

Millard Cass Oral History Interview—JFK#2, 4/20/1971
Administrative Information

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Biographical Note

Cass, Deputy Under Secretary of Labor (1955-1971), discusses changes in the responsibilities of various assistant secretaries of labor under Secretaries of Labor Arthur J. Goldberg and Willard Wirtz, employment and anti-poverty efforts, and federal intervention in labor-management negotiations, among other issues.

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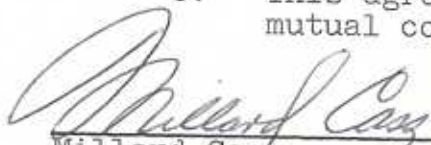
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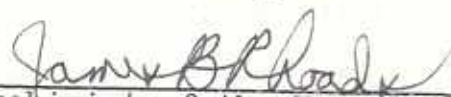
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Millard Cass



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Millard Cass—JFK #2

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Second of Two Oral History Interviews

with

Millard Cass

April 20, 1971
Washington, D.C.

By William W. Moss

For the John F. Kennedy Library

MOSS: All right, Mr. Cass, you said that you wanted to start first of all with the departmental reorganization developments during the Kennedy administration [John F. Kennedy]. Let me ask you to address yourself first to the creation of the post of the assistant secretary for labor standards. This was the post that moved Esther Peterson [Esther E. Peterson] up to the assistant secretary level. Can you give us a little of the background of that?

CASS: Yes, I'll be glad to. First I think I should make clear for the record the fact that I am speaking without reference to notes or documents which will clarify and, perhaps, in some cases, modify what I say. I'm only giving my personal recollection, my personal impressions, in order that you may have the benefit of them. Such comments as I make can be subject to verification or correction by a careful review of the documents involved.

MOSS: Splendid. And I think we should say for future readers of your interview that this holds throughout this particular interview on all subjects.

CASS: That's correct. I'm merely trying to give my evaluation from the standpoint of having been in the center of the storm, so to speak, during this period. In that

connection, I might qualify myself by saying that because of the close association with Secretary Goldberg [Arthur J. Goldberg] which pre-dated his becoming the Secretary of Labor, I was utilized by him both as a consultant and as an operator administering various programs and implementing various decisions even in areas where I had no special responsibility in my particular job.

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MOSS: Right.

CASS: This gave me an opportunity to be aware of and involved in many programs which were really organizationally none of my business. To that extent, I have some knowledge in a broad range of subjects concerning which I'm not an expert.

MOSS: When the post of the assistant secretary for labor standards was created, the following components were put under it: the Bureau of Labor Standards, the Bureau of Employees' Compensation, Employees' Compensation Appeals Board, and the Women's Bureau. Some of these shifted from the assistant secretary for labor management relations—all but the Women's Bureau, I believe. Now what went into this? What was the motivation for this move and how was it effective?

CASS: My personal feeling was that one of the major motivations was organizational arrangement that would be both logical and effective in carrying out departmental programs and policies. On the other hand, I think a minor but very important aspect was the desire of Secretary Goldberg to give recognition to women in government and to elevate the top-ranking woman in the Department of Labor to a higher level of responsibility and prestige. This it did accomplish and accomplished very effectively. This, incidentally, built upon and expanded a previous move in this direction by Secretary Mitchell [James P. Mitchell], who had made Mrs. Leopold [Alice K. Leopold]—who was the director of the Women's Bureau in the Eisenhower administration [Dwight D. Eisenhower]—also a special assistant to the secretary for women's affairs and gave her direct access to the Secretary's office and a prestige and recognition which had not previously been accorded to the director of the Women's Bureau.

At the time Mrs. Peterson was sworn in, I recall that Senator Olin Johnston [Olin D. Johnston] of South Carolina, who was head of the Post Office and Civil Service Committee in the Senate, did come down and say that Secretary Goldberg had spoken to him about this and he welcomed this both as recognition of Mrs. Peterson's qualifications and in recognition of the role which women play both in the government and in the economy of the United States. This just gave me some feeling that Secretary Goldberg had touched bases very carefully prior to proposing it and that it was thoroughly acceptable before it was ever recommended. The action of the Congress with respect to the recommendation reflected there was absolutely no problem in getting it through. Yet, it expanded the number of assistant secretaries and reorganized the department.

As far as the organizational aspect was concerned, it did make much more sense in terms of the operation of the department's programs to group under a labor standards heading and a labor standards assistant secretary these functions which were taken out of other areas of the department.

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MOSS: A reorganization of this sort is often accompanied by a good deal of jockeying for position by people, particularly in the career bureaucracy underneath. Do you recall any of this, any give and take opposing or really supporting this move?

CASS: Not this particular one. But, we'll come to ones later where there was some jockeying—not this one. I think it ought to be viewed in the perspective that everybody in the department as everybody outside the department knew, Secretary Goldberg was very close to President Kennedy. I don't think one would lightly tamper with relationships which he wished to establish.

MOSS: Yes, you touched on this in your previous interview, as I recall. Let me ask this about Esther Peterson and her administration of that segment of the Labor Department. I have heard it said in other contexts that while she did her job on the Women's Bureau and she did her job on the Women's Commission, that she really never got a handle on the operating bureaus, such as the Bureau of Labor Standards and the Employees' Compensation. This was not her forte, if you want to put it that way. Do you have any feel for that?

CASS: Well, I think it's fair to say that she relied on the people who were running those bureaus to run them. I don't think that she tried really to change the operational format or the basic policies of those particular bureaus, at least not in the first year. There were some changes later in the Bureau of Labor Standards' approach to things and some in terms of the machinery for handling cases under the Bureau of Employees' Compensation. But, I don't think that she really attempted to change policy in this regard. It also should be recognized that Mrs. Peterson's talents were particularly in terms of dealing with people. Her excellent relationships on the Hill and the public area were utilized by Secretary Goldberg. He needed them more than he needed her to do the day-to-day administrative job within the particular bureaus.

MOSS: Okay. Let me ask you on another subject. The Labor Department, of course, must have played a prominent role in staffing various presidential committees, such as the Equal Employment Opportunity Committee, the one on migratory labor, and the one on the physically handicapped. Do you recall the Labor Department's input to this? Was it a normal routine kind of thing or were there special problems involved in any of these?

CASS: I think in the ones to which you have referred, the input was about what one

would expect a strong Secretary with good connections with the White House to exercise. I think the place where there was a change from previous and later policy with respect to staffing the presidential commissions was that Secretary Goldberg was consulted by the President in a far wider range of activities and programs than would be normal for a secretary of labor, before or after Secretary Goldberg. Therefore, he had a direct involvement in many commissions and many activities that would not have fallen within the area of either jurisdiction or influence of the Department of Labor. But, this was more a personal basis between

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him and the President who sought and valued his advice.

MOSS: Okay. Now there was a shake-up in the area of the administrative assistant secretary too—a redistribution of things. The personnel administration, the program and budget evaluation, management analysis and development, administrative management, accounting and financial procedures, and the library all come under the assistant secretary as discrete units rather than being scattered all over as independent units. Was this a Goldberg thing, or was this something that was being developed in the Mitchell administration and came to fruition in the Goldberg administration?

CASS: Well, not quite either, but somewhat between the two. It wasn't being developed in the Mitchell administration and coming to fruition. Secretary Mitchell had tried unsuccessfully—being blocked by the Congress—to combine in a broader role some of the functions you mentioned, but not all of them. Personalities were involved at the time and this particular effort on his part was not approved at the appropriations committee level. The action on the part of Secretary Goldberg was, I think, independent of, but moving in the same general direction as, Secretary Mitchell's desire.

What both of them had in mind, and what I think is very sound administration—has been proved to be sound since then—is a recognition that you cannot separate the budget, management, and personnel functions. A personnel director independent of the assistant secretary is an anathema. It is an anomaly that makes no sense at all. It is a method of undercutting really the overall authority of the man who has to have the administrative burden: he should have the money; he should have the personnel; and he should have the management functions all together. That is what this was designed to accomplish. A change in personnel at the time made it easier to do this, and Secretary Goldberg accomplished it without any problems really.

MOSS: When you say a change in personnel, do you mean down at the bureau level or...

CASS: No, the assistant secretary retired and what Secretary Goldberg was able to do was to say, "Now we have a new assistant secretary and we're going to

organize things in a new fashion and give him some functions that were not previously given to the assistant secretary.” For example, personnel—personnel and real management functions were the big additions to the assistant secretary’s responsibilities.

MOSS: All right. I can see the change in assistant secretaries as the opportunity for doing this. Now, did the different personalities of Jimmy Dodson [James E. Dodson] and Leo Werts [Leo R. Werts]

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assist in this regard? I get an impression that Dodson was something of an old line type and Werts was a more progressive individual—is this fair?

CASS: Well, I wouldn’t use those terms at all. I think I would talk more in these general directions: Mr. Dodson’s background was budget. He was an expert in this field. He came up through the line. He was respected on the Hill and a very effective person in getting the budget of the department through the congressional committees.

Mr. Wertz on the other hand, was not a budget man in any respect. He was an administrator. And when he took over, the broad administrative responsibilities were placed in his hands. He relied upon Mr. Hudson [V.S. Hudson], who had been the deputy to Mr. Dodson and who was himself an expert budget man, to handle the entire budget function for him. He did not address himself on a day-to-day basis to budget activities. Instead, he took the whole administrative picture above the personnel, and in a management fashion.

MOSS: I’ve seen many complaints in management texts and so on, that you should not take an expert and elevate him to a general overview situation because you destroy the value of his expertise and there’s a good chance that he will not be able to operate in a broader range. Is this a fair kind of thing to say in this case?

CASS: Well, I think this is a fair way of expressing what’s good organization and good administration. On the other hand, Mr. Dodson was not given the broad range of responsibilities. Therefore, it’s really not fair to imply that he was given them and failed. They just never were assigned to him. Now whether they would have been assigned had he had the administrative as opposed to the budget expertise, I just don’t know.

Now, I think to put this in a perspective too, we ought to understand that in the Mitchell administration you were dealing with an administrator of consummate skill and great experience. Mr. Mitchell himself was the administrator of the department, and his deputy—Mr. O’Connell [James. T. O’Connell], who was under secretary—was the administrator of the department. So, you didn’t feel an absence of as much of this kind of administrative-organizational responsibility.

In the case of Mr. Goldberg, he performed a somewhat different role as secretary. He was not really trying to be just the administrator of the department, or even primarily the administrator of the department. He was a highly skilled person in dealing with individuals.

He did, for example, as we indicated earlier, most of his own legislative liaison. While he had assistants, the answer was that he dealt on a personal basis with the key members of the Congress and with the key White House staff, as well as, of course, with the President of the United States, and the Vice President [Lyndon B. Johnson]. This meant that he needed, and could utilize more, a person who watched the day-to-day administrative activities while he was engaged in others.

MOSS: All right. Let me move on to the area of the assistant secretary for labor-management relations. You had the Wage and Hour and Public Contracts Divisions moved under him from independent status, and you had the establishment of the Office of Welfare and Pension Plans in response to the recent legislation. Now, what effect did this have on the department—how did this come about?

CASS: Well, as far as the Wage and Hour and Public Contracts Divisions were concerned, they and the Bureau of Labor Statistics, at various times, were left quasi-independent of assistant secretary direction because the heads of those two bureaus were appointed by the president and confirmed by the Senate. The theory had been that with that kind of prestige position, you didn't need the same kind of direction that you did with respect to a person whose only appointment had been one in the career line, or even an excepted position that was not subject to presidential and congressional approval. I don't think that that was a sound distinction because the involvement of these bureaus—and that's what they were—in the overall activities of the department needed to be coordinated with the activities of other bureaus and subject to the policy guidance of someone who really made policy. While the head of any operating bureau makes policy on a day-to-day basis, the highest policy decisions in this kind of field were really made by a secretary level or some sub-cabinet level official. Therefore, it was decided to put them under persons who had this kind of day-to-day involvement with policy.

MOSS: Was there any resistance to the move by the Wage and Hour and Public Contracts people?

CASS: I don't recall any at all.

MOSS: Chagrin at loss of independent status and that kind of thing?

CASS: Well, this was only the culmination of a development which started in 1950 when Reorganization Plan #6 of 1950 took from all the independent units of the Department of Labor and other departments their independent status, gave all the authority to the Secretary of Labor, who then re-delegated it to subordinate officials, subject to his direction and control.

There may have been—although I didn't know of any—covert

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resistance or covert chagrin. There was none evidenced. Perhaps, it was a reflection of a pragmatic approach to the facts of life: mainly that if Mr. Goldberg wanted it, Mr. Goldberg would get it. It also happened to be complete and correct organization.

MOSS: Okay. You also have the setting up of the Office of Manpower, Automation, and Training under the assistant secretary for employment and manpower. How did this come about? I asked you a little earlier off the tape if you would talk about the question of the overlapping of responsibility between this organization and other established organizations in the department.

CASS: Secretary Goldberg was very concerned when he came into the government about the effects which automation was having on both the human beings involved and the employment opportunities falling. He also was concerned about the changing nature of job requirements where the numbers of jobs needed might be the same but the skills required might be different. You might end up with a great many persons previously employed in jobs of little or medium skill who now would be thrown on the junk heaps, so to speak, and unemployed because the change in the requirements of the jobs was such that they could not meet the new requirements. Therefore, if your mix was that you displaced a hundred thousand jobs and created a hundred thousand others, it might be that you displaced a hundred thousand people who couldn't find any other work. But, you created needs for a hundred thousand persons, in some cases, for skills that you couldn't fill.

So he turned in terms of the marrying of these various aspects of the changing economy and combined a concern with the effects of automation with a concern for training persons to meet those effects. Knowing that the employment security operation had had a certain type of approach to things for many years, and that the persons involved in it tended to be expert in those particular approaches; also knowing that it was a very cumbersome federal-state mechanism that you couldn't easily redirect, reorient, or reorganize, he turned to a new office which he felt would dramatize, document, research, and suggest solutions for the changing nature of the economy and its demands.

He achieved exactly what he intended to: new directions, new solutions, different ways of doing the old things, new things that needed to be done, a minimum of red tape, and a preoccupation with getting the job done, whatever had to be done, quickly and effectively, and in a fashion that would attract public attention—these were all results which he achieved through this new office. The latter point of public attention was very important also, because he wanted the public to be aware of the fact, one that this was a need and, two that it had to be met.

There was, however, a fallout or by-product which was unfortunate

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and perhaps anticipated, but, I guess, not to the extent that it occurred. That was, there tended to be a very difficult working relationship between this new office and the established employment security activity in the Bureau of Employment Security at both the federal and

state levels. There were regional offices of this new office and there were regional offices of the old operation. They tended sometimes to deal with the same persons without speaking to each other or sometimes to give different directions and different answers to the same persons. There were many complaints that came into the Washington office. of public squabbles, private undercutting—a real bureaucratic snafu.

We met with—I, personally, on a number of occasions—the top officials of both bureaus. I know that others in the department met with them frequently. Sometimes we were able to iron it out at that level, but it frequently came apart when it had to be translated into working relationships in the department or in the field. Also, there were some problems in dealing with other agencies, particularly agencies like the Department of Health, Education, and Welfare which had to deal with both units and sometimes found them working at cross purposes or even duplicating each other. I don't tend to minimize at all the disruptive and unsettling effect of these types of activities, nor do I excuse them just on the grounds that they were both doing the best they could. I just have to say, honestly and sadly, there was a good deal of what I would call bureaucratic in-fighting for position on both sides. Who was right or who was wrong is not nearly as relevant as the fact that the baby was being cut in half, so to speak.

At a later date in the department's history the regional offices of the Office of Manpower, Automation, and Training were abolished in an effort, at least, to localize the possible points of friction to the national office where they could be more easily resolved and more easily controlled and less embarrassing in terms of the public and the other governmental agencies, federal and state, which had to deal with us. Having said all this, however, I would have to say that it was a noble experiment which worked. It did focus attention on the problem; it did develop new solutions to old problems and new solutions to new problems; it was imaginative, innovative, and effective, despite the fact that it was abrasive and sometimes, I think, unnecessarily bureaucratic. As a direct result, in my personal judgment, the employment service itself developed a new look, a new approach to matters, a resilience and flexibility, an innovative desire and achievement which I had not seen in my many years in the department prior to this time.

So, in effect, what the Bureau of Employment Security did was, at the federal and state level: it responded to the challenge of another agency in its area of responsibility by really improving its ability to do the job which it set out to do and which, perhaps, it wasn't doing as well at this time. I think, it's also fair to say,

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and we have to recognize, one of the major limitations of the bureau, both federal and state levels, that inhibited its ability to meet the new challenges and that required really the competition of this new mechanism to make it change direction, so to speak. And that is this: The Employment Security operation was what I would call a Depression baby. It was Depression-oriented. It grew up at a time when people could not find jobs. What you tried to do was register the people who needed jobs and go to employers and say, "Can you use them?" or respond to an employer's order for people by saying we have many of them here. This is a kind of responsibility it had in the Depression. It's a kind of responsibility it had, in effect, in wartime. But, the service was not geared to a new kind of situation in which it

wasn't a matter of hoards of unemployed and just reaching into your file and picking them out, but identifying persons who needed some additional assistance to make them employable, and then developing a mechanism to make them employable, and thereafter finding jobs for them. In other words, what I think had been the case, primarily, of the Employment Service [United States Employment Service], because of the way it was born and because of the assignment it was given, was that it took the people as it found them and put them in the jobs which it found. But, for the new technology, the new economy, that was not enough because as you found them they didn't fit the jobs. Therefore, you had to change the people to fit the jobs, or change the jobs to fit the people. We did some of the latter, for example, by encouraging employers to break down highly skilled jobs into less skilled components which we could fill. We did this in the war and we carried over that technique I think, for the first time post-war in the sixties when we developed these new approaches to meeting the new needs.

MOSS: Let me ask you.... This leads us into a slight tangent. Where in all this do you see the threads that lead to what later became the War on Poverty and the Office of Economic Opportunity, and so on? Is this part of the antecedents of that development?

CASS: Oh, I think, definitely, that the public attention that was focused upon this need; the research which showed that these people were really left out of the mainstream and you could not put them in because the day was gone in which you needed that many persons with limited skill; these developments and these pieces of information and this kind of attention to the matter, I think, did have a definite impact upon the later Economic Opportunity Act.

MOSS: All right. Let me ask you the question in another way. How much of the broad scheme of the later development was envisioned in this earlier period?

CASS: I think a great deal was. We had developed at an early stage in the Kennedy administration, just the very first few weeks Secretary Goldberg had had us look at how you met the overall

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economic needs of the nation. I chaired a committee—the full works of which are in the Archives [National Archives]—in which we divided up the entire area. We looked at every aspect of it and developed a working paper on every aspect of it. These were submitted by the Secretary to the President and his aides. I don't take credit for later developments as a result of that. I am sure that there were inputs from many areas of the same nature. But, I do know that Secretary Goldberg himself had identified the need. Secretary Goldberg himself had assigned to me responsibility for pulling together a group of persons and a group of papers. We did have a very large book of planning papers in the economic area which was submitted to the President who also had similar inputs from other areas to my knowledge. These were all coordinated at the White House, in terms of economic advisers level, and out

of them came the whole attention to this segment of society which was really being left behind.

I think the most I can really say is that we played a proportionate role in this development and that the foresight of Secretary Goldberg in making the assignment was a major facet of this. As a matter of fact, I don't recall that I mentioned in an earlier interview, but prior to taking office and after being appointed, Secretary Goldberg did come over to the department and sit down with a number of us involved in manpower or general areas. I know he met with the key persons in the department who were concerned with these things. And even at that stage, which was six weeks before he took office I would think, he identified for us this concern about the operation of the Employment Service, the need to meet new and emerging manpower needs and requirements, and the concern that he had with respect to the economic and technological developments that really were changing our problems and therefore, we'd have to change our programs.

MOSS: Okay, fine. There's one more development in organization that I know, and that is that Mr. Moynihan [Daniel Patrick Moynihan], comes on first as a special assistant to the Secretary and then becomes the assistant secretary for policy planning and research. Under him is put the Bureau of Labor Statistics. How did this develop, why, and what was the motivation for this, and how did it work out?

CASS: Well, Secretary Goldberg is the one who brought Mr. Moynihan in as special assistant and it was Secretary Wirtz [Willard Wirtz] who made him assistant secretary. I think that tells a story in that Secretary Goldberg brought him in to do the job which he needed and Secretary Wirtz promoted him to do the job which he needed. As far as how it worked....

MOSS: What was that job? Could you give us a thumbnail sketch of it?

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CASS: Well, I think that it's fair to say that Secretary Goldberg felt the need to have a person who was imaginative and resourceful in his immediate family helping him on a day-to-day basis and identifying needs and coming up with new ideas for solutions. I think that Secretary Wirtz felt the need for some organizational arrangement of this and an expansion of this kind of assistance and also probably didn't want to have the day-to-day supervision of the Bureau of Labor Statistics left out. He wanted that under someone in whom he could have responsibility and confidence.

I think it worked out very well, actually. Moynihan was a very imaginative and resourceful person. The program planning operation was put under him along with the Bureau of Labor statistics which had great research capacity. He married the two types of activities to produce a great deal of new and imaginative research. Now the way the program planning activity had operated under Secretary Mitchell and under Secretary Goldberg was that I had used this with our staff to meet their needs. I had chaired a program planning and review committee from 1955 to 1962, in which we developed all kinds of new responses to old problems and identified new problems and tried to come up with new responses to them.

Many programs like the Area Redevelopment Act, for example were developed specifically—that's just one example—by my group and recommended to Secretary Mitchell, who recommended it to the White House and the Congress where it was passed, but it was vetoed because it didn't meet the approval of President Eisenhower. But, early in the administration of President Kennedy, it was re-passed and signed and became law. Now this was the way we approached this in those two administrations.

MOSS: Let me interrupt you for a moment and ask you a question there. Some of the popular literature on ARA [Area Redevelopment Act] legislation development indicates a close cooperation between Paul Douglas and certain members of the Labor Department that were directed towards getting around what the administration thought it wanted or could barely get away with.

CASS: In which administration was that?

MOSS: The Eisenhower administration. In other words, Douglas and certain members of the department wanted to go much further than the Eisenhower administration was prepared to go. And that there was collusion between Douglas and the Labor Department on this. Is that right?

CASS: Well, I wouldn't call it collusion. There was cooperation and an effort to get as much through as could be achieved and still not run the danger, which occurred, of a veto.

MOSS: All right, then why did that occur? Was the source of overdoing it the Congress, or how much Labor Department participation was there in this?

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CASS: Well, I wouldn't say it was overdone because Secretary Mitchell had urged the signing of this legislation. For my part, I believe it was sound legislation at the time and that Secretary Mitchell was correct. Now the President decided he wasn't for it for various considerations. It was one of the few times Secretary Mitchell lost a battle at the highest level.

MOSS: Do you think that one of the considerations was Mr. Humphrey [George Magoffin Humphrey], the Treasury Secretary? I've heard that he was involved in this.

CASS: I don't know for sure. I'd suspect, however, that he was because I just did not see the Department of Commerce prevailing over the Department of Labor, with Mr. Mitchell at the head of it, by itself. It had to have help from some sources because Mr. Mitchell was, as you know, a very persuasive and a very able person and he generally carried the day when he felt the battle was worth fighting. And this one he did think was worth fighting and he did take it directly to the President, and he did lose. So,

there had to be some extra ingredient on the other side that was assisting. I would suspect from what I knew of the period—and this is no inside information whatsoever—that it was Secretary Humphrey.

MOSS: Okay, well let's get back to the Kennedy administration and the policy planning assistant secretary. We talked about the Bureau of Labor Statistics coming under him and I asked you earlier, off tape, if you would comment on the question of how labor statistics were used; how the labor pool or the labor market was viewed from a statistical point of view as a labor supply group or from the point of view of the employer as labor demand. Each one of these has a different effect on the kind of policy that comes out. You said you might have a word or two on that.

CASS: Well, I feel that the general approach which most secretaries had taken through the years was that statistics were statistics and that was it. Secretary Wirtz was concerned about the labor market concept and actually forbade the use of the term because he thought it carried a connotation that people were here en masse and you just slide them into things on a mechanical basis without taking note of their individual needs. I really don't think that the department had been that insensitive to the human equation. I don't think there was a different use of the statistics. I think all that Secretary Wirtz accomplished—and I don't say that at all in a derogatory sense because I think it was a very salutary result—was to focus attention on the fact that people are not statistics. They're not numbers; they're human beings. We must always look behind the statistics in terms of the individuals involved.

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One of his famous sayings—and he was rightly known for being able to turn a phrase—was, “Don't give me any averages; I'm not really interested because if I put one arm in the oven and one arm in the refrigerator, on the average, I'm comfortable, but I'm going to burn one hand and freeze the other.” I think this illustrates completely his approach to the statistical problem. And by saying things like this and forbidding the use of the term “labor market,” Secretary Wirtz dramatized the need for all of us to keep in mind the human equation in dealing with these problems. I think that was a plus and a very salutary development. On the other hand, it doesn't imply that his predecessors, that men like Secretary Goldberg and Secretary Mitchell, weren't equally concerned with human beings. He would be the first to say so.

MOSS: Let me take you back to the 1960 fall election period and the question of the release of the unemployment statistics for October. As I recall the situation from my reading of it, the statistics were withheld because there was some fear that they might have an effect upon the election. The statistics were leaked by someone in the department to George Meany, who promptly published them to get what mileage he could out of them. I wonder if you would address yourself to that specific incident and to the whole question of leaking information for specific purposes in contrast to the overall departmental policies and purposes.

CASS: Well, these statistics of employment and unemployment have been remarkably well-kept. Over a period of almost twenty-five years in the department, I have seen maybe four or five times that they were leaked. The particular statistics to which you have reference were due for release, as I recall it, the day before the election. I believe, as I recall the circumstances, that a decision was made to hold them and thereafter, as you indicated, they were leaked, undoubtedly, in my judgment, by somebody in the Department of Labor to someone in the labor movement who made them available to Mr. Meany who released them.

Much has been made of this. Frankly, I think they had virtually no effect. I don't recall that they were as dramatic as people thought they were. I have since seen a few occasions, very few, on which statistics did leak. Sometimes the leak would seem to hurt the parties who had them as opposed to the persons who supposedly were holding them.

MOSS: What circumstances would bring about that kind of a situation? Can you illustrate them?

CASS: Well, the general picture that I have seen is that somebody decides to tell somebody what it's going to be and that person cannot resist making them available, presumably on a theory that they help him or help someone in whom he's interested.

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This normally is not the case. There have only been four or five instances in all the time I've been there. I suspect that, in most cases, they were leaked only because somebody wished to build up some goodwill with the person to whom he gave them. This was probably the case in 1960 also. I think they had more impact from that standpoint than they did from the standpoint of what they told the public a day or two in advance, or anything like that. I never ascribed any nefarious purposes to Secretary Mitchell with respect to this. As a matter of fact, I'm not even sure he made the decision to hold them. They were to be held, I think, just one day.

When you consider the number of people who actually saw them a day or two or three before they were released and the few times there was any leak, I think it's a remarkable record of integrity. But, this was a public matter and there was a great deal of attention paid to it, so I just respond to your question in this low key because I can't get very excited about it one way or the other. A recent effort, as you know, has been made—well, an effort has been made over many years recently culminating in the fastest release of the statistics we've ever had. We started back in, I guess, the fifties trying to move up the statistics, and in the sixties combining some of them and now in the seventies moving even further. So each decade we've tried to limit the time between when the statistics are available and the statistics are released. But, I just don't attach as much importance to this as there was at the time. It's always a juicy tidbit to be able to say, "Well, somebody withheld something." But, before I got too excited about it, I wanted to be sure that what he withheld was that dramatic or that advantageous to him or anything. My own guess is that more votes are

changed by the allegation or the proof that you withheld than by the nature of the information that is delayed or is withheld completely.

MOSS: How does such a leak affect the current bureau?

CASS: Oh, I think it's very bad and very embarrassing. I think the bureau has been hurt badly every time there was any leak whatsoever because the integrity of the proceedings, it seems to me, depends upon knowing that we did not have this kind of leak. My recollection is that we have been very unfavorably compared, contrasted with, the commodity activities over in the Department of Agriculture where, to the best of my knowledge, there has never been a leak. A great deal more turns on those statistics than on these because I don't think a particular month is that important. You have to keep in mind the fact that our people indicate that a swing of two hundred thousand persons, more or less, in the unemployment figure is not statistically significant because the margin of error can be as great as that. They'd want to see two months before they'd draw conclusions from them. Therefore, we are perhaps over emphasizing any particular month's importance in telling us the state of health of the economy. In any event,

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since it's on a sample basis, I think you have to keep in mind that it only shows direction and not absolutes.

MOSS: Do you recall at any point Secretary Wirtz being disturbed that the statistics were being supplied both to him and to the Council of Economic Advisers? In a way he's sort of circumventing his role as the President's advisor on such matters.

CASS: I wasn't directly involved, but indirectly I had heard that had come up. I think it had another aspect which I think was as important to Secretary Wirtz as the one you mentioned. That is that in some cases the statistics actually reached the chairman of the Council of Economic Advisers—a very small agency—before they were physically in the hands of and communicated to the Secretary of Labor. So the Secretary of Labor might be at a meeting in which the chairman of the council had the statistics and the Secretary did not. I think it was more important that he have them as soon as anyone else—that was probably more important to him than the question of whether the council had them at the same time he had them.

MOSS: It would even be more embarrassing if the President called him up and the President had them and he didn't.

CASS: This is a distinct possibility. And, you know, suppose the Secretary happened to be on the Hill testifying or meeting with someone. It could be very embarrassing if the statistics physically reached someone else before they reached him. I think this aspect of it was probably much more important than the question of

conduit to the President and whether the council's role was more important. I'm sure he was too big a man to be concerned about that kind of nuance and I think it was really the question of when they reached the council rather than whether they reached the council.

MOSS: Do you recall what corrective action was taken on this?

CASS: I was not a party to it, but I think he did, as an administrative matter, ensure that he received them personally at or prior to their being given to the council. I didn't see any directives there. I'm not a party to them. There may be some written directives with respect to this in the files. All the files have been made available to the archives.

MOSS: All right, let me move on and ask you to comment on the Holleman [Jerry R. Holleman] episode and to put on the record the portion of it that you say is not on the record.

CASS: Well, I think everyone knows what happened in the Billie Sol Estes matter and the thing with Jerry Holleman. I think they also know the action that was taken by Secretary Goldberg

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with respect to this in order to avoid any embarrassment to the President and the administration which were completely blameless and knew nothing about this. The public record also shows that Mr. Holleman cooperated completely in localizing the impact of this to himself because he was the only person involved. Secretary Goldberg and Assistant Secretary Holleman moved very promptly in order to avoid any implication that the President, the administration, or the Secretary of Labor were in any respect involved in this. I think, however, that at some stage in the history books, it ought to be clear that Mr. Holleman was checked very carefully before he left. It was very clear that he never did anything whatsoever to assist Mr. Billie Sol Estes or give him any favoritism, in any respect, as a result of their relationship.

I was selected by both sides, by Under Secretary Wirtz and Mr. Holleman, as the impartial third party who would be trusted by both of them to review all of Mr. Holleman's files before he left, to look at every sheet of paper that he personally took out of the department, to ensure, first of all, that nothing was done that was wrong and was influenced by his relationship with Mr. Estes; and secondly, that he did not take with him or destroy anything that should be retained as the public property of the United States. This was a very difficult assignment, as you can imagine, and I personally went through every file drawer and every folder in Mr. Holleman's files deciding which ones would be retained in the department and which personal papers he'd be free to take with him. He even made available to me the contents of his desk for similar review. There was no disagreement between him and me concerning what he should take, what he should not take, or what the files showed. I was told to make a written report and not report to anyone else on the contents of these matters. I did have a long-hand report. I did not even use a secretary for this. I turned this

over, on instructions of Mr. Wirtz, to Mr. Moynihan. I do not know what happened with respect to the entire matter.

I do know that there was one piece of paper in the file which I considered particularly significant and which I think, in fairness to all parties involved, should be made a part of the future history at some stage at which persons look at this. Mr. Holleman was in charge of the bracero program under which Mexican workers were made available to American employers to harvest crops. Mr. Billie Sol Estes was an employer who did request and had in the past used Mexican workers. I remember seeing a memorandum from one of the officials of the department to Mr. Holleman, prior to the news breaking about his relationship with Mr. Estes, reflecting a request by Mr. Estes for Mexican workers. I recall—I have no notes, whatsoever, so all of this purely recollection—that Mr. Holleman had a handwritten note in the file which I reviewed which said (and I may have it fairly accurate, if not, I'll paraphrase very closely to the exact words), "Billie Sol Estes is my friend. That does not entitle him to braceros, tell him, 'No!'" And I think since there are political impressions

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about a case such as this, that in fairness to Mr. Holleman, to Secretary Goldberg, and to President Kennedy, at some stage the public record—and the files ought to be available in the archives—should at least reflect the fact that although Mr. Holleman did resign because of his relationship with Mr. Estes and the publicity that he received, this at least indicated to me that there was no wrongdoing and no scandal for which the administration or any of the individuals in it needed at that time or later to apologize.

MOSS: Fine. Thank you. Let me turn this off for a moment so I can flip the tape.
[BEGIN TAPE 1, SIDE 2] You said, after we turned the tape off a moment ago, that you wanted to add one more word about the manner in which the Holleman episode was conducted by the people in the department.

CASS: Yes, I think it's only fair to say that it is an unfortunate episode. I think under all the circumstances, it was handled very well and very properly by the President, the Secretary of Labor, and Mr. Holleman himself.

MOSS: Let me move on then to the question of the foreign flag ships and the National Labor Relations Board jurisdiction. You say, first of all, the files you had on this had been turned over to the archives so somebody in the future should go to that source as well as listening to what you have to say here. Now, how did this develop? How did this come to your attention and how was the interdepartmental committee set up on this? What was its purpose and how did it work?

CASS: Well, it came to my attention only because the Secretary of Labor was asked by the President to look into this entire area and to develop a policy with respect to it because of the implications which foreign flag shipping had for various aspects of the government's operations. The Defense Department was involved, the

Department of the Interior was involved, the Department of Agriculture was involved, the Department of Labor, the National Labor Relations Board, et cetera.

Secretary Goldberg set up an interdepartmental committee which was designed to look at this entire area. He chaired it. The committee itself met very few times but a task force or staff group under my direction met many times and prepared a very lengthy analysis with respect to it. Meanwhile, the entire matter was moving through the courts in a case involving the National Labor Relations Act.

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MOSS: These were the "Sociodad" and "Benz" cases, were they? Were those the names of the ships, I don't recall?

CASS: I don't...

MOSS: This can be checked out. I know it's in the annual report of the NLRB [National Labor Relations Board].

CASS: That's correct. It's also referred to in later memoranda which I wrote to Secretary Wirtz after the Supreme Court decision and after the change in secretaries of labor.

The whole analysis that we did was I thought a very meaningful and helpful analysis. This lengthy report by the task force and proposal for it by the committee, which was never issued, I think provides an excellent reference point or background for any scholar of the subject. However, the entire project melted away as a result of the court decision with respect to it.

MOSS: Right. It's a fascinating, complicated situation particularly when you get these flags of convenience. Just out of curiosity, I set up a hypothetical situation: if you were given a ship under Liberian registry, owned by a Liberian corporation, bare boat chartered to another Liberian corporation, time chartered to an American corporation which is owner of both of the Liberian corporations, then could a Greek sailor on such a ship seek redress of grievances under the U.S. Labor Relations Act?

CASS: You pose a kind of horrible monstrosity you can get into with respect to this.

MOSS: Okay. Let me move on now that we've identified where a scholar can go for that information.

CASS: The complete files are there and I was both the chairman of the task force and the secretary of the overall committee. As I recall I even have this indexed in blackbinders. It's easily available and it's all there.

MOSS: And it's in good shape for somebody to go to.

CASS: I hope so. There are no restrictions about its use. In fact all of these materials have been made available to the archives without restrictions.

MOSS: Right. Fine. All right let me ask you as a last question to talk a little bit retrospectively from your long experience with the Labor Department on the role of the federal government in labor-management relations. How do you view the ongoing dispute over the nature and extent of federal involvement, particularly national emergency strikes. How did the philosophy of the various secretaries differ with respect to this question?

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CASS: Well, like with a number of other things on which I've commented, I have to be at least modest enough to explain that everything I am saying is my analysis of what I've seen. It doesn't necessarily mean this is a direct reflection of the philosophy or actions of a particular secretary. I assume that the scholars in the absence of the actual reports of the secretaries of what they thought at the time, will turn to secondary sources such as mine and from a large number of such sources gather a composite picture which they will then say is the true picture of what was in the Secretary's mind.

MOSS: I'm very happy to hear you say this. This is something that we try to get across to our readers. It's one of the things that we write down in an introduction to the use of oral history that we supply to each reader, asking him to be sure and take these things in context of other documentation.

CASS: This is correct. Of course, you have to understand also that I had very close working relationships with these men. They were kind to me. I respected them. In many case, I even revered them. They were my friends; therefore, much of what I say is colored by a friendly attitude toward them and I've tended, I hope successfully, to forget anything that was unkind in what anyone did to me and to recall only what was good. I tried to be as objective as possible with respect to what they thought and what they did. But, as an involved person, I cannot be nearly as objective as the historian who will take what I say, I trust, in the context of the fact that these were my bosses; these were distinguished public servants; these were persons whom I liked as individuals and often treasured as friends. I've tried to evaluate what they did impassively and objectively but it's subject to this infirmity that I liked them.

MOSS: Understood.

CASS: Now, within that context, I think I can say that my analysis of the varying philosophies of the secretaries would lead in this general direction and end up with a conclusion of more uniformity than they would admit to. The way I reached that is this: some secretaries abhorred intervention. Others felt it was necessary and almost welcomed it. But, all of them did intervene. The same was true of the presidents of the

United States. Some paid lip service to non-intervention. Some paid lip service to intervention. But, all of them ended up by intervening when they felt the public interest required it. The situation reminds me of what Will Davis [William H. Davis] once said when he was asked about how the President should meet national emergencies and he said, in essence, “Head on and doing whatever is required.” And he was asked, this was a congressional hearing, whether the President had authority to do certain things. And he said, “If it’s really a national emergency,

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I’m not concerned.” And they expressed great shock. And he said, “Well, what happens is if the nation is faced with a national emergency—and I’m taking your terms literally—any president worth his salt acts to save the nation. And two or three years later, a Supreme Court worth its salt acts to save the Constitution.”

Now I think that’s a fair statement of what’s happened. Sometimes reluctantly, but sometimes eagerly, the Secretaries of Labor have intervened when they felt the public interest required it; and on their advice, the presidents of the United States have intervened when they felt the public interest required it. Thus Secretary Tobin [Maurice J. Tobin], for example, I felt had no hesitation at all in requiring use of machinery which he had opposed in the Taft-Hartley Act. And, President Truman [Harry S. Truman], I felt, had no hesitation, similarly, in using the provisions of the statute which he had vetoed and condemned. Now, Secretary Mitchell and President Eisenhower were very reluctant to use the machinery but they found it essential to do so, and they did so several times, as I recall. Secretary Goldberg has been criticized by some for an apparent willingness to get into many different types of labor disputes that were not national emergencies, such as the Metropolitan Opera. I defend this on the ground that he felt that the public interest required peaceful settlement of labor disputes. And any time he could assist in the process of bringing the parties voluntarily together so that they could reach an agreement, this was saving not just the situation there, but the bargaining machinery upon which the economy of the nation is dependent. So, taking in his larger perspective which he lent a hand were the fabric upon which he built the whole machinery of collective bargaining. If you save small parts of it, you may ultimately save the whole.

MOSS: All right, the argument that is put counter to this by Northrup [Herbert Roof Northrup] and others is that if you rely too much upon the federal government as your *deus ex machina* to resolve labor disputes, that the willingness and the eagerness of parties to a dispute to escalate to the federal level will be increased; they will cease to have the motivation to settle among themselves and, therefore, the bargaining process itself is damaged by the overuse of federal involvement. How do you react to this?

CASS: I think it’s a good theory but it’s contrary to the facts. I do not think that parties will engage in a strike or lockout, will reach an impasse just because they like to escalate the thing to a higher level.

MOSS: I wasn’t talking about the initiating the problem but once the problem exists,

the willingness to go all the way is increased if you know that there is that solution up there somewhere.

CASS: Well, let's test where that leads you, if you go to that logical extreme. You deny that then. And the machinery isn't available up there and then what is the result? The result is, potentially or actually damaging impasses which can hurt the nation

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as a whole then are not resolved because you are reluctant to use the federal machinery. I think it is beyond rationality to expect the President of the United States to sit there and say, "Oh no, I shall not intervene because if I intervene, next time they'll all come here and let the nation suffer, the economy suffer, the parties suffer." We use it judiciously. I don't think everything should come to the national level. On the other hand, the kind of thing I had in mind was—take the Metropolitan Opera situation. The cultural activities of the nation are having a hard enough time surviving. If you can save one of the major ones, that is a public service. And it didn't mean that all of them would come to Secretary Goldberg.

I remember a situation in which he was on his way to make a speech in the city, I believe it was in Cleveland. On the way from the airport someone mentioned to him, "While you're here, instead of just making a speech, why don't you get involved in this building trade strike we have out here. We've had a lot of construction tied up and higher unemployment as a result of it. If you want to do a public service, more important than any speech you could make, do this." He called the parties to his hotel room and he got it well on the way to a settlement before he left and it was settled just a few days later, as I recall it. Now, you can say he shouldn't have involved himself in that local dispute. I think it was a public service and I don't see how it hurt the bargaining process. All I'm saying is that any time a public official can assist private parties, and he has the time and is doing it on a voluntary basis, he's not requiring the heavy hand of the federal government to be imposed upon them, I see no damage.

When, however, the government orders people, then I think that's a different kettle of fish. On the other hand, you had to do that. The Congress had to do it reluctantly; the president had to recommend it reluctantly in connection with the railroads. As a matter of fact, those who criticize federal intervention ought to be mindful of the fact that the federal government, for example, played a very important quasi-public, behind-the-scenes role in the steel strike of 1959 and '60 as I recall. And Secretary Mitchell and Vice President Nixon [Richard M. Nixon] were the two key parties. So, it would be a little difficult to say that they didn't believe in lending the weight of their offices to help the parties reach a voluntary agreement. Of course, the general counsel for the steelworkers at that time, working closely with both of them, was Mr. Goldberg who later became the Secretary of Labor. Perhaps his experience, that the government was able to assist in that situation, led him to believe that the government might be able to assist in other situations. I think that later Secretary Wirtz restricted a little the degree of the involvement from what Secretary Goldberg had had, but not an extent that you could say he differed on policy. I think it was a matter of degree and not policy at all.

MOSS: Correct me if I'm wrong, but I get the impression that Goldberg as a personality had a real zest for this kind of thing that perhaps was not as strong in Wirtz.

CASS: I think this is true—not as strong in other secretaries. Secretary Mitchell, who intervened on a number of occasions to assist, didn't do it with the zest with which Secretary Goldberg did it. I'm really just trying to give the degree of involvement of the various secretaries. As you know Secretary Shultz [George P. Shultz] in the Nixon administration—when Mr. Nixon became president—deprecated involvement and tried to avoid this as much as possible, and he was largely successful but not totally. When he found that he required the use of the executive branch's prestige, he didn't hesitate to employ it.

Now, all of these men—I say this with great admiration and affection for all of them—were consistent to their own philosophies, mainly, that either you want to intervene or you don't want to intervene, but nevertheless all act in the public interest and intervene when it was required, sometimes reluctantly, sometimes enthusiastically, but always, honorably and in an effort to promote the public interest. This is all you could really ask of a person in this kind of position. I think this was true of the philosophy of the various secretaries in terms of how they ran the department too. Some of them involved themselves in the day-to-day operation on a very strong basis. Some of them relied upon the administrative machinery and subordinates. Some of them achieved great results one way and some the other. But, I'll settle for the philosophy expressed by Alexander Pope in his "Essay on Man" in which he said "For forms of government let fools contest. Whate'er is best administer'd is best."

And after all, any particular administration is going to try and do the best it can to make a superb record. I've seen this in a wide range of activities. For example, some secretaries of labor were quite open about their desire to have a major role in the appointment of persons to other agencies of government, independent agencies in their sphere of influence. Others either tried to deprecate their own roles, or in fact, limited their roles. But when the chips were down and it was a question of someone with whom they could work or with whom they couldn't work, or someone whose philosophy was compatible with their own or antithetical to their own, all of the secretaries ended up, to my knowledge, opting in favor of at least exercising sufficient influence to ensure there was not reaching the President of the United States advice in the labor area which would be disparate, contentious, and require a conciliation process at the White House level because of a disagreement in the agencies involved. At least that is true starting with Secretary Mitchell. I would have to say that his predecessors, to my knowledge, at least Secretaries Schwollenbach [Lewis B. Schwollenbach] and Tobin and Durkin [Martin P. Durkin] did find that advice was reaching the President in the labor areas different from their own. This I think, just as a career civil servant who saw it

from the bottom up, hurt the operations of the government of the United States in its dealing with the Congress, in its dealing with the people, the public at large, and its dealings with labor and management in the area with which the department is charged to deal with them—the responsibilities placed upon them. Therefore, I welcomed the kind of leadership which starting with Secretary Mitchell, we've had ever since. We had it with Secretary Goldberg, and Secretary Wirtz, and Secretary Shultz, and Secretary Hodgson [James Day Hodgson]; that is while there isn't a monolithic type of advice reaching the President and there isn't a single voice, at least the philosophy of government is consistent. So, if the President isn't presiding over a kind of executive branch operation in which he has a catastrophic type of conflict in which people are fighting each other and...

MOSS: The kind of thing that Roosevelt [Franklin D. Roosevelt] used to revel in.

CASS: Well, this is right, and it happened during the Truman administration when I recall that three heads of three different agencies went to the Congress and testified three different ways on labor relations legislation. The Secretary of Labor, the head of the Federal Mediation and Conciliation Service, and the chairman of the National Labor Relations Board in 1949 testified differently in legislative hearings. I was there and heard them. I consider that unfortunate because I think the Congress is entitled to the advice of the executive: the President or a spokesman for him. Now on details people can vary, but on basic philosophy there should not be three voices of the executive branch since we elected only one president and he appoints all the voices and their sub-voices. Therefore, I welcomed this kind of change which started with Secretary Mitchell. The degree of their involvement in the selection process varied, and I wasn't even privy to it sometimes although I was other times. But, I think it's fair to say that at least the process ended up with a result that had at least a working relationship and a compatibility among the executives who represented the president in carrying out national policy. This I consider good government.

MOSS: I've exhausted the outline that I have. Can you think of anything that occurs to you that, at this point, might go on the record? Anything further?

CASS: No, I think this is about it at the moment but if your review of the files and your further thought in any areas in which you wish additional information, I'll be glad to come back and record it.

MOSS: Fine. Thank you very much indeed, Mr. Cass.

CASS: You're quite welcome.

[END OF INTERVIEW #2]

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