

# THE CAUCUS

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The F.M.C.S. Retiree Newsletter

By Friends of FMCS History Foundation

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## **Congratulations to New Director Allison Beck**

On Wednesday, July 29, 2015, the U.S. Senate confirmed Allison Beck as the first woman director of FMCS with a non-controversial voice vote. She is the 18<sup>th</sup> person to occupy the Directorship of FMCS. Before FMCS Allison joined FMCS, she was General Counsel for the IAM for 20 years. In her first four years at FMCS, she was Deputy Director, and when President Obama nominated her, she became Acting Director.

Caucus Readers please join me in extending congratulations and best wishes to Allison at this historic moment for her and FMCS.

## **Sincere Thanks to the FMCS Association of Federal Mediators**

In early June 2014, Steve Fischer, a mediator in Texas, emailed me reporting that the FMCS Association of Federal Mediators was considering going out of business, and that he would be sending a check from their funds as a donation to the Friends of FMCS History. He also added that once the organization is completely out of business, another check would be sent to the Friends. A few days after his email, a check for \$5,000. arrived. I was amazed because Steve had not mention how large it would be.

The next time I heard from Steve was early September 2015. No email warning this time, just a check in the mail, and the envelope contained a blank piece of paper with no message, and an unbelievable large check for \$11,823.89. Together the two checks are almost 17 thousand dollars. I certainly appreciate all those mediator members of the Association who paid their dues.

The best thing about this generous donation is that I won't need to use the **Caucus** to beg for money. I never was very good at fund raising.

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### THE CAUCUS

200 N. Maple Ave. No. 212

Falls Church, VA. 22046

Email: [winjerwin@aol.com](mailto:winjerwin@aol.com)

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## National Office Moves

When FMCS was created in 1947, it took over the office space and staff of the United States Conciliation Service (USCS). Therefore, the FMCS National Office (NO) remained in the old Department of Labor Building (DoL) at 14<sup>th</sup> and Constitution N.W. until 1976. That year, DoL moved into its new building near the Capitol. FMCS could have moved with DoL, but Director Usery wanted to be separate from DoL. He negotiated with DoL and GSA to acquire an entire eight story building at 21<sup>st</sup> and K Street N.W. The building was very spacious to allow the D.C. Field Office to occupy an entire floor.

FMCS spent 29 years in DoL space, and 40 years in its own space on K Street. However over the years, as staff size was reduced, FMCS gave up much of the building to other federal agencies.

By 1976 when FMCS moved to K Street, Bill Usery was Secretary of Labor, residing in the DoL Building, and FMCS Director Jim Secearce was on the top floor at 21<sup>st</sup> and K. Street.

## Work Week for Horses

In an oral history interview, **Jim Holden** said he began working as Conciliator (mediator) for USCS in 1943. His prior collective bargaining experience had been as a representative of the milk deliverymen's union. He started that occupation in the early 1930s when home deliveries were made with horse drawn wagons. Jim said his key campaign argument when he ran for union office was the fact the horses only worked six days per week, while drivers worked seven days per week. Recently, I listened to Jim's interview, which I did in 1985. Thinking back thirty years, I should have asked him how the drivers delivered milk on that seventh day without horses?

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## Friends Website Improvements

The Website features several improvements and additions. Check them out at ([mediationhistory.org](http://mediationhistory.org)).

Oral history interviews can now be heard under button 'Audio Interviews.' Here is a list of the voices you can listen to: John Cainstraight (St. Louis and National Office (NO) arbitration), C.K. Call (Regional Director, Chicago), Jim Chandler (Houston), Ron Collotta (Phoenix), Dan Edwards (Salt Lake, NO paratrooper), Pete Nichols (Alaska), Nita Niehoff (NO arbitration), Jewel Myers (NO arbitration).

There are also three transcripts to read under button 'Documents'. They include Cy Ching (first National Director), Jim Macpherson (Regional Director, Cleveland and Seattle), Bob Donnahoo, (Regional Director, Philadelphia). There

is also a list of all interviews. The list has not been updated recently. There are currently 190 interviews by Barrett.

From the website you can look at the Special Collections at George Washington University Finders Guide for the USCS and FMCS History Collection. Just click on: <http://library.gwu.edu/ead/lac0007.xml>

### **Mary Parker Follett Award to Jerry Barrett**

At the October annual conference of the Association of Conflict Resolution (ACR), the Mary Parker Follett Award was given to me. The award plaque reads: "In recognition of his work to provide a historical record of the conflict resolution field." In presenting the award, ACR made note of my work on USCS/FMCS history, 100 cubic foot collection at GWU, over 200 oral history interviews, the Friends of FMCS History Foundation, mediationhistory.org website, [A History of Alternative Dispute Resolution](#) (2004), numerous papers and articles, and thirty history articles in ACR's magazine.

Ironically, FMCS, the subject of much of my efforts, has never done anything comparable to this ACR recognition.

I was particularly pleased to receive an award named after Ms. Follett because she was the first person to suggest an interest based way of bargaining. In 1933, she gave the inaugural lecture at the founding of the London School of Economics management program. There, she shared her idea of integration, or integrative bargaining. Everyone who has written, talked about or used interest-base bargaining since 1933 is indebted to Mary Parker Follett. That includes: Walton and Mckersie's [A Behavioral Theory of Labor Negotiation](#) (1965), Fisher and Ury's [Getting to Yes](#) (1981), Jerry Barrett, and many others.

### **AFL-CIO Providing a Forum for New Ideas**

For those in the D.C. metro area, the AFL-CIO Ideas program provides interesting speakers and book authors during the noon hour. For example, I've heard Senator Elizabeth Warren, author John Gehring (The Francis Effect) Former Congressman Barney Frank, author David Weiland (The Fissured Workplace: Why work became so bad for so many and what can be done about it.) and author David Madland (Hollowed Out: Why the economy doesn't work without a strong middle class), to name just a few. I've been attending for several years. There no cost. Water and soft drinks are provide. Most people bring their own lunch. You can get on their email list to be notified on programs. Check it out at [ideas@work](mailto:ideas@work).

### **Recent and Future Papers and Articles by the Editor**

\* "Mediator Uses Her Cat." In upcoming issue of [Conflict Resolution Quarterly](#).

- \* “Mediation Story (Roots)” in upcoming issue of [ADResolution Magazine](#).
- \* “A Church mediation” in Fall 2015 Caucus.
- \* “The Future of ADR.” in [mediation.org](#). Reprinted in a Russian ADR journal.
- \* “The Interest-Base Bargaining Story at Federal Mediation and Conciliation Service.” In upcoming issue of [Negotiations Journal](#).

The first three of these are included below.

Other writings in the works:

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- USCS and FMCS significant Role in Promoting Arbitration for Over 100 years. I presented a talk on an early version of this paper at the LERA National Conference in Pittsburgh in May 2015.
  - John Steelman and Cy Ching had a major impact on Labor-Management Mediation and Arbitration beginning in the mid 30s and beyond.
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### **Mediator Uses Her Cat**

11-18-14

*Written in response to a request from [Conflict Resolution Quarterly](#) as a remembrance of Christine Merchant, an FMCS mediator.*

Christine Merchant was a member of class of FMCS interns for which I had primary responsibility in the mid 1970s. I recruited and selected candidates, developed and conducted the training of eight to ten interns in two classes. Following the training, I worked to introduce them successfully to the field to begin their careers. During the interns six months in Washington, I interacted with them daily. All of the interns were young. Christine was the youngest.

During the six months, Christine lived in D.C. with her cat. Almost every day as the class assembled, Christine would share a cat story with the group. Many stories involved her trying to get the cat, (I forgot its name) into the bathroom and close the door before she left for the office. She tried to get ready for the office without the cat knowing, because if she didn't, the cat would hide, and Christine would need to hunt for her and struggle to get her into the bathroom. All of us enjoyed her cat stories.

Once the interns were transferred to a field station, I needed to assure their acceptance by their boss, and other mediators. The acceptance and resistance varied among the Regions. With some interns, I stayed in phone contact for a month or two. For others, it was longer. Shortly after Christine was assigned to Philadelphia, and before she was assigned cases of her own, she phoned me at home very excited to share a great story.

All the mediators were involved in a case out of the office, when the Regional Director got a call from a company reporting that a wild-cat strike was scheduled for 1PM by the Long Shoremen's Union. The Regional Director knew that the strike would shut down the entire Philadelphia port, so he reluctantly called Christine into his office and explained the urgency. He told her to go to a specific pier where she would find the union committee in a warming house. He directed Christine to introduce herself and keep them talking until he could get an experienced mediator to handle the case.

Here is what Christine reported to me on the phone with her typical upbeat enthusiasm:

She found the pier and warming house, knocked on the door and entered to find ten 50 year old plus men with shocked faces as she introduced herself as the Federal mediator. A young, blond woman was not what they were expecting.

So she told them two stories about her cat, and they fell in love as if she was their grand daughter. And the rest was easy. Within two hours, she had a settlement. She provided no more details of what she did. She just reminded me that I had told the interns for six months to be yourself and work with what you have, and she had her cat.

*I am the unofficial historian of FMCS and the Founder of the USCS/FMCS History Foundation. I have conducted almost 200 oral history interviews of mediators and retired mediators, including Christine. I recorded her interview in 1985.*

### **A Mediation Story (Roots)**

3-10-15

*ADRResolution Magazine asked individuals who had written for them early to write about an interesting case. The editor change the name from A Mediation Story to Roots.*

In the mid 1960s, I was a federal mediator in Milwaukee, where unions were big and strong in that heavily industrial region. Many union members in industrial plant were second generation Europeans who had a lot of national pride.

A senior mediator had been assigned to a dispute at large manufacturing plant where he had mediated several times before. When he took sick I substituted for him.

When I arrived at the plant, management and union negotiating committees were waiting in separate rooms. I visited the management room first to introduce myself. Then I enter the union room to do the same, before getting the two sides together. Before I had said two sentences, one of the guys (they were all guys)

said: "Barrett is an Irish name. Are you Irish?" I was surprised by the question, but I said: "Yes, but I was born in this country." Another guy started a series of questions about my Dad. Was he a Hibernian? Did he march in the St. Patrick's parade? Does he wear a green tie or shirt on St. Patrick's Day? Had I been to Ireland? Where did I visit? What was my Dad's home county?

Another union member asked about my Mother's birthplace? I reported that her Dad came to the U.S. at age 14 from Switzerland. More question on my Mother, and then someone asked: "Did you know the Swiss Government will extend citizenship to any descendent of anyone who migrated from Switzerland? I did know that, which got a big laugh.

Many questions followed until, someone asked: "How does your Irish Dad and you Swiss Mother get along?" So I told him very well, even though my Dad liked to say: "The only two European countries that stayed out of WW11 were the cowardly Swiss and the peace-loving Irish." When Dad said that, my Mother would always say: "Oh Hank." And smile and laugh.

After at least 20 minutes with the Union, I returned to the management room to invite them to join me and the Union in the large conference room. As they came out of their room, one manager asked if the Union had asked about my nationality. When I answer yes, they all laughed.

After two full days with them, which included much good-natured banter about nationalities, we reached an agreement to everyone's satisfaction.

As we all shook hands, the union credited my mediation skills to me knowing my roots; and management credited the settlement to me being able to get-on with the union.

*(October 15, 2015 = National Dispute Resolution Day).*

## **A Church Mediation**

1-15-15

I got a phone call from the associate minister of a nearby Church asking if I would be willing to mediate a dispute within her church. She explained they had talked to several mediators who were expensive beyond the church's means. After some conversation, I agreed to help without cost.

The dispute involved the full time staff of the church and member volunteers who run a church program called Little Friends of Peace. Each summer, the latter conducts weeklong training events that teaches peace building to disadvantaged young people.

Because of the busy schedules of the eight people who would participate in the mediation, we had trouble finding a date and enough time for a meeting. We finally settled on a day in mid December with a two-hour time limit – 4PM to 6PM.

The meeting started with nine of us sitting in a circle of chairs in a church meeting room. After I was introduced as the mediator, I stood up and walked around handing each member a badge with this message on it: “I Love Mediation.” I had never done anything like that before, but a mediator friend (Ron Collatta) had given me bag full these badges, and I had not found any use for them, except to give to friends and relatives.

When I finished giving out the badges and sat down, the woman next to me turned toward me and with a very assertive voice said: “Mr. Barrett are you so confident of your mediator skill that you believe that after two hours we will all walk out the room smiling and happy wearing our mediation badges.

I was more than surprised by her question. It was not the reaction I expected.

But I recovered enough to respond by saying: “I don’t know what will become of the badges. That’s your choice. What I do know is the solution to the Church’s problem is in this room. My role is to help all of you find it. When you find it, we can all go home for supper.”

Then I asked everyone to take turns introducing themselves, and explaining the problem or issue. That took about a half hour, since several members took several turns. By then I knew who the two antagonists were. They were seated directly across from each other. I asked them to talk directly to each other about the problem. They did but rather awkwardly at first. But soon there was less finger pointing, and some obvious effort to understand each other.

Soon they were saying: “you told me that ----.” And the other responding: “That is not what I said.” They were on their way to sorting out their misunderstandings. One of the antagonists paid the Church bills and handled the budget, and other was a volunteer who felt strong ownership of the Little Friends program, having been involved from the start ten years before.

At some point, I asked them when was the last time they had spoken in person or on the phone. Neither one could remember. It turned out they hadn’t spoken during the past two months while the planning for the summer program was happening.

All their communication had been via email. Once that fact was revealed, the group responded with various forms of an “Aha and a nodding chuckles.”

Then I asked the two antagonists if they thought they could meet in the morning and sort out the issue. They agreed. As they all headed home for supper, they were smiling and wearing their I Love Mediation badges. (Thanks Ron!)

Are any retirees organizing a replacement for the John Popular and Dick Deem gathering in Florida? At the final Florida gathering last Spring, there was a lot of interest expressed. So what's next?

This is the 33 issue of the Caucus.

**The Caucus**  
**200 N. Maple Ave. No. 212**  
**Falls Church, VA. 22046**

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