

# CAUCUS

The F.M.C.S. Retiree Newsletter By Friends of FMCS History Foundation -- Volume 39, Spring Issue 2017

## Notes on the Caucus

Does anyone but me wonder how many Caucuses emerged from my computer on their way to eager readers since May 2000? With the ambitious feelings that go with starting something new, I produced three issues in 2000 (May, August and December), before reality intervened. After that, two per year seemed right, but occasionally, strong feelings motivated an extra issue. Recently, that occurred, last summer and this January in short versions of the Caucus. Once again reality intervened in the form of virtually no response from readers. The usual response is a half dozen or less based on sending 200 plus copies. But this was more disappointing than usual because I explained the new features that I had added to my website: many interviews to read or listen to, speech transcripts, a blog on which I've written seventeen posts. More latter below.

This Caucus is issue number 39. Subtracting 3 issues that were shorter than normal, here is some math: 36 issues of 3,000 words on average is equal to 108,000 words. Back issues of the Caucus can be read on my website ([mediationhistory.org](http://mediationhistory.org)).

## Rodger Webb Writings Thanks

Unlike the preceding item, the following involves some appreciation. Detroit labor lawyer Rodger Wells started interviewing David Tanzman several years ago. David never mentioned to Rodger that I had interviewed him years before (1986), until a few months before he died in 2016. David gave Webb my contact information, and Webb called asking about my interviews of David. It should be no surprise that David's interview was the longest I ever did. Webb wanted copies, so I suggested he contact Rachel in Special Collections at GWU. Below is Webb's email response sent a few weeks ago:

"Jerry and Rachel: Jerry, thank you for making these tapes, and Rachel thank you for making arrangements to send us the transcripts of them. For someone like me, they are a gold mine, and I am ecstatic to get them. I know I should be more self-restrained, but as librarians I know you'll be able to excuse an observation that has occurred to me ten times already, and I haven't read that many pages. I'd have been agog if I'd had these transcripts to review with Dave, and so would he. I think I told Jerry that after he contacted me I told Dave about them, and he couldn't remember making them. After I told him a couple

times the progress we were making in getting the tapes and transcripts, he thought he did remember Jerry and the tapes. He would have been more ecstatic than I am to have listened to them. At first blush, they have details that we missed in our sessions, and I know he would have got a huge kick for instance out of remembering the jousting between AFL Watson and CIO R.J. Thomas over who was the bigger so and so at the NDMB. We are in your debt. Please remind me of the charges for making this happen. You will both be mentioned in the forward to Dave's biography if it is published – Rodger.”

I very much appreciate Rodger's words about my work. I don't know what Rachel at GWU charged for the transcripts of David's interviews. I didn't charge him anything, nor have I ever been compensated for my work on FMCS history.

I started interviewing mediators in 1983 (34 years ago). For the first ten years or so, I thought the mediator interviewee was doing me a favor by agreeing to be interviewed. But later, I realized that I was doing the interviewee a favor because most individuals would never have taken the initiative to record themselves. I changed my mind when the daughter of Rex Marlow called me long after Rex had passed. She and her two sisters had just listened to their Dad's interview, which I did in 1986. They had no recordings of his voice so hearing his voice alone was a delightful treasure she said. But also there were things he said that they never knew. For example, how much he loved his job and the enjoyment that it gave him.

While the Friends collection at GWU occupies 136 shelf feet, I believe the 200 plus oral histories are the most valuable part of the collection. And I continue at age 84 adding oral history interviews to the collection.

For example in May, I'll use the site of two conferences to record as many mediators as I can. At the FMCS Arbitration conference in Atlantic City, I hope to interview PA and NJ mediators. At the Labor-Management Conference at Northern Kentucky University (NKU), I hope to interview mediators from Ohio and West Virginia. Thirty-five years ago, Lou Manchise and I started that conference. Lou was still with FMCS and teaching part time at NKU. I had just been RIFed by Ken Moffett (FMCS) and began teaching at NKU. I left after two years and Lou has kept the conference going. I was surprised when I came to NKU for my job interview in Spring 1982. There was Lou on the interview committee. Typical of Lou, being the helpful guy he has always been, he met me at the door and gently took me in to the hallway for a quick caucus to tell me who was on the interview team. A big help!

### **Women Mediator at USCS and FMCS**

In the fall issue of the Labor Law Journal, my article “Women Labor-Management Mediators: Their Story at USCS and FMCS” appeared. As a result, George

Mason University, School of Conflict Analysis and Resolution asked me to speak in April at their fifth annual conference titled: Theorizing Linkages, Practicing Solidarity: Feminist Approaches to Conflict Resolution. I spoke on a panel titled: Feminist Approaches to Art, Research, and Practice.

Here are some interesting facts from my remarks:

From the beginning of USCS in 1914, no woman mediator was hired until 1921. Anna Weinstock was hired because she had collective bargaining experience in the New England garment industry and USCS had none. More than twenty years later, during the Second World War, USCS hired the next three women because of the increase in disputes caused by the war effort. Two of those four women transferred to FMCS in 1947 and stayed until retiring: Anna Weinstock in 1965 and Eloise Steward 1970. I met both of them, unfortunately that was long before I started interviewing mediators.

FMCS delayed hiring women mediators even longer than USCS. From its start in 1947, FMCS delayed hiring a woman for 21 years. Nancy Fibish was the first in 1968, followed by Linda Lafferty in 1970, Carol Holter in 1972, and Ruth Carpenter in 1973.

In 1975, FMCS five women interns were hired. Ten women were hired at the normal entry level between 1975 and 1977. In the 1980s, 12 more women were hired, and 21 in the 1990s. When I left FMCS in the summer of 1984, the opportunity for women to be hired by FMCS was well established.

Currently, four of the Regional Offices are headed by a woman. Until recently, the General Counsel and the FMCS Director were both women. At present, women constitute 28 percent of the FMCS 165 mediator staff.

I also told three interesting stories about individual women mediators:

The long mediation career of Ruth Carpenter in San Francisco won honors and acknowledgement at City Hall with remarks by the mayor, a beautiful plaque, and a designation of the day as "Ruth Carpenter Day."

Also in San Francisco, Meggie Jacobsen remembered her first week on the job in 1976 when a male mediator told her that labor and management were not waiting for a tiny, young blond girl to help solve their problems. After 17 years of solving their problems, the President of the United States appointed little blond Meggie a Board Member of the National Mediation Board where she spent the next nine years handling RR and airline disputes.

And finally, one last story with a delightful outcome. A newly hired woman mediator, joining an office of all men mediators, had her hair done just right and wearing a new expensive suit, said hello to the first mediator she met in the

office. He made a sweeping gesture from head to foot toward her and said: "This job is not just about looking good." She responded by making a similar gesture toward him, and said: "Obviously!" To her relief, he laughed and said: "We're going to get along very well, because I like your aggressive sense of humor." And so they did, she reported years later, and all to her benefit.

### **Seeking Academic Help:**

This paper was published on line at [Mediator.com](http://Mediator.com) -- March 2017

As young mediator intern at the Federal Mediation and Conciliation Service (FMCS) in 1964, I began saving materials about FMCS in my eagerness to become a well-informed member of that organization. Six years later as I moved to a new location, I noticed my practice of saving FMCS materials had resulted in a surprising number of boxes. In 1992 when my wife and I moved from our last house to a condo, it became clear that our condo could not accommodate what my wife called "Jerry's stuff." So I rented a 20 by 20 foot space in a building near our condo, formed a non-profit foundation, and tried to raise funds. This arrangement allowed me to gather information much more intentionally. I found information at the US Department of Labor Library on the United States Conciliation Service, the predecessor of FMCS, and I gathered materials from FMCS office closings and the shrinking national office.

In 2000, I started a twice-yearly newsletter called the Caucus to raise funds, provide an outlet for papers I had been writing, and to gain attention for the current and historic FMCS-USCS. In the 1980s, while working on a doctorate at George Washington University, I had started conducting oral history interviews, which, in addition to providing rich personal recollections of FMCS history, it provided materials that interviewees/retirees had brought home at retirement but in which they had no further interest.

By 2011, a tripling of rental costs and my inadequate fund raising made it clear that I needed to accept the offer of archive space at one of several universities that expressed interest in my collection. So in 2011-12, my collection moved to George Washington University, a 20-minute Metro ride from my condo. Over 125 boxes were trucked to GWU, and after archivists processed the collection, it covered 135 shelf-feet, including over 200 oral history interviews, budgets, annual reports, speeches, congressional submissions, mediator bios, papers, published articles, planning documents, newsletters, news releases, photos etc.

Beginning with my first published article in 1967, I've written over 150 papers and articles on USCS/FMCS history and conflict resolution. I've written several books: a major one on the history of ADR, three on interest-based bargaining, and two short ones. Plus I helped the author of 1972 book (Techniques of Mediation in Labor Disputes by Walter Maggiolo) expand and update his 1985 edition.

As I move into my mid 80s, I've been thinking more urgently about getting scholars and others interested in using my collection, and in finding someone to continue what I've been doing. With those goals in mind last year, I presented and/or exhibited at four national conferences: LERA, CIRRA, ACR and the FMCS Chicago L-M conference.

In 2006, I created a website (mediationhistory.org). During 2016, I enhanced and expanded it with oral history interviews and a blog. On the blog, I've posted a number of short (250 words) papers. In writing those posts, I hope to inform and interest others in this important 100 year-old labor- management ADR provider, which preceded the ADR title by 60 years. But even more importantly, I hope that some academic in need of a research topic would read one or more of my posts and realize that I've written a short story on a topic that deserves a full-length treatment. Then armed with that thought, that academic or willing writer will check out my Collection's Finding Aid at GWU (<https://library.gwu.edu/ead/lac0007.xml>) and will realize that a gathering of a rich source has already been done.

Jerome (Jerry) Barrett, Founder of FMCS History Foundation

### **Blog Posts on Friends Website: Mediationhistory.org**

I wrote an extra Caucus and issue it in January this year because of my enthusiasm flowing from some recent things I did on my website and blog. Apparently, none of my readers shared my enthusiasm. After spending a lot of time and money on those updates and improvements to my website, I received virtually no response. I even asked for suggestion for topics I should write about.

Posts currently on the Friends Blog .

1. Cy Ching: First Director
2. Happy Mediators Just got a settlement
3. Collective Bargaining Postage Stamp
4. First Women Mediator at USCS
5. PATCO Strike
6. Seven Directors in Photo
7. Senator Taft of T-H Explains New Law
8. Caucus in Men's Room
9. Maggie Jacobsen – Star Mediator
10. Bill Simkin – Longest Serving Director
11. Bill Abner – A Black Mediator Star
12. Bill Usery – classie handling of the teacher strike
13. Jim Searce mediated 1<sup>st</sup> NFL labor agreement
14. Efforts to return Mediation function to DoL
15. Promotions of Mediation and FMCS
16. Mediator Ethics

17. Commissioner Title – Why?
18. Three Locations of National Office

Eleven other Posts are in various stages of draft: Watch for these coming soon:

1. John Steelman USCS Director – 30s and 40s
2. Two Mediation Books: Simkin and Maggiolo
3. Foreman Training Document from 1944.
4. Cyrus Ching Conference Room: Tradition continues
5. Major Charles Estes, One of a kind
6. David Tanzman, the remarkable character
7. 120 Mediation Techniques in 1953
8. Four Technical Conciliators (Commissioners) at USCS
9. Mediator Interns: 1970s
10. Health Care Amendment to T-H
11. Director McCoy lost his job

### **Budget Cutting by Trump**

The Washington Post reported that the Department of Labor budget would be reduced by 20% in the next budget year. What does that mean for the FMCS?

Someone suggested the mediation function might be returned to the Department of Labor, which would reverse the Taft-Hartley Act of 1947. That law ended the United States Conciliation Service (USCS) in the Department of Labor. Since then USCS staff was called conciliator rather than mediator, will that change?

### **US Institute of Peace Conference**

On March 31, I attended a half-day conference at USIP addressing women in conflict resolution overseas. The early discussion about what became USIP occurred while Wayne Horvitz was Director (1977 - 81). The idea at that stage was an organization like one of the military academies, a very significant investment. Democratic Senators (West Virginia and Hawaii) were the big promoters of the Peace Academy idea. After years of occasional Congressional discussion, USIP garnered enough votes to become law. A strikingly unique building was built for USIP at end of Constitutional Avenue NW where I66 heads toward the Teddy Roosevelt Bridge. Check it out.

A Booklet from United Nations called Guidance on Gender and Inclusive Mediation Strategies was given to conferees, and it parallel the presentations of the panelist. Some speakers discussed their research on disputes that used mediation and some that didn't. But primarily the thrust of discussion urged women to strongly support peaceful conflict resolution as partisans, advocates, and neutrals.

## **Former FMCS Director at Cornell**

Former Director Allison Beck is now the Neutral-in-Residence at the Industrial and Labor Relations School (ILRS) at Cornell University in Ithaca, NY. This program for having an experienced professional neutral on campus began in 2000 to provide students and faculty the opportunity to interact with the practical world of conflict resolution.

## **The New York State Taylor Act**

Some of you may remember that in 1978 in midst of the strong growth of public employee unions, New York State enacted the Taylor Act, a very comprehensive statute with NLRB and FMCS like provisions. At the time, it was considered the model for other states. Professor Taylor is considered by many as the founder of modern labor-management arbitration. Bill Simkin often referred to Taylor as his mentor. In 2018, New York is planning a NY style celebration for the 40<sup>th</sup> anniversary of the law.

## **A Story From the Friends Archive**

Joe Finnegan's speech on February 7, 1955 following his swearing-in as Director discussed the mediator role and the parties impression of their performance. Finnegan linked his concept of the mediator role to Cyrus Ching's thought that mediators "point the road to the solution of labor disputes. Whether either party chooses to walk down that road is a matter of voluntary choice."

Then Finnegan quoted this old saying: "Speak well of the bridge that carries you over" and then added: "When most labor and management folks speak privately, it is this self-interest which conditions their comments as to whether the FMCS did a good or bad job in a particular case. Bear this in mind if you hear praise or blame heaped upon the Service."  
Does Finnegan's thoughts of 62 years ago ring true in 2017.

The Caucus  
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