

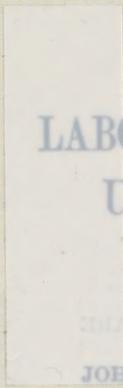
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HEARING  
BEFORE THE  
COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
UNITED STATES SENATE  
EIGHTY-SEVENTH CONGRESS  
SECOND SESSION



ON  
JOHN F. HENNING, OF CALIFORNIA, TO BE  
UNDER SECRETARY OF LABOR

SEPTEMBER 25, 1962

Printed for the use of the  
Committee on Labor and Public Welfare

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**COMMITTEE ON LABOR AND PUBLIC WELFARE**

LISTER HILL, Alabama, *Chairman*

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BARRY GOLDWATER, Arizona

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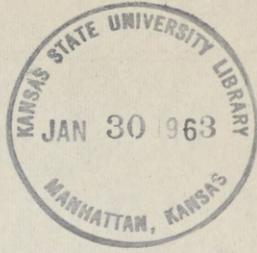
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Regarding the U.S. Chemical Industry in the Nation of Japan



## NOMINATION OF JOHN F. HENNING

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TUESDAY, SEPTEMBER 25, 1962

U.S. SENATE,  
COMMITTEE ON LABOR AND PUBLIC WELFARE,  
Washington, D.C.

The committee met at 10 a.m., pursuant to call, in room 4232, New Senate Office Building, Senator Lister Hill (chairman of the committee) presiding.

Present: Senators Hill (presiding), McNamara, Morse, Yarborough, Randolph, Williams, Burdick, Pell, Goldwater, Prouty, Tower, and Jordan.

Committee staff members present: Stewart E. McClure, chief clerk; John S. Forsythe, general counsel; Raymond D. Hurley and John Springer, minority professional staff members.

The CHAIRMAN. The committee will kindly come to order.

We want to welcome this morning the new member of our committee, Senator Jordan of Idaho, and tell you how happy we are to have you with us.

Senator JORDAN. Thank you.

The CHAIRMAN. We have before us the nomination of Mr. John F. Henning, of California, to be Under Secretary of Labor.

The Secretary of Labor, Mr. Wirtz, is here with us. I understand he has a very important engagement.

Is it agreeable with Senator Engle and Senator Kuchel if we let Mr. Wirtz testify first?

Mr. Wirtz, will you come around, sir?

We will be glad now to have you proceed in your own way, Mr. Secretary.

### STATEMENT OF HON. W. WILLARD WIRTZ, SECRETARY OF LABOR

Secretary WIRTZ. Thank you, Mr. Chairman. May I express my gratitude to you and to the members of this committee in general. I know that Senator Engle and Senator Kuchel are here this morning, and I should like to leave to them, if I may, the introduction of Mr. Henning to the committee.

Mr. Chairman, I should like to make a very brief statement, which is simply to the effect that the reaction of every office in the Department of Labor upon the President's nomination and appointment of Mr. Henning as Under Secretary of Labor was one of great pleasure and delight and anticipation. A good many of us have worked before in one connection or another with Mr. Henning.

I should like only to say that all of us in the Department of Labor welcome very much the prospect, the opportunity, to work further with Mr. Henning, and count it a great advantage to us in our work and a great advantage to the country.

You will understand if I stop with that, because I should like to leave it to the two Senators to introduce Mr. Henning. I have asked your indulgence in excusing myself, because there is a matter of unfinished business at the Department at this time.

The CHAIRMAN. I understand there is a matter that is of serious attention in the Department now.

Secretary WIRTZ. The Chicago & North Western is still on strike.

The CHAIRMAN. So we want to express our appreciation to you for your statement here this morning.

The CHAIRMAN. Senator Kuchel, will you come around here, sir? Senator, would you have a seat, or would you prefer to stand?

### STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator KUCHEL. Let me stand, Mr. Chairman.

The CHAIRMAN. We are happy to have you here, sir. You may proceed in your own way.

Senator KUCHEL. I am honored to appear before this committee and recommend the speedy approval of a distinguished Californian, Mr. John Henning, who has been nominated by the President of the United States as Under Secretary of Labor.

I do not have the pleasure, gentlemen, of knowing John Henning on an intimate personal basis. I do, however, know him by his excellent reputation.

When Secretary of Labor Goldberg told me that he had Mr. Henning under consideration, he asked me if I would communicate with my friends in California who were and who are in a position to judge Mr. Henning. That I did.

I spoke to Californians of my party, the Republican Party; I spoke to Californians who belong to the Democratic Party, and I am happy to tell the members of this committee that all of them unanimously recommended Mr. Henning.

He has a distinguished background as a Californian. He has served the government of my State well. He enjoys a unique reputation among the people in labor. I must add that the building trades department in California is recognized as one of the great forward-looking segments of the American labor movement in my State.

Therefore, I can only say that I believe the President of the United States has made a wise decision, and I am happy to know that a constituent of mine in California will, subject to the approval of this committee, participate in the government of our country in a position of unique responsibility in these critical days.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Yarborough?

Senator YARBOROUGH. Did I correctly hear the Senator from California refer to "Republicans that belong to my party, and Republicans that belong to the Democratic Party"? If so, that is the most candid statement I have heard from a colleague of mine since I have been in the Senate on this committee.

Senator KUCHEL. Well, now, I want to say to my eminent friend from Texas: If that was the implication which my words gave to him, permit me to straighten them out. I spoke of Californians who

belong to both great American political parties, who, in a convincing unanimity, recommended that the appointment of the President be speedily approved by this committee.

Senator MORSE. I will say to my good friend from California that Freud used to point out that the subconscious speaks louder than words.

Senator KUCHEL. I trust that my able friend from Oregon will give me credit for a clean subconscious mind.

The CHAIRMAN. Senator Kuchel, we want to thank you very much.

Senator KUCHEL. I am honored to appear before your committee, Mr. Chairman.

The CHAIRMAN. Now we will be happy to hear from Senator Engle.

#### STATEMENT OF HON. CLAIR ENGLE, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator ENGLE. Thank you very much, Mr. Chairman.

I assume the committee has a biographical sketch.

The CHAIRMAN. Yes, we have, Senator.

Senator ENGLE. In that case, I would ask unanimous consent to file my statement with the committee.

The CHAIRMAN. Without objection, that will be done.

(The prepared statement of Senator Engle follows:)

##### PREPARED STATEMENT OF SENATOR CLAIR ENGLE, OF CALIFORNIA

I am very pleased to be here this morning to support the confirmation of Mr. John F. Henning of California to the committee.

I heartily endorse Mr. Henning's nomination to be Under Secretary of Labor. He has the background, experience and ability for this important post. He has the right temperament and character for the job. Mr. Henning has been associated with the labor movement since 1939. Throughout the years he has demonstrated that he is highly skilled in the art of labor-management relations.

Mr. Henning is a man clearly dedicated to the public service. He was a member of the Public Welfare Commission, and the Committee for Equal Employment Opportunity. He is past president of the San Francisco Board of Permit Appeals. He is a member of the Council for Civic Unity. Before joining Governor Brown's staff he was research director and administrative assistant for the California State Federation of Labor. In 1961 he received the St. John Francis Regis Award from the University of San Francisco for "distinguished service in the field of labor-management relations."

In January of 1959, Governor Brown made Mr. Henning the director of California's Department of Industrial Relations. In this department are included the State's several enforcement and service agencies having responsibility in the area of labor-management relations. The job as its director is a highly exacting one. This is the post Mr. Henning will be leaving to come to Washington. Governor Brown will lose one of his finest administrative officers but I am sure that the Governor is delighted that Mr. Henning may now have the opportunity to make a larger contribution to the Nation.

I know Mr. Henning to be a man who can be fair and objective under the highest pressure and I am confident that he comes well prepared to the job of Under Secretary of Labor. I take great pleasure in recommending this appointment.

Senator ENGLE. I will say to you that I heartily and enthusiastically endorse this nomination, and I hope it will be speedily confirmed.

I have known Jack Henning, as we call him, for a long, long time, and he has been one of the outstanding men in the California labor movement.

When Pat Brown became Governor, he selected Jack Henning as his cabinet officer, as director of industrial relations.

When the subject matter of his appointment as a possible Assistant Secretary of Labor came up, I contacted the Governor and asked him what he thought about it. The Governor expressed deep regret that he would have to lose Jack Henning under any circumstances, because he has demonstrated himself to be one of the outstanding men in the cabinet in California. He did, however, accede to it.

Since that time, of course, Secretary Goldberg has gone to the Supreme Court, and Mr. Wirtz has become Secretary of Labor. As a consequence of the fine background and excellent qualifications of Jack Henning, instead of being placed before this committee for nomination as an Assistant Secretary, he now comes before you for the position of Under Secretary of Labor. As a Californian, I am very proud of that fact.

I am proud of Jack Henning. I am proud of my friendship for him. I am sure that he will justify every confidence that this committee and the Senate and the President would indicate in him by placing him in this very high and responsible position.

The CHAIRMAN. Any questions, gentlemen?

Senator ENGLE. I have not confused my semantics in any way, have I, Senator?

Thank you very much.

The CHAIRMAN. We thank you very much for your appearance. We are happy to have had you here, Senator.

The CHAIRMAN. Mr. Henning, will you come around here, sir?

Mr. Henning, we will be happy to have you make any statement you might see fit, now, with reference to your qualifications for this particular office to which you have been appointed as Under Secretary for the Department of Labor.

#### STATEMENT OF JOHN F. HENNING, OF CALIFORNIA, NOMINEE TO THE POSITION OF UNDER SECRETARY OF LABOR

Mr. HENNING. Mr. Chairman and gentlemen of the committee, my name is John F. Henning. I am a native of San Francisco. I am director of the department of industrial relations in California, an agency of State government which approximates the U.S. Department of Labor in its functions. I am a member of the cabinet of the Governor of California. Before assuming this responsibility, I served for 10 years as the research director and as the administrative assistant to the executive officer of the California State Federation of Labor.

I would be happy to answer any questions that you might have with respect to my presence.

The CHAIRMAN. How long, sir, were you there, as assistant in the State Department of Labor?

Mr. HENNING. I have held my present position since January of 1959.

The CHAIRMAN. For 4 years?

Mr. HENNING. Yes, Mr. Chairman.

The CHAIRMAN. Any other questions?

Senator YARBOROUGH. I think Mr. Henning has a most remarkable record, Mr. Chairman, and his achievements and accomplishments are very unusual, and as Under Secretary I think we are fortunate in having sent up a nomination for Under Secretary who has accomplished all of these things.

I recommend his appointment.

Senator RANDOLPH. Mr. Chairman, I shall be privileged on study of the record of Mr. Henning, and personal conversations with his associates, to support his nomination.

The CHAIRMAN. Any questions, Senator McNamara?

Senator McNAMARA. Thank you, Mr. Chairman. I have no questions.

The CHAIRMAN. I might announce that we are having a quorum call in the Senate now, prior to the consideration, under the unanimous consent agreement, of the new farm bill.

How did you first begin your career, Mr. Henning? What was your first work, when you started out as a young man, after graduating from college?

Mr. HENNING. My interests in the area of industrial relations began in college and continued during the period of my first employment as a Government employee, and it has been an interest that has been sustained and continued throughout the years.

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. I was going to ask that question, too.

What was your first employment?

Mr. HENNING. My first employment was with the U.S. Department of Agriculture in 1938, upon graduation from college.

Senator GOLDWATER. Was it in this particular field?

Mr. HENNING. No, Senator, it was not.

Senator GOLDWATER. I do not want you to gather from my questions that I am opposed to you because I come from a State that supplies your State with your water.

The CHAIRMAN. A very forthright statement.

Senator GOLDWATER. I have heard a lot about your work, and I have a very high regard for the way you have conducted your job over there. But I did want to get some points cleared up just for the record.

Do you agree with section 14(b) of the Taft-Hartley Act, that permits States to enact "right to work" laws?

Mr. HENNING. No, Senator.

Senator GOLDWATER. Can you think of anything in your position as Under Secretary of Labor, or any situation, I might say, where a decision of yours could be affected by this feeling in that connection?

Mr. HENNING. No, Senator. I believe I would live by my oath of office. During the past 4 years it has been my obligation and my privilege to serve both the business and labor community, and I feel that I have met that obligation, and there has been no employer association or any trade union that has charged me at any time with abandoning a sense of objectivity in office.

Senator GOLDWATER. In the last year or year and a half, we have seen the President appointing ad hoc committees to attempt the settlement of strikes. Do you believe this is a good policy to follow?

Mr. HENNING. Yes, I do, Senator. I believe that the search for lasting solutions in the industrial relations area must be an endless one, and I would not pretend that any one proposal can be the ideal answer.

Senator GOLDWATER. Undoubtedly legislation which may be introduced next year, particularly in view of the strike of the engineers on Eastern Airlines and Pan American, will attempt to set up some form

of compulsory arbitration. Do you believe that this is a good thing to establish in labor-management relations?

Mr. HENNING. My personal belief is that both business and labor lose their liberty under compulsory arbitration.

Senator GOLDWATER. I am glad to hear you say that, because I believe that, too. And I think it would be a very dangerous blow to labor in particular if legislation is ever passed calling for compulsory arbitration.

I would hope, though, in the coming months before the next session, that you could give special attention to the problem created by the airline strike. As I understand, under the Railway Act, there can be no settlement of jurisdictional disputes as we have provided for it under Taft-Hartley.

We have tried, frankly, to put language together that would accomplish this, but so far we have always run into the objection at dead end of compulsory arbitration.

I would hope that you and the Secretary would spend some time on this problem. We have about exhausted our means, and it is a field that I think has to be cleared up. When the Railway Act was written, airplanes were not flying. And now we are going to have the same problems with the airlines as we used to have in the railroads, and it may be that separate legislation may be needed just to handle this.

Mr. Chairman, I have no other questions. As I say, I did not want my questions to indicate any displeasure with this candidate, because I know that he is fair and he is honest. And that is all we look for in anyone.

The CHAIRMAN. Senator Tower?

Senator TOWER. I think Senator Goldwater's questions have given rise to an interesting proposition.

At the time of the industrial revolution, the application of science to the technology of production increased rather than diminished the number of jobs available. It created jobs.

Do you believe in the future automation might have that same effect? What is your feeling about labor's attitude toward automation?

Mr. HENNING. Automation presents America with its greatest industrial relations challenge. Certainly the promise of automation is an exciting one and points to unparalleled productive advance by this country.

The history of the industrial revolution would suggest, however, that it must be so directed so as to serve the interests of all, employer and workers alike. The great task is to master automation and have us realize the full potential of the genius of man in industry.

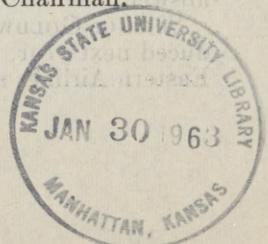
Senator TOWER. But you do not see automation as a threat to the worker?

Mr. HENNING. It is a promise rather than a threat. But it is a promise that must have social attachments. Automation thus is not merely an engineering phenomenon. It has its social aspects as well, I believe.

Senator TOWER. I have no further questions, Mr. Chairman.

The CHAIRMAN. Senator Jordan, any questions?

Senator JORDAN. No questions.



The CHAIRMAN. Mr. Henning, we want to thank you very, very much.

Does anyone else wish to make any statement with regard to this nomination?

If not, we thank you for your appearance and for your testimony, Mr. Henning, and the committee will now go into executive session.

(Whereupon, at 10:30 a.m., the committee proceeded into executive session.)



NOTIFICATION

The Chairman, Mr. Hennig, we want to thank you very much.  
Does anyone else wish to make any statement with regard to this nomination?  
If not, we thank you for your appearance and for your testimony.  
Mr. Hennig and the committee will now go into executive session.  
(Whereupon, at 10:30 a.m., the committee proceeded into executive session.)

