

The Birth of FMCS

By Jerry Barrett, FMCS Historian

As FMCS celebrates its 50th year, here are a few reflections on that period fifty years ago.

Vigorous debate preceded the passage of Taft-Hartley. Two of the debaters later became famous. A recent Book tells of two young members of the 80 Congress debating the merits of the Taft-Hartley Bill before a Pennsylvania audience on April 21, 1947, just four months after they joined the Congress. When the two Congressmen, a Democrat and a Republican, boarded their train to return to Washington D.C., they flipped a coin to decide who would get the top bunk. The Republican won the coin toss and, ultimately, the vote on Taft-Hartley. However, he would lose to the Democrat in 1960 on a more important issue for them. Both these young debaters would later be elected President of the United States. They were John Kennedy and Richard Nixon.

If the 80th Congress had not overridden President Truman's veto of Taft-Hartley, FMCS would not have been born on August 22, 1947. Would that have been a big loss in Truman's view? If you read the President's message accompanying the veto, the answer is no. While the veto message focused mostly on other sections of Taft-Hartley, it did touch on the USCS and FMCS. The President's message, dated June 20, 1947 said in part:

"The bill would disregard in important respects the unanimous convictions of the employer and labor representatives at the National Labor-Management Conference in November 1945.

"A unanimous recommendation of the Conference was that the Conciliation Service should be strengthened within the Department of Labor. But this bill removes the Conciliation Service from the Department of Labor. The new name for the Service would carry with it no new dignity or new functions. The evidence does not support the theory that the conciliation function would be better exercised and protected by an independent agency outside the Department of Labor. Indeed, the Service would lose the important day-to-day support of factual research in industrial relations available from other units of the Department of Labor. Furthermore, the removal of the Conciliation Service from the Department of Labor would be contrary to the praiseworthy policy of the Congress to centralize related governmental units within the major Government departments."

The Senate author of the bill, Senator Taft, saw it differently:

"We have set up a Mediation Service. We took it out of the Department of Labor because it was felt, rightly or wrongly, that as long as it was an agency of the Department of Labor it must necessarily take a prolabor slant and therefore could not be as fair in mediating differences between the parties."

Even after the passage of Taft-Hartley, the locus of the mediation role within the Federal government was not immediately settled. The Democrat Party platform on which President Truman won reelection

promised to return mediation to the Department of Labor. After the election, Labor Secretary Maurice Tobin attempted to get mediation and several other functions returned to his department. He used the prestigious Hoover Commission Report to argue for the consolidation of like functions within the same department. His argument succeed on everything but the mediation role.

On FMCS's birthday, August 22, 1947, the offices, staff and records of USCS were transferred to the new FMCS. The national office space transferred to FMCS was in the Department of Labor building at 14th and Constitution Ave. N.W. in the District of Columbia. FMCS remained in that DOL space for the majority of its 50 years.

A total of 375 individuals were transferred to FMCS. The 204 Commissioners of Conciliation were the largest group of individuals transferred, the group included two women conciliators. Also transferred were 38 Commissioners of Conciliation with parenthetical titles, such as, regional director and a number of specialist conciliators with parenthetical titles of industrial analysts, job analysts, or industrial specialists, who provided job evaluations and time-motion studies to resolve disputes.

Since FMCS immediately established a policy of no staff arbitrators, the 28 individuals listed as "Commissioner of Conciliation (Arbitration)" never worked for FMCS. Because these arbitrator had been employed by USCS on a WAE (when actually employed) basis, FMCS placed them on a newly created arbitration roster and the private arbitration system we have today began.

Most of those 28 arbitrators became founding members of the National Academy of Arbitrators. The names of many of them became will known in industrial relations in the next twenty years: Nate Finsinger, Father Leo Brown, Clark Kerr, Clarence Updegraff, and Saul Wallen. Two other later become Director of FMCS --- Whit McCoy and Bill Simkin --- while Arron Horvitz's son, Wayne Horvitz, became Director 30 years later.

End