

by the national office staff, to be sure that the mediator assigned to the case is making every effort and is using all available facilities and techniques to assist the parties in reaching agreement. While we have less supervision than most agencies, in fact, in the field we have a total of only 14 supervisors and—what we have is essential, and it could not be effective without adequate, informative, and frequently subjective reports.

3. Finally, regional offices and the national office must be able to evaluate the status of any given dispute. Because of the small number of mediators and their heavy caseload, conflicts in dates are frequent. Complete and honest reporting is vital whenever it is necessary to change a case assignment, to supplement mediation efforts by sending in one or more additional mediators to sit as a mediation panel, or to add "new blood" in a sticky negotiation by dispatching one of the small number of national office representatives—or "troubleshooters"—in an effort to start a stalled negotiation, to bring in a fresh approach, or to add a mediator with special expertise in particular kinds of problems.

The records on which the activities described above depend can be useful only if the reporting mediator describes with complete candor everything of importance that takes place in the negotiation. If one party tells the mediator in confidence that next Monday he will put two more cents on the table, this fact may be reported to the national office—but not to the other side. If the mediator thinks that one or the other side is stalling, that a party does not seem to be bargaining in good faith, or that settlement is being impeded by a personality quirk of one of the chief negotiators, these facts and opinions must be reported. Since much of our work is done in "crisis" bargaining, in a few short days before a strike deadline, replacement or supplement mediators and national office representatives cannot enter negotiations "cold." They must be as fully informed as possible about all aspects of the negotiation to which they are assigned. Records are essential.

Very frequently a negotiation may lead to litigation, possibly in a suit for damages resulting from a strike, in an unfair labor practice case before the National Labor Relations Board, or in an arbitration proceeding in which the intent of the parties cannot be determined without testimony as to what took place when the contract language in dispute was being negotiated.

Within the last year, eight mediators have been subpoenaed; in most of those instances they have been asked to bring their case records, reports, or other memorandums with them.

A witness is called only when one party to the litigation thinks his testimony or records will be helpful to him and adverse to the other side. Corroboration of one side frequently impeaches the credibility of witnesses on the other side. The mediator who testifies, or who produces his case reports, will not be welcomed back to the next negotiation by the party damaged by his testimony.

We acknowledge that in all of these situations there is a delicate balance of conflicting public interests. If a party in a court or Board proceeding has not told the truth about his conduct in a negotiation, there is a strong public interest in producing impartial testimony concerning what actually took place, to assist the tribunal in question to reach a correct decision. Nevertheless, we believe that there is an even