

THE CAUCUS

The F.M.C.S. Retiree Newsletter By Friends of FMCS History Foundation
Volume 32, Spring Issue 2018

New FMCS Director

In January 2018, the White House announced its intention to nominate Michael Stoker, a Management labor lawyer from California. He has worked as neutral for the California Farm Labor Law Board.

Five Obituaries

John M. Wagner Passed Away: “Hi Jerry: I’m writing because today I received the CAUCUS in the mail. You’d written a note on the outside to my brother, John A Wagner, asking about our father, John M Wagner. Dad died on March 21st, 2014. He left us peacefully and with family and friends all around. Mom died in June of 2015. Dad and Mom were married 72 years. They are greatly missed by everyone who knew them. My brother lives in Herndon, VA. I will let my brother know that you asked for Dad. Best Wishes to you and your family. Roberta Wagner Catala.”

Jim Makraz died: Jim joined FMCS at age 29 in 1953 and retired in 1987. He served his 34 year career in western Michigan. His closest friends Dan Curry, Ted Kieffer and Bill Gill stayed in regular contact with Jim enjoying monthly luncheons. Jim’s passion, in addition to mediating labor disputes, was fishing. It was long rumored that he carried his fishing gear in the trunk of his car and never missed an opportunity to cast a line into a creek, river, or lake whenever possible. After Jim retired, he became an arbitrator and reported to have enjoyed it, but not as much as mediation. Jim and Paul Yager were the only two mediators of their era who wrote an article about mediation. Both articles were published in the Old Labor Law Journal.

Linda Lafferty died on December 29, 2017 at age 83. She graduated from the University of Western Ontario in London, Ontario with a Degree in Nursing. She worked as a nurse in Victoria Hospital London, Ontario and in Boston. Later she changed careers after earning a MA at Cornell U. She joined FMCS in Cleveland as the second woman hired by FMCS, two and a half years after the first. Later she become Deputy Executive Director at Federal Service Impasses Panel, and eventually Executive Director. She retired in 1996. Linda recorded an oral history in 10-4-85. Eileen Hoffman wrote: “When I

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<http://mediationhistory.org> - Published Spring and Fall. Editor: Jerry Barrett (489) Friends Founder.

first joined FMCS in 1975, our intern class met with Linda at the FSIP and you could tell who was running the organization! Linda was gracious and helpful and was one of the first woman mediators at FMCS.”

Jim Kelly passed away at 86. Jim was stationed in the FMCS St Louis office from 1975 until his retirement in 1995. With a degree in Industrial Relations, Jim became business representative for a Teamster Local, and later labor relations manager for the Alaska Pipeline Co. In St. Louis, Jim served as Regional Director and a strong supporter and organizer of Labor management cooperation including highly successful FMCS co-sponsored conferences. After FMCS, Jim continued his service to the St Louis area community as an ADR mediator and arbitrator. Jim recorded an oral history in 7-18-86.

Raul Lopez passed away at 65 on February 12, 2018, surrounded by his loving and supporting family. Raul was hired in 2000 to work in the Orange County, California offices. A former Teamster representative, Raul’s great people skills, focus and diligent work ethic, helped him become the backbone of FMCS Orange County serving the labor management community. Raul’s declining health forced him to retire in August 2015. A large number of former colleagues of Raul offered email praise for his skills, hard work and great friendship. Their words leave no doubt that Raul was a remarkable human and a great mediator who will be missed.

Northern Kentucky Labor-Management Conference

Lou Manchise and I started a Labor Management conference years ago when I was on the NKU faculty (After being RIF’ed by FMCS) and Lou was still with FMCS. Lou has kept that annual conference going ever since, even after retiring and joining the NKU faculty.

This year on May 9, 2018, the 34th annual NKU L-M Conference will be held in Highland Heights, KY. Lou tells me that he has a commitment from Richard Trumka to give the keynote.

Remembering Mary Parker Follett¹

For generations, disputes had been conceived as win-lose propositions. When two parties face each other in court, out of court, or on the battlefield, there have always been winners and losers. Even in the ADR processes of arbitration and mediation, the two sides often come at the situation from the perspective of maximizing their gains and minimizing those of the other side.

A creative thinker in the early 20th century proposed a better way of resolving disputes. Her name was Mary Parker Follett (1868-1933), a Quaker social worker and pioneer in the areas of informal education and community building. She talked and wrote about

¹ By Jerry Barrett, EdD, a 2015 recipient of the MPF Award, and author of several books on interest-based bargaining.

interest-based conflict resolution. Her two books *The New State* (1918) and *Creative Experience* (1924) further developed her ideas.

A book of her speeches, *Dynamic Administration*, published posthumously in 1935, also advanced her arguments for an interest-based focus on conflict resolution. Follett was one of the first people to apply psychological insight and social science findings to the study of industrial organization and conflict.

Admirers of Ms. Follett's work have kept her ideas alive. The Mary Parker Follett Network for example actively "fosters the exchange of information about, and ideas inspired by MPF" with annual conferences.

Mediator Albie Davis, an ACR member, has brought Ms. Follett to life by her presentation in costume via "An Evening with Mary Parker Follett." (Available at Mediator.com).

Thirty years after Follett's passing, two social scientists² in 1965 wrote a textbook, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interactive System*, contrasting interest-based and traditional collective bargaining. The virtual dominance of traditional collective bargaining, at that time, would not give way to interest-based bargaining.

Sixteen years later, the authors³ of *Getting to Yes: Negotiating Agreements without Giving In*, found greater acceptance by applying their ideas to a broader range of disputes. Authors of both books benefited from Mary Parker Follett early work. (I was asked to write this for a new ACR Website.)

An Offer to Interviewees

Any reader I interviewed who has not received a copy of his/her interview should send me a thumb drive. I'll return the thumb drive with your interview. All interviews conducted after July 2013 are digital. Many of the interviews before that date have been converted from cassette to digital. Anyone interviewed before July 2013 can email me to learn the status of their interview.

Since my work on FMCS history is all volunteer labor, which also involves some expenses, therefore, a nominal contribution will be appreciated for providing a copy of your interview. Any contributions to the Friends of FMCS History Foundation is tax deductible.

Bill Usery: An Extraordinary Mediator

The following is the first half of an article that appeared in the Fall 2018 Caucus, and the two together were printed in the March 2018 issue of the [Labor Law Journal](#).

² Walton and McKersie

³ Fisher and Ury

“In 1970, Bill Usery was the newly appointed Assistant Secretary of Labor for Labor-Management Relations when the Secretary of Labor ordered him to mediate a labor dispute in the US Postal Service. For these federal employees, the law made striking illegal. On March 18 1970, workers at the Manhattan Post Office went on strike, which very quickly produced a nation wide strike that shut down the Postal Service. A total of 210,000 employees were on strike. The immediate cause of the strike was congressional action giving postal employees a 4 percent pay increase and at the same time granting the Congress a 41 percent pay increase.

“Usery was faced with several immediate problems: the Postmaster General Blount would not meet with the unions while they remained on strike, the seven postal unions had too many spokesmen, the unions had no legal right to collective bargaining, and with the postal service virtually shut down, Nixon ordered the Army and the National Guard to handle the mail. Eventually, that would involve 175,000 military personnel.

“After eight frantic days, Usery achieved a settlement. A few days later, Postmaster General Blount asked Usery to come to his office, so he could express personally his thanks for a job well done. Near the end of their conversation, the Postmaster asked Usery if there was anything he could do to express his thanks. Usery suggested a stamp honoring collective bargaining. On March 13, 1975, a 10 cent stamp was issued with these words on it: “collective bargaining: out of conflict Accord.”

Remembering Retired Mediators: A Quiz to test your memory

Below are references to 21 former FMCS mediators. After reading each reference, select the mediator(s) from the list below who best matches the reference.

1. The sole survivor of a small commercial plane crash on a Virginia mountain wrote a book about it and his son memorialized it at Mint Spring Valley Park near the crash site.
2. A glider pilot reportedly ended mediation meetings early when weather conditions were perfect for gliding. When the mediator moved to look out the window, bargainers who knew the mediator realized the meeting was ending.
3. Having worked as a professional magician, the mediator used skills to fascinate union and management bargainers by finding a coin behind a union negotiator’s ear equal to the union demand.
4. Created an imaginary character named Sam Lapetus, played the character in dialect to tell a story, make a joke, comment on negotiations or make mediator suggestions.
5. Flew P-38 during WW11 in Europe. Was shot down, spent weeks living off the land and was eventually captured.
6. Based on a well-known reputation for playing the horses, bargainers knew that when a caucus was called, the mediator needed to call his bookie. When I was recording an interview with that mediator, we twice stopped so an important call could be made, beyond my hearing. Until I started writing this it hadn’t occurred to me that I might have witnessed a bookie call.

7. The author of several books impressed bargainers with how many notes the mediator wrote during mediation sessions. The mediator shared with colleagues that most of the notes had little to do with the case.
8. Mediators who knew this mediator well avoided playing poker with him/her.
9. After a presentation on ethics by the FMCS general counsel, a mediator said that a union rep had offered a bottle of whiskey following a long evening mediation session. The mediator declined the offer on ethical grounds. Then the union rep offered to sell the bottle, and named the price. The mediator asked to buy six at that price? Finally, the mediator asked the general counsel: How many bottles could be bought ethically?
10. A serious runner who could not remember how many marathons he/she had run.
11. The first African-American mediator hired by FMCS.
12. First mediator to give birth.
13. Father and son mediators.
14. First African-American Regional Director
15. First female mediator hired
16. Earned a PhD before 1980.
17. Wrote a book on mediation.
18. Created the "Nine Dot Exercise" and used it to encourage labor/management outside the box thinking.
19. At the first National Conference after Kay McMurray's appointment, the new Director talked very long at the end of long day. When he finally finished, he asked for questions. The first mediator called on asked: "If your presentation goes on past midnight, do we get credit for a second meeting?"
20. He moved from being a mediator to become National Director.
21. He produced the first Audio Visual material for training labor and management.

Select Your Answer from this List

David Tanzman, Walter Baer, Bill Mcalister, Nancy Fibish, Charlie Baumgarder, Eddy O'Brien, Phil Bradley, Ken Moffet, Gene Mynik, George Fowler, Vince Guy, Bill Lattimore, Barbara Pickett (Woods), Al Gese, Eileen Hoffman, Richard Barnes, Wagner, Allen, Carroll, Ben Youtsey, Nick Fillo, John Stepp, Sam Zuiker, Ed Sedimerier, Floyd Woods, Walter Maggiolo, Bill Simkin, Walter Baer.

I started writing this because I thought it would be fun for readers. Later, I thought I should make it a fund-raiser. But I've never been successful with such efforts.

Donations During 2017

Eight donors during 2017 contributed a total of \$2,774.07. That income allowed me to add items to the Friends website (mediationhistory.org). Of that \$2,774.07 total, my wife Rose contributed \$2,314.07, and while I really appreciate her donation, I know where it came from. Friends of FMCS History Foundation is a registered non-profit organization, and all donations are tax deductible.

Another Book Effortlessly

Some readers will remember, I co-authored a book with an Irishman named John O'Dowd in 2005. That book title was Interest-Based Bargaining: A Users Guide. The purpose of the book was to convert my previous books and papers for the use of Irish readers.

In the summer of 2016, John O'Dowd's Australian friend asked John and me if he could use our book for something he wanted to write for an Australian audience. We both said yes after John assured me that Clive Thompson was a real friend.

We never heard from Thompson again until Fall 2017 when he sent each of us an almost final draft in which he listed the three of us as authors in alphabetical order, put me first. His email made a very impassionate argument that the custom of alphabetical order was extremely unfair, and he asked if his name could be placed first. He also observed that O'Dowd and I needed no further enhancement for our reputations, whereas he needed the enhancement. So we agreed to that change, and now we wait for the final printed copy of our book, which will be printed in South Africa. Here is the overly long title and credits to this book:

"The Collaborative Workplace Option: Interest-Based Bargaining, Consultation and Problem-Solving – A Guide for Parties and Practitioners "An update and extension of the publication Interest-Based Bargaining by Jerome T Barrett & John O'Dowd (Trafford, 2005). Clive Thompson, Jerome T Barrett, John O'Dowd."

Old AV Film Collection

George Washington University Special Collections, where the Friends main collection resides, has finally identified the materials that remain to be process into the archive. It includes the items listed below. They are mostly 16 mm films. Many readers will enjoy just reading the film names and remembering it and how you may have used it. There are some duplicates noted, which will be returned to me. Please contact me if you are interested in having any of the duplicates. I understand they can be digitalized.

Here is the list: The Truth of the Matter (4 copies), The Arbitration of a Grievance, Let's Arbitrate (AAA film, 1961), Anatomy of a Grievance (2 copies), Enforcing Rules and Procedures (2 copies), Catalyst to Collective Bargaining (7 reels), Grievance Hearings, Hidden Grievance, Hot Cab Arbitration, Midwest Mock Mediation (7 copies), Phoenix Mock Mediation, Buffalo Mock Mediation, Baltimore Mock Mediation (5 copies), Mediation in Action- Pierce and U of FL, Call the Mediator (8 copies), Bob Moore Mock Mediation (2 copies), Barney and Clyde (2 copies), Mock Mediation Part 1, Listen, Please (3 copies), Bark on the Pond (6 copies), Eye of the Beholder, Person to Person (3 copies), Button, Button (2 copies), Waldenville II, Where's two?, A Better Way, At the Table, A Challenge of Leadership, Records & Film Strips for Dukine Projector: Mike Flavin, Who's on Third? The 3 R's, The Way I Look at it, The Absent Employee.

Website Data

A program has been added to the Friends Website that tracks visitors to the site. It does not provide information on or the names of individuals who visit. The information reported to me includes:

- Parts of the site visited by individuals,
- How long the visitor stayed on each site,
- Number of sites visited by an individual,
- Total number of visitors each month.

If you haven't visited the website, please do and give me some reaction.

Have You Heard How FMCS Recruits Mediators Currently?

FMCS recruits new mediators in a way much difference that old timers remember.

Click below to check it out:

<https://www.usajobs.gov/GetJob/ViewDetails/492017500#required-documents>

Mediator Jokes and Saying

Maureen Labinski sent me some Sam Zuiker stories and jokes, and she suggested making a collection of mediator jokes and sayings. Here's one of Sam's.

At one national conference, when the director had been pontificating for some time, Sam raised his hand and said, "It's clear that you don't have a watch, but I'm hoping you have a calendar."

I'd be glad to collect them.

Contact from Japan

About a month ago, I received an email from Masako Miyatake saying that we met at a ACR Conference in Fall 2015 where we talked and exchanged business cards. I have no recollection of that. In well-written English, he told me he received his PhD last year, and that his Dissertation relied extensively on my ADR history book and my website writings. He will be visiting the U.S. in late April, and spending a day with me visiting FMCS and my collection at GWU. I am most interested in seeing an English translation of his Dissertation to see how he applied my version of conflict resolution to Japan.

Author Lou Manchise

It is true. Lou and others wrote *Negotiation & Conflict Resolution: Skills, Concepts, Techniques*. Lou has become an academic after retiring from FMCS. His title at Northern Kentucky University is Chair, Alternative Dispute Resolution Center. Congrats on your book Lou! Well done!

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