

THE CAUCUS

The F.M.C.S. Retiree Newsletter

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THIRD ANNUAL FMCS ALUMNI REUNION

By John Popular

Five former FMCS Directors attended the 3rd Annual Reunion at Clearwater Beach, Florida April 22-24, 2004. It was the first for both Kay McMurray and Bernie DeLury who vowed to return next year. Ken Moffett, Jim Scarce and Bill Usery rounded out the cadre of former Directors in attendance. Pasty Anderson, who worked with John Popular in the early days of OTS (Office of Technical Services 1973-77), also attended with her daughter Cynthia and Mary Prothro from the National Office.

This Reunion featured several new activities. Leon Groves organized the 1st FMCS Florida Golf Tournament on Friday with 10 players. Pat Popular and Genia Deem hosted a luncheon at St. Petersburg followed by a museum tour of the Chihuly Glass Exhibit at the Museum of Fine Arts that afternoon. About 40 people split up and had dinner together at the "Beachcomber", "Villa Galace", and "Leverocks Seafood House" Friday night. Fifty people attended the "Sunset Reception" at the Popular's beach house in Indian Rocks Beach Thursday evening. The Saturday night FMCS banquet featured surprise gifts from former Director Jim Scarce and Commissioner Ron Colletta. Jim Scarce gave the participants commemorative coffee cups with "FMCS Reunion 2004" imprinted around the FMCS seal. Ron Colletta gave high end tapered FMCS ball-point pens to mediators and spouses. Dick Deem won the drawing for Jerry Barrett's new book (A History of ADR) due for publication this fall.

Those attending the FMCS Reunion included: Patsy Anderson, Larry Babcock, Reggie Bravo, Bernie DeLury, Ed Koenig, Norman Lee, Sidney Perceful, Mary Prothro, Gayle Wineriter, Norm Walker and Jack McDermott. Couples attending included: Dick & Genia Deem, Bob & Mary Dehaven, Don & Gerri Eaton, Leo & Doris Gant, Leon & Betty Groves, Bill & Molly Hobgood, Nate & Barbara Kazin, John & Mary Knight, John & Bertha Lee, Mike & Sheila Madden, Al & Eleanor Mille, Sam & Sally Marshall, Ken & Mary Moffett, Kay & Toni McMurray, Pat & John Popular, Jim & Alice Power, Fred & Pauline Reebels, Jim & Jewell Scarce, Sam & Carol Zuiker, and Bill Usery & Fran Pardee. (continued on page seven)

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Book Review: Franklin and Winston: An Intimate Portrait of an Epic Friendship by Jon Meachan (2003) is a good read for anyone with an interest in WWII and the two biggest players in winning the war. The stereotype of a reticent and proper Englishman and a self-revealing, open, straightforward American is reversed in this author's telling. Churchill, who is said to have never had a thought he didn't say out loud or write in a book or letter, was confounded by FDR's shrewd, close-to-the-vest style. Joe Stalin's sinister and menacing negotiating style is also depicted very well. If you still like watching good negotiators, this book is for you.

Anyone who has read something interesting or seen a good movie, please write a few lines about it for the [Caucus](#).

Friends Archive Visitors. While an open invitation to visit the Friends USCS/FMCS Archive in Falls Church is repeatedly extended to one and all, few visitors come. This May was an exception. Rich Hooper, the grandson of former director Curt Counts (1969-73), stopped for a few hours while on a business trip to the East Coast. He found enough interesting material on his grand-dad to promise to return later. In the December issue of the [Caucus](#), we reported Hooper's aunt, Janice Counts Ocean, had visited the National Office with her children, and was shown around by Dan Funkhouser.

Tom Worley, an Ohio SERB mediator and ALRA board member,

visited the archive. Tom is helping ALRA gather its history and place it in space provided by NLRB. It would be great if FMCS had as much interest in its history. In the early 1990s, an effort was made to get space in the National Office for the USCS/FMCS Archive. The space offered was too small and, since it had no door, it provided no security for material that has taken a lot of time and effort to gather.

In the USCS/FMCS Friends Archive: To tantalize your interest in the Archive, from time-to-time, the [Caucus](#) will feature archive items. This one comes from an October 1975 letter addressed to New York Regional Director Paul Yager from Allan A. Tepper, a Boston labor lawyer. Tepper identified himself as the author of a poem written 8 or 9 years earlier, which he had given to legendary Boston mediator John Sullivan at that time. Later, probably in the early 70s, he gave a copy to another New England mediator Austin Skinner. Gerry Gomez, a Boston mediator, reports that Tepper was viewed as the dean of management lawyers dealing with labor in the 60s and 70s. Here is his poem:

CONCILIATOR-MEDIATOR

In the periodic reunion
Between a company and labor union,
There is apt to be much emotion
And often a verbal explosion.
From each side comes much criticism.
Only rarely a bit of witticism.
Who will give and who will take?

Which will be the first to break?

When the parties are no longer considerate

Let alone even sensibly deliberate,
There often appears a conciliator
Sometimes called a mediator.

It's a most, most serious situation
That's brought the parties to conciliation.

However smart our conciliator, and astute,
It's hard to settle such a labor dispute.

It's apt to be a very tough fight
And every side claims to be right.
You can't settle it if you pray,
For every side is in there to stay.

If that's all that one will offer
The other has nothing more to proffer.
"Everything we had it spent.
We haven't got another cent."

It's not a joke or even a cinch
To move the other party a single inch:
It's not always a rapid pace
And at times he must help save face.

The conciliator must watch his words.
He generally deals with the toughest of birds.

He can't ever appear to be nervous,
If there's to be any value to his service.

He'll try to make a new start,
So he'll put the parties apart,
Then use all his talents and gifts
To see if he can bridge the rifts.

From one side to wheedle a slight concession
To try to offset the other's obsession;
The parties are back together again
On more questions of if, and as, and when.

It's all a lot of pulling and hauling,
Teasing and sometimes a bit of gentle mauling.
Let's work and cut the squawk.
You can't settle if you don't talk.

He must listen and listen and talk,
He must never get angry and balk.
If he's going to effect a pact,
He must be the acme of tact.

He labors with all of his might
To bring an end to a dogged fight.
If the dispute settles, - he's great,
If it doesn't, he's just second rate.

He's got some job – this conciliator
Sometimes also called a mediator.

By Allan Tepper, Boston labor lawyer
-- est. 1966-67

"An oral contract isn't worth the paper it is written on." Unknown

"Few great men (or women) would have gotten past personnel." Paul Goodman

12th National Labor/Management Conference

The FMCS labor-management conference is scheduled for June 2-4 in Chicago. Isn't that conference part of Peter Regner's Legacy to FMCS, along with the grants program? Can any of the rest of us point to such a long-standing legacy

we left behind? All those late night settlements you struggled over with diligence and determination have faded away without even a foot-note except in your memory.

At some past NLMC, the service attached a day or two for staff professional development. Long ago those sessions were referred as the National Seminar. Prior to Bill Usery, two such seminars were held each year with half the staff attending each. Usery preferred one seminar with all mediators present. When Morrie Slaveny, chair of the Wisconsin Employment Relations Board, heard that, he was reported to have said with delight: "FMCS has abandoned its jurisdiction to the states for one week."

In Memoriam

Retired Commissioner Don Doherty (611) died in his sleep on May 19, his long-time friend Jim Power (619) reported. Jim and Don were friends long before they joined FMCS. Don served 25 years with FMCS, from 1970 to 1995, playing a number of key roles: field mediator, national office partrooper with a leading role in federal and public sector, and an aid to Bernie DeLury.

Retired Commissioner Tony Cappello (845) passed away quietly Saturday May 8th at his home with family and friends. Services were held in St. Louis, with a Bay area memorial later. Tony's wife, Wanda, extended thanks to everyone who called, sent a card or e-mail during Tony's illness. Tony joined FMCS on July 1984 in San Francisco. He served there and in Oakland until his retirement December 1997.

Commissioner Charlie Gaines, stationed in Miami since 1999, died on May 14. Charlie joined FMCS in October 1997 and was originally stationed in Chesapeake, VA. For 20 years before joining FMCS, he had been a NFFE representative. The director of labor relations for the Navy southeastern region wrote glowingly of Charlie's mediator skills, closing his letter by quoting Charlie's motto: "Collaboration, not confrontation."

Editor's Note: Longer statements of recollection and remembrance for these or other deceased colleagues are welcome by the Caucus.

From the Field

Herb Haber (275): Few retirees will remember Herb Haber who was in the first class of new mediators hired by FMCS in 1950. The Editor met Herb at an AAA updating session in

New City during March. (One of those day-long events that AAA charges roster members to attend to stay on the roster.) Herb spent ten years with FMCS in New York City area. He now lives in New Jersey

and arbitrates in the New York metro area.

The archive photo of that first class also includes: George Bennett (253), Charlie Harding (255), James Jeffrey (250), Arthur Luchs (251), Paul Ricketts (252), David Tanzman (256), and Lewis Towers (254). A number of these guys had long and outstanding careers in FMCS. Both David and Charlie started with FMCS as administrative assistants in regional offices. David became well known for many things, including the nine-dot-exercise and being one of the authors of the famous 120 mediation techniques paper in 1953. Charlie and Nick Fillo (054) started the PM AV program in the early 50s. Paul Ricketts' older brother, Dale (178), was also a mediator, having started his career with USCS in 1942. Lewis Towers spent some time as an understudy to Charles Estes (049) who has been identified as the father of PM, and an extraordinary storyteller.

Ken Evans (490): A recent email from Ken reports he is enjoying retirement, spending time delivering meals-on-wheels, singing in a church choir, other volunteer work and watching grandkids grow-up. Good to hear from you, Ken.

FMCS Retirements

John A. Wagner (678) retired after 30 years in FMCS, much of it spent in the National office. John transferred from Chicago to Washington to become Jim Searce's special assistant in 1974, and he stayed to become very involved in ADR and international work. He plans to continue that work in retirement. John's dad, John M. Wagner (368), a long time mediator in Cincinnati, retired after 27

Dan Dozier: Many retirees will remember Dan Dozier as a helpful member of the General Counsel's office in the 1970s. After leaving FMCS, Dan has mediated environmental and other complex, multi party disputes. He spent a number of years with a large ADR provider, and recently he became director of the Washington D.C. office of CDR Associates, a large ADR provider.

Card-Check: A recent national office call to the Editor wanted to know if the archive contained any record of a written policy on mediators conducting card-checks. Three hours of reading the Commissioners Manual produced no policy. Reading the old 'mediators bible' provided an amusing trip down memory lane. If you'd like such an experience, there are several copies in the archive.

FMCS is apparently considering a policy on the subject. An oral policy in the 1960s involved an oral ok from the regional director, no official case assignment, and a memo to the RD after the event. If you know something different, write to the Caucus. A recent legislative bill covering initial agreements would replace elections with card-check and arbitration for strikes. Interesting idea!

years and now lives in California. The Carrolls and Allens were two other father-son mediator pair. Does anyone know of other pairs?

Bill and Vickie Carlisle retired early this year and moved to the southwest. Bill had been director of human resources, and Vickie worked as a computer specialist in management information.

Since the last issue of the Caucus, here are retirees we welcome to our ranks:

Michael Durick, Glendale, 12/31/03
David D. Knock, Omaha, 3/27/04
Joanne H. Simsalek (Secretary), Cleveland, 1/10/04
James H. Thomas, Harrisburg, 1/10/04
John R. Tucker, St. Louis, 1/2/04
Donald Waldron, Buffalo, 1/10/04
Thomas E. Washington, Philadelphia, 1/2/04
Barbara Wood, Oakland, 1/2/04
Fred Reebals, Atlanta, 1/2/04

National Office Staff

Here are the names and a few words about some ranking national office people you might want to know:

Gary Cantwell became Deputy Director (Field Operations) in March of this year. Cantwell is former director of union relations and labor legislative affairs for Lockheed Martin.

Dan Ellerman became director human resources in March of this year.

Arthur Pearlstein is the General Counsel.

Jack Toner became chief of staff when he and Peter Hurtgen moved from the NLRB.

Did you know that the word 'caucus' is a Native American word?

FMCS Director in the News

Director Hurtgen has mediated some high visibility disputes recently: west coast grocery industry and SBC – CWA. Retirees like to see FMCS press coverage.

ACR Reduced Dues: The Association for Conflict Resolution (ACR), the successor to SPIDR, recently announced reduced dues for retirees. The annual dues for retirees is \$75. The benefits include email news updates, discount rates for products and conferences, web page updates, and quarterly magazine,

ACResolution, with a history column by your editor. The latter often features FMCS history.

A History of ADR: Available Soon:

If you want to check out a good book, find the JosseyBass web site, click on conflict resolution books, and look for A History of Alternate Dispute Resolution. The book, available in bookstores this September, covers a lot of FMCS/USCS history. John Stepp (756) and Eileen Hoffman (723) both wrote endorsements to help promote the book, and Bill Usery (658) wrote the Foreword.

Editorial

Much or what appears in this section of the Caucus is intended to provoke comments from readers. To date it hasn't worked. Even the digs at Walmart's anti-union policy hasn't encouraged one comment. How about some reaction to a recent Washington Post story about shareholders exercising some voting power against corporate boards high-handed, insider deals. The U.S. Chamber hysterically identified it as a union plot. Do unions have enough power and imagination to engage in plotting?

Heart-felt thanks to John Popular and Dick Deem for their hard work on the third gathering of retirees last month in Clearwater, Florida. Thanks also for their willingness to do it again next year. Mark your calendar for April 21-23, 2005.

Readers' help is needed to find retiree addresses. Please pass them along.

All of us at this point in life very often forget even very important things. So if you can't remember when you sent a check to the Caucus or the Friends, you should send one **now!** Thank you. It is much appreciated.

(continued from page one)

Arrangements are underway for next year's FMCS Alumni Reunion to be held again in Clearwater Beach April 21-23, 2005. Lodging, banquet, and "hospitality" accomodationss will be held at the Best Western Sea Stone Resort (1-800-444-1919). The cost of registration which includes "Sunset Reception". "Hospitality Suite", and "Banquet" will be **\$60 per person**. More information will be provided January 2005.
