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Resisting a Right to Relief

States, Responsible Relative Laws, and Old Age Assistance

Federal efforts to modernize relief systems in the Social Security Act of 1935 faced significant challenges from state and local officials across the country. Federal policies sought to change two centuries of relief practices where local authority and funds directed policy. Indiana was one of many states whose officials resented this shift in authority, and the 1944 Welfare Investigation Commission's report captures the profound distrust and anger state and local officials felt: "The overwhelming weight of the evidence given to the commission ... was to the effect that both state and local boards were continually besieged by what amounted to threats from the Social Security Board ... that if the directives of said board were not followed, there would be a withholding of funds." The report continues to describe the efforts of the federal agency as "a flagrant and wholly unwarranted invasion, not only of the right of our duly elected General Assembly to determine what is right and fair for the people of Indiana, but is an arrogant flaunting of so-called federal power such as few have the courage or fortitude to resist."[1] Indiana's state and local officials, as well as business organizations, were among the most active in their resistance to federal authority, but were not an isolated example. Resistance to federal authority in the modernization of relief was a recurring issue as states implemented the public assistance programs in the Social Security Act.

This chapter focuses on responsible relative laws in the Old Age Assistance (OAA) program as a means to address aging parents' financial needs while also serving as a site of state resistance to federal authority. Although

[1] Indiana Welfare Investigation Commission. *Official Report of the Indiana Welfare Investigation Commission* (Indianapolis: State of Indiana, 1944): 7–8.

a federal program, OAA was funded by state, federal, and, in some cases, local funds. States had some administrative discretion within the regulations of the Social Security Act, and many states opted to enforce family support obligations as a condition of eligibility for assistance. This chapter details the history and administration of responsible relative laws; adult children were the primary targets of these laws in OAA. Enforcement of these laws was mixed; some states had them on paper but largely ignored them in practice, while others vigorously pursued family support. Fiscal control was a driving force in their administration at the state level, and state and local officials often sparred with federal officials over their practices.

Responsible relative laws experienced a resurgence in the post-World War II period in response to rising caseloads and public assistance costs. Concerns regarding fiscal control and family responsibility fueled these changes. States with strong support for home rule – the belief that local and state authority took precedence over federal power – deployed these laws most rigorously and argued for a continued role for local officials in public assistance administration. I argue that responsible relative laws were an arena of public assistance that remained under state discretion, and many states used them to control costs and contest federal efforts to modernize relief programs at the expense of state and local authority. Policymakers' focus on ensuring that adult children provided support generally rendered the needs of parents secondary to rhetoric about family obligations and protecting the public purse.

RESPONSIBLE RELATIVE LAWS

The implementation of the public assistance programs of the Social Security Act prompted significant revision of state and local relief programs. The three public assistance programs were financial partnerships between the states and federal government; the federal government provided matching funds to a specific limit in each program. Both states and the federal government funded the programs via general tax revenues. States received matching funds for the grants they provided to public assistance recipients, including OAA, but states also had to meet federal guidelines to be eligible for federal funds. Under OAA, federal dollars would match half the grant's amount to a specific limit, which began at $30 in 1935 and reached $70 in 1962.[2] Thus states that spent more on

[2] $30 is $655 in 2022 dollars, and $70 is $693 in 2022. The 1962 total also matched funds provided for medical care for OAA recipients up to $15 ($148 in 2022 dollars). Wilbur J. Cohen

OAA received more federal funds.[3] The Social Security Act, building on regulations enacted via the Federal Emergency Relief Administration (FERA) in 1933, required that programs be available across the state and administered uniformly under state supervision via a central agency. Under the Social Security Act, agencies were to be staffed by trained social workers selected under a merit system. Assistance was to be in the form of cash, and recipients had the right to a fair hearing at the state level if they disagreed with a decision by the local office. Residence as a condition of eligibility could no longer be solely based on a locale, such as a town, township, or county; instead, states could only require that applicants had resided in the state for five of the previous nine years.[4] The goal was to reshape public relief programs from local-centered programs to a more modern and uniform state system following federal guidelines.

Conflict between state and county governments, as well as state and federal officials, occurred under FERA, and continued under the public assistance programs of the Social Security Act. Created in 1933, FERA was a temporary program designed to address the emergency of the depression; the Social Security Act was intended to provide long-term security to needy Americans. Implementation of the public assistance programs in the Social Security Act directed states and local governments to fundamentally rethink their approach to relief on a much more permanent basis. States did retain some autonomy in specific eligibility questions, including residence, citizenship, and support obligations, but their plans had to conform to other federal guidelines. Federal officials, both policymakers and administrators, sought to transform public relief into a uniform system of aid grounded in clear eligibility standards. Karen Tani argues that this reconfiguration of relief created a right to relief; absent eligibility exclusions, anyone who qualified for a public assistance

and Robert M. Ball, "Public Welfare Amendments of 1962 and Proposals for Health Insurance for the Aged." *Social Security Bulletin*. 25.10 (1, 1962): 13–14; W. Andrew Achenbaum, *Social Security: Visions and Revisions* (New York: Cambridge University Press, 1986): 22; Jill Quadagno, *The Transformation of Old Age Security: Class and Politics in the American Welfare State* (Chicago: The University of Chicago Press, 1988): 137–140.

[3] Gareth Davies and Martha Derthick argue that race was not the key reason that southern states participated in OAA at lower rates. Instead southern states lacked the necessary funds to offer OAA benefits, and also rejected federal authority; the funding partnership favored wealthier states. See Davies and Derthick, "Race and Social Welfare Policy: The Social Security Act of 1935." *Political Science Quarterly*. 112.2 (1997): 227, 229–230.

[4] Karen M. Tani, *States of Dependency: Welfare, Rights, and American Governance, 1935–1972* (New York: Cambridge University Press, 2016): 40–42; Floyd Bond, Ray E. Barber, John A. Vieg, et al., *Our Needy Aged: A California Study of a National Problem* (New York: Henry Holt and Company, 1954): 133–154.

program was entitled to aid. States not only resisted federal authority over state and local relief administration, but some also rejected the belief that all eligible individuals should qualify for public assistance.[5] The persistence of responsible relative laws was a manifestation of state resistance to federal authority and the subsequent increase in public assistance caseloads. The resurgence in responsible relative provisions in the 1940s and 1950s, including property lien and recovery laws, was in part a response from state legislators intended to stem the "rights" language and authority of state welfare agencies and case workers, as well as to contain costs.

Eligibility centered on financial need, and, as noted, states had some latitude in what criteria they employed to determine eligibility, including responsible relative laws. State discretion created space for states to resist federal authority, in part by reducing public assistance costs by limiting eligibility or discouraging applicants at the outset. Responsible relative laws mandated support by family members, particularly adult children; if family members were able to provide financial help, the application was either rejected or the grant awarded was reduced. Property lien and recovery laws enabled state and county governments to recoup the cost of OAA from a recipient's estate or property. These policies sought to ensure that family members provided support before public funds did, and to prevent family members who did not provide support from benefiting from the recipient's estate.[6]

The millions of Americans who relied on OAA for support had to prove financial need to receive benefits, and this included investigations of family members' ability to help elderly parents in states that enforced support laws. In the enforcement of responsible relative laws, states specified appropriate family behavior and obligations. The goal of responsible relative laws in most states was twofold: to strengthen families by enforcing the moral obligation to aid one another and to reduce the financial

[5] Tani, *States of Dependency,* 39–42, 48–51.

[6] General relief, or general assistance, programs, or aid to those individuals who did not fit one of the categorical aid programs of the Social Security Act, remained under state and local control. State responsible relative laws also applied to general relief programs, but those programs were independent of federal authority and funded entirely by local governments, although some states also provided funds. Daniel Mandelker in his two-part analysis of responsible relative laws in general assistance programs argues that these provisions place primary emphasis on family support before public assistance. See Daniel R. Mandelker, "Family Responsibility under the American Poor Laws: I." *Michigan Law Review*. 54.4 (1956): 498; Daniel R. Mandelker, "Family Responsibility under the American Poor Laws: II." *Michigan Law Review*. 54.5 (1956): 626.

burden on the public for financial support of the needy.[7] State responsible relative laws sought to enforce specific types of "ideal" family behavior. This speaks to Patricia Strach and Kathleen Sullivan's argument regarding the institution of the family as a means to achieve public policy goals: "what authority can [the government] muster over a family to ensure compliance?"[8] Rachel Moran's concept of the advisory state applies to the range of methods local and state officials deployed to gain the support of families: "the implementation of such policy has varied over time along a spectrum from the understated nudge to the forceful prod."[9] Exerting that authority, whether an "understated nudge" or a "forceful prod," resulted in conflicts between federal and state officials who disagreed on the boundaries of governmental authority, and between case workers and family members asked to provide support. Enforcement also could generate discord between family members over the state's demand that an adult son or daughter provide support for a parent applying for or receiving OAA. The obligations of married daughters – and sons-in-laws – varied between states as some states required independent income of the daughter before requiring support.[10] In public assistance, the contest was over whether the state or family had the primary obligation to support the needy, and if the family member could – or should in the case of married daughters – in fact provide financial support.

Responsible relative laws have a long history in poor relief and represent a continuity in many public assistance programs before and after the 1935 Social Security Act. Many states retained and strengthened their enforcement of the responsibility of relatives, particularly adult children, in the first decades of the Social Security Act's implementation. These laws date to the earliest poor laws in the country, and include the responsibility of parents to support their children and for adult children to support parents.[11] States began to criminalize desertion and nonsupport of wives and children in the early twentieth century, but the obligation for other family members to

[7] Edith Abbott, "Poor Law Provision for Family Responsibility." *Social Service Review*. 12.4 (1938): 599–602; Art Lee, "Singapore's Maintenance of Parents Act: A Lesson to Be Learned from the United States." *Loyola of Los Angeles International and Comparative Law Journal*. 17.3 (1994–95): 674–675; Terrance A. Kline, "A Rational Role for Filial Responsibility Laws in Modern Society?" *Family Law Quarterly*. 26 (1992–93): 204–205.

[8] Patricia Strach and Kathleen S. Sullivan, "The State's Relations: What the Institution of Family Tells Us about Governance." *Political Research Quarterly*. 64.1 (2014): 95.

[9] Rachel Louise Moran, *Governing Bodies: American Politics and the Shaping of the Modern Physique* (Philadelphia, PA: University of Pennsylvania Press, 2018): 2.

[10] Mandelker, "Family Responsibility under the American Poor Laws: I," 511.

[11] Abbott, "Poor Law Provision for Family Responsibility," 599.

provide support remained in welfare laws.[12] By 1935, nine states defined legal responsible relatives as parents, grandparents, siblings, children, and grandchildren in their general relief laws. Another nine states did not include siblings, and most others mandated parents and children. Just nine states had no legal requirement for relatives to support family.[13] In 1952, thirty-five states had laws specifically addressing the responsibility of children to support parents. Responsible relative laws were more common in the Midwest and Northeast (see Map 1.1).[14] That number remained constant as late as 1967, as did the responsibility of adult children to support parents; twenty-eight states still had some form of responsible relative law in 1988, although enforcement had waned considerably.[15] Most states retained the legal responsibility of families to support one another, particularly regarding child and parent dependency, although their methods and attention to enforcing such support varied.

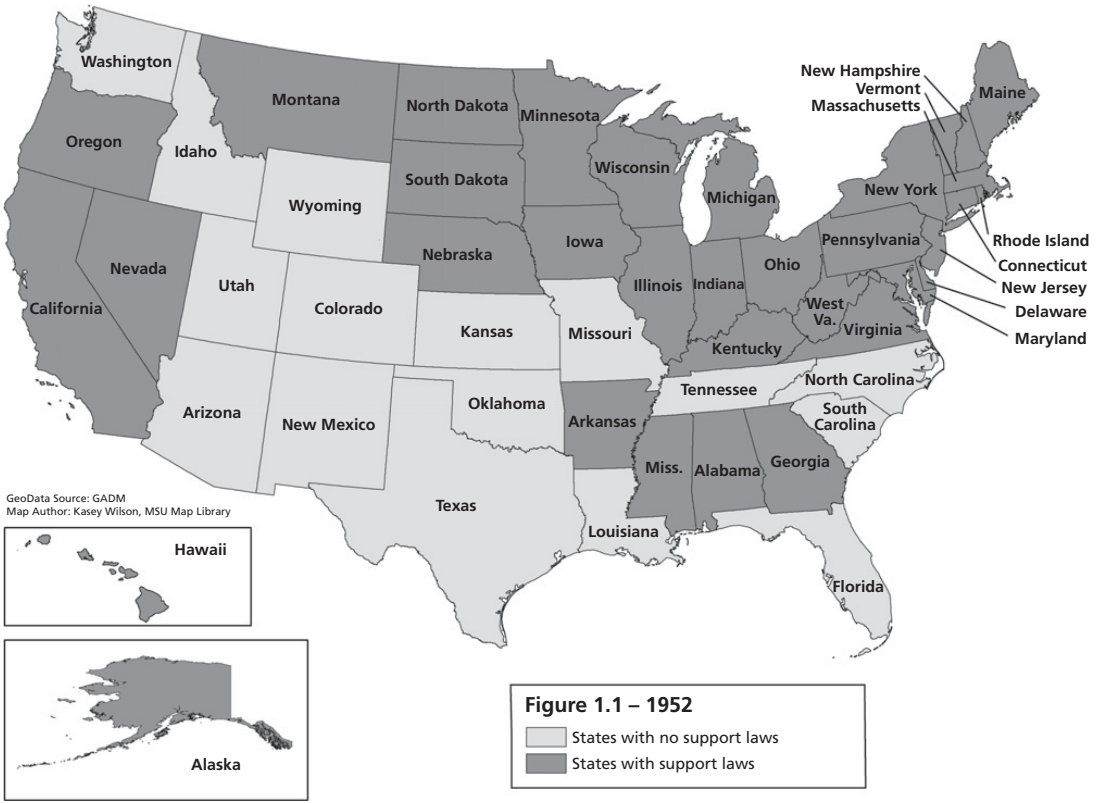
The Social Security Act neither prohibited nor encouraged responsible relative laws, and whether to enforce such support was left largely to state discretion. The Social Security Administration (SSA) included only the requirement that all income and resources available to the applicant be considered in the granting of public assistance and made no specific reference to responsible relatives, leaving it to states to determine need. Determination of needs was to be based on objective standards used throughout the state. Amendments in 1941 sought to clarify the determination of need, and the Social Security Board advised that "The purpose of these amendments is to assure that the State agency shall give consideration to all relevant facts necessary to an equitable determination of need

[12] See Michael Willrich, *City of Courts: Socializing Justice in Progressive-Era Chicago* (New York: Cambridge University Press, 2003) and Anna R. Igra, *Wives Without Husbands: Marriage, Desertion and Welfare in New York, 1900–1935* (Chapel Hill: University of North Carolina Press, 2007).

[13] Robert C. Lowe. *State Public Welfare Legislation* (Washington, DC: US Government Printing Office, 1939): 63–67.

[14] Generally, some Southern and Plains states were less likely to have such laws. Map 1.1 details the states that had support laws in 1952. Both Arkansas and Alabama eliminated their support laws in 1955, and Delaware did so in 1963. Alvin L. Schorr, *Filial Responsibility in the Modern American Family* (Washington, DC: Social Security Administration, 1960): 23; Elizabeth Epler, "Old-Age Assistance: Plan Provisions on Children's Responsibility for Parents." *Social Security Bulletin*. 17.4 (1954): 5.

[15] Michael Rosenbaum, "Are Family Responsibility Laws Constitutional?" *Family Law Quarterly*. 1.4 (1967): 58; Ann Britton, "America's Best Kept Secret: An Adult Child's Duty to Support Aged Parents." *California Western Law Review*. 26.2 (1989–90): 352–353, 360–364.



MAP 1.1 Support laws by state in 1954

and amount of assistance."[16] Thus states could mandate relatives provide support if they had the financial means, but case workers also could not ignore such income if it was provided.[17] By 1946, the Social Security Board recommended that states repeal responsible relative laws, and instead use general support laws to enforce support.[18] Absent an outright prohibition of such requirements, most states included the legal responsibility of relatives to provide support in their laws in the early years of the Social Security Act. Other states, such as Missouri, had no explicit responsible relative law but vigorously investigated relatives' support as a part of their assessment of an applicant's resources.

Responsible relative laws in their various forms (support obligations and lien and recovery laws) saw a resurgence in the post-World War II era, particularly from the 1940s to the 1960s, fueled in large measure by fiscal concerns. Scholars have documented the backlash against ADC and later Aid to Families with Dependent Children (AFDC); OAA was also a target but the dynamics in the two programs – including the role of race and region – were different. Responsible relative laws are a less recognized part of the backlash against public assistance costs in this period.[19] A 1945 Social Security state letter optimistically – and prematurely – noted that many states were heeding federal officials' advice by removing support obligations from their laws; the letter noted that just eleven states had responsible relative provisions in 1944.[20] As caseloads and public assistance costs increased in the next decade, states sought to limit eligibility to reduce costs and to push back on federal authority by either

[16] Letter from Executive Director Oscar M. Powell dated February 11, 1941, "To State Agencies Administering Approved Public Assistance Plans," 2; Social Security Administration (SSA) Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, State Letters, Box 1, Folder 1, National Archives, College Park, MD (hereafter cited as NA-CP).

[17] Ibid., 2.

[18] "Public Assistance Goals for 1947: Recommendations for Improving State Legislation." *Social Security Bulletin*. 9.12 (1946): 14.

[19] By the 1940s, a few legislatures relaxed or eliminated their responsible relative laws, but the ideology of family responsibility remained strong. Texas and Utah eliminated relatives' investigations from their OAA programs in 1941; Washington repealed its law in 1949. "Eligibility for Public Assistance Under Approved State Plans, as of December 1941." *Social Security Yearbook 1941* (Washington, DC: Social Security Board, 1942): 104; Eppler, "Old-Age Assistance: Plan Provisions," 5.

[20] State Letter No. 47, "'Relatives' Responsibility' Provisions of State Plans Affecting Eligibility for Public Assistance," 2; Records of the SSA, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, State Letters, Policies and Regulations Relating to Public Welfare Programs, 1942–1971, Box 1, Folder 4, NA-CP.

strengthening or creating responsible relative provisions.[21] Rising caseloads for ADC, and later AFDC, and the increased number of women of color receiving benefits generated significant criticism over escalating costs and the perceived negative effects on family responsibility. Scholars have demonstrated the centrality of racism to attacks on single mothers of color receiving AFDC and the focus on fathers' need to support their children receiving public benefits. Michael Brown argues that while racism drove efforts to limit the assistance provided to single mothers in AFDC, OAA recipients actually saw increases in benefits in some states. He also documents clear differences in the treatment and rhetoric regarding single mothers on AFDC versus the elderly receiving OAA. In the AFDC program, race exacerbated animosity toward rising public assistance costs, particularly in the South.[22] Brown argues that the enforcement provisions directed at fathers with minor children receiving public assistance were much more stringent than responsible relative provisions in OAA.[23] I argue that OAA was also a target and OAA recipients and their families faced significant consequences from family support requirements, although the concern centered more fully on increased costs rather than racism. The contrasting views of the two groups also speak to perceptions of dependency and who was deserving or not.

Labor needs and racism were central to the benefits provided to OAA recipients of color. Due to OASI occupational exclusions, black people were a greater share of OAA beneficiaries; Cybelle Fox argues that "14 percent of those accepted for OAA in 1937–38 were black, while blacks made up roughly 7 percent of the aged population."[24] Southern planters also sought to keep benefits low to ensure access to black workers' labor, not just recipients but their families as well. Some planters feared that if benefits were too high, the entire family would live on the grant, and the workforce would be lost. One southerner opposed to the program wrote: "if they paid them, why the negroes getting them,

[21] Bond et al., *Our Needy Aged,* 153–154; Jules H. Berman, "State Public Assistance Legislation 1949." *Social Security Bulletin*. 12.12 (1949): 8; Epler, "Old Age Assistance," 4–5.

[22] Michael K. Brown, *Race, Money and the American Welfare State* (Cornell University, 1999): 198–200. See also Ellen Reese, *Backlash against Welfare Mothers: Past and Present* (Berkeley: University of California Press, 2005) and Marisa Chappell, *The War on Welfare: Family, Poverty, and Politics in Modern America* (Philadelphia, PA: University of Pennsylvania Press, 2010).

[23] Brown, *Race, Money, and the American Welfare State,* 198–200.

[24] Cybelle Fox, *Three Worlds of Relief: Race, Immigration, and the American Welfare State from the Progressive Era to the New Deal* (Princeton, NJ: Princeton University Press, 2012): 273.

the entire family would live off the money, and they could not get them to work for us on our farms."[25] People of color received benefits at far lower rates than white recipients in the South, in part because elites believed they could survive on less. Texas legislators approved a flexible grant amount to account for "customary standards of living," which meant smaller grants for black and Mexican populations. Again, the goal was to ensure access to labor and was grounded in racist beliefs about the two groups' needed standard of living and how they would spend the funds.[26]

Ellen Reese argues that farming and business interests, and their desire to protect their inexpensive and "disposable" labor force, were key players in these debates. OAA was part of the welfare backlash in Georgia, but attacks were less harsh and OAA benefits continued to rise. While racism was central to the backlash against AFDC, Reese documents the role of large farming interests, which sought to ensure that AFDC mothers remained a source of labor.[27] Because most OAA recipients were too elderly to do such work, argues Reese, they were less of a target but that did not exempt them from tightened responsible relative laws in varying forms. As outlined in the introduction, citizenship exclusions served to remove many potential applicants of color in the West, particularly California. By the 1960s, the West became part of the movement opposing federal authority, argues Annelise Orleck, and public assistance costs, and the perceived rise in fraud, were "its rallying cry."[28] While AFDC was a primary focus of critics, California's Old Age Security (OAS) program was also a target. The resurgence of responsible relative expectations was part of both the backlash against welfare costs in the post-World War II era as well as the resistance of states to what they saw as intrusive federal authority and the concept of a right to relief. Responsible relative provisions demonstrate that the OAA program was central to these debates although the dynamics were different than the racialized attacks on AFDC mothers.

RESPONSIBLE RELATIVE LAW ENFORCEMENT

Officials in several states sought renewed attention to responsible relative enforcement in the face of rising public assistance costs. Because taxpayers funded public assistance, supporters of responsible relative laws believed

[25] Fox, *Three Worlds of Relief*, 273. [26] Fox, *Three Worlds of Relief*, 274–275.
[27] Reese, *Backlash against Welfare Mothers*, 50–54; 76–78.
[28] Annelise Orleck, *Storming Caesar's Palace: How Black Mothers Fought Their Own War on Poverty* (Boston, MA: Beacon Press, 2005): 128.

that families should provide for their parents before taxpayers were asked to pay for their care. In the late 1940s, South Dakota's state legislators strengthened responsible relative laws due to rising costs and "the feeling that children were shirking their responsibilities."[29] A review of the department's annual reports show that OAA caseloads did not rise significantly during the 1940s, but appropriations steadily increased. Numerically, OAA cases dominated the state's public assistance budget well into the late 1960s. State appropriations for OAA were consistently double the state appropriation for ADC until the late 1950s. State appropriations for OAA peaked at $2.8 million with a total budget of $7.4 million in 1951, when the state appropriation for ADC was $850,000 for a total budget (state and federal funds) of $2.42 million.[30] State expenditures for AFDC did not surpass OAA until 1967 ($1.7 for OAA and $1.9 million for AFDC); AFDC comprised 39 percent of state funds for public assistance and OAA was 35 percent.[31]

South Dakota's budget for OAA in 1943–44 represented about 31 percent of all state general fund expenditures in 1943–44 (ADC expenditures were 4 percent) but totaled 80 percent of state funds spent on social security programs (ADC expenditures were 11 percent).[32] Nearly twenty years later, OAA funds represented 6.7 percent of total state general fund expenditures in 1962–63, but were 44 percent of all state appropriations for public assistance.[33] Thus legislators believed this was an area to target for fiscal

[29] "Current Activities Report, February 10, 1947," 3, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Correspondence, South Dakota, Box 92, Folder 623.1, NA-CP.

[30] The federal government contributed funds supplementing the state appropriations; counties did not provide funds for public assistance in South Dakota. *South Dakota Department of Public Welfare, Annual Report for the Period July 1, 1951 to June 30, 1952*, 7. As of June 30, 1963, OAA cases totaled 7,640, while ADC cases were 2,930 (with 7,900 children); the state appropriated $2.03 million for OAA and just $1.1 million for ADC. *South Dakota Department of Public Welfare, Annual Report for the Period July 1, 1962 to June 30, 1963*, 23, 58, 60–61.

[31] South Dakota Department of Public Welfare, *Annual Report for the Period July 1, 1967 to June 30, 1968*, 19; South Dakota Department of Public Welfare, *Annual Report for the Period July 1, 1968 to June 30,* 1969, 64, 68. Caseloads for OAA were not increasing in the 1940s, but were consistently above 12,000 cases, far more than ADC, which totaled less than 2,000 cases (with more than 4,000 children). Caseloads for ADC remained below OAA through 1969 (4,604 for OAA and 4,131 for ADC) but ADC cases totaled more individuals (11,394 children).

[32] *The Budget of the State of South Dakota for the Biennium 1945–1947,* 15; *South Dakota Department of Social Security Annual Report for the Period July 1, 1943 to June 30, 1944*, 21.

[33] The total state budget for 1962–63 was $30.6 million. *State of South Dakota Budget Recommendations for Biennium Beginning July 1, 1963– Ending June 30, 1965*, B-6;

economy. The South Dakota legislature adopted a resolution affirming the state law requiring support of aging parents by adult children if financially able, and explicitly linked it to the need to contain public assistance costs. The state legislature passed several bills strengthening responsible relative provisions in 1963 following the recommendation of a legislative committee investigating the public assistance programs. One law added the failure of an adult child to support an aging needy parent to the crime of desertion, and also allowed adult children who were supporting parents to sue their siblings to share the responsibility.[34]

South Dakota legislators expressed repeated concern with what they perceived to be lax enforcement of the responsibility of relatives in OAA, and the belief that children were not supporting parents when they could. Republicans controlled state government in the post-World War II period, and with renewed conservatism. The state's Republican Party shifted from one of the most liberal in the country before the Great Depression to one of the most conservative, including an "aversion to government intervention and taxation."[35] Federal officials noted "marked hostility" between the legislature and the state department director, F. C. Drake, due to the use of funds and the need for a deficit appropriation. Drake resigned September 19, 1947, as a result of the conflict, and department officials sought to limit spending via its responsible relative laws. Workers were reminded of the need to investigate responsible relatives in a special state letter, and a review in early 1947 specifically investigated all OAA cases to ensure that relatives were not able to provide support. Legislators believed, according to state welfare officials, that the allotted appropriation would be enough "if we will 'remove the chiselers from our program.'"[36] County

South Dakota Department of Public Welfare, *Annual Report for the Period July 1, 1963 to June 30, 1964*, 19–20.

[34] The legislation resulted from recommendations by an Interim Investigating Committee, created in 1961 to investigate fraud in the state's public assistance programs. South Dakota Department of Public Welfare, *Annual Report for the Period July 1, 1962 to June 30, 1963*, 12–14; South Dakota, *Report to the 1963 South Dakota Legislature: A Report of an Investigation of the South Dakota Department of Public Welfare* (1962): 11, 16–17.

[35] Herbert S. Schell, *History of South Dakota*, 4th ed. (Pierre: South Dakota State Historical Society Press, 2004): 341–342.

[36] "Current Activities Report, January 21, 1948," SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, South Dakota, Box 92, Folder 623.1, 5 and "Current Activities Report, May 6, 1947," SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, South Dakota, Box 92, Folder 623.1, 4, NA-CP; "Current Activities Report, June 29, 1948," State Letter #8, SSA Records, Records of Welfare

directors felt it yielded minimal results, but legislators again criticized the state welfare agency, arguing that it did not use its funds well, and needed to "tighten up the administration of the programs." The department responded with a series of resolutions, one of which reiterated the agency's commitment to enforcing support of relatives more stringently.[37]

North Dakota's debates in public welfare mirrored South Dakota's: the responsibility of relatives, particularly adult children, was a central concern. North Dakota's political affiliation shifted between the two parties more than its southern neighbor, but as in South Dakota, farmers wielded considerable power in politics, dating to rural activism in the early years of the century.[38] Fueling legislators' interest in the responsibility of relatives were the increasing costs of public assistance in the state in 1947: "the real concern, however, of the legislature, was the fact that the assistance programs, according to the State agency's estimate, required about 7 million dollars of State funds for the biennium, or roughly one-third of the total revenues of the State government."[39] The department's request was reduced by half during the legislative session. The chair of the House Appropriations Committee believed that "the county welfare boards were being too lenient and were granting assistance to persons not in need. He dwelt especially on the matter of responsibility of relatives."[40] This led to a review of all cases for the ability

Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, South Dakota, Box 92, Folder 623.1.

[37] "Current Activities Report, May 6, 1947," 4; "Current Activities Report, May 6, 1947," SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, South Dakota, Box 92, Folder 623.1, 4; "Current Activities Report, February 10, 1947," 3, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, South Dakota, Box 92, Folder 623.1, NA-CP; "Current Activities Report, June 29, 1948," State Letter #8, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, South Dakota, Box 92, Folder 623.1.

[38] Both states' farming population was particularly hard hit by the depressed farming prices of the 1930s and severe drought. More than a third of families in both states received relief in the 1930s – subsidized heavily by the federal government. Republican Governor William Langer gained widespread support for his foreclosure moratorium in his first term as governor in 1933. See Robert P. Wilkins and Wyonan Huchette Wilkins, *North Dakota: A Bicentennial History* (New York: W. W. Norton & Company, 1977): 115–116; D. Jerome Tweton, "The Politics of Chaos: North Dakota in the 1930s." *Journal of the West*. 41.4 (Fall 2002): 33–34.

[39] "Current Activity Report, May 2, 1947," 1–2, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, North Dakota, Box 77, Folder 623.1, NA-CP.

[40] "Current Activity Report, May 26, 1948," 3, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, South Dakota, Box 92, Folder 623.1, NA-CP; "Current Activities Report, June 29,

of relatives to provide support for OAA recipients in 1948, but early reports found that virtually no cases were closed as a result of the review. Even before public assistance caseloads began to explode in the 1950s, states pursued relatives' support to address fiscal concerns.

As in South Dakota, OAA remained a significant part of North Dakota's public welfare budget until the late 1960s. Overall spending for public assistance programs was about 20 percent of the state's general fund appropriations in the 1943–45 biennium (OAA represented nearly 14 percent) but leveled to around 10 percent of the state's general fund appropriations by the 1950s. Public welfare spending was 10 percent of the state's $91.7 million in general fund expenditures in 1952–53 but dropped to 7.5 percent in 1958–59 when the state's general fund expenditures totaled $134 million.[41] The state's funding of OAA and ADC achieved parity in 1962–64, when state funds totaled $3.2 million for OAA and $3.1 million for ADC, although the total budgets, including federal and county funds, remained higher for OAA. By the 1964–66 biennium, total funds for OAA grants were 23.7 percent of the total public assistance budget and AFDC was 21.2 percent. By 1968–70, the state spent nearly $2 million on OAA, although its AFDC allocation had reached $3.5 million.[42] OAA expenditures were a significant part of the state's budgets for decades, thus inviting the scrutiny of legislators.

1948," South Dakota, 4; "Current Activity Report, February 5, 1947," 5–6, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, North Dakota, Box 77, Folder 623.1, NA-CP; *Welfare in North Dakota, Seventh Biennial Report of the Public Welfare Board of North Dakota*, Bismarck, 1948, 23.

[41] North Dakota's OAA caseloads remained above 8,000 throughout the 1940s and much of the 1950s, with a peak of 9,539 in 1942. They dropped to 7,942 – the first year below 8,000 – in 1957 and were in the 4,000–5,000 range throughout the 1960s. ADC cases remained well below OAA totals, although the number of children enrolled in the program surpassed the number of elderly on OAA by 1964: OAA recipients totaled 5,387 and ADC cases totaled 1,829 families providing support to 5,583 children. *Report of the North Dakota Budget Board, Appropriations Requested and Recommended, the Biennium, 1943–1945,* 70–71; *Report of the North Dakota Budget Board, Appropriations Requested and Recommended, the Biennium, 1955–1957*, 7, 10–11; *Report of the North Dakota Budget Board, Appropriations Requested and Recommended, the Biennium, 1961–1963,* 22.

[42] *Welfare in North Dakota. Sixth Biennial Report for the Period Ending 1946,* Table 8, 48; *Welfare in North Dakota. Twelfth Biennial Report for the Period Ending 1958,* Table 1, 60, 68–69; *Welfare in North Dakota. Fifteenth Biennial Report for the Period Ending 1964,* 28, 41, 94, 96; *Welfare in North Dakota. Sixteenth Biennial Report for the Period Ending 1966,* 20; *Welfare in North Dakota. Eighteenth Biennial Report for the Period Ending 1970*, 85–86.

One key issue in both North Dakota and South Dakota was the lack of specific data on the contributions to OAA recipients by children. When legislators in both states criticized the departments' administration, "the agency had no information to enlighten the legislators," a problem identified in both states by federal SSA officials. Legislators' concerns regarding responsible relatives and costs of OAA prompted North and South Dakota, in collaboration with the SSA, to conduct a study of the role of responsible relatives in the OAA program.[43] The study was published in the *Social Security Bulletin* in August 1951.

In contrast to legislators' concerns, the study found that generally adult children were providing support to parents receiving OAA, if they were able, and very few refused to support parents at all. The article notes that some legislators believed that some OAA recipients would not need support if family would provide help, but the study findings do not support that view. The study found that "fifty-four percent of the recipients with children in North Dakota and 61 percent in South Dakota received a contribution from one or more of their children."[44] Reasons for nonsupport centered on either too little income on the part of children or unusual expenses (including medical care). Noneconomic reasons also were listed, including a failure by the agency to contact the children, poor relationships between parent and child, or an outright refusal to provide support. In South Dakota the reasons for nonsupport were fairly equal across the categories, but in North Dakota nearly half were due to noneconomic reasons. Refusal to support was the smallest of the three (just 1.6 percent); of most concern, according to the article, was the public welfare department's lack of contact with the children to seek support. The study concluded that rates of contributions were similar to other states, and that many OAA recipients who had children were receiving aid from at least one child.[45] The study's findings, particularly the number of children supporting parents and the limited refusal to do so, likely

[43] "Current Activity Report, January 19, 1948," 10, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, North Dakota, Box 77, Folder 623.1, NA-CP.

[44] "Children's Contributions to Old-Age Assistance Recipients in North Dakota and South Dakota." *Social Security Bulletin*. 14.8 (1951): 3; *Welfare in North Dakota, Eighth Biennial Report of the Public Welfare Board of North Dakota*, Bismarck, 1950, 19–20.

[45] "Children's Contributions," 8; G. A. Hample, "Sons' and Daughters' Contributions to Old Age Assistance Recipients in North Dakota." *North Dakota Welfare News and Views*. 5.10 (1949): 8.

explain why neither the North Dakota or South Dakota legislatures took any legislative action.

Proponents of responsible relative laws focused on the fiscal implications of responsible relative enforcement. A 1938 resolution adopted by eight counties and sent to the Indiana Board of Public Welfare called for more stringent enforcement of responsible relative laws; the lack of enforcement "result[s] in unfairness to the taxpayer when taxes are required to furnish the assistance which such responsible relatives should."[46] Georgia passed both its Relative Support Law and a recovery law in 1951, in part in response to fiscal constraints in the state budget.[47] After California voters eliminated the responsible relative requirements in the state's OAS law via Constitutional amendment in 1948, caseloads increased about 19 percent during the year the change was in effect (the amendment was repealed in 1949), with additional costs of $71 million.[48] A 1951 state senate report investigating the state's social welfare legislation recommended ensuring those eligible received needed assistance but "with due consideration to the safeguarding of expenditures of public funds."[49] Containing the costs of OAA was a key motivation behind state revisions to responsible relative laws.

Defending state authority against federal encroachment was a subtext of debates over responsible relative laws and intersected with rejecting the concept of a right to public assistance. In some states, a belief that the state welfare agency took the rights language too far, resulting in rising caseloads and the "pension" idea, prompted legislators to strengthen laws in response. Several states undertook reviews of public welfare policies and investigations of their welfare departments to address what they perceived to be a critical threat to the state's fiscal health. These debates culminated in Indiana in a 1943 call for a Welfare Investigation Commission to study

[46] Minutes, *Indiana Department of Public Welfare*, July 8, 1938, 563, Box 1, Indiana State Archives (hereafter cited as ISA); Indianapolis, IN.

[47] "Old Age Assistance Act, Act No. 444," *Georgia Legislative Documents*, 1951, 691, GALILEO Digital Database, www.galileo.usg.edu/scholar/databases/zlgl/?Welcome&Welcome; "Old Age Assistance Act No. 297," *Georgia Legislative Documents*, 1951, 466, GALILEO Digital Database, www.galileo.usg.edu/scholar/databases/zlgl/?Welcome&Welcome; Reese, *Backlash against Welfare Mothers*, 79; Georgia Department of Public Welfare, *Official Report for the Fiscal Year July 1, 1950–1951*, 32; Georgia Department of Public Welfare, *Official Report for the Fiscal Year July 1, 1951–1952*, 11, 38.

[48] Senate of the State of California, *Report of the Senate Interim Committee on Welfare, Part One* (California, 1951): 34–35.

[49] Senate of the State of California, *Report of the Senate Interim Committee on Welfare, Needed Revisions in Social Welfare Legislation* (California, 1951): 10.

public welfare administration, resulting in the 1944 report.[50] While not unique, Indiana was among the most resistant to federal intervention in relief administration.

The Commission and its report were in response to legislation passed during a period of Democratic control of state government in the 1930s. While Republicans controlled state government for much of the three decades before the Great Depression, differences between the two parties were not pronounced; both parties advocated for limited state government. This would change in the 1930s. In 1930 Democrats gained control of the House of Representatives for the first time in twenty-five years and Democrat Paul McNutt was elected governor. Democrats controlled both the state senate and house in 1932.[51] Under McNutt's leadership, the state approved the Public Welfare Act of 1936 to authorize participation in the Social Security Act's public assistance programs, including OAA.[52] All thirteen Republicans in the state house voted against the law, and home rule proponents – resisting the call for centralized administration of public assistance – successfully preserved some local control over those programs, including a continued role for township trustees in relief administration and giving authority over appointments to the county welfare board to the circuit court judge. The county welfare board then appointed the county's welfare director.[53] These provisions would set the stage for later conflicts over relief administration between federal, state, and local officials, and are evident in the recommendations of the state's Welfare Investigation Commission.

The Republican Party did moderate its views on the New Deal to signal acceptance for some programs, including relief programs, but as political support for the New Deal waned by the late 1930s, Republicans sought to reverse many of the programs enacted under McNutt's administration.[54] Republicans regained control of the state house of representatives and six

[50] Indiana Welfare Investigation Commission, *Official Report of the Indiana Welfare Investigation Commission,* 1944.

[51] The House in 1932 included 91 Democrats and 9 Republicans and Democrats held a 43–47 advantage in the senate. Justin E. Walsh, *The Centennial History of the Indiana General Assembly, 1816–1978* (Indianapolis, IN: Indiana Historical Bureau, 1987): 439–441.

[52] Walsh, *The Centennial History*, 450.

[53] James H. Madison, *Indiana through Tradition and Change: A History of the Hoosier State and Its People, 1920–1945* (Indianapolis, IN: Indiana Historical Society, 1982): 121–123.

[54] Walsh, *The Centennial History,* 450; Iwan Morgan, "Factional Conflict in Indiana Politics in the Later New Deal Years." *Indiana Magazine of History*. 9.1 (1983): 37.

of the state's twelve Congressional seats in 1938, and gained control of both the state house and senate and eight of twelve Congressional seats in 1940 with "promis[es] to dismantle the New Deal."[55] The Democrats only retained control of the governor's office. While more urban voters (including many black and ethnic voters) moved to the Democratic Party, rural Democrats defected to the Republican Party, in part due to frustration with New Deal programs.[56] By the time the 1944 report was released, Republicans had regained control of most state offices, with the exception of the governor's office, winning on a home rule platform opposing New Deal programs and protecting state and local authority.

The Welfare Investigation Commission's report, highlighted in the chapter's introduction, called for a return to local control of relief programs, part of the broader rejection of New Deal policies. Five of the seven members serving on the commission – three state senators and four state representatives – were Republicans, including chairperson Earl B. Teckemeyer and vice-chairperson Samuel Johnson. The group met thirty-five times and held hearings and meetings throughout the state. All commission members, appointed by Governor Henry Schricker, a Democrat, endorsed the report's recommendations.[57] The language in the report is telling. It criticized the state board, arguing that "these powers have been abused by reason of the voluminous orders and directives continually issuing from said State Board." The report ultimately placed the blame for this at the federal level, noting that the actions by the state board "are largely governed by dictatorial instructions received from the Social Security Board." The result of the federal board "stretch-[ing] its authority" was "bewildering, restricting and confusing local county welfare boards."[58] This has led to a situation where "the power of the local board is, to all practical purposes, non-existent and this situation in a field which has grown to be one of the largest single items of government."[59] The report also noted that conversations with state board members during the commission's work demonstrated that the federal board was the problem: "From this we MUST be liberated."[60]

Responsible relative enforcement was a central means to protect state and local authority and ensure efficient and fiscally responsible public

[55] Walsh, *The Centennial History*, 482. [56] Morgan, "Factional Conflict," 56–57.
[57] "3-Member Welfare Board Proposed," *The Indianapolis News*, November 16, 1944, 1; "Legislative Group Urges Remodeling," *The Indianapolis Star*, November 16, 1944, 1; "The Welfare Report," *Indianapolis Times*, November 18, 1944, 6.
[58] Indiana Welfare Investigation Commission, *Official Report*, 7. [59] Ibid.
[60] Indiana Welfare Investigation Commission, *Official Report*, 9.

assistance administration. The commission's fourth recommendation was to strengthen enforcement of responsible relative laws when welfare departments grew too "passive" in their investigation of relatives. The commission sought the right of local boards of public welfare to bring court action against relatives who did not provide support. A key premise favored local control in public assistance: "Further, the entire program should be so administered as to conform as much as possible to the desires and wishes of local county boards, and their degree of willingness to accept the program."[61] This directly contradicted federal officials' goal to establish uniform administrative practices throughout the state.[62]

The Indiana Department of Public Welfare (DPW) board's response to the call for power to initiate enforcement action reveals fundamental differences in philosophies regarding public assistance administration. While the commission sought to use enforcement powers of the courts to compel support, the DPW board argued that such efforts, already available to county agencies, rarely led to financial support for OAA recipients. Instead, they tended to further harm already weak family relationships: "[Such efforts] usually cause relatives to break off all social relationships with the recipient. The department believes that it is desirable to maintain and to strengthen family relationships whenever possible, and that this can best be done by working co-operatively with the relatives and the recipient."[63] It also countered the primary goal of public assistance which was to provide aid to those in need: "The introduction of an enforcement program in the administration of the welfare act would only serve to disqualify persons in need thus tending to defeat the purpose of the whole program."[64] The state board argued that its purpose was to provide assistance to those in need, and not to enforce family relations.

State legislators and Republican Governor Ralph Gates, who took office in 1945, disagreed. The report's criticisms generated legislative change in several areas, including the enforcement of responsible relative laws, although it did not occur immediately.[65] Gates appointed a new

[61] Indiana Welfare Investigation Commission, *Official Report*, 22.
[62] Minutes, Indiana Department of Public Welfare, June 12, 1940, 1070; December 1, 1940, 1150–1151, Box 1, ISA.
[63] Indiana State Board of Public Welfare, "Statement by State Board of Public Welfare to the Governor and Members of the 84th General Assembly," December 2, 1944, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Indiana, Box 34, Folder 660 (1943), 11, NA-CP.
[64] Ibid., 12.
[65] "Recipients AND or VERSUS Responsible Relatives." *Public Welfare in Indiana*. 55.5 (1945): 9.

state board of public welfare and named Otto Walls, a vocal home rule proponent, DPW director in 1945.[66] Walls called for local and state administration of the federal public assistance programs, with an end to federal government regulation.[67] The state board of public welfare affirmed its belief in the "moral responsibility of relatives" in 1946 and sought "to bring about the greatest amount of home rule possible under the law."[68] A 1947 law clearly outlined the responsibility of children to support aging parents in need, provided the parents supported the child until he or she was sixteen. It allowed county agencies, as well as parents, to use the law to enforce support, which *Public Welfare in Indiana* termed "helpful."[69] One Indiana welfare official applauded the stricter laws, arguing that "laws have educational value. They stand as sign posts of reality and stem from man's recognition of moral values."[70] The goal was to enhance the enforcement provisions of the responsible relative laws to ensure that relatives who were directed to provide support did so.

Other states engaged in similar reviews of their public welfare departments and, like Indiana, took action in response to their findings. In Maine, a legislative review of welfare policies in the early 1940s found that case workers minimized the idea of legal responsibility and seldom pushed the responsibility of relatives' support. Federal officials commented on conflicts between the state welfare board and legislators and the significant criticism targeting the state's social welfare agency over responsible relative enforcement. State department officials and case workers rarely enforced support of relatives of OAA recipients by 1945.[71] This trend prompted a state

[66] Indiana State Board of Public Welfare, *Annual Report of the Department of Public Welfare for the Fiscal Year Ended June 1945*, 3.

[67] Newspaper clippings, *Indianapolis Times*, August 21, 1945, SSA Records, Records of Welfare Organizations and Topics, Bureau of Public Assistance, Correspondence, RG 47.8, Correspondence, Box 34, Folder 660 1943; Minutes, Indiana Department of Public Welfare, April 30, 1945, 2154, Box 7, ISA.

[68] Minutes, Indiana Department of Public Welfare, June 28, 1946, 2447; Indiana State Board of the Department of Public Welfare, *Annual Report of the Department of Public Welfare for the Fiscal Year Ended June 1946*, 568; Indiana State Board of the Department of Public Welfare, *Annual Report of the Department of Public Welfare for the Fiscal Year Ended June 30, 1948*, 912. Quotation is found in the 1946 minutes.

[69] Chapter 82, "An Act to Establish Liability for support of parents." *Laws of the State of Indiana 1947*, Vol. I (Indianapolis, IN: The Book Walter Company, 1947) 249–251; "Action on Recommendations of the Indiana Welfare Investigation Commission." *Public Welfare in Indiana*. 58.8 (1948): 12.

[70] Quoted in Dorothy Nierengarten, "We Don't Believe in Relative Responsibility." *Public Welfare*. 8.5 (1950): 102–103.

[71] "Current Activities Report, June 3, 1947," SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence,

investigation directed by Stanley Bird, an assistant attorney general. Bird's focus, according to federal officials, was relatives' support in OAA, as well as the size of ADC grants, and he questioned the limited enforcement of relative support provisions. Federal officials noted that conversations with Bird regarding relative support were "rather difficult . . . since he appeared to have such a definite feeling."[72]

Maine's state government was dominated by Republicans in 1947, as in Indiana, and state officials also favored home rule and fiscal responsibility. Republicans controlled the governor and attorney general offices and both the senate and house of the legislature in 1947. Maine was among the most consistent Republican states in the country until the 1950s, with Republicans dominating the governor's office from 1860 to 1954 – just four were not Republicans.[73] Bird's report names twelve assistants in the project; all were men and identified as Republican. Bird specifically thanked the members of the Committee on Welfare for their "noninterference" and noted that the assistants were appointed before their partisan affiliation was known.[74] Regardless, the process was directed and executed by Republicans, most of whom favored local and state authority.

The investigation prompted significant legislative change. Legislators saw the decline in responsible relative enforcement as evidence of a disturbing change in philosophy, and federal officials reported that welfare department leaders were "encouraged" to resign to protect the department's funding. The state legislature enacted new laws in 1947 that required investigation of all adult children and spouses in Old Age Assistance cases, including "an individual sworn statement of inability to support." Applications without these statements were denied. Once the

Maine, Box 43, Folder 620.62/03, 2–3; Current Activities Report, September 26, 1947," SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Maine, Box 43, Folder 620.62/03, 5, NA-CP; David H. Stevens and Vance G. Springer, "Maine Revives Responsibility of Relatives." *Public Welfare*. 6.7 (1948): 123–125.

[72] "Current Activities Report, June 3, 1947," 3; Stanley L. Bird, *Report of Stanley L. Bird to Committee on Welfare, Ninety-Third Legislature Relative to a Study of the Public Assistance Program of the Department of Health and Welfare* (Augusta, ME: Maine Senate, 1947): 2–3.

[73] Three were Democrats, including Lewis Barrows who served from 1933 to 1937; one was elected under Fusion rule in 1881. Kenneth T. Palmer, G. Thomas Taylor, Marcus A. Librizzi, and Jean E. Lavigne, *Maine Politics and Government*, 2nd ed. (Lincoln, NE: University of Nebraska Press, 2009): 70–71, 84; Governors of Maine, 1820–, *Maine State Legislature*, https://legislature.maine.gov/, Accessed May 16, 2022.

[74] Bird, *Report of Stanley L. Bird*, 4, 7.

ability of a relative to contribute was determined based on an income scale, the willingness of relatives to support was assumed; the refusal of able relatives to provide financially for their family members resulted in the denial or closure of the case in 1948.[75] Legislators believed the department was too liberal in its enforcement and took steps to reverse those practices.[76]

The Michigan legislature did not conduct a formal review of its public welfare department, but like other states, responded to rising caseloads with efforts to restrict eligibility. Like Indiana, Michigan had a strong rural political tradition rooted in home rule and fiscal localism, which was fueled by opposition to New Deal programs and federal oversight.[77] Like Indiana and both South and North Dakota, Michigan's politics shifted to the Democratic Party in the 1930s, but in contrast to those states Michigan did not return to long-term Republican dominance. Instead the state shifted more to divided government; Democrats had success in state-level offices, particularly during G. Mennen Williams' twelve years in the governor's office in the 1950s, but neither party dominated state offices consistently. Under Williams, Democrats did not control the state legislature, making enacting the Democratic agenda more difficult. This was due in large part to Republican dominance in the rural, outstate regions of the state – again speaking to home rule.[78] Resistance to federal oversight in relief administration continued well into the 1960s in Michigan.[79] Fiscal concerns drove efforts to control public assistance spending, and responsible relatives were a key strategy in reducing

[75] Stevens and Springer, "Maine Revives Responsibility of Relatives," 123–125; "Current Activities Report, June 3, 1947," 2–3; *Maine State Department of Health and Welfare, Biennial Report, 1946–1948,* 6–7.

[76] Massachusetts legislators also commissioned a review of its OAA program after several years of debates over its administration, including disagreement over the support requirements. See Alton A. Linford, "Responsibility of Children in the Massachusetts Old Age Assistance Program II." *Social Service Review*. 19.2 (1945): 228–233 and Massachusetts Department of Public Welfare, *Special Report of the Commissioner of Public Welfare in Regard to an Investigation and Study of the Administration of the Old Age Assistance Law* (Boston, MA: Wright and Potter, 1943).

[77] Susan Stein-Roggenbuck, *Negotiating Relief: The Development of Social Welfare Programs in Depression-Era Michigan, 1930–1940* (Columbus, OH: Ohio State University Press, 2008).

[78] Democrat G. Mennen Williams served from 1949 to 1960. George May argues that voters in Michigan were more willing to cross party lines to vote for a specific candidate. George S. May, *Michigan: A History of the Wolverine State* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1995), chapter 27.

[79] Stein-Roggenbuck, *Negotiating Relief*, 224–226.

caseloads and costs, with state board members urging that "responsible relatives as resources should be emphasized" not only in OAA but also in AB and ADC.[80] Federal officials noted in 1947 that legislators were scrutinizing public welfare programs, particularly "the question of responsible relative in old-age assistance."[81] Federal officials believed that with the fiscal and political situation in Michigan – and the hostility toward public assistance cost increases – maintaining current programs "at its present level must be considered real progress."[82]

Not all states mandated support through a specific responsible relative law, instead considering it a resource in the investigation of need. A 1960 master's thesis offers some insight into why some states either never enacted responsible relative laws or repealed them rather than using them as a means to control costs and caseloads. The thesis, researched and written by a group of master's students at the University of Washington School of Social Work, relied on detailed questionnaires regarding responsible relative laws to the District of Columbia, the US Virgin Islands, and the fifty states.[83] Questionnaires were sent to state departments of public welfare, and were completed either by the administrator or another staff member, so all responses were from a social welfare administrative perspective. According to the authors, five states never had a responsible relative provision and another seven had repealed their laws at the time of the study. While the sample is small, the comments do indicate reasons for the lack of laws. Both Louisiana and Alabama repealed their laws due to the hardship it imposed on families, and Louisiana saw the repeal as a means to improve the economic status of its residents: "One means to achieve this has been to relieve younger families of some of the economic burden to care for their dependent aged and spend more for the education of their children."[84] Resistance

[80] Minutes of the Michigan Social Welfare Commission, July 29 and 30, 1947, 2, Box 2, Folder 4, RG 71–104, Archives of Michigan, Lansing.

[81] "Current Activities Report – Michigan," May 5, 1947, 2–3, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Michigan, Box 50, Folder 623.1, NA-CP.

[82] "Current Activities Report – Michigan," March 12, 1947, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Michigan, Box 50, Folder 623.1, NA-CP.

[83] Richard Nelson, Edward Burling, Mildred Cole, et al., "Relative Responsibility and Reimbursement in Old Age Assistance: The Responsible Relative, Lien, and Recovery Provisions for Old Age Assistance in Fifty-Two Jurisdictions, Some of Their Effects, and Search for Related Variables." Master's Thesis, University of Washington, 1960, 12.

[84] Ibid., 85–86.

both from the families of applicants and recipients, and the public criticism that emerged, prompted other states to abandon the laws.[85] What is also interesting is that while some states, such as Missouri, did not have specific laws dictating the investigation of support by relatives, Missouri had clear policies mandating investigations. The absence of a law did not necessarily mean children were not expected to support their parents, or that federal officials would not find issue with state and local administration of responsible relative provisions. Missouri's experiences counter the concept that states rejected responsible relative enforcement if there was no law in place. Missouri's enforcement points to the widespread concern with fiscal control in public assistance programs, and the use of eligibility criteria, even via a more broad support law, to deter and limit caseloads.

RESPONSIBLE RELATIVE POLICIES AS FISCAL CONTROL

Business organizations, including taxpayer organizations and chambers of commerce, were also strong supporters of responsible relative laws as a means of controlling costs, fueling state legislative efforts to strengthen enforcement. These efforts were part of larger anti-New Deal and anti-tax movements, with public assistance programs a specific target.[86] Enforcing family obligations, which generated income for public assistance recipients, lessened the need for public funds for that assistance, which benefited the taxpayer. Supporters often invoked the persona of the taxpayer who was asked to fund public assistance benefits. Those advocating fiscal responsibility rejected the "pension philosophy" that OAA was an earned benefit to which all elderly Americans were entitled; instead, they emphasized the program's needs-based requirements and sought to limit efforts to liberalize benefits or eligibility. The state could reduce the burden on taxpayers by limiting public assistance expenditures. This exemplifies Michael Brown's argument that taxation is integral to decisions and policies related to public assistance benefits; it also speaks to Molly Michelmore's argument that "protecting taxpayers" rested on a specific kind of program or tax, and criticism often centered on public assistance programs rather than OASI which was funded through payroll taxes.[87]

[85] Ibid., 85. [86] Tani, *States of Dependency*, 158–159.

[87] Molly C. Michelmore, *Tax and Spend: The Welfare State, Tax Politics, and the Limits of American Liberalism* (Philadelphia, PA: University of Pennsylvania Press, 2012): 14–16. Michael Brown argues that "Money – conflict over tax and spending – is a neglected topic in the study of social policy and rarely considered as a factor shaping policy decisions." Brown, *Race, Money, and the American Welfare State*, 6.

In the OAA program, the federal government matched grants to a maximum limit, but states, and in some cases, counties, shared the burden for the remaining costs, relying on general tax revenues to fund the program.[88]

The California Taxpayers' Association (CTA) and other business organizations were among the strongest proponents of responsible relative laws in California. The CTA consistently referred to California's program as Aid to the Needy Aged, rejecting entirely the notion of "Old Age Security." The CTA sought to emphasize that the program was assistance based on financial need and granted when other resources were exhausted.[89] It supported preserving and increasing enforcement of responsible relative provisions to reduce the expense to taxpayers. Although defending the interests of the average taxpayer, the CTA "was almost entirely staffed by business leaders representing agriculture and various other industries."[90] Its mission was "to bring about, through non-partisan and non-political means, in the interests of all taxpayers in the state of California, by mutual effort, the greatest possible economies consistent with efficiency, in the collection and expenditure of public money, to the end that taxes in the State of California ... shall be reduced."[91] Supporters of enforcement of support obligations, like the CTA, argued that increasing benefits led to increased taxes that would lead to increased government interference in citizens' lives. The CTA was a key opponent of expansion of public assistance.[92]

[88] Brown, *Race, Money, and the American Welfare State,* 6–7. In 1943, the county share of costs declined from 25 percent of the grant (a maximum of $10 of a $40 grant) or to 10 percent of the grant (a maximum of $5 of a $50 grant). The federal government paid half the grant and the state paid the remainder. Frank H. Thill, "Old Age Assistance in California." *The Tax Digest*. 21.10 (1943): 373.

[89] The explicit reference to the use of OAS in government reporting, in contrast to the idea of public assistance, is referenced in "I Government Operations: The Changing Scene," *The Tax Digest*. 32.11 (1954): 372–373.

[90] Reese, *Backlash against Welfare Mothers,* 90. Indiana's business leaders, and the state Chamber of Commerce, also resisted "the perceived excesses of the New Deal" as well as federal control of public assistance. Tani, *States of Dependency*, 164–165.

[91] *The Tax Digest*. 3.1 (1926): 36.

[92] The Washington State Taxpayers Association also opposed the many efforts by pension organizations to liberalize benefits for the elderly. Its publication, *The Washington Taxpayer*, consistently published articles opposing statewide initiatives seeking minimum grants for all elderly, and also reminded readers that the OAA program was not a pension but was for the financially needy. In contrast to the CTA, responsible relative laws were rarely addressed directly in its publication, indicating the different role of such laws in the two states' public welfare programs. See, for example, "Old-Age Assistance and Old-Age

California's budgets for public assistance were considerable, as the CTA often publicized, and, in contrast to other states, OAS cases continued to exceed ADC well into the 1960s.[93] OAA costs consistently were the majority of social welfare expenditures in the 1940s, totaling 90 percent of public assistance payments (OAS, AB, ADC) in the 1943–45 biennium.[94] OAS was two-thirds of public assistance costs in 1952, compared to 26 percent for ADC.[95] OAS expenditures were still 42 percent of all public assistance costs in 1964–65, compared to 30 percent for AFDC.[96] Public assistance expenditures comprised about 9 percent of the state's total expenditures that year.[97] By 1969, AFDC spending outpaced OAS funds, $199 million to $161 million.[98]As in other states, public assistance costs, including OAS, were a significant part of the state's public welfare budget, and responsible relative laws were seen as a way to control costs without reducing grants.

The perceived cost of eliminating responsible relative requirements was the key reason for their persistence in California. Legislators, business advocates, the CTA, and the state Chamber of Commerce consistently pointed to the cost to taxpayers if responsible relative laws were repealed. The CTA's *The Tax Digest* repeatedly highlighted the effect repealing responsible relative laws would have on public assistance costs, estimating in 1945 that eliminating support obligations would cost more than $2 million in contributions paid by relatives to recipients as support.

Benefits," *The Washington Taxpayer*. 4.9 (1939): 4; "The New Pension Proposal: An Initiative Measure Planned," *The Washington Taxpayer*. 5.3 (1939): 2.

[93] Its caseloads also were significantly higher than most states. A review of annual reports of the Department of Social Welfare shows that caseloads reached 274, 401 in 1951 for OAS, and remained above 260,000 for the next ten years – significantly higher than those in states already discussed. They reached a new high in 1966 at 275, 192. ADC caseloads were much lower in the 1950s, but show a steady increase each year. The number of children receiving ADC benefits approached the OAS caseload by the early 1960s (247,200 children in 86,900 families in 1962 compared to 254,300 OAS recipients), but the numbers of families – or cases – receiving ADC did not. *State of California Department of Social Welfare Annual Report, 1962–1963*, 10–11.

[94] *State of California Budget for the Biennium, July 1, 1945 to June 30, 1947, Submitted by Governor Earl Warren to the California Legislature, Fifty-Sixth Session, 1945*, 740.

[95] *State of California Department of Social Welfare Annual Report, July 1, 1950 to June 30, 1952*, 18.

[96] *Public Welfare in California, Annual Statistical Supplement, 1964–1965*, Table 1.

[97] *State of California Support and Local Assistance Budget for the Fiscal Year July 1, 1965 to June 30, 1966 Submitted by Governor Edmund G. Brown to the California Legislature, 1965 General Session*, x.

[98] *State Budget for California for Support and Local Assistance, 1970–1971, Submitted by Governor Ronald Reagan to the California Legislature, 1970 General Session*, 743.

Removing those obligations would also foster more applicants, which would add about $60.7 million to the program cost to fund those benefits.[99] The journal consistently reported on the rising cost of public assistance, including OAS. A 1953 article detailed those rising costs, pointing in part to the high grants paid in the state: the state's average OAS grant was $69.97 per month, second only to Colorado, compared to the national average of $48.44. The same article listed inadequate responsible relative laws and enforcement of those laws, including recovery provisions, as key reasons for the high costs in the state.[100]

Other sources echoed the CTA's assessment. Estimates in 1943 for the Governor's Committee on Old Age Pensions were that repeal of the responsible relative provisions would cause OAS costs to "become huge." Relatives contributed about $2.75 million to OAS recipients, and if the law was repealed, that could be transferred to taxpayers (although some relatives likely would continue to contribute to their family's support).[101] The majority report issued by the committee, and a state welfare agency report, recommended the retention of responsible relative laws because their repeal would prompt new applications, costing an estimated 15 percent or $12 million for new cases.[102] The committee's report estimated administrative costs at $3 million, but believed the costs of eliminating the support provisions were far more than administrative expenses.[103] The state welfare agency estimated that a proposed bill to eliminate responsible relative requirements would increase OAS expenditures by $75 to $100 million over two years.[104] A 1950 study of California's OAS program bluntly stated that it was impossible to know what the exact costs were, but noted that administrative costs for the

[99] '"Welfare' Legislation: Bills to Liberalize Aid Proposed," *The Tax Digest*. 23.5 (1945): 157.

[100] Ronald H. Born, "Why Is Aged Aid Cost High?" *The Tax Digest*. 31.2 (1953): 50–51.

[101] "Notes for Governor's Pension Committee," 10–11, Box 1, Folder 4028, Earl Warren Papers, Governor's Committee on Old Age Pensions, CSA.

[102] "Report of Citizens' State-Wide Committee on Old-Age Pensions," March 31, 1943, 17, Box 1, Folder 4029, EWP, GCOAP, CSA; Floyd A. Bond, Ray E. Baber, John A. Vieg, et al. *Our Needy Aged: A California Study of a National Problem* (New York: Henry Holt and Company): 316; California State Board of Social Welfare minutes, Box 6, Folder 111, December 15, 1949, 60; Margaret Greenfield, *Administration of Old Age Security in California* (Berkeley, CA: University of California, Bureau of Public Administration 1950): 46, 44.

[103] Greenfield, *Administration of Old Age Security in California*, 44.

[104] "Current Activity Report for Period January 21, 1945 to April 10, 1945," 4, Box 9, Folder 623.1/03, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance Correspondence, California, Box 12, Folder 672.11, NA-CP.

entire program were just 5 percent in 1947–48, and investigations for relatives' support were just one part of those costs.[105]

Other studies questioned the financial value of responsible relative enforcement in California. A 1944 study of responsible relative contributions and cost by the California DSW found that relatives were contributing about $3 million, but just $2 million actually reduced the size of recipient grants. One-third of the contributions had no effect on the size of grants awarded or paid but addressed unmet needs in recipient's budgets.[106] The report was revisited in 1949 as debates over the responsible relative provisions continued. A memo detailing more of the report's findings noted that half of all relatives providing contributions were not legally required to do so. An analysis of the 1949 caseload found that 60 percent of all contributions did not reduce the size of the grant but provided items not covered by the recipient's assistance.[107] The Citizens Committee on Old Age Pensions (CCOAP), an advocacy group for OAA recipients, also argued in 1943 that enforcement of the provisions cost more than the contributions collected: "this provision yields but an insignificant sum toward the payment of old age pensions and with the high cost of snooping by an army of social workers, is an added expense to taxpayers."[108] Many relatives contacted did not make any contributions to offset the costs of investigations.[109]

The 1960 study of responsible relative laws also questioned the belief that responsible relative laws resulted in a financial gain for states. The study's surveys of state departments of welfare across the United States yielded a more complicated assessment, as the 1944 California study did. Of the twenty-seven states with responsible relative laws responding, just fourteen states had specific data that pointed to a link between stronger

[105] Greenfield, *Administration of Old Age Security in California*, 44.

[106] The remainder covered needs in excess of the recipient's budget. "Preliminary Report," Circular Letter No. 290, March 2, 1945, 1. Social Welfare Board, Old Age Security, CSA. The report was never fully issued, and a DSW administrator noted in a 1949 board meeting that it "was kind of suppressed," apparently because the department director decided not to continue it. California Board of Social Welfare minutes, Box 6, Folder 111, December 15, 1949, 59–60; Department of Social Welfare, Records of the Social Welfare Board, CSA.

[107] Memo to John McLaughlin from Elizabeth MacLatchie, December 16, 1949, Box 170, Folder 10, Department of Social Welfare, Division of Public Assistance, Subject Files, CSA.

[108] Citizens' Committee for Old Age Pensions, "To the Members of the Governor's Committee for Study and Report on Old Age Pensions," 3, Box 1, Folder 4028, Earl Warren Papers – CCOAP, CSA.

[109] Ibid., 1–2.

laws (or enforcement) and a decline in caseloads or costs. But many states saw those trends explained by more than just responsible relative laws.[110] The report concluded that few states had specific data regarding the cost and benefit of these laws, or when reporting such data, ignored the administrative costs of enforcing the provisions. Many states could not even document how many OAA recipients received contributions from relatives. The study found that "there is even less research basis for the states' opinions than there is unanimity of opinion," and also cautioned against "[under-rating] the value of the experience of welfare administrators" in their assessment of the laws' effects.[111]

Proponents of fiscal control argued that steady liberalization of the OAS's provisions, including increasing grants, a more generous relative contribution scale, and other changes furthered the shift from family responsibility to the state – and taxpayers. One welfare director wrote in 1959: "In the height of prosperity, public welfare is moving by legislation farther and farther from the concept of family responsibility and is encouraging the philosophy that financial problems should not be solved at the family level but should be referred to the Department of Public Welfare."[112] While critics of responsible relative laws saw enforcement as intrusion by the government into family life, supporters viewed them as a key way to limit the role of government by controlling public assistance costs and thus limiting taxes. Proposals to minimize or repeal support obligations were a dangerous trend according to one critic in *The Tax Digest*: "The moral responsibility of adult children to help in the financial support of their elders must continually be emphasized if we are to be a society free from more and more government intervention." The call to save families from the burden of support, the author argued, focused "on relieving everyone but the taxpayers from the contributing."[113]

Implementation of California's Proposition 4 in 1949 validated many concerns about the increasing costs of OAS. Proposition 4, approved by voters in November 1948, inscribed in California's Constitution key changes to the state's OAS program and its administrative structure, including an end to responsible relative obligations. It guaranteed funding for OAS as a "first lien" on the state treasury and increased minimum grants to $75 for OAS recipients. The age of eligibility was lowered from sixty-five to

[110] Nelson et al., "Relative Responsibility and Reimbursement in Old Age Assistance," 50.
[111] Ibid., 51.
[112] Reed K. Clegg, "In Fresno County . . . Welfare for Whom?" *The Tax Digest*. 37.8 (1959): 167.
[113] Robert C. Brown, "Relatives' Responsibility Law," *The Tax Digest*. 38.12 (1960): 272, 284.

sixty-three, although grants for any recipients under sixty-five would be financed solely by the state as federal matching funds were not permitted.[114] Liberalizing eligibility requirements fostered an increase in applications. Caseloads for OAS increased by 2,803 the month after the proposal passed, and an additional 2,989 cases the next month (January 1949).[115] The Department of Social Welfare estimated that the combined caseloads of both OAS and AB would rise from 242,500 when the proposal passed to 358,700 by June 1951. The DSW projections identified 74,900 of those cases resulting from repeal of a responsible relative provision.[116] A 1951 senate report on the DSW argued that the proposal added $76 million to the cost of OAS and AB.[117] In addition to the increased caseload and costs, a key contentious part of the proposal was the "lien" on the state budget for the public assistance programs, which privileged funding for OAS recipients over all other budget items. The movement for repeal mobilized quickly, comprised of an array of organizations, from the usual anti-tax groups (the CTA and the Chamber of Commerce) to the California Council for the Blind to education and social welfare groups. Key opponents of the repeal movement were labor groups and the CCOAP.[118] Voters repealed the amendment by 408,155 votes (about 2.6 million votes were cast) but debates over the responsible relative laws continued.[119]

THE POWER OF LOCAL OFFICIALS

Indiana officials' desire to retain control over its welfare administration, and to preserve and strengthen local authority over relief practices, clashed with the SSA's encouragement of uniform enforcement policies

[114] Floyd Bond refers to the proposal as "The Great 'Sleeper' Measure," as few expected it to pass and the opposition was surprised by the campaign's success. The proposition also eliminated county administration as well as the responsible relative obligations and named Myrtle Williams, a long-time associate of McLain, as director of the state department. Bond et al., *The Needy Aged*, 83, 85. $75 is the equivalent of $922 in 2022 dollars.

[115] Greenfield, *Old Age Security in California,* 14.

[116] Elizabeth Perina, *Old Age and Blind Security Programs in California, Proposition No. 4* (Berkeley, CA: University of California, 1949): 14.

[117] Senate of the State of California, *Report of the Senate Interim Committee on Social Welfare, Part One: State Department of Social Welfare under Article XXV* (Sacramento, CA: Senate of the State of California, 1949): 36.

[118] Perina, *Old Age and Blind Security Programs in California, Proposition No.* 4, 19; Bond et al., *The Needy Aged,* 87–90; Susan Stein-Roggenbuck, "'This Responsible Relative Racket': The Persistence of Family Support Obligations in California." *Social Service Review*. 91.4 (2017): 661–662.

[119] Bond et al., *Our Needy Aged,* 91; Reese, *Backlash against Welfare Mothers,* n. 15, 238.

across the state. These conflicts would prompt the creation of the Welfare Investigation Commission in 1944 and its subsequent report. Federal reviews document the belief that Indiana officials – and those in other states – needed federal oversight and intervention. Federal officials not only engaged with state officials, both inside and outside the welfare departments, but also with local officials and their organizations in negotiating the terms of public assistance administration. Indiana was one of many states that saw relatives' support as a critical part of welfare administration, and its practices were common among states that enforced such support. The degree of conflict between Indiana and federal officials was among the most intense, but the issues at the heart of those conflicts represented more widespread dissatisfaction with federal regulations in the public assistance programs.

Despite the disagreements over local authority, many states welcomed federal funds for public assistance. By 1937 all but one state (Virginia) had OAA programs and forty states had adopted ADC.[120] To receive funds, state programs had to demonstrate conformity with federal requirements. All state plans for public assistance, and any legislative changes, had to be approved by the Social Security Board (SSB). The SSA used an administrative review process to assess state plans and operations, submitting detailed reports to federal officials on the status of state plans. Officials responsible for these reviews were in the Bureau of Public Assistance (BPA) in the SSA, which communicated directly with states and conducted on-site reviews of state programs, and the Office of General Counsel which ruled on all state plans and approved all communications with the states. Officials in the Bureau of Accounts and Audits monitored the fiscal solvency of state programs and ensured that all funds were expended according to federal and state guidelines.[121]

Federal officials were to conduct annual reviews of state programs, including casework practices, by assessing a sample of caseloads in different counties. In more "problematic" states, such reviews were more in-depth. All plans had to be approved not only by the BPA, but also the General Consul and the Bureau of Accounts and Audits. Proposed and passed legislation had to be approved as well, to ensure it conformed with federal guidelines. The reports conducted by federal officials are a window

[120] Suzanne Mettler, *Dividing Citizens: Gender and Federalism in New Deal Public Policy* (Ithaca, NY: Cornell University Press, 1998): 159.

[121] Tani, *States of Dependency*, 44–47; William L. Mitchell, "The Administrative Review in Federal-State Social Security Programs," *Social Security Bulletin*. 9.7 (1946): 10–12.

into federal officials' views of different state and local operations, and what issues mattered most to them. They include comments on local and state welfare board politics as well as the relationship of legislators and governors with state and private agencies. All are from the federal perspective, and rarely name individuals, unless they are state government or welfare agency officials. They often describe groups of people, such as local officials, but rarely include details about specific individuals or give significant voice to them. The reviews also contain reports generated by state departments or local officials, including the Welfare Investigation Commission report cited in the introduction, or materials from pension or other advocacy groups. They provide a valuable window into not only relations between the different levels of government as public welfare administration is reconfigured in these years, as Tani documents so beautifully, but also on specific issues, including responsible relative laws and recovery and lien provisions.

The federal reviews reveal the contests over administration of public assistance programs. William Mitchell, assistant executive director of the SSB, wrote in 1946 that the key goals of these reviews were "conformity, information, improvement," but not all agreed. Mitchell offers a positive assessment of the reviews, noting that "state agencies, with few exceptions, have commended the process and have accepted the conclusions."[122] In some circumstances, he was no doubt accurate. State boards with cooperative legislators and other officials interested in conforming to professional social work standards of eligibility would see a positive outcome to these reviews. State welfare department officials and board members, legislators, local officials, and business leaders had different definitions of best practices in relief administration. These reports point to significant conflicts and disagreements between different constituencies within a state. Local officials were very important in these debates, according to Tani: "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."[123] Contests over local authority were central to debates about the provisions relating to relatives' support in the OAA programs.

Indiana's 1936 welfare law favored local control as much as possible, and thus the state DPW left discretion on responsible relative enforcement to counties. The result was significant administrative variation throughout the

[122] Mitchell, "The Administrative Review in Federal-State Social Security Programs," 10, 12.
[123] Tani, *States of Dependency*, 49.

state; relatives in one county were investigated very differently, if at all, from other counties. Social security officials were sharply critical of the lack of state oversight which fostered local variations in administration.[124] Federal reviews in 1942 and 1943 examined numerous counties in detail. The reviews documented specific cases in each county and highlighted issues, including responsible relative policies, that needed attention in the eyes of federal officials. The problems were first brought to the SSB in late 1940 and nearly three years later an official argued that the review's findings demonstrated "the apparent futility of continued negotiations with State officials in regard to certain practices and the failure of the State agency to establish policies which are fundamental to the progressive development of the programs in Indiana."[125] Such criticism is a recurring theme in the federal reviews of the state's programs, but the 1943 review addressing the previous three years targeted the application of relative support provisions as a key problem in the state's public assistance structure. *Public Welfare in Indiana,* published by the state DPW, also criticized the state's 1936 Welfare Act, which did "not attempt to define or to set up standards by which the ability of legally responsible relatives should be measured."[126]

In practice, counties in Indiana exercised significant discretion over how to investigate relatives' support, pointing to the state's preference for local authority. For many counties, relatives living in the county were interviewed by the case worker to determine their ability to support, and all legally responsible relatives were required to complete a statement regarding their ability (or not) to support family members. Those outside the county were contacted via letter and asked to complete a statement of support. While these investigations of relatives were deployed in all three public assistance programs, "it is in the old-age assistance program that the State Department has developed the most comprehensive and detailed suggestions and regulations regarding the consideration of relatives' resources."[127] The county's consideration of relatives' resources, compared to other resources (such as income or assets), received "conspicuous

[124] "Indiana-Administrative Review-Major Administrative Problems," July 23, 1943; Henry J. Meyer, "Responsibility of Relatives," *Public Welfare in Indiana*. 54.6 (1944): 7.

[125] "Indiana-Administrative Review-Major Administrative Problems," July 23, 1943, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, State Files, Box 32, Folder 620.6; Meyer, "Responsibility of Relatives," 7.

[126] Meyer, "Responsibility of Relatives," 7.

[127] "Administrative Review of Public Assistance in Indiana: Analysis of Major Administrative Problems." May 31, 1943, 12. SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance Correspondence, Box 32, Folder 620.62/03. The review covered 1940–1942.

emphasis."[128] The central problem, according to federal officials, was the action taken once relatives were determined able to support the applicant, usually a parent. Some counties used the availability principle, which only considered contributions that were actually received. But in others, if relatives were deemed able to support the applicant, or the recipient in a reinvestigation, the application was denied or the grant canceled, even if the relative did not provide the financial support. Federal officials called the regulations "rigid" and the determination of support final. There was no immediate appeal, "even though the relative may not in fact be able to make such a contribution since the individual county department's relatives' resources measurement methods may not result in a true reflection of the actual financial ability of the relative."[129] Maine's revised laws in 1947 enacted a similar practice of considering any support – whether received or not – as income and either reducing the individual's grant or rejecting the application altogether. The result, according to federal officials, was that the recipient did not have the resources the department deemed necessary for his or her support.[130]

Counting resources that were not available to recipients was a central problem in Indiana, and it only occurred, according to SSA reviews, in the consideration of relatives' resources. Porter County was commended for its "thoughtful handling of relative support," but the same report criticized the agency for "decisions which appear to be socially unsound" and its rigidity in enforcing family responsibility. At times agency officials denied applications for resources that were not actually available to the applicant. Others did not determine the relatives' income or budget needs, but simply decided the relatives were able to provide support. In some cases simply having adult children indicated their ability to provide support.[131] The 1942 federal review in Lawrence County noted that "the agency's practice in dealing with relatives'

[128] Ibid., 10. [129] "Administrative Review," July 23, 1943, 14.

[130] "Current Activities Report, July 14, 1947," SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Maine, Box 43, Folder 620.62/03, 4, NA-CP; Massachusetts was another state that included relatives' expected support and not what was actually received in its budgets. This was revised by the legislature in 1943. See Alton Linford, "Responsibility of Children in the Massachusetts Old Age Assistance Program II: Legislation and Administration, 1936–43." *The Social Service Review*. 19.2 (June 1945): 219–221, 230.

[131] Porter County, "Discussion of Findings, Administrative Review," January 1, 1946 to June 30, 1946, 6, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Box 32, Folder 620.61/03 Porter County; "Administrative Review of Public Assistance in Indiana," May 31, 1943, 16.

resources lacks definition, uniformity and logic," and the county director admitted that many of its complaints stemmed from those investigations. The report argued that the county's "evaluation of relatives' resources is so inadequate and fraught with inequity as to demand complete and immediate review of the entire situation."[132] In contrast, Adams County was commended for its "reasonable and realistic" policy regarding relative support in part because case workers only considered relative contributions that were actually received.[133] These reviews point to the varied administration across the state, the persistence of home rule beliefs, and the reluctance or unwillingness of state agency officials to enforce more consistency.

Problems of uniformity were not solely the domain of states supportive of local control. Michigan's state public welfare department officials endeavored to achieve uniform application of its public assistance policies, including responsible relatives, but encountered deep resistance from home rule proponents. Township supervisors continued to wield significant influence in relief administration, even in the federal aid programs, long after the state reorganized its welfare programs in 1939. Local officials resented both state and federal intrusion in relief, and believed they were better able to administer public assistance.[134] Federal officials also found considerable variation in the investigation and application of responsible relative provisions, despite state officials' efforts to promote uniformity. Interestingly, state officials' efforts to provide detailed instructions often resulted in "deprivation among applicants and recipients and injudicious treatment of relatives."[135] Federal officials were blunt in their assessment of the state's policies and its staff: "The equitable administration of the many restrictive policies which the agency has adopted calls for a much higher degree of professional skill . . . than the average worker in

[132] "Administrative Report for Lawrence County," Period Ending September 1942, Lawrence County, SSA records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Box 32, Folder 620.621/03, 14.

[133] Adams County, "Administrative Review Report for Adams County," March 13, 1943, period ending September 1942, 21. SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Box 32, Folder 620.621/03, Adams County; Noble County, "Noble County Administrative Review Report," February 23, 1944, period ending September 30, 1943, 13–14. SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Box 32, Folder 620.621/03, Noble County.

[134] See chapter 6, "A Contest for Local Control," in Stein-Roggenbuck, *Negotiating Relief*.

[135] "Third Annual Review of Administration of Public Assistance in Michigan." 1943, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Michigan, Box 50, Folder 620.62/03, NA-CP.

Michigan possesses."[136] A central problem was, as in Indiana, that case workers considered the expected support as income whether it was received or not.[137]

Missouri's agencies also were criticized for their restrictive standards in determining need, particularly in relation to relatives' support. A state without a responsible relative law, as noted earlier, Missouri's DPW required the investigation of relatives' resources as a matter of policy, particularly for relatives living with family.[138] State policies rested on a definition of "bona fide family" which included all kinds of relationships "with the possible, but not necessary, exception of distant relatives and friends who are unwilling to support the applicant or recipient."[139] Enforcement of responsible relative provisions, despite the absence of a law specifically mandating such support, was a key problem identified by federal officials in numerous reviews. It was typically the resource that was not verified as income but counted in the determination of eligibility and the amount of a grant. This policy fell the hardest on "eligible individuals living in self-supporting families." Agency officials expected the family to support the person in need, even though "those relatives were themselves on the borderline of need."[140] Federal officials also linked the problem to resistance of agency staff to federal reviews and to the state "administrator's deep-seated convictions regarding State's rights and the inadvisability of any sort of Federal participation in the State's program outside of financial contributions." Home rule sentiments again shaped interactions of federal and state officials.[141] Missouri's state administrator was deeply resentful of federal intervention in its relief administration, according to federal officials.

Contrasting philosophies of public assistance often underscored the practices advocated by state and local officials. The consideration of

[136] "Current Activities Report – Michigan," July 9, 1948, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Michigan, Box 50, Folder 623.1, NA-CP.

[137] "*Third Annual Review*," 21–22.

[138] "Report of Review of State and Local Administration, State of Missouri, for the Review period July 1, 1943, through June 30, 1944," 4, SSA Records, Records of Welfare Organizations and topics, RG 47.8, Bureau of Public Assistance, Correspondence, Missouri, Box 56, Folder 620.62/03, NA-CP.

[139] "Report of Review," Missouri, 3–4.

[140] "Fourth Annual Administrative Review, 7/1/43–6/30/44," 1, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Missouri, Box 56, Folder 620.62/03, NA-CP; "Report of Review," Missouri, 3.

[141] "Fourth Annual Administrative Review," Missouri, 2.

"fictitious" or assumed income – income that was considered in determining need but was not necessarily available or actually received by the applicant – was a recurring criticism by the SSB regarding responsible relative laws in many states. The different views on this policy speak to conflicts regarding the purpose of public assistance illustrated by federal guidelines and conflicts with states such as Indiana. For federal officials, the main concern was laws that rendered applicants ineligible if a relative was deemed able to provide support but left the applicant with no assistance.[142] A 1939 report noted that "experience has also indicated that assistance that is forced is not usually to be relied upon," a recurring theme in the history of the administration of such laws.[143]

The SSA discouraged responsible relative laws as they threatened support likely needed by the recipient. By 1945, the SSB encouraged states to eliminate responsible relative laws.[144] Counting resources not actually received by recipients often resulted in significant hardship for applicants, who were denied aid or suffered reduced grants, but did not receive the required help from family members.[145] A 1953 bulletin by the Federal Security Agency (formerly the Social Security Administration) noted policies such as requiring parents to use the courts to enforce support moved the public assistance agency out of its realm and into that of law enforcement. The agency viewed most specific requirements in terms of eligibility, such as responsible relative laws, as unnecessary; the goal was to help people in need.[146] The SSB sought to ensure all those eligible received assistance, promoting the idea of a right to relief that many state and local officials deeply opposed.

Indiana's state board of public welfare's commitment to both the enforcement of responsible relatives and the discretionary authority of counties in their administration of those laws fostered conflict with county and state officials. Indiana's state board was at times leaning toward

[142] State Letter No. 47, "'Relatives' Responsibility' Provisions of State Plans Affecting Eligibility for Public Assistance," March 5, 1945, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, State Letters, Box 1, Folder 4. Mandelker, "Family Responsibility under the American Poor Laws: II," 627.

[143] "Public Assistance," *Social Security Yearbook*. 3 (1940): 161.

[144] "Public Assistance: 'Relatives' Responsibility' Provisions of State Laws." *Social Security Bulletin*. 8.3 (1945): 17; "Public Assistance," *Social Security Yearbook*. 3 (1940): 161; State Letter 47, 1–3.

[145] "Public Assistance: 'Relatives' Responsibility' Provisions of State Laws," 17.

[146] Federal Security Agency, "Public Assistance Goals, 1953," 17–18, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, State Letters, Box 2, Folder 5.

federal views of public assistance, with the key goal to ensure that people had enough support, but that often conflicted with counties' views, who were in part seeking to limit public assistance costs. In a 1940 discussion of the policies, board members emphasized their belief in county discretion. One board member noted that "it had been the policy of the State Department to leave to the local community as much responsibility as possible," including the determination of available resources, and another said that he "was in sympathy with keeping the county boards responsible."[147] The result was inconsistency in OAA administration.

Martha Phillips, from the SSA's BPA, met with the board in 1940 to encourage board members to rethink its policies. The discretion left to counties caused variation across the state and could harm family relations. Letting counties decide what resources held by relatives were available would cause resentment, "as they are not a relief family," and requiring court action by the applicants "may result in a serious breakdown in the relationship."[148] While the practice was not required of counties, the option to pursue court action again contributed to the varied practices across the state. Under DPW policies, an applicant who was denied aid because of relatives' ability to support had to wait sixty days to reapply; no immediate appeal was available. If case workers found that the relative did not provide support, but the individual was otherwise eligible, they could receive a grant.[149] Phillips asked the board "if the regulations would not put the county departments in the position of dictating to a family the way they should live."[150] The SSA did not prohibit laws mandating relatives' support, but Phillips felt this level of intrusion in a family's life was punitive and conflicted with federal goals of public assistance.

The state board's commitment to the principle of relatives' support obligation and county discretion was evident in these discussions. Despite the conversation with Phillips, the board retained the sixty-day reapplication period, although no specific reason was articulated in the meeting. The reapplication delay was likely intended to prompt relatives to provide support, as no financial assistance would be immediate from the DPW. The board adopted its regulations at the next meeting. It did remove the requirement that applicants file claims in court but left the county with the

[147] Minutes, Indiana Department of Public Welfare, Box 1, April 24, 1940, 1042, Indiana State Archives.
[148] Minutes, Indiana DPW, Box 1, December 1, 1940, 1151.
[149] "Administrative Review of Public Assistance in Indiana," May 31, 1943, 14–16.
[150] Minutes, Indiana DPW, December 1, 1940, 1151.

option to file a claim as directed under the 1936 Welfare Act.[151] Enforcing family responsibility came at the expense of the needs of the applicant.

These debates speak to the interactions of officials at different levels of government in these issues, and the cooperation and conflict those discussions generated in several states. Indiana legislators and officials did not welcome the commentary provided by federal officials, and were harshly critical of what they saw as federal intrusion on local and state authority. The state board of public welfare was more tempered in its view of SSA guidelines, and as noted earlier, was supportive of county authority, to some degree. The state board did require counties to investigate need, although counties retained some discretion on responsible relative investigations. It began to withhold reimbursements for grants from counties that violated state policies, although not for errors in family support. Counties that attempted to create standard grant amounts, regardless of the applicants' financial situation, or those that did not accurately investigate applications, did not receive reimbursements for those cases.[152] The practice became standard in 1938, when the board felt agencies had enough time to adapt to the new welfare law. One reason for the action was to ensure the state did not jeopardize its federal grant for the public assistance programs.[153] Legislators and officials criticized the state DPW, and its professional social work philosophies, for fostering the federalization of public assistance, leading to the changes recommended by the Welfare Investigation Commission.

Conflicts between federal officials and state officials over the authority of local officials in the investigation and granting of OAA were not unique to Indiana. Federal officials reported that "local officials in Maine are considered ... as having more authoritative part in the application procedure than is provided by law." Not all local officials sought to intervene, but those that did tended to be more punitive, according to case workers.[154] Local officials took applications in some areas, rather than having applicants submit one at the local public assistance office. In some

[151] Ibid., 1154.

[152] Examples of problems include not verifying the residence requirement, providing grants to children who did not live with eligible relatives, or approving grants to applicants in a public institution. Minutes, Indiana DPW, September 1, 1936, 97–98; October 16, 1936, 108.

[153] Minutes, Indiana DPW, May 11, 1938, 506–507; September 14, 1938, 592–594.

[154] "Maine – Official 2nd Annual Review, 10/1/41–9/30/42," February 5, 1943, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Maine, Box 43, Folder 620.62/03, 14, NA-CP.

cases officials refused to accept an application or rejected an application with no consultation with case workers or supervisors in the local office.[155] State officials resisted federal calls for less intervention by local officials, seeing it as a threat to local autonomy. This was due in part to the funding of public assistance. Local units (towns in Maine) contributed one-half of costs not covered by the federal government, resulting in significant influence with state legislators.[156] The issue persisted throughout the 1940s, but seemed to wane somewhat with the passage of the 1947 laws strengthening enforcement of responsible relative provisions. A similar issue occurred in North Dakota, which funneled all applications through the local county welfare board, appointed by the county board of supervisors. County welfare boards often rejected the budgets presented by case workers. Federal officials questioned whether all who wished to have the opportunity to apply for aid, but also acknowledged the much larger problem was the lack of funds to provide grants for all in need. Pressure on county budgets likely prompted the actions by local officials.[157] The concerns continued, although state officials minimized the frequency of these practices in a 1946 review. Federal officials noted that one staff member qualified the statement that the cases affected were few by noting that "they were usually developed with particular applicants as recipients in mind and were thus probably quite discriminatory in character."[158]

PROPERTY LIEN LAWS

Efforts to limit public assistance costs extended to property lien and recovery laws in many states. States deployed these laws to discourage applications and to encourage family support as part of their enforcement of responsible relative laws. Proponents of such laws included business organizations, legislators, public assistance officials, and local officials. A significant proportion of OAA cases were closed because the recipient

[155] "Maine – First Annual Report of the Findings in the Administrative Review, 10/1/40–9/30/41," SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Maine, Box 43, Folder 620.62/03, 4, 19–20, NA-CP.

[156] "Maine – Official 2nd Annual Review, 10/1/41–9/30/42," 14–15.

[157] "North Dakota – Official 1st Annual Report, 4/1/40–3/31/41," 1, X-10 and X-11, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, North Dakota, Box 77, Folder 620.62/03.

[158] "North Dakota – Current Activity Report," October 10, 1947, 2, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, North Dakota, Box 77, Folder 620.62/03.

died, and thus estate recovery was a logical mechanism to recover costs. These laws enabled counties or states to either place a lien on property as a condition of receiving public assistance or to seek recovery from a recipient's assets or estate for assistance provided. Funds recovered would offset taxpayer funds spent on that support. Another goal was to ensure that costs were recovered before heirs, including adult children, could make claims on the estate. Both goals speak to efforts to limit the costs of public assistance by ensuring that family resources – in this case, the recipient's assets – funded support for aging parents, even if this happened after the recipient's death. While the recovery of funds was the primary goal, those advocating and enacting these provisions clearly sought to prevent heirs from inheriting property from parents they did not support.[159] Many states also had time limits (usually two to five years) on when property could be transferred to another individual, such as an adult child, before an application for aid. This was to prevent the transfer of assets to avoid recovery and lien laws, or to qualify for aid by reducing the applicant's real property.[160] Responsible relative considerations were not the primary motivation for these provisions but did play a key role in the debates over lien laws.

Indiana again offers an illustrative example as the state legislature eliminated its property lien law in 1941, and then reinstated it six years later. Indiana's 1936 Welfare Act required applicants to sign a property lien on any real property to be eligible for OAA. Liens and recovery laws enabled county governments to make a claim against the recipient's estate for any public assistance paid; any funds recovered were shared with the state and federal government. The legislature, in efforts to liberalize the law and ensure those in need were eligible, repealed the law in 1941.[161] In effect, this changed the program, according to *Public Welfare in Indiana*, "from a 'need-loan' basis to a 'need-grant' basis."[162] Caseloads increased in the next two years, including 7,420 cases in the first year.[163]

[159] Bond et al., *Our Needy Aged*, 120, 166.
[160] Bond et al., *Our Needy Aged*, 116–117, 151–152.
[161] The state senate vote to repeal the property lien law on a 25–17 vote, and the state house voted for repeal on a 77–10. Indiana State Senate, *Journal of the Indiana State Senate during the Regular Session of the Eighty-Second Session of the General Assembly* (Fort Wayne, IN: Fort Wayne Printing Company, 1941): 1152; *Journal of the House of Representatives of the State of Indiana, Eighty-Second Session of the General Assembly* (Indianapolis, IN: Bookwalter-Ball-Greathouse Printing Co., 1941): 1103.
[162] "New Rules for Old Age Assistance," *Public Welfare in Indiana*. 51.5 (1941): 3.
[163] State of Indiana, *Annual Report of the Department of Public Welfare and the Divisions of Supervision of State Institutions for the Fiscal Year Ended June 30, 1941* (Indianapolis,

The Indiana legislature reinstated the property lien law in 1947 despite opposition from the state welfare board, and the target was adult children who were perceived to be avoiding their responsibility to support aging parents.[164] Restoring the lien was one of the recommendations of Indiana's Welfare Investigation Commission. County boards also urged reinstatement of the law, as did the county welfare directors' association and the Indiana Chamber of Commerce.[165] The commission report noted that the only group that benefited from the recovery law's repeal were the heirs of OAA recipients and argued that "no other feature of the present welfare program has caused such wide dissatisfaction."[166] In its analysis of the lien law after its reinstatement, the Indiana Chamber of Commerce argued that the restoration of the law was "good government, good politics, good case work, and *does not deprive a single aged person of assistance to which he is entitled legally*. It merely prevents the heirs who did not support their aged relative from receiving a 'bonus' at the expense of the taxpayers."[167] One state senator argued that "The whole point of this lien provision is to prevent leaving estates of these elderly people to someone who does not deserve them."[168] *Public Welfare in Indiana*, in bold print, wrote that "The greatest value of the 1947 lien and recovery amendment of The Welfare Act is the deterrent effect upon persons who are not actually in need. . . . Children who are financially able to support their needy aged parent or parents make a real effort to meet their legal obligation when they realized that any amount paid from public funds comes out of any property left by the deceased recipient."[169] For those

IN: The Department of Public Welfare, 1941): 289; State of Indiana, *Annual Report for the Fiscal Year Ended June 30, 1942*, 725; John V. Barnett, *Recovery of Public Funds in Old-Age Assistance* (Indiana State Chamber of Commerce, 1950): 5.

[164] "Welfare Lien and Recovery of Old Age Assistance," *Public Welfare in Indiana*. 57.5 (1947): 6–7. The state board minutes recorded no statements concerning the property lien laws.

[165] "Current Activities Report – December 1, 1946 to February 28, 1947," March 4, 1947, 9, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Indiana, Box 32, Folder 623.1/03; Survey of county welfare directors, 1944, County Welfare Directors' Association, Folder Indiana Association of County Directors, 1942–1961, 4, Indiana Public Welfare Records, Box 1, Indiana State Library.

[166] "Action on Recommendations of the Indiana Welfare Investigation Commission," *Public Welfare in Indiana*. 58.8 (1948): 12; Indiana Welfare Investigation Commission, *Official Report of the Indiana Welfare Investigation Commission*, 14.

[167] Emphasis in original text. Barnett, *Recovery of Public Funds*, 4.

[168] "Old Age Lien Passes Senate," *Indianapolis Star*. February 26, 1947, 17.

[169] "Old Age Assistance Lien and Recovery Provision," *Public Welfare in Indiana*. 58.8 (1948): 5. South Dakota's department of public welfare also supported the lien

who wished to inherit the parents' property, keeping the property free from debt encouraged support.[170] South Dakota's Department of Social Security recognized that some children did not support their parents "maybe through no fault of their own," but then they "desire what little property there may be remaining" after the death of the parent. Ultimately recovered funds "when turned back to the State [are] again used to care for some other needy aged person."[171]

Concern with the increasing costs of OAS in California prompted efforts to restore a property lien law in the state as a way to reduce public expenditures. Just six states, including California, had responsible relative laws but no recovery or lien law.[172] California voters eliminated the property lien law in 1940 via a Constitutional amendment, largely through the efforts of pension groups, and legislators attempted more than once to reinstate the law, with no success.[173] Key opponents of the repeal included the CTA who argued that the repeal "would merely help [recipients'] heirs who would inherit such property although during the lifetime of their parents they refused to assist them and shifted this responsibility to the hard-pressed taxpayers."[174] A 1953 California senate report on social welfare programs recommended such a law, arguing that "the taxpayer should not be expected to help provide these benefits to the aged recipient whose estate at his death will go to relatives who did not assume the responsibility for furnishing the necessities of life to the recipient."[175] The report's authors argued that public assistance grants were helping recipients retain their property but "upon the death of these recipients, the children who have made no contribution to their needy parents' support inherit the property." The report recommended a new law that would enable recipients and their spouses to remain in their

provisions as a deterrent on applications. *South Dakota Department of Social Security Annual Report for the Period July 1, 1939 to June 30, 1940* (Pierre, SD, 1940): 9.

[170] Bond, *Our Needy Aged*, 166.

[171] *South Dakota Department of Social Security*, *Annual Report for the Period July 1, 1939 to June 30, 1940* (1940): 9.

[172] Bond et al., *Our Needy Aged,* 166. Other states were Alabama, Arkansas, Delaware, Georgia, and Mississippi.

[173] "Liens, Claims on Estates, etc." January 10, 1966, Department of Social Welfare Records, Coded Files, R350.130 Box 176, Folder 27, 1, CSA; California Department of Social Welfare, *Biennial Report, 1938–1940,* 22; Jackson K. Putnam, *Old Age Politics in California: From Richardson to Reagan* (Chicago, IL: University of Chicago Press, 1970): 123–124.

[174] "Ballot Recommendations," *The Tax Digest*. 18.10 (1940): 329.

[175] Senate Interim Committee on Social Welfare, *Report of the Senate Interim Committee on Social Welfare: Part Five* (Sacramento, CA: California Senate, 1951): 25.

homes during their lifetime, but provide for recovery of assistance by the state and counties.[176] The same report found that states with both responsible relative and recovery provisions had the lowest recipient rate among the aged population in the state.[177] The CTA recommended a lien and recovery law to the legislature on more than one occasion, using arguments similar to the senate report.[178] The 1954 study by Floyd Bond and several coauthors analyzing California's aging population and the programs that served them argued for a recovery provision, pointing to other states that reduced costs and caseloads with such means.[179]

While proponents of lien laws argued that such laws encouraged families to provide support if they wished to inherit property, opponents positioned such laws as stealing the homes of the aged. Efforts to pass a lien law in California continued in the 1960s, and the California League of Senior Citizens (formerly the California Institute of Social Welfare and the CCOAP) was a key opponent.[180] Coverage in its newsletter, *Senior Citizens Sentinel*, described these laws as "the wretched practice of taking liens on the little homes of Old Age Pensioners."[181] Liens were "vicious" and represented the "theft of assets and property of the Needy Elderly."[182] A 1969 article called the proposed lien law a "new attempt to pick bones of poor," and argued that such laws took the recipient's "only asset of any value." Home ownership saved the state money, as otherwise recipients would be paying rent rather than living in their own home, increasing their budget and grant. "However such logic is entirely overlooked by politicians who prefer to serve the greedy rather than the needy."[183] Proponents of lien laws efforts were described as "hate the needy" groups or hate cults.

[176] Senate Interim Committee on Social Welfare, *Report of the Senate Interim Committee on Social Welfare: Needed Revisions in Social Welfare Legislation* (Sacramento, CA: California Senate, 1951): 29–30.

[177] Senate Interim Committee on Social Welfare, *Report of the Senate Interim Committee on Social Welfare: Part Five,* 25; Bond et al., *Our Needy Aged,* 259.

[178] "Improving Public Assistance I: Property Lien and Recovery Provisions." *The Tax Digest*. 31.8 (1953): 267–268; "Can Aid to Needy Be 'Recovered' Provisions in State Laws Enacted." *The Tax Digest*. 32.5 (1954): 157.

[179] Bond et al., *The Needy Aged,* 355–357.

[180] The CISW changed its name to the California League of Senior Citizens by membership vote in 1962. "It's the California League of Senior Citizens!" *Senior Citizens Sentinel*. 20.5 (1962): 7. Chapter 2 in Bond et al., *The Needy Aged,* details this organization's role more fully.

[181] "The County Would Grab Your Home," *Senior Citizens Sentinel*. 23.3 (1965): 2.

[182] "Vicious State Lien Bill Blocked by Lobby," *Senior Citizens Sentinel*. 24.5 (1966): 1.

[183] "Bad Bill: New Attempt to Pick Bones of Poor," *Senior Citizens Sentinel*. 27.5 (1969): 1.

The arguments regarding lien laws intersected with ideas about who had primary responsibility to ensure economic security for the needy elderly: the government via taxpayer funds or family members. The CCOAP, and its leader, George McLain, were silent on who did benefit from the lack of a lien law: the heirs, likely adult children, who inherited the property of OAS recipients. The CTA argued in 1948 that if financially able, families carried the "primary responsibility" for support of family members, while taxpayers were decidedly second: "A citizen is legally, morally, and logically more liable for the support of his own parents than are the other citizens." Public funds should support those in need, the journal argued, "but only after the primary responsibility has been discharged."[184] Proponents of lien laws argued that such a practice rewarded children who did not fulfill their obligation to their parents. California Governor Ronald Reagan attempted to enact a recovery and lien provision in 1969 with no success, again arguing that it was "inequitable for the taxpayer to support a recipient whose estate is subsequently divided among the relatives who did not support the recipient."[185]

The push for recovery and lien provisions was a national trend, with several states either strengthening their laws, or enacting new recovery laws, in an attempt to control escalating public assistance costs in the late 1940s and 1950s. Like responsible relative laws, the SSA discouraged such provisions as a condition of eligibility. In 1935, twenty-six states allowed recovery of general relief funds from recipients' estates, and all but five states had some type of recovery law (either recovery from the deceased estate, property lien law, or recovery from property acquired) for OAA recipients.[186] Thirty-three states had recovery laws by 1946.[187] Washington enacted its recovery law in OAA in 1947. Two subsequent ballot initiatives eliminated the lien law in 1948 (Initiative 172) and then reversed it two years later in 1950 (Initiative 178).[188] Utah enacted a lien law in 1948, and Tennessee

[184] "Ballot Recommendations: Factual Analysis of Six Propositions," *The Tax Digest*. 26.7 (1948): 313.

[185] Memo from the Office of the Governor to Members of the Legislature, May 5, 1969, 2, Box 56, Folder 28, Social Welfare Director Files, Public Assistance General, CSA.

[186] Lowe, *State Public Welfare Legislation*, 63–67, 92–95.

[187] Bond et al., *Our Needy Aged*, 165.

[188] Jules H. Berman, "Legislative Changes in Public Assistance," *Social Security Bulletin*. 10.11 (1947): 10; Allen Yarnell, "Pension Politics in Washington State, 1948," *The Pacific Northwest Quarterly*. 61.3 (1970): 154; *Biennial Report of the Washington State Department of Public Welfare for the Period Beginning October 1, 1946 and Ending September 30, 1948* (Olympia, WA: 1949): 64.

passed its first recovery law in 1949.[189] Michigan's Recovery Act of 1947 was part of the state legislators' hostility toward public assistance programs described earlier. Federal officials called the law a compromise stemming from "considerable pressure during the last legislative session for mandatory recovery including the taking of liens against the property of recipients of old-age assistance."[190] Georgia passed a recovery law in 1951, at the same time it enacted its Relative Support Law.[191] Idaho legislators enacted a lien law in 1951, and state welfare administrators reported that "In July 1951, the month in which the lien law became effective, 1261 recipients voluntarily withdraw from the rolls rather than execute the lien agreement."[192] Utah administrators reported that they also saw a decline in the caseload after its lien provision was enacted in 1958, but also saw the expansion of OASDI as another reason, as did other states, for declines in caseloads and applications.[193] Just nine states had neither responsible relative nor recovery laws, while seven states had a recovery law but no responsible relative law in 1953 (see Map 1.2). By 1954 thirty-three states had some type of recovery law.[194] State laws varied on the prioritization of the state's claim against the property in comparison to other creditors, but most required reimbursement for any assistance paid.[195]

Deterring applications, while also encouraging support from children, with the result of lower caseloads and public assistance costs, was a key

[189] "Current Activity Report," November 4, 1948, 4, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Utah, Box 98, Folder 620.62/03; Berman, "State Public Assistance Legislation, 1949," 8.

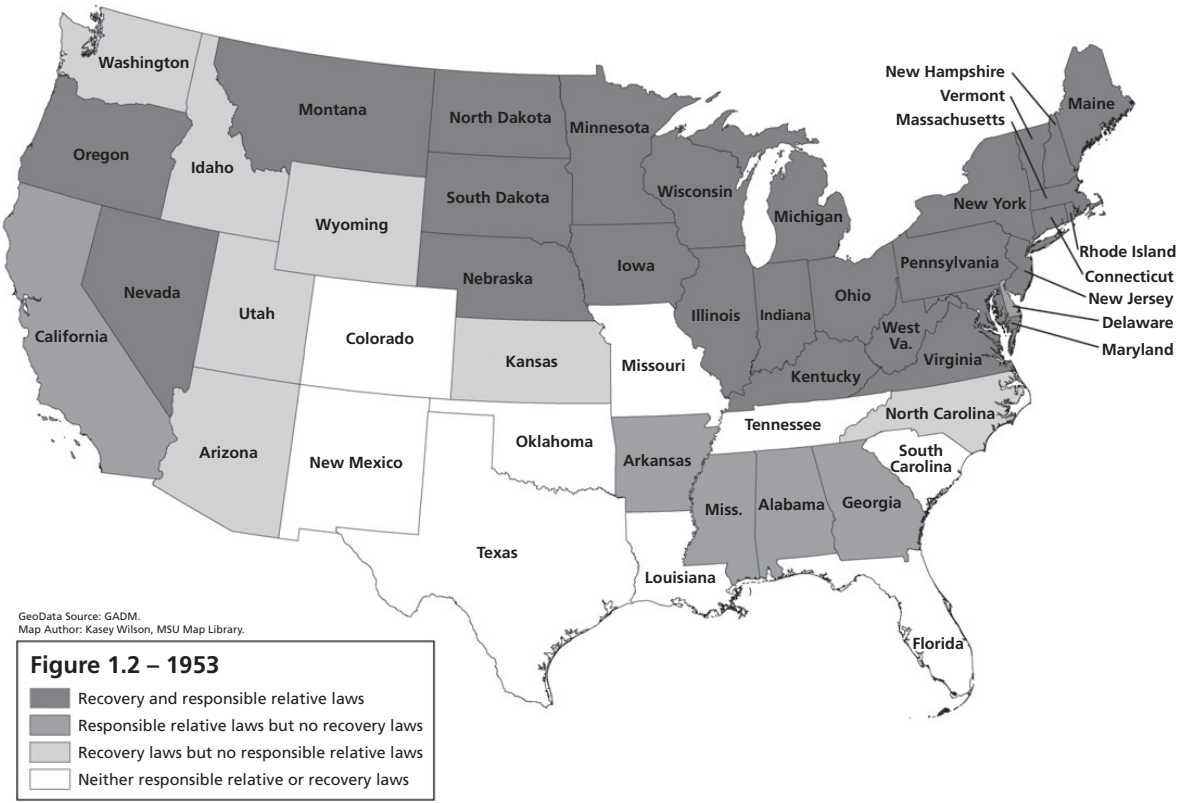
[190] "Current Activities Report – Michigan," October 28, 1947, 8, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Michigan, Box 50, Folder 620.62/03.

[191] Georgia Department of Welfare, *Official Report for the Fiscal Year July 1, 1950 to June 30, 1951* (1951), 9; Georgia Department of Welfare, *Official Report for the Fiscal Year July 1, 1951 to June 30, 1952* (1952), 9–11; Public Act No. 444, *Acts and Resolutions of the General Assembly of the State of Georgia, 1951,* 691–692; Public Act 297, *Acts and Resolutions of the General Assembly of the State of Georgia, 1951,* 466–467.

[192] Nelson et al., "Relative Responsibility," 68. [193] Ibid., 68–69.

[194] Bond et al., *The Needy Aged,* 165–166 (states with recovery laws but no responsible relative law included Arizona, Idaho, Kansas, North Carolina, Utah, Washington, and Wyoming); Jules H. Berman, "Legislative Changes in Public Assistance 1947," *Social Security Bulletin.* 10.11 (1947): 10–11; Jules H. Berman, "State Public Assistance Legislation 1951." *Social Security Bulletin.* 14.12 (1951): 8; "State Public Assistance Legislation 1959." *Social Security Bulletin.* 23.2 (1960): 26.

[195] Bond et al., *Our Needy Aged*, 166–169. Most states would not seek a claim against the estate if the recipient left a surviving spouse or dependent children who resided in the home.



MAP 1.2 Recovery and responsible relative laws by state in 1954

goal of such laws. According to Indiana officials, reinstating the property law not only generated funds via recovery from estates for assistance paid (totaling nearly $14,000 in December 1947) but also significantly reduced the caseload: officials attributed the 10 percent decline in the caseload to the reinstatement of the lien law. The decline remained steady in the following months, saving $115,000 in funds in one month.[196] The Indiana Chamber of Commerce estimated that the total savings in 1948–1949 would be more than $4 million as a result of recipients who would withdraw from the program, applicants who refused to sign a property lien, and recoveries from estates.[197] Other states saw similar declines in caseloads. The state of Washington's OAA caseloads also decreased significantly in 1947 after the legislature enacted its lien law in the OAA program; case closures more than doubled when the law first passed, from 731 to 1477.[198] After Michigan's legislature passed its Recovery Act in 1947, closures of OAA cases doubled by early 1948; welfare department officials attributed the decline in caseloads (about 3 percent, or nearly 3,000 cases) to the 1947 law.[199] Decreases occurred in fifty-four of the state's eighty-three counties.[200] Georgia's OAA caseloads declined by 6.8 percent in the year immediately following the passage of the 1951 Relative Support Law and recovery law, and welfare department officials attributed the decline to the more stringent laws.[201] The law generated significant complaints to the governor's office, according to federal officials, but few doubted the law was responsible for the significant decline in caseloads.[202]

Responsible relative laws in their varied forms represented a key site of resistance by state legislators and officials to federal regulation of public

[196] "Old Age Assistance Lien and Recovery Provision," 5.

[197] Barnett, *Recovery of Public Funds in Old-Age Assistance*, 6–7.

[198] *Biennial Report of the Washington State Department of Public Welfare for the Period Beginning October 1, 1946 and Ending September 30, 1948* (Olympia, WA: 1949): 64–65; *Helping People Help Themselves: Biennial Report, October 1, 1948 to September 30, 1950 of the State Department of Social Security* (Olympia, WA): 20–21.

[199] Public Act 262 of 1947, *Local and Public Acts of the Michigan Legislature*, 394; Michigan Social Welfare Commission, *Fifth Biennial Report, July 1946 to June 1948* (Lansing, MI: Michigan Social Welfare Commission, 1948): 17, 20.

[200] Michigan Social Welfare Commission *Michigan Welfare Review*. 5. 1 (July–December 1947): 14–15.

[201] Georgia. Department of Public Welfare. *Official Report for the fiscal year July 1, 1951 to June 30, 1952*, 9.

[202] "Current Activities Report – Michigan," April 29, 1948, 6, SSA Records, Records of Welfare Organizations and Topics, RG 47.8, Bureau of Public Assistance, Correspondence, Michigan, Box 50, Folder 623.1, NA-CP.

assistance. Motivated in part by a desire to protect state and local authority over assistance, such laws also were driven by the rising costs of OAA. The strengthening of responsible relative laws and property lien and recovery laws were part of a larger backlash in the states to the rising costs of public assistance and to federal regulations seeking to reshape state and local policies on relief administration. For OAA recipients this primarily took the form of enforcing support by family members, particularly adult children. This chapter has focused on state and local resistance to federal requirements and policies, but the next chapter turns to recipients. Recipients and advocacy organizations challenged the rulings of local and state departments of public welfare through fair hearings and the courts. An early manifestation of welfare rights activism, these efforts demonstrate that recipients and their families would not let support enforcement go unchallenged.