner telling me about the fights they had with Desapio that were really vicious, strong fights with press releases and all sorts of statements in the press that were derogatory to Desapio and Harriman, really something that they hadn't engaged in theretofore. So there was the adversarial position between the administration as employer and the union as representative of the employees that even went back into the Harriman period in the 1950's. Certainly, they had bitter contests with the Rockefeller administration during that 15-year tenure in spite of the fact that Rockefeller had a kind of charm and disarming manner and an affinity for getting in and mixing it up. He'd come to CSEA conventions and he'd go to the cocktail parties and stay right through to the parties after the dinner, always with a drink in his hands which everyone called Dubonnet, but in reality was something somewhat stronger; and he loved it. There was just no doubt about it. He didn't go with the state police encircled around him. He'd walk right out into the crowds and stand and talk to people and laugh with them. But, yet, they'd fight. They called each other bad names and they fought each other tooth and nail on issues that were very dear to each of them. So that relationship that perhaps manifested itself first during Harriman's administration certainly grew during the Rockefeller era. And when the Taylor Law occurred, it was signed by Rockefeller. The lines were clearly drawn in the law as well as in practice. Negotiations became combat with the administration feeling that its duty was to protect the public treasurer and that it didn't have the kind of paternalistic position that maybe earlier had been something that at least employees hoped for, even if they didn't reap the benefit of it. That was all gone. As I said, curiously enough, Rockefeller had a background that allowed him easily to adopt that position. He wanted everybody to endorse him when his election time came around, but-and as a result, he got a lot more flexible around election periods, but as far as the collective bargaining was concerned, he adopted that attitude just as much as the union did. Certainly, Hugh Carey carried that tradition on. He was tough as nails, although he had that Irish Brooklyn politician's finesse and style, which was so great. And a lot of it resulted in the same kind of demeanor as Rockefeller, from different sources. I don't know much about the Cuomo years because I was far enough away from it by then so that I didn't see it.

FV: That's good. That was a good, picture of the development of the union and how they dealt with the political issues. I think that was very good. Now, in the pre-interview with Steve, he put a note in here about the effect of the Taylor Law on local government affiliates and the internal dynamics. I don't know if you covered everything that you talked about with Steve.

JR: Yeah, I did talk to him about it a little bit more. With some of the CSEA personalities, the guy who was really the most active CSEA officer and director in the 60s and 1970s was a fellow by the name of Irv Flamenbaum, who was president of their Nassau County chapter and also their Long Island region; a big man that looked like a union leader and he acted like one. Gregarious and outgoing. He managed to put together a membership in Nassau County which ran from the lowest job title right up to the top. He had, as I recall, about 20,000 members in Nassau County alone, all county, town and school district non-teaching employees. He really was the focal point of local representation. The local unionization of the public service lagged very much behind the state representation outside the City of New York. The City, in many ways, considered itself ahead. I think, in reality, they were running at best on a parallel course. Certainly, it was true that the City and the - New York City and the state were well ahead of the counties and local governments. Political influence was far more important in local government affairs. You didn't come to Albany, for example, and fight Dan O'Connell and Erastus Corning and last long on the county payroll. So, if you were a union leader in Albany County, you discovered that you did what Uncle Dan and mayor wanted or you didn't have a job and your cousin didn't have a job and your street didn't get cleaned. That kind of situation was not to the degree of Albany County, but that was true right across the state, with both Republican and Democratic regimes. As a result, the evolution of CSEA was slower until the Taylor Law. You see, the Taylor Law granted the same bargaining rights and the same structure to local government employees that it did to state employees. Once it became law, the union movement really flourished in local government, it still took a long while to catch up because the intimate relationships among the parties prevailed and for a greater degree than it did at the statewide level or in the City of New York. Slower, but nonetheless, just as certainly, the union evolved at the local government level.

It was in the early 1970's when my experience with CSEA directly ended. It was real strong then. Irv Flamenbaum was the head of it. He was still an officer. I know because my son, when he was in college, even after I was no longer involved with CSFA, worked for CSEA's political action arm one summer down in Brooklyn, for a guy by the name - of Bernie Ryan, who's still around Albany, from Troy. You can recognize that name. A lot of Troy people in CSEA, incidentally. They really infiltrated. It was kind of like a foreign government coming in.

Yeah. Jack McGraw. Do you remember him? He was a prominent executive in CSEA for years. Jack Carey. Remember that name? He ran the field operation for CSEA for a number of years. Real great guys, both of them. Marvin Naylor, who was from Troy and then went to work for Ned Regan as the public relations officer. I don't remember - principal press secretary. He followed Joe Rulyea. Gary Perkinson. Do you know Gary? Well, he was there PR director. He was one of Steve's predecessors. All from Troy. Justin McCarthy. He used to draft bills for our law firm. He ultimately became chairman of the State Bill Drafting Commission, but before -- he was in law school with me. He helped us draft a lot of bills, including a lot of the tier 1. He wrote tier 1 for us. We retained him and he wrote it because none of us could figure out that law; it was too damn complicated. All from Troy.

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As a matter of fact, when Justin died, we went to his funeral over in Troy with Gary Perkinson, Eddie McDonough and Marv Naylor. And McDonough had a newspaper clipping talking about Gary Perkinson's fourth birthday party on whatever street they lived on, and next door neighbors were McDonough, Perkinson, McCarthy, and McGraw, obviously not - picking the IRA versus the American army wouldn't be tough on that street.

FV: Gary Perkinson was the best friend of Mike...

JR: Well, Marcy just died about a month ago and she was my wife's best friend. I got a call from Gary three days before she died and he said she wants to see Shirley. And I said, "Okay, we'll be there tomorrow." So, we flew down and saw her ... No they live in Washington, Potomac. He ended up senior vice president of Beneficial. When Beneficial was bought by Household, he cashed out. This isn't on the record. He cashed out with a ton. I mean, just terrific. He's great, but he was really a mess when we went down there. Marcy had managed to rally herself and she'd gotten - first time she'd been out of bed for two weeks. She sat there and talked to us for about an hour and a half. We left and she went back to bed, and she never got out of bed again. Died three days later. Gary's coming up this summer, as a matter of fact, and spending a week with us.

FV: He probably won't remember me, but say hello for me.

JR: I sure will.

FV: Let's talk about Joe Rulyea. There's some stories about him. I'd like to hear those.

JR: Oh, I sure do. Well, Joe succeeded Gary Perkinson. When Gary was the - they call the public relations director, Joe was the assistant director. So when Gary took over the operation of the Retail Council, now called the Retail Council. Then it was Council Retail Merchants. Rulyea took over and of course, he obtained fame as a radio announcer in the Capital District. Didn't mean a damn thing if you got more than 10 miles outside of Albany, but he was kind of a lead figure for CSEA during a lot of these times in the 170's particularly, but even back into the late 1960s.

I'll never forget - The first two contracts, in '68 and '69, were negotiated under a recognition that Rockefeller gave CSEA for a single statewide unit. It was immediately challenged by Council 50 and by the time the second year came, the court had let us have our contract negotiations for the second year, but then issued a stay against further negotiations until our election occurred. So we were sitting in there negotiating for all what was then about 130,000 state employees; not too many more now, as a matter of fact, which is a credit to the governors that followed, that they haven't expanded the government that much. But, anyway, these things, we used to feel that you had to negotiate until you dropped. You hadn't really wrung everything out of the other side unless you yourself was (sic) about so tired you wanted to die. I never quite figured out why that was true, but I know I believed it as much as everybody else did. So, we'd negotiate until like 2 or 3 o'clock every morning for like two weeks in a row, always leading up to April 1, because in those days, everybody thought that if the state didn't have a budget by April 1, it would just disappear.

FV: (inaudible)

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JR: Right. This was more than 18 years ago for sure because we haven't had an on-time budget for that period of time, but you just thought it was the erid of the world if you didn't have a budget. Everybody would immediately drop dead or some other cataclysmic event would occur. So, we'd be up until late and then we always had to go to a bar that was right next door to CSEA headquarters, after we negotiated so we could recapitulate and relax. Having already almost killed ourselves working, we felt we had finish the job playing. I lived, at the time, on Cardinal Avenue in Albany, off New Scotland Avenue. There's a little bar on the way home called the Fountain, which is still there, incidentally; great hamburgers. I go there occasionally for lunch. But there was an even better bar in downtown Albany, called the Ambassador, where everybody went. So we'd go to the Ambassador, which was right next to CSEA headquarters and have a couple beers. Well, this one night, I get next door and my car has been stolen. I go to the back of CSEA. I had a neat little Firebird, fire engine red convertible, and somebody had stolen it. So I asked Joe Rulyea for a ride home because he lived farther out on New Scotland Avenue somewhere. He says fine. Well, one thing led to another on the way home; I guess we needed gas, so we stopped at the Fountain to have a beer. It gets to be about 3 o'clock when we get home. We arrive at home; my house is surrounded by police cars. I get out of the car. Rulyea feels compelled to get out with me. This is before they ever arrested anybody for DWI. And he comes in with me, and there's like ten policemen in my living room, and my living room was not big. It was hard for a family of four to sit in it, no comfortably. But there were about ten of them, including a guy with a whole bunch of braids on his hat, and Rulyea is sitting there with me and they immediately recognize Rulyea, but they know my car's been stolen because I reported it when I finished the day, like two hours earlier. So they're sitting there waiting for me to appear and my wife is sitting there in her bathrobe, nervous; nervous before I arrived, nervous and unhappy after I arrived. The lead police officer says to me, "Now, Mr. Rice, I want to know exactly where you parked your car when you arrived at work at 8 o'clock this morning. It's now like 4 o'clock the next morning. And I start to tell him and Rulyea gets real excited and stands up and falls on the floor, right in front of all ten of these policemen, and there were ten there because I heard this enough from my wife for the next week or two, that it was indelibly impressed on my recollection, even though it's 30 years ago. He's flat on his face-on the floor. The cops are trying to help him get up. They actually help him get up and get out into his car. Does that tell you the difference between the perception now and the perception 30 years ago? And he had a little Triumph. He was a big guy, you'll recall. He had a little Triumph convertible. He goes out and gets in it and he disappears into because the top is up of course; it's the end of March. We all go back in and he has trouble starting it, but finally gets it started and goes and goes rummm, rummmm, rummmm. My house was on the corner of a little alleyway and Cardinal Avenue, which ran through on the side of the street my house was on, but on the other side there was a barricade. It looked like the street continued but there was a barricade and it wasn't painted white or anything, so it was invisible to even a sober person at night. We hear this rummmm, rummmm, rummmm, and then it goes silent and then rummmm, rummmm, rummmm, and a screech as he peels out from in front of my house. You gotta remember that he's just collapsed on my living room in front of all these cops. Everybody is sitting like this, and then there is dead silence. But we hear him screech across the road. You can see his tail lights out of my living room window, but they disappear behind a tree, and everybody is waiting for the crash. No crash. Someway or another, he's managed to stop this car, put it in reverse. Back across he comes. One of the cops finally says, "You know

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something, I'm going to drive him home." So they go out and they drive him home. Now, would that happen today? Never. They discovered my car down at the bus station, to finish the story, the next day. It had been taken by somebody who'd driven it down there, gotten on the bus and just left the keys in it. Never caught him or her, but ... So no damage done. But Rulyea was a great guy.

FV: You want to take a break now - take a little break?

JR: Sure. -----

FV: (inaudible)

JR: Yeah, I remember Dan when he was just a kid. He had to be in his early 20's, just fresh and vigorous and full of it. I watched him mature, because he was so prominent as the press spokesman for CSFA, both on state and local issues around here, and he really grew to be a real giant. I was real proud of him. I'm real sorry to see that he died so early and prematurely. I know his family lost a lot, but so did CSEA and the membership. But he was a real great guy and he kind of typified, I think, the growth of the professional staff of CSEA because there are a lot of them who had similar careers, not such an early loss, but I can think of Joe Reedy, who's still with CSEA. He used to be the union leader at a packing company here in Albany, Tobin Packing Company, that my father was an employee of. I remember my father calling me up and telling me that Joe had mentioned to him that held applied for a job at CSEA, and he said, you'd be doing this company a real big favor if you got him the hell out of here, so I talked to Joe Lochner and he hired him, and our company flourished after that, got real profitable, and the union got stronger for having gotten him, so I did two people a favor. My father and my client- you can't do better than that, can you?

And he still sounds ... I talked to him on the phone a few days ago. He still sounds like he's got a lot of vigor and strength left. I'm sure he does. Boy, he was hell on wheels out at the packing house, and he was equally tough when he came to CSEA.

I've mentioned Joe Lochner, but I've got to mention him again because he was such a tower of strength in the union. He started to work for them when Lehman was governor. He worked all through the 60s ... I mean the 30s, all the way through the Dewey administration. He used to, like myself, when he got old, he talked a lot about what used to prevail and talked a lot about the Dewey people, who were among the best and the brightest, and many of whom followed the governor into the law firm down-there that's still very prominent and active, Dewey Ballentine. But Joe went through the period with the transition during the Taylor law and he really was a tower of strength for the union because he was so dedicated and worked so hard, and so loyal to the union. And he was capable, like Campbell, of making the transition from kind of a passive organization to one that was a real union, and was among those with Ted Wenzel, who started to see that an affiliation with the AFL-CIO was going to be a true benefit to the union and its membership, even though there were wounds that were still festering from the bitter contests that had occurred in the pre-Taylor law days. In many ways, in that connection just since we've been talking, I've been thinking about it the Taylor law really did provide the basis of CSEA joining the AFL-CIO because it put it into the mainstream, gave it the self-confidence to do it, and it took more than just a peace agreement among unions that had been fighting literally for their life. It took a real shift in thinking and it took both courage and self-sacrifice for the people that brought CSFA into the AFL-CIO. I was real glad to see it happen. It's certainly proven to be a great

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asset. Real good, and Danny Donohue and Joe McDermott, Bill McGowan, Ted Wenzel - I watched them all. I can remember Danny when, he was just a rank-and-file member and a young kid. He really has been the watershed point, I think, for the union's development. He came from the ranks. He didn't have a doctorate like Ted Wenzel. He didn't have an important position at Tax and Finance, like Joe Feeley. He knew the people that were out in the trenches. He worked his way up through the organization, came from outside Albany, which had its own special attributes that are less important now, but, in order for the union to get more global, or universal, it had to get away from the parochial Albany mentality. And I say that advisedly because I'm an Albanian myself. It had to know what it was like to be from the metropolitan area or the Island, or western New York, and McGowan, Danny., brought it from those opposite ends of the state for sure. When you watched Danny on TV, you can see, not just the maturation of the man, , but the development of the union. It's got the security that his experiences brought him, and that the union's experience has given it. I'm real proud of it when I watch Danny on TV. I think he's a-representative that all the members and all of those of us that worked for it earlier can say, well, we made a contribution, however small, to producing that figure and that union. And the more I thought about sitting down to talk with you this morning, the more I thought about that.

FV: It's no small thing, the accomplishments of your era were major.

JR: Well, a lot of are not necessarily things that we produced. We reacted to them. We were certainly living in probably the most tumultuous period of the country's history since World War II, maybe since' the Civil War, maybe forever. Violence and revolution ran from Kent State to Watts to Harlem, and the union movement, particularly the public employee part of the union movement, was developing and evolving at exactly that same time, in some ways, just coincidentally, because I think the evolution of public employee unions would have continued at almost exactly the same time without the revolution in the 1960s, but the coincidence of the two certainly caused the intensity to increase. They produced a dynamic that made that a very interesting period. But the greatest changes - I really believe that the difference between Danny Donahue and his predecessors, which has occurred in the last ten years, obviously, is more market than the difference between CSFA in 1965 and 1975. I think I see a greater change, the product of what happened in that earlier period, but nonetheless greater quantitatively than in any similar period in the union's history. I think he definitely is indicative of the CSEA of the year 2002, all to its very great benefit. And to the state's benefit. Not just the members but the entire state. The CSEA ads are good because they portray that. You'd did a good job, personally, Frank, and I think the public recognizes that. In our period, the public was our adversary. Of course, that was the attitude of the 1960s. Everybody was everybody else's adversary. We were all fighting over the...

FV: (inaudible)

JR: Right, right. That's exactly right. But right now, I think you've gotten to a point where, in disputes with the state, whether it's the governor or the state legislature or the state itself as an employer, you find yourself supported by the public as much as the employer- does. Not in the same cases, because once in a while, you're wrong, but it definitely has been a quantum shift, no doubt at all as an observer for the last 30 years, I think I can say affirmatively.



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FV: I have to give credit to my wife for one of the best lines for describing CSEA, "The Heart of New York." She came up with that.

JR: Yeah? That's super.

FV: That's what CSEA is.

JR: There's no doubt about it. And that kind of even fits with the "I Love NY" slogan real neatly. It shows that there's ... that there are distinctions but not differences in goals. There's the same goals.

FV: Well, one of the secrets of that campaign is the four notes that sing CSEA at the end of that actual harmonize on purpose...

JR: With 'I Love NY." Yeah.

FV: Nobody knows that but me, but...

JR: Well, I must have thought of it subliminally.

FV: (inaudible)

JR: Well, just with foggy people. It's my trip out to Apple that did it.

FV: We talked about dealing with the state government, but CSEA local governments. You know a lot about that too.

JR: It certainly did. Yeah, yeah. Well, if you go back, in the 1960s and 1970s, they had sophisticated ad hoc de facto negotiating arrangements with all the major metropolitan areas: Nassau County, Westchester County, Suffolk County. Nassau County, for example with Irv Flamenbaum, about whom I've spoken before, had a real formalized process for negotiations between CSEA and, first, the representatives of the county board of supervisors and then, when they inaugurated the county executive - a real interesting character there, as a matter of fact - they had a very sophisticated negotiating structure. The county executive back in Flamenbaum's day was a guy by the name of Gene Nickerson, who subsequently ran for governor unsuccessfully; he didn't get the Democratic nomination, but then became a US District Court judge. He just died a couple months ago, still on the federal bench. He just had a hugely famous trial, which has escaped my mind because I didn't watch it carefully, but I saw him on TV a couple times and he'd gotten a little grayer and had a little less hair, like we all have, but he looked pretty good. He died a couple months later; that's kind of scary. But he was an interesting guy and really was spoken of at one time - he was a Democrat in a county that was largely Republican - One time he was being touted as a presidential candidate. I'll never forget, he came to Albany when he was trying to get the nomination for governor, to see Dan O'Connell, and went out to the house in the Helderberg's with all sorts of press following him and everything. Of course, they were stopped. The media wasn't allowed on the O'Connell property. But he goes in and sees Uncle Dan and comes out. They said, well, what did he say. He said, well, he asked me what I thought the significance of Antietam was and the outcome of the Civil War. And he said, what'd you say? And he said, I knew it was fought. That's all I could tell him. He said, well, what'd he talk about your request that he support in your effort to get the Democratic nomination, and he said he would never answer it. He just

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kept saying what do you think about the battle of Antietam. And he said, I don't think that's a good sign. From Uncle Dan, if he didn't talk to you, I think that wasn't a good sign.

FV: ...hidden message...battle of Antietam. It probably had something to do with...

JR: I'm sure it did. I don't know anything about it. I don't believe I recall Nickerson making that statement, but Flamenbaum and Nickerson negotiated in kind of the same kind of arrangement that CSEA negotiated with the governors before the Taylor law. And, of course, as I said, after the Taylor law, the local negotiations were very quickly very similar to the state negotiations. It was widespread real fast. In rural areas, the intimacy of all the parties created a different environment so that it really evolved more slowly, but the big metropolitan areas, it came quite quickly.

FV: Did CSEA ever have any direct dealings with O'Connell?

JR: Yes. After the Taylor law, the social workers in Albany County were organized. At the time, the county attorney was one of my closest personal friends, a guy by the name of John Kline. They went to the Public Employment Relations Board. They got recognized and designated on the basis of their membership and they tried to get Kline - this was before we had a county executive - they tried to get Kline, who really ran the county as county attorney, to meet with them. He refused, so they set up a meeting with Kline in my office at CSEA. I had an office at CSEA headquarters, as well as in my law firm. Kline came to the meeting. I still see the guy, he's still around, who was the president of the local for the caseworkers in Albany County. I see him in downtown Albany. We submitted our demands to him. He said, "Rejected." Our guy said, "Well, okay. What's next?" He said, "Next we go to the Ambassador and have a drink. That's the way you union people work, isn't it?" And then we get real friendly, because you pay for the drinks. Then we come back here, and then I give you a counteroffer. If you're short of time, I'll give it to you right now. The guy said, "I'm short of time; give it to me." So he gave it to him and he said, "Okay, that's pretty close. How about doing this and this and this?" And he said, "That takes a drink."

But even though Dan O'Connell and Erastus Corning learned to work with the union movement, they'd been working with it as allies politically, but they hadn't been aware that you were supposed to work with them as collective bargaining partners or adversaries, whatever you call it. But they got it.

FV: Let's see what we've - were there any other personalities that we haven't talked about that you?

JR: Yeah. I can't think of...

FV: Okay; well, we've done that. Accomplishments of the era, I think we've covered. The organization leadership and staffing and how it changed during your tenure, pretty much...

JR: I think we did, yeah.

FV: Alright, let me ask you these questions. What do think is most important about your time with the union?

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JR: Well, the most significant part of my time with the union was what I got out of it. I really think that it was an experience that not only taught me a lot but gave me a lot of satisfaction that I still enjoy to this day and I enjoyed very greatly over the last couple days thinking about sitting down and talking to you. It has a lot of real fond memories. Maybe it's a benefit of old age; I don't have anything I can remember about it that I feel badly about or regret. It was a terrific experience. I met a lot of good, dedicated people; I learned about how differences between people can be settled by the people themselves, which is a good thing for a lawyer to know. I think it made me a better person and a better lawyer. My contribution, I don't exaggerate at all. - I think it was miniscule compare to what I got from it. That's why I reflect when I watch Danny Donahue on TV, whether he's explaining to the media or in an ad, I get real satisfaction and I'm proud of it. I think everybody that works for it has a right to be proud because they're getting a lot more out of it than they're putting in it. That's whether you're president of the organization or just a member that casts his ballot one way or another and votes for the people I that he wants to come down and represent them collectively.

FV: As I got to learn about CSEA, and my knowledge is miniscule, but learning more and more the more we interview people, I see a wonderful organization that developed and grew over time, up to now, My final question is, in your opinion, what lessons do you think the past of CSEA holds for the future of CSEA?

JR: Well, I think there's those who fail to learn the lessons of history are condemned to relive it, and the mistakes that were made, the things that were done too slowly teach us all that we ought to be more careful and act more decisively and quickly. I think the people who are leading CSEA can look back at the history of it and say that doing things that are right pays off and results in victory. That's an interesting word, victory, and it's interesting in the context of labor unions. There aren't many things that you can do within the framework of the law for a large constituency that you can really categorize as victory or defeat. Unionization is one of those things. It's not unique in that respect but it certainly provides an opportunity to really achieve victories that have tangible, consequential results. So the people that are here now and the people that follow them can say, well, here's their victories; here's how they got them, and if we conduct ourselves the same way, with the spirit of our convictions, doing things that are right, we can be successful and have victory. That's what I'd say that they've learned from what's gone before. That may be kind of abstract, but I really feel it.

FV: Did we leave anything out? Anything else you want to say? This is your..

JR: I've talked myself out now. I hope there's nothing there that I've embarrassed myself or anybody else with. Edit it carefully, will you?

FV: At this point, no editing.

JR: Okay.

FV: Thank you very much.

END OF TAPE