

THIRD MEN IN NEW ARENAS OF CONFLICT

An Assessment of the work of the National Center for  
Dispute Settlement (American Arbitration Association).

by

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The report which follows was written by Dr. James H. Laue for the Ford Foundation and is an evaluation of the work of the National Center for Dispute Settlement.

The version which is reproduced here has been edited to delete matters relating to internal Ford Foundation concerns and policies; exhibits and tabulations which are too detailed for general interest have been removed; and it has been updated to reflect changes that have occurred since its completion.

The form in which this document now appears was reproduced at our request by the Foundation. We believe that Dr. Laue's comments and criticisms will be of interest to all who have participated thus far in the Center's activities, and will be a most helpful guide as we chart our course for the future.

Signed

Willoughby Abner

Donald B. Straus

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## I BACKGROUND AND OBJECTIVES OF THE GRANTS

The scenario is familiar:

After many months of discussion about plans for "renewal" of an inner-city area, blacks confront the city planning commission with a list of non-negotiable demands including control of the area in question by the local neighborhood residents.

More discussion.

The group occupies the commission's offices.

The commission calls for "good faith negotiations" with "responsible, representative members of the black community." A representative group is selected. Discussions proceed with the aid of a mediator who helps both sides phrase issues, keeps communication open, suggests trade-offs and -- on several occasions and after heated exchanges and walkouts -- persuades each side to keep the negotiations going.

An agreement is reached, the commission asks for 90 days to begin implementation and hires three members of the protesting group as Community Liaison Assistants to help in the process.

A dispute has been resolved. Rancorous community conflict has been replaced by a rational problem-solving approach. The community is better off because of it.

Or is it? There is another view, this one offered by a black professional experienced in negotiating with whites and their institutions:

1. Conflict and confrontation by Blacks.
2. Agreement to negotiate by whites. (Recall that Blacks were not demanding the right to negotiate; they wanted a voice in the remaking of their neighborhood.)
3. Whites listen -- then retire for deliberation.
4. In the interim, Black pressure diminishes because Black pressure is undermined.
5. Whites then decide what they will do and what they will not do.

This process turns out to be a social study by The Establishment of the demands of the natives.

These contrasting vignettes pose the hard questions about the role of negotiations in community, racial and campus disputes:

- What does "settlement" mean to different parties, and if it means different things, is it always desirable?
- Is avoidance of overt conflict a sufficient end in itself?
- Can negotiations achieve important institutional change?
- Who really "speaks for" the black -- or brown, or student -- community in disputes with institutions? And are we sure who speaks for the institutions?
- Can third-parties play a useful role? Is there a need for professional dispute settlement?

Most importantly, can major social change -- a transfer of power as well as resources -- be achieved in the United States without an endless series of violent confrontations between white and non-white, old and young, rich and poor, Out and In?

For the past two years, two Foundation projects have been addressing these kinds of questions -- the National Center for Dispute Settlement of the American Arbitration Association (AAA); and the Racial Negotiations Project of the Institute of Labor and Industrial Relations (ILIR) of Wayne State University and the University of Michigan. Both projects also have focused, to a lesser extent, on the growing number of disputes in public employment -- federal, state, county and municipal.

The grants to the AAA and the ILIR were made against the background of a decade of intensified protest by minority groups over long-standing inequities -- and of increasing resistance to basic change on the part of many institutions. The institutional change generated by the movements of the 1960's has been substantial, but its most significant benefits have gone to middle-class blacks. Forty per cent of all black families, and large numbers of Spanish-speaking and Indian people, as well as a substantial white population, remain poor.

The Negro civil rights movement of 1960 has been caught up in the black liberation movement at the threshold of 1970, and is allied with more broadly based pressures to diffuse further the powers of almost all American institutions. Constituent groups now include Puerto Ricans and Mexican-Americans, Indians, women, welfare recipients, students (junior high through post-graduate), and, most recently, military personnel, rural poor whites and urban white ethnics. Often the groups are in conflict with each other, but their goals are strikingly similar: self-determination and local control.

Neighborhoods and communities literally have become tooled up for conflict, with the formation of thousands of such groups locally as well as nationally to share (or often take) control of decision-making processes affecting their jobs, their neighborhoods, their children.

The 1960's witnessed the demythologizing of the decision-making process -- a demand to all authorities in virtually every American institution that the process of deciding about allocation of scarce resources (jobs, land, money, prestige, schools, et cetera) be opened to all citizens to understand and influence.

Many key institutions -- corporations, churches, public agencies, schools -- initially reacted with strong resistance, then made some concessions in the re-distribution of resources and the reordering of priorities. But there was little sharing of real power. The escalation of slogans in the black movement from 1960 to today bespeaks not only the rising desire for self-assertion, but the concomitant frustration of people who exert pressure on the system and then feel they have been rejected, ignored or coopted through various concessions: We Shall Overcome; Freedom Now; Black Power; Power to the People; By Any Means Necessary.

#### Role of the Foundation

The Foundation had long been concerned with the inequities and problems underlying the conflicts of the 1960's. In 1964, the Foundation had supported the Labor Management Institute of the AAA, whose functions were absorbed by the Center for Dispute Settlement when it was established in 1968. And a \$2 million

appropriation for "studies and projects in the field of social disorders" in 1967 indicated a major concern with the resulting disorders themselves.

Meanwhile, the AAA and the ILIR were independently conceiving projects to apply and test bargaining and mediation models to these new situations. AAA President Donald Straus was pleased with the accomplishments of the Labor Management Institute, which had stimulated the formation of New York City's Office of Collective Bargaining and the publication of Dunlop and Chamberlain's landmark book, New Frontiers of Collective Bargaining. Straus contemplated formation of a center for dispute settlement "as a private organization to mediate all disputes not under government auspices in this time of rapid social change." The model: the teaching hospital, with continuous observation and feedback, apprenticeships, et cetera.

At about the same time, Louis Ferman, Research Director of the ILIR, was proposing a plan for studying community dispute settlement. The Institute's Co-Director, Ron Haughton, a nationally-known mediator fresh from work in the migrant/grower and San Francisco State campus disputes in California, took the proposal to Foundation National Affairs Vice-President Mitchell Sviridoff, to whom it appealed.

Plans then were made for collaboration between the AAA and the ILIR, with the Center as the action arm and the Racial Negotiations Project as the study component.

The AAA Proposal. In a proposal dated May 27, 1968, and amended June 3

by the Foundation's Sanford Jaffe, the AAA requested funds for two years of action and evaluation in three basic areas:

1. Community disputes involving poverty or minority groups.
2. Public employment disputes.
3. Court congestion.

The proposal began ". . . with one assumption: traditional techniques of mediation and arbitration -- long used in reducing industrial conflict -- can be restructured to play a useful role in these dispute areas in the hands of trained neutrals who are acceptable to the parties involved." It also envisioned:

- "the urgent need to concentrate on ghetto area disputes."
- immediate and extensive use in all the new dispute areas of the "existing and highly respected network of dispute-settling facilities" of the AAA and the 23,000 individuals on AAA panels.
- extensive educational programs.

The major work in public sector bargaining was to be expansion of the New England Plan (which had already been working with public employers and unions to develop adequate grievance machinery) and support for research and consultation by Robert L. Stutz of the University of Connecticut, chairman of the state's Board of Conciliation and Arbitration. The "research component of the Center" was to be developed by Ferman. It would:

attempt to collect information and develop a number of action models in conflict resolution. The Director of the Center will work directly with the research team to designate programs for research, evaluation and analysis. The research team will attempt to evaluate specific cases of conflict resolution, codify and organize this information and make such information available to the Center Director for dissemination and education.

The ILIR Proposal. The Haughton-Ferman proposal, entitled "Negotiated Settlements: An Emerging Pattern of Racial Conflict Resolution," had two basic purposes:

1. . . . To analyze the patterns of negotiation which are occurring as blacks (Negroes) and whites in positions of authority within economic, social and political institutions seek an accommodation of conflicting interests . . .
2. From such an analysis, the project seeks to identify institutionalized patterns of negotiations that appear to provide promise of stabilizing racial conflicts and produce meaningful and mutually acceptable social change.

An important corollary of these objectives was to discover where and when third-party mediation could be effective. The proposal also stated that "this research project will be closely related to the action program in community confrontations undertaken by the AAA Center for Dispute Settlement . . . "

The Grant Recommendations. The Center was funded in two steps: a \$90,000 grant to establish its office in Washington, approved June 13, 1968; and a \$464,000 grant for two years' operation, formally announced in a letter to the AAA April 21, 1969. The grant essentially reflected the objectives spelled out in the AAA proposal. Part of the funds were to enable Haughton and Ferman to plan the "research component" of the Center and an additional small amount would be used by Stutz to finalize the details of "the national program in government collective bargaining." No money was recommended at that time for court congestion projects.

In Sviridoff's November 4, 1968, recommendation for the additional operating funds, the Center's accomplishments in its first few months of operation

were viewed as a manifestation of the need for this kind of service. Discussions with Department of Housing and Urban Development officials on public housing grievances were cited. Development of a national panel "of persons of stature who have an understanding of today's social problems" was seen as a top priority. Training courses at Federal City College in Washington were contemplated. And provisions for expanded programming in government collective bargaining were made, including the use of Wayne Horvitz as a permanent consultant. Approximately \$150,000 of the grant was to be used in the development of neighborhood dispute settlement centers with neighborhood panels in three cities.

The July, 1968 grant to the University of Michigan was to finance "the research component for the Center and to attempt to 'discover the factors and conditions under which successful confrontation-negotiations occur; and to synthesize this information into applicable guideline statements.'" Stutz' work was seen as a similar research arm in public sector collective bargaining.

Before beginning a detailed assessment of the two projects, it is important to consider some basic issues inherent in the work of the two grantees.

First, it is by no means established that changes in the basic distribution of power can be achieved through negotiations. Some activists and academicians believe that, in view of the relative imbalance of power between established institutions and disadvantaged groups, negotiation inevitably leads to cooptation. Preston Wilcox writes in a paper completed for the Racial Negotiations Project that negotiations may merely mute racism in a society that is, in his view, "more committed to concealing it than ending it."

It has been the experience of some community groups and spokesmen, however, that transfer of institutional power (more control over allocation of resources, jobs, wages, et cetera) may be negotiable. But they are skeptical when it comes to negotiating about establishing group identity, a sense of community or cultural values. In addition, some community groups and scholars observe that the negotiation process can be used as a tool for the establishment to reduce tensions or revert to the status quo -- or even as a means of repression rather than to promote institutional change.

Yet some mediators see far broader applicability of the negotiating process. Power is in fact shared, they say, whenever negotiation or mediation takes place. The willingness of a powerful institution to bargain is itself a recognition that certain decisions no longer will be made unilaterally -- that they now will more directly take into account the needs and power of the consumer or employee group.

It is not the point of this report to decide what is negotiable and what is not; that is being determined in the crucible of community situations today. It is the point, however, to raise the issues that make many community groups skeptical about the processes of collective bargaining and mediation and to note that a more definite assessment awaits further direct experience and analysis by groups such as the National Center for Dispute Settlement and the Racial Negotiations Project.

## II ASSESSMENT OF THE NATIONAL CENTER FOR DISPUTE SETTLEMENT

### GOALS

Goals for any innovative venture emerge, shift, become refined and sometimes disappear in the early years. The Center for Dispute Settlement is no exception, but its over-all objectives remain remarkably consistent with the original proposals. The cover of the Center's major pamphlet reads:

Problem solving through both new and proven dispute settlement techniques

- In the Community
- On the Campus
- In Public Employment

Campus disputes thus have replaced court congestion as one of the three major arenas for the Center's Activity.\* Inside, the brochure emphasizes the inadequacy or unavailability of machinery for resolving the growing number of disputes at all levels of American society. The spectre of recent ghetto disorders and rebellions comes through.

[The Center's] purpose, as its name indicates, is to offer a means and a method for settling disputes, including those arising in the inner city ghettos.

Flexibility in approaching various kinds of disputes is stressed: "the specific procedures in each [dispute] may be determined by the parties."

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\*It is noted that "Indirectly, the Center will be helping to relieve clogged court dockets by offering the parties speedier and less costly remedies that are more suited to their needs."

The long-range objective is clear:

The Center's expectation is that conflict resolution by third-party impartial, as it proves successful in solving disputes so that all sides are satisfied, will become accepted as an integral part of the community scene. [Emphasis added.]

This statement also reveals something of the Center staff's commitment to goals beyond settlement per se -- to achieving important social change through bargaining and mediation, and possibly arbitration, in community, campus and public sector disputes. The most important operating objective of the Center at this time, as confirmed by the staff as well as AAA officials and persons who have worked with the Center, is to develop systems to, as Center Director Willoughby Abner puts it, "promote institutional change without depending only on conflict situations to do it."

In the introduction to the Center's March, 1970 report to the Foundation, Abner (who succeeded Samuel Jackson as director one year earlier) clearly tells how settlement is not enough.

To focus exclusively on [the Center's work in] disputes would be to lose sight of the forest for the trees . . . Far more fundamental [was our] realization that the modification and application of dispute settlement techniques on an ad hoc basis in these relatively new situations dealt with only part of the problem and constituted less than half the challenge. The deeper need could be met and a more lasting contribution made through new systems development within the institutional orbit providing both the opportunity to entertain conflict and the mechanism and skills to accommodate and resolve it. The very adoption of such a system constitutes institutional change . . . depending on the scope, nature and depth of the new system developed.

The electoral process alone cannot satisfy citizens' needs for participation in self-government and society's need for order based on the consent of the governed,

Abner argues. The need, he concludes, is to develop "private participatory judicial-legislative decision-making systems."

Sub-goals of the Center staff are consistent with the basic objective of achieving institutional change out of conflict situations. They emerged in interviews with staff members and can be categorized as follows.

- Solidifying the gains won for subordinate groups as a result of confrontations so they do not have to be in a continuous condition of mobilization to ensure enforcement of agreements they have reached with the established institutions.
- Helping the institutions to perceive individuals and groups pressing for social change on their own terms, rather than seeing them as a monolithic mass.
- Providing a forum where persons and aggrieved groups in a non-organized community environment can turn for redress of grievances against the systems operating in that environment.
- Getting the demand for services in this new area tied to institutions and processes rather than to individual intervenors.

THE PARENT ORGANIZATION: THE AMERICAN ARBITRATION ASSOCIATION

The NCDS is a division of the American Arbitration Association. It was established in May 1968 and Abner is one of five vice presidents of the Association. The AAA is a private, non-profit organization founded in 1926 "to foster the study of arbitration, to perfect the techniques of this method of dispute settlement under law and to administer arbitration in accordance with the agreements of the parties."

AAA President Straus said on July 31: "The work of the Center is the most important thing that the AAA and I personally are in to."

The Center is linked with a network of 21 regional AAA offices throughout the country and specialized panels of arbitrators encompassing now more than 25,000 persons. Straus believes that the "apparatus and image" of the AAA is ideal for "developing a package to empanel citizens as impartial" in hopes of developing a pattern similar to the AAA's annual load of 12,000 automobile accident cases. "We want to demonstrate that the AAA system of citizen participation will work in campus, ghetto and public sector disputes and make an impact on a nation in conflagration."

Straus introduced a recent AAA brochure titled Dispute Settlement: From the 60's into the 70's, by emphasizing that the AAA is "both an administrator of arbitration and a pioneer in the search and development of improved techniques for resolving conflict. Our case load increased 500 per cent during the 1960's, but more significant than statistical . . . growth has been an increased emphasis on flexibility in molding old procedures to meet new requirements." He sees one of two major challenges for the 1970's as "find[ing] more resources, and . . . exert[ing] more ingenuity, in devising improved methods for relieving intergroup controversy whenever the stresses produced by change exceed the ability of those involved to adjust without third-party assistance."

The AAA is a long-established, white-controlled institution, oriented toward settlement and tension-reduction, but without special knowledge or

experience in the fields of discrimination and racial conflict. Now it sees, appropriately, an important new and socially relevant market for its services. As we shall see in examining the role of AAA regional offices and directors later in this report, there are potential serious dangers when establishment-based technicians enter racial and community dispute situations with little substantive background.

Straus is a man wholly dedicated to the integrity and applicability of the mediation/arbitration processes. He also sees the need for broader approaches than established settlement techniques in disputes which involve basic challenges to power rather than those in which the issue is only redistribution of resources. He wrote in a 1969 AAA column on "A Profession of Peace-Makers":

We must also broaden the objective of our services. The avoidance of conflict or violence, desirable as this goal may be, is not sufficient to win the cooperation of disputants in most of the confrontations which threaten our society today. Mediation must facilitate change -- change in the way things are done, in the balance of power, in the roles played by the participants in an institution. Mediation must be a lubricant to the reordering of political forces, it must help a society adjust to new conditions rather than act simply as a barrier to violence that the forces of change may produce. [Emphasis added.]

Yet Straus also shares a common view of many thoughtful whites in understanding the anger of large numbers of blacks. In another column in 1969, he quoted black students as saying: "There is a lot of oppressor left in even the nicest white person;" and "Being black ain't like anything else." Straus then said that "these are, of course, the more extreme viewpoints." But are they really extreme? Or are they a fair representation of the feelings of many

blacks, including many whom liberal whites would see as moderates ?

Personnel. In addition to Abner, the core full-time staff of the National Center has consisted of:

- Warren Taylor, Assistant Director for Community Disputes and Arbitration Services.
- Jerome Barrett, Assistant Director for Public Employment Disputes and Mediation Services.
- Phyllis Kaye, Research and Public Affairs Assistant.

Their work has been augmented by the services of two regular consultants:

- Wayne Horvitz (former Vice President, Matson Navigation Company) Consultant on Collective Bargaining.
- William Simkin (former Director of the Federal Mediation and Conciliation Service), Consultant on Arbitration and Mediation Services.

William Jackson\* directs the only local center established so far, in West Philadelphia. His work is described under "Establishing Local Bases" later in this section.

Before Abner assumed the directorship in March 1969, Samuel C. Jackson had headed the operation. Jackson joined the Center in July 1968, when it was established, after serving as one of the five original Presidential appointees to the Equal Opportunity Commission. He left the Center to become an Assistant Secretary in the U.S. Department of Housing and Urban Development.\*\*

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\*William Jackson left the staff on February 1, 1971, to take a job with the Philadelphia Board of Education.

\*\*Basic organizational work and projects of the Center during Samuel Jackson's leadership are described later under "Major Activities and Achievements."

What the Center has become today reflects the commitments of Abner and, to a lesser extent, his key staff. A lawyer who spent the previous five years as special assistant to the director of the Federal Mediation and Conciliation Service (FMCS), Abner operates with the kind of calm determination reminiscent of the style of Ramsey Clark and the late Martin Luther King, Jr. His deepest concern is the resistance of dominant American institutions to democratization, and his deepest commitment is to see that the "ultimately irresistible forces for change" in fact produce that democratization in as rapid and orderly a way as possible.

Abner has served as chief mediator in a number of nationally significant labor-management disputes and on a number of panels including, most recently, the three-man Presidential Emergency Board 177 on the railroad dispute. He has extensive experience in public sector disputes, including developing and administering the FMCS's program for mediation of labor-management disputes within the federal service.

His age (late forties) and his color (he is black) both are important in this role, for reasons that are both obvious and specific and which will emerge at many points in this report.

Taylor joined the staff in September 1968, shortly after the Center was established. For the four previous years, he was regional director of the Cleveland office of the AAA, where he was largely responsible for development of the first landlord-tenant arbitration program and was the primary author of the Neighborhood Housing Arbitration Rules. He also coordinated drafting of the AAA's Eminent Domain Arbitration Rules.

Taylor also is black and a lawyer. One can tell from a brief conversation that Taylor has had deep experience with grass roots people. Taylor has had an extensive background in developing and presenting courses and seminars on arbitration and community conflict, including responsibility for the Center's first courses at Federal City College in Washington. He has published several articles, including "The Mediation of Civil Rights Disputes" in the August, 1969 Labor Law Review.

Barrett was with the Center until August 24, 1970, when he joined the staff of the U. S. Department of Labor. With training in economics and a master's degree in industrial relations, Barrett was a commissioner of mediation with the FMCS in Washington, Chicago and Milwaukee before joining the Center. Like Abner and Taylor, he has lectured and taught extensively at universities in labor relations and mediation and has published articles and speeches.

Miss Kaye has been with the Center for a year and recently was named Campus and School Coordinator. She has studied law at the University of Michigan and was assistant to the director of the Labor Management Institute from June 1967 to June 1968.

Steve Brooks, a white law school graduate who has both taken the Center's course at Federal City College and taught in it, joined the staff August 24 as research and program development assistant. He will assist in administration of the 4-A Project in Philadelphia (Arbitration As An Alternative). Benny

Herbert, former staff advisor to the Afro-Latin Society at Ithaca College, became assistant to the director on September 14.

Office manager Laretta Whitney and a staff of two clerk-typists round out the present full-time staff.

There is mutual interest in the possibility of several other persons joining the Center's staff, depending on availability of continuing support. They are: Lawrence Schultz, FMCS Office of Planning and Development, director; David Bloodsworth,\* assistant director of the Boston Regional Office of the AAA and administrator of the New England Plan; and David Brown,\* a former consultant to the Community Relations Service (CRS), now with the General Learning Corporation in Washington, D.C.

In summary, the staff brings experience from community as well as labor-management backgrounds. They seem committed to exploring the use of dispute settlement techniques to abolish inequities and to establish machinery to institutionalize significant processes of social change. As Taylor put it: "We call it 'dispute settlement' because that is the immediate issue . . . that is how you get in. But the real job is overcoming institutional resistance to change and getting on with it -- and we help the institutions see that."

Location and Organization. Washington is a good location for the Center because of the involvement of the federal government in so many disputes and dispute resolution activities (notably the FMCS and the CRS) and because important private organizations whose interests bear on the work of the Center

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\*Both Bloodsworth and Brown have joined the staff.

are headquartered there (e.g., the American Federation of State, County and Municipal Employees, the National Welfare Rights Organization, the U.S. Chamber of Commerce, the U.S. Conference of Mayors, National League of Cities, National Tenants Organization, et cetera.)

The office of the Center in Washington appears to be well organized and efficiently run. The files were well organized and easy to use. The office is neat in appearance and is centrally located in the Federal Bar Building.

Even before beginning research for this report, the chief evaluator had been impressed with the amount and quality of material turned out by the Center for its training course and other endeavors. But while the capabilities of individual staff members are great, it has seemed to the evaluation team that sometimes too many persons from this very small staff have spent too much time at the same training conference or similar event -- notably the Ithaca conference on campus unrest in July 1970 and the National Student Association conference in August 1970.

#### MAJOR ACTIVITIES AND ACHIEVEMENTS OF THE CENTER

The Center has been marking out a new field of activity -- the development of a national, non-governmental resource with sufficient skills and reputation to help resolve broad-ranging social conflicts. It has been up many paths, some of them dead-end, some of them productive, most of them blind at the start. It has had many more requests for its services than it could in good conscience honor. There have been many 12-hour-plus days for staff and some months with as much as half-time on the road.

The work of the Center in its first two years may be classified within four categories of activities and three substantive areas. This section of the report is organized around the activities:

- Establishing local bases
- Direct intervention in disputes
- Developing systems to institutionalize dispute settlement mechanisms
- Training of neutrals and advocates

Center staff agree with the evaluators that their time largely is spent planning, promoting and implementing these four broad areas of activity. The three substantive areas in which this work is done are:

- Community/racial disputes
- Campus disputes
- Public sector disputes

Each case, contact or activity described in this section is also identified by its substantive area, granting the existence of considerable overlap here as well as in the activities categories.

To get a picture of what the four main staff members in the National Center office do, we asked them to estimate (a) how they spend their time, on the average, using any categories of activity they deem appropriate; (b) how the work divides between the substantive areas of community/racial, campus and public sector disputes; and (c) how much time they spend in Washington compared to out of Washington. Their estimates are based on approximately a 50-hour week as 100 per cent.

"Most Significant Achievements"

The work of the Center to date, then, has brought staff into contact with hundreds of local, state, regional and national agencies -- private and public. It has involved developing programs, drafting proposals for machinery, delivering speeches, organizing and conducting training, making referrals, collecting and distributing materials -- all in addition to direct intervention in 249 disputes since the Center was founded. This figure includes 109 in Philadelphia (non-4-A), as described later in this section. Before analyzing specific activities in the four areas (Local Bases, Intervention, Systems and Training), here is a brief round-up of how Center staff, colleagues, supporters and critics assess the most significant achievements of its two-year history.

The Jackson Era. Samuel Jackson submitted a report of the Center's activities and achievements under his seven and one-half month tenure as director to Straus on March 3, 1969. In a covering letter, Jackson highlights 11 of "the most important of the Center's activities." Five involved direct intervention in disputes:

- Assisting in the conversion of a company-owned town, Bellamy, Alabama, to an incorporated, self-governing municipality, in a situation fraught with classic Deep South racial problems.
- Mediation assistance in the merger of all segregated affiliates of the National Education Association.

- Extensive participation of Jackson and Haughton in mediation of the disputes (especially involving faculty) at San Francisco State College. Letters expressing gratitude for the Center's role came from San Francisco Mayor Joseph Alioto to the two mediators and Sviridoff, as well as from the San Francisco Labor Council and the Citizens Committee for San Francisco State College.
- Provided a neutral moderator and parliamentarian for a neighborhood meeting in Boston and helped the city's anti-poverty agency avoid a major dispute between community organizations competing for control of a neighborhood health center.

A fifth intervention, with the McNamara Skill Center in Detroit, settled an immediate dispute and established viable grievance machinery which has had the effect of improving the entire operation of the program because (in the later assessment of Abner) administrators knew there was a watch-dog arrangement for arbitration so they were much more careful in their operation of the Center. A three-man arbitration board was established, including a member of the Center's Community Disputes Settlement Panel. Specific substantive changes included the appointment of three black administrators, revamping of disciplinary procedures, recognition of the student council, and formation of an employment service advisory committee including students as well as state and industry representatives.

Six of the "more important" activities listed by Jackson involved the development and establishment of ongoing mechanisms for conflict resolution and change -- a function he saw, with his successor, as more crucial than extensive and prolonged direct intervention in specific disputes.

- Establishment of the first neighborhood dispute settlement center in Philadelphia (with plans for subsequent centers in Baltimore and Springfield, Massachusetts, which have so far not materialized).
- Establishment and limited use of the nationwide Community Disputes Settlement Panel.
- Completion of the first course at Federal City College in Washington, designed "to train neighborhood leaders in the settlement of community disputes."
- Addition of Wayne Horvitz as consultant in government employees collective bargaining, with the expectation that "the Center's activities in this area should soon be getting off the ground."
- Extensive involvement in Model Cities, including running elections and developing proposals for machinery to handle election disputes in Model Cities and settling existing disputes.
- Projected work, based on an invitation by HUD, in developing arbitration and/or mediation procedures for disputes in public housing.

Many of the thresholds crossed in the first several months under Jackson have led to ongoing work of the Center today: concern with building local bases, use of national panels, expansion and refinement of training activities and continued close work with HUD and Model Cities on issues of public housing, tenant-landlord problems, et cetera. But what the Center has become and is becoming today is far more dependent on the philosophy of its current director and staff. Their responses to the evaluator's question, "What do you regard as the most significant achievements of the Center, especially your role in it?", are presented briefly here along with the views of consultants and others who have worked closely with the Center in a collegial or critical role. The answers are arranged in the order given, which is the presumed order of significance for the respondent. Elaboration of details on the various activities mentioned here follows in the next sections.

Willoughby Abner\*

1. Developing systems for institutionalization of conflict-resolution mechanisms (thereby "tying social change to the institution rather than conflict per se"), notably:

- The Philadelphia 4-A Project (Arbitration As An Alternative to Issuance of the Private Criminal Warrant) which has generated

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\*This listing of "most significant achievements" is derived from the Center's Annual Report to the Ford Foundation (March 1970 -- written largely by Abner), augmented by extensive interview data.

more than 75 cases since its inception late in 1969.

- An arbitration system for student discipline disputes -- the only one in existence in the United States -- as part of the settlement of a racial conflict at Ithaca College, mediated by Abner.
- The system for settling tenant-landlord disputes in Berkeley, funded by the City Council -- developed in collaboration with the Center and the AAA Regional Office in San Francisco, both of which were named as agents to assist in resolving disputes.
- 2. Reaching settlements satisfactory to all sides in several disputes:
  - Dispute between black students represented by Afro-Latin Society at Ithaca College and the College administration and some of the white students.
  - The Cleveland sanitation workers strike, eventuating in a far-reaching agreement involving the prestige and continuity of Cleveland Mayor Carl Stokes' administration and the work of the largest public employees union, the AFSCME.
- 3. Development and implementation of several different types of courses in dispute settlement at Federal City College in Washington and Temple University in Philadelphia, with other courses now being organized in other cities (notably San Francisco, which will begin this fall).

Warren Taylor

1. Establishment of the Philadelphia office of the Center for Dispute Settlement.
2. Development of training curricula and sponsorship of courses.
3. Direct intervention, especially two handled by Taylor in Charleston, South Carolina, and Philadelphia in which employment discrimination was alleged, proven and remedied.

Jerome Barrett

1. The public employment project in Cleveland, in which the Center is still involved in attempting to establish a de facto operating model for public employee bargaining with the aim of eventually institutionalizing it in city statutes.
2. A trainers orientation conference held April 24-25, 1970, attended by persons from 17 different communities who came to learn how to develop a course in dispute settlement in their own cities.
3. Compilation and production of training material, which includes a word-by-word and step-by-step eight-session basic course with all the readings, mock mediations, instructions for publicity, arrangements, et cetera.
4. Development of a system for implementing the new public employee relations law of the state of Nevada, including procedures for appointing mediators, fact-finders and arbitrators, a guide to mediation to familiarize public employers and employees in the state with the new law and procedures, et cetera.

Phyllis Kaye

1. Building working relationships with a number of groups concerned with student rights and campus problems, including the National Student Association, National Education Association, Higher Education Executive Associates, Central States College Association, et cetera.
2. Publicity and public relations, aimed toward building a market.

Donald Straus (President, AAA)

1. "Extraordinary personal achievements" of Abner, namely dispute settlement and prevention in Ithaca College, Hunter College, Hampton Institute and the Cleveland sanitation cases.
2. "Most important thing" is the Center's seeking to institutionalize systems, especially under the AAA auspices (a) in concert with the regional directors and (b) through the AAA panel system.
3. The Philadelphia 4-A Project -- "an absolutely stunning breakthrough."
4. Interest in and acceptance of the project, especially steps achieved toward self-support, a number of which Straus notes in his letter accompanying the March 1970 Annual Report to the Foundation.

Ronald Houghton (Co-Director, Institute of Labor and Industrial Relations,  
and Chairman, Board of Mediation, New York City)

1. Philadelphia -- both the establishment and operation of the local center for dispute settlement and the 4-A Project.
2. The Cleveland sanitation settlement.

J. Curtis Counts (Director, Federal Mediation and Conciliation Service)

The Ithaca College agreement and subsequent machinery for processing student grievances and disciplinary disputes, "because there is no machinery at all in this field and the potential for leadership by the Center is great."

Lawrence Schultz (Director, FMCS Office of Planning and Development)

1. The Center has "made many people aware of a better way than violence to resolve disputes."
2. Training activities.
3. The very fact of their existence at this point in time, when "we are not even on the threshold of this whole field."

These were perspectives from persons, in addition to Center staff, who are in a position to comment on the general effectiveness and achievements of the Center.

The views of many other persons who worked with the Center or were affected by its work on specific disputes or projects will be included in the following analysis of activities under Local Bases, Direct Intervention, Systems Development and Training. For each activity, there will be an attempt to answer five questions, however informally: What were its goals? What methods were employed? What problems were encountered? What were the achievements? What follow-up was (or is) there?

Establishing Local Bases

While the Center is a national organization with a very small staff, the ultimate point of delivery of its services is at the level of the neighborhood, the

community, the organization, the university. Accordingly, a good deal of the start-up activities in the first two years have been in connection with the establishment of local bases. Four activities are highlighted: local centers, local representatives, panels, and the April 1970 conference for potential trainers from 17 cities.

In the early days, the Center had plans for the rapid development of three local centers, with rapid expansion to other areas. Many members of the Community Disputes Panel to be assembled by the National Center would be recruited through local center activities, including training courses. The AAA regional directors were to play a major part in the development of the centers.

Partly because of the enormous amounts of national staff time required to get a local center off the ground and partly because of the lack of experience of AAA regional directors in race relations and community conflict, only one local center -- Philadelphia -- has been established (in February 1969). The hiring of local representatives by the National Center was a response to the need to establish local bases for the Center in minority communities (as they already exist in the establishment through the AAA offices) and to stimulate the establishment of a local center where feasible.

Local Centers. "The development, supervision and administration of the Philadelphia Center program," says the March 1970 Annual Report, "required more time and involvement of the national director and staff than was originally contemplated . . . It was more luck than conscious planning in the early months that prevented the National Center from being confronted with one or two additional local centers to help develop and supervise and at the same time continue its other efforts and programs."

Early plans called for the development of centers in Springfield, Massachusetts, and Baltimore. Both were linked to HUD and Model Cities. Internal disputes in the Model Cities program in Springfield led to the demise of the center idea there. Establishment of a center in Baltimore, tied to national HUD, is still open at this writing.

Active discussions now underway in at least five cities may lead to the establishment of centers there within the next year -- Boston, Cleveland, Detroit, Hartford and Pittsburgh. Newark and San Francisco are also possibilities.

The Philadelphia Experience. In the Annual Report, the National Center says that "the development of the Philadelphia Center, its accomplishments to date and even greater promise for the future have convinced the NCDS director and staff of the value of such local centers." Since Philadelphia stands as the operating model, the evaluation team spent four man-days there talking with ghetto residents, city officials, members of the center's Advisory Council, AAA officials, members of the judiciary, civil rights groups and grass roots community organizations. With few exceptions, they praised both the concept and the actual operation of the center.

With its operational budget coming from a Rockefeller Brothers grant, the center opened on February 17, 1969, located on North 52nd Street, the main thoroughfare of the West Philadelphia ghetto. Large concentrations of minority people are locked in several ghetto areas around Philadelphia; West Philadelphia is by no means the largest. Director William Jackson\* and his secretary, Mrs.

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\*As previously noted, William Jackson is no longer with the staff.

Claudette Conway, have a friendly and easy relationship with people on the street, many of whom (including a few working class whites) drop in the storefront to chat.

The center has three components: the Citizens Advisory Board; the staff; and a Neighborhood Panel of persons to serve as impartial. Since the center opened, Jackson has worked closely with five or six of the more than 15 board members in developing and publicizing the center's program. In the first 10 months of operation, he spoke to 126 civic and community groups. For several months he did a twice-weekly column in a black-owned newspaper.

The work of the center falls into four general categories: direct handling of disputes or complaints which come to its attention; development of continuing settlement procedures; the 4-A Project; and offering courses in dispute settlement in cooperation with Temple University and the National Center.\*

During its first 10 months, the center received 564 inquiries, many of them complaints against individuals, businesses or government agencies. The center accepted 198 and referred or refused the rest. The 198 cases accepted were categorized by the center as follows:

Landlord-tenant	66	33.3%
Consumer-merchant	64	32.2%
Individual-individual (often neighbors or family)	28	14.5%
Community disputes	17	8.4%
Discrimination	12	6.2%
City Agencies	<u>11</u>	<u>5.4%</u>
	198	100.0%

On the date of the report in which these figures appeared (November 1969), the following disposition had been made of the cases:

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\*Gerald Cormick, Assistant Director of the Racial Negotiations Project, also arrived at this set of categories, independently and earlier, when he studied the center as one of the RNP's cases.

OPEN -- 61	Pending	60	30.3%
	Arbitration scheduled	1	0.5%
CLOSED -- 56	Mediated	54	28.2%
	Arbitrated	2	1.0%
WITHDRAWN -- 64	Refusal of second party	41	20.5%
	Lost Interest	<u>23</u>	11.0%
		181	

The evaluators sent letters to a random sample of 25 persons who had been involved in disputes in which the center intervened. Eleven persons responded, 10 of them favorably evaluating the help the center gave them. The problems included such things as inability to get payment from a client, a landlord who claimed tenants had excessive water bills, a tenant withholding rent, a neighbor playing drums too loudly, et cetera. The striking feature about the responses is that five of them comment on how "courteous", "concerned" or "attentive" they found the center personnel -- which appears to be an indication not only of the personal warmth of Jackson and Mrs. Conway, but of the degree of disaffection of inner city people in their normal dealings with service agencies.

Jackson believes that the second major area of action -- developing systems for continuous resolution of disputes as they arise -- is one of the most important achievements of the Philadelphia Center. He cites especially the naming of the center by the Redevelopment Authority as administrator of arbitration for tenant-landlord disputes in more than 500 contracts. Discussions are continuing with the Model Cities Administration about grievance machinery and training, with the tenants council and the Philadelphia Housing Authority

about possible machinery, with the Used Car Dealers Association and the District Attorney's Office about the possibility of including an arbitration clause in used car sales contracts, and with the Mental Health/Mental Retardation Advisory Board about developing panels to mediate disputes between community residents and health services professionals.

The 4-A Project -- Arbitration As An Alternative to Issuance of the Private Criminal Warrant -- has won the unanimous praise of all who have worked with and on it: Abner, Straus, William Jackson, Philadelphia District Attorney Arlen Specter, Municipal Court President Judge Roy Glancey, and a number of others interviewed by the evaluation team in Philadelphia.

Jackson had approached the District Attorney's Office about the cases coming to the center. In ensuing discussions involving Abner as well as Jackson and the DA's Office, it was agreed to channel a number of cases involving requests for private criminal warrants to arbitration administered by the Philadelphia Center. Excerpts from the press conference announcing the formation of the program on November 13, 1969, and from the Center's annual report outline the concept:

The primary purpose of the project is to provide an effective alternative route, in appropriate cases, to the issuance of private criminal warrants based on complaints arising out of community conflicts. Every year the District Attorney's Office receives hundreds of requests for private warrants based on relatively minor criminal charges. Often such complaints are symptoms of even deeper problems which a court proceeding often does not and cannot address -- problems which if allowed to fester can heighten community tensions even though the symptoms themselves are eliminated. A person now requesting

a warrant may be given the option of having his or her complaint resolved through a private arbitration hearing.

The center appoints arbitrators from members of its Philadelphia Community Disputes Settlement Panel, many of whom have been oriented in the courses at Temple. Hearings are held in the AAA Regional Office hearing rooms in Center City Philadelphia. During the first three months of the program, 43 disputes had been processed under the program. Twenty-four were resolved through mediation and seven by arbitration, with the award final and binding. From January through July 1970, 75 cases had been completed, and as of late July, more than 50 cases were awaiting assignment of an arbitrator and a time for hearing. The District Attorney estimates that from 40 to 60 cases per month will be referred to arbitration when the system becomes fully operative.

Judge Glancey especially is delighted with the results of the project so far. In an interview he expressed concern with the long court delays (often 30 to 45 days) for such relatively minor matters; that a family dispute involving juveniles would be placed back-to-back on the same mass court room docket with a numbers complaint; and especially that legal remedies do not exist for many of these kinds of disputes. He notes that since the program has begun, fully 70 per cent of the complaints referred for arbitration or mediation have involved domestic disputes. Consequently, most of the cases are intra-racial and a large proportion of the disputants are whites.

The National Center sees several important benefits in the project, which it hopes will be a model for other cities. Among the results, so far it cites:

- "a concrete and specific way to reduce court cases and to that extent relieve the burden of the Philadelphia court system."
- reduction of "the workload of the understaffed District Attorney's Office, its attorneys, investigative units, clerical and other non-professional staff [to] free these public servants to deal with more serious violations of the law and other more pressing aspects of law enforcement."

Its long-range significance, in the view of both the Center and the Philadelphia parties, was summarized in the press conference at the formation of the center:

Public agencies with elected officials have agreed with a private non-profit organization dedicated to problem solving and dispute settlement through voluntary methods, that there are conditions and circumstances in our society in which private arbitration and mediation rather than public decision-making may more effectively serve basic public policy and goals.

In the fourth and final category -- community education -- the center has conducted, with the aid of the National Center and Temple University, two eight-week courses in the basics of negotiation, mediation, arbitration and conflict resolution in general. Thirty-two persons, many of them grass roots blacks, enrolled in the first course; 19 completed it and received a certificate, nine of whom were invited to apply for membership on the Community Disputes Panel. The majority of the 28 persons who enrolled in the second course were representatives from agencies like the Urban League, Model Cities, Human Relations Commission and Better Business Bureau. Thirteen completed the course and five have been invited to be panel members.

The National Center has assisted in administering an evaluation form for these courses and those offered at Federal City College in Washington. It appears that the raw data have not been tabulated and systematically fed in to the ongoing development of the courses. This evaluation team sent follow-up questionnaires in July 1970, and received six responses from participants in the first Temple course (Winter 1969) and seven from the second (Spring 1970). There was little difference between the two sets of responses: virtually all the respondents liked role-playing and mock mediation best about the course. Six of the 13 said they had had an opportunity to use the training in their back-on-the-job situations, but when asked how, answers were unclear. The two most specific applications were in a confrontation between white and black high school students, and in "a civil rights conflict." Several persons said the training had helped them develop a better sense of how the negotiations process operates and/or improved their sense of tactics.

Up to this writing, approximately 100 persons have requested training, with the next course scheduled tentatively for this fall.

Jackson judges the most significant achievements of the center so far to be:

- the 4-A Project
- the naming of the center as administrator of arbitration in more than 500 contracts with the Redevelopment Authority
- "giving people a place to come to get problems solved"

Others interviewed gave their assessment of the most significant achievements:

On Training:

- "They did an excellent job in the training program." (Olan Lowery, Professor of Law at Temple)
- "The training was very helpful in what I do." (Mortimer LeCote, Director of the Urban League's West Philadelphia office)
- "There is great value in this kind of training for human relations professionals involved in intake or advocate work. Every member of the Human Relations Commission staff should take the course." (Lee Schleikorn and Joseph Davis, staff members of the Philadelphia Commission on Human Relations)

On Other Activities:

- "Every case I have referred had been resolved quickly (and that is very important) and inexpensively." (LeCote)
- "The center fills a need for a private organization that really understands ghetto conditions. The Human Relations Commission is too identified with the city administration. I have sent a lot of people to the center to take some weight off me -- people who needed a counselor or advocate or mediator rather than a lawyer." (Hardy Williams, state legislator and president of the Philadelphia Black Bar Association)
- "Jackson is doing an excellent job. We funded a community ombudsman who turned out to be a dud. Jackson got more requests for service in 11 months that this fellow did in two years." (Lawrence Prattis, Vice President, the Haas Foundation)

When asked what his biggest problem was at this stage of the center's operation, Jackson said, "Three things: inadequate money, inadequate facilities, inadequate staff." With a large area-wide demand already stimulated by a center located in West Philadelphia, Jackson has projected that a full-time staff of seven with a \$120,000 annual budget would allow him to fully develop all the programs he has in mind, including the cost of training and administering 4-A. In the last year, with the aid of Straus and Abner, the Philadelphia Center has raised \$27,000 locally for

its various programs from the Haas Foundation, the Urban Coalition, Westinghouse and Scott Paper. Straus, Abner and Jackson all point out that it took a year of operation before the center was able to raise **any** money locally.

In addition to the need for more resources, the Philadelphia Center will have to face up to the following problems in the coming months.

Community Relations. Jackson and the center do not seem to have established close working relationships with some of the most active or vocal grass roots groups. Instead, they work most closely with municipal agencies (such as the courts and the Redevelopment Authority), established civil rights and community organizations (e.g., the Urban League), and individuals who have a grievance against an institution or another individual. Gerald Cormick of the Racial Negotiations Project and Mansfield Neal, a young black attorney in the Philadelphia Model Cities agency, independently reached the same conclusion: that there is not sufficient involvement with the cutting edge of grass roots organizations. Nor are community people teaching or scheduled to teach in the Temple courses.

What Level of Disputes? There are three possible levels of disputes a local center might address: inter-personal (between two individuals, neither of whom is actively connected with or representing an organized group), person/group (an individual with a grievance against an institution or its representative, with tenant/housing authority or consumer/merchant as typical examples), and intergroup (between representatives of two organized groups or institutions, e.g., a tenants organization vis-a-vis the housing authority). The Philadelphia Center spends

most of its time and resources in connection with interpersonal disputes, with a large share also invested in person/group disputes.

The 4-A Project, which is consuming a great deal of the center's time, deals overwhelmingly with interpersonal disputes; (Judge Glancey says 70 per cent alone are domestic disputes). Sixty-five per cent of all the 198 cases listed in the Philadelphia Center's November, 1969 report were consumer/merchant or landlord/tenant, with all but 17 of the rest falling in the non-intergroup categories. The question for the Foundation and the National Center is: Is this the desired emphasis? We shall return to this issue at several later points in this report.

Administrative Problems of 4-A. When the evaluation team visited Philadelphia late in July, the center had a backlog of more than 50 cases referred under the 4-A Project. The conservative estimate was that it would take a minimum of two weeks for a full-time administrator just to schedule and carry off the hearings -- finding the second parties, matching up disputants with panel members, scheduling hearing rooms, arranging for payment, et cetera. A law student was assisting during the summer, and Abner plans to invest some of the time of his new national staff member Steven Brooks in 4-A administration. But the concern is the same: What is the appropriate mix of energy invested in ameliorating interpersonal (often intrafamilial) disputes as compared with intergroup disputes?

Publicity. At least three persons -- all members of the center's Advisory Board -- were concerned that publicity for the center was inadequate: Priscilla Blassingale of the Health and Welfare Council; Hardy Williams; and William Lockhart, President of the Philadelphia Realtors Association.

Panels. As with the operation of the National Center, so far panels have been under-utilized -- partly because of lack of confidence of the administrators in sending untried arbitrators into dispute situations. Problems of raised and unfulfilled expectations, especially with grass roots panelists, may develop.

Relationship with the AAA. Lines of autonomy and authority between the center and the regional AAA are still to be developed and clarified. The regional AAA office is supposed to provide guidance, entree to established institutions, technical assistance where appropriate, and equipment, materials and other services in-kind. But such relationships inevitably merge into policy matters. Jackson feels that at times he has been "used as a front" for AAA interests and that "every time something goes wrong," Regional AAA Director Arthur Mehr blames him -- inappropriately, he feels, for Mehr "isn't out in the community with the people." In another matter of concern, both Straus and Mehr want to move the center's offices to the AAA offices down in Center City (with possibly some part-time storefront operations in various grass roots locations), but Jackson feels very strongly that the main office should remain out in the community.

The relationship was severely strained in June of this year when the AAA was called in to conduct elections for area Model Cities boards. Mehr termed

the outcome "a complete disaster." From interviews with Mehr, Mansfield Neal and Jackson, it is clear that this was a case of a middle class white institution (AAA) attempting to apply a standardized technique (elections supervision) to an inappropriate situation (a polarized neighborhood of working class whites and blacks each seeking control of the relationship with a larger system -- Model Cities).

Mehr got through one election by instructing a black minister in running and certifying the proceedings after he found out that "they wouldn't let me do it because I wasn't black." He called Jackson to help out in the second election. Jackson says he was called on noon the day of the election, with no prior background on the situation, the agreement with Model Cities, et cetera. Jackson's secretary was asked to be on the election team, too. Both Jackson and Mrs. Conway realized they were there to provide color. Mehr says: "Jackson was there at the meeting; I asked him to moderate."

Conflict developed as anticipated. It was hot . . . there were not enough seats . . . a mistake was made in transferring names of nominees to the final ballot . . . the mimeograph machine broke down . . . identification of qualified voters became difficult. In short, Jackson did the best he could, but the situation blew up, and Model Cities cancelled the agreement with the AAA to run future elections.

The problems are that the AAA's prior experience in running elections was not readily transferable; that the center was called in at the last minute

to provide color and therefore legitimation; and that Mehr (and possibly Jackson) did not have the relationship with or sensitivity about the communities involved to handle the election successfully.

Summing up. All concerned have high hopes for the future of the Philadelphia Center. Jackson has broad-ranging goals: to increase panel membership to include Spanish-speaking as well as black and white people; to expand the training programs; to establish contractual relations for arbitration with municipal and federal agencies; to include arbitration clauses in the purchase agreements of many large and small businesses; to train student ombudsmen in schools; to serve as a central complaint and referral center for poor people; and "to bring community organizations closer together." A consensus of the more than 15 persons interviewed is that the biggest needs ahead will be in the areas of housing, consumer relations, campus and student rights, school unrest, and gang work.

Boston, Pittsburgh and Newark are likely to be the next locations for centers because of various combinations of available personnel, interest of the AAA, and activities of the National Center's local representatives. Straus, Abner, Taylor, Jackson, Mehr and several local reps all agree on the model for development of new local centers: get a competent staff and let them generate activity in whatever areas they choose, for once a track record is developed -- in whatever substantive area -- future development in all areas of concern will follow rapidly.

The rule-of-thumb that Straus and Abner use in opening new centers is: recruit a director without a major reputation in the field, pay him modestly, and operate the center for the first year on a budget of about \$35,000. This is how it was done in Philadelphia.

The evaluators believe that the strong weighting of that center's activities toward interpersonal rather than intergroup disputes is directly related to this policy of staffing and funding. A director at this level of salary is not likely to have the experience and stature to gain quick entry in the broad-based intergroup disputes which it appears the Foundation had in mind when it funded the project. Jackson is not and probably never will be in the inner circles of both establishment and activist minority communities. Talking about the Model Cities elections he said: "I'm too small stuff for [the Model Cities Director] to talk to."

Local Representatives. In its annual report, the National Center introduces a section on local representatives with the following:

Involvement in inner city conflicts has not been, for the most part, a traditional AAA function. The critical question of acceptability to individuals and groups within the Black community necessarily constitutes a major hurdle for Regional Directors in the development of local programs. It also must be recognized that Regional Directors have a region to administer and their responsibilities are increasing, not diminishing. At the same time a number of Regional Directors have expressed and demonstrated a genuine interest and willingness to help develop local Center programs. Consequently, the National Center Director has authorized Regional Directors to locate a person to serve as a local representative to the National Center acceptable to the community who in his spare time would work within the community performing the following services:

- (a) Meet with key community organizations and individuals and with the media to explain, publicize and promote the Center, its services and programs.
- (b) Audit the possibilities and value of establishing a local Center.
- (c) Encourage use of our services and serve as a listening post and reporter of conflicts, actual or threatening, in the inner city.
- (d) Recruit applicants for and use of the Community Disputes Settlement Panel.
- (e) Explore interest in the Center's training program.

The local reps, all of whom are paid \$150 per month, have several things in common. All are black or brown with one exception. They all feel hampered by the limited time they are able to devote to the development of center activities, even though all spend far more than the three hours per week such a salary would indicate. They all recognize a need for a center in their city, but also that, once they set up a service, there will have to be someone to provide it on a full-time basis. All but two of the local reps indicated that they would not be able to take on the job as a future center director full-time.

All, too, expressed a desire for more information. Several suggested a meeting with National Center staff so that they could become more familiar with the Center's and others' programs, even though three of them had attended the April, 1970 conference in Washington. One in particular feels that such a meeting is necessary to provide them with a better sense of priorities.

The hiring of local reps is a clear and forthright response to the recognition that the traditional AAA network cannot meet the problems of racial and community conflict. The Foundation has fully endorsed the concept and support of local reps. The evaluators believe the local reps are the most important factor in determining whether a local center gets started on a course pointing beyond settlement and toward amelioration of underlying grievances of poor and minority groups -- i. e., whether it will be "successful" as that term is understood by the National Center personnel. Regional directors do not have this orientation and cannot do the job alone.

Some do not have the interest. The one regional director who took the greatest interest in NCDS work eventually came into conflict with the AAA's policy that no staff member should be directly involved in intervention -- only administration of resources -- and eventually resigned.

Local reps are the key to successful establishment of local bases. Already the work of the local reps is faced with serious problems, on which the National Center should focus in the months immediately ahead. Most serious is the raising of poor and minority communities' expectations when a local representative starts talking about the value of mediation/arbitration, then not being able to deliver when the demand gets stimulated. This has been the classic problem with virtually every government and private social reform program in the last decade, resulting in further disillusionment of already thoroughly alienated poor and minority people. Thus, without a definite scenario for development of a local center and staff, local reps are likely to build fast, peak, get criticism from the local community and then burn out quickly. And all the local reps felt the need for more communication and training from the National Office. A great time commitment from Washington will be needed to meet this need.

A final question that needs to be asked is how local reps are most effectively recruited. In most cases, Center personnel have relied on their own

contacts in the various cities. But it is clear that these persons are not always reliable sources of information about what is going on in the community. A white contact in one city (who, incidentally works in social reform activities himself in an established institution) took it upon himself to query 14 of his contacts in the city on the "acceptability" of the local rep: most of them said the rep was "too militant" or "not acceptable".

The problem remains: how to relate the Center effectively to the needs of the poor and minority communities without stepping on the established turf -- be it AAA, professional social reformers, professional arbitrators, city administrators, et cetera.

Panels. The Center, from the beginning, has anticipated that the development and use of panels of skilled third-party neutrals would be a major mechanism for diffusing the impact of its work. Straus and the AAA have seen this as the major operational goal of the Center: to extend the scope and competencies of the AAA network modeled on the highly successful work of the AAA in such areas as commercial arbitration and insurance claims.

Two panels have been established within the NCDS: a National Community Disputes Settlement Panel and a National Public Employment Disputes Panel. Samuel Jackson began to develop the community disputes panel, and Abner initiated the public employment panel after he came to the Center. Abner says in the Annual Report that he has accelerated the recruiting effort, tightened procedures, developed a screening method, established a card system and provided a certificate

for members of the community disputes panel. As of March 1970 there were 241 members of the panel in 80 cities in 30 states.

The public employment panel categorizes panelists according to their specialities: fact-finding, mediation, arbitration; unit determination, representation elections, contract administration, negotiation impasses; city, county, state, federal. There are 482 public employment panelists in 186 cities representing 42 states.

Abner and his staff report as of August 1970 that 44 panel members had been used -- not all of them in direct intervention in disputes -- in addition to the 20 Philadelphia panelists used in connection with 4-A. Eleven of the total number of panelists used were people who went through a NCDS training course.

The Center staff says that the panels have, indeed, been under-utilized and expects that this will be true for some time. Bloodsworth concurs, drawing on his experience with the New England Plan. He notes that panel administrators tend to call on the same persons over and over again, not wanting to send someone not personally known to them into a difficult dispute and involving parties who have long-standing relationships with the panel administrators.

Trainers Orientation Conference. The Center's training activities are analyzed in a later section of this report. All these activities, of course, bear on the establishment of local bases, but one more so than others -- the conference held on April 24-25, 1970, in Washington to orient persons from 17 cities in methods of establishing a disputes settlement course in their communities.

In addition to promoting training programs, there were at least two other latent if not manifest purposes of the gathering: to train potential panelists; and to orient a few local reps and possibly recruit others.

Participants included blacks and whites, men and women, academics, agency people, corporation executives, lawyers and community activists from the 17 cities, all of them east of the Mississippi River. The Center had prepared two packets of basic materials for the participants which provided all the background reading and instructions necessary to construct a 10-week, 30-hour course on "Conflict Management, Arbitration and Mediation of Community Disputes." Background reading materials included articles by Abner, Taylor, Barrett, and others on conflict, bargaining and the like; Community Dispute Settlement Rules of the NCDS; a description of procedures for 4-A cases; and brochures on the Center and on public employment disputes.

The course materials included complete class scenarios, including lecture notes in outline form, for all 10 sessions; cases for mock mediation and role playing; instructions on recruiting participants and instructors, raising local money, securing space, et cetera.

The Center staff expressed great satisfaction with the outcome of the conference, even though the purpose of the conference was not clearly focused and the range of topics varied widely. This sometimes made it difficult to follow

up any particular direction. There was almost no discussion from the floor analyzing the training program as such.

Direct Intervention. Just as the Center's federal predecessor, the Community Relations Service, had anticipated that direct intervention in disputes would be the bulk of its work, the Center expected that its main workload would be direct involvement in community and racial conflicts. And as with the CRS, the Center staff discovered early that only "chasing fire engines" could so severely sap the time and strength of a small staff that no long-range impact could be made. So while the Center has been directly involved as a third-party in 65 disputes since its inception, the staff is getting more and more into long-range and "wholesaling" areas like systems development and training.

In fact, it is becoming increasingly hard to separate the Center's direct intervention activities from its work in systems development, for often the opportunity to institutionalize systems for conflict resolution and change arises out of involvement in crisis situations. Simkin cites his and Abner's experience in developing the FMCS's preventive mediation program as an example of the kind of institutionalization of procedures the Center is seeking. In 1962, when the program began, 95 per cent of all the cases originated after a crisis-bargaining session in which the mediator established credibility with both parties. Today (with the case load increased from 90 in 1962 to 1,300 in 1969) only about 50 per cent come as a spin-off from crisis bargaining, with the rest coming from the independent request of a company or union.

Much of the direct involvement of the Center in disputes has developed as a result of the experiences and connections of its staff and friends: Sam Jackson and Haughton got into the San Francisco State dispute because of Haughton's union contacts in the Bay Area; Abner in the Cleveland sanitation dispute because of his FMCS and public sector experience. There were no rationalized criteria for determining which disputes to enter: virtually all were accepted because of the need for experience and exposure. As the Center becomes better known and requests for direct intervention come in "blind", criteria will have to be established to determine which should be assigned to Center staff, assigned to panelists, referred to other agencies, or rejected.

A serious problem had to be resolved before the Center could begin to routinize its work in crisis-intervention: there is an "unlimited, no-exception" general AAA policy forbidding staff members to act as the arbitrator in cases administered by the organization, mainly to protect the impartial posture of the AAA as an appointing agency. Abner and his staff's direct participation in dispute cases became an issue with some AAA staff and with Straus. He and Abner finally resolved the dispute with a policy "restatement" issued on June 17, 1970, declaring the NCDS staff an exception because of the non-formalized and innovative work in which they are involved and leaving the decision regarding assignment of NCDS personnel to cases to Abner's judgment.

Abner and Taylor classified the 65 dispute cases handled by the Center in the following manner:\*

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\*Philadelphia and 4-A cases are not included in these figures.

32 -- community/racial (16 of which concerned public or private housing disputes)

17 -- public employment

16 -- campus (including preventive)

Most of the cases have been located east of the Mississippi, involved complicated racial issues and were part of larger and continuing conflict milieu. The racial axis was overwhelmingly black/white. There have been only a few instances involving Spanish/Anglo conflicts, and none involving Indians. The hiring of a Spanish-speaking local rep in Los Angeles is expected to stimulate more activities with Mexican-Americans; at the present writing there are no plans to initiate work with Indians.

What follows are brief analytical descriptions of nine cases typical of those in which the Center becomes involved. (The Racial Negotiations Project is completing detailed case studies on three of the cases.) Each case is categorized as predominantly community/racial, public employment or campus, and its impact and current status is assessed. The cases appear in general order of the evaluator's assessment of their long-range importance, with the exception of Hunter College and Lawrence, Kansas, which are at the end of the list because they are still very open (September, 1970).

Ithaca College. (campus; resulted in system development). Abner got his "greatest satisfaction" from this case, because of "the sharing, the surrender, the real transfer of power" that took place in the system.

The Center was called after an interracial fight escalated tensions to a dangerous level in November 1969. Pitted against each other were the Afro-Latin Society with a list of non-negotiable demands and the college administration headed by a president who the black students believed had broken his word. Abner was called in by the administration, who heard about the Center from a trustee who is an AAA vice president. Abner made two visits to the campus, met with all parties together and separately, addressed an all-campus meeting, and helped forge an agreement that, among other things, changed the campus judicial process. It acknowledged the existence of racism on the campus and said it would not be tolerated, recognized the legitimacy of the ALS's grievances, initiated arrangements for an all-black living unit, in addition to recommending to the trustees that students expelled or suspended as a result of the student/administration judiciary process may elect to submit their case to binding arbitration under NCDS auspices. The trustees agreed at their next meeting.

Both sides regard the surfacing of the communications issue as more important than the actual agreement. Paul Brodhead, assistant to the president, believes that disciplinary cases now will never reach the arbitration point. Benny Herbert, advisor to the ALS who has just joined the National Center staff, said that taking ultimate authority in disciplinary cases out of the president's hands was of perhaps greater importance to black students than the actual agreement.

Both Brodhead and Herbert credited Abner with helping avert almost sure violence and providing an avenue for communication in a situation where black

students felt there was no recourse and which the administration admittedly was unable to handle. Both attribute at least part of Abner's credibility to his color.

Later in the year the campus again faced violence against the backdrop of disorder at Cornell. This time the parties were able to resolve the dispute alone, and Herbert attributes the ability of the students to set up a representative negotiating committee and deal with the administration to their experience in the earlier incident.

The Center's intervention, then, initially cooled a crisis situation, but led to at least two significant changes: the institution of a mutually acceptable procedure for resolving disciplinary problems outside traditional channels -- probably the first such arrangement in the nation; and, more important at least in the immediate future, the ability of various factions to communicate about their grievances and obligations more effectively and thus hasten resolution.

Cleveland Sanitation Strike. (public employment, community/racial; resolution and move toward system development). "The sanitation strike could have taken us to hell and back . . . it would have been terrible for the city, the unions, the mayor. Without Abner, the situation would have gone down the tubes." This is the appraisal of the Cleveland sanitation dispute and Abner's role by Jerry Wurf, President of the American Federation of State, County and Municipal Employees -- the nation's largest public employee union and one of the principals in the Cleveland dispute.

Three interpretations\* of what happened in Cleveland in August of 1969 all agree on Abner's crucial role in settling the dispute and preventing a rancorous and prolonged conflict involving not only the unions, the municipal agencies and sanitation services to the community-at-large, but the political health of the nation's first large-city black mayor, Carl Stokes.

The strike was called by a predominantly black union, whose black steward, Clarence King, had had a particularly stormy relationship with the city administration. The history of Cleveland's race problems pervaded the dispute. Mayor Stokes was coming up for re-election. King often interpreted the statements of white sanitation and water department officials as attacks on his black manhood and personal integrity -- accurately so, say some. Blackwell and Haug point out that political considerations included "the relationship between the Mayor and labor, the black community, the white ethnics, white liberals and the white power structure." A break in a water main or a heavy storm could create a city-wide crisis with the 1,300 sanitation and water workers out on strike.

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\*John Grimes' report on "Cleveland: An Outsider Mediator Helps Bring Labor Peace" in Work Stoppages: A Tale of Three Cities, published by the Labor Management Relations Service of the U.S. Conference of Mayors, the National League of Cities and the National Association of Counties; James Blackwell and Marie Haug's analysis for the Racial Negotiations Project, to be published in October 1970 in the RNP's book, Racial Conflict and Negotiations: Perspectives and First Case Studies; and a section in the Center's Annual Report.

The story of the Center's role is really the story of a mediator operating skillfully in a difficult situation with several things going for him: his color; his experience as a black man, as a union man and as a federal mediator; and the mutual desire of Wurf, the AFSCME president, and Mayor Stokes not to prolong the strike.

Abner had been called in by the city administration and the international union, but quickly established himself with the local union. Over the course of two weeks he came into the city on several occasions and orchestrated the situation through use of all the classic mediation techniques, as described in detail in each of the three sources.

The crunch came, all agree, when Abner (as Wurf put it) "threw his big black body across the door" to prevent Stokes and Wurf from leaving an all-night private session in anger; lectured them on union leaders' and mayors' egos, sought and found compromises, and "made it possible to settle."

There is still much union/administration bitterness in the city, and other confrontations may come. The Center continues to work in Cleveland (which Wurf and Horvitz both term as one of the toughest cities in the country) to establish de facto machinery for handling public employee grievances in hopes of gaining eventual statutory acceptance for such procedures.

The crucial and unanswered question about Abner's role in the Cleveland dispute (and others) is: given Abner's skills, experience, credentials and color, could he have done the same job without being connected with the Center? Most

persons who were asked this question, including Abner and Wurf, thought that the non-public base of the Center was very important and probably helped in the mediator's initial acceptance, but thought that affiliation was less important than Abner's personal assets in this situation.

Newark Black and Puerto Rican Convention. (community/racial; may result in a local center). Robert Curvin, chairman of the Newark Convention Planning Committee for the Black and Puerto Rican Convention last fall, mentioned the problems facing the committee to some of his colleagues at Rutgers. One of them, a labor relations specialist, suggested that he contact the NCDS.

He did and both he and Ruth McClain, chairman of the convention's credentials committee, met with Abner in Washington. Their main concern was to have a smoothly functioning convention whose endorsements for mayor and councilmen would have the necessary legitimacy in a community hostile to and critical of the convention. The credentials committee had already decided that it should not count ballots.

The Center agreed to supervise the election, consult with the planning committee on parliamentary matters, settle disputes and consult with the credentials and rules committee for a \$750 fee.

Abner, was, in Mrs. McClain's words, the "parliamentarian in residence" during the convention from November 14-16, 1969, after considerable pre-convention consultation. He was assisted in running the election by members of the Washington staff and black and Puerto Rican assistants he had recruited. The Center certified the election results.

Both Curvin and Mrs. McClain praise the Center's performance. They agree that no other organization could have given the convention the legitimacy it sought. Curvin credits the "corporate legitimacy of the AAA" the Center brought with it, and says Abner's color helped (a necessity, according to Mrs. McClain), as did his ability to assemble the black and Puerto Rican assistants the convention required. Both say that the convention would call on the Center's services in the future.

As a result of the Newark convention, Curvin has received inquiries from other cities, including Elizabeth, New Jersey, and Pittsburgh and Philadelphia, Pennsylvania.

Mrs. McClain expressed hope that serious discussions about establishing a local center in Newark will begin this fall. She says she has discussed the possibility of setting up an office under the city Human Rights Commission with the mayor. Abner sees Newark as a priority city for a local center, largely because of the opportunity to develop it from the start with full sanction (and possible funding) from the city administration under new black Mayor Kenneth Gibson.

San Francisco State. (campus, community/racial, public sector; partially resolved). During the 1968-69 academic year, while Sam Jackson was still director of the NCDS, Ron Haughton was called in to the dispute at San Francisco State College "by an old friend". The issues centered around demands made by the Black Student Union and the Third World Liberation Front. The situation was further complicated by a strike of about one-third of the faculty and political considerations involving

two prominent and strong personalities -- California Governor Ronald Reagan and, later in the year, College President S.I. Hayakawa.

Haughton felt that work on faculty grievances was progressing well, but not so with the students, so he generated a formal request for Jackson to enter the dispute. Representing the Center, Jackson worked with the students and Haughton with the faculty, and they conferred at the end of each day. A partial settlement of the over-all dispute was reached with the appointment of a Citizens Committee for San Francisco State College. Settlement of faculty grievances was more complete, resulting in an agreement between the College and the American Federation of Teachers Local No. 1352. George Johns, Secretary of the San Francisco Labor Council, communicated his satisfaction to Haughton on March 14, 1969, saying that the settlement included:

(1) a form of recognition, (2) conduct in matters of amnesty, (3) a grievance procedure, (4) protection of present faculty positions (5) in relation to the staffing and budget of the Black Studies and School of Ethnic Studies, (6) appointment to reduced teaching loads without being docked, (7) availability of personal files, (8) rehiring and reinstatement procedures, and (9) no reprisals in addition to return to work and withdrawal of strike sanction.

Mayor Alioto and the chairman of the Citizens Committee expressed their profound thanks to Haughton, Jackson, the AAA and the Ford Foundation for their help in the situation. No such letters are on record from the Black Student Union or the Third World Liberation Front.

The conflict at San Francisco State continues. A black/white team is completing a case study on the situation for Chalmers' Racial Negotiations Project.

It should further illuminate the role of Jackson and Haughton in promoting long-term institutional change. After a reading of a draft, Chalmers believes their impact was relatively minor.

National Capital Housing Authority. (community/racial; Center's role completed, situation still open). The Center was asked by the National Capital Housing Authority in Washington to assist in overcoming a representation and elections deadlock between the NCHA and local tenants organizations including four that were city-wide in scope. The main issue was selection of a citizens advisory board to the Authority. A tenants steering committee had been appointed to determine the method of selecting the board. Instead, it decided to select members itself and the Authority refused to go along.

The background of the impasse was typical: distrust of the housing authority by the various tenants groups, disrepair and poor maintenance of buildings, an anticipated rent increase.

The NCDS was asked to help by Edward Aranov, then executive director of the NCHA, who had met Abner in connection with the Center's discussions with D. C. officials about grievance procedures in public housing projects. Abner, sensitive to the way procedural steps can strengthen the position of powerless consumer groups, got agreement from the Authority on three points: no restriction on the subject matter with which the to-be-elected Community Advisory Board could deal; review of all new policies with the Board; and provision for direct appeal to the Mayor or Deputy Mayor should differences develop between the executive director and the advisory board.

Abner survived several stormy meetings with the tenants' steering committee and came up with a representation formula acceptable to the group. At the election on February 28, 1970, Abner was put on the spot by the chairman of the steering committee and asked to chair the meeting. The tenants present voted to reject the steering committee's slate, then nominated and elected their own slate. Abner certified it, but Aranov refused to accept the election results. He said the election meeting was stacked with younger, more militant tenants, and that older, traditional tenants were not adequately represented on the advisory board.

As of July 1970 the Center's role was completed, but the composition and role of the advisory board had still not been resolved. Aranov has proposed that 11 at-large members be appointed to the 22-man elected board to rectify the "imbalance".

Aranov was not happy with the Center's certification of the election after the steering committee's slate was rejected. A written contract in advance between the Center and the NCHA might have averted the problem.

Whatever the misunderstanding between Aranov and Abner, the Center's capability was not questioned. Aranov says he recommended the Center to a local school board. Current NCHA director Monteria Ivey, on Aranov's staff at the time of the dispute, is encouraging his staff to participate in the Center-run course at Federal City College.

Barrett vs. the Medical University of South Carolina and Young vs. the University of Pennsylvania (public employment, community/racial; resolved).

These two similar cases are mentioned frequently by Center personnel when they speak of satisfying achievements. Both involved allegations of discrimination by black employees against large state educational institutions.

Barrett, a black professional staff member of the OEO-funded comprehensive health care program run by the Medical University, was discharged without a hearing. Due to the prestige and influence of his family he had been hired by the president of the university without the prior approval of the local Community Action Program chairman. But finally the pressure of a more militant faction within the CAP brought the university to discharge Barrett.

After several months of mounting tension, a hearing was granted and the OEO in Washington turned to the Center to provide the third impartial panel member. Taylor took the assignment. Although Barrett was reinstated, the reinstatement per se was not the most important outcome. In the words of a local community leader: "it was the first time in the history of Charleston that black men had decided an important community issue concerning the black community." In other words, participation -- by both the black community and an outside black arbitrator -- in the decision-making process was paramount.

In Pennsylvania, Mrs. Young, a food service supervisor, was transferred to a new position against her will. The university said it was a lateral transfer; Mrs. Young charged her department head with a consistent anti-black position.

As a supervisor, she was not covered by collective bargaining procedures. She was backed by a number of black community groups who were rumored to be planning a happening if the university failed to respond to Mrs. Young's charges.

The university contacted William Jackson, director of the Philadelphia Center for Dispute Settlement. The parties agreed to outside arbitration, and Jerome Barrett and Warren Taylor served as the panel. Within four days of the initial contact they made their award, finding that while Mrs. Young failed to prove discrimination as such, the university failed to prove any basis for the transfer or even notice to the employee of poor job performance. The university was directed to afford her an opportunity to transfer back.

Both parties expressed gratitude for the process -- Mrs. Young because she finally had a chance to tell her story, and the university because they felt the Center had helped calm the situation and bring some facts to light about university operations of which the administration was not aware.

The Center comments in its annual report that since the University of Pennsylvania "is the seat of some of the best known labor arbitrators and consultants in the country," an evaluator of the Center's program "might well wonder why the university went the route it did in obtaining arbitration in this matter." The answer in the view of these reporters, is that any third-party from the university would, by position and definition, be at-interest rather than disinterested.

Hunter College (campus, community/racial; case open). Abner was called to Hunter College in New York by President Jacqueline Wexler in May of this year following several weeks of disputes and closings of the college, partly due to student demands for equal representation on all Hunter governing bodies. The president saw Abner as a "consultant" to her and to the administration, but Abner was quick to establish himself as available to all groups and individuals in the campus community. "It would have been nice to broaden the base for the invitation at the outset," he says, "but sometimes you have to get in any way you can and then work from there."

Abner set up shop at Automation House a half-block away for several days in May to get input from all factions and interest groups in an attempt to work toward a comprehensive, democratized campus governance system. In June he submitted to President Wexler "Recommendations Regarding the Establishment and Composition of and Operating Guidelines for an Ad Hoc Committee Charged with Drafting a New Hunter College Governance Plan for Submission to Referendum -- and an Alternative." As of late August, faculty and administration groups had informally accepted the plan, but not all student and community groups had.

Lawrence, Kansas (community/racial, campus; case open). Beginning with clashes between white and black high school students last spring, latent problems have surfaced in Lawrence, the home of the University of Kansas, whose population, including 17,000 university students, is approximately 50,000. The prolonged conflict has been manifested in two shooting deaths (one by a policeman), the

burning of a major building at the university, deep polarization throughout the community and the state -- but no major improvement in the conditions for blacks in the city or the public schools, nor in the relationships along the three major axes of the conflict: university/community; black/white; adult youth.

Concerned that communication channels between the various factions had become clogged, several university faculty members contacted the Center and invited Abner to bring a team to Lawrence to meet with a broad range of community and university groups to develop communication and a viable problem-solving structure. Abner insisted that the invitation itself be broad-based, and especially that it be approved by representatives of the Lawrence black community and the most militant of the black student activists. Support for the visit was arranged locally.

The author of this evaluation accompanied Abner as a participant-observer on a two-day fact-finding trip to Lawrence August 10 and 11. The team met separately and together with many black leaders both at the university and in the community, with the university president and several regents, with student leaders including past and present student body presidents, with representatives of the growing community of street people adjacent to the campus, with the minister's association, city officials, the police chief, corporation officials and small businessmen. The ease with which Abner moved from group to group, many of them with overtly anti-black members, was impressive. He stressed that the Lawrence situation was by no means unique, pointing to increasing conflicts everywhere

across gaps of age, race and education. He implicitly supported the legitimacy of local black concerns and activities both by interpreting similar situations elsewhere and by carrying messages to incredulous whites from moderate blacks who said they were not at all satisfied with their treatment in Lawrence.

The team determined that further efforts would be worthwhile, particularly in developing self-determination and self-policing mechanisms among the blacks, students and street people.

On September 8-9 Abner returned to Lawrence at the request of parents of black junior and senior high school students. He succeeded in getting both black and white students to agree to a self-policing policy with the consent of the school administration. Although the city council and officials are willing to give financial support to further consultation (with influential businessmen undecided), the problems of the total community remain unresolved.

This brief description of direct intervention by the Center leaves two major questions open:

- Could each have been done without the NCDS umbrella, based on other credentials of the intervenor -- namely his experience, contacts and color?
- Was the time investment worth it? Abner said this summer that he was not sure the time involved in the Hunter dispute was worth it, for he had to turn down an invitation from the District of Columbia to mediate in a sanitation strike because of his commitment at Hunter.

### Developing Systems

The opportunity to develop systems for conflict resolution and change often is a result of the Center's involvement in establishing local bases and direct intervention in disputes. Abner and Straus have emphasized over and over again that this is the most important activity in which the Center is engaged.

The aim of developing systems is to provide mechanisms for the resolution of social conflict in the particular institutional setting in which it develops. But the question is raised again: Are grievance machinery and the administration of a series of specialized panels what the Foundation had in mind when it supported projects for the resolution of community disputes? Grievance machinery deals essentially with the complaints of individuals against a particular institution or system.

Perhaps examination of several major efforts of the Center in the area of systems development will yield the questions we need to ask about the consistency of these efforts with the Foundation's initial goals for the project.

Ithaca, Cleveland and Hunter. In the Ithaca College case, the major result was development of a procedure, readily approved by the board of trustees, for appealing disciplinary decisions to an arbitration process to be administered by the NCDS. Center staff as well as the principals at the college agree that the mere existence of the system has had significant impact, especially on administrators

who now know an avenue of appeal is open against any ill-considered disciplinary action. They also feel that the new procedure is unlikely to be used much now that it is established and sanctioned.

The Center is attempting to make a major breakthrough in public employment machinery in Cleveland. Abner and Taylor had been working in Cleveland several months prior to the August 1969 strike to attempt to establish a model for prevention and settlement in the absence of a state bargaining law for public employees.

If Abner's proposal for the development of a participatory governance plan at Hunter College is accepted, the result could be a broadly representative system that could become a model for other colleges and universities. However, many other campuses are working toward similar machinery without the aid of professional third-parties, and are arriving, however slowly and painfully, at workable systems with a high degree of participation and policy influence for all members of the educational community.

The Berkeley Tenant/Landlord Project. A unique six-month pilot project in which tenant-landlord disputes were to be mediated or arbitrated at the expense of a city government was established in Berkeley with the aid of Warren Taylor and AAA Regional Director Robert Charlebois. The program was to be administered by the AAA regional office under the direct supervision of the NCDS. The Center anticipated that a panel of mediators and arbitrators would be set up to handle disputes under the agreement. Panelists would be members of the Center's

Community Disputes Settlement Panel, preferably persons familiar with housing in the Bay Area.

In practice, disputes were handled by the AAA regional director, who felt that he was better equipped to do the job than the six panel members in the area. He adds that he had the time and a special interest in the program. Charlebois estimates that he spent about 200 man-hours attending meetings and mediating. He was called on in a total of about seven cases, one of which -- the Merrill case -- consumed most of his time. At the time of this evaluation he was still escrow agent, paying out back rent money for tenants against whom Merrill agreed to drop suit.

The problem -- as viewed by the Center -- was that the regional director usurped the role of local mediators. As viewed by the AAA, the trouble was that he had become "involved", thereby stepping out of his place as a regional director. The consequence is that Charlebois has resigned after seven years in his post.

As seen by those most directly involved (City Councilman Warren Widener, Merrill and a representative of Torch, one of the major tenants organizations), the agreement produced positive results. Widener says that once the mediation service was in effect, Berkeley's mood was much calmer. He says that "it stopped a lot of violence."

Margo Dashiell, an active member of Torch, cites Taylor's assistance in helping her group organize itself. She adds that once negotiations with a few

landlords were in progress, other landlords eased up on their own out of fear of bad publicity. Widener supports her statement, saying that landlords contacted him to let him know that they were "cleaning house." They both cite the necessity of a third-party in establishing communications, since landlords simply refused to deal directly with tenant organizations.

More important than the individual cases, however, is the far-reaching effect of this project of the Center. Influenced by the Berkeley Board of Realtors, the California Realtors Association inserted a voluntary arbitration provision in a housing bill that has passed one house of the state legislature. Charlebois admits that the mediation service did not change much in Berkeley, but succeeded in focusing attention on an issue that should have been taken up by the courts and legislature.

On the local level, Forrest Merrill, whose case became the cause celebre in Berkeley, is including an arbitration clause in his new leases, which he believes to be the first of its kind in the city.

The future of the Berkley agreement is uncertain. The Council extended it 30 days to coincide with Charlebois' departure. Charlebois as an individual is identified as the mediator and he can no longer work in his capacity as AAA representative. The strike is over and pressure is off the landlords; by several accounts the Berkeley Tenants Union -- the student tenant organization -- is dead. And the composition of the city council has changed. Widener doubts whether positive action on reinstating the agreement might be taken until after the city elections next April.

HUD and Head Start. The two major efforts of the Center in developing federal dispute machinery have been with the Department of Housing and Urban

Development (to test a grievance machinery for public housing tenants) and Head Start in the Office of Child Development (OCD) at HEW (to settle disputes between the program and parents and other community groups). Brief descriptions of the Center's involvement follow.

The Center submitted a proposal to HUD in January 1970, but HUD has not yet acted on it. The reason seems to be that HUD has been in conversation with two parties more directly involved in housing than the Center -- the National Tenants Organization (NTO) and the National Association of Housing and Redevelopment Officials -- to work out model lease and grievance procedures for public housing. The AAA is mentioned in recent drafts as the impartial member of a proposed three-member hearing panel. Abner Silverman of HUD believes that a grievance procedure including arbitration will become a part of HUD policy some time this fall. Both Silverman and Tony Henry, Director of NTO, have felt that Warren Taylor's consultation over the past months has been helpful to them.

Faced with disputes at various administrative levels, Head Start officials contacted the Center by way of the AAA, whom they knew to have "a reputation for objectivity and fairness." By November 1969 the discussions resulted in a proposal from the Center providing for grievance procedures at the local, regional and national levels. Assistant regional directors of the OCD have been asked for their comments under a memo from the acting director, who refers to the grievance procedures as an ombudsman arrangement and "a useful adjunct for all of us in facing the pressures attendant on effecting social change for the betterment of

children." Replies were just coming in at the time of this evaluation. Jack Gonzalez, Chief of Program Inspection in the OCD, is enthusiastic about the proposal, but he fears it may not be implemented because of "the times we're in." It would give a voice to minority groups, he says, and that runs against the Administration's desire to maintain a "low profile."

It appears that both proposals have suffered from the inability of the Center's staff to give to this effort the concentrated and continuous time necessary in guiding them through the cogs of a resistant bureaucracy. The HUD proposal, in particular, would initially require a large amount of the Center staff's time to get the pilot project off the ground.

Consumer Arbitration. The Center's consumer activity has focused in three areas:

- Development of an agreement with the Neighborhood Consumer Information Center at Howard University for arbitrating consumer-merchant disputes in the District of Columbia. The Center had proposed that it arbitrate those cases which the NCIC could not resolve and that it provide training for NCIC staff. The exact relationship between the Center and the NCIC remains to be determined, pending the outcome of discussions on a city-wide consumer arbitration plan between NCIC and the D. C. Board of Trade.
- Negotiating with the Pennsylvania Retail Federation and the Pennsylvania Consumer Protective Foundation to establish a

- pilot consumer arbitration project in one city. The Center has received criteria for arbitration from both groups and is planning a joint session with them in mid-September.
- Formation of a Consumer Arbitration Advisory Council, chaired by former Secretary of Labor Willard Wirtz.

The Federal Reserve Board. Hugh Jascourt of the Fed's General Counsel's staff had worked with Abner in the past when Jascourt was House Counsel for the AFSCME. He came to Abner a year ago to talk about the problems of his new job, and together they developed a proposal for the Center to serve as investigators and hearing officers in allegations of unfair labor practices within the Federal Reserve System under the auspices of the Labor Relations Panel. The proposal was adopted, and the Center is making arrangements to hear the first two cases as this evaluation is completed -- both allegations of management violations of employees' rights to organize.

Abner and Jascourt agree that the important goal is long-range machinery and not just immediate resolutions. Jascourt is interested in "harmonious relations" within the system, in "teaching the parties to resolve things themselves through collective bargaining." He has great confidence in the Center because of Abner's combination of experience and sensitivity in these areas.

There currently is no federal machinery to deal with unfair labor practice allegations in federal agencies, and the Center's work with the Fed is seen as a potential private-base model for the federal government.

(Other Center efforts in systems development are described under "A Word on Public Sector Bargaining" -- notably the New England Plan and work in Nevada.)

### Training

Although the Center has not had a full-time training director, it has placed a high priority from the beginning on training, orientation and community education in dispute settlement, especially racial and community. Training is a major vehicle through which impact of the Center can be diffused. It is expected that a full-time training director will be added and this function of the Center expanded if continuous funding becomes available after the current grant period expires.

Most persons interviewed in connection with the evaluation saw training as of utmost importance. Wurf and Jascourt said it should have the highest priority in the Center's activities.

Federal City College and Temple Courses. A good deal has been said already in this report about the courses offered at Temple University last year. There is a high demand for more, which will not be met unless there is a significant addition of resources to the local or National Center budget. The courses have been highly evaluated by the students, but apparently there was little specific use of the learning by students as panelists or otherwise.

More than 100 persons have been through the eight- and 10-week courses conducted at Federal City College and Temple University. A major goal of such training is to find persons capable of serving on the dispute settlement panels. So far 32 have become panelists and 11 have been used in actual cases.

As noted in connection with the April 1970 Trainers Orientation Conference, extensive materials have been prepared for the basic course in conflict management and mediation of community disputes. Many of them are included in the Appendix to this report. In general, they are geared to a basic layman's level, with accompanying cases, discussion guides and outlines of course notes.

Three courses have been completed at Federal City College, the most recent this summer. The follow-up evaluations sent to participants in the winter 1969 and spring 1970 courses revealed that half of the respondents (eight of 16) had used the training, although most of the use was in connection with the students' ongoing job or community roles and not specifically as mediators or arbitrators. Examples were "I am now able to give public testimony in hearings," "held hearings in an anti-poverty agency," and "work in inner-city -- learned to cope, deal, mediate." As with the Philadelphia courses, the most highly valued parts of the course were role-playing and mock mediation. Speakers and class discussion were ranked especially high for the winter 1969 course. The raw data for both the Temple and FCC courses have been forwarded to the Center staff for use in further curriculum planning.

As of this fall semester, the course at FCC is a regular, accredited part of the curriculum -- a step toward institutionalizing a total program or major field in dispute settlement, which is one of Abner's training goals.

Higher Education Executive Associates -- July 1970. On July 19-23, 1970, the Center co-sponsored a conference on "Conflict Resolution in Educational Settings" with Higher Education Executive Associates (HEEA), a McGraw Hill affiliate, at Ithaca College. The purpose of the conference as advertised by the HEEA was to "provide [participants] with a practical working framework for [their] campus in dealing with student conflict."

About 25 persons attended, including about 10 college and university administrators and 10 high school principals and vice principals. Of the three or four students present, one was of high school age.

HEEA did most of the administrative work, including advertising via its mailing list of more than 3,000 (primarily at the college level) and making the conference arrangements. Aside from a few guest speakers brought in by HEEA, the Center was in charge of the program, which involved all of the National Center's professional staff. The staff gave lectures, led discussions, conducted a mock mediation session and brought in films, in addition to putting together an information packet in advance. The Center was paid \$3,000 by HEEA for its part in the conference.

There is some question of the value of such a heavy investment of Center staff time in a conference of this nature. Center staff were somewhat disappointed

at the small turn-out. Phyllis Kaye, in charge of the Center's arrangements, feels that the registration fee was a prohibitive factor (\$325 per administrative delegate and \$150 per student delegate), especially for students. In addition, no faculty members were present.

Other Activities. Short-term training and orientation activities are increasing -- and the Center may soon have to make hard choices about what mix of long-term training courses with one- or two-day orientation sessions is appropriate. The April 1970 conference has already been described. Two persons who attended the course have been instrumental in getting courses started for this fall: Herbert Smith of Hartford and Arnold Zack of Boston. The Center expects that several other persons who attended the conference will initiate courses and plans follow-up activities with them this fall.

The Center has conducted one- or two-day sessions with community representatives in Rochester, New York, with potential student "conciliators" of the Association of Student Governments, with delegates to the 1970 annual convention of the National Student Association, with the presidents and deans of the Central States Conference of Colleges, with the field staff of the Southwest Region of the Justice Department's Community Relations Service and others. There has been no evaluation or assessment of the impact of these meetings.

Ahead. As noted earlier, more courses are planned for Temple and Federal City College and some are being initiated in Hartford and Boston.

A course also will be offered under the joint sponsorship of the University

of San Francisco. Local arbitrator Edward Kenney and Father Andrew Boss, Director of USF's Labor-Management School, have developed the course. Although the participants will be drawn from community groups and advocate agencies, the literature describing the course appears oriented to "cooling" situations rather than to institutional change. It also seems to accept fully the hypothesis that labor-management mediation models readily transfer to community, campus and racial disputes. No grass roots community persons will teach or serve as resources in the course. A street-wise San Francisco black professional said that Father Boss is seen by many blacks as insensitive to community problems and seems to shy away from confrontation situations.

It should be noted that the National Center will supply some resources for teaching the course, but was not deeply involved in the planning. Abner had a strong preference for establishing a local rep before a training program, but Kenney, Boss, and AAA regional director Charlebois went ahead to the point of no return with the community, and the Center found itself committed to sponsorship of the course.

Issues in Training. The Center is faced with a number of serious questions about its training function, some of which will be resolved by program choices during the next year:

- Should the Center invest more energy in training advocates or third-parties? Can they be effectively trained in the same course? The tentative answers from Abner, Taylor and Barrett

have been that training advocates is more important, that the two types may be trained together at the introductory level, but that they should be separated in second or third level courses. Several student evaluations concurred. The evaluation team believes that it is especially crucial for tough, activist advocates to have a major role in training advocates, along with experienced professional third-parties.

- How extensively can the Center deal in its courses with such pre-bargaining problems as building a power base, firming up representation, or having something to trade before getting to the negotiating table? Center staff recognize this need, but so far the courses are filled mainly with the technical material of mediation and arbitration.
- Should prior criteria be established to determine which groups the Center will work with in its training activities and to what extent it should be identified with them? The implication of the question is that this should be done, and this view of the evaluators is based chiefly on the HEEA experience. Much HEEA conference literature clearly indicates this group's interest in control of students without addressing underlying problems. Material from one university administrator, for instance, showed little sophistication, assumed the total legitimacy of college administrations, ridiculed student protest, and prescribed blatant political and social control measures.

### A Word on Public Sector Bargaining

Public sector bargaining was one of the three major areas addressed in the original proposals and grant recommendations. In accordance with the guidelines from the Foundation, it is treated only briefly in this evaluation, whose major focus is community and racial disputes. But since there is a community and/or racial component in virtually every public employment dispute, references to this subject have already appeared at many points throughout this report.

Perhaps the clearest consensus that emerged on any topic covered in the interviews for this evaluation was on the future of public sector disputes: everyone who had any knowledge at all about the field said it would be a major battleground during the 1970's. Abner, Barrett, Counts, Horvitz, Jascourt, Simkin, Schultz and Wurf all stressed the need for skilled mediators and the development of appropriate machinery. The basic question facing the Center about the public sector is: How much time can be devoted to it? Both Abner and Taylor say that work in this area will have to be traded off in favor of community/racial and campus involvement as the squeeze on time and resources gets tighter. Only 15 states have adequate laws covering public employment disputes. Counts, Wurf and Simkin especially have stressed the great need for development of private mechanisms in the other states and the suitability of the Center for this task. The choices will come hard.

Summarizing current activities of the Center in public sector bargaining:

The New England Plan. Boston AAA Regional Director John Church was independently operating the New England Plan before the Center was funded in 1968. The Plan has had three goals, according to Boston AAA Associate Regional Director David Bloodsworth:

- Training local mediators to resolve public sector disputes.
- Selling the concept of private mediation for public sector disputes.
- Promoting dispute settlement procedures in collective bargaining legislation.

Bloodsworth cites three major achievements:

- Acceptance of public sector dispute settlement under the AAA by both employers and employees.
- The naming of the AAA in the Vermont and Maine public employment collective bargaining laws.
- The solicitation of the AAA's services in fire department and police department disputes in Rhode Island, even though the state law provides that state supreme court justices shall arbitrate such cases.

Panels have been constructed, but as with the others, use has been minimal.

Research -- Robert Stutz. University of Connecticut professor Robert Stutz, chairman of the State Board of Conciliation and Arbitration, has been conducting research for some time into public sector disputes and bargaining procedures. His work has been funded under the NCDS grant, but it remains independent of the Center's operation. Although Stutz is a member of the Center's advisory board, neither Abner nor Bloodsworth had seen him recently, nor did they know what he was doing. The original proposal called for the development by Stutz

of educational conferences in connection with the Center, but these did not materialize. The evaluation team was unable to interview him, for he left in August for a year's work in Switzerland.

Cleveland. Most of the time Horvitz devotes to the Center is in connection with attempting to establish private mechanisms for public employment dispute resolution in Cleveland. As noted earlier, the Center is attempting to get a de facto set of procedures established out of hard bargaining with all the parties, in the hope that it will be written into the city's statutes once accepted by all the parties at interest.

Horvitz, Abner and Wurf agree that Cleveland is one of the most difficult cities in the country in which to work with public employment due to a history of political in-fighting among municipal agencies and corruption and unstable leadership in the public employee unions.

Currently the Center has withdrawn from active work in Cleveland to allow time for several jurisdictional disputes and strikes of several smaller public employee unions to work themselves out. Horvitz and Abner believe the time will be ripe for active re-entry into the situation late in 1970.

Nevada. The state passed a public employee relations law in March 1969 which provided for appointment of mediators, fact-finders and arbitrators by an Employee Management Relations Board established later that year. After several false starts, a prospective local panel member called the San Francisco regional director, who invited Barrett to help out. In a few visits, Barrett

developed a system for implementing the new law, including appointment procedures and an educational booklet on third-party techniques and the new law.

#### DISSEMINATION

Dissemination of the Center's work has been described in numerous contexts: building local bases, establishing panels, developing permanent systems, conducting training and orientation sessions, et cetera. What follows is information activity through conventional channels.

Media Coverage. Phyllis Kaye estimates that 25 major news stories about the work of the Center have appeared in the last 15 months. The best coverage has been in Philadelphia and Cincinnati, with some good coverage in Los Angeles, Berkeley and San Francisco. In addition, the Ithaca College settlement got wide coverage in upstate New York. The Center received excellent coverage in August 1969 on two CBS network programs on employment problems and community involvement. Taylor has appeared on Washington area radio in connection with consumer problems, and Abner has received coverage for his role in the Cleveland and Hunter situations, including a story in the New York Post on the latter case. The public employee press has featured several stories on the Center.

Speeches and Other Appearances. From March 1969 to March 1970, Abner and staff delivered lectures or speeches before 51 different audiences including the Public Personnel Association, American University, University of California at Berkeley, Harvard Business School, Association of Labor Mediation Agencies, National League of Cities, U. S. Conference of Mayors, and the Federal Mediation and Conciliation Service.

Publications. Abner, Taylor and Barrett have published speeches and articles in union, professional and public management publications on a variety of topics including mediation of civil rights disputes, consumer problems and mediation as an alternative to violence.

Mailings, Films. Mailings of the general Center brochure and/or the public employment brochure have been made to all international unions representing public employees, appropriate divisions of the AFL-CIO, governors of all states without comprehensive public employment relations statutes, the National Association of City Managers, standard AAA lists, black elected officials, student government officials, college and university administrations, et cetera. Only a few inquiries have been generated.

A half-hour film was made in cooperation with the NSA and the University of Minnesota educational television station showing a mock mediation of a campus dispute conducted by the Center staff at the NSA convention in August. It was shown on Twin Cities television September 24, and the Center will be given a kinescope of the production for its own use at no cost. Miss Kaye is developing a discussion guide.

Contacts in the Field. Abner brought with him to the Center a reputation and expertise in many areas of dispute settlement and a host of working relationships with key persons in the field -- men like Simkin, Wirtz, Wurf and current Secretary of Labor James Hodgson. He and the rest of the Center staff have been broadening that base in their work. Abner testified on campus unrest before the Anrig Commission

of HEW, calling for development of private dispute settlement machinery. He has met in recent months with a number of deputy and assistant secretaries in the course of his work and was appointed to the Presidential three-man emergency railroad panel.

## CONCLUSIONS AND QUESTIONS

### A. Conclusions

1. The Center has become firmly established as a national, private resource in the field of dispute settlement -- in its own right; in its relationship to the AAA and its network; and on the strength of the prior experience and credentials of its staff.
2. With the exception of Haughton and Chalmers, interviewees generally agreed that there is (and will increasingly be) a great need for a non-governmental resource of this type. Various levels of government are heavily implicated in each of the three major kinds of disputes on which the Center focuses -- community/racial, campus, and public employment -- and therefore may be increasingly unable to act as disinterested third-parties.
3. So far, personal characteristics such as the staff member's experience, previous organizational affiliations, personal contacts and race have been more important in stimulating demand for services than the particular institutional characteristics of the Center.
4. The Center has been, and will be, spending less and less time in direct intervention in disputes and more in such wholesaling activities as systems develop-

ment and training. Original conceptions of the Center's role by both the Foundation and the AAA had projected most of the work in dispute resolution, but after the first seven and one-half months, Sam Jackson was writing of the "futility of extensive participation by the Center personnel, particularly the director, in individual disputes" -- futile because of its debilitating effect "on the Center's broader mission to institutionalize or encourage the regular use of third-party settlement procedures."

5. Stimulating a demand for the Center's services on the local level is not difficult; raising local money to help meet the demand is. Straus, Abner and William Jackson all stress that it took a year of demonstrated activity in Philadelphia "building a track record before we got our first dime of local money."

6. Most of the Center's activities have focused east of the Mississippi and north of the Mason-Dixon line, and when a racial axis has been present, it has been black/white almost exclusively.

7. A major unfulfilled expectation was the plan to have three local centers operating very shortly after the inception of the Center. The process has been held up by financial problems, scarcity of qualified personnel willing to take on the direction of a local center at the modest wage offered and numerous turf battles within communities and agencies.

8. Another unanticipated result is the heavy focus of the Center's activities on interpersonal rather than intergroup conflict -- especially as reflected in the 4-A work in Philadelphia and the grievance machinery which is the typical desired

output of most of the Center's efforts in system development.

9. It is difficult to assess the impact of a new program like that of the Center in cost/benefit terms until the organization develops quantifiable operational objectives and criteria for program choice and measurement. This task is yet ahead of the Center. There are a number of quantitative tests that could be applied to derive cost/benefit ratios at this point (ratio of Foundation money invested to money raised by the Center, or total cost per case closed, or total cost per student trained, for example), but their meaning at this stage of the development of the Center would be unclear. Construction of base-line data against which future performance can be evaluated should be a major priority.

10. After two years of a shotgun approach, as Straus put it in describing the freewheeling style of both Sam Jackson and Abner, the staff must resolve two major policy questions: how to select the most important and significant areas and issues for concern among literally hundreds of interesting possibilities; and how it will mobilize and focus its resources in implementing these decisions.

#### B. Questions

1. How can professional dispute settlement techniques be refined to accomplish optimum institutional change?

2. What is the appropriate mix of Center activity in interpersonal, person, group and intergroup disputes? What is the internal relationship of the three types of disputes and their settlement within a community? Does overemphasis on interpersonal

machinery divert attention from empowering organized groups for intergroup bargaining? Or are the approaches complementary?

3. Should the basic thrust of training be toward advocates or third-parties?

Is one more effective in promoting institutional change than the other?

4. Why the low demand for professional dispute settlement from black and brown activists, students, young people? Conversely, why does the major demand for professional dispute settlement come only from local officials, university administrators, foundations, federal officials -- in general, from establishment representatives?

5. Can young people be infused into the field, possibly in apprenticeship positions? The practitioners now are mostly over-30 male professionals.

6. What criteria exist or can be developed to determine which invitations for direct crisis intervention should be accepted? When it comes from all parties? High modeling and visibility value? Money?

7. How can the two research needs expressed by Abner for the Center (day-to-day program analysis and long-range program development) be met more effectively than in the past? By staff or an autonomous observer-researcher-monitor?

8. Can a scenario with timetable be developed for the local rep-to-local center transition? How to prevent local reps from peaking and burning out before an adequate institutional base is ready to meet the community expectations they have helped raise?

9. Can a local center ever get involved in the really big intergroup disputes in the community as long as the low-budget, no-big-name-or-reputation policy is followed in establishing local centers and recruiting a director?
10. How can communication be improved and authority lines clarified within the AAA/NCDS network: New York, Washington, AAA regional offices and NCDS local centers?
11. What immediate further steps are needed to put community dispute settlement on a self-sustaining basis?
12. Should the Center project a percentage of its time for involvement with Spanish-speaking and Indian groups in addition to blacks, and consciously move to expand its geographical base despite the national office's eastern location?

## III SUMMARY

Issues

Some blacks react incredulously when they hear of "dispute settlement" as an endeavor, or learn that there is a National Center for Dispute Settlement. They ask: "Why isn't there a National Center to End Racism?" Their reaction recalls the statement made by Charles Evers five years ago in Natchez in talking about the Community Relations Service's field representative and his role in the crisis there:

"I used to hate to see him coming, because I knew he wanted to talk and conciliate -- and we don't want to conciliate or mediate between their position and ours. We want what is right!! I told Governor Collins, too, that the main trouble is that you only come running when it looks like Negroes are going to start stirring things up, or after there has been a blow-up. You should come to a community before the blow-up and get the white people off our backs!"\*

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\*From James H. Lane, "A Sociological Evaluation of the Role of the Community Relations Service in Natchez, Mississippi, August-December, 1965."

These are quite different perspectives from those of the professional dispute settlers and academicians, including the evaluators whose views and work have been the subject of this report.

At this point, the evaluators feel the need to summarize and spell out some hard questions and issues about dispute settlement which have been raised, directly or indirectly, throughout this report.

Is dispute settlement helpful in promoting basic social change?

To what extent do traditional mediation and arbitration need to be modified to be effective in community and racial disputes?

What is the most effective mix -- in terms of educating the parties concerned, training mediators and social impact -- between interpersonal, person/group or intergroup disputes?

Is it possible to train grass roots community people to be third-party negotiators in community and racial disputes? And how should such training be conceived and conducted to help in the promotion of social change?

Is self-support of community dispute settlement feasible? Desirable?

To whom are professional dispute settlers ultimately accountable?

Who wants professional dispute settlement? Why -- and why not?

Scholars of racial and community disputes must also face hard questions about their very language. Conceptualizing the problem in terms of "conflict," "crisis" and "disequilibrium" carries a connotation of abnormality -- an implication that things need to get back to the base-line of "equilibrium" or "normality," which usually means back to the status quo.

In addition, it is important to keep in mind that dispute settlement means different things to different people. To in-power groups and protestors, for example, negotiation can have the following functions:

Establishment Institutions

To solve problems in an orderly way

To support "reasonable, responsible" members of the protesting constituency

To reduce tension

To resolve conflict

As an information probe regarding the other group's strength, staying power, et cetera

To buy time to soften the impact of the crisis

Protesters

To develop operational unity through working out the problems of leadership and representation

To work out the details and monitor implementation of achievements won through power confrontations

As a probe tactic

To buy time to build strength and supportive power

At a time when many zeitgeisters in the field are offering help to those who can pay, help in "dealing with" dissident employees or "handling" student protest or "talking it out to cool it off," the National Center for Dispute Settlement and the Racial Negotiations Project are addressing themselves to the most fundamental concern raised by the above considerations -- that the result of dispute settlement should be significant social change in the direction of more equitable and responsive communities and institutions.