

## OPENING REMARKS

E. Blythe Stason\*

Ladies and gentlemen: It is my privilege to open this Eleventh Annual Summer Institute of the Law School, and my privilege to welcome you who have come to participate in the program. It is always a pleasure and privilege to welcome members of the Bar, the Bench, and other interested persons to these institutes. The Law School has over the years made them available for the purposes of bringing to our classrooms the voice of authority from the outside world.

This year we are especially happy to join with the Institute of Labor and Industrial Relations in offering this program. This Institute is a joint activity of the University of Michigan and Wayne State University. So, in a very real sense, we are linking in this program two of the great educational institutions of this State.

About one month ago I was sitting in one of the offices in the Law Division of the Academy of Science in Moscow, USSR. Around the table were two of us from the U. S., two interpreters, and half a dozen professors and academicians in law, connected either with the University or the Academy of Science in Moscow. One of the professors was a very genial gentleman by the name of Professor Nicolai Alexandrov, a professor of the history of law and the law of labor in the USSR. He asked me many questions about labor law and labor negotiations in the United States, and I wished then, as I have wished so often, that I had had my colleague, Professor Russell Smith, at hand in order to deal more adequately with these questions. Notwithstanding my incompetence, I did the best that I could to uphold the labor law system of the United States.

However, I was subjected to a good deal of criticism. There were two principal grounds for this criticism. In the first place, Professor Alexandrov, and his colleagues as well, felt that our system of establishing wages and terms and conditions of employment was not as favorable to labor as the arrangements provided in the USSR. He pointed out that the collective agreements, as they call them in the USSR, really stem from the people; that the wages paid depend upon the amount of money available to be distributed in the form of wages in the respective industries; and that the determination of the amount of money available depends upon

---

\*Dean, The University of Michigan Law School.

the judgment of the Council of ministers selected by the Soviet, which in turn is elected by the people. This was regarded as a real grass roots performance. Then he pointed out the flexibility of their system pursuant to which bonuses and supplemental payments can be made by the directors of the various industrial establishments all owned by the State. And so he felt that this was ever so much better than our system. The benefits were individualized, and came from the grass roots of the people. On the other hand, our United States collective bargaining agreements, so he said, were mass-produced affairs that take no account of individual needs of the workers or their individual capacities, and do not in reality stem from the grass roots.

Then, in the second place, Professor Alexandrov objected to the system set up under our collective agreements for the disposition of disputes between the individual workers and management. He took great pride in the fact that under the Soviet system the Peoples' Courts - again the grass roots of the people are in evidence - the Peoples' Courts adjudicate the controversies connected with disputes between individual workers and management. I tried to tell him about and justify the grievance procedures in this country, but I made very little impression on him because the terminology was such that the interpreter couldn't convey the ideas too effectively.

It was a very interesting discussion, and gave me one concluding thought, namely, that there are many different ways of handling the tremendously important problems that are involved in what we can call labor-management relations. There are different ways of doing it, and different peoples work out different solutions. I should like very much to send Professor Alexandrov some of the literature from this conference; in fact, I told him that I was going to do so, and he expressed the desire to receive it. So it will be sent to him.

This is a most fundamental subject with which we are dealing in this series of meetings: One that is of fundamental, vital importance to our economy and the welfare of many people. A most excellent program has been assembled, due to the diligent efforts of my colleague Professor Smith and his staff. He has done an outstanding job in getting together this program.

I am happy to welcome you and to introduce the first speaker on this program.

Actually Nate Feinsinger needs no introduction to an audience of persons interested in labor law. Notwithstanding that fact, I am especially happy to introduce him because he is a graduate of the

University of Michigan Law School, and I think I am correct in recalling that he was one of the outstanding members of the track team of the University of Michigan in years long gone by.

Nate has been a professor of law at a sister institution, the University of Wisconsin, for almost thirty years, specializing, as you know, in the field of labor law. He has been General Counsel for the Wisconsin Labor Relations Board, and during World War II he served in Washington on the National War Labor Board. His experience has included not only that of the classroom but the problems of the field as well. He was Chairman of the Wage Stabilization Board during 1951 and 1952. He was Special Representative of the Secretary of Labor in mediating certain important labor disputes which arose in that troublesome period following the close of World War II. I am told that among the disputes which he helped to settle so admirably was a dispute over the pineapple industry in the Hawaiian Islands, and so fine an impression did he make on the natives that they posted a holiday in the Islands which they called the Feinsinger Holiday.

In addition, Professor Feinsinger was Chairman of the Presidential Fact-Finding Boards in the steel and meat-packing disputes of 1946 and 1948, and currently he is the arbitrator of labor disputes and the Umpire under the General Motors-UAW contract.

And so I am introducing to you not only a very good friend of mine and a very good track man, but a man who really knows his business in the field of labor law. Nate Feinsinger will open this program with a discussion of the National Labor Relations Act and Collective Bargaining.



# THE NATIONAL LABOR RELATIONS ACT AND COLLECTIVE BARGAINING

Chairman: E. Blythe Stason

*Dean, The University of Michigan Law School*

Speaker: Nathan P. Feinsinger

*Professor of Law, University of Wisconsin*

9:15 A.M., July 31, 1958



NATHAN P. FEINSINGER