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A New Deal for Poor Relief?

The Modern American State and the Endurance of the Local

In 1930, after Mr. Manning lost his job, his wife and children turned to public welfare. The Boston-based family likely first spent down their savings, borrowed on property, and got help from neighbors and relatives. Next they might have turned to the city's network of private and religious charities. Eventually, though – like so many others that year – the Mannings sought "dependent aid" from Boston's Overseers of the Poor.[1] The name "dependent aid" calls to mind the mothers' pensions movement that had swept the nation in the preceding decades (fatherless children and husbandless wives were the quintessential "dependents"). It was in fact Boston's version of "general relief." While a state-run Mother's Aid program supported the city's most respectable poor mothers – usually widows, or women with incapacitated or absent husbands – this municipal program provided limited aid to everyone else. In the 1930s, that included thousands of families like the Mannings, felled by the unemployment of their main breadwinner.[2]

In the spring of 1937, according to the Mannings' case file, the family's fate changed again. Mr. Manning died and the family "was accepted" (whether they applied or were steered, the record does not say) into the Aid to Dependent Children (ADC) program. A more generous version of the Progressive Era Mother's Aid program it replaced, Massachusetts's ADC program targeted the same population and was supervised by the state, but was subsidized by federal funds and subject to federal requirements. It was part of the Roosevelt administration's broad effort to bring "security" – the watchword of the time – to a public suffering the failure of traditional lifelines.

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ADC proved less secure than the Mannings would have hoped. Within months of the initial grant, as the nation's rebounding economy slid once again into a deep recession, the local worker in charge of the family's case learned from another agency "that there were serious questions about the mother's conduct." An investigation substantiated these reports. Although "the presence of a man visitor" (perhaps a boarder, perhaps a live-in boyfriend or male relative) prevented the caseworker from getting information directly from Mrs. Manning, neighbors confirmed the troubling rumors. The caseworker then returned to the Manning home and confronted the man she found sitting on the stoop. "Who are you," she reportedly asked, "that you should be living in Mrs. M's home?" He refused to answer, so she promptly "put a 'stop' on Mrs. M's check." The agency later informed the family that the children were no longer eligible for ADC; Mrs. Manning would have to reapply to the less desirable municipal relief program.[3]

The location of the Manning family's record adds another layer to the story. It was in the files of the Social Security Board, the federal agency that issued and monitored grants to states for the new ADC programs. Federal agents in the field had funneled this record and others like it back to Washington, DC, as evidence that towns in Massachusetts resisted providing ADC payments to persons who appeared eligible for the new program but failed to meet the high moral standards of the old state Mothers' Aid law. Administrators in the upper echelons of the federal agency debated whether these local acts of resistance placed the state out of compliance with federal law. If so, the state's entire ADC grant might be withheld.

This brief record captures the essence of American social welfare policy at the time. Although resources were scarce, social welfare was a crowded field, filled with overlapping jurisdictions and competing priorities. Traditional poor-relief operations, such as Boston's general relief program, existed alongside innovations from the eras of scientific charity and progressive reform. By the mid-1930s, the question was not whether society recognized an obligation to people like the Mannings, but which level (or levels) of government, which institutions, which agencies ought to care for them, and how that responsibility ought to be carried out. Could the local caseworker condition public assistance on Mrs. Manning's adherence to middle-class notions of sexual propriety? Could the federal agency tell local agencies what to do? What was the state's role? In retrospect, the Mannings' tribulations coincided with a great reordering of power and authority, one institutionalized by the Social Security Act of 1935.

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For many scholars and most Americans, the Social Security Act calls to mind the national program of old age insurance that, through decades of expansion and billions of dollars in yearly payments, has monopolized the term "social security." This chapter emphasizes a less appreciated aspect of the act: its efforts to centralize, professionalize, and unify a diffuse system of locally administered poor relief. By offering states conditional grants-in-aid to apply toward relieving certain categories of "unemployables" within their jurisdiction, the SSA not only brought the federal government into the realm of welfare (defined here as need-based income support) but it also indirectly increased states' power.[4] Henceforth states would assert greater responsibility over a function that they had long left to cities, counties, and towns. Under the terms of the act, local governmental units continued to play a vital role in the administration of relief but, increasingly, they had to fight for the discretionary powers that had formerly accompanied that role, such as the ability to exclude strangers, punish deviant behavior, and fill administrative positions with political insiders.

In incentivizing this rearrangement and creating a new legal architecture for American poor relief, the SSA connects to a broader and more fundamental shift: from the regime of governance that legal historian William Novak calls the "well-regulated society" – a locally oriented regime guided by a sense of the "public spirit" and ordered by the common law – to what scholars have labeled "the modern American state." Novak associates the latter with the movement of power from the local level to the center, and with a redefinition of citizenship, from a sense of citizenship that privileged local and associative forms of belonging to one that emphasized the citizen's rights and responsibilities vis-à-vis the nation-state. Both shifts, he argues, were mediated by positive law – statutory and constitutional commitments that delineated where governmental power ended and individual liberty began.[5] The SSA was one such law.

After describing the Social Security Act's modern vision for American poor relief, this chapter turns to the people charged with making that vision a reality. In dialogue with other interested actors – governors, congressional committees, state and local administrators, professional associations – the staff of the newly established Social Security Board gradually decided what every term in the SSA meant. They also decided how to enforce their interpretations, in a context in which they enjoyed the power of the purse but had a limited ability to see and direct what happened at the ground level.[6]

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The final part of this chapter details federal administrators' struggles in the face of strong assertions of local authority and thin state supervision. Here, the story connects to a vitally important but under-studied phenomenon in American history: what historian Jon Teaford calls "the rise of the states," from "spare" governmental units "with little administrative muscle" in the nineteenth century to "dynamic molders of domestic policy and vital providers of government services" by the end of the twentieth.[7] The incentives that the SSA created contributed to that change. At the same time, efforts to implement the SSA in its early years show that some states had a long way to go – a reality that proved to be a significant stumbling block for federal administrators.

In short, the modern American state represented in scholarly theory had in some sense arrived by the mid-1930s, but the strength of local institutions, the weakness of the states, and the underdevelopment of federal administrative technologies meant that it would be many years before the new regime uprooted the old one, at least in the crucial and contested realm of poor relief.

THE LONG STRUGGLE TO MODERNIZE RELIEF

In the United States, relief for the poor has taken various forms, including "indoor relief" in almshouses or asylums; "outdoor relief," administered in a person's own home; and the auctioning off of paupers to members of the community, who provided basic necessities in exchange for labor. The precise mixture of methods has varied across time and space. One principle underlay them all, however: poor relief was primarily the responsibility of private charity and local government.

This localist orientation had deep roots. Since the colonial period, Americans had relied on the English framework of "settlement," commonly dated to the Elizabethan era, to determine public responsibility for the poor. A person's place of "settlement" in early America was the geographic unit to which he or she legally belonged, by virtue of long-term residence, birth, or marriage (a wife's status followed her husband's). It was the one place – the only place – obligated to maintain that person in times of need. At their discretion, communities might support residents who lacked settlement, but they did not have to; indeed, they were entitled to expel ("warn out") such persons at any time. States traditionally played a limited role. State statutory law had long set forth the duties of localities, establishing that they should provide for their own, and state courts had often stepped in to adjudicate disputes between local jurisdictions, but

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states had generally remained aloof from the content and administration of local poor relief.[8]

On the eve of the Great Depression, decades of efforts by scientific charity enthusiasts, public administration experts, and social-justice reformers – not necessarily working together – had initiated important long-term changes in this arrangement, but the effects of these changes were still limited.[9] Most notably, many states had restructured their state boards of charities (themselves a late-nineteenth-century reform) into state welfare departments, with the hope of systematizing and rationalizing the growing realm of public welfare. In most cases, however, these departments merely gathered information and advised policymakers. Reform efforts had also tended to focus on public welfare institutions, such as asylums and almshouses, rather than "outdoor relief."[10] In the words of one reformer, locally administered public relief "remained the great *terra incognita* in the social welfare field": states could attempt to demand information from local officials but, realistically, they could see little and do less.[11] As for direct state contact with the poor, it had increased significantly since the Civil War but remained limited, in the late 1920s, to discrete populations, such as the chronically and mentally ill, orphaned children, victims of natural disasters, and, in a handful of states, those who lacked legal settlement in any local jurisdiction. State aid also tended to take the form of care and shelter (or funding for a private or local entity to administer the same) rather than income support.[12]

In retrospect, state-authorized "pension" programs for widowed or abandoned mothers, the elderly, the blind, and veterans suggested a tectonic shift in the landscape of public relief because state standards and rules generally came along with these benefits. Such programs also pushed back against the notion, popularized by advocates of scientific charity in the late nineteenth century, that all forms of public "outdoor relief" were a baleful influence on the poor. But these pension programs were generally administered at the local level, at the option of the locality, and with a minimum of state supervision and funding.[13] If observers imagined that such innovations would "drag the common garden variety of poor relief along" with them into modernity, they quickly realized that traditional poor relief exerted the stronger pull.[14] Consider, for example, Lyon County, Kansas, whose concerned female citizens had eagerly advocated the adoption of a state mothers' pension law and whose representative in the state senate was largely responsible for getting such a law on the books in 1915. Fourteen years later, local poor relief in Lyon County looked anything but modern. Aid still tended to take the form of groceries,

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coal, or another family's outgrown clothes, and the distribution of aid depended largely on the opinion of the welfare director, Mrs. George Randolph, who recalled having "no rules."[15]

The federal government's involvement in poor relief was even more limited. Since the early national period, Congress had provided for sick and disabled soldiers and sailors and had issued short-term relief to victims of "disasters," ranging from floods to epidemics to grasshopper plagues. By the turn of the twentieth century, the federal government had also provided aid for discrete categories of federal government dependents, such as American Indians and former slaves. But in general such relief programs constituted the exception rather than the rule: they were limited in scope and scale, and often administered indirectly, through states and voluntary organizations. Broader initiatives – such as Dorothea Dix's 1854 proposal to use resources from the sale of public lands to fund institutions for the mentally ill – foundered against the conviction that general maintenance of the needy was not the business of the federal government.[16]

By the late 1920s, this picture had changed remarkably little. Poverty and unemployment had become national concerns, but the decade's conservative Republican presidents preferred to attack those problems via public partnerships with private groups.[17] In general, to borrow historian Michael Katz's assessment of the period, "public welfare remained an overwhelmingly local responsibility." Yes, the structure of relief giving had become more "rational" and "modern" – as indicated by the transition in some communities from local overseers of the poor to county-level agencies, and by some cities' consolidation of scattered public welfare services into single municipal departments of welfare – but federal and state agencies still "had little or no official relationship with local public outdoor relief."[18]

The endurance of a localized system of poor relief, even in the face of broad trends toward centralized, expert-led government, is no great mystery. "There was no political pay-off [for the state] in being overseer of the poor," explained Frank Bane, who in the 1920s headed Virginia's Board of Charities and Corrections and later led the charge for greater state leadership.[19] Meanwhile, there was every reason to retain local control. Tradition favored it, as did the local politicians who continued to control many state legislatures. Poor relief brought with it opportunities for both distributing patronage and winning votes. Local control also fit with the prevailing logic of poor relief: at a time when relief derived largely from local funds and poverty

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often appeared to stem from individual failings (no matter what the "experts" said about social factors and environments), local authorities seemed best situated to evaluate a petitioner's worthiness.[20] The "factual basis" of public welfare "is local," explained one former state commissioner of public welfare in 1928: "It has to do with hearth and home" – with the "way a father and a mother breed and nurture their children," with the contents of "the worker's dinner pail," with the "daughter's conduct at the Saturday night dance."[21]

Last but not least, local poor relief was a relatively low priority for the people most likely to object to it. As historian Daniel Rodgers has explained, progressive reformers were less interested in "patch[ing] and mend[ing] the lives of the poor" than they were in "find[ing] effective means to keep those who were *not* abjectly poor," such as low-wage workers and their families, "from being precipitated into poverty's abyss." Reformers could and did imagine better ways to administer poor relief, but they had other, more pressing battles to fight.[22] Moreover, until the Great Depression most reformers simply "assumed that local governments ... would have to shoulder most of the burden of welfare governance." This meant working within the existing framework.[23]

The result, as the nation slid into the Depression's economic free fall, was a poor-relief system that resembled a crazy quilt, made from a limited number of fabrics but showcasing "an amazing diversity of patterns."[24] Some needy persons looked to their county (in the form of a county board, agency, or court), while others turned to a town, municipal unit, or parish. In many states, multiple jurisdictions were in play, with some localities relying on a township system and others using the county, and often there were wide variations in benefit levels and administrative practices, even among localities in the same state and of a similar size.[25] Meanwhile, in almost all areas, and especially in cities, the boundaries between "public" and "private" were ill-defined and frequently traversed: it was not unusual to see a private charity or institution administering public funds, and individuals often sought assistance from both public and private sources.[26] There were other places, meanwhile, such as parts of the rural South, where "there simply was no such thing as public welfare" and little institutionalized private charity.[27] Amid this diversity, however, was one commonality: in most areas and for most people, both the federal and state governments were remote presences, at least when it came to the day-to-day business of economic survival.

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FROM FEDERAL EMERGENCY RELIEF TO THE SOCIAL SECURITY ACT

The Depression overwhelmed every part of this complex system. Local governments went broke as their revenue sources (largely property taxes) dried up. Private agencies, religious charities, and ethnic benefit organizations saw their caseloads rise and their resources fail, despite efforts by local business and community leaders to shore them up. In other words, the "associative" mode of statecraft, which had seemed so promising during and after the First World War, was failing to provide what the public had come to expect. States, too, struggled to respond, even in places with strong executive leadership and the political will to enact sweeping emergency relief legislation. Meanwhile, Americans fell into poverty at staggering rates. In the spring of 1929, nearly three million men and women were unemployed; by the spring of 1931, that figure had grown to eight million.[28] Into that picture entered the federal government, cautiously at first, and then more boldly.

The outlines of the most significant intervention, the Social Security Act of 1935, were actually discernible as early as 1931, when a group of professional social work leaders who supported federal action joined forces with Senators Edward Costigan (D., Colorado) and Robert M. LaFollette Jr. (R., Wisconsin) – powerful, self-identified progressive reformers – and Representative David John Lewis (D., Maryland), a coal miner turned lawyer known for helping to establish Maryland's pioneering workmen's compensation program. After gathering testimony from witnesses with firsthand knowledge of the relief problem (mostly social workers, not coincidentally), the group suggested a program of federal grants-in-aid that it hoped would appear modest. Their draft bill proposed an appropriation of $375 million for poor relief and government-paid work (the National Recovery Act of 1933, by comparison, included an appropriation of $3.3 billion, $400 million of which was set aside for grants-in-aid for public works). Money would be disbursed to states by an existing federal agency and states would do the actual spending.[29]

The suggestion of grants-in-aid was a natural choice. By the early 1920s, Congress had used such grants for highway construction, agricultural research, forest-fire prevention, and child and maternal health care, to name just a handful of tasks.[30] Grants were ideal in areas where state or local government had superior administrative capacities and where federal jurisdiction was murky. Such grants became an even more attractive tool after the Supreme Court – often perceived to be hostile to social and economic

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regulation – implicitly ratified the practice in *Massachusetts v. Mellon* (1923).[31] Perhaps most important to those who wanted to bend state law in the direction of reform, grants could be given on a conditional basis, subject to a state's compliance with federal requirements.

Grants-in-aid were not the only option, however, at least not in 1931. Federal loans – which, once given, would be entirely under state control – proved more appealing to key constituencies in Congress: southern Democrats, fearful of federal intervention, and progressive Republicans, who saw the need for a stronger federal response to unemployment but were concerned about increased taxation and an unbalanced federal budget. The Emergency Relief and Construction Act, enacted in the summer of 1932 and signed by a reluctant President Hoover, authorized $300 million for loans to states and cities, to be distributed only upon an affirmation that other resources had been exhausted. Administrative responsibility rested with the recently created Reconstruction Finance Corporation, a temporary government lender modeled after the War Finance Corporation.[32] In the words of one commentator, the scheme allowed the federal government to "play banker but not partner to the states" in their efforts to meet the needs of the poor.[33]

By the end of 1932, the Reconstruction Finance Corporation had distributed only about a quarter of the funds available to it, a result of state governors' inability to convince federal administrators that they had exhausted state and local resources. Meanwhile, the ranks of the unemployed continued to swell, to some 14 million by the fall of that year. Following the election of Franklin D. Roosevelt, the modest program of need-based loans quickly gave way to the system of grants-in-aid that Costigan, LaFollette, and like-minded reformers envisioned. The Federal Emergency Relief Act of 1933, signed into law in May of that year, established a temporary Federal Emergency Relief Administration (FERA) and authorized the agency to distribute to the states $500 million, half in the form of matching grants (that is, grants tailored to the amount that each state chose to spend on relief) and half in grants based on need. Roosevelt immediately appointed Harry L. Hopkins, former executive director and chairman of New York's Temporary Emergency Relief Administration, to head the new federal effort.[34]

Contemporaries recall Hopkins's FERA in much the same way they recall Hopkins himself: energetic, brash, impatient, and dismissive of politics-as-usual, especially when it meant incompetence or needless delay. Within a day of taking office, Hopkins had authorized grants to

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seven states; by the end of the year, all eligible states and territories had received aid, in amounts totaling $324.5 million overall.[35] During its short lifespan (1933–1935), FERA funneled more than three billion dollars to subnational governments for direct aid and work relief, and it asserted real control over how those funds were administered. Breaking sharply with the past, FERA refused to act on a state's application for a grant until the state created its own state-level relief agency, with a FERA-approved director at the head. FERA further required each state agency to create county-level relief agencies, independent of the existing poor-relief machinery. These demands were consistent with FERA administrators' broader disdain for "political claims to office" and their "low opinion of [state] legislators and elected officials."[36] "The surest way I know to have any relief for the unemployed deteriorat[e] into the most wretched form of outdoor relief," Hopkins once declared, "is to permit every local community to treat these people as they please."[37]

Federal influence continued well after a grant had been issued. Many FERA field representatives "established informal ascendancy over relief administration in their states," using their connection to the federal purse strings to attempt to "improve local practice" and "inculcate new attitudes toward the relief of distress." More dramatically, Hopkins occasionally exercised his power to "federalize" relief in a particular state – that is, to take temporary control of a state's relief operation in order to resolve policy disagreements with state officials or to protect the state relief administration from the untoward influence of party politics. Only Oklahoma, Massachusetts, Georgia, Louisiana, North Dakota, and Ohio experienced "federalization" firsthand. Still, the message was clear. State and local authorities may have administered emergency relief funds, historian Liz Cohen has written, but "everyone knew that the power lay in Washington."[38]

FERA was never intended to be more than a temporary program, however, and FERA administrators were always more concerned with the provisionally unemployed than with the disabled, elderly, and otherwise unemployable clients of traditional poor relief programs (the "chronic cases," as Hopkins put it in a 1934 FERA bulletin).[39] The boldest federal incursion into the historically local realm of poor relief – boldest because of its intended permanency – was the Social Security Act.

Signed into law on August 14, 1935, the Social Security Act provided tens of millions of dollars per year to states, in the form of matching funds, for the relief of large categories of "unemployable" persons: the elderly (Old-Age Assistance [OAA]); dependent children (ADC); and the blind

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(Aid to the Blind [AB]).[40] (The "employable poor" and their families were left to state and local programs of general relief, unless they qualified for unemployment insurance or one of the fast-disappearing programs of federally subsidized work relief.)[41] Together, the OAA, ADC, and AB programs were known as "public assistance" and were distinct from the act's now better known old age and unemployment insurance initiatives. Contemporaries understood this suite of programs as consistent with President Roosevelt's promise to quit "this business of relief"[42] – a reference to his administration's by then much-criticized emergency system of direct relief payments – but also responsive to the popular demand for old age pensions and to the gaps left by traditional purveyors of support.[43]

It is worth dwelling on the drafting of the SSA's public assistance titles, for by now historians have tilted so far toward critique – toward a perspective that emphasizes those titles' continuity with a dark and shameful past – that we are prone to downplay the reformist ambitions that animated the legislation, and hence to miss the broad changes in governance that were now sweeping through this policy area.[44]

The Social Security Act was the product, first and foremost, of a set of labor economists, lawyers, public welfare administrators, social workers, and federal department heads whom the Roosevelt administration brought together in the summer of 1934 under the umbrella of the president's Committee on Economic Security (CES). In a context in which ideas abounded about how to relieve the nation's deep poverty – including the increasingly popular and blatantly redistributive plans of activist Francis Townsend and Senator Huey Long (D., Louisiana) – Roosevelt wanted a comprehensive but pragmatic program for his administration to present to the Seventy-Fourth Congress. He hoped that, in just a few short months, the CES would produce one.[45]

Disciplinary divides and prejudices marked the work of the CES and its advisors (economist Eveline Burns, for example, considered the social workers "uninteresting" and impractical), but the group shared a basic outlook.[46] They were a subset of those "social policy tinkerers and inventors, publicists and policy scavengers, policy experts and policy brokers," in the words of historian Daniel Rodgers, that sought to alleviate the pains of industrial capitalism in the decades bracketing the turn of the twentieth century.[47] They had shed the moral fervor of pre–World War I progressivism, and had lost much of that earlier era's confidence in the states to achieve meaningful, large-scale reform.[48] But they retained faith in the beneficent power of government, the value of scientific administration, and the necessity of expertise. When it came to need-based income

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support – which, despite their primary interest in unemployment insurance and old age insurance, they viewed as essential – their object was not to improve the lot of the poor or rouse community sympathy. Rather, they wanted to modernize public welfare provision in ways that complemented the overall security program. Building on the innovations of the past three decades, they hoped to make traditional poor relief more attuned to the realities of an industrialized capitalist economy, more rational and efficient in its administration, and more consistent with academic understandings of the causes and consequences of poverty, all while staving off democratic pressure for more radical solutions.[49]

Where did this orientation toward poor relief come from? Roosevelt did not want the CES to take the time to engage in months of new research before proposing legislation, which meant that the drafters' own stores of knowledge – ranging from their acquaintance with European social legislation to their personal experiences with public welfare – were crucial. Perhaps most important was the wealth of historical research that had already been conducted by University of Chicago social work educators Edith Abbott and Sophonisba Breckenridge and their students. (Abbott served on the CES's Advisory Committee on Public Employment and Public Assistance, along with her former student Elizabeth Wisner; Edith Abbott's sister and close collaborator, Grace Abbott, was a member of the CES's Advisory Council.) Study after study, often conducted at the state level, documented the origins of existing poor relief operations and the (un)suitability of those operations to twentieth-century life.[50] Many states' poor relief laws, the authors concluded, were vestiges of "a parochial society" – in some instances, actual carryovers from the colonial era.[51] And even where the laws had been amended, they continued to reflect the principles underlying the centuries-old Elizabethan Poor Law. In particular, the authors argued, these laws adhered to the "antiquated" notions of local responsibility for well-settled local residents and lack of responsibility for anyone else who happened to be within local borders. Such parochialism was better suited to "the days of the oxcart and the stagecoach," Edith Abbott complained, than the era of automobiles and radio. Some jurisdictions did, of course, evolve with the times to become models of humane and efficient relief giving, Abbott and her colleagues recognized. But in many others, local responsibility enabled corruption, inadequate standards, and all manner of humiliating and degrading treatment of the poor.[52] This dim assessment of American poor relief, paired with firsthand accounts from FERA administrators, affected how the drafters of the Social Security Act imagined the future. The world that

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these studies documented cried out for organization, standardization, and expertise. Public assistance must "be administered on a much higher plane than that of the old poor laws," the CES's report to the president concluded.[53]

As for how that lofty goal should be accomplished, the drafters were inclined toward a national solution, although not necessarily toward federal control. (Important members of the CES had cut their teeth on state-level reforms and had no desire to bypass state government.)[54] Grants-in-aid were the favored policy tool. Reports from abroad suggested that grants for poor relief worked well in Germany, which had a federal system and was a perceived leader in social welfare development.[55] Relief loans, the once-obvious alternative, had proven ineffective.

The politics that had made loans attractive to key constituencies in Congress, however, remained alive and well, and would decisively influence the Social Security Act. Most notably, there would be no conditioning of grants on states' adherence to a national standard of need. The CES's suggestion of "a reasonable subsistence compatible with health and decency" – that is, a federally determined "floor" – immediately caught the eye of influential southern Democrats, including Virginia senator Harry F. Byrd and Mississippi senator Pat Harrison.[56] For poorer members of the Union, as the southern states were, this provision raised fiscal concerns: because the Roosevelt administration was committed to a policy of "matching" a portion of what each state spent (rather than simply giving every state a lump sum), a state that lacked the ability to spend would benefit little. More important, however, was the policy's potential impact on Jim Crow, the system of formal and informal rules that preserved the South's racially stratified socioeconomic structure. African Americans could easily be kept ineligible for old age and unemployment insurance (by simply excluding their primary occupations from coverage), but the public assistance titles were based on need, and by any reasonable definition of that term, many African Americans would qualify. And if poor African Americans received adequate assistance from the government, as a national standard would likely require, they might be less willing to work for low wages as field hands and domestic servants. Accordingly, southerners in Congress insisted that states have the power to determine benefit levels. When the Social Security bill emerged from congressional committees, the only limit on payments was an upper one – states could go above it, but the federal government would not match those additional expenditures.[57]

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The drafters also had to abandon dreams of imposing federal personnel standards on state and local public welfare officials. Progressive reformers had long faced resistance from the beneficiaries of political patronage (and struggled with their own indebtedness to party politics), so some congressional opposition was expected. The depth of feeling on the issue, however, resulted from widespread concern about the narrow class of people who would satisfy federal standards. When FERA empowered state and local emergency relief agencies to employ some forty thousand relief workers, it had called for having at least one "trained and experienced" investigator – that is, a professional social worker – on the staff of each local agency.[58] By the time FERA had run its course, these social workers were "thoroughly detested" in Colorado and "anathema" in Pennsylvania. In Georgia, they provoked charges of "pantry snooping," "nosing into . . . private affairs," and "exerting excessive and unwarranted control"; in Ohio, they were accused of hounding "helpless people" like a "pack of inquisitors."[59] Ultimately, the SSA gave a federal administrative agency the power to prescribe the general "methods of administration" to which states should adhere, but specifically excluded standards "relating to selection, tenure of office, and compensation of personnel." The implication was that state and local agencies would retain control over what kind of people staffed their operations.[60]

The experts designing the new public assistance titles secured other provisions, however, that fundamentally disrupted the existing poor relief system. First, embracing a controversial practice of FERA and, before it, the Children's Bureau, the SSA implicitly excluded private relief providers from any part in administering the new grants-in-aid.[61] Grants were to go to states. The drafters did not object to voluntary relief efforts, but they believed that public employees, accountable to the public, should administer public funds. This "was just good political science philosophy," explained Frank Bane, then director of the influential American Public Welfare Association.[62] It was also a major power grab. Private providers, such as the Family Service Agency, the Red Cross, and the National Association of Catholic Charities may have been under financial stress, but they remained strong and well established; states were ill prepared to assume those providers' responsibilities.[63] Under the public-funds-to-public-agencies rule, however, states had little choice but to develop the types of "effective, over-all, coordinated," and *permanent* programs that public administration experts favored. "Welfare is an important, respectable, large scale function of government," Bane insisted, "and the states better get themselves set to handle it."[64]

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A second and closely related provision (again, borrowed from FERA) permitted federal funds to flow only to states that planned to administer public assistance through, or under the supervision of, a central state organ (the "single state agency" provision). Administering public assistance from Washington, as was the plan with old age insurance, was never really on the table. Progressive reformers had long agreed, however, that "modern" public welfare administration required massing of authority at some kind of center, as a way to minimize the mischief and waste that accompanied extreme decentralization. States were the logical place.[65] (Southern members of Congress raised no objection, suggesting that they considered this sort of "modernization" fully compatible with Jim Crow and therefore unobjectionable.)[66]

A third provision, and another significant break with traditional poor relief, required that every state public assistance plan operate across the state ("it shall be in effect in all political subdivisions"). For political and legal reasons, the SSA's designers could not compel interstate uniformity, but they could address the variability that existed within most states.[67] Such variability stemmed from multiple causes – political patronage, racial discrimination, municipal experimentation, disparate local tax bases – but to the architects of Roosevelt's security program, it necessarily implied an overabundance of local discretion. Discretion, in turn, invited the perpetuation of irrational practices and outdated traditions.

A fourth provision targeted the same problem. By requiring state plans to provide all aggrieved applicants an opportunity for a "fair hearing" at the state level, the SSA created a check on the local officials making first-order decisions about aid payments.[68] Some guarantee of review by an "objective" state administrator would theoretically prevent the denial of relief through local irrationality and ignorance. And when actually demanded, such hearings would also provide state officials valuable glimpses of operations at the ground level.[69]

Complementing the provisions regarding the locus of decision-making power was a set of more substantive conditions, all of which marked a deliberate departure from existing poor relief practices. One condition prohibited states from channeling their grants into the public institutions (poorhouses, orphanages, asylums) that had become favored repositories for the indigent in the nineteenth century.[70] Enlightened thinking in the 1930s held that many institutionalized persons would fare better in their own home or the home of a relative. Reformers also associated institutions with the patronage politics that they abhorred.[71]

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Another condition mandated that assistance be in cash rather than "in kind" – again, a significant departure from tradition.[72] "Most of the counties did not give money to welfare recipients," recalled a California social worker. "They gave baskets; they had milk delivered, the welfare department paid the rent directly to landlords." This practice was the norm around the nation.[73] The SSA's money payment requirement reflected the new thinking among some professional social workers about poor people's capacity to become "competent participants in the twentieth-century consumer society."[74] It also responded to the Depression's impoverishment of a broader cross section of the American public: many people in need were perceived, and perceived themselves, as victims of a disaster, rather than as victims of their own malfeasance or irresponsibility. Such people deserved the independence and freedom that came with cash, the drafters believed, and might be demoralized by the receipt of assistance in kind.[75]

A third condition undermined the principle of settlement, which assumed that the "public" was no more than a collection of local communities and that public relief must turn on long-standing community ties. As historian Elisa Minoff has shown, many local communities and some states embraced the concept of settlement with renewed fervor during the Great Depression, using it to disclaim responsibility for newcomers and dissuade further in-migration. The SSA's drafters responded to this impulse by imposing parameters: states that wished to receive federal funds had to guarantee that if a person had spent five of the previous nine years residing in a state, that person could not be excluded from public assistance programs on residence grounds. Place-based understandings of belonging and responsibility thus lived on, but the law encouraged people to think about the state, rather than the town, as their place, and to treat geographic mobility as a fact of modern life.[76]

All told, the "strings" attached to the SSA's tempting bundles of federal cash left much unchanged – too much, from the perspective of some reformers. Most notably, the act left unaided the millions of poor Americans who failed to fit into one of its three prescribed categories. Those individuals were left to the whims of private charity and unreformed (for the most part) state and local programs of general assistance. With the benefit of time, we also see that the new scheme left in place, and helped entrench, race- and sex-based inequalities. By separating "employables" from "unemployables," and by granting so much authority to the states, the SSA cast work as the foundation of citizenship and underwrote

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the security of white men and their families, while leaving many women and nonwhite Americans vulnerable.[77]

And yet, the act's fundamental changes in public responsibility for the poor were broadly consistent with a sea change in American governance: the rise of the modern American state. Before the enactment of the SSA, multiple institutions, public and private, participated in relief giving. After 1935, the government acquired a "near-monopoly."[78] Before the SSA, relatively few poor Americans expected to receive regular or adequate assistance. They might claim that their settlement in a particular jurisdiction entitled them to aid, but in actuality they were at the mercy of local authorities. After the act, large swaths of this population became eligible for support. That support still issued from local officials, but authoritative state agencies were watching, and state and federal law governed all transactions. In this way, the SSA provided many citizens with a new link to the modern nation-state, even if it remained a tenuous one.

Observers at the time recognized these changes as monumental, even if scholars have since cast them in a different light. "For the first time in our history," remarked Frank Bane, one of the Social Security Act's earliest administrators, "we have hitched three wild horses, Federal, State and Local governments ... to the same wagon." Bane could only watch and wait in the spring of 1936 as, loaded with some of the nation's most pressing problems, that wagon headed "down the road."[79]

THE MACHINERY OF ENFORCEMENT: CARROTS, STICKS, AND AGENCY STRUCTURE

The road looked to be a bumpy one. "Never before," Bane noted, had a program based on grants-in-aid "been projected upon such an extensive scale, immediately affecting so many people and calling for such large expenditures."[80] Despite the magnitude of the task, the Social Security Act's machinery of enforcement was straightforward. Congress created an independent agency, the Social Security Board (SSB), to administer the act and endowed it with one big "carrot" and one big "stick." The carrot was money: the SSB had the power to give federal funds to any state that submitted an appropriate public assistance "plan."[81] The appropriation for the fiscal year ending on June 30, 1936, was relatively modest ($77.5 million) but this figure grew steadily over subsequent years, and was, in any case, a boon to the cash-strapped states.[82] The stick was also money: the SSB had the right to take audit "exceptions" to payments made in violation of the act (that is, it could refuse to "match" these

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payments). It could also cut off a state's entire grant should the state refuse to correct defects in its plan.[83] Simply stated, the SSA relied almost entirely on monetary incentives, directed exclusively at the states. The same monetary incentives would presumably influence localities, but it was up to the states to keep them in line.

A three-member board sitting atop the agency made all major decisions about how and when to use its enforcement tools.[84] It met, according to one participant, "interminably."[85] Still, the board relied on an extensive support system for making decisions regarding public assistance. Public assistance matters constituted only a fraction of its responsibilities (it also had to administer brand-new schemes for unemployment compensation and old-age insurance), and no board member had significant experience with poor relief.[86] John Gilbert Winant, the chair, had governed New Hampshire for three terms and had served as a member of the CES's Advisory Council, but contemporaries remembered him as not "particularly informed about the problems of social security."[87] The earnest and brilliant Arthur Altmeyer, who had headed Wisconsin's Department of Industrial Relations and had originally come to Washington to serve as assistant secretary of labor, was first and foremost a labor economist. He devoted most of his attention to the Social Security Act's insurance-based programs, which he had helped draft and which he believed would one day swallow most public assistance recipients in their benevolent embrace. Vincent Miles, a former Democratic Party official from Arkansas, had come to the board on the recommendation of the Senate majority leader. A political appointee himself, he was less interested in policymaking than in filling the Social Security Board's field offices with friends of the powerful American Legion.[88] In practice, then, the board depended on those working directly beneath them – the "mezzo-level" bureaucrats, to borrow political scientist Daniel Carpenter's term.[89] This relatively small set of administrators, many of whom remained in place for decades, heavily influenced the way the federal agency used its power over public assistance grants.

Especially important were the top people in the Bureau of Public Assistance (BPA), the division that supervised the new public assistance programs (see Figure 1.1). BPA officials consulted with state officials about plan preparation and advised the board whether to approve state plans. Through representatives in the SSB's regional offices, they also monitored what the states actually did with their public assistance grants and corresponded with state officials about administrative and logistical problems. When a question arose that required the SSB to make a policy

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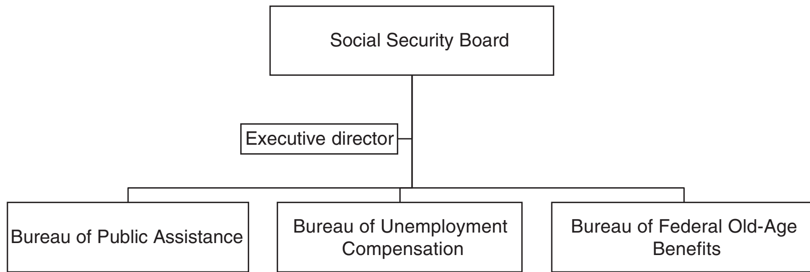

FIGURE 1.1. Organizational chart for the Social Security Board: Operating bureaus, 1935. Source: Charles McKinley and Robert W. Frase, Launching Social Security: A Capture-and-Record Account, 1935–1937 *(Madison: University of Wisconsin Press, 1970), 504.*

decision, the BPA often organized materials for the board's consideration and drafted a proposed response.[90]

The BPA's first and long-time director, Jane Hoey, ensured that the bureau exerted maximum influence. Hoey was an Irish-Catholic social worker who had strong familial ties to the Tammany Hall political machine in New York and personal relationships with both Harry Hopkins and the Roosevelts – although "it wasn't on that basis that I came in," she insisted. Particularly relevant to the job was her impressive record of government and charitable service, with stints working for the New York City Board of Child Welfare, the Red Cross, and the Welfare Council of New York. Through those various positions, Hoey had developed definite ideas about how the public assistance program ought to be run.[91] One such idea, a former colleague recalled, was that her slice of the SSB was "an independent agency that should not be subject to any supervision."[92] Hoey developed a reputation for the fierce spirit she brought to her dealings with state governors, whom she regularly attempted to bully, charm, or reason into tweaking their public assistance schemes to her liking. She was persuasive and intimidating, according to contemporaries. At least one governor begged Hoey's superiors not to hold him to anything he promised when "that red-headed blue-eyed Irish gal sat down across the desk" from him.[93]

Despite its title and its assertive director, the BPA was not the final authority on matters relating to public assistance grants. It was technically "coordinate," not superior, to the SSB's five "service bureaus" (see Figure 1.2), meaning that the BPA lacked full control over how the program operated in the states.[94] Two service bureaus in particular

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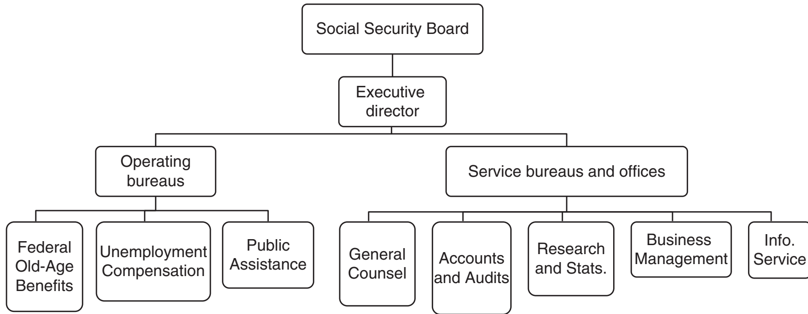

FIGURE 1.2. Organizational chart for the Social Security Board: Operating and service bureaus, 1935. Source: Charles McKinley and Robert W. Frase, Launching Social Security: A Capture-and-Record Account, 1935–1937 *(Madison: University of Wisconsin Press, 1970), 504–5.*

impinged on the BPA's jurisdiction: the Bureau of Accounts and Audits and, to a greater extent, the Office of the General Counsel (GC).[95]

In a scheme that was all about money, the Bureau of Accounts and Audits would appear to be an obvious locus of power, and indeed it had important responsibilities. Accounts and Audits evaluated all state plans for financial sufficiency. After a plan was approved, regional auditors monitored the state's expenditures to ensure that it spent in accordance with the federal act, its own state plan, and the board's policies. The temptation to become de facto policymakers was strong. While out in the field reviewing a local or state agency's expenditures, auditors encountered difficult questions and made decisions on the fly, often neglecting to consult with the BPA. The auditors were not ultimately a threat, however, because the board perceived them as mere "technician[s]." When staff members from the BPA got "very mad" about certain audit exceptions, Arthur Altmeyer recalled, he simply told the accountants that their job was to "check the books," not to "make social decisions."[96] State officials, who had every reason to contest audit exceptions, also helped keep the auditors in check. Ellen Black Winston, for example, North Carolina's longtime commissioner of welfare, directed her staff to "never accede to an audit exception unless [they] ha[d] exhausted all other possibilities."[97]

The Office of the General Counsel was in a stronger position and, as subsequent chapters show, would remain influential for many years. Led for the first few years by Thomas Eliot, a young but cautious lawyer from the Labor Department, the GC's office reviewed state public assistance plans, as

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well as any proposed legislation that might alter an approved plan; pinpointed potential "conformity questions"; interpreted the law for the SSB's leadership; and reviewed the BPA's communications to the states. "If I had even a letter that went out to a state," Hoey recalled, it had to be "okayed by the general counsel."[98] Through correspondence with the BPA's regional representatives and its own regional and field attorneys, the GC's office also monitored compliance with federal law at the ground level.[99]

The lawyers did not always get their way – the SSB could ignore their advice and the BPA could drag its heels – but they loudly and persistently voiced their views, often to great effect. General Counsel Tom Eliot "felt that a great number of hostile critics were just waiting, ready to pounce if the board made a single mistake," he recalled in his memoir, making it his "duty to keep the board on the straight and narrow path." Thus Eliot and his assistant attorneys insisted on attending all board meetings, even when they were less than welcome. Arthur Altmeyer, for one, made it clear that "he was not going to be guided too much by lawyers," recalled Assistant GC Jack Tate.[100] (In fairness, Altmeyer was "not enthusiastic about social workers," either, according to Jane Hoey.)[101] The SSB's first executive director, Frank Bane, apparently shared Altmeyer's view. "Social Security was great," Bane's daughter remembers him saying, "until they hired a bunch of lawyers and they told you all of the things that you couldn't do instead of all of the things that you could do."[102]

Bane may simply have been referring to Eliot, whose combination of conservatism, entitlement, and arrogance put off many colleagues (and whose run for Congress a short time later surprised no one), but the comment is evidence of the considerable power that lawyers wielded within the agency. Because of the Social Security Act's complexity, the New Deal's general reliance on law, and the threat posed by a strong and unpredictable Supreme Court (just before the SSA's enactment, the Supreme Court had declared both the National Recovery Act and the Agricultural Adjustment Act unconstitutional), the lawyers' opinions carried weight. As contemporaries and historians have observed, the New Deal was in many ways a "lawyers' deal." The public assistance initiative was no exception.[103]

FEDERAL-STATE COOPERATION

Much of the work described so far took place in Washington, DC, but the states were never far from federal administrators' minds. The entire

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scheme depended on states' willingness to accept federal money and, with it, the attached conditions. As Bane put it, it was a job of "federal-state relations" – and a challenging one, at that. As one law professor observed at the time, the program of federal-state cooperation that the act summoned into being was "strange to American constitutional law" and "require[d] a new definition of 'federalism.'"[104] For administrators, the basic puzzle was this: How could they get each state to sign on to a program that brought federal power – not on a "temporary" or "emergency" basis, but permanently – into an area that had never been under federal control? The task was further complicated by the disorder that continued to characterize many state welfare operations. In 1934, a survey of forty-eight states found more than 1,000 separate state agencies performing functions within the field of public welfare. The degree to which these agencies supervised local poor relief, and the nature of that supervision, varied immensely from state to state.[105]

Federal officials had several early advantages, however. Although state legislatures had reservations about the new scheme, they recognized that traditional providers of relief had been bankrupted and that their state coffers were next. They were eager to access federal funds. Helen Valeska Bary, who worked for the SSB from its inception, recalled that soon after the act's passage, governors, administrators, and government lawyers "flock[ed] in" from "nearly all the states." They "clamor[ed]" for guidance, Frank Bane agreed.[106] The SSB was happy to oblige. Starting in March 1936, a federal field staff began going out to the states to survey the situation and answer questions. Prior to that time, the SSB distributed instructions on how to prepare a fundable plan and convened a conference in Washington at which Bane gave guidance to representatives attending from forty-two states and territories.[107] The SSB's private-sector allies also helped. In close consultation with the board, the leadership of the American Public Welfare Association drafted and circulated model bills. These were used in more than forty states in 1936 alone. The result was an array of plan submissions that approximated what the SSB wanted. Amateurish plans like Missouri's, which offered "a 'Trouble Department' for handling doubtful cases and an 'Examining Mill' for case review," were the rare exception.[108]

Federal administrators also benefited from the multiple opportunities to influence the states that the Social Security Act created. The first came when states submitted their public assistance plans. To outsiders, this step may have appeared a mere formality: SSB officials wanted to issue grants

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as soon as possible, and in fact they approved most plan submissions, even deficient ones.[109] In the words of Charles McKinley and Robert Frase, who performed a "capture and record" study of the act's administration between November 1935 and May 1936 (Frase as a member of the board's staff), the board's philosophy was one of cooperation and "flexibility," rather than "coercion." Still, no plan received funding without review and comment by regional and central personnel from the BPA, the GC's office, and Accounts and Audits, and some state plans were rejected. In other cases, the SSB conditioned its approval on subsequent reporting or reform.[110]

Periodic opportunities for review ensured that federal administrators continued to influence state operations. Every quarter, each state looked to the SSB to confirm its expenditures from the previous quarter and approve estimates for the next. At this point the board could – and often did – take the "audit exceptions" noted above, refusing to reimburse the state for payments that were not in conformity with federal rules. These were sharp and financially painful reminders of federal authority.[111] As mentioned earlier, the SSB could also suspend *entire* grants (audit exceptions involved just fractions), a prospect that agency insiders would later refer to as the "nuclear option." In its first four years, the board invoked this power only three times but alluded to it frequently.[112]

Despite the board's considerable leverage, not everything went smoothly. In 1936, Colorado governor Ed Johnson thumbed his nose at federal authority when he submitted an obviously flawed plan and then publicly alerted President Roosevelt to the poor "crippled children" "patient[ly]" waiting for the board to release their "promised benefits."[113] In Ohio, Governor Martin Davey put the SSB to the test when he allowed members of the influential Fraternal Order of Eagles to dominate state and local welfare administration (reprising a previous battle with FERA administrator Harry Hopkins).[114] Challenges from independent-minded state executives would continue over the following decade. Lurking in the background, however, was a more formidable problem: the lack of federal *or* state control over what happened at the local level, where public assistance funds passed into the hands of the poor.

THE IMPORTANCE OF THE LOCAL

"The man or woman in need of help is a citizen of the United States, of the state, of the county, of the township," declared Edith Abbott in 1934, and

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by extension, "all of these governments ... have some responsibility for promoting and maintaining his welfare." Such was the philosophy of the Social Security Act, and of the modern American state that historians have now sketched. But this philosophy did not map well onto ground-level realities. There, a more astute observation was that of the Saint Paul Community Chest director, Pierce Atwater: "In the main," he wrote in 1937, "citizens of the United States are born and live and die in a local setting."[115] In 1930, the vast majority of expenditures for poor relief – an estimated 91 percent – still came from local funds. That percentage diminished over time, dropping from 82 percent in 1931 to 24 percent in 1933 to between 9 and 11 percent in the last half of the decade, but in dollar amounts, local contributions consistently surpassed 1930 levels. In short, the federal government and the state governments remained relative newcomers to the field – a field that local governments never abandoned.[116]

In fact, the SSA's pragmatic drafters never intended to supplant local poor relief, just to take away the independence of local officials. They envisioned federal-state public assistance programs that would sit atop, and gradually incorporate, the diffuse collection of local agencies that had been tending the poor. On the surface, to be sure, the act emphasized state leadership, but in fact states were allowed to choose between administering their plans directly or merely supervising them. Most states chose the latter, meaning that administration remained at the local level.[117] Writing in 1939, after public assistance programs were up and running around the country, Frank Bane described local communities as "the basis of the whole structure," "both historically and as a matter of practical necessity."[118] Perhaps the most apt characterization, to borrow the words of one state welfare director, was "decentralized centralization."[119]

"Decentralized centralization" turned out to be a complicated strategy. To start, the machinery of local poor relief was still extensive and not at all uniform. In later years the county would seem to be a natural unit for performing welfare functions, but this development was recent enough that in 1932, social welfare experts could characterize counties as "newly discovered territory."[120] In many places, smaller units of government kept their hands in poor relief, making the system even more decentralized than it would appear on any state map. In 1934, Pennsylvania's 67 counties included 425 poor districts and 967 persons legally authorized to administer poor relief. In neighboring Ohio, there were 88 counties, but more than 1,500 local government units with some responsibility for poor relief.[121] In 1937 – well after federal dollars had encouraged reform – a

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survey of Illinois found more than 1,800 local administrative authorities distributing categorical public assistance, with 41 independent authorities in one county alone.[122]

Moreover, the people running the show at the local level often did not share the worldview that animated New Deal social welfare legislation – a theme running through the records of FERA administrators. Frank Glick, who helped direct the Illinois Emergency Relief Commission from 1933 to 1936, described local relief administrators as "almost invariably without any background of qualification for their task," a description that said little about their inherent ability to do the job but spoke volumes about the wide gap between local personnel and the ideals of public welfare professionals in Washington, DC.[123] Josephine Brown, who headed FERA's Social Service Section and later helped design ADC, agreed. The local poor relief officials she encountered had no special education or training and rarely devoted their full time to the task.[124] They were concerned with keeping expenditures down, she claimed, but otherwise "indifferent." Rather than ascertaining applicants' actual needs, they gave relief on the basis of "hearsay and gossip" and "whatever personal knowledge [they] happened to have, no matter how scanty." Brown also found "ample evidence" of officials using their power to line their pockets and curry political favor.[125] In short, local practices often failed to fit federal policymakers' definition of good public welfare administration.

Local officials' sympathy with the federal view reportedly improved during the two years preceding the enactment of the SSA, when FERA made an effort to secure "trained and experienced" social workers to supervise local relief units, but that effort could do only so much. The emergency relief effort employed some 40,000 persons (not including clerical staff) by October 1934; around the same time, the American Association of Social Workers reported only 8,430 members.[126] FERA and its state-level counterparts made do with the local labor pool, with predictable results. The average local supervisor, federal administrators found, was "a person with great interest" and "a considerable amount of natural ability" but lacking in the enlightened thinking that came (in their view) with formal training.[127] For the tens of thousands of front-line positions, hires tended to be teachers, nurses, and home economists. Federal administrators lamented these workers' lack of exposure to modern public welfare practices: though upstanding members of their communities, they tended to carry with them "the local poor relief traditions and attitudes" of the "colonial and pioneer days."[128]

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Local resentment, of federal *and* state authority, was another obstacle. Again, FERA administrators provided ample evidence of this resentment. They had also helped cause it. Particularly in rural areas, FERA administrator Josephine Brown recalled, localities received state-initiated emergency relief efforts as "foreign and superimposed"; places with strong traditions of local autonomy became sites of "conflict and resistance."[129] Years later, another FERA administrator still remembered a warning from an old county judge: "We accept [the directives from Washington]" because people are starving, he told her, "but I just want you to know that the time is coming when we feel that we must again get back into the picture."[130] Michigan's Welfare and Relief Study Commission, which that state's governor appointed in the wake of FERA's demise, received a similar message: "We went along with the set-up for four or five years, but we feel the emergency is over," a county official declared. "We want that which the constitution of this nation says we could have," he continued, "the right to rule ourselves."[131]

These yearnings had much to do with the type of people who assumed responsibility for local relief efforts during the FERA years and who seemed keen to take over all of public welfare thereafter. They were not necessarily outsiders, but neither were they traditional insiders. Often they were young; many were women; and they tended to give the impression that their methods were superior to those of their older, less-educated male predecessors.[132] The sting was worse for those who had themselves fallen on hard times. "Why should these young girls of social prestige" be visitors, one anonymous letter writer inquired of FERA administrator Harry Hopkins in 1935, "when there are women and men who are better qualified intellectually and who have lost everything thru [*sic*] no extravagance of their own?"[133]

Such resentments continued after the adoption of the Social Security Act. Reports from Michigan, for example, conveyed a "terrific" fear of "imported social workers" at the local level.[134] A detailed study of Illinois noted that county boards "clung to their authority" over pensions for the blind, and that county judges, who had long administered mother's aid, opposed handing over that responsibility to a state agency. Joined by a lobby of more than a thousand township supervisors, those judges helped delay the enactment of ADC in Illinois until 1941.[135] Resistance appeared staunchest in the East and Midwest, where large urban units had long operated independently of state government, but in many parts of the country, Edith Abbott reported in September of 1936, welfare "chieftains" were "determined to hold their cloudy titles to their old local perquisites."[136]

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Meanwhile, despite local fears, the people that Abbott hoped would replace the "chieftains" remained few and far between. Tens of thousands of workers were necessary to process applications for the new programs, a need that far surpassed the number of persons that federal administrators considered adequately educated and trained for the job.[137]

THE MISSING LINK: STATE SUPERVISION

These local realities exposed a weakness in the Social Security Act's "New Deal" for American poor relief, and a fundamental stumbling block for the emergent modern American state. Although the act created clear links between the federal agency and the states, it presumed no relationship between the federal and the local. In attempting to address local problems, the best that the SSB could do was use its "carrot and stick" to persuade the state governments to create the sort of machinery that could bring local units into line. Audit local accounts, the board suggested to them; set standards for employees of local units; send state field-workers out to assist local units.[138] Unfortunately for the board, not all states proved willing to implement meaningful schemes of state supervision.[139]

Wisconsin was one of the first states to teach the federal agency this hard lesson. In December of 1935, the state submitted a plan for Old Age Assistance that envisioned county-level administration, via the county judge or county department of welfare. The plan appeared to comply with the federal requirements because a new state Pension Department was slated to supervise the county operations, but everyone knew that county courts, especially in rural areas, would be far more powerful than a newly created state board. Further, Wisconsin's civil service laws did not extend to jurisdictions with fewer than 500,000 people, leaving county officials in charge of both administration and personnel. The plan did give the Pension Department power to reimburse (or not) county expenditures, but it failed to explain how the department would even know, other than through self-reporting by the counties, what was happening out in the field. Ultimately, federal officials approved the plan, hoping for improvement over time. They would be disappointed. Three months later, a board staff member visited the state and learned that the plan was not operating in some of the counties – a fact that state officials characterized as "none of the board's business." Four years later, Wisconsin's agency had yet to establish personnel standards for the county units and suggested that it had no authority to do so.[140]

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Disapproving a plan, as happened with Kansas and Massachusetts, was another potential response to weak promises of state supervision, but an undesirable one. In 1936, Kansas's plan had passed federal review and was on its way to board approval when telegrams came in from multiple local officials. They conveyed their unwillingness to go along with the arrangement (objecting in particular to a provision requiring financial contributions from the counties). State officials conceded that they could not control the counties, and the SSB had to reject the plan.[141] For similar reasons, the board initially disapproved Massachusetts's ADC submission. Although its plans for OAA and AB programs raised no concerns, the state insisted that its townships be allowed to administer ADC, as they had mothers' pensions. In practical terms, this meant that many eligible children would receive nothing at all. At the time of the plan's submission, 119 townships had no mothers' aid recipients on their rolls; 51 of these had never participated in the program. The board could not endorse this degree of local autonomy.[142] It disapproved the plan knowing, however, that every such decision was both counterproductive and dangerous: counterproductive because it kept public assistance from taking root and dangerous because it contributed to the impression that federal bureaucrats were exactly that – bureaucrats, whose narrow vision obstructed much-needed relief.

The board took a different tack in Illinois, which presented a plan similar to Wisconsin's, but the results were similarly discouraging. Illinois intended to rely almost exclusively on county machinery for the administration of its public assistance programs, and the state plan omitted any mention of how it would ensure the competence of local workers. Such a vast delegation of power signaled to the board that the state's programs would not operate on the "higher plane" that the act's drafters envisioned. Yet the SSB appeared to have no basis on which to threaten disapproval: Congress had explicitly denied the agency the power to impose its own standards on state and local personnel. Undeterred, the board decided to interpret the act's "single state agency" provision to mean that it could disapprove a plan if the proposed *state* agency lacked power to prescribe local personnel standards (a "strained" argument, in GC Tom Eliot's assessment, but one that found some support in congressional committee reports). Illinois accepted this interpretation and the plan moved forward. Within months, however, it was clear that the SSB had not found its silver bullet. Illinois may have agreed to impose personnel standards on the counties, but the state agency appeared to be little more than a shell. Seven hundred Illinois residents had by then appealed

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the decisions made in their cases and the state agency had no procedure for reviewing the counties' handiwork.[143]

When it came to poor relief, these examples show, some states could not, or would not, override local authority, no matter how much federal money was on the line. Over time – and with the help of the Social Security Act – states would develop their administrative capacities and thereby "weave the loose threads of [local] government into a stronger fabric of rule."[144] By century's end, historian Jon Teaford could dub local government "the great loser of the 1930s," and state government an under-appreciated victor.[145] But as of 1937, that future seemed a long way off. In the meantime, federal administrators would have to find other ways of furthering their goals.

* * * *

"If we would guide by the light of reason," Supreme Court justice Louis D. Brandeis wrote in a famous 1932 dissent, "we must let our minds be bold." Those words failed to persuade the Court's bloc of judicial conservatives to vindicate Brandeis's immediate concern – allowing states to experiment with social and economic legislation – but they distilled the spirit of those who occupied seats of power in and around the Roosevelt administration. Indeed, the quote appears prominently in one of the murals that artist George Biddle painted for the Department of Justice in 1936. Flanked by images of a man in overalls and a gray-haired woman performing manual labor, with a crowded tenement in the background, Brandeis's words reminded federal administrators of the connection between New Deal legislation and the lives it would touch.[146]

The architects of the Social Security Act believed that they were being bold, even as they crafted a scheme that compromised with white supremacists, renounced a national standard of need, and relied on the same local poor relief machinery that they portrayed as mired in parochial thinking. Looking out at a landscape of thousands of autonomous poor relief operations and as many private competitors, the drafters of the Social Security Act laid the groundwork for a more uniform, rule-bound system of public aid, with power centralized at the state and federal levels. In the face of an enduring association between poverty and personal failings, they urged relief givers to presume the capability and competence of the poor. And throughout the nation, they planted ideas about what constituted good public welfare administration, with an emphasis on merit-based hiring, social work expertise, and objective decision making. In short, even though the Social Security Act left much of the existing

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system of poor relief intact, its creators attempted to alter fundamentally the balance of power between public and private agencies; among federal, state, and local governments; and between the poor and the state.

As soon as the Social Security Act went into effect, however, its administrators came face to face with law as legal philosopher Robert Cover would later describe it: as "the projection of an imagined future upon reality."[147] There was a great distance, as it turned out, between bold legislation and a transformation in the lives of everyday people. Administrators, legislators, judges, and executives at every level of government were left to puzzle through the questions and problems that emerged in the act's wake. Along with influential private and professional groups, as well as many decidedly uninfluential individual citizens, they puzzled over how the federal, state, and local governments ought to interact; over who had authority to make particular decisions; over how to talk about the new public assistance benefits; and over how the recipients of those benefits fit into the political communities around them. In doing so, they puzzled over the larger contours of the modern American state, shaping the ways that it would unfold around them in the decades to follow.[148]

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