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**From County Courts to Federal Agencies:
Political Development of the Juvenile Court Movement, 1899-1939**

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The Social Security Act of 1935 and its amendments in 1939 included federal programs for maternal and infant welfare, child welfare services, and Aid to Dependent Children. Those provisions made it into the Social Security Act because of women reformers who had long advocated for the care of children. The Social Security Act nationalized the mothers' aid program of the Children's Bureau, which itself was a product of women's civic organization and institution building dating back to the nineteenth century. The advances they made laid the ground for the welfare state.¹

This achievement of American political development also incorporated old ascriptions of citizenship. Considering the social, economic, and health needs of children, these reformers determined that a poor child was best served by remaining in the home if that home was otherwise acceptable.² That situation necessitated support for a deserving mother to remain in the

¹ Theda Skocpol: *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: Belknap Press, 1992). We would like to thank Swarthmore students, Molly Petchenik '16 and Elizabeth Balch-Crystal '19 for research assistance for this paper, and Linnet Davis-Stermitz '12 and Nora Sullivan for assistance with archival work in Chicago

² Mark H. Leff, "Consensus for Reform: The Mothers'-Pension Movement in the Progressive Era," *Social Service Review* 47 #3 (September, 1973): 400. See also Merritt W. Pinckney, "Public Pensions to Widows. In Edna Bullock, compiler, *Selected Articles on Mothers' Pensions* (White Plains: H.W. Wilson Co., 1915) 140.

home to take care of her children.³ By incorporating a notion of motherhood into aid, maternalist policy reified the notion of womanhood as motherhood. Recognizing that mothers who left the home to work would likely be placed in low-wage jobs, the policy positioned women-as-mothers in the home. Rather than work for higher women's wages, reformers counted on securing fair wages for men, as heads of household.⁴

When early administrators of mothers' pensions determined which homes were acceptable, which mothers were deserving, and who could get along without aid, race and other considerations entered. When laws were crafted neutrally, authorizing "family pensions" or failing to stipulate who qualified to receive aid, a father in the household generally resulted in exclusion.⁵ African-American children were far more likely to be removed from the home and institutionalized than were white ethnic children.⁶ The striking underrepresentation of African-Americans among recipients of mothers' pensions led the Children's Bureau to note in their 1931 study "the disproportion between probably need and provision is even greater when the lower income level of Negro families is taken into consideration."⁷

³ White women, including immigrant women, were more likely to receive pensions than African-American women, and women who worked outside the home fewer hours were more likely to receive pensions than women who worked more hours outside the home. See below, and also our 2016 Western Political Science Association treatment in "Family Matters, Public Work."

⁴ Eileen Boris, *Caring for America: Home Health Workers in the Shadow of the Welfare State* (New York: Oxford University Press, 2012), 23.

⁵ Judge Pinckney noted that, in Cook County, Illinois, "While there is nothing in the law which denies relief to families where both parents are living, yet under our policy of administration the existence of a husband and father is sufficient to refuse relief unless the husband has been incapacitated for work by accident or chronic ailments, or unless the husband has deserted his wife and children for so long a time as to warrant the conclusion that he has permanently abandoned them." Merritt W. Pinckney, "Public Pensions to Widows; Experiences and Observations Which Lead Me to Favor Such a Law," *Child* 1, No. 5 (July, 1912): 43-50. In *Selected Articles on Mothers' Pensions*, 145.

⁶ David Tanenhaus, *Juvenile Justice in the Making* (New York: Oxford University Press, 2004) 74-75. Tanenhaus was able to find a series of case files from 1912, covering a period from Thanksgiving to Christmas, the only extant files from the decade (67). Over 40% of English, Austrian, Irish, and Russian families were pensioned during this period (75). These data are from Illinois [CHECK]

⁷ Joanne L. Goodwin, "An American Experiment in Paid Motherhood: The Implementation of Mothers' Pensions in Early Twentieth Century Chicago," *Gender & History* 4 (Autumn 1992), 323-342, 334, 337, pointing up that African American women were more likely to be directed to poor relief and to the Court of Domestic Relations, where in-kind benefits were more prevalent than cash benefits; Children's Bureau, U.S. Department of Labor,

These and other New Deal policies rested on and “reinforced the existing order” on both gender and racialized lines.⁸ The New Deal established women’s citizenship as maternal dependence, and it erected men’s economic security as “tied to fair wages, unions, and social insurance.”⁹ Coupled with the exclusion of occupations such as farm workers and domestic servants, New Deal social provisions “tilled the soil of a racialized politics of dependency” in American citizenship.¹⁰

New Deal programs shaped citizenship in the 20th century, with men enjoying the privileges of national citizenship and women and minority men relegated to policies—and the whims—of administrators at the state level.¹¹ Exclusions from social insurance produced an overrepresentation of persons of color, leading to the toxic racialization of the welfare program.¹² State-level administration of welfare benefits allowed for local prejudices and states’ rights sentiments to be channeled through welfare administration.¹³ The concern for children remaining in home required that that home be suitable. With welfare administered locally, different local

Mother’s Aid, 1931, Publication No. 220 (Washington, DC: Government Printing Office, 1933), quote at 13. Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare* (New York: Free Press, 1994), 48 points out that as the African-American population grew in northern cities, they seemed to have received a somewhat higher share of aid.

⁸ Boris, *Caring for America*, 23.

⁹ Gwendolyn Mink, *The Wages of Motherhood: Inequality in the Welfare State, 1917-1942* (Ithaca: Cornell University Press, 1995), 127.

¹⁰ Gwendolyn Mink, *Wages of Motherhood*, 126; Suzanne Mettler, *Dividing Citizens: Gender and Federalism in New Deal Public Policy* (Ithaca: Cornell University Press, 1998).

¹¹ Suzanne Mettler, *Dividing Citizens*. Ira Katznelson, *When Affirmative Action was White* (New York: W.W. Norton, 2005); Robert Lieberman, *Shifting the Color Line* (Cambridge, MA: Harvard University Press, 1998).

¹² Karen Tani, *States of Dependency: Welfare, Rights, and American Governance, 1935-1972* (New York: Cambridge University Press, 2016); Anna-Marie Smith, *Welfare Reform and Sexual Regulation* (New York: Cambridge University Press, 2007); Ange-Marie Hancock, *The Politics of Disgust: The Public Identity of the Welfare Queen* (New York: NYU Press, 2004).

¹³ Mettler, *Divided Citizenship*; Tani, *States of Dependency*.

officials could decide on what suitability meant. Welfare recipients have therefore been subject to standards of morality and surveillance and judgment.¹⁴

Our interest in the Aid to Dependent Children provisions arises from our study of the juvenile court movement, and the mechanisms used by reformers to forge “statebuilding at the margins.”¹⁵ We have examined the use of the courts as a site of political development with the establishment of the first Juvenile Court in Cook County, Illinois, in 1899. We have traced the development of social services provided by juvenile courts with the innovative probation officers and “juvenile court block” in Chicago. We have seen the further institutionalization with the provisions for the first mothers’ pensions, an effort spearheaded by juvenile court judges and reformers, and administered initially by juvenile courts.¹⁶ The members of Chicago’s juvenile court movement went on to become experts, becoming the leadership of the Children’s Bureau in 1912, which then went on to administer the short-lived child labor law of 1916 and the Sheppard-Towner Maternity-Infancy Act, 1921-29. New Deal programs provided the opportunity to nationalize their social service policies, and the reformers had plenty of information and resources to share. In the calculus of political development, this would seem to signal the success of the juvenile court movement. A locally-based movement established authority for delivery of services. Over the course of decades, they spread that movement horizontally, to other counties, and vertically, in securing state-level administration. They moved on to a federal bureau, and eventually participated in sweeping national policy. The social

¹⁴ Karen Tani, *States of Dependency*; John Gilliom, *Overseers of the Poor: Surveillance, Resistance, and the Limits of Privacy* (Chicago: University of Chicago press, 2001); Virginia Eubanks, “Technologies of Citizenship: Surveillance and Political Learning in the Welfare System,” in T. Monahan, ed., *Surveillance and Security: Technology and Politics in Everyday Life* (New York: Routledge, 2006): 89-108.

¹⁵ Carol Nackenoff and Kathleen Sullivan, “The House that Julia (and Friends) Built: Networking Chicago’s Juvenile Court,” in Nackenoff and Julie Novkov, eds, *Statebuilding at the Margins: Between Reconstruction and the New Deal* (Philadelphia: University of Pennsylvania Press, 2014): 95-117.

¹⁶ Leff, *Consensus for Reform*, 405; Sullivan and Nackenoff, “Family Matters, Public Work,” WPSA, 2016.

services provided in Cook County, IL, in 1899 were available nationwide, under federal funding and administrative authority, by 1939.

While this story may signal an achievement in political development by women reformers, the resulting policy points to a troubling contribution to state development and the inscription of race and status-based inequalities into national social welfare programs. Even the women reformers themselves were left unsatisfied. After all, their accomplishment in political development meant a federal program that they did not run, and was not the program they would have designed. Similarly, the simple demarcation of a Children's Bureau, which produced the aid programs, and the Women's Bureau, which worked for women's labor issues, reproduces the division in citizenship.¹⁷ Women reformers, however, who readily drew connections between social problems, saw their work in the Children's Bureau as labor related. The Children's Bureau was housed in the Department of Labor, and they would have liked that to be a Department of Labor, Health, and Welfare.¹⁸ They had a comprehensive understanding of the experience of the child, and they did not favor the split between labor and welfare. And yet, we will find that their policies exacerbated that very split.

In this paper, we consider that the shortcomings and harms of maternalist policy as a product of engaging in statebuilding from the margins—attempting to re-envision the role of the state (and often, the national state) so that it develops both the warrant and the means to take on new tasks.¹⁹ Women reformers of the Progressive Era tended to enjoy a privilege of their class, which led to paternalistic relationships with the populations they served. These reformers also

¹⁷ Eileen Boris and S.J. Kleinberg, "Mothers and Other Workers: (Re)Conceiving Labor, Maternalism, and the State," *Journal of Women's History* 15 (2003): 101.

¹⁸ 1933-34—Part One. SCRC Manuscript. Edith and Grace Abbott Papers. Box 87. Special Collections Research Center, University of Chicago Library

¹⁹ Carol Nackenoff and Julie Novkov, "Introduction: Statebuilding in the Progressive Era: A Continuing Dilemma in American Political Development," pp. 1-31 in *Statebuilding from the Margins*.

had points of access into the political system, through networks and political allies. But they had to hang on to their accomplishments. They had to guard their territory. Even as they operated in appointed positions in the federal government, they were in threat of being marginalized once again. To secure their position, they continually relied on the maternalist framework, which contained not only a theory of children and mothers, knowledge claims based on their experience and the social science research they had generated, and also an institutional capacity in which women reformers had control.

Hoover had won the support of Progressives, prohibitionists, the National Woman's Party, and a disproportionate share of women in general in 1928.²⁰ Yet Grace Abbott and allies at the Children's Bureau tended to feel ignored or even besieged. While Roosevelt may have won the majority of women's votes in 1932, female reformers in Washington, D.C., had to jockey for position among the New Dealers, as well, even when Frances Perkins became Secretary of Labor. The Department of Labor, housing the Children's Bureau and the Women's Bureau, was one of the sectors in the federal government in which networked female reform administrators were concentrated.²¹ The challenges they faced give a sense of the political landscape upon which women reformers had to contend, even when they held positions in federal government. The political gamesmanship they had to play suggests the limits of access, and it can also show the ways that politics shapes policy. The maternalist vision is one that helped reformers to secure and maintain their expertise.²² Through the claim to maternalism, they could protect and promote

²⁰ David E. Hamilton, "Herbert Hoover: Campaigns and Elections," Miller Center, University of Virginia, <https://millercenter.org/president/hoover/campaigns-and-elections>; Joan Hoff Wilson, *Herbert Hoover: Forgotten Progressive* (Boston and Toronto: Little, Brown & Co., 1975), 131; Jo Freeman, "Gender Gaps in Presidential Elections," letter to the editor of *PS: Political Science and Politics* 32 (June, 1999): 191-92. Freeman argues that the 1928 election produced the first gender gap, with strong female turnout and possibly as much as a ten point differential in women's support for Hoover over men's.

²¹ DeLysa Burnier, "Erased History: Frances Perkins and the Emergence of Care-Centered Public Administration," *Administration & Society* 40 (July 2008): 403-422 at 413.

²² Skocpol, *Soldiers and Mothers*, 368.

the institutional capacity they had built. In the founding of the juvenile courts, they leveraged the political access they did have to develop social work through county courts. As that movement spread in counties across the country, they found a place in federal government for care of children. As federal social provisions became a possibility in the New Deal, they risked getting co-opted unless they held the ground for the maternalist vision.

Mary Poole sees political expediencies at the base of the strategic decisionmaking in which women reformers could claim authority.²³ Such a contextualization acknowledges the politics that plays out upon existing hierarchies. Poole places the building of a segregated Social Security Act upon a racial paradigm. The New Deal reproduced racial hierarchy and institutionalized it not primarily through intentional racial discrimination but by making decisions—neutral decisions, even—within conditions of racial inequality. Given structural inequalities, policies that seek to modernize can instead absorb inequalities into state building. In the case of the Children’s Bureau, we see this played out in the politicking and jockeying that reformers themselves had to engage in in order to guard their institutional expertise from erosion and reorganization.

Camilla Stivers’s differentiation between bureau men and settlement women, while focused chiefly upon municipal government, offers some traction in thinking about the struggle between the Children’s Bureau and other interests in the federal government during the Hoover and Roosevelt administrations. Female reformers, many of whom had come out of the settlement movement, “sought substantive policy reforms aimed at making people’s lives better,”

²³ Mary Poole, *The Segregated Origins of Social Security: African Americans and the Welfare State* (Chapel Hill: UNC Press, 2006).

while ‘bureau men’ men tended to look to procedural and administrative reforms.²⁴ Female reformers in the Children’s Bureau were heavily influenced by maternalist approaches to social problems, finding interrelationships between social and economic issues and embracing a more holistic, comprehensive, and experientially-informed approach to devising solutions. Frances Perkins herself had lived at Hull-House and worked with both Hull-House and the Chicago Commons as a young college graduate.²⁵ Perkins shared the comprehensive approach to human needs that the maternalist reformers from Hull-House embraced; they were dealing with “men and women of flesh and bone,” and the “winter’s coat, the plumbing, the interest on the mortgage, a good diet, the baby’s milk, marriage, and cultural needs, even soda waters and rides on the pony in the park must always precede generalized abstract theory in our thinking.”²⁶

Stivers argues that “the bureau men’s philosophy became the prevailing orthodoxy in public administration, whereas the settlement women’s philosophy became ‘public administration’s buried heritage.’”²⁷ One female cabinet member heading the Department of Labor could not stem this tide; reorganization and efficiency were preoccupations well before the 1937 Brownlow Commission report.²⁸ By tracking the political struggles of the Children’s Bureau, we can identify the choices they made to reinforce maternalism and forego the more comprehensive labor reforms they envisioned. This approach can help to explain a puzzle in American political development: Why do traditions of inequality survive political

²⁴ DeLysa Burnier, “Erased History: Frances Perkins and the Emergence of Care-Centered Public Administration,” *Administration & Society* 40 (July 2008): 403-422 at 404, drawing on Camilla Stivers, *Bureau Men, Settlement Women: Constructing Public Administration in the Progressive Era* (Lawrence: University Press of Kansas, 2000).

²⁵ George Martin, *Madame Secretary*, 58-61.

²⁶ Frances Perkins, *People at Work*, 1934, p. 283 (currently quoted in Burnier, 415—get original and check).

²⁷ Stivers, *Bureau Men, Settlement Women*, 49 but the larger quote is Burnier. Go to Stivers and revise footnote.

²⁸ Even Perkins considered consolidating the Women’s Bureau and the Children’s Bureau to improve coordination and save money on some programs and generate it for others, probably in 1932-33. Abbott and Mary Anderson, chief of the Women’s Bureau, reacted quite negatively. George Martin, *Madame Secretary: Frances Perkins* (Boston: Houghton Mifflin, 1976), 295.

modernization? By situating those who were involved in statebuilding within the conditions of inequality they were embedded in, we can track the “modernization of a status regime.”²⁹

In this paper we rely on the papers of Grace Abbott, Chief of the Children’s Bureau 1921-1934, to track the mechanisms of development in the early days of the New Deal and the shaping of the Social Security Act, and we revisit the politics already identified in histories of maternalist reformers. We find that, despite the influence that maternalist policy has had on welfare policy and the shaping of the citizenry, maternalists themselves struggled for political access alongside reformers with different progressive visions and were beset with challenges to the institutions they had developed. Reformers were caught up in political contest, and that, in turn, shaped their policy choices. This study of the political travails of reformers can help to explain why maternalist policy developed as it did, as was a strategic ploy to hang on to the places where women did have authority and expertise in the federal government. Maternalist policy did not encompass all of the reforms that they wanted to effect. But maternalist policy was the linchpin to hanging on to their political power.

From Juvenile Court Movement to the Children’s Bureau

Early services for children in need were provided by the juvenile courts. Women reformers, active in civic organizations, Hull House, and charity work in Chicago in the late nineteenth century, were troubled by the punitive treatment of delinquent children. They saw the children’s behavior as owing to environmental factors, and they wanted children to be treated differently and particularly. Repelled by machine party politics as were many progressive reformers at that time, women reformers in Chicago used their connections with lawyers and

²⁹ Rogers Smith, “Beyond Tocqueville, Myrdal and Hartz: The Multiple Traditions in America,” *The American Political Science Review* 87 (September 1993): 549-566; Reva Siegel, “The Modernization of Marital Status Law: Adjudicating Wives’ Rights to Earning, 1860-1930,” *Georgetown Law Journal* 82 (1994): 2127-2211

judges and turned to courts as institutions to provide services for delinquent children. The Chicago Women's Club relied on its connections with lawyers and judges to get the bill introduced into the state legislature.³⁰ From her role in the State Board of Charities, Julia Lathrop knew county judges, and she urged them all to promote the Juvenile Court Bill, passed in 1899.³¹

The use of authority was intrinsically paternalistic. Reformers utilized the latent authority of the court, most notably in the doctrine of *parens patriae*, to intercede in private lives. They also discovered and innovated the administrative capacity of courts. The Juvenile Court could receive children who had been arrested and redirect their sentences.³² Rather than punish the children, it could provide services. Judges—eventually both men and women—sat in a courtroom that did not look like a courtroom, even taking a child upon his (or her) knee.³³ Probation officers acted as social workers to study the child's case and home conditions and serve the child's needs. Chicago's Juvenile Court eventually built a juvenile court block. The juvenile court movement utilized courts as institutions of political development. Reformers played up the existing authority of the courts to expand the notion of social services. It built the court's capacity to administer services and was the site of training of social workers.³⁴

³⁰ Victoria Getis, *The Juvenile Court and the Progressives* (Urbana: University of Illinois Press, 2000), 28; Florence Kelley, "Women and Social Legislation in the United States," *Annals of the American Academy of Political and Social Science* 56 (November 1914): 62–70; Letter from Mrs. Lucy L. Flower to Mrs. Bowen, dated May 1917, and Lathrop, Memorandum in Lathrop, Julia, Correspondence and Memoranda, 1917, JPA Records Supplement I, University of Illinois at Chicago.

³¹ Lucy Flower, "'On Juvenile Court Formation,'" May 3, 1917. Juvenile Protective Association Papers Supplement. UIC

³² The Illinois Supreme Court case, *People ex rel. O'Connell v. Turner* 55 Ill. 280 was unusual among the states in its rejection of the logic of *parens patriae*, but this roadblock to reform efforts had been largely circumvented in practice. See Sullivan and Nackenoff, "Family Matters, Public Work," 2016 WPSA paper.

³³ On Judge Mary Bartelme, see Nackenoff and Sullivan, "The House that Julia (and Friends) Built," 192-193.

³⁴ Notably, tensions between juvenile courts and social workers emerged in the 1920s.

Linda Gordon notes that the “children first” policy of maternalists created a net loss for both women and children.³⁵ The tension was evident from the earliest days, with juvenile court practices facing criticism in its early years. In the eagerness to rescue children, it removed some children from their homes. This led to scandals and publicized denigration of the childsnatchers. The Juvenile Court law in Illinois, amended several times during its first decade, included failure to care adequately for a child—often the result of poverty—with abuse, bringing such children into the orbit of the juvenile court.

“On Monday they will be taken before Judge Tuthill of the Juvenile Court.”

Because reformers developed a discourse that shifted the boundaries of the public (and public work) so that it encompassed some families in jeopardy, the state assumed some burdens of dependency. From another perspective, however, poverty invited public interventions. According to Martha Fineman, “the political and legal response to such [vulnerable] populations is surveillance and regulation . . . It can also be paternalistic and stigmatizing.”³⁶ We locate these early efforts to remove children from their homes in the source of authority to care for children. The doctrine of *parens patriae* gave the Juvenile Court the authority for the court to intercede on behalf of children, but it had no direct authority over the adults of the household. When a probation officer found a home unsuitable, she would remove the child from the home. The probation officers of the Court, reform-minded fellow-travelers and frequently volunteers from the Chicago Woman’s Club, the Illinois Federation of Colored Women’s Clubs, or other organizations, removed children from unsuitable surroundings in what can sometimes only be

³⁵ Linda Gordon, “Putting Children First: Women, Maternalism, and Welfare in the Early Twentieth Century,” in *Women’s History as U.S. History*, ed. Linda Kerber et al. (Chapel Hill: UNC Press, 1995): 80.

³⁶ Martha Albertson Fineman, “Equality, Autonomy, and the Vulnerable Subject in Law and Politics,” 16 in Martha Albertson Fineman and Anna Grear, eds., *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics* (Farnham, Surrey, England and Burlington, Vermont: Ashgate Publishers, 2013).

described as highly publicized raids.³⁷ Probation officers, accompanied at times by police, raided residences and removed children.

In 1900, a front page report by the *Chicago Tribune* reported that Miss Susan Clark, probation officer of the Juvenile Court, led a raid on the Hannah Griffin Benevolent and Christian Establishment for colored children on the south side. She was accompanied by two policemen, and, after fainting at the sight before her, removed sixteen little malnourished, underclothed children to the Harrison Street (downtown) police station, from whence they were sent variously to the Foundlings' Home, the Home for the Friendless, or the Detention Hospital. "On Monday they will be taken before Judge Tuthill of the Juvenile Court." The *Tribune* published the names and ages of the children and "parents of the children wishing to secure them have been asked to call at the offices of the Home and Aid society, Unity Building."³⁸

When black children came to the attention of the juvenile court, their access to rehabilitative services was usually markedly different than for white children. In Chicago, only 2% of the population was black in 1903, and roughly 2% of male cases and 6% of female cases before the new Chicago court involved black children.³⁹ The Louise Juvenile Home in Chicago,

³⁷ While child savers wanted to distance children from the criminal justice system, they nevertheless adopted the developing doctrine of probation from criminal law. The juvenile court's probation officers were, essentially, social workers and advocates for children before the court. We are still not certain why they chose this criminal model and not a model from the tradition of charity. Illinois and the many states that followed the lead of reformers there aimed to keep the child or adolescent from obtaining a criminal record; in New York, however, a young person who was put on probation by a juvenile court would have a record.

³⁸ "Raid Home for Infants," *Chicago Tribune*, December 12, 1900, 1. Judge R.S. Tuthill was the first Juvenile Court judge in Chicago. He had previously worked closely with the Chicago Woman's Club to expedite and separate boys' cases, and was an enthusiastic supporter of the new court. The assignment to the juvenile court was not a prestigious one for judges, but Judge Tuthill readily accepted this assignment. ²⁸ Jeter, *Chicago Juvenile Court*, 6.

³⁹ Geoff K. Ward, *The Black Child-Savers: Racial Democracy and Juvenile Justice* (Chicago: University of Chicago Press, 2012), 84. The black percentage in Chicago's population was about 7% in 1927, and black youth constituted 22% of the caseload of the juvenile court (see Earl R. Moses, *The Negro Delinquent in Chicago* [Washington, DC: Social Science Research Council, 1936], 14, cited in Ward, 84). In 1927, Chief Probation Office Harry Hill complained of lack of resources for the adequate care of black children, stating "practically no institutions are to be found in the community to which [black] children can may be admitted: (Hill, Annual Report of the Chief Probation Officer of the Juvenile Court, Charity Service Reports, Cook County, IL [Chicago, 1927], 364, quoted in Ward, 84.

established in 1907 by black clubwomen and a black probation officer, was chronically underfunded until it was incorporated by the State of Illinois six years later; accommodations for semi-delinquent black youth were widely regarded by reformers as inadequate.⁴⁰ Officials at northern detention homes serving black youth generally steered boys toward menial work, with little effort at rehabilitation, and except for the efforts of black clubwomen and black probation officers, black children and youth were not a high priority for child savers.⁴¹ Since removing children and youth from adult courts and prisons was central to the juvenile court movement, commitment of black children and youth to juvenile institutions was not seen as disadvantageous by black community leaders; however, the increasing rate of black incorporation into the juvenile justice system “did not translate into equal black youth and community access to the juvenile court movement’s citizen-building ambitions.”⁴²

By the end of the first decade of the twentieth century, Court opponents such as former bailiff of the Cook County Circuit Court William H. Dunn began charging that the Court was an agent of child slavery and a trafficker in children. Drawing upon abolitionist rhetoric and imagery, Dunn and his supporters challenged both the assault on families and the placement of children and youth by private organizations. These placements were sometimes out-of-state, he claimed. Evidence from court records, newspapers, and secondary accounts from the period

⁴⁰ Geoff K. Ward, *The Black Child-Savers: Racial Democracy and Juvenile Justice* (Chicago: University of Chicago Press, 2012), 159; see Knufer, *Toward a Tenderer Humanity and a Nobler Womanhood*, 72-74. Elizabeth McDonald, the black probation officer, was described in the “one colored woman who devote[d] her entire time to the work, free of charge, and whose services [we]re invaluable to the court as she takes charge of all colored children.” She would soon be joined by other black women. See Ann Meis Knupfer, “Professionalizing Probation Work in Chicago, 1930-1935,” *Social Service Review* 73 (December, 1999), 480-481.

⁴¹ Ward, *Black Child Savers*, 160, 105.

⁴² Ward, *Black Child Savers*, 90. He points out that, during the Progressive Era, there is evidence of a sharp increase in the black incarcerated population, including youth, and especially among black women and girls. Data available for 1904 and 1910 (two years where data on race and incarceration were collected) shows that “in the 1904 census, black male and female children represented 13 and 15 percent, respectively, of juveniles incarcerated in public institutions nationwide, whether committed to juvenile or adult institutions. By 1910, the proportional representation of black male juveniles in U.S. carceral institutions had doubled to 27.5 percent while that of black girls nearly tripled to 39 percent.” (Ward, 87-88; quote 87).

indicate that young women were often placed in homes to learn domestic skills, functioning as domestic workers, giving some credence to assertions that others were profiting from these child placements. The press took up the charges, and according to one recollection, a press campaign referred to the agents of the Court as “child snatchers” and drawing attention to failed cases.⁴³ Even Timothy D. Hurley of the Visitation and Aid Society, one of the architects of the original Juvenile Court bill, thought that the Juvenile Court’s work would be better done if its functions were transferred to the domestic relations branch of Chicago’s Municipal Court. He did not see state institutions as doing a better job than parents. Municipal courts could address the problems that made homes unfit in the first place, then children could be returned to their homes.⁴⁴

Critics charged reformers with impinging on the rights of families and of the child; this was an assault on personal liberties. For opponents, the traditional rights and prerogatives of families were being abrogated by an overreaching state. They maintained that the Juvenile Court and its officers should not be able to remove a child from the home without conviction of some criminal offense—similar to the argument that the Illinois Supreme Court had made in barring commitment of children to detention homes in 1870.⁴⁵ Expanded Juvenile Court powers to compel school attendance, deal with truancy, and sweep up children found on the streets during school hours likewise occasioned complaints of intrusion into family decisions.⁴⁶

⁴³ Jeter, *Chicago Juvenile Court*, 6.

⁴⁴ “Calls Juvenile Court Lax,” *Chicago Daily Tribune*, March 22, 1911, 7.

⁴⁵ During the Warren Court era, the Supreme Court, in *In Re Gault*, 387 U.S. 1 (1967), asserted that the juvenile delinquent facing possible commitment to a state institution must have the opportunity of a legal hearing, the right to counsel, and other due process rights, thereby rebutting some of the assumptions of the *parens patriae* doctrine, and quoting Judge Julian Mack, “The Juvenile Court,” 23 *Harvard Law Review* 104 (1909-1910) for the articulation of that doctrine. See *People ex rel. O’Connell v. Turner* 55 Ill (1870).

⁴⁶ Edith Abbott and Sophonisba P. Breckinridge, *Truancy and Non-Attendance in the Chicago Schools* (Chicago: University of Chicago Press, 1917), 86-87, with the following quote on 86: “At the same session of the legislature [in 1899] the juvenile court law was passed and the newly established juvenile branches of the circuit courts were authorized to exercise such jurisdiction as was bestowed upon circuit or county courts in all matters pertaining to children of school age.” Illinois had first passed a compulsory school attendance measure in 1883 and strengthened it in 1889, without much effect according to the authors. After the Juvenile Court was established, the compulsory school attendance was further strengthened in 1903; Illinois passed a child labor law in 1891.

Eventually, juvenile court workers became less aggressive in child removal, especially so in cases involving white children who lived in impoverished circumstances. Rather than remove children from homes, they shifted policy, now making sure that homes were suitable places for children, and they determined that the best situation for children was to be with their mothers. This, of course, led to monitoring of the home to gauge its suitability, and the casework of social workers to closely know the conditions of the child's home. Merritt Pinckney, the juvenile court judge of Cook County, let the legislature know that he was "unwilling to continue to order children moved from their mothers' care and placed in an institution on the ground of poverty alone."⁴⁷ The next step in institutional development was to make sure that mothers could stay home with their children.

The 1909 White House Conference on the Care of Dependent Children, whose attendees included Chicago reformers Jane Addams, Josephine Hart, Louise de Koven Bowen, Merritt Pinckney, Julius Rosenwald, and Henry Thurston, considered various forms of mothers pensions. After the Conference, Edith Abbott's "Women in Industry," surveyed women in the workplace and concluded that "unskilled women could never work their way to economic independence."⁴⁸ If poor mothers could not earn a family wage, then aid to mothers could give mothers the support they needed to remain in the home.

Grace Abbott saw mothers' pensions as the first social insurance laws.⁴⁹ One set of insurance was workmen's compensation, which substituted for the old common-law rules of employer liability. Mothers' pensions were the second, providing mothers whose husbands were

⁴⁷ "The Social Security Act and Relief," *University of Chicago Law Review* (1936): 231.

⁴⁸ Joanne Goodwin, *Gender and the Politics of Welfare: Mothers' Pensions in Chicago, 1911-1929* (Chicago: University of Chicago press, 1997), 46.

⁴⁹ *Mother's Act Social Work Year Book 1937*. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

dead or incapacitated with aid that was more generous than poor law did.⁵⁰ First passed in Illinois in 1911, they were rapidly passed in northern states. Within the next 20 years, all states except Georgia and South Carolina had mothers' aid laws.⁵¹

In practice, however, mothers' pensions were quite different from workmen's compensation. The former provided aid to women in their capacity as mothers, while workmen's compensation would be largely reserved to men in industrial jobs.⁵² The latter had clear rules to follow. Decisionmaking was highly routinized. Mothers' pensions, on the other hand, relied on case work, which involved monitoring, and discretion of social workers. It was intrusive.⁵³ The bifurcation of New Deal policies were evident in these early federal social provisions.

That bifurcation was present in the debates over mothers' pensions. The American Association for Labor Legislation, which included John Commons and others from the Wisconsin School which would be so pivotal in the Committee on Economic Security that drafted the Social Security Act, developed workmen's compensation as social insurance. It criticized forms of charity as outmoded. In shaping more modern social insurance, it did not include provisions for mothers, except insofar as it provided assistance to the widows and orphans of workers and maternity insurance as part of health insurance. The movement for social insurance and the movement for mothers' pensions, then, never merged in the early 1910s.⁵⁴ This bifurcation would be repeated in 1934-35.

⁵⁰ Mother's Act Social Work Year Book 1937. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

⁵¹ Mother's Act Social Work Year Book 1937. Edit and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

⁵² Barbara Nelson, "The Origins of the Two-Channel Welfare State: Workmen's Compensation and Mothers' Aid," in Linda Gordon, ed., *Women, State, and Welfare* (Madison: University of Wisconsin Press, 1990), 123-151.

⁵³ Nelson, "Two-Channel Welfare State," at 138 and 145.

⁵⁴ Goodwin, *Politics of Welfare*, 51-54.

Reformers worked from their own base in the juvenile court movement. The juvenile courts provided the venue for studies of children's dependency and delinquency to offer evidence-based demonstration of the difficulties that women faced in filling the role of worker and mother.⁵⁵ Jane Addams, Sophonisba Breckenridge, and Edith Abbott used these studies to support the first mothers' pensions law. Once the first mothers' pension law was passed, the pensions themselves were administered by the juvenile court. Again, juvenile courts had the resources. The Juvenile Court of Cook County operated on the casework system. A probation officer was assigned to a case. She did a study of the child's living conditions, filling out a report with the child's development, history, habits, and conduct, the composition of the family, type of dwelling, any special conditions of the home, "constructive possibilities of the home," the child's school working history, and recreational activities. The probation officer also did interviews with the child, parent(s), relatives, neighbors, school officials, employers, and other agencies that worked with the child.⁵⁶ Dependency hearings of the juvenile court followed those for delinquents—held in a small room that did not look like a formal court room. Probation officers would continue to make home visits. And the juvenile court kept records and statistics.⁵⁷ Probation officers were trained at the University School of Civics and Philanthropy, and they were likely to land probation officer jobs with the juvenile court upon graduating.

When mothers' pensions laws were passed, juvenile courts had the capacity to apply the case work method to mothers applying for aid. In response to the increase in casework from mothers seeking aid, Cook County's Juvenile Court established the Mothers' Pension Division of the probation service, used a civil-service test, and trained the probation officers especially for

⁵⁵ Goodwin, *Politics of Welfare*, 98-99.

⁵⁶ Katherine Lenroot and Emma Lundberg, *Juvenile Courts at Work* (Washington, D.C.: GPO, 1925), 89.

⁵⁷ Lenroot and Lundberg, *Juvenile Courts*, 199.

relief work. Those probation officers worked under a chief probation officer, a supervising officer as head to the Funds to parents Division, and a field supervisor. The divisions worked with Chicago's social registration bureau, to see if other agencies worked with the family. The court would spend about a month investigating the case. When it determined eligibility, it presented its findings to a conference committee, comprised of the chief probation officer, the head of the Funds to Parents division, and the county agent.⁵⁸

The case work methods of the juvenile court were the very methods of intrusiveness and discretion that would distinguish them from the more rules-bound, procedural administration of workmen's compensation.⁵⁹ The casework method, however, was the area where juvenile court reformers had a hold on their own authority. They were the experts in casework. They held the means of training. They used the success of the court to produce social science studies of children, delinquency, and other conditions brought about by the labor conditions of the time.

Juvenile Court judges were the first drafters of the mothers' pensions laws—Judge E.E. Porterfield drafted Missouri's law in 1911 (which only applied to the Kansas City Juvenile Court) and Judge Merritt Pinckney drafted Illinois' 1913 law, which replaced its initial law in 1911.⁶⁰ But rather quickly, juvenile courts found themselves oversubscribed.⁶¹ Judge Merritt Pinckney believed the framers of the Illinois legislation had intended that applications would follow from the everyday work of the court, but the legislation and attendant publicity generated exogenous demand.⁶² There was, then, a mismatch between what most reformers and Court

⁵⁸ Edith Abbott, "The Administration of the Illinois 'Funds to Parents' Laws," in *Proceedings on the Conference on Social Insurance*, ed. U.S. Department of labor, Bureau of Labor Statistics (Washington, D.C.: GPO, 1917), 819.

⁵⁹ See Nelson, "Two-Channel State."

⁶⁰ Sherman Kingsley, "The Theory and Development of the Mothers' Pension Movement," in *Proceedings on the Conference on Social Insurance*, ed. U.S. Department of labor, Bureau of Labor Statistics (Washington, D.C.: GPO, 1917), 797.

⁶¹ Nackenoff and Sullivan, "House that Julia Built."

⁶² Pinckney, "Public Pensions to Widows," 143.

officials thought the pension bill meant and what the public thought it meant and promised in terms of access to public resources. Juvenile courts could not keep up with demand, and in some measure, this was a sign of how mothers' pensions both responded to, and generated, demand for resources. Juvenile courts would eventually cease to be in charge of mothers' pensions, but they served as an incubator of this important social program.

The juvenile court reformers themselves went on to other agencies. Julia Lathrop served as the first chief of the Children's Bureau. The Children's Bureau grew out of President Theodore Roosevelt's 1909 White House Conference on the Care of Dependent Children. At this time, the notion of a Children's Bureau was raised, but it was pitched as a "fact-gathering" bureau "to soften fears that it would become a bureaucracy for child labor laws."⁶³ The pressure to avoid the appearance of fostering a wider labor reform agenda was what made it possible to have a federal Children's Bureau.

Nevertheless, the Children's Bureau did end up administering the short-lived child labor law, and Abbott joined the Bureau in 1917, expecting to lead this effort. The bifurcation between the movement for social insurance and the movement for mothers' pensions occurred right away, however. With children now protected and prohibited from working, mothers lost their wages, and there was more of a need to ensure aid to mothers so that they could remain in the home. The National Consumers League had established a widows' scholarship in response to prohibition of child labor.⁶⁴ In 1917, Abbott proposed a federally funded, nationwide program for public protection of maternity and infancy.⁶⁵

⁶³ Skocpol, *Soldiers and Mothers*, 483.

⁶⁴ Skocpol, *Soldiers and Mothers*, 444.

⁶⁵ Skocpol, *Soldiers and Mothers*, 495.

That funding would come in the Sheppard-Towner Maternity and Infancy Act of 1921, the year that Abbott became Chief of the Children's Bureau.⁶⁶ Two features of these services would inform the Children's Bureau during the writing of the Social Security Act. First, the Maternity and Infancy Act was administered by state and local officials. Having federal programs that were administered by local officials allowed for a parochialism in welfare administration.⁶⁷ Reformers had already established a basis of social workers and were active in social science research and statistics collection. They could foster these resources by offering new training. Local civic organizations, e.g., were encouraged to ensure the correct registration of birth certificates.⁶⁸ As child savers expanded the programs and institutional capacity of services, they were also building up experienced personnel and allies at the state and local level.

They were likewise collecting adversaries. The Sheppard-Towner Act rendered them at odds with physicians in the American Medical Association and officials in the Public Health Service.⁶⁹ The AMA actively opposed renewal of Sheppard-Towner when it came time to renew, and the Maternal and Infancy program ended in 1929.⁷⁰ The tension between physicians and Progressive Era reformers followed the Children's Bureau into the Great Depression. Abbott had to contend with threats of reorganization throughout the tenure of the Hoover Administration.

⁶⁶ After *Hammer v. Dagenhart* killed the federal Child Labor law, Abbott agreed to return to Chicago to become Executive Secretary of the new State of Illinois Immigrants Commission. A new and less sympathetic governor killed the Commission in 1921, and Abbott soon returned to Washington in the new role of Chief of the Children's Bureau. See Carol Nackenoff, "The Private Roots of American Political Development: The Immigrants' Protective League's 'Friendly and Sympathetic Touch,' 1908-1924," *Studies in American Political Development* 28 (October, 2014): 129-160; Edith Abbott, "Grace Abbott and Hull House—Part II," *Social Service Review* 24 (December, 1950), 496, 518.

⁶⁷ On this theme, see Robert Lieberman, *Shifting the Color Line: Race and the American Welfare State* (Cambridge: Harvard University Press, 1998).

⁶⁸ Skocpol, *Soldiers and Mothers*, 488.

⁶⁹ Skocpol, *Soldiers and Mothers*, 513.

⁷⁰ Skocpol, *Soldiers and Mothers*, 513.

The President hosted a White House Conference on Child Health and Protection in 1930. In his announcement of plans for the upcoming conference at a White House press conference over a year earlier, President Hoover said that the conference would be “comprised of representatives of the great voluntary associations, together with the Federal and State and municipal authorities interested in these questions”; he mentioned the “problems of dependent children” first.⁷¹ Hoover announced that the Secretary of the Interior, Dr. Ray Lyman Wilbur, would direct plans for the conference, “with the cooperation of the Secretary of Labor,” where the Children’s Bureau was lodged. Although that sounded like support, Abbott reported being shut out of its planning. She knew the conference was being arranged, but the planning was done without the input of the Children’s Bureau; physicians with the American Child Health Association played a major role in organizing the conference. Neither the Children’s Bureau nor the Secretary of Labor knew about the details until the announcement that a Planning Committee was to be appointed; while Abbott was named to it belatedly after expressing her concerns,⁷² she was given a minor role. Appointed as the Secretary of the Executive Committee, she found that to be a “wholly nominal arrangement.”⁷³

Abbott suspected that “what is behind all this” is that [the Interior Secretary] Dr. Wilbur, who was placed in charge of the Conference, wanted to transfer the health work of the Children’s Bureau to the Public Health Service, which would be placed in the Department of the Interior. The Public Health Service would then administer maternity and infancy work. In this sense,

⁷¹ Herbert Hoover: “Statement on Plans for a White House Conference on Child Health and Protection,” July 2, 1929. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=21852>.

⁷² Kriste Lindenmeyer, *A Right to Childhood: The U.S. Children’s Bureau and Child Welfare, 1912-46* (Urbana and Chicago: University of Illinois Press, 1997), 165.

⁷³ Letter from Grace Abbott to Julius Rosenwald. April 28, 1930. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

Abbott was correct when she perceived the threat to the Children's Bureau by the appointment of Wilbur as organizer of the conference; "Wilbur supported the AMA's position maintaining that *all* federal health care work should be the responsibility of the PHS."⁷⁴

Hoover found Abbott to be inflexible and self-righteous, but he was not hostile per se to the Children's Bureau.⁷⁵ He wrote his budget director a few days before the stock market crash in October, 1929 that he would be obliged "if you would treat with as liberal a hand as possible the applications of . . . the Children's and Women's Bureaus. I have great sympathy with the tasks they are undertaking."⁷⁶ He increased appropriations for the Children's Bureau each year until 1932.⁷⁷ The President's depression-era Committee for Employment had the Children's Bureau expand their reporting of relief to cover all cities with 50,000 or more inhabitants, and the collection of these relief statistics would continue until the Social Security Board took over that responsibility in 1936.⁷⁸

Hoover and his Secretary of the Interior were persuaded, however, that the health work of the Children's Bureau should be given to the Public Health Service and lodged in the Department of the Interior, since the Service provided expert professional guidance in the fields of maternity, infancy, and child hygiene; "welfare" work would be left with the Children's Bureau. But removal of some of its functions relating to women and children would weaken the

⁷⁴ Lindenmeyer, *A Right to Childhood*, 165.

⁷⁵ However, when Abbott's name was urged as nominee to be Secretary of Labor, Hoover was not supportive.

⁷⁶ David Burner, *Herbert Hoover: A Public Life* (New York: Alfred A. Knopf, 1978), 222.

⁷⁷ Burner, *Herbert Hoover*, 222.

⁷⁸ Children's Bureau, Part I. Virginia Commonwealth University Libraries Social Welfare History Project. <https://socialwelfare.library.vcu.edu/programs/child-welfarechild-labor/childrens-bureau-part-i-2/> According to this source, "In the fall of 1931, Senator Robert M. LaFollette of Wisconsin and Senator Edward P. Costigan of Colorado introduced a bill providing Federal appropriations of \$500 million for relief to be administered by the Children's Bureau. Although the hearings showed a clear picture of the great distress in all parts of the country, the bill was defeated in Congress in February 1932." Abbott had come to the conclusion that collection and dissemination of data on the condition of children and their families, and promotion of local and state programs for their assistance, was insufficient during the Depression, and that federal aid for needy children was vital; Kriste Lindenmeyer, *A Right to Childhood: The U.S. Children's Bureau and Child Welfare, 1912-46* (Urbana and Chicago: University of Illinois Press, 1997), 171.

Bureau.⁷⁹ With such a shift, the Children's Bureau would be stripped of one of its long-held duties;⁸⁰ no longer would the Children's Bureau be charged with the needs of the "white child".⁸¹

In the eyes of Children's Bureau supporters, attendees of the 1930 Conference discussed the "proposed dismemberment of the Bureau". The Children's Bureau minority report was not received. Abbott raised the omission at the conference, noting that she had not been sent a copy of the majority report. When she had asked for it, she was refused at the Central Office. Abbott was backed up by Lillian Wald and Mrs. Morrison and Mr. Murphy, all of whom emphasized the decades of work the Children's Bureau had done for social work.⁸² After Marguerite Wells of the National League of Women Voters submitted "a statement signed by representatives of twelve predominately female organizations protesting the transfer of child health work from the Children's Bureau," Abbott was allowed to read her minority report. Both the majority report and the Abbott minority report were tabled.⁸³

The Children's Bureau was, therefore, alert to reorganization efforts. In 1930, the President stated his support of continuing the Sheppard-Towner act. Heartened, thirteen national women's organizations participated in a legislative committee on Maternity and Infancy Hygiene, of the Women's Joint Congressional Committee, to urge passage of HR 1195, sponsored by John Cooper of Ohio. They were surprised when Rep. Cooper introduced a substitute bill, HR 9988.⁸⁴ Whereas the Sheppard-Towner Bill (and HR 1195) had the Children's

⁷⁹ Burner, *Herbert Hoover*, 222, says "Hoover was either unwilling or unable to persuade Congress to strengthen the bureau."

⁸⁰ Letter from Grace Abbott to Julius Rosenwald. APRIL 28, 1930. In April 1930, Rosenwald responded that he was "much distressed by the attitude of certain powers in the Administration." Letter from Julius Rosenwald, Sears, Roebuck & Co. Executive Offices, to Grace Abbott, Department of Labor, Children's Bureau. April 24, 1930. Edith and Grace Abbott Papers. Box 36. Special Collections Research Center, University of Chicago Library

⁸¹ Kriste Lindenmeyer, *A Right to Childhood: The U.S. Children's Bureau and Child Welfare, 1912-46* (Urbana and Chicago: University of Illinois Press, 1997), 165.

⁸² Hoover's Attack on the Children's Bureau and the Election of 1932. SCRC

⁸³ Lindenmeyer, *A Right to Childhood*, 170.

⁸⁴ Mary N. Winslow, "Uncle Sam's Babies," *Life and Labor Bulletin* VIII (July 1930): 1.

Bureau administer policies for the welfare and hygiene of mothers and children, HR 9988 split up funding, giving half to the Children's Bureau, and half to the U.S. Public Health Service.

Abbott noted that HR 9988 failed to mention the word "welfare," which, broadly construed, encompassed health. The problem with allocating money to the Public Health Service for county health units was that county health departments tended to work on communicable disease and sanitation. Maternal and child health, in particular, was not assured to be a priority, nor did they tended to have personnel devoted to maternal and child hygiene.⁸⁵

Abbott was concerned that the removal of health work from the Children's Bureau would destroy the "unified approach" to the problems of childhood, at the national level, that had been guiding the work of the Children's Bureau.⁸⁶ While the Children's Bureau was in the Department of Labor, the Department of Labor "has been, and will be, always concerned with human welfare problems."⁸⁷ As the Election of 1932 neared, Abbott was urged to sign a letter, for public release, stating that the President had supported the Children's Bureau, "constantly increased appropriations," and that she had been included in the planning of the conference. She refused to do so.⁸⁸

In August 1929, the President expressed support for the county unit structure of child health work, having approached the Rockefeller Foundation to temporarily fund it with a

⁸⁵ Memorandum on HR 9988. SCRC

⁸⁶ Memorandum on HR 9988. SCRC

⁸⁷ Meeting of the legislative committees on maternity and infancy, and adequate appropriations for Children's Bureau, of the WJCC. June 15, 1932. SCRC

⁸⁸ Letter to Secretary of Labor Doak, dated October 13, 1932. In a memo that notes that Grace was sent this letter from the Secretary's office. SCRC

\$1,000,000 donation. Abbott approved, but noted, “I said I was, of course, in favor of a county health organization—but that child health work would not be done, particularly maternity and infancy work unless special provision was made for that”⁸⁹

In June 1932 Abbott convened leaders of national women’s organizations to generate a “plan of action” in case the President’s reorganization plan went through. The group collected a list of physicians who were favorable to the health mission of the Children’s Bureau.⁹⁰ The election of FDR would seem to bode a new era for the Children’s Bureau, yet Abbott found herself jockeying for position within the Democratic Party. She worked with Mary Dewson [known as Molly], Director of the Women’s Division of the Democratic National Campaign Committee, to gain access to the Roosevelts.⁹¹ Dewson was committed to placing women in positions in government. She ran her own patronage operation.⁹² But Dewson herself had to struggle for access. After the campaign, the DNCC was dissolved, but she continued to use the stationery to place women in federal positions.⁹³ She lacked direct access to the Roosevelts in the interim between the election and inauguration, but she worked actively, drumming up support from state labor departments and other experts to inundate the President with letters of support for Frances Perkins as Secretary of Labor.⁹⁴ While she had some successes, it was still a struggle, and she had to tread carefully. For instance, in encouraging Abbott, she nevertheless cautioned her to not meet FDR, “just yet.”⁹⁵

⁸⁹ Memorandum re interview with the President. August 29, 1929. SCRC

⁹⁰ Meeting of the legislative committees on maternity and infancy, and adequate appropriations for Children’s Bureau, of the WJCC. June 15, 1932. SCRC

⁹¹ Letter from Mary Dewson to Grace Abbott, dated January 13, 1933. SCRC

⁹² Susan Ware, *Partner and I: Molly Dewson, Feminism, and New Deal Politics* (New Haven: Yale University Press, 1987), 183.

⁹³ Ware, *Partner*, 182.

⁹⁴ Ware, *Partner*, 176.

⁹⁵ Letter from Mary Dewson to Grace Abbott, dated January 13, 1933.

Sophonisba Breckenridge, Ph.D., J.D. and professor in the School of Social Service Administration at the University of Chicago, spoke on Abbott's behalf to the Senate Judiciary Committee to make sure that she continued as Chief of the Children's Bureau. Senator Norris let Breckenridge know that he had heard nothing of any attempts to replace her.⁹⁶ By the time FDR came into office, Abbott felt more confident. She knew President and Mrs. Roosevelt from the New York social welfare circles,⁹⁷ and Frances Perkins, for whom she had lobbied, was to become the new Secretary of Labor.⁹⁸

It would seem evident that the Children's Bureau would want to be part of the New Deal. The Children's Bureau had some particular ways they wanted that to happen. They were ready for aid to children to be undertaken at the national level. Children's services had been historically administered at the county level. Under the Great Depression, resources were taxed. Private funds were decreasing. In 75 cities, 60% were public, and that increased to 75% in 1930. Those public departments increased their relief 148% between 1929 and 1930.⁹⁹ The Children's Bureau reported that 45,825 families received aid, 1921-23. That number increased to 93,629 families in 1931.¹⁰⁰ By 1933, she estimated that there were 300,000 children being taken care of under mothers' aid provisions, and another 300,000 that would be taken care of if there were sufficient funding.¹⁰¹

⁹⁶ Letter from G.W. Norris, United States Senate Committee on the Judiciary, to Sophonisba Breckenridge. Dated December 23, 1932. SCRC

⁹⁷ 1933-34—Part One. SCRC Manuscript. Edith and Grace Abbott Papers. Box 87. Special Collections Research Center, University of Chicago Library.

⁹⁸ Kristin Downey, *The Woman Behind the New Deal* (New York: Nan A. Talese/Doubleday, 2009), 114.

⁹⁹ Letter from Grace Abbott to George Hastings, the White House. September 4, 1931.

Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁰⁰ Mother's Act Social Work Year Book. 1937. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library.

¹⁰¹ Grace Abbott, "Hearings before the Committee on Finance United States Senate 74th Congress 1st session on S. 1130, January 22-February 20, 1935, 1084.

Of more fundamental concern was the structure of county unit administration. The juvenile court movement developed at the county level. Indeed, some counties took charge and implemented and developed social services. Other counties, however had little to no provision for child welfare. Rural areas and small towns tended to be underdeveloped in the first place. Agricultural and single industry towns, such as mining communities, were “particularly affected” and could not offer child welfare services.¹⁰² Rural counties had always been generally unable to support services for children. In the midst of the Great Depression, the county-level funding exacerbated—Between 1931 and 1933, there was a net loss of 69 counties that were no longer able to fund their programs.¹⁰³ Abbott wanted federal funding for programs, equalized across the country, but she wanted administration to remain at the county level, where the Children’s Bureau had built up administrative expertise and experience.

Early on in the FDR administration, Abbott hosted a conference on “Present Emergencies in the Care of Dependent and Neglected Children.” She brought together leaders in private and public welfare work from 28 states. She wanted “to hear from all areas so that we shall have a National picture.”¹⁰⁴ Prentice Murphy prepared a report that explained that the federal government had made a commitment to relief for children, but “In practice, however, in most states and localities it has been extremely difficult to raise standards so as to insure such adequacy.”¹⁰⁵ Murphy’s report pointed to the resources developed by the Children’s Bureau—caring for children in their homes, mothers’ aid. The conference adopted resolutions that the

¹⁰² Letter from Grace Abbott to George Hastings, the White House. September 4, 1931. SCRC

¹⁰³ Mother’s Act Social Work Year Book. 1937. Edith and Grace Abbott Papers. Box 37. Special Collections Research Center, University of Chicago Library

¹⁰⁴ 1933-34—Part One. Manuscript. Edith and Grace Abbott Papers. Box 87. Special Collections Research Center, University of Chicago Library

¹⁰⁵ 1933-34—Part One. Manuscript. Edith and Grace Abbott Papers. Box 87. Special Collections Research Center, University of Chicago Library

states and federal government aid local authorities in emergency family relief, that it scrutinize institutions that served children, that it continue mothers' aid.¹⁰⁶ The welfare of children was in increasing danger under conditions of the Depression, and the Children's Bureau was poised to respond.

The earliest federal response, the National Industrial Recovery Administration, was worrisome to Abbott. Confiding in Felix Frankfurter, she was concerned about power given to the NIRA Administrator rather than the Secretary of Labor. One need only look at the questionnaire the Administrator distributed to industries. It was "of the most amateurish sort." In addition to that, she found the proposal for a uniform minimum wage to be "unenlightened." Abbott was concerned the Secretary of Labor would "be put in the position of having to fight on every issue" with an administrator who, as far as she was concerned, lacked experience in labor issues.¹⁰⁷ It was becoming clear that the experience that Abbott and other child savers had gained over the years was at risk of being given over to New Dealers.

Worried that they were losing access in the new administration, Abbott again enlisted the help of Felix Frankfurter. In June 1933, Frankfurter sent a telegram to President Roosevelt, letting him know that

Devoted women supporters of the administration representing influential national organizations insist on believing that curtailment of present scope of Children's Bureau is threatened as part of reorganization scheme stop I told them I refused to believe that you would sanction inroads upon extraordinarily fine achievements Children's Bureau because of any alleged claim of abstract logic regarding division of functions between Children's Bureau and Public Health Service stop Venture to believe that not another agency of government has finer record for

¹⁰⁶ 1933-34—Part One. Manuscript. Edith and Grace Abbott Papers. Box 87. Special Collections Research Center, University of Chicago Library

¹⁰⁷ Memorandum for FF (Felix Frankfurter) re the Labor Department and the Administration of the National Industrial Recovery Bill. Dated May 25, 1933. Edith and Grace Abbott Papers. Box 36. Special Collections Research Center, University of Chicago Library

economy and efficiency than Children's Bureau nor is any more warmly entrenched in loyalty of women and liberal sentiment of country.¹⁰⁸

Josephine Goldmark spoke with Frankfurter about the reorganization situation.

Frankfurter let her know that FDR's response to his telegram "indicates the need of a good concrete inclusive statement of the facts about the Bureau."¹⁰⁹ Mary Dewson wrote to Josephine Goldmark, noting that Frances Perkins said "she would fight for the Children's Bureau till the last breath so they had better lay off."¹¹⁰ Goldmark let Abbott know that FDR responded to Frankfurter's telegram with the "portentous" suggestion that "loose ends will have to be tied up some day." Frankfurter passed along that information with the admonition "not to let word of any communication of his phrases get back to the Skipper."¹¹¹

By August, Abbott had penned a report on the functional logic of the Children's Bureau. The theory of reorganization on a functional basis was being promoted by Dr. Willoughby, formerly Director of the Institute of Government Research and then Director of the Department of Government of the Brookings Institute. For Willoughby, the Department of Labor should be consolidated with a Department of Commerce and Industry. Abbott pointed out that such thinking "appeals to those who are not well informed on actual work being done by various administrative units."¹¹² Under a functional scheme, the Department of Labor would be

¹⁰⁸ Day Letter, From Felix Frankfurter to Franklin D. Roosevelt. Dated June 10, 1933. Edith and Grace Abbott Papers. Box 36. Special Collections Research Center, University of Chicago Library

¹⁰⁹ Memorandum from Grace Abbott to the Secretary of Labor. July 26, 1933. Edith and Grace Abbott Papers. Box 36. Special Collections Research Center, University of Chicago Library

¹¹⁰ Letter from Mary Dewson to Josephine Goldmark. Dated August 21. Edith and Grace Abbott Papers. Box 36. Special Collections Research Center, University of Chicago Library

¹¹¹ Letter from Josephine Goldmark to Grace Abbott. Dated August 31, 1933. Edith and Grace Abbott Papers. Box 36. Special Collections Research Center, University of Chicago Library

¹¹² Memorandum for the Secretary re: The Children's Bureau and Reorganization. August 1933. Edith and Grace Abbott Papers. Box 26. Special Collections Research Center, University of Chicago Library

considered for its economic aspects, and the health work of the Children's Bureau would be transferred to the Public Health Service. Both moves would be inappropriate for Abbott. The Children's Bureau was "based on a population basis," rather than a functional basis. That is, the Bureau came to the aid of the child, in all of his or her various and interrelated needs. Abbott thought of the Department of Labor as providing for welfare, and she considered health to be intrinsic to welfare. Health departments, involved in sanitation, stream pollution, food inspection, and communicable disease, were not equipped for the special health needs of children.¹¹³

According to the Children's Bureau, a pediatrician could not consider the health needs of the child without considering environmental factors. The environment of a child included his or social and economic conditions. When considered together in a Children's Bureau, economic, social, and health considerations could be coordinated, and the child's development and needs considered holistically. Children's Bureau advocates continued to imagine a reorganization in which social and health issues were under the Department of Labor (and Welfare). The Department could administer a National Health Plan with experts from medicine (including pediatrics, nutrition, psychology), dentistry, public health nursing, social welfare, economics, and education. And they should avoid those who were on the Committee for the Cost of Medical Care.¹¹⁴

The Children's Bureau advocates felt besieged by various interests. Molly Dewson confessed that "it was not only Frances Perkins and I who were completely laid low by Mr. Bingham and the Courier Journal but also Mrs. Roosevelt. I think we are meeting worse opposition than Bingham's, however, for it seems to me that I get the impact of the National

¹¹³ Memorandum for the Secretary re: The Children's Bureau and Reorganization. August 1933. Edith and Grace Abbott Papers. Box 26. Special Collections Research Center, University of Chicago Library

¹¹⁴ Letter from Martha Eliot, Department of Labor. February 16, 1934. Edith and Grace Abbott Papers. Box 37. Special Collections Research Center, University of Chicago Library

Manufacturer's Association and the Catholic Church."¹¹⁵ The Children's Bureau had tension with Catholics, dating back to the exclusion of charity service organizations from the mothers' pensions.⁸⁸ Catholic interests continued to "put spokes in our wheels" as they sought to articulate the role of the Children's Bureau programs.

Federal Emergency Relief Administration [FERA]

As Frances Perkins tells it, Harry Hopkins simply came to Washington D.C. soon after FDR's inauguration. "No one invited them. They just came down."¹¹⁶ But Hopkins, who had cut his teeth in social settlement work as a "friendly visitor," had served as head of Governor Roosevelt's Temporary Emergency Relief Administration, an innovative New York State relief organization created after the onset of the Depression.¹¹⁷ Coming from the York social work community, Hopkins and Perkins were already familiar with one another. Hopkins became the Administrator of the FERA. Its objectives were to provide adequate relief, useful work for the able-bodied needy, and run a program that was diversified and flexible.¹¹⁸ It issued funds through public agencies. Social workers, accustomed to working with private agencies, were not in support.¹¹⁹ Hopkins believed that he could control the federal administrators in those public agencies, and he was exploring new solutions.¹²⁰

Abbott wanted to be sure that the resources developed by the Children's Bureau were incorporated into the health work of FERA. FERA asked the Children's Bureau to serve as consultant in the organization of state-wide nursing projects. Unemployed nurses could be put to

¹¹⁵ Letter from Molly Dewson, Democratic National Committee, to Grace Abbott. January 24, 1934. Edith and Grace Abbott Papers. Box 93. Special Collections Research Center, University of Chicago Library⁸⁸ Skocpol, *Soldiers and Mothers*, 468.

¹¹⁶ Jane Hopkins, *Harry Hopkins: Sudden hero: Brash Reformer* (St. Martin's Press, 1999), 160.

¹¹⁷ Hopkins met Eleanor Roosevelt, with whom he became close friends, only after he was working with TERA.

¹¹⁸ Hopkins, *Harry Hopkins*, 164.

¹¹⁹ Hopkins, *Harry Hopkins*, 166.

¹²⁰ Hopkins, *Harry Hopkins*, 167.

work as part of the Civil Works Administration and they could serve maternalist policies.¹²¹

Writing to Ellen Woodward, Assistant to Harry Hopkins, Abbott suggested a plan for the employment of nurses working under FERA and the Civil Works Administration, noting the cooperative efforts of the Children's Bureau and State health departments, especially in the 1920s, in administering Maternal and Infancy programs. This experience could be put to use in the New Deal Child Health Recovery Program, and it would employ out-of-work nurses.¹²² She was also wary of the commissioned medical corps in the Public Health Service, who tended to be career service and not chosen from the best qualified.¹²³

Although Children's Bureau work was included in New Deal programs and the Bureau expanded in functions, appropriations, and staffing,¹²⁴ Abbott was not keen on being included in FERA. Mothers' pensions had been a policy with a rationale of caring for children in their homes, on the premise that it was better for children to remain in their homes and for homes to be improved, rather than removing children from homes in trouble. It was given to mothers before things got dire, Under FERA, "As the unskilled mother could not earn sufficient to support her children and at the same time provide adequate supervision for them, the result frequently was that assistance became available only after and not before she had broken down under the double burden of wage earner and homemaker and after the children had become demoralized or delinquent."¹²⁵

¹²¹ Lenroot, "Child Welfare," 2. SCRC

¹²² Memorandum from Grace Abbott to Mrs. Ellen S. Woodward, Women's Division, Federal Emergency Relief Administration and Civil Works Administration. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹²³ Memorandum from Grace Abbott to The Secretary re; Your request for further information regarding personnel and organization of the Public Health Service. March 21, 1934. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹²⁴ George Martin, *Madam Secretary: Frances Perkins* (Boston: Houghton Mifflin, 1976), 295.

¹²⁵ "What about mother' pensions now?" Speech, 1934. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

Abbott was not in favor of the current and developed mothers' aid program being administered through FERA.¹²⁶ Mothers' pensions were designed to get to mothers before the family was irreparably harmed. Furthermore, FERA was emergency relief, a response to crisis, and not a permanent policy. Mothers' aid should be delivered long-term. The Children's Bureau considered mothers' care of their children in the home to be worth more than their labor in the market. Aid, therefore, should be available until the children reached working age.¹²⁷ The Children's Bureau was already administering mothers' aid. It had been studying it.¹²⁸ The programs themselves had been developed so that they were able to deliver to the mother the knowledge and means to take excellent care of her children.¹²⁹

The Children's Bureau offered its expertise in responding to crisis conditions of the Depression. Under Hoover, it collected social statistics, issued studies of mining communities and single industry towns, and addressed the problem of transients.¹³⁰ Abbott was able to explain to Congress that, in the early years of the Depression, when it was thought it was going to be brief, the Administration tapped into private relief sources. That was no longer tenable, and Abbott was able to collect the data to show the breakdown of public and private relief.¹³¹

¹²⁶ Grace Abbott, "Hearings before the Committee on Finance United States Senate 74th Congress 1st session on S. 1130, January 22-February 20, 1935, 1084.

¹²⁷ Grace Abbott, "Hearings before the Committee on Finance United States Senate 74th Congress 1st session on S. 1130, January 22-February 20, 1935, 1084.

¹²⁸ Grace Abbott, "Hearings before the Committee on Finance United States Senate 74th Congress 1st session on S. 1130, January 22-February 20, 1935, 1085.

¹²⁹ Grace Abbott, "Hearings before the Committee on Finance United States Senate 74th Congress 1st session on S. 1130, January 22-February 20, 1935, 1086.

¹³⁰ Testimony of Grace Abbott, Chief of the Children's Bureau. Further Unemployment Relief Through the Reconstruction Finance Corporation. Subcommittee of the Committee on banking and Currency of the United States Senate. 72nd Congress, 2nd session. February 2 and 3, 1933.

¹³¹ Testimony of Grace Abbott, Chief of the Children's Bureau. Further Unemployment Relief Through the Reconstruction Finance Corporation. Subcommittee of the Committee on banking and Currency of the United States Senate. 72nd Congress, 2nd session. February 2 and 3, 1933, 81.

Abbott resigned from the Children's Bureau in 1934, purportedly owing to failing health. She began teaching at the School of Social Service Administration at the University of Chicago, but she remained in touch with Katherine Lenroot, the new Chief of the Children's Bureau, and she remained available for consulting. When FDR assembled a Committee for Economic Security to lay the groundwork for the Social Security Act, Abbott was available for that, as well.

Committee on Economic Security

The President's Committee on Economic Security was appointed in June 1934, convened in Autumn 1934, and presented the proposal for the Wagner-Lewis Economic Security Bill by January 1935. The Committee was comprised of the Secretaries of Labor, Treasury, and Agriculture; the Attorney General; and the FERA Administrator. The Committee also consisted of FERA staff, USDA and AAA employees, academics in labor and social insurance, women labor activists, and Abbott. Edwin E. Witte, Executive Director of the Committee on Economic Security, remembered that there were "violent differences of opinion" among the specialists, and the president, too, contributed ideas.¹³² A smaller advisory council convened on November 15, 1934, with Grace Abbott and Molly Dewson selected by the president; these were "quote close to the committee from the outset."¹³³

FDR preferred work relief to direct relief.¹³⁴ The Committee was shifting from the current relief to protecting workers. The Social Security Act would eventually have two major categories—social insurance and public assistance. Unemployment insurance and old age insurance were part of the former, financed by contributions of both employers and employees. Public assistance programs included old age assistance (also financed by employer/employee

¹³² Witte, *The Development of the Social Security Act* (Madison: University of Wisconsin Press, 1962), 36, vii.

¹³³ Witte, *Development of the Social Security Act*, 47, 49, 50, 51, 53.

¹³⁴ Hopkins, *Harry Hopkins*, 175-178.

contributions), Aid to Dependent Children, Maternity and Child Welfare, Services for Crippled Children, Child Welfare Services, Vocational Rehabilitation, Aid to the Blind, and additional funds for public health work.¹³⁵ Mothers' pensions were now provided via grants-in-aid through Aid to Dependent Children. The funding was remitted in cooperation with states, and it was to assist the Public Health Service.¹³⁶

Edwin Witte, Executive Director of the Social Security Act, later recounted that Abbott and Lenroot and Perkins promoted the inclusion of child welfare in conceptions of social insurance. "But for Miss Abbott and Miss Lenroot and Miss Perkins, they would not have been in the bill at all."¹³⁷ Of Edith Abbott he said: "She, above everyone else, was responsible for the child welfare provisions which occur in the Social Security Act. . ."¹³⁸ That did not reflect the experience of Abbott and Lenroot and Perkins. The Committee on Economic Security was run by the Wisconsin School, which relied on a theory of the regenerative power of capitalism.¹³⁹ That theory led to some of the difference in treatment of beneficiaries. If unemployment insurance was motivated by a drive to regenerate capitalism, e.g., then it would be available to workers in industrial occupations, where the incentive would be most felt and effective. Non-industrial workers, then, were left out of the provisions.¹⁴⁰ Nonindustrial workers and mothers were populations that got relegated to the second-tier programs.¹⁴¹

¹³⁵ Poole, *Segregated Origins*, 8.

¹³⁶ Grace Abbott, *From Relief to Social Security* (Chicago: The University of Chicago Press, 1941), 199.

¹³⁷ The Social Security Act. Edith and Grace Abbott Papers. Box 87. Special Collections Research Center, University of Chicago Library

¹³⁸ Edwin E. Witte to Edith Abbott, October 18, 1839, Edith and Grace Abbott Papers, University of Chicago, quoted in Lela B. Costin, "Grace Abbott of Nebraska," *Nebraska History* 56 (1975), 187. In that same recollection, Witte spoke of how Abbott mobilized public opinion leaders and deserved "much of the credit for getting the measure [SSA] through Congress when it appeared to be lost."

¹³⁹ Poole, *Segregated Origins*, 66.

¹⁴⁰ Poole, *Segregated Origins*, 69.

¹⁴¹ Poole, *Segregated Origins*, 73.

Children's Bureau advocates submitted a proposal that would have provided adequate, long-term support for mothers. It presented the aid as earned income for labor that mothers performed.¹⁴² This conception of support was reminiscent of some early language used to generate support for mothers' pensions: mothers performed labor for the state. As one leader in the juvenile court movement stated much earlier, 'aid is rendered, not as a charity, but as a right—as justice due mothers whose work in rearing their children is a work for the state as much as that of the soldier, who is paid by the state for his services on the battlefield. . .'¹⁴³ The related claim that the destitute mother only takes from the state money that is her right for a service provided (maintaining a home) was frequently repeated in those days.¹⁴⁴ A pension seemed to suggest reward for past services, making the term "mothers' allowance" or "family allowance" more attractive to some.¹⁴⁵ Rights language extended to mothers, but also to children, who had a right to the care of a "well-rested and well-nourished mother."¹⁴⁶ Judge Benjamin Lindsey of Denver applauded the fact that the state had recognized that aid is rendered "as a right—as justice due mothers whose work in rearing their children is a work for the state as much as that of the soldier who is paid by the state for his services on the battlefield."¹⁴⁷ Public officials were "mere assistants to the mother. They are knowledge. The mother is life."¹⁴⁸

¹⁴² Poole, *Segregated Origins*, 161.

¹⁴³ B.B. Lindsey, "The Mothers' Compensation Law of Colorado," 23. in *Selected Articles on Mothers' Pensions*. Compiled by Edna D. Bullock. Debaters' Handbook Series. Originally published in *Survey* 29 (February 15, 1913): 714-16.

¹⁴⁴ Frederic C. Howe and Marie Jenney Howe, "Pensioning the Widow and the Fatherless," *Good Housekeeping* 57 (September, 1913): 282-91. In *Selected Articles on Mothers' Pensions*, 122 including quote.

¹⁴⁵ Frederic C. Howe and Marie Jenney Howe, "Pensioning the Widow and the Fatherless," *Good Housekeeping* 57 (September, 1913): 282-91. In *Selected Articles on Mothers' Pensions*, 122-123, noting different nomenclature used in different states.

¹⁴⁶ William Hard, "Financing Motherhood," *Delineator* 82 (April, 1913): 263, 314. In *Selected Articles on Mothers' Pensions*, 95. Hard spoke of the child having certain rights during childhood "if he is to grow up to his best" (94).

¹⁴⁷ B.B. Lindsey, "Mothers' Compensation Law of Colorado," 23 in *Selected Articles on Mothers' Pensions*. Compiled by Edna D. Bullock. Debaters' Handbook Series. Originally published in *Survey* 29 (February 15, 1913): 714-16.

¹⁴⁸ William Hard, "Financing Motherhood," *Delineator* 82 (April, 1913): 263, 314. In *Selected Articles on Mothers' Pensions*. Compiled by Edna D. Bullock, 92.

However much the programs might suffer for inadequate funding, such programs gave “social recognition of the mother’s service.”¹⁴⁹

The Children’s Bureau proposal was included in the CES report submitted to the President in December 1934. By January 1935, the Social Security Act was introduced to Congress. But January’s proposal contained a new provision for Aid to Dependent Children, authored by the FERA staff members of the CES.¹⁵⁰ “The FERA is planning to do all sorts of things with the ‘Dependent Children’ section and anything like a Mothers’ Aid program is just going by the board or would if they had their way.”¹⁵¹ As usual, the Children’s Bureau advocates fought back, and they had to do so continuously: “It is certainly futile to appear at a hearing thinking that the section on Dependent Children has to do with Mothers’ Aid. They [Hopkins’ and others] may not get their way, but I notice that they have a way of getting it.”¹⁵² And they did.

According to Executive Director Witte,

The recommendations of the Committee on Economic Security relating to grants-in-aid to states for aid to dependent children (mothers’ pensions) were largely based on the report made to the committee by Miss Katherine Lenroot and Dr. Martha Elliott [sic] of the United States Children’s Bureau. These recommendations contemplated administration by the United States Children’s Bureau . . . In the final stage of the preparation of the committee’s report . . . the F.E.R.A. people, particularly Mr. Aubrey J. Williams and Miss Josephine Brown, took the position that aid to dependent children was public assistance and should be administered by the Federal Emergency Relief Administration.¹⁵³

¹⁴⁹ Frederic C. Howe and Marie Jenney Howe, “Pensioning the Widow and the Fatherless,” *Good Housekeeping* 57 (September, 1913): 282-91. In *Selected Articles on Mothers’ Pensions*, 123.

¹⁵⁰ Poole, *Segregated Origins*, 163.

¹⁵¹ Letter from Martha Eliot to Grace Abbott. 1935. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁵² Letter from Martha Eliot to Grace Abbott. 1935. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁵³ Edwin E. Witte, *The Development of the Social Security Act* (Madison: University of Wisconsin Press, 1962), 162.

In the end, after formal and informal conferences, the bill presented to Congress located administration of grants-in-aid to the states for dependent children with FERA.¹⁵⁴ However, the House Ways and Means Committee neither accepted the administration of old age assistance grants nor the administration of aid for dependent children by FERA, refusing to allow an emergency agency any part in the administration of the social security bill. “Accordingly, it unanimously adopted a motion amending this part of the bill to vest the administration of the federal grants in the Social Security Board.”¹⁵⁵

After the bill came over to the Senate, it was suggested by representatives from the Department of Labor that the administration should be vested in the United States Children’s Bureau. This was discussed briefly in the Senate Finance Committee, but no amendment to make this change ever was offered.¹⁵⁶

Witte also noted the extremely unfortunate addition of language about the maximum federal aid for dependent children by the Ways and Means Committee, which was much less than the original bill, which had stipulated that the federal government would pay no more than one-third of the amount spent by state and local governments for such aid; the figures were fixed at \$6 per month for the first child in a family and \$4 for additional children (with no funds for the mother herself); the problem was not fixed, despite efforts of the Secretary of Labor on behalf of the Committee on Economic Security. “There was little interest in Congress in the aid to dependent children. It is my belief,” Witte wrote, “that nothing would have been done on this subject if it had not been included in the report of the Committee on Economic Security.”¹⁵⁷

Under the Aid to Dependent Children included in the Social Security Act, mothers were cast as “unemployables” in need of relief, a recipient could be any relative of the child (the unit

¹⁵⁴ Witte, *Development of the Social Security Act*, 162.

¹⁵⁵ Witte, *Development of the Social Security Act*, 163.

¹⁵⁶ Witte, *Development of the Social Security Act*, 163.

¹⁵⁷ Witte, *The Development of the Social Security Act*, 163-64.

was now the needy family, rather than the labor of the mother), there were no equalization formulas across states.¹⁵⁸ Abbott was worried about distinguishing the employable from unemployable for public works. After all, many women would be classed as unemployable, which would “misbrand them and injure them very much.”¹⁵⁹ Abbott would prefer to keep mothers as worthy of aid because of their labor in the home, not because they failed at wage earning.

Children’s Bureau advocates wanted existing programs to be included in federal assistance. They did not want existing programs to be transferred; they only wanted them to be funded. Because of the existing funding structure, rural areas, in particular, could not fund services for children, and the Depression had taxed the aid provisions that were in place.¹⁶⁰ Federal grants-in-aid could overcome that problem. But the existing programs of state and local administration could be kept in place.¹⁶¹ This state-level administration is what has led to so much of the parochialism of welfare programs. By the mid-20th century, welfare administration was able to be stymied by state-level administrators who were already hostile to welfare, were caught up in the racialization of welfare recipients (which was, of course, produced by the exclusion of occupations in the social insurance programs), and were adopting a states’ rights philosophy.¹⁶² Likely, the Children’s Bureau advocates expected that federal standards would have obviated that. The Social Security Act promised greater uniformity in aid to mothers and

¹⁵⁸ Poole, *Segregated Origins*, 165-66.

¹⁵⁹ Grace Abbott, “Hearings before the Committee on Finance United States Senate 74th Congress 1st session on S. 1130, January 22-February 20, 1935, 1088.

¹⁶⁰ Jane Hoey, “Aid to Families with Dependent Children,” *The Annals of the American Academy of Political and Social Science* 202 (1939): 75.

¹⁶¹ Department of Labor note. N.d. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁶² Tani, *States of Dependency*; Lieberman, *Shifting the Color Line*.

children, and it required standards for states to meet if they wanted to receive federal aid.¹⁶³ The standards for eligibility were wider, as states had been restrictive, “for reasons of finance, localism, and limited social vision.”¹⁶⁴ There was not consensus on a federal program, because there was no data to provide the basis of a program. The federal funding of state programs was to provide the experimentation and evidence for further considerations of a national system.¹⁶⁵

In May 1936, the Children’s Bureau called a meeting of the Advisory Committee on Child Welfare Services to discuss the development of services under the provisions of Title V, part 3, of the Social Security Act. This was in response to problems that were already appearing in administration of services.¹⁶⁶ The committee recommended increased maternity and infant care, as well as training for physicians and nurses in this field. It recommended that maternal and child health work be extended by securing federal cooperation with states, to meet economic as well as medical needs.¹⁶⁷ Abbott was asked to serve.¹⁶⁸

Despite the Act’s passage, the old age assistance and aid to dependent children funds were not being paid, due to a Filibuster by Huey Long on the Appropriations Bill.¹⁶⁹ And social workers knew of the unmet needs of various people who were not included in Social Security programs, left in the old-outdated, locally administered poor relief system.¹⁷⁰ Abbott noted that farm labor, domestic servants, teachers, social workers were not included. Wives of workers

¹⁶³ Mother’s Act Social Work Year Book 1937. Special Collections Research Center, University of Chicago Library

¹⁶⁴ Jane Hoey, “Aid to Families with Dependent Children,” *Annals*, 75.

¹⁶⁵ Abbott, *From Relief to Social Security*, 252-53.

¹⁶⁶ Letter from Mary Irene Atkinson, Children’s Bureau, to Grace Abbott. May 1, 1936. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁶⁷ Meetings of Advisory Committees on maternal and Child Welfare Services Under the Social Security Act. April 19, 1937. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁶⁸ Letter from State Charities Aid Association to Grace Abbott. January 20, 1937. Letter from Children’s Bureau to Grace Abbott. February 14, 1938. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁶⁹ Abbott, *From Relief to Social Security*, 30.

¹⁷⁰ Abbott, *From Relief to Social Security*, 32.

were not covered.¹⁷¹ Unemployment compensation did not obviate the need for relief, so public relief was going to continue, and that should be developed.¹⁷² Social workers were not supportive of the work programs. They did not relieve unemployment, and they steered federal resources away from developing direct relief.¹⁷³ Social workers would have suggested instead “a permanent program for the relief of the unemployed, and that that program be based on the acceptance of the fact that unemployment is an inevitable result of our competitive capitalist system and that a democracy which is founded on this system should care for its victims in a democratic and adequate way.”¹⁷⁴

Social Security was passed in the midst of the crisis of the Great Depression, but, according to Abbott, “unemployment is not exclusively a depression problem.”¹⁷⁵ It was intrinsic to capitalism. It is the reserve supply that industry counts on to meet its peak demands.¹⁷⁶ Policy, then, had to face unemployment (and other provisions) as an intrinsic problem, not an emergency. Of course, the Children’s Bureau had been studying this for years.¹⁷⁷

The Amendments to the Social Security Act in 1939 made maternal and child health services available in all 48 states, Hawaii, Alaska and the District of Columbia.¹⁷⁸ Child Labor, which had long been a priority of the Children’s Bureau, was now taken care of by the Fair Labor Standards Act, with a minimum age of 16. (Although not all child workers worked in the

¹⁷¹ Abbott, *From Relief to Social Security*, 260.

¹⁷² Abbott, *From Relief to Social Security*, 35.

¹⁷³ Abbott, *From Relief to Social Security*, 42.

¹⁷⁴ Abbott, *From Relief to Social Security*, 43.

¹⁷⁵ Abbott, *From Relief to Social Security*, 241.

¹⁷⁶ Abbott, *From Relief to Social Security*, 241.

¹⁷⁷ Abbott, *From Relief to Social Security*, 242

¹⁷⁸ Lenroot, “Child Welfare,” 2. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

factories covered by the FLSA. Those children working in restaurants, beauty parlors, garages, etc., were not covered by the FLSA.)¹⁷⁹

In December 1939, Katherine Lenroot wrote Grace Abbott to let her know that “Rumors about the Children’s bureau persist.” A newspaper wrote a “vicious attack” on the Department.¹⁸⁰ Once again, the Children’s Bureau felt pressed to define its mission and preserve its place in defining and providing children’s welfare. It continued to maintain that it was a health, and an industrial and a social service bureau.¹⁸¹ Whatever Lenroot was describing in that letter to Abbott, it should come as no surprise. The reformers’ success was never secure, and they knew it.

The New Deal claimed it valued flexible responses to problem solving. Political contests among strategic bureaucratic actors during the early New Deal—some whose claims to expertise were rising and some who fought to retain what they had established— seem to have contributed to an entrepreneurial approach to policy making. The branches of government “adapted to administrative policy making by reorienting themselves to maximize their options for participation in it”¹⁸² By recognizing the chronic political contests and efforts by the Children’s Bureau to maintain their authority on the issue of children’s welfare, we are able to see that the Progressive Era reformers who had created juvenile courts and mothers’ pensions were able to sustain only part of their bold vision into the New Deal and the origins of Social Security.

¹⁷⁹ Lenroot, “Child Welfare,” 5. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁸⁰ Letter from Katherine Lenroot to Grace Abbott. December 9, 1939. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁸¹ Katherine Lenroot. Q and A about the Children’s Bureau and Its Place in Government. December 5, 1939. Edith and Grace Abbott Papers. Special Collections Research Center, University of Chicago Library

¹⁸² Karen Orren and Stephen Skowronek, *The Policy State* (Cambridge, MA: Harvard University Press, 2017), 107.

