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HEARING

BEFORE THE

COMMITTEE ON

LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

JAMES D. HODGSON, OF CALIFORNIA, TO BE
SECRETARY OF LABOR

JUNE 16, 1970

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



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1970

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HEARING

COMMITTEE ON

LABOR AND PUBLIC WELFARE

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(II)



NOMINATION

TUESDAY, JUNE 16, 1970

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

The committee met at 10 :20 a.m., pursuant to call, in room 4232, New Senate Office Building, Senator Ralph W. Yarborough (chairman of the committee) presiding.

Present: Senators Yarborough, Pell, Cranston, and Javits.

Committee staff members present: Robert O. Harris, staff director; John S. Forsythe, general counsel; Roy H. Millenson, minority staff director; and Eugene Mittelman, minority counsel.

The CHAIRMAN. The Senate Committee on Labor and Public Welfare will come to order.

The first order of business this morning is hearing the nomination of James D. Hodgson, California, to be the Secretary of Labor.

Mr. Hodgson, I order placed in the record at this time your biographical sketch and I congratulate you on your achievements in life: your A.B. degree from the University of Minnesota, your graduate work at the University of Minnesota and the University of California at Los Angeles and the fact that you were an instructor in labor relations for 5 years at the University of California in Los Angeles; your authorship of such articles as "Employing the Unemployables" in the Harvard Business Review, "Automation" in the University of Michigan Quarterly, and "Federal Regulation of Unions" in the Harvard Business School publication Management Thinking.

Your biographical material will be printed in the record at this time.
(The information referred to follows:)

BIOGRAPHY OF JAMES D. HODGSON, SECRETARY OF LABOR-DESIGNATE

James D. Hodgson was nominated by President Nixon as Under Secretary of Labor in early 1969 and took office after Senate confirmation.

In this capacity, he assists the Secretary of Labor in carrying out the functions and responsibilities of the U.S. Department of Labor.

Prior to his appointment, Mr. Hodgson was Corporate Vice President for Industrial Relations at Lockheed Aircraft Corporation in Burbank, California.

Mr. Hodgson was employed at Lockheed from 1941 to the time of his appointment as Under Secretary, except for the years from 1943 to 1946 when he served as an air combat intelligence officer in the U.S. Navy.

Prior to being named Vice President at Lockheed he held a number of personnel and labor relations positions, including the post of Corporate Director of Industrial Relations.

Before coming to Lockheed, he was supervisor of youth employment for the State of Minnesota and worked for the Dayton Company, a Minneapolis department store.

LABOR DESIGNATE

(1)

Mr. Hodgson, The President has nominated me to succeed a Secretary of Labor who has made an outstanding record in that office and who is about to undertake even greater responsibilities. If the Senate

Mr. Hodgson has also served as Consultant to the State of California on Manpower matters, as Community Advisor to the Institute of Industrial Relations, U.C.L.A., and as a Member of the Los Angeles Mayor's Labor-Management Executive Committee.

Born in Western Minnesota in 1915, Mr. Hodgson received an A.B. degree from the University of Minnesota in 1938. He also did graduate work at the University of Minnesota and the University of California at Los Angeles. He was an instructor in labor relations for five years at the latter university.

He has authored such articles as "Employing the Unemployables," in the Harvard Business Review, "Automation" in the University of Michigan Quarterly, and "Federal Regulation of Unions" in the Harvard Business School Publication Management Thinking.

Mr. Hodgson is married to the former Maria M. Denend of San Francisco, California. The couple has a married daughter, Mrs. R. J. Nachman of Boulder, Colorado, and a son, Frederic of Malibu, California.

Mr. and Mrs. Hodgson live in Washington, D.C.

The CHAIRMAN. You have been before this committee before, since you were nominated as Under Secretary of Labor in 1969, and were confirmed at that time by the Senate.

We have a letter here from Senator George Murphy, of California, which will be printed in the record at this time.

(The letter referred to follows:)

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., June 15, 1970.

HON. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I regret very much that long planned meetings in California will prevent my being present Tuesday morning when our Committee considers the nomination of Mr. James D. Hodgson to be Secretary of Labor. Because of my great respect for Mr. Hodgson, I would very much welcome the opportunity to introduce this distinguished Californian before the Committee.

I would be grateful if you would include in the record this statement of my strong support for this nomination. During his service as Under Secretary of Labor, Mr. Hodgson has abundantly proved what his associates have long known—that he has a keen insight into the techniques and problems of labor management relations, a mutually respectful association with the leaders of labor and industry, and a practical and effective manner in applying philosophy and ideas in furthering the interests of labor and of our nation.

I am confident that the Committee will be impressed by Mr. Hodgson's qualifications to be Secretary of Labor, and I know that he will serve with distinction in that important position.

Sincerely,

GEORGE MURPHY.

Senator CRANSTON. Could I interrupt for just a moment? I have to go to another session.

I just want to join the Senators in congratulating you. We, in California, are delighted with, and honored by Mr. Hodgson's appointment. He has a very fine background.

The CHAIRMAN. Do you have a statement you would like to present?

Mr. HODGSON. I welcome the opportunity to be here with you this morning and I do have a statement. I would like to read it at this time.

The CHAIRMAN. Go ahead.

STATEMENT OF JAMES D. HODGSON, SECRETARY OF LABOR-DESIGNATE

Mr. HODGSON. The President has nominated me to succeed a Secretary of Labor who has made an outstanding record in that Office and who is about to undertake even greater responsibilities. If the Senate

confirms me, I intend to carry on where George Shultz left off. I commit myself especially to that professional approach to the solution of problems which we believe was the essence of his administration of the Department.

Mr. Chairman, when I testified before this committee prior to my confirmation as Under Secretary, I spoke of two distinct areas which I viewed as the major challenges. The first was preserving and improving the institution of collective bargaining. The second was the need to assure equal employment opportunity for all disadvantaged workers, including minorities.

I would now, growing out of my experience of the last 11½ years, continue to endorse these objectives and add a third, the improvement of the environment of the workplace.

I have been involved in the practice of collective bargaining all my working life. This experience has given me a deep faith in the institution. Free collective bargaining is a worthy concept—one wholly compatible with our free system of government. Collective bargaining, we believe, runs best when it represents the voluntary decisions of the parties. It is free only when it is not subject to governmental intervention. I intend to continue that policy. I do not believe it is the function of the Secretary of Labor to substitute his judgment for that of the parties to disputes.

While voluntarism is the hallmark of successful labor relations, the law must prescribe some basic standards for the workplace. Here the Department of Labor has a significant role in administering and enforcing these standards. I intend that that enforcement be conducted fairly, objectively, and effectively.

At the forefront of these requirements are those obliging Government contractors to afford equal employment opportunity. In the last 18 months, as I detailed just last week before the House Armed Services Committee, we have improved the effectiveness of the contract compliance program, both by clarifying the contractor's obligations and by providing a more definitive enforcement procedure. In a nation where employment levels for minorities have constantly lagged and where thousands of disadvantaged citizens still struggle to gain entry to the workforce, the achievement of equal employment opportunity for minorities and the disadvantaged must be one of the prime tasks of the Department of Labor.

But equal employment opportunity requires not only the mandate of laws and Executive orders, it requires an effective and efficient manpower program to train and place the disadvantaged. The manpower program, as we know it now, is hardly 10 years old. Yet today it is, by far, the largest of the Department's activities. The programs have grown in size and complexity. We have to be sure that they do the job for which they were designed. They must be managed both with efficiency and understanding of the problems of those with whom we are dealing. They must be responsive to the needs of the communities in which they operate. That implies a measure of participation in planning by those directly concerned. Only through efficient direction, decentralized administration, and local participation can our manpower programs deliver their proposed benefits.

The problems of the environment are a major concern of this administration. To the worker, the workplace is an important environment—so the problems of the work environment have become a major

concern of the Department of Labor. The task of creating a workplace that is safe and healthful faces us all. I am sure that, working together, we can take constructive steps that will translate our concern into meaningful action.

Mr. Chairman, it is an honor to appear before this committee on this occasion, and I, in closing, can do no better than to say if I am confirmed it will be my purpose, as it is that of the Department "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

That is my statement, Mr. Chairman, and I thank you.

The CHAIRMAN. Thank you, Mr. Hodgson.

I noticed what you said about the safe work force. We are very much concerned with that. The previous Secretary of Labor very strongly supported that.

We have here a financial statement. Any member of the committee who would like to see it may request to do so. It is not a matter for publication, however, unless some controversy arises.

Senator JAVITS, do you have something?

Senator JAVITS. Thank you. Congratulations.

Mr. HODGSON. Thank you.

Senator JAVITS. Very glad to see you aboard.

Mr. HODGSON. Thank you.

Senator JAVITS. First, on your statement—which will remain confidential except to the Senators—is your interest in the Lockheed insurance plan—or plans—vested?

Mr. HODGSON. Yes.

Senator JAVITS. You have a vested contract, right?

Mr. HODGSON. That is right.

Senator JAVITS. In the event that there is any proposal to change that or to increase the benefits, either by unilateral or bilateral action, you will return to this committee for instruction?

Mr. HODGSON. Yes, sir.

Senator JAVITS. We don't want a repetition of what happened in the United Mine Workers trust fund.

I have just a question or two on your basic philosophy.

I realize that we cannot, and should not, ask for your position on given measures except the general question: Do you support and can you, in good faith, implement the positions taken by the Department under Secretary Shultz on the major items of legislation before this committee?

Mr. HODGSON. I have pledged to do that.

Senator JAVITS. You were not asked, I am told by my assistant, specifically about the Philadelphia Plan. That involved a rather strong confrontation between the Comptroller General's opinion on the Constitution and the Secretary of Labor's opinion on the Constitution.

Do you stand on the position of the Department of Labor, and will you stay with it?

Mr. HODGSON. I do and will.

Senator JAVITS. We are also very much interested in the incomes policy and I, myself, am the author of such a proposal with the other Members of the minority for joint economics.

If we should adopt the incomes policy by law, or by lawful regulation, could you, in good faith, carry it out?

Mr. HODGSON. There is no question in my mind that on any measure enacted into law by this Congress that I could, in good faith, carry it out, whether it be an incomes policy or other.

Senator JAVITS. The manpower training bill which we have before us is probably as important as any piece of legislation we have.

Is there any inhibition you would feel about supporting an aspect of the manpower program based upon a trigger, which depends upon economic conditions, which would contain a quotient of public sector jobs?

Mr. HODGSON. I have no hesitancy in supporting any aspect of our proposed Manpower Training Act, including the measures you mentioned.

Further, I should mention that the development of policies, proposals, and items legislation, such as the one you mentioned, in the Department of Labor has been done on a consultive basis. Such measures are not originated by any one individual or any one group. The management of the Department plays a hand in developing those measures and I believe you will find that they are reflective of the Department's management point of view, including myself.

Senator JAVITS. Would you, as Secretary of Labor, feel that an important aspect of your work would follow the efforts to absorb in the working force in the country the hard core unemployed and the hard core poor and to facilitate public and private sector efforts, including JOBS programs and other similar efforts, toward that objective?

Mr. HODGSON. Indeed, I would.

In fact, Senator, my interest in this matter predates my public experience, a role that I played in the private sector in the middle 1960's before this subject became popular. We endeavored to attempt some experiments in this area that we thought were conspicuously successful and gave me hope that the results of that experience could be brought in such programs as the JOBS program and others. It seems to me that we are doing that and should continue to do it.

Senator JAVITS. The New York Times did a rather interesting profile on you the day your appointment was announced. Would you mind having that in the record?

Mr. HODGSON. No.

Senator JAVITS. I ask unanimous consent that this be printed in the record.

The CHAIRMAN. Without objection, it is so ordered.

(The article referred to follows:)

[From the New York Times, June 12, 1970]

NEW LABOR SECRETARY—JAMES DAY HODGSON

MAN IN THE NEWS

(By Christopher Lydon)

WASHINGTON, June 11—James Day Hodgson, President Nixon's choice to become the new Secretary of Labor, would seem to personify the new Cabinet style: less "extra dimension" than Mr. Nixon saw in his first-round appointees, but an unusual breadth of experience and administrative talent to serve the White House's increasingly centralized policy leadership. As Under Secretary to George P. Shultz for the last year and a half, Mr. Hodgson (who pronounces his name as if it had no G) was considered the ideal No. 2 man. He was so intimately identified with his boss that sometimes he nearly disappeared.

"It's interesting," said a union official at the headquarters of the American Federation of Labor and Congress of Industrial Organizations today, "that we have no sense of Jim Hodgson the way we do of some of the Assistant Secretaries"—like W. J. Usery, the strike specialist; Arnold R. Weber, the manpower director, and Arthur A. Fletcher, who is running the "Philadelphia plan" and others like it to increase minority employment in public construction jobs.

"So we gather," the union man continued, "that Hodgson must have been the guy who was doing the inside, administrative stuff—very quietly."

"HAND IN EVERYTHING"

"He's been the general manager of the department," says one of Mr. Hodgson's colleagues. "He's had a hand in everything—the occupational safety legislation, manpower, labor negotiations, the works. He's always been ready to stand in for the Secretary on anything."

A small, trim 54-year-old who laughs easily and obviously enjoys his work, Mr. Hodgson also seems to embody the affluent good fellowship that has banished the sense of class warfare from American industrial relations.

When he left a job as vice president at the Lockheed Aircraft Corporation to join the Government last year, he brought with him Mr. Usery, the machinists' union official with whom he had fought over innumerable contracts.

Today the labor movement returned the favor. Though the Labor Department has usually been headed by union men, just the the Secretary's office in the Commerce Department has been a businessman's preserve, the A.F.L.-C.I.O. extended its congratulations to Mr. Hodgson and the machinists "breathed a sigh of relief."

As industrial relations director of Lockheed, Mr. Hodgson had made an enviable record in collective bargaining as a straight-shooting management man," the machinists said. "We have no reason to believe that as President Nixon's new Secretary of Labor he will do anything to change that image."

Mr. Hodgson was born on Dec. 3, 1915, in Dawson, Minn., ("and that's nowhere, believe me"), where his father ran a chain of lumber yards and where Mr. Hodgson still owns 160 acres of diversified farm land.

He attended the University of Minnesota at the time when former Vice President Hubert H. Humphrey and Eric Sevareid, the television commentator, were leading campus rebels. After graduation in 1938, he answered Gov. Harold E. Stassen's call to work on employment problems in state government.

In 1941 he joined Lockheed in Los Angeles as a personnel clerk. With the exception of three World War II years as a Navy intelligence officer in the Pacific, he was with Lockheed ever after—for the last six years as the man directly responsible for relations with the aerospace company's 100,000 employees.

Lockheed was one of the first big corporations to make a concerted effort at hiring and training the hard-core unemployed in the early 1960's. Mr. Hodgson also identifies himself proudly with Lockheed's "every man a capitalist" program, in which the company put up 50 cents for every dollar that workers salt away in savings or stocks.

LEADING JOB AT LOCKHEED

The plan is popular and the workers' fund at Lockheed, which Mr. Hodgson calls "a versatile cushion for retirement or any kind of adversity," now totals more than \$100-million.

Like Mr. Shultz, Mr. Hodgson believes in minimal government interference in union activities and bargaining. He is not expected to be easily excited to action by strikes and strike threats, and he does not believe in "jawboning" wages and prices.

Mr. Hodgson, the father of a married daughter and college-age son, is married to the former Maria Denend.

He gets less time than he wishes for golf, though he played one close round with George Meany, the A.F.L.-C.I.O. president, last summer and will renew the competition this summer. His principal diversion these days is reading: Huxley, Waugh and C.P. Snow for novels; Lionel Trilling and Edmund Fuller for criticism; and at the moment, A. A. Berle on "power."

Senator JAVITS. I have just two other questions:

One, what do you think about the importance of productivity in restoring the American economy and dealing with its present problems in inflation, in price, and high interest rates, which is an aspect of

inflation and price, and the problem of growing unemployment, especially unbalanced unemployment.

Mr. HODGSON. Productivity has become of special interest to the Department, particularly in recent months since we reviewed what has happened to productivity in this Nation. It is not moving upward as fast as it should.

The upward movement of productivity provides the really sound basis for the upward movement of wages and sound economic growth.

So, we consider this to be an exceedingly important element of a whole economic picture. It is most important, in our judgment, to make major improvements in this area.

Senator JAVITS. Would you agree, Mr. Secretary, that we have a job to do of some size in raising the morale of the American workers as it is reflected in productivity.

Mr. HODGSON. Were the occasion a little different, I would like to make a little speech on it.

Senator JAVITS. This is your chance.

Mr. HODGSON. I spent last Saturday evening with a young group of apprentice graduates. I chose to talk about what I call a crisis in craftsmanship. I think this is a matter of major importance to this Nation, not only in the absence of availability of these skills, but the seeming absence of recognition of how important they are.

One of the major projects that we have going on in the subcommittee of the constructive industry collective bargaining commission is to devote attention toward renewing the interest of young people particularly in preparing themselves for craft positions and in taking a true pride in craftsmanship. Hopefully, to eliminate the necessity of magazines, like the Time magazine, writing a lead article entitled "Why Don't Things Work Anymore".

Senator JAVITS. Would you then propose that the Department of Labor should be the evangel in the President's Cabinet; to make your Department, as it were, the spokesmen for such a movement?

Mr. HODGSON. I would welcome that and say, further, that the President's message of St. Patrick's Day charged us with that role.

Senator JAVITS. About apprenticeship, which you just mentioned. Are you satisfied with the extent of the apprenticeship openings which are available to young Americans or do you feel that there is a need for considerable enlargement of those and facilitation in respect to turning the apprentice into the finished worker?

Mr. HODGSON. We are going to need in this Nation, in the next 10 years or more, each year, several hundred thousand craftsmen in the construction industry.

The apprenticeship program, as it is presently constituted, only supplies 20,000 or more graduates a year. We are going to need to expand it, bring it up to date. We are going to need to supplement it.

But, we should continue to operate a strong apprenticeship program. The apprenticeship program has produced not only craftsmen for the industry, but frequently supervision, professional, and other industry leaders.

It is a wise selection for a young man embarking on a career to undertake apprenticeship, not only as a way of training himself, but a great career investment.

Senator JAVITS. You have 20,000 graduates. How many should graduate?

Mr. HODGSON. I wouldn't want to say how many should graduate, but we will need, from apprenticeships and other sources, several hundred thousand. The President has charged us with increasing the flow into the construction trade during the next few years from all sources by 50 percent and we are working hard, generally, to accomplish that now.

Senator JAVITS. You said several hundred thousand. Say, 300,000. How many are we getting now?

Mr. HODGSON. We are getting a total that is slightly under the total needed, whatever that is, in any one year because we have a skill shortage and have had, in the late 1960's particularly, in the construction industry.

The reason I hesitate to give any specific figure is exemplified by such facts that the housing industry has cut back and the need for building craftsmen for home building was not as great during the past year as it was the preceding year. These things vary.

The important thing to know is that the need, overall, is much greater than the supply of skills and it is up to the Department to work on increasing that supply.

Senator JAVITS. Thank you very much. I am sure we will have another opportunity to go into details.

Thank you, Mr. Chairman.

The CHAIRMAN. In your statement when you were here and testified before this committee on February 6, 1969—your nomination hearing to be the Under Secretary of Labor—you stressed your concern over preserving collective bargaining as a worthwhile institution and the need to assure employment to all disadvantaged minorities.

I want to call your attention to the greatest disadvantaged minority, not in number, but in percent. They are centered in the southwestern portion of the country. These are the Mexican-Americans.

I introduced the first bilingual education bill ever introduced in either branch of Congress in January of 1967. It passed that year. Now they are teaching bilingual education to the smaller children in schools. The adult generation is left out and the purpose of the bilingual education amendment is to train these adults.

We need to help these people to get jobs. They are the highest number of unemployed and they are willing workers.

What has been your experience?

Mr. HODGSON. That is a very worthy objective. Being in the labor business as I have been I am very conscious of jurisdiction and there is a question, sometimes, as to whether the jurisdiction for bilingual training belongs in the education realm or in the training realm. We should not let bilingual education fall through the crack between those two.

The CHAIRMAN. We have no adult training, my 1967 bill was only for children. Unfortunately we have no adult bilingual education bill. I hope to get it in if our act is passed. I see no legal impediment to just adding some bilingual education to existing manpower programs.

I will direct general counsel to check into that.

I hope I can get it this year so there will be no question as to your authority and jurisdiction in bilingual training.

I have no further questions at this time.

Senator Pell, do you have anything?

Senator PELL. I just want to congratulate you on your nomination.

I have a question, concerning the investigation of the United Mine Workers election. The labor subcommittee is studying this case as to the use or misuse of funds.

I understand that the Department of Labor has a great deal of information on the case. Will this information be made available to our own investigation?

Mr. HODGSON. With regard to the specific records we have we may need to use them wherever prosecution is necessary. This might have some effect on the extent to which, and the timing with which, we could produce those records for the committee.

I will be glad to review this matter with our solicitor and give you a specific answer on that when I return to the Department.

Senator PELL. Is the solicitor with you?

Mr. HODGSON. No.

Senator PELL. My recollection is that we have gotten nowhere in our request to get this information from the Department of Labor.

Mr. HODGSON. I will look into it for you.

Senator PELL. Could you do a little more than that?

Mr. HODGSON. Exactly how much more will depend upon this matter of the need to keep this information for purposes of subsequent prosecution.

Senator PELL. It is your intent to have prosecution?

Mr. HODGSON. If it is needed and if the circumstances warrant it, and we will be able to determine that as the investigation develops.

Senator PELL. I think you have some dozens of investigators—

Mr. HODGSON. Hundreds.

Senator PELL (continuing.) And it seems ridiculous for us to duplicate the information they have developed.

Mr. HODGSON. I sure hope we can be of some help.

Senator PELL. I appreciate your position.

Thank you, Mr. Chairman, I don't think that that is a satisfactory answer but there is nothing I can do about it.

The CHAIRMAN. I think you should cooperate fully with this committee, bearing in mind that we have a limited budget. You have all these investigators and all those facts. Senator, how many do we have?

Senator PELL. I think we have two or three and the GAO has lent us some.

The CHAIRMAN. How many investigators do you have?

Mr. HODGSON. At the time of the major investigation, we had over 200 because the entire operation was widespread throughout the mining industry in several States.

I just want to say that I don't want to make my answer appear either unresponsive or uncooperative. I don't know at the present time exactly what I can provide the committee.

The CHAIRMAN. I ask you to investigate that and cooperate with the committee. As chairman, it is my duty to support the members and help them get the necessary help.

We have been to the Rules Committee. We have a budget allocation for that. Of course, the budget allocation is temporary and we can't hire people permanently. The Labor Department can hire people permanently and we ask your cooperation.

Senator PELL. I thank you very much for your words of support. Indeed the poor, unfortunate, forgotten taxpayer, would benefit if we didn't have to spend his money to dig up the same facts.

The Labor Department has not done anything of substance to facilitate our securing the information we want and I would hope that you would be aware of that fact.

I bring this to your attention publicly so that we can get the information we want.

Mr. HODGSON. I understand.

Senator PELL. Thank you.

The CHAIRMAN. I realize this is a sensitive field, but I do point out the predicament that this subcommittee is in with the limited budget.

Any further questions?

Mr. Secretary, I join in the congratulations, wholeheartedly, on your nomination. My State was 67 years old before we had a Cabinet officer. He was appointed by Woodrow Wilson in 1913. We congratulate California here.

You are accomplished in this field. I congratulate you. It is a high honor to be a member of the Cabinet of the United States, second only to the President, Vice President, or members of the Supreme Court.

Congratulations.

Mr. HODGSON. Thank you, Mr. Chairman.

The CHAIRMAN. The committee will now go into executive session and all nonauthorized persons will please excuse themselves from the room.

(Whereupon, at 11 a.m. the committee recessed to continue in executive session.)