INTERVIEW III

DATE: October 12, 1984

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G: --various items and get you to talk about them. First of all, what was Abe Fortas' role in the President's Committee [on Equal Employment Opportunity]?

F: Abe Fortas was Lyndon Johnson's lawyer. He was one of his most important governmental advisers in the sense that he did not deal with Texas politics but he dealt with Lyndon's national role. When it became likely that Lyndon was, as vice president, going to inherit this particular function of the President's Committee on Equal Employment Opportunity, Abe Fortas' law firm became very active in negotiations with Harris Wofford about the drafting of the executive order. They wanted to be sure to try to structure the executive order in ways that would be most favorable to the Vice President. Now, they missed. They miscalculated, by accident.

G: How so?

F: The structure of the President's Committee was the vice president was chairman, the secretary of labor was vice chairman, and there was going to be an executive vice chairman who would be the full-time executive officer. The reason they missed is that it had been Lyndon's expectation that he would name the executive vice chairman.

[It] didn't work out that way. The executive vice chairman was named by the White House, and it became Assistant Secretary of Labor Jerry Holleman. And Jerry Holleman came from an anti-Johnson faction in Texas. You understand that? He's a [Ralph] Yarborough Democrat. And that was a deliberate move by the White House to checkmate Johnson. That created the possibility and the necessity, since Jerry Holleman had a lot of other responsibilities as assistant secretary of labor--for Mexican labor and for wage-and-hour standards and for the whole surveillance of the manpower world--the position of executive director was created. That's how I got into the ball game, and I was a Kennedy appointee shoved down Lyndon Johnson's throat. So they tried to structure the executive order in a way that would provide the chairman with the maximum opportunity to control and operate and run the committee. And it wasn't until Jerry Holleman got fired and they got a chance to maneuver Hobart Taylor into that position that they actually got control of the committee. It wasn't until I left that Lyndon Johnson got real control of the committee.

But by the way, programmatically that's not as significant as it may look. Because Lyndon enjoyed the opportunity to familiarize himself with the issues, to reposition himself structurally politically, and he never wavered on policy as far as the committee was concerned. He took a strong position all the way through.

G: Did Abe Fortas play a continuing role in there?

F: No, [He] did not. It was a short-term, early role, trying to help Lyndon get himself positioned properly, but he did not play a continuing role.

G: How about John Macy?

F: John Macy played a very important role, particularly because the committee had two responsibilities: a responsibility for the federal governmental employment component as against the contract component. Macy mothered the internal component; he was chairman of the Civil Service Commission. He was experienced; he was a vigorous administrator, he understood the issues, he was positive, he was a Kennedy appointee but had a nice tilt toward Johnson. He liked Johnson; they got along very well together. I think Johnson admired him; I think Johnson saw him as a very good professional who was very straightforward. And he played a very good role, as a matter of fact a kind of a mediating role between the Kennedy-Johnson argument. He was a very moderating person.

G: Let's talk a little bit about the government component rather than the contract component. Was it your impression that there was a good deal of discrimination within the government in terms of hiring in 1961?

F: You've got to be kidding! It was rampant! I mean, the numbers told you the story. We took the first survey, by number, by agency, by work unit, by geographical location, and I can draw you a map up there and show you that chart and how it floated out. I'll give you all the GS-7s and below, and below that Mason-Dixon line that's where they were. Okay? Ask yourself a simple question: was that discrimination or was that just happenstance? Structurally throughout the whole government.

There were two factors affecting race issues inside the federal government. One was clearly racist; the other was inertia. It was big. Procedures for evaluation and promotion and judgment and decision making were cumbersome, slow moving. Many of

them were clique-oriented as against racist-oriented. Moving up in the federal structure depended as much on the clique you were in as what color you were. But blacks never had a chance to get into the good cliques; there was no such thing as a good black clique. If there were a good black clique, you'd have seen a lot of high-level blacks around this government. I mean, look at the GS structure; the numbers are devastating.

Now, one of the things that we did on the internal side that was most important and very relevant--and by the way, it goes back to an issue you and I talked about last time. You were approaching it from a very different level; you were approaching the argument about Bobby Kennedy picking on Jim Webb at NASA. But the interesting thing about the NASA thing is that it reflected itself most vividly in the internal employment structure of NASA as against their dealings with contractors. NASA was exceptionally complicated because Jim Webb was a dedicated believer in contracting out. More people worked for NASA on the outside than worked for NASA on the inside. But you asked yourself the question: how many blacks worked for NASA on the inside? Minuscule. Now, that's not because Jim Webb was a racist. I have no thought of that in my mind at all. I've known Jim Webb as long as I've known anybody in public life. It was because he paid no attention to it; zero attention to the operation of the agency. When it finally reached a level of priority and he began to pay attention to it, then you saw change.

But then you had to overcome inertia; then you had to overcome the fact [that] there were a lot of people in place and the turnover rates are relatively slow in government. Turnover is relatively slow. When people get government jobs, you know

what they do? They keep them! I mean, they don't jump jobs; they stay until they retire, which means your opportunities for advancement, for movement in a mobile way, in a big complicated thing with two million employees, are relatively slow. And only rarely do you get opportunities to accelerate the movement of any particular element within your work force; only rarely when you reach these periods when the government offers these marvelous things like early retirement. Whenever you get a chance like that, when the government comes up and says, wow, we want to dump a lot of people, offer them early retirement, two things are at work: the government is either trying to reduce its payroll or you're going to have a lot of jobs to fill.

The Reagan people did that. They walked in here and offered early retirement. Objective: reduce the number of people on the rolls. It hasn't quite worked out that way. They got more people working for the federal government today than when he started, and not just because of Defense, by the way. There are more non-Defense federal employees working for the government today than when Reagan started. He made a pledge he was going to reduce it by 139,000 people in four years. Well, he ain't even going to come close to that. He's going to have a hundred and thirty-nine thousand *more* at the end of four years than when he started. He was going to abolish the Energy Department, abolish the Education Department, neither of which have been abolished. They're both still there; they're both perking along, they're both hiring people left and right.

The point I'm making about in-house is that the pattern, the history--keep something in mind: as recently as Woodrow Wilson, blacks were being fired because

they were blacks. When Woodrow Wilson was stricken with a stroke, his wife systematically went through the government and said, "I want those blacks in this unit fired. I want them wiped out." It's a well-documented piece of history. Moving into the thirties, into the forties, very little happened. All federal facilities were segregated as late as Harry Truman. Separate toilets, separate cafeterias. No racism? I mean, come on, open the blinkers, right? And Harry Truman abolished segregation in the civil service and in the armed forces.

Moving up through those succeeding years from 1948, 1958, into the early sixties, not much had happened. There had not been very much opportunity between 1948 and 1960 to achieve very much impact on employment patterns inside the federal government, in spite of the fact that Eisenhower had taken a bold step: he'd created an executive order, created a president's committee on government employment policy, a position, by the way, for which I was hired at one point.

I don't know whether you know that history. I was hired by that committee. Did you know that? I didn't get the job. Senator [John] Bricker blackballed me. At that time I was working in Toledo, Ohio, and in Toledo, Ohio, you register as either a Democrat or a Republican and I was a registered Democrat, and he blackballed me because I was a registered Democrat. Not because I was professionally incompetent, but because he didn't want any Democrat in that job.

The point about that was the government was trying to do something about it as early as the Eisenhower years; they recognized they had a very severe problem. And John Macy knew they had a very severe problem, and John Macy knew that it went

directly to the issue of how much energy and attention were the top executives providing to give leadership and determination and review of personnel actions that would give some accountability to whether or not things were being done on a racist basis or being done on an equal opportunity basis. The most important function of the sub-cabinet committee on civil rights--I've told you about the sub-cabinet committee under the Kennedy era--was to look at the in-house problem more than it was all external problems. The issues that we pored over most were how much progress are we making in bringing blacks, Hispanics, Asians, and women into the government, and the progress was very slow.

G: Was it primarily a regional problem?

F: No. No.

G: Did it take different characteristics in the Deep South than it did, say, in the North?

F: No. The only difference was one in degree, not in kind. There was just as much discrimination in New York City as there was in Birmingham, Alabama, except Birmingham was more blatant and more widespread. It didn't matter. When you look at the whole spread, the numbers told you the story. If you look at work groups, divisions within departments, operating categories within the departments--as you know, the federal government is divided into white-collar and blue-collar. There are about four hundred thousand federal workers that are blue-collar workers that are paid under a different wage scale, and they operate under different union arrangements and what have you.

I'll tell you a cute story about in-house numbers. There couldn't have been a more

dedicated leadership in any department than in the Defense Department. What they did in the contract area was revolutionary, as we've described, the whole notion of imposing a new set of standards, a new review procedure, a new compliance structure, the reporting system to get data on facility by facility, the compliance review system. That came basically out of Secretary Robert McNamara. The same issue existed for McNamara on in-house Defense employment. Half of all federal employees worked for one department; they worked for the Defense Department. So McNamara said, "We've made a big impact and a good beginning in the contract area. We also now need to do something in the in-house employment area."

Interestingly enough, they hired the Potomac Institute one more time to make one more study: "What should we do in-house? You told us what we should do in terms of contracts. We've done that and it's working brilliantly. Now tell us what we should do in-house." Potomac Institute took that contract; they spent one year looking at the Defense Department. By the way, when I left the committee after about a year or so, I was hired by Potomac Institute to work on that project, to look at in-house employment. I visited thirty-nine defense establishments, army, navy, air force and marines, with a team of people: Pendleton [?] from the Urban League in Baltimore, a man named Jerry Zeigler, who's now the dean of the school of human ecology at Cornell University, and I, the three of us, and Art Levin from Potomac Institute. We visited thirty-nine defense installations. We did opinion surveys; we did reviews of all the personnel actions taken in the installation over a previous year's time, for promotions, demotions, firings, new hires. We came back with a set of recommendations for Mr. McNamara. What you need

to do is to create within the internal structure something reasonably comparable on reviewing and compliance-reviewing processes to what we had done in the contract area.

We were opposed in those recommendations vehemently by a very shrewd director of personnel who was personnel director for the army. He succeeded in getting his connections on Capitol Hill to undertake an investigation as to whether or not the Potomac Institute studies were authentic, and they held some hearings up there on the Hill about that particular Potomac Institute report. That's all in the public record. The subcommittee couldn't find a goddamned thing wrong with the recommendations, but what it did was inhibit the Defense Department from going ahead and implementing them, and they never did implement them.

So after Bob McNamara had been secretary of defense for two and a half years, he said, "I'd like to know what is the comparison of the data of the number of minority people working in the Defense Department from the day we took office until two and a half years later." And you know what the number was? I'll give you the exact number. There were twelve more. And he said, "How could this happen? How could this possibly happen with all of this energy, with all of this leadership, with all of this determination we've put into this, how could there only be twelve more black workers working out of a million work force?" Now, you've got to ask yourself an interesting question: how did that happen? Well, I know the answer to how it happened. It was some satisfaction to him but not adequate. What was happening was in that two-and-a-half-year period the Defense Department was reducing its blue-collar work force. It was shoving those workers out the back door because it was contracting out for

the work. They were contracting out for the work for navy maintenance, for shipyard workers, *et cetera*, all of which had been on the federal payroll prior to that time. Blacks were heavily concentrated in those blue-collar skills. They were losing as many black workers out the back door as they could possibly recruit in the front door to take white-collar positions in the Defense Department.

When I explained this to McNamara, he said, "Well, I don't feel so bad." I said, "Yes, you don't feel so bad, but look at the record. You don't look so good either, do you? I mean, you've got to do more than just stay even. That's not very much credit to your brilliant administrative talent." He said, "Well, I still don't feel so bad to know that the fact of the matter is we were losing for reasons that had nothing to do with race." I said, "No question. Those decisions were made totally extraneous of any racial consideration. They were based upon how the work should be done. But nonetheless, you were not able to hire very many black workers to offset all those you were losing. So you end up with a plus twelve." He immediately began to implement and push harder and harder and harder to recruit more people, and they have succeeded in recruiting more people. By the way, the numbers today look very good, if you've seen the numbers lately. They look very credible.

G: One of the committee meetings cites the case of Birmingham, where I think out of a federal work force of two thousand there were fifteen blacks.

F: Yes, that's typical.

G: What did you do in cities like Birmingham? Did you approach it on an agency attack, agency-by-agency, or did you approach it on a geographical or location--?

F: Both. Both. The general thrust of what we were trying to do at the presidential level was to get the agencies to assume more responsibility. On the other hand, we recognized there were these regional and geographical disparities. So John Macy created what were called federal executive councils. A federal executive council consisted of the chief executive of each of the federal agencies in a given regional office. The country is divided into ten regions, as far as the federal government is concerned, so there are ten regional executive councils. Macy gave instructions to the regional council chairmen that they were to place equal employment opportunity as a priority on their planning agenda. There are two southern regions in the federal structure: Atlanta and Fort Worth-Dallas; they embrace the nine or eleven southern states. And those executive councils were given special priority requirements to examine the progress being made on the recruitment of new employees, the number of promotions and improvements, the quality of training programs, who was involved in the training programs, for promotion, *et cetera*. They spent a lot of time and a lot of energy in those two southern regional offices at the executive council level trying, on a comprehensive regional basis, to make an impact.

What that was designed to do was to take the onus off any individual agency moving ahead of another agency. The trick of the game in race politics has always been never to get too far out in front of anybody else. One of the great inhibitions, for example, of the Labor Department was they had more blacks than anybody, or HUD had more blacks, or what have you. HEW had very few. The issue was, Jesus, don't get too many because you're going to be the sore thumb standing out. So what you want to try to

do is raise all the agency efforts and all the agency performance standards roughly at the same time. That was the concept behind the executive regional councils, is to get all the agencies to move simultaneously. That would take the onus off those that had moved earlier and take a little bit of the stigma off those that were moving slower, to try to get them all to make moves. And that's basically how the South was affected, it was affected by getting them all to do it.

G: Were there any departments or agencies that were more resistant than others?

F: Oh, sure.

G: Which was the worst, for example, or the least cooperative?

F: I have to think a little bit about that. In the sub-cabinet committee at the upper political levels there were no resisters; they were all pretty much committed. The most difficult agency, again because of its size, was the Post Office. The Post Office had 670,000 employees, I think; the Defense Department had a million. The Post Office spent an enormous amount of special energy and special effort to try to cope with their race employment patterns, and they made a lot of progress, a tremendous amount of progress. The Post Office was complication by tradition. Most people probably don't remember that the Post Office was a combination of two systems, one of which was civil service, and the other of which was political. The political system consisted of what were called temporary employees; the civil service system consisted of those that were permanent employees. So the Post Office was always complicated by the number of political employees as against the number of civil service employees, and it presented very special problems of management for that reason. It wasn't until maybe the seventies-- certainly it

was not done in the sixties under Kennedy or Johnson; it was done much later, perhaps in the seventies under Nixon--all of the temporary employees by an act of Congress were made permanent civil service employees in one stroke, like that. That enabled the Post Office to develop a universal, single personnel management system. It wasn't until that happened that the Post Office was depoliticized.

Other departments that were troublesome? I don't know, you could pick out maybe--I think TVA was a problem. But there again, TVA was heavily impacted because of its southern base and also because of its sort of arrogant, independent management philosophy. It was very strange for them to realize that they were vulnerable. They had a few blacks in fairly high management positions, but they were token blacks and they had no structure of blacks throughout the system. We pointed this out to them, and they said, "What do you mean? My God, we don't discriminate here in TVA! We're holier than driven snow." I said, "Christ, you can't be driven snow. Look at the numbers. Look at the patterns. How come there are no blacks in unit after unit after unit after unit? There are blacks all over the place in those work forces you're recruiting from. How could you be driven snow? There's no way you can be driven snow." And they had refused to contribute money to the committee. We had to force them to do that.

G: How did you force them?

F: Just by pure bulldozing. Had a big exchange of letters between me and the chairman. I said, "If you don't do it, I'm going to expose you. You're going to have a big political flap. You better send the check." It wasn't very much money, by the way.

G: Twenty thousand or something--

F: Twenty thousand. It was a small amount of money.

G: Yes. Did federal entrance exams and things of this nature impair your effort to get more blacks hired?

F: There was a lot of talk about the whole examining system, and Macy was quite sensitive to it. They did commission several studies on what was the impact of the examining system. Was it tilted? Was it slanted? Was it resulting in fewer entry-level blacks getting certified as eligible? And in fact there were some court cases, rather significant ones, on the whole business of the examining system, that I think ultimately resulted in the elimination of that early exam on the grounds that it was discriminatory, on the grounds that it was selectively resulting in a more limited number of blacks becoming eligible than would be appropriate to the black work force universe. And that was changed because of that. So it was one among many factors that was being looked at. And the eligibility problem was a very critical one, because if you don't get on the eligibility list you're not going to get a job.

G: How about the Agriculture Department?

F: The Agriculture Department to this day I guess is conflicted. Again, Orville Freeman was secretary of agriculture, very dedicated. His deputy, Tom [Thomas R.] Hughes, was very dedicated. They hired as their equal employment opportunity officer my deputy when I was director of the FEPC in Michigan, named Bill Seabron. Bill Seabron came from Minnesota, knew the Minnesota politicians, a very dedicated guy, a former executive of the Urban League office in two or three cities, highly qualified, a terrific guy, and he struggled with that goddamned department mightily.

Another problem: structural.

(Interruption)

Another factor about Agriculture: it's structural and not entirely racial. It has a racial expression. There are two kinds of people that work for the Department of Agriculture: there are the regular civil service Department of Agriculture employees, and there are the county agents. The county agents are the extension arm of the Department of Agriculture spread all over the country, and they are joint employees of the states and the federal government. The Department of Agriculture has about ninety thousand employees, which is expressed in equivalency terms. I forget the percentage of those that are in the county agent level. The county agents are not the exclusive employee-selection responsibility of the federal government. They are basically chosen through a joint committee system of state officials, state department of agriculture officials, and federal officials. And because of that you found very, very few blacks in the structure of the South in the state extension agent, county agent programs in the Department of Agriculture.

Keep something in mind: you've also got a whole set of employees in the agricultural world in areas where there are very, very few blacks. In that period, going back to the fifties and sixties, Kansas, Oklahoma, Idaho, North Dakota, South Dakota, Minnesota, Wisconsin, there were very few blacks in rural America, and you're not very likely to see very much involvement of blacks in the employment pressures to come into the Department of Agriculture.

So those two factors, which were structural in the sense of being demographic and

organizational, removed the Agriculture Department's capacity to go in for very much outreach to pull very many Negroes into their employment structure. They worked very hard at that, but that was a very long-range, tough problem, and they were not likely to get very much quick return for their effort. I'm making no excuses for that, I'm simply saying that you have to account for their relatively poor showing less on the grounds of racism and resistance than you would on the grounds of structural diffusion that was preventing them from having much chance.

G: Anything else on government employment that might shed some light on it?

F: Organizations like the Atomic Energy Commission were affected by their high-tech component. There were not that many black physicists; there was not that much pressure on the labor-supply side that would have enabled them to move very rapidly to do very much good. They would have to start way back in the educational structure to get scholarships. And by the way, we did all those things.

G: Did you?

F: We said, "You've got to start. You've got to put a program of scholarships"--by the way, Jim Webb was a great believer in that. Jim Webb probably got out more black scholarships in the high-tech field than any other single administrator because he said, "That's where you've got to start. If you don't get them in that pipeline they're never going to come up at us in a trained capability that we could possibly utilize." So he gave a tremendous amount of money out for scholarships, as did indeed the Atomic Energy Commission. The Chairman of the Atomic Energy Commission under the Kennedy-Johnson period was a man of great dedication to that issue and put a lot of

effort behind it.

G: Okay. Let me ask you about labor unions and your work with labor unions, particularly when you had unions that made discrimination a practice, excluded blacks or--

F: That became another arena, a major arena, within which the President's Committee had to develop specialized policies within which the agencies of government that dealt, insofar as they did, with employers that involved unions or with the internal federal unions, that we had to have a special set of policies and programs designed to deal with the ability of trade unions to restrict the flow of people within labor supply. The largest single roadblock problem was in the building trades, where the building trades historically had always thrived on the notion of restricting the number of qualified journeymen as a means of elevating the wages within the structure. It's a historic American Federation of Labor philosophy of controlling the labor supply. They did it by a system of apprenticeships and getting into an apprenticeship was the means of entry into the journeyman trade.

So we had a very strong set of objectives in that arena. Jerry Holleman, assistant secretary of labor, came out of the building trades unions, was himself a journeyman carpenter, was himself the president of a carpenters local, became the state president of the AFL-CIO in Texas, out of the building trades, had a very close affinity with the building trades experience, and he knew their philosophies and their points of view and also the pressures that were on them in terms of available numbers of jobs and shrinkage numbers of jobs, *et cetera*.

Out of that experience we formulated two fundamental thrusts, one of which was

we created within the trade union discussion, internal to the unions, the same pattern of commitment on policy that we had with the Plans for Progress. We called it a Union Program for Fair Practices. We went to all of the international union presidents and their boards and we said to them, "Now look, we need to have a clarification about your policies. They've got to be nondiscriminatory policies at the hiring gate, at the apprenticeship entry level, at the level of control of the number of workers per site and what have you." We gradually signed up a 120, I think, of the 129 international unions in the Union Program for Fair Practices.

We did not regard that, however, as in and of itself sufficient means of dealing with the problem of union practices as they in fact impacted job opportunities on the building construction sites. The issue had to do with the sites. The issue had to do with the apprenticeship programs. So we started a separate program which became known by the nomenclature, the Philadelphia Plan. It grew out of the fact that we were engaged in a large number of federal construction projects and were thereby able to say to these construction unions [that] we have different expectations about the way we are going to do this work than you had before the Kennedy-Johnson era. The union had succeeded in getting federal legislation to protect their wage rates under the Davis-Bacon law. The Davis-Bacon Act in a sense gave us leverage because in unusual terms it protected their wage rates. They could not make quite the same claim, that they needed to restrict the number of apprentices, on federal employment construction as they did in general employment construction, because there was never any question about the fact that the prevailing wage rate was going to be paid. There was never any threat, in other words, to

their wage rates as a consequence of enlarging the number of apprentices.

So we took the position very early with them, we want to see a dramatic enlargement of the number of apprentices across the board in all the crafts in all the areas where there are large, major federal construction activities going on. Over time this gradually expanded to about seventy metropolitan areas across the country. And we imposed what are called--and they're called imposed plans as against voluntary plans--we imposed Philadelphia Plans on about seventy major labor-market areas across the country. That resulted in a rather dramatic expansion of apprenticeships, and over a relatively short period of time it resulted in the very rapid improvement in the number of journeymen employed on the construction sites.

If you take Philadelphia, since it was the place where time began as far as our assault on trade union policies was concerned, if you look at the number of black journeymen employed in construction in general, that is to say across the board, not just federal sites but housing, commercial construction, whatever, industrial construction, at the time the Philadelphia Plan was started, about 1 per cent of the construction work force was black in the skilled trades. By 1980, twenty years later, about 12 per cent, or about the same equivalent as the work-force participation rate of blacks would be expected, are now employed in construction in Philadelphia. And it all came about because of the Philadelphia Plan. The key to the Philadelphia Plan was that the hiring processes and the apprenticeship processes had to have equal access on the part of blacks trying to get in. And you could not restrict the numbers. There were many times when there were more apprentices enrolled in the mid-sixties in apprenticeship programs than

were likely to be hired in those jobs, in those crafts, in the Philadelphia area, but the unions went along with the idea that they would risk the danger to their wage rate by allowing more apprentices to be graduated, and they did.

Among the building trades the most recalcitrant were the sheet- metal workers and the pattern makers. There were variations within the building trades, as you could easily understand, as to their receptivity, their willingness to move ahead with a more open opportunity for minority applicants. The carpenters were among the earliest; the bricklayers were clearly among the earliest, the plumbers were relatively slower, the sheet-metal workers were clearly the slowest, the most resistant. The building-laborers union had always been heavily black, the hod carriers. They used to be Irish; in our more modern days they're black. But basically pretty much across the board the skilled trade union people began to move, and by mid-sixties they were well on their way toward breaking down the barriers.

A lot of factors structurally were affecting them, too. The number of jobs was shrinking; the technology was changing rapidly, impacting the way construction technology was being put to work, resulting in fewer workers, a much higher degree of manufactured activity. Most of the residential construction is non-union, and since it was non-union, blacks had a big opportunity to move into it. I would say 60 per cent of the construction workers in the Washington area, which is a rapidly growing area, are non-union. Basically the only union workers in the construction trades in the Washington area are involved in the very high-tech commercial and industrial construction. They're not involved in residential construction any more at all. Those are junk jobs as far as the

skilled craftsmen are concerned; the wage rates are lower, the work is more cyclical, it goes up and down more rapidly. So these guys have all opted, in the card-carrying journeyman world, toward the high-paid commercial-industrial construction jobs. That made it easier for us to maneuver, by the way.

G: Did Johnson play a role in negotiating with the labor unions?

F: Not very much. Not very much. [Arthur] Goldberg was very sensitive to it; Jerry Holleman was terribly sensitive to it. We brought up, as our chief labor officer on our committee staff, a man from Louisiana who was an electrician, was president of the electrician's union and I think was secretary-treasurer of the Louisiana AFL-CIO. He was a Cajun, a guy named Emile Bourg, remarkable guy. Emile succeeded in negotiating an awful lot of changes in trade union policies and practices in the building trades, because he had credentials. He was one of them.

G: Let me ask you about your relationship with state employment agencies, state employment services, in breaking down hiring discrimination and referrals and things of this nature.

F: Yes, that was a matter of great concern to us. The Department of Labor appointed a guy named Arthur Chapin as the employment policy officer to deal exclusively with state employment services. We were very conscious of state employment service practices on referrals particularly, and on their own internal employment policies. We had a very strong lever on them because although they had been de-federalized shortly after World War II--I think by the early fifties they had been reverted back to the states; they were part of the state civil service structure, they were no longer part of the federal system--the

amount of administrative money flowing into them, however, was very substantially federal. We insisted that as a consequence of that in fact they had to observe federal standards in employment practices. We were the first federal administration to insist upon that. The Eisenhower people did not make that requirement. They were more tilted toward states rights, and the states were given *carte blanche* in running their systems. We recovered that in the sense of imposing standards and saying that if they expected to get a billion dollars of administrative money out of us they were going to follow federal civil service standards. We did have the right to inspect their employment procedures and we exercised that right, and we succeeded in getting most of the state employment commissions to create employment policy officers whose job was to go down to their local branches and see to it that they were following an employment pattern, employment opportunity policy that we had. It was slow going because the historical relationship between employers and referrals on job applicants was a complicated labyrinth of networks. But we--

G: Then other than the applications there was no way to really tell whether they were referring blacks or not?

F: No, no way. There was no racial identity on those application records, there was no record-keeping system that you could use. Nor did you want to, as a matter of fact.

What essentially broke the employment service practice as against, let's say, the fact that they might have a good policy but the reality was that the referral officers were continuing to follow the old pattern of sending whites to certain places and no blacks, what eventually broke that was the corporate community. The corporate community was

under pressure from us to improve their recruitment, so they went to the employment services and said to them, "Look, we want to get some people referred to us." The only means these corporations had of really getting an outreach to an available pool of qualified labor was to go to the employment service and say, "Look, send us all the people you think are reasonably qualified." It was the corporate pressure on the employment services that basically changed the ongoing, day-in, day-out traditional habits of referral officers, because a referral officer was being told by a corporate personnel director, "Look, goddamn it, you're not sending me any goddamn qualified blacks! How come?" So his brownie points were made, by the way. The compensation system we had was based upon the number of successful referrals made. The state employment service's budget was at risk if they didn't make successful referrals. That was the leverage we had.

G: Was this ever invoked?

F: It was. There were a few times--Chapin I think at the Department of Labor exercised some sanctions a couple of times. I don't know the details; I don't recall the details on that. I know he was looking for opportunities to invoke a sanction by saying, "We're going to impose a budget constraint in our allocation of money to you unless you correct this practice."

Tape 1 of 1, Side 2

F: But Arthur Chapin was *the* most knowledgeable person on the state employment service problems. And he was very close to Arthur Goldberg and he was very close to Willard Wirtz, and I think Johnson liked him, too, and I think he respected him. Arthur was very

active in the National Democratic Committee; he was a real political appointee.

G: Did the committee receive pressure from Capitol Hill? I know that a lot of the southern senators resented these committees that had not been authorized by Congress and simply took funds from government departments.

F: Senator [Richard] Russell would be one.

G: Russell in particular.

F: Yes. The only other senator that succeeded to the Russell role was Senator [A. Willis] Robertson from Virginia. He became sensitive to the so-called high-flying independence of the President's Committee at the time when the Treasury Department decided to include the banks under the executive order.

G: Federal banks?

F: All banks, federal, state, what have you. And Robertson was a great defender of the independence of the American banking system and made a stab at trying to question the legislatively approved appropriateness of our operating with a budget drawn from the federal agencies, and in fact made an attempt to cut our budget, which failed.

G: Why did it fail?

F: There was no longer any popular support for that.

G: Really? Was Johnson helpful in keeping it?

F: I have no idea whether he was in fact or not. My guess is he probably was. He certainly would have regarded that move as a threat and would have taken steps to offset it. It was not viewed as helpful.

G: Were the departments' contributions hidden in the budget?

F: No. No.

G: Or were they pretty much out in the open? For example, the Defense Department?

F: It was pretty much out in the open. The actual monies that they were spending in terms of compliance review and compliance personnel were not terribly visible, but they were not hidden. I mean, they were part of the personnel structure, they were positions created, they were civil service jobs. They're a regular part of the personnel cost structure. It became quite large, especially in DOD. But that's the only pressure from Capitol Hill that I recall of any consequence.

Robertson didn't do this with any great venom, by the way. He was doing it, sort of institutionally, "I want to protect the independence of the banks" and that kind of--

G: Okay. That's good. Let me ask you to go into some detail on Ted Kheel's study.

F: (Laughter) Oh, God. Ted Kheel's study was a joke.

G: Why was it a joke?

F: Well, it was superficial. I doubt that Ted Kheel spent more than twenty hours on the whole study put together. Almost all of the material he used for his study I gave to him; I personally delivered it to him. I have no quarrel with the recommendations he made. My view is, he was only accommodating to reality. By the time his study came along, the politics of the committee's control had clearly tilted toward Johnson and it was quite clear that he was entitled to have--I mean, if in fact the White House people had allowed Lyndon to name Hobart Taylor executive vice chairman, they had in effect given him the ball game. It was that simple. And the only recommendation that Kheel made of any importance were recommendations that Johnson wanted, that Arthur Goldberg wanted,

and that Bobby Kennedy acquiesced in. And I don't think that the Kheel report did anything more than sanction *de facto* reality.

G: Why did Robert Kennedy seem to lose interest in the committee? Why did he acquiesce?

F: I don't think he lost interest; I think that the issues were shifting and the preoccupation, the level of priorities was being severely stressed by other countervailing interests. He never lost his interest in it. He, on the other hand, I think gradually began to feel that it probably was inevitable that Lyndon was going to have to maintain some degree of responsibility for the committee and let him be responsible. And if he fucked up, it was going to be his problem. That's why Bobby took the nit-picking attitude he took on the committee. But basically he had made a decision, "Well, look, okay, it's his responsibility, let him be responsible. I'm going to be a gadfly to make sure he's staying on the straight and narrow, and if he doesn't I'll get on his back."

G: One of the letters that we have in the files is from Congressman Charles Diggs, who takes Kennedy himself to task for the low number of blacks in the administration and particularly in the Justice Department.

F: Justice Department? Yes.

G: Was this an issue?

F: We were conscious of it, and they were conscious of it. And they made a very determined effort to improve the number of blacks.

G: What did the Justice Department do?

F: Well, there again, they had a small internal unit--well, it wasn't quite as good as it should have been, but they were a little bit divided in their attention span for this reason. There

was an assistant attorney general for civil rights, Burke Marshall. Burke Marshall had no responsibility for the internal employment practices of the Justice Department. The only person that had that responsibility was in the personnel department of the Justice Department. There again, there is a structural distinction of importance: lawyers are not hired in the same way that non-lawyers are hired. Lawyers with a law degree and a bar certificate are assumed to be qualified, therefore you can hire anybody. I mean, there's no special certification system for lawyers. If you pass the bar and you've got a law degree, anybody can hire you; it's a license to steal for all practical purposes. So the Justice Department in the hiring of their lawyers was at one level of preoccupation and concern, and [the hiring of] all the rest of their employees, their administrative staff, was another. Their worst picture was in their administrative staff. They did quite well on the lawyer side.

G: Did they?

F: Yes. And they did fairly well in the distribution of judges and district attorneys around the country, although it was slow; it was slow. They were not quick to pick up on that, and part of the reason I suspect for that was that there were a lot of pressures on them politically to hire the guys that were the most activist supporters. Keep something in mind: the blacks did not jump on the Kennedy bandwagon. Jack Kennedy was not a big favorite in the black community. I mean, by no stretch of the imagination could Jack Kennedy have been portrayed as a darling of the black community. And as a consequence, by no stretch of the imagination were blacks inordinately pressuring him to pay up political obligations, because he didn't have that many obligations to blacks. He

wasn't asking that much for their votes, for Christ's sake, and that was reflected particularly in the Justice Department. So there was not a great deal of pressure among black politicians for positions in the Justice Department.

I was present when the first black delegation visited Jack Kennedy at his house in Georgetown on N Street when he was running for president. That was the first time in his life he had been confronted with a delegation of fifty, sixty blacks, all from Michigan, and they demanded to know what he was going to do on civil rights, and he said, "Well, how about FEPC?" And they said, "Wait a minute, what about fair housing? What about equal accommodations?" which by the way were grossly segregated in this country at that time. He said, "Well, one thing at a time." That did not go down too well with those blacks. "Look, give me a chance," he was saying, and they're saying, "Christ, 'fess up here, whitey!" It was a very tense meeting.

G: This was during the campaign?

F: During the campaign. They were brought down from Michigan, the Michigan delegation. By the way, Wade McCree was on that delegation, [and was] later named a federal circuit court judge by Kennedy.

G: Really?

F: Yes. And by the way, the leader of that delegation was the chairman of the NAACP. His name is--I'll draw it out for you: Damon Keith, also named to the federal bench by Kennedy. He appointed both of those guys federal judge, and they walked in there and said to him, "Your position on civil rights is unacceptable," and they told him in no uncertain terms, flat out, that if he wanted their support he was going to have to do more

than that. And he made the promise to them then and there, he said, "Okay, I'll do the housing thing, but it's going to be the second year." That's when the stroke of the pen wrote the executive order on the housing discrimination thing, right? And that's how he kept the promise to that particular group of blacks.

But from the standpoint of politics, there was no great pressure on the Justice Department for jobs, because it wasn't until later on that the Kennedy Administration and Bobby himself became more and more deeply involved in civil rights, that the shift in political identification among blacks began to occur. Kennedy was not that symbol. That is to say, Jack Kennedy was not that symbol; Bobby Kennedy became that symbol. Lyndon Johnson became that symbol. By the time Lyndon Johnson became president, he had a huge black constituency. They trusted him, they believed in him, they understood him. He'd earned it, by the way. He'd earned it over a very slow succession of shifts and confirmations, in standing by policies that were there, and that happened to him during the days he was on the President's Committee. He firmed up his position during that period. So he earned it.

End of Tape 1 of 1 and Interview III

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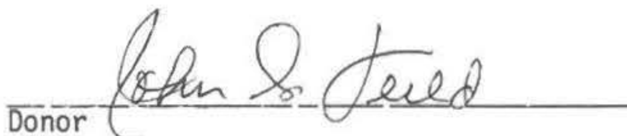

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