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The Stratification of Social Citizenship: Gender and Federalism in the Formation of Old Age Insurance and Aid to Dependent Children

Recently, scholars have shown that welfare state development, across nations, has often incorporated social groups in distinct ways that stratify and divide the citizenry.¹ Citizenship has become stratified in terms of gender as policymakers have treated men and women differently in the policymaking process, perpetuating ascribed roles and institutionalizing gender inequality.² The American welfare state that was fashioned in the New Deal has long been regarded as a “two-tiered” system that divided men and women as “social citizens,” incorporating them into distinct types of programs for economic security and welfare.³ How was such stratification of citizenship created in the course of the policymaking process? Some scholars have surmised that policymakers’ ideas about gender were responsible for gendered outcomes; others have suggested that preexisting institutional arrangements foreordained the “two-tiered” results. Neither of these approaches, however, has offered an adequate explanation.

In order to examine how social citizenship became organized in the New Deal in terms of gender, this article investigates the politics of the formation of two core programs of the Social Security Act (SSA) of 1935, both Old Age Insurance (OAI), which is now called simply “social security,” and Aid to Dependent Children (ADC), the program that became known as “welfare” and which stayed fairly intact until its transformation in 1996.⁴ The article will argue that the most critical aspects of the stratification of citizenship emerged primarily from political battles over the proper institutional arrangements for program administration, conflicts that appeared to have nothing to do with gender. Granted, from the start, policymakers set out to design separate programs for wage-earners, who were predominantly male in the 1930s, than for non-wage-earners, who were predominantly female. By them-

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selves, however, these gender distinctions did not necessitate the creation of programs through which citizens would be governed in dramatically different and unequal ways. Rather, conflicts over the significance of American federalism for social citizenship were both far more critical to the politics of the era and far more crucial for long-term policy results. Entirely different understandings of the effects of institutional arrangements for governance were at stake as one group of reformers insisted on a national administrative plan for OAI, while another group planned highly decentralized arrangements for ADC. The policy outcomes that emerged divided men and women between the nation and the states, akin to citizens of separate sovereignties. Subsequently, due to the political-institutional and political-economic factors that differentiate national and state-level governance, these divisions meant that women were especially likely to become subject to an inferior form of social citizenship. The lesson of these cases is that gender bias can be inscribed deeply in public policy even through political dynamics and institutional arrangements that seem to bear little relevance to gender.

Other studies of OAI and ADC have explained the federal-state divisions that emerged in these programs by focusing exclusively on Congress, particularly on the role of southern Democrats.⁵ It is the case that decisions made in Congress deeply exacerbated the racial divide between policies, particularly as occupations employing the vast majority of African Americans were excluded from coverage in the national program. This article shows, however, that critical decisions about national versus state-level authority for different programs of the SSA had already been determined by the Roosevelt administration in the drafting process. There, one group of policy officials, not southerners but northern Progressive Era reformers and maternalists, advanced the case for state and local authority in particular realms of program delivery. Another group, representing a new generation of social reformers, acted on the conviction that social provision should transcend parochial boundaries in order to endow Americans with standardized rights as social citizens. Together, these two groups of reformers reshaped the contours of American federalism in regard to social provision, enlarging the authority and scope of national government in some program areas, while at the same time retaining and even bolstering the power of the individual states in others.

The policy designs that emerged, assigning national administration to OAI and state-level authority to ADC, stratified social citizenship, initially by gender and race. Men, predominantly those who were white, were most likely to be incorporated as national social citizens, while women and non-white men were more likely to be left as subjects of the individual states. Those who were national social citizens came to enjoy governance in a realm

with uniform standards: regardless of what state a recipient lived in, he could expect to experience the same impartial and routinized procedures in his pursuit of benefits. By contrast, those relegated to state-level citizenship were governed throughout the mid-century in a manner that varied widely, and in which beneficiaries were typically made subject to restrictive eligibility rules that reflected local and regional cultural norms and labor force demands. Besides inscribing expected gender roles in social policy, therefore, policymakers in the New Deal had altered American institutions in ways that unintentionally but distinctly stratified citizenship according to gender status.⁶ In 1939, policymakers once again altered the welfare state, including wives and widows of male wage-earners in the national program; thus the gender divide between the programs became less important than marital status. The purpose of this article, however, is not to describe in detail the subsequent developments, implementation, or consequences of these social policies but, rather, to explain how it happened that social citizenship became stratified, initially by gender, in the course of the policymaking process.⁷

Gender, Ideas, Institutions, and Policy Outcomes

This article presents two important challenges to literature on the policymaking process. First, it takes issue with interpretations that explain gendered policy outcomes as the result of gendered ideas and cultural norms in the policymaking process. This approach has been taken in several recent studies that focus on welfare state development in the Progressive Era and explore the subsequent implications for New Deal development. For instance, in her intellectual history of American social policymaking, Linda Gordon argues that while a female-dominated, social work-oriented, “maternalist” strain of social provision was predominant in the Progressive Era, in the New Deal a “male vision” of social insurance-type policies assumed center stage and the “maternalist” policies became incorporated in a marginal fashion.⁸ This interpretation is correct to the extent that most policymakers in the Roosevelt administration did find sympathy with the “family wage” ideal, the notion that men’s work in the market economy should enable them to serve as “breadwinners” for their families, such that women could attend to unpaid domestic work and refrain from taking jobs that could otherwise belong to men. Indeed, policymakers drew, almost reflexively, on policy alternatives that had been fashioned during the Progressive Era and that were inscribed with assumptions about distinct gender roles.

Yet the particular focus of these studies—how ideas about gender shape policy and thus produce gendered effects—does not fully explain how citi-

zanship becomes stratified through the policymaking process. The problem is that such analysis carries the assumption that a direct relationship exists between ideas about gender and the organization of gender that subsequently emerges in policy design. The gendered character of policy is portrayed as having either been implanted directly by policymakers with corresponding conceptions of gender, or, alternatively, if new policies are built on preexisting models, transmitted from the ideas of policymakers in an earlier era. But gendered policy designs are produced not only through overt and intentional activities by policymakers, but also through the interaction of gender and institutional arrangements.⁹ Accordingly, this article shows that the creation of the SSA had less to do with conflicts over gendered policy priorities, namely, male-oriented social insurance versus more egalitarian public assistance approaches, than with seemingly “gender-neutral” debates over the institutional framework of American politics, namely, federalism. Yet, regardless, the outcomes of the policies were deeply biased in terms of gender.

Second, the cases examined here highlight how policymakers’ ideas interact with preexisting institutional arrangements to shape institutional change. In their examination of the origins of the administrative arrangements for programs in the Social Security Act, Theda Skocpol and Edwin Amenta suggest that preexisting institutional arrangements foreordained particular institutional outcomes. They argue that “the greater and more entrenched the state-level initiatives before Social Security, the fewer the federal controls built into that part of the Act.”¹⁰ It was the case that New Deal policymakers wanted to protect some preexisting state-level programs, and that they feared opposition from Congress, with its ties to states and localities, if they tried to advance highly centralized administrative schemes.¹¹ Such factors do not fully explain, however, why policymakers advocating a national scheme for OAI held to their position so staunchly, despite numerous challenges; nor do they explain why policymakers for ADC considered a high degree of state-level authority to be so ideal, political factors notwithstanding, for that program. Rather, the design of the two programs was also driven, powerfully, by the meanings that different groups of policymakers assigned to national versus state-level governance. Both groups drew on their experiences of political learning in the institutional context of the pre-New Deal federalism, but from those experiences they had each derived quite different lessons.¹² These differences were exercised as they fashioned the administrative arrangements for social provision in OAI and ADC.

President Roosevelt and the Committee on Economic Security

Until the 1930s, the experience of citizenship for most Americans had been inextricably bound to the political geography of one's residence within the system of American federalism, varying tremendously from one state to another and often by locality within states as well. With the notable exception of federal pensions for those Civil War veterans who had fought for the Union, social citizenship fit these basic patterns.¹³

In the midst of the Great Depression, however, powerful grassroots social movements that gathered momentum across the nation called for the creation of nationally administered social programs. If all such programs had been enacted, they would have, through their alterations of American federalism, radically reorganized the relationship between citizens and government. The most well-organized and vocal groups, those advocating the Townsend Plan, called for a national system of old-age pensions.¹⁴ Labor unions rallied support for the Lundeen Bill, which would have authorized the nationwide development of universal unemployment compensation.¹⁵ Some officials within the Roosevelt administration urged the adoption of federally financed permanent relief programs.¹⁶

President Franklin D. Roosevelt decided, however, to ward off such alternatives, which he regarded as too radical, by advancing, instead, his own comprehensive plan for lasting measures of economic security. In June 1934, he announced his preliminary plans for legislation that would "further the security of the citizen and his family."¹⁷ He appointed a cabinet committee called the Committee on Economic Security (CES) to study economic-security concerns, develop recommendations, and to draft legislative proposals that could be sent to Congress within six months.

As scholars attentive to gendered ideas have shown, policymakers in the Roosevelt administration did choose to build on Progressive Era reform traditions rooted in the belief that gender roles should be organized around the "family wage" ideal. They did so, in fact, almost as a matter of course, with little controversy. The CES developed two distinct types of programs: one aimed toward wage-earners, and another geared for other "deserving" people who would not be covered by the first approach.¹⁸ The first type included two programs to be financed by contributions by employers and employees: Old Age Insurance (OAI) and Unemployment Insurance (UI). Since only one-quarter of the female population participated in the workforce at any given time in the mid-1930s, compared to more than 80 percent of the male population, these programs were bound from the start to cover mostly men.¹⁹ Conversely, the two *noncontributory* programs, Old Age Assistance (OAA) and Aid to Dependent Children (ADC), were more inclusive of women since

they rewarded people for their unpaid contributions to society.²⁰ Both OAI and ADC reflected consistent assumptions about appropriate gender roles for men and women: OAI was aimed to fortify men's ability to serve as breadwinners for their families, even in retirement, and ADC was intended to allow women to remain full-time homemakers even in those circumstances when the male breadwinner was not present to support the family.

But while there was little internal dissent within the Roosevelt administration over the general types of programs to be included in the basic framework for the economic security legislation, no consensus existed regarding matters of jurisdiction—national versus state-level—for the administration of particular programs. Roosevelt himself was a pragmatist in matters of policymaking, ready to experiment with various innovations in search of approaches that worked. In calling for the development of an economic security plan, he proposed “maximum cooperation between the States and the Federal Government,” and he remained flexible in conversations with advisers regarding the precise manner in which such arrangements should be designed.²¹ The inner circle of CES officials was convinced, however, that the states should be primarily responsible for administering the new programs.

Secretary of Labor Frances Perkins, who chaired the CES, her assistant Arthur J. Altmeyer, and CES Director Edwin Witte each came from backgrounds in state-level social reform, Perkins in New York and Altmeyer and Witte in Wisconsin. They were believers in the notion that states should serve as laboratories to experiment with social and labor legislation.²² Further, they wanted to build on the policy foundations already established by reformers like themselves in the Progressive Era. Although only Wisconsin had an unemployment insurance law in place by 1934, about half the states had enacted old-age pensions and forty-five states had mothers' pensions laws on the books.²³

The Roosevelt administration also had political reasons for favoring policy designs that left considerable autonomy to the individual states. Congress remained dominated by southern Democrats who were particularly wary of excessive intervention by the national government in matters they felt should be reserved to the states and local government. Roosevelt was willing to yield to those demands in order to gain the necessary support for his proposals. Other important constituencies besides southerners were wary of extensive federal government power in policy implementation as well, particularly after the administration of the Federal Emergency Relief Act (FERA) in the early New Deal, which many local officials had come to despise.²⁴ Administration officials also felt restrained by the specter of Supreme Court scrutiny, particularly because few precedents existed for federal government ac-

tivity in the realm of social welfare policy.²⁵ Officials reasoned that social policy designs that modeled the federal-state cooperation implicit in grant-in-aid programs, such as the Morrill Act or Federal Highway Act, might stand a better chance of passing the constitutionality test than strictly national programs.²⁶

Despite the strong support by CES leaders for an economic security plan that gave ample authority to states and that included both social insurance and public assistance programs, however, substantial battles lay ahead over the particular design and administrative arrangements to be given to specific programs. Most of the committee's attention was consumed by controversies over UI, as factions within the administration fought over the choice between a "subsidy plan" with national standards versus a "tax-offset plan" that relied more exclusively on state-level authority.²⁷ Less well known, however, is how the politics surrounding the formation of OAI resulted in a policy innovation well beyond the scope of what Perkins, Altmeyer, and Witte could have imagined, with vast implications for social citizenship and gender.

Formation of Old Age Insurance

While some scholars have identified American social insurance reform plans in the early twentieth-century as a "male vision,"²⁸ in fact the "driving force"²⁹ behind the New Deal program that became the centerpiece of America's welfare state was a woman, Barbara Nachtrieb Armstrong. Armstrong, an associate professor of law at the University of California who had no personal connections to the "Wisconsin school," was hired as the director of planning for the old-age security staff for the CES. She was assisted by J. Douglas Brown, an economist from Princeton University; Murray Latimer, chairman of the Railroad Retirement Board; and actuary Otto Richter.

Armstrong came to Washington in 1934 with a refined analysis of American economic security problems and a well-developed plan for social insurance firmly in her mind. Just two years previously she had published her treatise on the subject, *Insuring the Essentials: Minimum Wage Plus Social Insurance—A Living Wage Program*. She believed that the old-age pension programs that had been developing in the states, which she had studied carefully, contained eligibility stipulations resembling "poor relief": they "rob (the applicant) of the dignified position of an individual."³⁰ Under Armstrong's guidance, the Old Age Security Committee planned for contributory social insurance to be, in the long term, the primary means of security for full-time workers (a predominantly male group) once they retired.³¹ The approach upheld Roosevelt's desire for a plan in which benefits would be viewed as a

right, not subject to shifting political winds.

One of Armstrong's hopes was to design old-age insurance to include as many women as possible. Like male advocates of social insurance, Armstrong assumed that a core program of social provision should be organized around workforce participation, necessarily targeting primarily men who were understood to be the major breadwinners in family units.³² But unlike her male counterparts, Armstrong was insistent that widows of male wage-earners should be eligible in their own right for benefits. Her written reports for CES bear testimony to her attempts to gain survivors' insurance from the start.³³ Such efforts were opposed, however, by the executive director, since the CES regarded such benefits as desirable but not as an immediate priority. The plans were not included in the bill sent to Congress in January 1935.³⁴

But though Armstrong failed to promote her goal of survivors' insurance successfully, she and the committee she headed, the Old Age Security Committee, were unwilling to accept defeat on their primary objective: to make social insurance a fully national system. Despite the fact that CES leaders had already made their preference for predominantly state-administered programs clear early in the summer of 1934, Armstrong's committee convened in late summer and voiced unanimous support for national arrangements for the program for the elderly.³⁵ The members had observed the implementation of programs at the state level in previous years and had grown dubious about their success. They argued that for OAI in particular, due to the mobility of the population, a federal-state program would present administrative difficulties, since an individual might work in several different states and retire in yet another state. A federal system would assure quicker and fuller coverage of more of the population than would state-initiated programs, and compliance would be superior because, Armstrong's committee reasoned, "there is a definitely greater respect for federal requirements than for local requirements in matters of social control."³⁶ While the committee acknowledged that a state system might be preferable for political reasons, it countered that those favoring "states' rights" should be pleased if the federal government could relieve states of the burden of providing for much of their elderly population.³⁷

Hence, the most significant and contentious battles in the creation of OAI occurred over the issue of national versus state-level administrative jurisdiction for the program. When Armstrong announced that her committee was planning to advance old-age insurance on a national scale as the centerpiece of its plan for the elderly, controversy ensued. Thomas Eliot, general counsel for the CES and a recent graduate of Harvard Law School, objected that such a plan would be unconstitutional. Armstrong had to re-

mind Eliot that she was herself a law professor, and she assured him that she had consulted on the subject with scholars who were considered renowned authorities on matters of constitutionality.³⁸ Frances Perkins, who was particularly uncomfortable with the national proposition, subsequently charged Eliot with the responsibility of trying to come up with viable state-administered old-age insurance plans, an effort that proved futile.³⁹

Armstrong's group proceeded to gather verification of support for its position from constitutional experts. First, Dudley O. McGovney, professor of constitutional law at the University of California, responded that he did not consider the Constitution to present any obstacles to the creation of a tax on employers and employees or on the appropriation of benefits from a national reserve fund, and he reviewed the judicial precedents for each activity in detail.⁴⁰ Then, Armstrong traveled to Cambridge, Massachusetts, where she met with Harvard law professor Thomas Reed Powell, whose opinion on such matters was considered definitive. Whereas Eliot had been convinced that Powell would view a national OAI scheme as unconstitutional, in fact he insisted to the contrary and drafted a letter to clarify his understanding of the matter.⁴¹ After consulting with Professor Edwin S. Corwin at Princeton University and Professor Douglas Maggs at Duke University, in mid-November the group working on old-age security plans reiterated to the CES its position of support for a straight national plan instead of a state-federal plan. The group insisted that not only could the national plan be held constitutional, but that as well, it would be the most feasible plan and the most likely to provide adequate old-age security.⁴²

With their preference for a predominantly state-run old-age insurance program under siege, suddenly CES leaders hinted that plans for the program might be dropped entirely from the comprehensive legislation. In the President's speech at a conference on economic security on November 14, he read language drafted by Witte: "I do not know whether this is the time for any federal legislation on old age security."⁴³ Armstrong's group was outraged, and it retaliated by contacting friends in the press. An editorial in papers in the Scripps-Howard chain and a lead article in the *New York Times* criticized Roosevelt for abandoning old-age insurance plans. Witte was infuriated at the Armstrong group, which he suspected had instigated the reaction. Roosevelt himself was apparently dismayed by the poor coverage, and henceforth he expressed more genuine interest in the old-age insurance plans.⁴⁴ Meanwhile, support for the national plan emerged from an unexpected quarter.⁴⁵

In December, the old-age security subcommittee of the Advisory Council to the CES, a group of prominent leaders of the business community, labor unions, and national organizations, gave its support to national arrange-

ments for OAI. Standard Oil Company President Walter Teagle defended the plan against the objectives of Molly Dewson, a friend of Perkins's whose ties lay with the maternalist reform tradition and who was representing the National Consumers' League. Dewson's position was defeated, however, as Teagle was joined by other industrialists in the full Advisory Board in support of the plan. Thereafter, Armstrong and Brown declared victory on the critical issue of national administration and standards.⁴⁶

Ultimately, the Roosevelt administration's proposal for old-age insurance, though conservative in some regards, was, by American standards, still bold, sweeping, and innovative. In terms of coverage, the program was narrowly oriented to male workers, omitting spousal and survivors' benefits.⁴⁷ In regard to financing, the plan was regressive not only because, as Mark Leff has shown, its tax-structure and wage-related benefits ladder placed a heavy burden on the "forgotten man at the bottom of the economic pyramid," but moreover, because it would extract the greatest sacrifice from the disproportionately female workers who earned the lowest wages.⁴⁸ To Barbara Armstrong and J. Douglas Brown, however, the proposal was radical because it established old-age benefits as a matter of right on a nationwide basis. They were proud of that hard-won achievement and were convinced that expanded coverage and a more generous benefit structure could follow in later years.⁴⁹

Formation of Aid to Dependent Children

The creation of ADC was conducted exclusively by a pair of women reformers, Children's Bureau chief Katharine Lenroot and Grace Abbott, former chief of the Children's Bureau and Professor of Social Service Administration at the University of Chicago. These reformers intended for ADC, as a grants-in-aid program, to build on the foundation of a preexisting set of programs known as mothers' pensions. Unlike the controversy that surrounded OAI, the formation of ADC was characterized by an easy consensus because its creators were committed to preserving a high degree of state responsibility and local discretion for the program. At the same time, they also hoped to foster nationwide development and, through federal pressure, to raise program standards.

Beginning in the early teens, white middle-class women's civic organizations had worked on a state-by-state basis to achieve the enactment of mothers' pensions, laws that permitted benefits to be granted directly to single mothers and their children. The purpose of mothers' pensions was to enable such families to remain united in the absence of a male breadwinner.

By 1920, when only two states had developed old-age pension laws and unemployment insurance laws were still nonexistent, thirty-nine states had already enacted mothers' pensions laws.⁵⁰

In actual practice, however, mothers' pensions had fallen far short of the goals of the maternalist reform groups that had worked for their enactment. Although forty-five state legislatures had passed mothers' pensions laws by 1934, the statutes typically functioned only to permit rather than to mandate implementation of the law by local governments, and less than half of the localities that were formally empowered to administer the statutes had actually established programs.⁵¹ Even where programs were in effect, a chronic shortage of funds meant that only a small portion of eligible families received assistance, and funds were rarely ever sufficient to enable women to refrain from work for wages.⁵² As a means of promoting the legitimacy of mothers' pensions, furthermore, reformers had enacted highly restrictive laws that varied between states and localities and that were, in the words of Winifred Bell, "intimately based in parochial and regional values."⁵³

Early in the Depression, Grace Abbott suggested that mothers' pensions provided a ready program through which needy families could be assisted, if the policy was expanded to reach more children.⁵⁴ In the last year of Hoover's administration, Katharine Lenroot had attempted to obtain an appropriation of \$100,000 to assist states in encouraging counties to develop a set of services for children. The proposal was rejected, but after Roosevelt became president and Perkins was appointed Secretary of Labor, the climate changed.⁵⁵ As soon as the CES was formed in the summer of 1934, Witte contacted Lenroot and Grace Abbott, asking them to design proposals for such programs.⁵⁶

Witte informed the Children's Bureau officials that all proposals for the economic security legislation should feature a central role for individual state activity, supplemented by federal assistance. Unlike the staunch resistance with which the Old Age Security Committee had met this request, these maternalist reformers did not question it in the least. In fact, they considered the grant-in-aid approach, in which the federal government provided matching grants to states with "satisfactory plans of administration and standards of aid,"⁵⁷ as an optimal design for social policy. During the 1920s, they themselves had administered the first such experiment: the Sheppard-Towner Maternity and Infancy Protection Act, and they had thus played a significant role in establishing the legitimacy of the grant-in-aid approach to social policy. They had appeared, moreover, as advocates of national power during the Hoover administration, which they criticized for its emphasis on localism. They had argued that federal grant-in-aid programs should be used to raise program standards in the states, to make programs

broader, more generous, and more inclusive.⁵⁸ At the same time, the Children's Bureau officials retained a measure of the Progressive Era attitude of distrust for national intervention in social policies, of fear that local initiative might be displaced if states and localities lost an undue measure of authority. They remained attached to the notion that national policies should function primarily to encourage, rather than to organize or replace, state and local initiatives.⁵⁹ Thus, by the time of the creation of the SSA, when other policymakers voiced support for expanded national authority, Abbott and Lenroot appeared to be relatively traditional in terms of their support for state-level governance.

The grant-in-aid approach emerged in Lenroot's early formulation of ADC and remained uncontested throughout the proceedings of the CES, and it epitomized the Children's Bureau officials' ambivalence about the role of national government in relationship to the states.⁶⁰ On the one hand, the two officials wanted to use national government power to expand the development and implementation of mothers' pensions. Lenroot reasoned that the "spotty" implementation of mothers' pensions was attributable to the fact that only seventeen state governments actually supported mothers' pensions financially, while the other twenty-nine left the entire responsibility to local governments, which were generally unable to shoulder the burden.⁶¹ The grant-in-aid formula, she argued, would induce states governments to appropriate funds to increase the coverage and level of benefits in the program. Further, Abbott insisted that the law should stipulate that states could not receive any grants-in-aid unless the program was implemented in all political subdivisions.⁶²

These reformers also desired to raise standards of state laws.⁶³ Toward that end, they drafted a law aimed to stimulate coherent administrative practices and less restrictive residence requirements than under mothers' pensions.⁶⁴ States would be required to centralize the administration of the law, and the agencies assigned with implementation would be charged with following methods recommended by a national agency and would have to submit regular reports to that agency.⁶⁵ While the mothers' pensions laws of twenty-one states made eligibility contingent upon residence in the same state for two to five years, and in thirty-five states required residence in the same county or town for at least one or two years, Abbott and Lenroot proposed that national funds would not be made available to states with residence requirements greater than one year in the state. States with local residence requirements would not receive federal monies.⁶⁶

Yet, at the same time as Abbott and Lenroot hoped to use national government power to liberalize and expand mothers' pensions, the way that they structured funding for the program showed their tendency to retain

ample responsibility for the states and even for the localities. Lenroot proposed a loose matching grant system wherein one-third of the funds would come from each level of government, not only federal and state, but local as well.⁶⁷ While CES proposed \$50 million from the national government for the first year of the OAA program, the Children's Bureau officials recommended only half that amount, \$25 million, for the first year of ADC. In fact, when Lenroot asked Grace Abbott for her advice about requesting one and a half million dollars for the entire package of child welfare services in the Social Security Act, Abbott responded that the amount was too much, and that Lenroot should only request one million. To some extent, the low figure reflected the fact that Children's Bureau officials had struggled for years to obtain equally modest appropriations from Congress for the Sheppard-Towner program, only to have it finally rescinded entirely.⁶⁸ More important, though, the approach exemplified Abbott and Lenroot's view of the appropriate role for national government. As Lenroot said, "We were still thinking very much in terms of state responsibility. . . . we were very much imbued with the idea that the federal grant should be a stimulating, helping, somewhat equalizing factor for the most needy states, but should not take the place of state and local financial responsibility for services to children."⁶⁹ She believed that through a properly structured grant-in-aid program, the federal government could achieve a larger goal of promoting the development and professionalization of state-level welfare departments, thus strengthening the ability of the states to act effectively in administering other social programs.⁷⁰

While the Children's Bureau officials wanted to elevate standards, furthermore, they also wanted to retain a fair measure of state and local administrative authority for programs. In part, their inclination of decentralized governance fused with their attitudes regarding proper delivery of services. Like other maternalists, Abbott and Lenroot considered the provision of benefits to be less important than the services that accompanied such provision: educating poor women in child-rearing and domestic skills. Local officials, they reasoned, would best understand the situation of women in their own proximity and would be most adept at handling the child welfare services that ought to accompany funds for fatherless children.⁷¹ As well, they, like other social workers, understood eligibility determinations to be both a critical dimension of casework and an inherent characteristic of public assistance, as it had been under mothers' pensions. Thus, rather than adopt broad national eligibility standards, they crafted a policy that incorporated a broad federal definition of "dependent children" but still permitted states to be far more restrictive if they chose to do so.⁷² Abbott argued optimistically that the law would serve to prompt states to adopt the broadest

permissible eligibility guidelines because then they would, by covering more children, qualify for additional federal assistance.⁷³ In short, she and Lenroot preferred an approach that offered states incentives to be broadly inclusive to rigid standards that required them to do so. They were confident that social workers, serving in the context of the merit system, would assure what they considered appropriate service delivery.

Ultimately, the program put forth by Abbott and Lenroot, more than any other feature of the Economic Security Bill, represented a traditional application of preexisting principles of federal-state relations and epitomized incrementalism in policymaking. The design of ADC was innovative only to the extent that it promoted a shift from local to state-level authority for social provision and provided incentives to states that had not done so previously to develop social programs and corresponding administrative agencies. Because the Children's Bureau's recommendations were so modest and emulated the approach of CES leaders, who sought to promote and support state-level program initiatives, the CES readily included them in its final report for President Roosevelt.⁷⁴ Soon attention turned to developments at the other end of Pennsylvania Avenue, and Congress began in January to consider the administration's bill.

Subsequent Developments

As Congress considered the Economic Security bill, both Houses were deluged with appeals from Townsend Plan supporters and others advocating generous old-age assistance plans, prompting members to deliver stirring speeches on the floor that called for more redistributive programs for the elderly. The most important changes to the SSA, however, occurred behind closed doors, in the House Ways and Means Committee. There, southerners, who dominated the committee, reworked sections of the legislation in order to ensure the preservation of states' rights and local autonomy.

The committee left the framework for OAI intact, but limited program coverage further by excluding agricultural and domestic workers, a disproportionately nonwhite and female group that comprised many of the lowest paid workers in the nation. Also, in order to appease religious groups, the committee excluded several other categories of employees that were disproportionately female, including workers in religious, educational, and nonprofit organizations.⁷⁵ Thus, the program that Armstrong and Brown had worked so hard to establish as the source of

national, standardized rights of citizenship for elderly Americans became even more exclusively directed toward men, particularly white men.

Amid the din over programs for the elderly, Congress dealt with ADC only in a swift and preemptory fashion. Specific clauses of the bill were changed to strengthen the already high degree of state control in the program. The Ways and Means Committee obliterated the few features that Lenroot and Abbott had included for the purpose of raising standards nationwide. The requirement that states adopt the merit system for personnel practices was dropped, meaning that the definition of eligibility requirements would become subject to local cultural norms and political imperatives rather than professional standards. Lawmakers also omitted the clause that would have required that states provide for "assistance at least great enough to provide . . . a reasonable subsistence compatible with decency and health," and instead substituted language requiring only that states provide assistance "as far as practicable under the conditions in such State."⁷⁶ They endowed the program, furthermore, with a financing and benefit structure that left a high degree of responsibility to the states: the federal government would provide one dollar for every two from the states, no funds would be provided to caretakers, and federal contributions to children would be capped at \$6 for the first child and \$4 for other children.⁷⁷ Thus, the quality, character, and generosity of ADC would depend on more state-level discretion and initiative than even the Children's Bureau officials had intended. With very little additional attention from legislators on the House or Senate floor, OAI and ADC became statutory law as the Social Security Act was signed by Roosevelt in August 1935.

Citizenship and American Federalism

While building on the foundations of different types of policies in creating OAI and ADC, the first targeting men as breadwinners and the second geared to women as homemakers, New Deal policymakers had compounded and institutionalized those distinctions by endowing the first program with national administrative procedures and by leaving ADC to the authority of the individual states. Table 1 highlights the distinctions between the two policies.

	Old Age Insurance	Aid to Dependent Children
1. <i>Level of Governmental Administration</i>	National	Joint National-State
2. <i>Contributory v. Noncontributory</i>	Contributory via payroll tax	Noncontributory
3. <i>Financing Arrangements</i>	Tax on employers; funds held by national government	Grant-in-aid, national government contributes one dollar for every two dollars a state contributes
4. <i>Eligibility determined by</i>	National Standards	States
5. <i>Merit System Required</i>	Yes	No; State option

Table 1. Features and provisions of Old Age Insurance and Aid to Dependent Children, compared.

Only four years after the creation of OAI and ADC, the fates of the two programs became entwined in efforts to amend the SSA, and their features emerged even more distinct. In 1937, OAI's future looked bleak: though payroll taxes were already being collected, the program was not scheduled to deliver benefits until 1942, and it had already come under criticism by those opposed to mounting government-held reserves. Meanwhile, Old Age Assistance was well established and several states were responding to popular pressure and expanding coverage and raising benefits. Federal administrators and members of the Advisory Council of 1937–38, who were determined to transform the national, contributory program into the primary program for the elderly, decided to make wives of retired beneficiaries as well as widows and children of deceased beneficiaries also eligible for benefits. Women who were married to men covered by Old Age and Survivors' Insurance (OASI), as it came to be known in the 1939 Amendments, thus achieved coverage in a national program with standardized benefits, albeit at a rate of only 50 percent of their husbands' benefits. Many of the widows and children who had previously depended on ADC thus became endowed with national citizenship status. At the same time, ADC was altered to require means-testing of beneficiaries. Thus, the women who were left to the program, who were likely to be divorced, separated, or unmarried, poor, and

nonwhite, remained under the domain of the states and became increasingly stigmatized as “welfare” recipients. Coverage under the two programs thus became distinguishable more by marital status than by gender.⁷⁸

In the course of implementation, the implications of the different institutional arrangements became manifest as persons incorporated in the national program came to enjoy a higher status as social citizens than those relegated to the state-level program. While a full examination of these outcomes lies beyond the scope of this article, the explanation can be reviewed here briefly. Both political-institutional and political-economic factors specific to American federalism, as well as particular features of OAI and ADC, made for the disparity in social citizenship on the national versus state level.

First, political-institutional features of the American states gave state-level governance, well beyond the New Deal, a fundamentally different character than national governance. Contrary to the pervasive assumption that decentralized governance is inherently more democratic than national governance, the American states had long fostered domination of the political process by local interests acting to preserve cultural norms and the economic order.⁷⁹ The American constitutional system traditionally endowed states with an important tool that enabled such rule: the police power, a governing capacity with communitarian roots that predated liberal conceptions of law.⁸⁰ The police power meant the capacity to promote the public good or, in the words of the Taney Court, to “provide for the public health, safety and good order” of the community, and it enabled states to exist as separate and distinct communities that functioned to preserve the social order rather than to extend and bestow rights.⁸¹ The states remained able to exercise the police power in a fairly autonomous fashion until the late 1950s and 1960s, when the Supreme Court came to understand the Fourteenth Amendment to apply to the states, expanding the reach of both the due process and equal protection clauses. In the implementation of ADC, the particularistic character of states’ police powers was amplified by the discretion by local officials who were still selected in most states through the patronage tradition rather than the merit system, and thus were more likely to impose local cultural norms than to exercise professional ethos.

Through these political-institutional means, ADC was implemented, for a full three decades following the enactment of the SSA, in a manner that forced citizens to comply with local and regional cultural norms and workforce requirements. Just as they had under mothers’ pensions, states enacted “suitable home” rules that stipulated particular behavior on the part of mothers in order to retain their eligibility status. For example, in Fall River, Massachusetts, a state noteworthy for its high benefit levels, a caseworker informed an official from the Social Security Board that “parents must be fit to care

for children. Mothers with illegitimate children should not be eligible. The home must be clean. Children must attend church to be eligible for relief."⁸² States also limited the rolls by enacting prohibitions on lending assistance to children whose parents were divorced, separated, or had never been married. The Bureau of Public Assistance found that differences in the "illegitimacy rate" between states were not sufficient to account for the wide range among states of acceptance of unmarried mothers for ADC.⁸³ Through highly interventionist methods of surveillance, which were applied most rigorously to southern blacks, some states and localities used "man-in-the-house" rules to withdraw aid from women suspected of having or found to have "male callers." Some states, especially in the South, used work rules to deny assistance to "employable mothers" whose children were no longer infants and forcing such women to work, usually in the fields.⁸⁴ While such eligibility rules prevailed, African Americans and Latinos remained underrepresented on the welfare rolls, despite high levels of need.⁸⁵ A 1942 Social Security Board (SSB) study of ADC recipients in sixteen states found that the rates of coverage of whites varied far less from state to state than the rates of coverage of minority families.⁸⁶ In effect, southern states were using their authority over benefits delivery in a manner that maintained the racial order.⁸⁷

By contrast, the chief hallmark of the OASI program, in the early years of implementation, was its national uniformity. As noted in a *Social Security Bulletin*, "Benefits in every part of the country are awarded under one law, one policy, one set of rules and regulations."⁸⁸ Recipients enjoyed the advantages of uniform treatment resulting from administration according to clear, impartial, and routinized procedures under a single, national tier of government. Since coverage was considered a "right" for covered workers, beneficiaries avoided the invasive and moralistic procedures used to determine eligibility for public assistance.

The disparity between OAI and ADC emerged also because of the political-economic features of American federalism, which act as a restraint upon the willingness of the states to act as "laboratories of experimentation" for democratic ends. As observed by David B. Robertson and Dennis R. Judd, the Constitution created "the world's largest 'free trade' zone," since the individual states have neither the power to prevent businesses from entering or leaving their borders nor, unlike the national government, to protect businesses within their borders.⁸⁹ Instead, the states must compete with each other to establish a favorable "business climate" in order to attract and maintain businesses to operate within their borders. Thus, states are generally reluctant to implement social reforms that may act or be perceived as acting to increase the cost of doing business within their boundaries.⁹⁰ As Paul Peterson has shown, when states administer redistributive policies, they tend

to neglect standards as they engage in a “race to the bottom,” competing with each other to make benefits less generous in amount and more punitive in form. National government, by contrast, does not have to be as concerned about the outward flow of capital. The greatest taxing power, moreover, lies with the national government, which can tax corporations substantially and has a generally more extensive and progressive income tax system than the states and localities. Thus, national government is far better positioned than state or municipal governments to administer redistributive policies.⁹¹

The dynamics of federalism that affected OAI and ADC so differently were amplified by particular features of the programs’ designs. In 1939, the possibilities for generous benefits in OAI, already promising because of the program’s use of the national taxing power, were fortified by structuring the program such that current workers’ contributions became used to pay benefits to already-retired persons. Thus, the program was able to offer early beneficiaries payments far greater than the contributions they had paid into the system. Benefits became increasingly generous in subsequent decades as coverage for the program was expanded, broadening the base of current earners financing the pay-outs to retirees. By contrast, under the states, ADC became subject to a downward spiral in benefit levels and eligibility criteria. Program benefits also varied tremendously, ranging in 1937 from a low of \$10.40 per family each month in Arkansas to \$61.16 in Massachusetts. Six states paid ADC grants between \$10 and \$20, ten states between \$20 and \$30, seventeen between \$30 and \$40, and three states over \$40 per month.⁹² As well, interstate economic competition made the creation of welfare policy at the state level subject to contentious and repeated political battles, in which potential welfare recipients were the losers.

Thus, through implementation, the stratification of citizenship between men at the national level and women at the state level promoted gender inequality among citizens, as they came to experience very different treatment at each level. National administrative practices were characterized by standardized procedures and, over time, became construed as rights; state-level administrative practices, over the next three decades, depended on the discretion of officials in a political context where community norms took precedence over individual rights. The officials in the Children’s Bureau who fashioned ADC had believed that the grant-in-aid scheme would function to promote the adoption of national “standards” in the state-run programs, thus extending social rights. The features of American federalism function, however, to undermine the possibility for programs to extend universal rights in any meaningful way; rather, such programs are always subject to variation and downward momentum unless they enjoy the support of

strong and well-organized interest groups. Other programs in the SSA that depended on state-level authority did benefit from the advocacy of such groups, OAA from the Townsend groups and related organizations and UI from labor unions, and thus both were elevated in the early years of implementation. ADC, by contrast, lacked such a rallying crowd, leaving the single mothers and children in its ranks most subject to the dynamics of federalism.⁹³

Governance under ADC retained its inferior status until the 1960s, when an insurgent welfare rights movement pressed the courts to rule against the uneven eligibility standards exercised by states. Thus the program, which had since come to be called Aid to Families with Dependent Children (AFDC), began to approximate more closely an “entitlement” to the extent that states were forced to comply with national standards for eligibility rules.⁹⁴ Still, benefit levels continued to vary from state to state. By the 1980s, moreover, the federal government began to permit states to deviate from national eligibility standards, and the program became subject once again to the vagaries of state governance.⁹⁵

Conclusion

How had the citizenry become, through the creation of OAI and ADC in 1935, divided by sex into two different sovereignties? Policymakers had not acted in a predetermined or organized fashion to establish a system that would elevate men in the polity while maintaining control over women. Women officials and reformers had played a critical role in the formation of both programs. Ultimately, however, a combination of factors, both direct and indirect, and intended and unintended, combined to render OAI and ADC gender-specific policies under the domain of two different sovereignties.

First, policymakers shaped both programs by reflexively building on gendered traditions of policymaking. In creating old-age insurance, policymakers in the CES and congressional committees had placed priority on the role of full-time participants in the paid labor force, the “forgotten man” whom Roosevelt intended to include in New Deal policy. ADC was planned as a program aimed for those who were “dependent upon the public for support,” primarily worthy mothers and their children who had been deprived of the support of a male “breadwinner.”⁹⁶

Second, and more deliberately, policymakers had acted to shape federalism anew in the creation of the two programs. OAI was developed, successfully, by a “new guard” of social reformers who were determined to establish

the program as a hallmark of national social citizenship for those included in its benefits. By contrast, ADC was created by the “old guard” maternalist reformers who, in the tradition of the Progressive Era, viewed states as the proper locus of governance. Congressional committees, acting on different motives, made authority for the program far more thoroughly decentralized. Thus two distinct and gender-specific forms of citizenship were established.

In 1939, the Amendments to the Social Security Act brought women who were married to men covered by the contributory program into its ranks, while poor, divorced, and unmarried women remained subject to ADC. While the primary beneficiaries of OASI remained predominantly male, gender no longer provided a clear divide between the contributory program and ADC. Yet, the distinctions between national and state-level governance for the program, as created in 1935, endured. Gradually, in the course of implementation, the unequal status of citizenship under these two different jurisdictions became evident, and the experience of citizenship became increasingly distinct for those covered by each program.

These cases demonstrate that decisions in the policymaking process that have important implications for the character of citizenship are not only those that deal overtly with ideas about the rights and obligations of citizens. As the formation of the SSA shows, although some aspects of gendered social citizenship can be traced directly to the ideas and intentions of policymakers, seemingly innocuous decisions about administrative authority for programs can be just as significant in arranging the contours of social citizenship. Social divisions can thus be instilled in public policies even where policymakers did not intend such results, but where the interactions of ideas and institutions produce indirect and unintended consequences in policy outcomes.

As well, the cases show that institutional change involves the interaction between preexisting institutional arrangements and the ideas of policymakers who have learned particular lessons from their experiences within particular institutional arrangements. Prior institutional arrangements do serve to shape, direct, or constrain policy development, but neither the extent to which such factors matter nor the particular signals they provide is predetermined or fixed. Rather, the efforts of policymakers to arrive at answers to such questions constitute many of the battles at stake in the politics of policymaking.

The story of the creation of OAI and ADC holds an important lesson for policymakers today, as critical decisions about institutional arrangements for the devolution of public policy are being made without careful attention to the implications for citizenship. Although the sharp distinctions between national and state-level governance for OAI and ADC were softened follow-

ing court decisions and welfare reform in the 1960s, in the 1990s they are being reformulated. Even amid calls to overhaul “social security,” no one has proposed turning authority for the program over to the states. By contrast, the Personal Responsibility and Work Opportunity Reconciliation Act, passed by Congress and signed into law by President Bill Clinton in August 1996, dissolved the remains of national standards for ADC’s descendant, AFDC. States thus regained more authority than they have held in six decades for both the financing and eligibility standards for what remains the major U.S. program of social provision for low-income women and their families. The American citizenry is thus becoming divided anew into two different sovereignties, reinforcing social hierarchies and fragmenting the polity.

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Notes

1. Gosta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Princeton, 1990).

2. For a comprehensive review of literature on gender and welfare states, see Ann Orloff, “Gender in the Welfare State,” *American Sociological Review* 22 (1996): 51–78. On citizenship, gender, and welfare states, see Marilyn Lake, guest editor, “Citizenship: Intersections of Gender, Race, and Ethnicity,” Special Issue, *Social Politics* 2 (Summer 1995); Ann Shola Orloff, “Gender and the Social Rights of Citizenship: The Comparative Analysis of Gender Relations and Welfare States” *American Sociological Review* 58 (June 1993): 303–28; Ursula Vogel, “Is Citizenship Gender-Specific?” in *The Frontiers of Citizenship*, ed. Ursula Vogel and Michael Moran (New York, 1991); Diane Sainsbury, ed., *Gendering Welfare States* (London, 1994); Diane Sainsbury, *Gender, Equality, and Welfare States* (Cambridge, 1996).

3. “Social citizenship” refers to the incorporation of legal citizens into the polity through programs for economic security and welfare. See Michael Walzer, *Spheres of Justice* (New York, 1983), 64–94; T. H. Marshall “Citizenship and Social Class,” in *Class, Citizenship, and Social Development* (New York, 1965), 65–122; Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Mass., 1991). On the “two-tiered” character of the New Deal welfare state in relation to gender, see Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (Minneapolis, 1989), and Barbara J. Nelson, “The Origins of the Two-Channel Welfare State: Workmen’s Compensation and Mothers’ Aid,” in *Women, the State, and Welfare*, ed. Linda Gordon (Madison, Wis., 1990).

4. In the 1960s, ADC was altered to become Aid to Families with Dependent Children (AFDC). AFDC endured until it was dissolved through the Personal Responsibility and Work Opportunity Act of 1996. The SSA also included Old Age Assistance (OAA), which was trans-

formed into Supplemental Security Income (SSI) in 1974, and Unemployment Insurance (UI), which, though amended, remains intact.

5. Theda Skocpol, "The Limits of the New Deal System and the Roots of Contemporary Welfare Dilemmas," in *The Politics of Social Policy in the United States*, ed. Margaret Weir, Ann Shola Orloff, and Theda Skocpol (Princeton, 1988), 293–312; Robert C. Lieberman, "Race and the Organization of Welfare Policy," in *Classifying by Race*, ed. Paul E. Peterson (Princeton, 1995), 156–87; Jill Quadagno, "From Old-Age Assistance to Supplemental Security Income: The Political Economy of Relief in the South, 1935–1972," in *The Politics of Social Policy in the United States*, 293–312.

6. The concept of "unintended consequences" is hardly new in the analysis of public policy development, but the relevance of institutional administrative arrangements to such outcomes has not been examined sufficiently, and the unintended consequences of policy design for gender have been ignored entirely. Typically, in the public choice approach to policy analysis, the term "unintended consequences" is used to refer to "externalities," otherwise known as impacts that affect those who did not consent to them. Such effects are usually understood as resulting from unanticipated environmental effects. See David L. Weimer and Aidan R. Vining, *Policy Analysis: Concepts and Practice* (Englewood Cliffs, N.J., 1992), 57–62; greater attention to bureaucratic arrangements is offered on pp. 131–43. This emphasis on "side-effects" overlooks, however, many of the ways in which institutional arrangements for policy delivery may have unexpected consequences even for those who are the intended recipients. Some political scientists have been more attentive to institutional effects, but the predominant literature has focused on the implementation process. The classic study in this regard is Jeffrey L. Pressman and Aaron Wildavsky, *Implementation* (Berkeley and Los Angeles, 1974); see also Theodore J. Lowi, Benjamin Ginsberg, et al. *Poliscide* (Lanham, Md., 1990). Neither of these approaches gives much heed to the politics of policy design, and thus they neglect to explain how such seemingly irrational decisions were made. The best of the recent literature on policy design, though it departs from the public choice assumptions about self-interested individuals seeking to maximize utility, still largely overlooks the importance of institutional arrangements for policy delivery. See Anne L. Schneider and Helen Ingram, "Policy Design: Elements, Premises, and Strategies," in *Policy Theory and Policy Evaluation*, ed. Stuart S. Nagel (Westport, Conn., 1990), 77–101; idem, "Social Construction of Target Populations: Implications for Politics and Policy," *American Political Science Review* 87 (June 1993): 334–47. Thus, this article attempts what has not been done elsewhere: to examine how policy officials make decisions about institutional arrangements that subsequently result in unintended consequences, in this case in terms of gender.

7. For a full analysis of the implementation and implications of each program in terms of gender, see Suzanne Mettler, *Dividing Citizens: Gender and Federalism in New Deal Public Policy* (Ithaca, N.Y., 1998).

8. Linda Gordon, *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1890–1935* (New York, 1994); see also Robyn Muncy, *Creating a Female Dominion in American Reform, 1890–1935* (New York, 1991); Alice Kessler-Harris, "Designing Women and Old Fools: The Construction of the Social Security Amendments of 1939," in *U.S. History as Women's History*, ed. Linda Kerber, Alice Kessler-Harris, and Kathryn Kish Sklar (Chapel Hill, N.C., 1995), 87–106; Gwendolyn Mink, *The Wages of Motherhood: Inequality in the Welfare State, 1917–1942* (Ithaca, N.Y., 1995); Molly Ladd-Taylor, *Mother-Work: Women, Child Welfare, and the State, 1890–1930* (Urbana, Ill., 1994); Eileen Boris, *Home to Work: Motherhood and the Politics of Industrial Homework in the United States* (New York, 1994).

9. Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Mass., 1992); Ann S. Orloff, "Gender in Early U.S. Social Policy," *Journal of Policy History* 3 (1991): 249–81.

10. Theda Skocpol and Edwin Amenta, "Did Capitalists Shape Social Security?" *American Sociological Review* 50 (August 1985): 573.

11. See also Theda Skocpol with G. John Ikenberry, "The Road to Social Security," in *Social Policy in the United States* (Princeton, 1995), 158–59.

12. On the interaction of ideas and institutions, and the role of political learning, see Hugh Heclo, "Ideas, Interests, and Institutions," in *The Dynamics of American Politics*, ed. Lawrence C. Dodd and Calvin Jillson (Boulder, Colo., 1994), 366–92. See also Rogers Smith, "Ideas, Institutions, and Strategic Choice," *Polity* 28 (Fall 1995): 135–40.

13. Ann Shola Orloff, *The Politics of Pensions: A Comparative Analysis of Britain, Canada, and the United States, 1880–1940* (Madison, Wis., 1993), 121–51; Skocpol, *Protecting Soldiers and Mothers*; Michael B. Katz, *In the Shadow of the Poorhouse: A Social History of Welfare in America* (New York, 1986).

14. Abraham Holtzman, *The Townsend Movement: A Political Study* (New York, 1963); Alan Brinkley, *Voices of Protest: Huey Long, Father Coughlin, and the Great Depression* (New York, 1982).

15. Kenneth Casebeer, "The Workers' Unemployment Insurance Bill: American Social Wage, Labor Organization, and Legal Ideology," in *Labor Law in America*, ed. Christopher Tomlins and Andrew King (Baltimore, 1992).

16. Frances Perkins, *The Roosevelt I Knew* (New York, 1946), 284–85.

17. Franklin D. Roosevelt, "Message to Congress Reviewing the Broad Objectives and Accomplishments of the Administration, June 8, 1934," in National Conference on Social Welfare, ed. *The Report of the Committee on Economic Security of 1935 and Other Basic Documents Relating to the Development of the Social Security Act* (Washington, D.C., 1985), 138.

18. One public assistance program, Old Age Assistance, was also considered to be the appropriate source of aid for retired wage-earners until the contributory program itself matured. Social Security Board (SSB), *Social Security in America: The Factual Background of the Social Security Act as Summarized from Staff Reports to the Committee on Economic Security* (Washington, D.C., 1937), 189–90.

19. Francine D. Blau and Marianne A. Ferber, *The Economics of Women, Men, and Work* (Englewood Cliffs, N.J., 1986), 70.

20. See Mettler, *Dividing Citizens*.

21. Roosevelt, "Message to Congress . . . June 8, 1934."

22. James T. Patterson, *The New Deal and the States* (Princeton, 1969), 3–4; *Reminiscences of Thomas H. Eliot*, Oral History Collection of Columbia University (hereafter OHC), 22. It should be noted that the oral history sources used here and below are "reminiscences" through which policy officials, some two to three decades after the creation of the Social Security Act, engaged in retrospective explanations of their behavior. It is possible that these actors had come to justify their prior behavior in light of the effects of the policies in the course of implementation. Therefore, these sources have been used cautiously, most always in combination with other sources that corroborate the evidence they present.

23. Committee on Economic Security (CES), "The Report on Economic Security," in *The Report of the Committee on Economic Security of 1935*, ed. National Conference on Social Welfare, 4–5; Ann Shola Orloff, "The Political Origins of America's Belated Welfare State," in *The Politics of Social Policy*, ed. Weir, Orloff, and Skocpol, 37–80. See also *Reminiscences of Arthur J. Altmeyer*, OHC, 105, 187–88; Skocpol and Amenta, "Did Capitalists Shape Social Security?" 572–75.

24. Blanche D. Coll, *Safety Net: Welfare and Social Security, 1929–1979* (New Brunswick, N.J., 1995), 21–33; Patterson, *The New Deal and the States*, chap. 3; Gordon, *Pitied But Not Entitled*, 188–91.

25. Just how much the Supreme Court might attempt to restrain national policymaking was not yet clear at this point. In fact, Court decisions in 1934 suggested that a majority of the Court might view the New Deal with sympathy. See Alfred H. Kelly, Winfred A. Harbison, and Herman Belz, eds., *The American Constitution: Its Origins and Development*, vol. 2 (New York, 1991), 475. Only in 1935, after the Roosevelt administration's Economic Security Bill had already been sent to Congress, did the Court begin to overturn important pieces of New Deal legislation. The most important examples are *Schechter Poultry Co. v. United States* 295 U.S. 495 (1935), through which the National Industrial Recovery Act was declared unconstitutional, and *United States v. Butler* 297 U.S. 1 (1936), in which the Agricultural Adjustment Act

suffered the same fate. Because of this timing, scholars must be careful not to overstate the role of Supreme Court scrutiny in shaping decisions by the Committee on Economic Security.

26. "Extract from a Memorandum by Jane Perry Clark on Analysis of Types of Federal State Relationships in Relation to a Program of Economic Security," Jane Perry Clark file, Records of the Committee on Economic Security (CES), Staff Reports, 1934–35, box 17, Records of the Social Security Administration (SSA), Record Group (RG) 47, National Archives (NA); Perkins, *The Roosevelt I Knew*, 286–87.

27. Perkins, *The Roosevelt I Knew*, 286–92; Edwin Witte, *Development of the Social Security Act* (Madison, Wis., 1962), 50–66, 116–18.

28. Gordon, *Pitied But Not Entitled*, 146.

29. *Reminiscences of Eveline Burns*, OHC, 52

30. Barbara Nachtrieb Armstrong, *Insuring the Essentials: Minimum Wage Plus Social Insurance—A Living Wage Program* (New York, 1932), xvii, 436; *Reminiscences of Eveline Burns*, 52.

31. Barbara Nachtrieb Armstrong, "Memorandum on Section 5: Old Age Retirement," 3–4, CES, Staff Reports, 1934–35, box 23, RG 47, NA; Irving Bernstein, *A Caring Society*, 50.

32. Armstrong, *Insuring the Essentials*, 145–48.

33. See Barbara Nachtrieb Armstrong, "Possibilities of a Unified System of Insurance Against Loss of Earnings," pp. 1–4, 8, CES, Staff Reports, 1934–35, box 17, RG 47, NA; idem, "Estimated Number of Workers Covered by Old Age Annuity System," CES, Staff Correspondence, 1934–35, box 12, RG 47, NA; J. Douglas Brown and Barbara Nachtrieb Armstrong, "Plan for Federal Compulsory Contributory Pension Insurance," CES, Staff Reports, 1934–35, box 17, RG 47, NA.

34. See *Reminiscences of Barbara Nachtrieb Armstrong*, OHC, 98.

35. *Reminiscences of Eveline Burns*, 52–55.

36. Armstrong, "Memorandum on Section 5: Old Age Retirement," p. 1, CES, Staff Reports, 1934–35, box 1, RG 47, NA.

37. "Summary of Discussion of the Old Age Security Committee of the Technical Board," 26 September 1934, CES, General Records of the Executive Director and Staff, box 1, RG 47, NA; *Reminiscences of Thomas H. Eliot*, 30; Arthur J. Altmeyer, *The Formative Years of Social Security* (Madison, Wis., 1966), 25.

38. *Reminiscences of Barbara Nachtrieb Armstrong*, 74–76.

39. Martin, *Madam Secretary*, 348; *Reminiscences of Thomas H. Eliot*, 29–30.

40. Memo from Dudley O. McGovney for Barbara Nachtrieb Armstrong, "Answer to Questions on Constitutional Chances of Three Schemes Outlined in Mr. Thomas H. Eliot's Memorandum," 22 October 1934, CES, Staff Correspondence, 1934–35, box 12, RG 47, NA.

41. *Reminiscences of Barbara Nachtrieb Armstrong*, 76, 93, 95.

42. "Outline of Old Age Security Program Proposed by Staff," 9 November 1934, CES, General Records of the Executive Director and Staff, 1934–35, box 1, RG 47, NA; J. Douglas Brown, *An American Philosophy of Social Security* (Princeton, 1972), 9–16.

43. Letter and attached speech, Edwin Witte to Frances Perkins, 10 November 1934, p. 3, CES, Correspondence Regarding Proposals for the Economic Security Program, 1934–35, box 55, RG 47, NA.

44. Brown, *An American Philosophy of Social Security*, 16–17; *Reminiscences of Barbara Nachtrieb Armstrong*, 68, 104–5.

45. Letters, Witte to Frankfurter, 19 November 1934, CES, Correspondence Regarding Proposals for the Economic Security Program, 1934–35, box 56, RG 47, NA.

46. *Reminiscences of Barbara Nachtrieb Armstrong*, 82–83, 156–57, 168; Brown, *An American Philosophy of Social Security*, 21–22.

47. Already, fourteen other nations had enacted old-age insurance plans complete with survivors' insurance, but the CES reported that though such a system was desirable, further investigation was needed before proposing an American counterpart. SSB, *Social Security in America*, 183, 204.

48. Mark Leff, "Taxing the 'Forgotten Man': The Politics of Social Security Finance in

the New Deal," *Journal of American History* 70 (September 1983): 378, 381.

49. Brown, *An American Philosophy of Social Security*, 20–21; *Reminiscences of Barbara Nachtrieb Armstrong*, 168.

50. SSB, *Social Security in America*, 160.

51. Eveline Burns, *Toward Social Security* (New York, 1936), 111–12.

52. Joanne L. Goodwin, "An American Experiment in Paid Motherhood: The Implementation of Mothers' Pensions in Early Twentieth-Century Chicago," *Gender and History* 4 (Autumn 1992): 330–34; Gordon, *Pitied But Not Entitled*, 49–50; Paul H. Douglas, *Social Security in the United States* (New York, 1939), 187–92.

53. Winifred Bell, *Aid to Dependent Children* (New York, 1965), 19.

54. Grace Abbott, "Recent Trends in Mothers' Aid," *Social Service Review* 8 (1934): 210; Lela B. Costin, *Two Sisters for Social Justice* (Urbana, Ill., 1983), 208.

55. *Reminiscences of Katharine Lenroot*, OHC, 33–34, 86.

56. Katharine Lenroot to Grace Abbott, 17 August 1934, Abbott Papers, box 54, file 1a, Regenstien Library, University of Chicago (hereafter UC); *Reminiscences of Katharine Lenroot*, 33–34.

57. Memo, From Katharine Lenroot to Mrs. Hopkins, 28 June 1934, box 479, file 0-5-4-10-0, Records of the Children's Bureau, RG 102, NA.

58. Katharine Lenroot to Grace Abbott, 17 August 1934, Abbott Papers, box 54, file 1a, UC.

59. Katharine Lenroot, "Preliminary and Confidential Suggestions for Development of a Children's Program as Part of a Federal Security Program," p. 1, Abbott Papers, box 61, file 3, UC.

60. Katharine Lenroot to Grace Abbott, 3 August 1934, Abbott Papers, box 36, file 3, UC.

61. Katharine Lenroot, "Special Measures for Children's Security," Abbott Papers, box 61, file 3, UC; *Reminiscences of Katharine Lenroot*, 92.

62. Katharine Lenroot to Grace Abbott, 10 January 1935, Abbott Papers, box 61, file 4, UC; SSB, *Social Security in America*, 288–89.

63. Katharine Lenroot to Grace Abbott, 13 October 1934, Abbott Papers, box 61, folder 3, UC; Katharine Lenroot, "Aid to Dependent Children" in SSB, *Social Security in America*, 248.

64. *Reminiscences of Katharine Lenroot*, 25, 33; Katharine Lenroot, "Preliminary and Confidential Suggestions," 3.

65. Lenroot, "Preliminary and Confidential Suggestions," 2; Public Law 271, 74th Cong., 1st sess. (14 August 1935), Social Security Act of 1935, Title IV, Section 402 (a); Burns, *Toward Social Security*, 111–12.

66. SSB, *Social Security in America*, Table 49, 235–36; testimony of Katharine Lenroot, Congress, House Ways and Means Committee, *Hearings on the Economic Security Act, H.R. 4120, 74th Cong., 1st sess., 26 January 1935, 267.*

67. CES, "Report of the Committee on Economic Security," 26–27, 36–37.

68. Gordon, *Pitied But Not Entitled*, 257.

69. *Reminiscences of Katharine Lenroot*, 99.

70. Lenroot, "Preliminary and Confidential Suggestions," 2.

71. *Reminiscences of Katharine Lenroot*, 107–11; Lenroot, "Preliminary and Confidential Suggestions," 4; Mink, *The Wages of Motherhood*, passim; Gordon, *Pitied But Not Entitled*, 102; Christopher Howard, "Sowing the Seeds of 'Welfare': The Transformation of Mothers' Pensions, 1900–1940," *Journal of Policy History* 4 (1992): 210.

72. Public Law 271, title IV, sec. 406(a). The law's broad definition of "dependent children," "a child under the age of sixteen who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent," was later drafted by FERA officials and approved by Abbott and Lenroot; it was the latter pair, however, who had already determined that such a standard should function not as a mandate for the states but rather to suggest the broadest possible terms of coverage that

states could adopt if they so chose.

73. Grace Abbott, *From Relief to Social Security* (New York, 1966), 279–80.

74. A controversy did erupt over ADC at this point, but it did not pertain to matters of national versus state-level authority. Just as the final draft of the CES Bill was being prepared for Congress, officials in FERA tried to wrest administrative authority for ADC from the Children's Bureau. Congress placed the program under the new Social Security Administration, however, rather than giving authority to either FERA or the CB. See Mettler, *Dividing Citizens*, chap. 5.

75. Perkins, *The Roosevelt I Knew*, 297–98.

76. Public Law 271, title IV, sec. 401.

77. Witte, *Development of the Social Security Act*, 164.

78. It should be noted that women who were included in the contributory program by virtue of their marital status were treated differently and less well than men. Still, inclusion in a program with national standards provided them with a form of social citizenship far superior to that of ADC recipients. For men, of course, coverage under OASI continued to be determined, as it had been from the start, by their labor market participation and type of occupation.

79. E. E. Schattschneider, *The Semisovereign People* (New York, 1960); Grant McConnell, *Private Power and American Democracy* (New York, 1966).

80. Christopher L. Tomlins, "Law, Police, and the Pursuit of Happiness in the American Republic," in *Studies in American Political Development* 4 (1990): 3–34; William J. Novak, "Intellectual Origins of the State Police Power: The Common Law Vision of a Well-Regulated Society," Legal History Program, Working Papers, Series 3 (Madison, Wis.: Institute for Legal Studies, University of Wisconsin, 1989).

81. David B. Walker, *The Rebirth of Federalism* (Chatham, N.J., 1995), 69.

82. "County Reports of Administration of Public Assistance Programs," p. 7, file 620.6/1940, Records of the Executive Director, Subject Files, 1935–40, box 274, RG 47, NA. For a fuller treatment of such rules during this period, see Mettler, *Dividing Citizens*, 164–65.

83. Social Security Board (SSB), Bureau of Public Assistance, *Families Receiving Aid to Dependent Children*, by Agnes Leisy, October 1942, Part I, Public Assistance Report No. 7, (Washington, D.C.: Social Security Board, Bureau of Public Assistance, 1943).

84. Bell, *Aid to Dependent Children*, 42–48; Frances Fox Piven and Richard Cloward, *Regulating the Poor* (New York, 1971), 134–41.

85. Southern states used such procedures to maintain the racial order. See Quadagno, "From Old-Age Assistance to Supplemental Security Income."

86. SSB, Bureau of Public Assistance, *Families Receiving Aid to Dependent Children*, 3–5.

87. Quadagno, "From Old-Age Assistance to Supplemental Security Income."

88. SSB, "The Comparability of Public Assistance Payments and Social Insurance Benefits," by Jacob Fisher, *Social Security Bulletin* 7 (December 1944): 11.

89. David B. Robertson and Dennis R. Judd, *The Development of American Public Policy: The Structure of Policy Restraint* (Glenview, Ill., 1989), 31.

90. David Brian Robertson, "The Bias of American Federalism: The Limits of Welfare-State Development in the Progressive Era," *Journal of Policy History* 1 (1989): 261–91; William Graebner, "Federalism in the Progressive Era: A Structural Interpretation of Reform," *Journal of American History* 54 (1977): 331–57.

91. Paul E. Peterson, "Who Should Do What? Divided Responsibility in the Federal System," *Brookings Review* (Spring 1995): 6–11; idem, *City Limits* (Chicago, 1981).

92. Douglas, *Social Security in the United States*, 428.

93. This topic is substantiated more fully in Mettler, *Dividing Citizens*, especially 143–79.

94. On these changes, see Martha F. Davis, *Brutal Need: Lawyers and the Welfare Rights Movement, 1960–1973* (New Haven, Conn., 1993); Frances Fox Piven and Richard A. Cloward, *Poor People's Movements: Why They Succeed, How They Fail* (New York, 1979), 264–361; *King v. Smith* 392 U.S. 309 (1968); *Shapiro v. Thompson*, 394 U.S. 618 (1969); *Goldberg v. Kelley*, 397 U.S. 254 (1970).

95. Steven M. Teles, *Whose Welfare: AFDC and Elite Politics* (Lawrence, Kan., 1996), 119–46; Irene Lurie, “State Welfare Policy,” in *The State of the States*, ed. Carl E. Van Horn (Washington, D.C., 1996).

96. For the use of such language, see CES, “Report of the Committee on Economic Security,” 5, 25, 26.