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# Theodore W. Kheel, Labor Mediator, Dies at 96

By STEVEN GREENHOUSE

**Theodore W. Kheel**, who was New York City's pre-eminent labor peacemaker from the 1950s through the 1980s, a mediator and arbitrator sought after by both City Hall and the White House to help avert or end strikes of crippling consequence, died on Friday. He was 96 and lived in Manhattan.

His death was confirmed on Sunday by Edward Nebb, a family spokesman.

Mr. Kheel, who played a pivotal role in ending newspaper, teacher and subway strikes in New York, was the go-to guy for mayors, labor leaders and business executives during the post-World War II era, when unions were far more powerful than they are now and a savvy, respected ringmaster was often needed to pressure and cajole all sides to reach a settlement.

Mayor Robert F. Wagner Jr. turned to Mr. Kheel to help end the 114-day newspaper strike of 1962-63, and President **Lyndon B. Johnson** summoned Mr. Kheel to Washington in 1964 to help mediate 10 days of feverish negotiations that prevented a nationwide rail walkout.

In a flood of articles hailing his successes at resolving myriad conflicts, he was described as "the most influential peacemaker in New York City in the last half-century" and the "master locksmith of deadlock bargaining." In 1970, **The New Yorker** called him "the one man best able to keep in working

order a substantial portion of the sputtering labor machinery not only in New York City, but over much of the Eastern Seaboard.”

Not only was Mr. Kheel New York’s leading mediator, he was also its premier arbitrator, deciding more than 30,000 disputes ranging from whether the city’s plans to introduce a new bus service violated the transit union’s contract to whether a worker should be suspended because he was seen walking his dog on a day he had called in sick.

Even though Mr. Kheel handled disputes for bakers, garbage collectors, plumbers, subway conductors, tugboat captains and undertakers, he was an unabashed bon vivant, fond of fast sports cars and fine food.

He once owned a stake in Le Pavillon, a leading French restaurant in Manhattan, and leased wine bin No. 1 at both the Rainbow Room and Windows on the World. He also represented numerous artists, including [Robert Rauschenberg](#) and Christo.

Mr. Kheel juggled enough obligations to keep a half-dozen people busy — he served as chairman of Republic National Bank, he was president of the National Urban League from 1956 to 1960, and he wrote a 10-volume treatise on labor law.

He also made millions of dollars as an entrepreneur; he was the lead investor in the giant Punta Cana resort, built along 30 miles of jungle in the Dominican Republic, and chairman of a company that distributed MasterCard to more than 1.4 million union members.

During his more than half a century of involvement in labor matters, Mr. Kheel was known above all else for his extraordinary ability to get feuding parties to make concessions to reach an agreement. His efforts included helping coordinate bargainers and mediators during the 35-day New York City teachers’ strike in 1968.

One industrial relations expert said that Mr. Kheel — six feet tall, athletic and dapper in his Saks Fifth Avenue suits — infused the handling of labor disputes with the kind of energy that [Fiorello H. La](#)

**Guardia** brought to City Hall and George M. Cohan to Broadway. A 1965 profile in The New York Times Magazine quoted one expert as saying: “Some men look at Gina Lollobrigida and are set aflame. Kheel gets the same reaction by exposure to a really tough strike situation.”

Mr. Kheel had well-honed techniques. Upon entering a negotiation, he first asked each party to tell him what was on its mind, what it hoped to achieve and what it thought of the other side’s proposals. He would often have the two sides negotiate across a table until they got so loud and angry that he felt the need to separate them — at which point he often engaged in shuttle diplomacy.

“The essence of mediation is getting information,” Mr. Kheel once told The New Yorker. “The dirtiest question you can ask in bargaining is ‘What will you settle for?’ If you ask that question, you ought to resign, but that’s the question you must have an answer to. You get it by asking every question except that. What’s left over is the answer.”

During the 1962-63 newspaper strike, which involved 10 unions and seven daily newspapers, including The Times, The Herald Tribune, The Daily News and The New York Post, Mayor Wagner summoned him 90 days into the walkout. Mr. Kheel arrived at City Hall with two bottles of Champagne to toast what he thought was an imminent settlement. It took another month before an agreement was reached; it involved 868 hours of bargaining to negotiate what Mr. Kheel called “the 12th resurrection of Humpty Dumpty.”

Local 6 of the International Typographical Union presented the biggest obstacle to a settlement, demanding a more generous contract than several other newspaper unions and fearing that the publishers’ automation plans would throw its members out of work.

Mr. Kheel was widely credited with crafting the final settlement, which gave the typographical union a larger raise than some other unions received, along with assurances that its members would not lose their jobs when the publishers embraced automation.

A disgruntled publisher once called him Cecil B. DeKheel.

“I churn the collective bargaining process like butter,” Mr. Kheel once said. “It’s a butter I hope everyone enjoys, but in any case I’m sure it’s a butter everybody can live on.”

Theodore Woodrow Kheel was born in Brooklyn on May 9, 1914, named after [Theodore Roosevelt](#) and [Woodrow Wilson](#). His father, Samuel, headed a real estate company, and his mother, Kate Herzenstein, ran the company after his father died.

After graduating from DeWitt Clinton High School in the Bronx, Mr. Kheel went to [Cornell University](#), graduating in 1935; he graduated from its law school two years later.

The day after passing the New York bar exam, he married Ann Sunstein, whom he had met in a literature class at Cornell. A journalist and civic leader, she was secretary of the board of the New York Urban League for a quarter-century. She died in 2003.

They had five daughters: Ellen Jacobs of Manhattan; Constance E. Kheel of Buskirk, N.Y.; Dr. Marti Kheel of El Cerrito, Calif.; Jane K. Stanley of Bethesda, Md.; and Katherine Kheel of Baltimore; a son, Robert J., of Manhattan; 11 grandchildren; and six great-grandchildren.

In 1938, Mr. Kheel joined the legal staff of the [National Labor Relations Board](#). He later worked for the War Labor Board, which was charged with maintaining labor peace to promote the war effort.

In 1946, Mayor William O’Dwyer named him deputy director of New York City’s new division of labor relations, and a year later he became the division’s director.

In 1948, he returned to private practice, joining what became Battle, Fowler, Neaman, Stokes & Kheel. In May 1949, he was named impartial arbitrator for the city’s private transit industry, settling disputes between the often-militant [Transport Workers Union](#) and seven private bus lines. In 1956, Mayor Wagner named him arbitrator for the citywide transit authority, a position he held for 33 years. During that period he handled an average of 1,000 disputes a year.

Michael J. Quill, the transit workers’ fiery leader, voiced grudging respect for Mr. Kheel, saying,

“Whether we won or lost, we knew we had a fair shake.” Over the decades, Mr. Kheel helped mediate more than a dozen transit contracts and helped end the 12-day transit strike of 1966.

In 1974, despite objections from the printers’ union, he helped write a landmark contract that enabled the city’s newspaper publishers to introduce “cold type,” or computerized typesetting. In exchange, the typographical unions’ workers were promised lifetime job guarantees.

He was active as a philanthropist, heading the [Gandhi Society for Human Rights](#) in the 1960s, which helped the Rev. Dr. [Martin Luther King Jr.](#) raise money for the civil rights movement, and the Metropolitan Applied Research Center, which helped finance Kenneth B. Clark’s research on behalf of civil rights.

In 1978, he again helped settle a newspaper strike, this time an 88-day walkout against The Times, The Daily News and The Post. Mr. Kheel began losing influence in the early 1980s after Mayor [Edward I. Koch](#) and other critics said he was partly responsible for the city’s financial woes, through overly generous contracts for transit workers and others.

While in his 80s and 90s, he continued his longtime environmental activities, founding [Earth Pledge](#) and the [Nurture Nature Foundation](#). He joined the law firm of Paul, Hastings, Janofsky & Walker and remained a stalwart supporter of collective bargaining.

In explaining how to reach a settlement, Mr. Kheel once gave this advice: “It is like sculpting an elephant. You chip away everything that doesn’t look like an elephant, and what’s left is an elephant. When you’re trying to get a labor contract, you do the same thing. You chip away everything that doesn’t belong in the agreement, and what’s left is the agreement.”

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