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**A STUDY OF ADMINISTRATIVE
CONTROL OF STATE WELFARE
SERVICES IN MONTANA**

A Thesis

Presented to

**the Faculty of the Department of
Sociology and Social Administration
Montana State University**

**In Partial Fulfillment
of the Requirements for the Degree
Master of Arts**

by

Dorothy May Asbury

August 1948

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INTRODUCTION

Definition of the study. The study, "Administrative Control of State Welfare Services in Montana," is an analysis of the administrative control devices of the state public welfare agencies as they are defined under the prevailing laws. An attempt is made to see how well the organizational pattern in effect conforms with principles and standards advocated by authorities in the field of public welfare administration.

Nature and purpose of the study. The purpose of this thesis is to show that the present system of administering public welfare services in Montana is probably inadequate for meeting the public welfare needs of the state. In order to accomplish this purpose it will be necessary to show that there is a lack of integration in the present administrative system which probably prevents the development of an adequate program for meeting Montana's public welfare needs.

The study will be divided into two parts. Part One entitled, "Public Welfare Services Historically Defined," consists of the following chapters:

Chapter One: Scope and Range of Welfare Services

Chapter Two: Historical Summary of the Development of Welfare Services

Chapter Three: Basic Administrative Principles and Relationships Operative in American Public Welfare Administration

Chapter Four: Organizational Patterns As Found In The United States

Chapter One contains general information concerning the changing concepts of public welfare in the United States. Some of the current professional standards of adequate and appropriate treatment are stressed.

Chapter Two presents briefly some historical backgrounds which have influenced the development of the work in the field of public welfare. Public welfare of the twentieth century inherited many of the handicaps of the past along with its positive achievements. The historical data are given as a starting point from which to begin consideration of the present-day administrative patterns and objectives as well as the possibilities of future expansion of welfare work.

Chapter Three is concerned with the basic administrative principles of integration, centralization, types of agencies commonly organized, interdepartmental organizational patterns, and relationships to be considered in organizing public welfare structures.

Chapter Four describes different paths by which humanitarian services have found a channel of expression. The route followed by the federal government in establishing public welfare services and some of the outstanding steps taken by other states in reaching solutions for their welfare problems are discussed.

Part Two, "Public Welfare Organizational Needs in Montana" is made up of two chapters:

Chapter One: Montana's Welfare Organizational Pattern

Chapter Two: Comparisons and Conclusions

The first chapter of this section presents the Montana state public welfare program from the standpoint of its definition, interpretation, and practice. Conclusions presented in Chapter Two of this section are drawn by comparing the patterns of organization existing in Montana with those prescribed by authorities in the field, and those in effect in other states.

Need for the Study. There is substantial reason to believe that a study of this kind is needed. At present, Montana, along with the rest of the nation, is faced with rapidly expanding and highly divergent public welfare needs. The depression of the decade just past and our experiences during the recent war have shown the need for greater expansion of welfare services in the public field, and the necessity for improving methods of administering such services.¹

The administrative structure which determines the welfare program in Montana was based on laws which were copied directly from the Idaho territorial statutes. These laws were patterned after those of the first colonies and were taken originally from the English Poor Law.²

¹ New York State Department of Social Welfare, Public Social Services in 1945, 79th Annual Report, Albany, New York, 1945. Legislative Document number 71.

² Abbott, Edith, "Abolish the Pauper Law," Social Service Review VIII, 1934 p. 1.

As emergencies occurred in the past, special legislation was enacted to cover them. The body of our law, as it exists today, was formed by accretion and imitation. As each new need arose additional statutes were added to cover it. Many of these were borrowed directly from other states.

Because of the practice of providing emergency measures to solve separately each problem that arose, it is quite probable that there has been a minimum of long range planning. As a result there is little unity of purpose, and a poorly organized pattern of administration is in effect. Divided authority and confusion developed over the responsibility for welfare functions. There is still no general service or control agency which can make progressive policies as needs arise. Dependence is chiefly upon popularly elected officials to administer the welfare programs, especially on the local level of government. Local control is maintained over such institutions as county jails and county poor farms. The state persists in relying on the county physician method of providing needed medical care.

Disorganized legislative procedures and incoherent laws may be contributing factors to disordered administration.³ Yet the quality of the work which social workers are able to do is limited by the effectiveness of the administrative structure under which they work. The development of an honest, competent, skillful public agency, with adequate financial backing, and a

³ Killpaugh, Arthur C., Public Welfare Organization, The Brookings Institution, Washington D. C., 1935. Pp. 115-117.

sufficient staff of professionally trained personnel is basic to sound public welfare work.⁴

⁴ Petter, Ellen C., "How to Secure a Continuing and Progressive Policy in Public Social Work and Institutions," National Conference of Social Work. Proceedings of the 52nd Annual Session, 1925. University of Chicago Press. pp. 578-583.

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PART ONE

PUBLIC WELFARE SERVICES HISTORICALLY DEFINED

CHAPTER I

SCOPE AND RANGE OF PUBLIC WELFARE SERVICES

The field of social work is very wide and suggests a variety of aspects to different people. Many activities which are carried on in this field overlap with those performed by other professions, such as law, medicine, teaching and the ministry. Because of the great number of services that are necessary for meeting the objectives of welfare work, it is difficult to determine the exact boundaries of the field.¹

For purposes of this discussion the term public welfare will be used to include all governmental activities, prescribed by law and supported by taxes for the treatment, and prevention of social maladjustments resulting from such causes as dependency, neglect, delinquency, crime or physical and mental handicaps.

Marietta Stevenson pictures the field of public welfare as a series of concentric circles.² The core of these circles she describes as those functions of welfare which were assumed

¹ Horton, William J., "What is Social Work?" Proceedings of the 55th Annual Session of the National Conference of Social Work. University of Chicago Press, Chicago, Illinois, 1925.

² Stevenson, Marietta, Public Welfare Administration, The MacMillan Co., New York, 1936, p. 7.

by the governments of most civilized countries for their own protection. General poor relief and institutional care for such groups as the mentally ill or delinquents are examples of the first welfare functions constructed by the public. As governments undertake greater responsibility the circles widen to include other services. Thus the scope of welfare is continually changing to meet new needs.

Since the entrance of the federal government into the field during the depression of the thirties, public awareness as to the importance of social work has increased.³ The enactment of the Social Security Act in 1935, not only extended the scope of the public welfare field, but it put the services on a permanent basis by establishing a system of grants-in-aid to the states.⁴

In discussing public welfare work it is necessary to view community life as a whole. Welfare services necessarily impinge upon other types of service such as health, education, and recreation.⁵ Welfare problems may and do appear in every social and economic group. Early philanthropists thought in terms of a pauper class,⁶ a submerged section of society which needed to be uplifted. They were inclined to dispense service according to the worthiness or unworthiness of persons applying for aid.

³ Ibid., p. 3.

⁴ Ibid.

⁵ Norton, op. cit.

⁶ Brown, Esther L., Social Work As A Profession, Russell Sage Foundation, New York, 1942, 2nd edition, p. 17.

As progress is being made in building a body of professional knowledge for treating social welfare cases, this "moralistic concept" is gradually being discarded,⁷ and people of all economic levels are being considered in terms of all their needs, rather than according to their financial status alone.

Social welfare is concerned with social relations which present difficulty to an individual himself, or to others who might be associated with him. Human needs are universal and diverse.⁸ Public programs which seek to satisfy them must be general enough to encompass all groups who are not self-sustaining, economically, mentally, or morally.⁹

In order to accomplish the adjustment of personal relationships, which Queen defines as the crux of social welfare work,¹⁰ certain practical guarantees may be set as objectives toward which to work. These guarantees should be designed in such a way as to defend not only the poor and the distressed, but the average individual as well from social injustices.

⁷ Ibid.

⁸ Witmer, Helen Leland, Social Work, An Analysis of A Social Institution, Ferrer and Winchert, Inc., New York, 1942, pp. 66-67.

⁹ Breckinridge, Sophonisba P., Public Welfare Administration In The United States, Select Documents, University of Chicago Press, Chicago, Illinois, 1938, pp. XII-XIII.

¹⁰ Queen, Stuart A., Social Work In The Light Of History, J. E. Lippincott Co., 1921, p. 15.

The maintaining of a sufficient financial or material base for all people, should probably be the first guaranty sought by public welfare programs. It was for the purpose of financial assistance that social casework was originally conceived and put into practice.¹¹ Helping individuals to adjust to their economic and social environments by providing material assistance might be called a primary obligation of a public welfare agency.

The determining of elemental standards of public health could be cited as a second welfare objective.¹² If such an objective were to be realized, methods of maintaining and promoting health in conjunction with positive programs for preventing conditions which might tend to jeopardize the health of any and all members of society would require continuous improvement.

Social work should be concerned with the preservation of opportunities. In spite of the great national wealth and resources of the United States, and in spite of the fact that this country is founded on democratic principles, there are many individuals who are deprived, through no fault of their own, of equal opportunities for development, expression, and advancement. An example of persons who might easily be deprived of opportunities may be found in orphans or children whose parents are neglectful of them. Unless some person or agency with authority can intervene until they are grown, they may never have the chance to become self-reliant.

¹¹ Kitzner, op. cit., p. 24.

¹² Mountin, Joseph W., M. D., "Relations Between Public Health Administration and Medical Care Administration." Proceedings of the 73rd Annual Session of the National Conference of Social Work, Columbia University Press, New York, 1947, pp. 531-536.

The following quotation sums up this point:

"...Something which moves into existing situations, and which works to overcome the causes of trouble, both on a community-wide basis and on an individual one is needed. Children of every community are entitled to a service where responsibility for their protection is the major focus and where the best professional methods are used to bring about such protection."¹³

Persons who come here from foreign countries or those who grew up in homes where conflicting cultural patterns are followed may be in need of social welfare services to assist them in adjusting to difficulties arising from different educational standards, language barriers or moral codes.¹⁴

Adequate social welfare programs also take into account the psychological problems of clients. Studies are made in the attempt to determine whether social problems are the effect of poverty, illness, or crime, or whether they appear independently.¹⁵

Social welfare programs seek to provide the economically less-favored with those amenities of life which are an essential part of an enriched standard of living.¹⁶

¹³ Gane, J. Marguerite, "Program for the Protection of Children." Proceedings of the 73rd Annual Session of National Conference of Social Work, Columbia University Press, New York, 1947, p. 300.

¹⁴ Young, Pauline V., Interviewing in Social Work, McGraw-Hill Book Company, New York, 1935, pp. 134-135.

¹⁵ Robinson, Virginia F., A Changing Psychology in Social Casework. University of North Carolina Press, Chapel Hill, N. C., 1930, Chapter II.

¹⁶ Coyle, Grace, "Social Work in Recreation," Proceedings of the 73rd Annual Session of the National Conference of Social Work, Columbia University Press, New York, 1947, pp. 202-203.

Recreational and cultural activities for all people, commensurate with their requirements of health and self-advancement, are still other guarantees which should be part of the complete welfare picture.

It is difficult to list the activities of which social work consists because even general categories that are proposed by authorities are not accepted universally. In 1937, Mary Richmond classified social work activities as four types: Casework, group-work, social reform and social research.¹⁷ When the National Conference of Social Work met in Buffalo in 1946, the organization of the conference included the following sections: 1. social casework, 2. child care, 3. delinquency, 4. the aged, 5. social group-work, 6. community organization and planning, 7. public welfare, 8. health, 9. mental health, 10. industrial and economic problems, 11. methods of social action, and 12. administration.¹⁸

In this first chapter an attempt has been made to show that social work of the present is in the process of becoming a profession; that a more scientific basis is being developed for constructive work by the increased attention being given to preventive measures; and that gradually the widely scattered activities that are necessary for sound welfare programs are being welded into a coherent system.

¹⁷ Richmond, Mary E., What is Social Casework? Russell Sage Foundation, New York, 1922, p. 225.

¹⁸ National Conference of Social Work, Proceedings of the 73rd Annual Session, Columbia University Press, New York, 1947, pp. 507-509.

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CHAPTER II

HISTORICAL SUMMARY OF THE DEVELOPMENT OF WELFARE SERVICES

A review of the historical background of social work is included in this study because it is considered significant in understanding the growth of the public welfare movement. The contents and relationships of social problems are continually changing. As the changes occur, the methods and objectives of those who would solve the problems are altered. Welfare services that are in operation today are the result of a long evolution of social concepts.

The earliest writings that have been discovered contain information that is of sociological interest. The humanitarian motive must have existed from time immemorial because fundamental moral and social precepts and ideals of social justice are to be found in the early Chinese and Egyptian records and in the Babylonian "Code of Hammurabi" which dates back to the time of the Hebrew Captivity.¹

These first welfare activities were not intended for social improvement. Apparently they were based upon the humanitarian desire to help the weak and the suffering.²

Barnes, Harry Elmer, An Introduction to the History of Sociology, University of Chicago Press, 1920, p. 4.

Queen, Stuart A., Social Work In The Light of History, J. B. Lippincott Company, 1922, p. 716.

Under the Mosaic Law, certain obligations were put upon the people in respect to the welfare of unfortunates, but such obligations were looked upon as religious duties.³ Christianity went even further in associating welfare services with religion. However, the doctrine of the religious merit in alms giving appeared to be basically selfish and tended to focus attention on the spiritual hopes of the giver, rather than on the needs of the unfortunate as is shown by the following quotations from Queen:

"The teachings of the Church, exemplified in its myriads of charities have given the greatest single stimulus to attend the needs of one's fellow men...It (the Church) dealt almost exclusively with the suffering that was obvious and made little effort to find and eliminate the causes."⁵

The Church was almost the sole agency for the care of the needy during the middle ages and each parish was responsible for its own poor.⁶ When the Reformation took place in the sixteenth century, the importance of the Church in the field of social work was diminished in Protestant countries. The social functions handled by the Church were taken over in many instances by civil authorities.⁷

³ Ibid., pp. 215-216.

⁴ Ibid., p. 307.

⁵ Ibid., p. 308.

⁶ Ibid., p. 276.

⁷ Ibid., p. 245.

"...the time when the Church was the dominant factor in social work has definitely passed. That time was the middle ages."⁸

State-directed systems for the care of the poor were started in several countries immediately following the Protestant Reformation. A brief sketch of the English Poor Law development will be given because it has had a steadier growth than some of the continental systems, and because it has influenced social work in America much more than have the others.⁹

Sidney and Beatrice Webb identify six stages of development in the English Poor Law prior to 1834.¹⁰

1. During the first period the outstanding characteristic of legislation was its repressive nature. Vagrancy was illegal and all relief measures were left in the hands of the church, which collected alms from the charitable members of the parish.

2. Under the Tudor reign the principle of local responsibility for welfare was firmly established. Authority for welfare work was shared by the civil and religious officials. Repressive measures were still in force for able-bodied poor but legal responsibility was given to the local parishes for their own indigent poor.

3. 1600 to 1650 witnessed a premature and abortive attempt at a nationalized system of public poor relief.

⁸ Ibid., p. 247.

⁹ Ibid., p. 165.

¹⁰ Webb, Sidney and Beatrice, English Local Government: English Poor Law History, New York, Longmans-Green, 1927, pp. 376-401.

4. 1650 to 1775--repressive ideas for dealing with poverty found expression in the Law of Settlement and Removal, and numerous Vagrancy Acts. Some haphazard unregulated relief was made in the form of doles. Large numbers of workhouses were constructed as a retreat for the aged, sick, and children, as well as a work shop for the unemployed.

5. 1775 to 1800 produced administrative experiences which were greatly influenced by the Industrial Revolution and the extension of the factory system. Employers became responsible for the support of their workers and were expected to furnish employment for all workers in their respective parishes. Child apprenticeship and enforced labor resulted.

6. 1800 to 1834--greater development of machinery created an excess of labor so that employers could no longer hire all the workers. Parishes started a policy which was equivalent to an unemployment dole by giving a subsidy called a poor rate to supplement the inadequate wages and bring the income up to a level where a laborer and his family could barely exist.

In summing up the characteristics of the English Poor Law, prior to 1834, it can be stated that a state policy of relief through legislative action was established with complete local authority in administration. The contributions of the English Poor Law toward modern social work Queen lists in three categories:¹¹

¹¹1. It represents the development of a technique of relief giving. (Much of the organization, administration and methods we use today had their origins in the English experiments.)

¹¹ Queen, *op. cit.*, p. 166.

"2. The early Repressive Laws developed a national consciousness of the states responsibility for poverty problems that has continued to the present-day systems of organized relief.

"3. The third contribution is the evidence that, "Out of the four hundred years of the English Poor Law, there has actually come a recognition of the inadequacy of charity, and the necessity for devising preventive and constructive measures."¹²

Colonial legislation in the United States for providing public welfare responsibilities was taken directly from the English Poor Laws. Even when the colonies were reorganized into states the laws were incorporated into the State Codes with few changes. In many cases they have seldom been amended since.¹³

White describes the history of public welfare in the United States as:

"...a history of changing forms, procedures, and ideas."¹⁴

There are four periods in the history of the United States when important changes of this type took place:

1. Colonial times
2. the period of 1787 to 1863
3. the period of 1863 to 1917
4. the period of 1917 to 1939.¹⁵

Colonial welfare measures were necessarily imitative of the English laws. Until general statutes were enacted by the colonies they, of course, had no way of providing public relief.

¹² ibid.

¹³ Voeder, Fredric E., The Development of the Montana Poor Law, The University of Chicago Press, 1938, p. 97.

¹⁴ White, E. Clyde, Administration of Public Welfare, The American Book Company, 1926, p. 36.

¹⁵ See readers to Sophonisba P. Breckinridge, Publication, Select Documents, 1938; and Grace Abbott, 4 State, 7 vols., 1930; for documentary records of

"They drew upon their knowledge of poor-law administration in England and proceeded to meet the requirements of each situation as it arose."¹⁵

The first colonial legislature which met in 1647, announced that the Elizabethan Poor Law would be enforced in the Colonies.¹⁷

The adoption of the Constitution of the United States in 1787 marks the beginning of the second period. The problem of enforcing the new laws arose immediately and the first welfare functions undertaken were concerned with the disposition of prisoners. During this period the chief development of public welfare organization occurred on the state or local levels because the Tenth Amendment to the Constitution stated that all powers which had not been delegated by the Constitution to the federal government and not prohibited by it to the states would be reserved to the states. White has the following statement to make in respect to public welfare activities of this era:

"As the current theory of the division of powers between the federal and state governments prevented the enactment of federal public welfare legislation during the first half of the nineteenth century, the necessities of the states led them to make use of those powers which by common consent had been reserved to them by the constitution. In the early years of the Republic the states had continued to carry on the welfare activities which had been theirs during the colonial period, and new states adopted measures similar to those in force in the older states. Some sort of care had to be provided for the poor, the indigent, sick, the insane and criminals. Protection of society may have been the dominant motive, but there seems to have been considerable activity which was motivated by a desire to relieve distress, if not to provide constructive service."¹⁸

¹⁵Ibid., p. 37.

¹⁷Irrech, Margaret, Three Centuries of Poor Law Administration, The University of Chicago Press, 1930, p. xiv.

¹⁸Ibid., p. 41.

The period from 1863 to 1917 is noteworthy because of the co-ordination of services which was started at the state level. The legislature of Massachusetts created the Massachusetts Board of State Charities on April 29, 1863, which served as a pattern in most other states.¹⁹ When other states saw the improvements made through the investigations and reports which the board required, they realized that further control was necessary to attain still other welfare objectives. Progress continued when Kansas created a board of control over the state institutions.²⁰ Wisconsin went even farther in integrating public welfare administration of institutions.

"The Wisconsin board was responsible not only for the control and supervision of the state reformatory and charitable and penal institutions but also for exercising a considerable measure of supervision over the county asylums for the chronic insane."²¹

The establishment of the Children's Bureau in the Department of Commerce and Labor in 1912,²² was the most important step in the growth of public welfare services on the federal level of government during the third period. In 1913, this bureau was transferred to the then newly established Department of Labor where it has remained until recently. At present, it is in the Federal Security Agency. The duties have continued to expand

¹⁹"An Act in Relation to State Charitable and Correctional Institutions, April 29, 1863." Reprinted in Breckinridge, op. cit., pp. 247-249.

²⁰White, op. cit., p. 46.

²¹Ibid., p. 47.

²²37 U. S. Statutes 77.

until the present time. The movement toward integration which was started in State public welfare functions and administration is continuing to develop also.

In 1917, the fourth period of public welfare administration was ushered in by the establishment of the Illinois Administrative Code which provided for a Department of Public Welfare without an administrative board and with a director appointed by the governor.²³ This departmentalization permitted the integration of similar functions under a single departmental director.

In recent years, much consideration has been given to the administration of public welfare, especially on the federal level. In 1920, Warren G. Harding proposed in his campaign for the presidency, that a Department of Education and Welfare be established. Soon after the beginning of his administration a Senate bill was introduced which would bring all the federal welfare activities into a single new department, instead of having welfare bureaus scattered among several departments.²⁴ The bill was not passed.

As one state after another found itself unable to provide state funds in sufficient amount to supplement local budgets for unemployment relief during the depression of the thirties, the federal government was forced to assist by emergency measures. Brown writes as a foreward to her book on public relief during the period the following paragraph:

²³ White, op. cit., p. 50.

²⁴ Ibid., p. 67.

"The decade which ended in 1930 saw an unprecedented increase in public relief expenditures in the United States, as well as notable changes in governmental responsibilities and administrative methods. A system of local poor relief which had remained practically unchanged for a century and a half was superseded not only by new methods but by a new philosophy of governmental responsibility for people in need. During the ten years between 1929 and 1939 more progress was made in public welfare and relief than in the three hundred years after this country was first settled."²⁵

In 1937 the President's Committee on Administrative Management recommended that a department of Social Welfare be established for a number of purposes:

"To advise the president with regard to social welfare. To administer Federal health, educational, and social activities, to administer Federal grants, if any, for such purposes; to protect the consumer; to conduct the Federal aspects of Federal and State programs of social security where need is the basis of payment to beneficiaries; to administer all Federal eleemosynary, corrective, and penal institutions; and to administer probation and parole."²⁶

Bills which were drafted to make these proposals into laws were defeated and at the present time welfare services are carried on in the departments of Interior, Labor, Agriculture, Justice, and the Treasury, and in the Federal Security Agency.

²⁵ Brown, Josephine Chapin, Public Relief, 1929-1932, Henry Holt and Co., New York, 1940. Forward.

²⁶ President's Committee on Administrative Management, Administrative Management in the Government of the United States, Washington D. C., Government Printing Office, 1937, p. 30.

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CHAPTER III

BASIC ADMINISTRATIVE PRINCIPLES AND RELATIONSHIPS

OPERATIVE IN

AMERICAN PUBLIC WELFARE ADMINISTRATION

In the development of public welfare administration in the United States, the various states have evolved their own systems in their own ways. No two states have exactly the same type of public welfare organization. This is well shown by the following excerpt from the Social Work Yearbook:

"All of the states have statutory provisions for some type or types of state-wide public welfare agencies and the majority have statutory provision for local departments related to the state agency. On both the state and local level there is great variation in the organizational structure, the extent to which functions are integrated, the scope of the functions undertaken by the state or local government and the relative importance of welfare as a function of government."¹

The preceding chapters have pointed out the fact that welfare services have been greatly accelerated in recent years, making it necessary for changes in the administrative practices employed by the various states. From this apparent confusion, has come a fairly consistent pattern of organization for welfare activities. As the public welfare programs of the present have evolved, certain problems of organization have persisted. It is with these general problems that this chapter will deal.

¹ Hoehler, Fred K., "Public Welfare," Social Work Yearbook, 1941, Russell Sage Foundation, New York, 1941, p. 133.

The problem of integration involves the matter of the number of functions which should be brought together under one agency. The purpose of integration is to correlate the services of the different welfare agencies in order to assure full coverage of the needs to be satisfied and to avoid over-lapping or duplication of services.²

According to the American Public Welfare Association, there should be one agency in a state to administer or supervise all the welfare functions assumed by the state. It is the recommendation of this group that the following services be included in the welfare program of a state:

1. All forms of public assistance, including general home relief, veterans relief, aid to dependent children, old age assistance, aid to the blind and care within public charitable institutions.
2. All child welfare activities, including licensing and supervising of private and local public child-caring agencies and institutions; the care of dependent, physically or mentally handicapped, neglected, and delinquent children; the supervision of adoptions of child placing and of juvenile probation.
3. Supervisory or advisory services to localities, including the organization of counties and districts for the effective carrying out of welfare functions, the compilation of statistics, research, and educational activities to aid in carrying on the foregoing functions.
4. All mental hygiene work, including the operation of all state institutions for the care of mentally ill or feeble-minded persons, and of institutional care for this group; and
5. All correctional activities, including the operation of all the penal and correctional institutions of the state, together with parole, supervision of probation services and the inspection of local jails.³

² Stevenson, Marietta, op. cit., p. 130.

³ Ibid., p. 140.

Such a department of public welfare is desirable because it is in an ideal position to take advantage of financial assistance from the federal government and is able under the statute to meet the standards required by the federal government for welfare work. The state is also able to bring about unity in the development and operation of institutional and non-institutional welfare functions. Under such a department each agency and institution in the state becomes an integral part of the general program.

If the same pattern is carried on to the local level with a county or district agency responsible to the state in the same manner that the state is responsible to the national government integration is complete. Some illustrations of the actual accomplishment of integration will be given in the succeeding chapter.

Another major problem is the way in which welfare functions should be distributed between the different levels of government.

"In the welfare field it has generally seemed desirable to keep operating units as close to the people as possible, but it has also been necessary to provide effective control in the higher levels of government. The most important public welfare functions are usually shared by two or more levels both as to administration and financing."⁴

The process of drawing functions from one level of government to a higher one is called centralization. An example of centralization is found in the way in which unemployment relief has been administered in the United States. During the depression some states started emergency relief agencies. In 1933 the Federal Emergency Relief Administration was established. Relief was handled by a more central level of government, the federal.

⁴ Ibid., p. 107.

Decentralization is the reverse process which took place in the case of unemployment relief in 1935, when the federal government stopped giving direct relief and left it entirely to the state and local governments.⁵

Integration and centralization go together. If legislation is enacted piecemeal, without such thought to the whole, complications are apt to arise which will limit the effectiveness of welfare programs. For example, if some of the welfare functions in a state are carried on by a welfare department, while other phases of the same problem are handled by the board of county commissioners or juvenile court judges, confusion is more than likely to result.

The general type of agency or agencies to be established must be decided before satisfactory organization for welfare work may be started. The main types of welfare agencies operative in the United States may be classified according to where the administrative authority is to be found. Three common types of administrative agencies are:

1. A single welfare executive, appointed by the chief executive whether national, state or local, with administrative authority, who may have an advisory board associated with him.
2. An appointed board, which in turn appoints an administrator responsible to the board for the administration of the department with various degrees of responsibility given to the executive and board.
3. A salaried full-time board of three to five members which serves as a multiple executive.⁶

⁵ Ibid., p. 111.

⁶ Ibid., p. 151.

Type one is rather common in the federal government and is found among states that have organized their welfare services into a relatively small number of departments. Such a type is often the result of an attempt to integrate welfare services. The executive control is in the hands of a few departmental heads who are responsible to their chief executive.

The administrative Board form is seldom found in the Federal organizational patterns in this country. It is common, however, on the state and local levels.

The Social Security Board until recently was an example of the third form. Full-time boards of control in states, and in instances where county commissioners serve as welfare boards are similar forms of this type of administrative agency on the state level.

There is much controversy over the advantages and disadvantages of these three forms. Stevenson states:

"In practice it has been clearly demonstrated that concentration of executive authority in the hands of a single executive is not only desirable, but essential for effective administrative management."⁷

The following quotation from the President's Committee on Administrative Management gives substantiating information on this point:

"For purposes of management boards and commissions have turned out to be failures. Their mechanism is inevitably slow, cumbersome, wasteful, and ineffective and does not lend itself readily to cooperation with other agencies. Even strong men on boards find that their individual opinions are watered down in reaching board decisions. When freed from the work of management, boards are, however, extremely useful and necessary for consultation, discussion, and advice, for representation of diverse views and citizen opinion; for quasi-judicial action; and as a repository of corporate powers.

⁷ Ibid., p. 156.

"The conspicuously well-managed administrative units in the government are almost without exception headed by single administrators."⁸

The board of control apparently does not give unified control nor protection from political interferences. Direct appointment of the director by a chief executive gives unified control and efficiency but may be vulnerable to the dangers of political interference. The lay board with members serving for overlapping terms, and appointing the director is claimed to give continuity of policy and also to prevent political interference.

The organization within an agency itself is important to consider in arriving at an effective method of organization. Questions of internal structure arise over the breakdown of the department into divisions and bureaus related to the work to be done. In considering the organization within the department it goes without saying that activities that are similar in scope and in type of work, and in techniques required for carrying out the services should be grouped together. For example, a department may be established on the basis of the people served. Or it may be planned from the standpoint of the things with which it deals. In either case a number of subdivisions or specialized units will probably be needed. The number of such units will logically depend upon the extent of the work to be done in the agency. This division into departments should result in a pattern of structure that can be controlled by the executive effectively.⁹

⁸ President's Committee on Administrative Management, Administrative Management in the Government of the United States, Washington D. C., Government Printing Office, 1937, p. 32.

⁹ Ibid.

In most organizational patterns the authority for the work to be done goes from the top down, while the responsibility for the work done goes from the bottom up. In considering organization from the standpoint of authority from the top down, it is necessary to keep in mind the planning, organizing, staffing, directing, coordinating, and all the other functions in relation to the work of the executive. In building from the bottom up, the viewpoint is that of the workers in the department. Each worker must know his place in relation to the whole in order to determine proper organizational structure.¹⁰

In considering public welfare administration in its entirety it would be well to keep in mind the relationships between the welfare department and other agencies as well as to the legislative bodies and the courts. For instance, constitutional provisions have quite often hampered the administration of public welfare.¹¹ The field should be dealt with only in general terms so that legislative bodies may be free to make changes as needs and conditions change. Since the field of public welfare is expanding very rapidly the restrictions and limitations imposed by constitutions in some states might cause a lot of difficulty.¹²

¹⁰ Gulick, Luther and L. Urwick, "Papers on the Science of Administration," New York, Institute of Public Administration, Columbia University, 1937, p. 11.

¹¹ See series Works Progress Administration, Analysis of Constitutional provisions affecting Public Welfare in the State of --- (for thirty-two states).

¹² Millsapugh, op. cit., pp. 607-610.

For example, a provision that certain specifically named officials shall be popularly elected has prevented some administrations from adapting their programs to current needs.¹³ Another instance of an undesirable constitutional provision is the one prescribed by the Louisiana Constitution that:

"No educational or charitable institution, other than the state institutions now existing, or expressly provided for in this constitution, shall be established by the state, except upon a vote of two-thirds of the members elected to each house of the legislature."¹⁴

Legislatures have the job of organizing welfare departments and determining types of agencies and divisions and bureaus within agencies. A legislature should not attempt to dictate methods of operation or other specific details which are entirely administrative in character. Legislative control may be exercised through investigations, such as congressional inquiries and state committees.¹⁵

The relation of the courts to public welfare work has been very close. Many welfare functions were delegated to the courts such as the administration of mother's aid and old age pensions. In regard to the Mother's Pension Act, which was passed March 5, 1915, in Montana, Veeder writes:

"The district court was the administrative body which determined whether or not such aid was to be given to an applicant."¹⁶

¹³ Preliminary Report of the Michigan State Commission of Inquiry into County, Township, and School District Government, December, 1932, p. 5.

¹⁴ Louisiana State Constitution, reprinted Millepaugh, op. cit., p. 608.

¹⁵ White, R. Clyde, Administration of Public Welfare, The American Book Company, 1940, pp. 5-15.

¹⁶ Veeder, op. cit., p. 18.

The power of the supreme courts on both a state and national level to declare laws unconstitutional has had bearings on the administration of public welfare. Millspaugh made the following statement concerning judicial control of public welfare:

" Through their power to construe and enforce constitutional provisions and statutes, the courts exercise a real control over administrative organization and functioning. In exercising this control, however, judges are not expected to act arbitrarily or discretionarily. In other words, they do not function in this respect as administrative officers; but they act rather in a legislative capacity; and their control over administration seems likely to decrease as more and more discretionary power is assigned by law to executive and administrative officials."¹⁷

Local departments frequently have to resort to court orders to enforce their actions in such cases as wardship and adoptions.

" A vast body of law relating to crimes, persons, property, contracts, and torts exists outside of public welfare statutes."¹⁸

Obviously it is of utmost importance that public welfare administrators establish sound relationships in connection with the application of such laws.

Public welfare departments have many administrative relationships with other departments, especially with those having closely related functions. It is White's opinion that statutes should set forth specifically the interdepartmental relationships so that friction and misunderstanding be avoided so far as it is possible.¹⁹

¹⁷ Millspaugh, op. cit., p. 303.

¹⁸ White, op. cit., p. 26.

¹⁹ Ibid.

In concluding this chapter on principles and relationships involved in public welfare administration, the following paragraph is given in order to summarize the points which have been emphasized:

" A program to be productive of good in the long run, should be conceived as an organic whole, whose parts are adjusted and harmonious and which by means of progressively adopted legislation and practices can be gradually put into effect."²⁰

²⁰ Bettman, Alfred, "Criminal Justice Survey's Analysis," National Commission on Law Observance and Enforcement, Report on Prosecution, 1931, p. 175.

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CHAPTER IV

ORGANIZATIONAL PATTERNS

AS FOUND IN THE UNITED STATES

In 1939, Federal Public Welfare activities were being performed through five regular departments and four independent agencies.¹ The permanent welfare functions were largely concentrated in the Social Security Board which was created in 1935, and in the United States Children's Bureau under the Department of Labor.²

About July 1st, 1939, the Reorganization Act authorized the regrouping of the social services performed by the federal government.³ The Federal Security Agency was established which encompassed the following bureaus and agencies:

1. Civilian Conservation Corps
2. National Youth Administration
3. Office of Education
4. Public Health Service
5. Social Security Board
6. United States Employment Service⁴

The purposes for which the Federal Security Agency was established were:

¹ White, op. cit., p. 84.

² Stevenson, op. cit., p. 41 and p. 49.

³ 53 Stat. 561, 5 U. S. C., 133.

⁴ Government Information Service, United States Government Manual, 1947 (2nd Edition), Office of Government Reports, Washington D. C., 1947, p. 355.

1. to reduce expenditures
2. to increase efficiency
3. to consolidate agencies
4. to reduce the number of agencies by consolidating those having similar functions and by abolishing such as may not be necessary
5. to eliminate overlapping and duplication of effort.⁵

The establishment of the Federal Security Agency may have been the beginning of co-ordination of federal social services, but the reorganization is obviously not complete. The President's Committee on Administrative Management suggested the creation of two new departments; a department of public welfare and a department of public works. It was the conclusion of this committee that all the functions which are now being carried on by the several departments and subdepartments could be handled by the two proposed administrative units without jeopardizing the quality of the services rendered.⁶

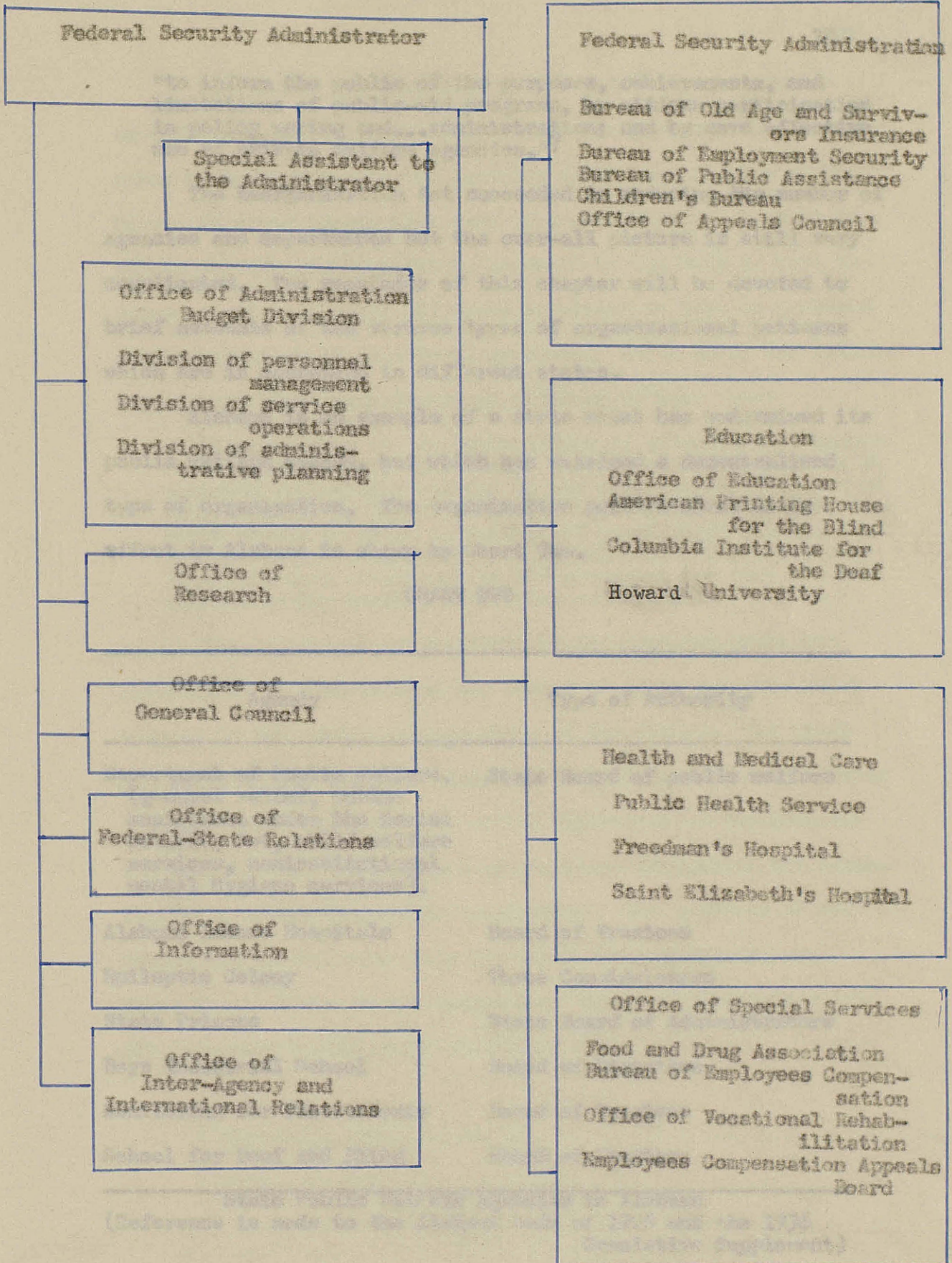
The National Resources Planning Board in a study of the social security system for the period between 1935 and 1940 made the following recommendation regarding the Federal Security Agency:

* The Board recommends that the Federal Security Agency be made into an executive department and its head be given the rank of a Cabinet member. In addition it suggests the creation of a permanent national advisory body to advise the President, the Congress, and the country as a whole on the operation of social-security programs and policies. Similar advisory bodies, composed of representatives of public and private agencies and of the public should be established in the various states. Greater effort should be made "to bridge the gap between administrative people and the public by increased efforts...."

⁵ Ibid., p. 356.

⁶ White, op. cit., p. 85.

FEDERAL SECURITY AGENCY



Federal Security Administrator

Special Assistant to the Administrator

Office of Administration
Budget Division

Division of personnel management

Division of service operations

Division of administrative planning

Office of Research

Office of General Council

Office of Federal-State Relations

Office of Information

Office of Inter-Agency and International Relations

Federal Security Administration

Bureau of Old Age and Survivors Insurance

Bureau of Employment Security

Bureau of Public Assistance

Children's Bureau

Office of Appeals Council

Education

Office of Education

American Printing House for the Blind

Columbia Institute for the Deaf

Howard University

Health and Medical Care

Public Health Service

Freedman's Hospital

Saint Elizabeth's Hospital

Office of Special Services

Food and Drug Association

Bureau of Employees Compensation

Office of Vocational Rehabilitation

Employees Compensation Appeals Board

"to inform the public of the purposes, achievements, and limitations of public-aid programs, by citizen participation in policy making and...administration; and by more effective use of private welfare agencies."⁷

The Reorganization Act succeeded in reducing the number of agencies and departments but the over-all picture is still very complicated. The remainder of this chapter will be devoted to brief accounts of the various types of organizational patterns which are in operation in different states.

Alabama is an example of a state which has modernized its public welfare system, but which has retained a decentralized type of organization. The organization pattern which is in effect in Alabama is shown by Chart Two.

CHART TWO

Agency	Type of Authority
Department of Public Welfare. (general relief, public assistance under the Social Security Act, child welfare services, noninstitutional mental hygiene services).	State Board of public welfare
Alabama Insane Hospitals	Board of Trustees
Epileptic Colony	Three Commissioners
State Prisons	State Board of Administrators
Boys Industrial School	Board of Directors
Sanatorium for Tuberculosis	Board of Trustees
School for Deaf and Blind	Board of Trustees

State Public Welfare Agencies in Alabama
(Reference is made to the Alabama Code of 1928 and the 1936
Cumulative Supplement)

⁷ Maxwell S. Stewart, "Jobs and Security for Tomorrow," Summary of Security, Work, and Relief Policies, Public Affairs Committee Inc., 1943, pp. 20-21.

The boards are appointed by the governor, who acts as ex-officio member of several of them. The governor has several other state departments and agencies which require some of his time. It would appear that even if a governor were trained in public welfare administration, he would be too busy to keep in close enough touch with all these agencies to have an informed opinion about their individual problems. White makes the following comment about organizational patterns of this type:

" Direct access of the multiplicity of directors and boards to the governor may give them a feeling of importance but it probably contributes nothing to the efficient performance of their functions, while it absorbs much of the governor's time which should be given to matters of broad state policy. The appointment of members of the several boards may carry certain political advantages to the governor, but they are unrelated to the quality of service rendered."⁸

The Department of Institutions and Agencies which was established in 1918 reduced the number of state agencies which operate in the public welfare field of New Jersey. The first and third of the agencies listed in Chart Three are co-ordinated inasmuch as the commissioner of the Department of Institutions and Agencies is also a member of the State Commission for Rehabilitation of the Physically Handicapped. The governor of New Jersey has to deal with only one board and two commissions. State Institutions in New Jersey have boards of managers which are appointed by the Board of Control.⁹

⁸ White, op. cit., p. 68.

⁹ Ibid., p. 68.

CHART THREE

Agency	Type of Authority
Department of Institutions and Agencies	Board of Control ¹⁰
State Financial Assistance Commission	Commission ¹¹
State Commission for rehabilitation of the physically handicapped	Commission ¹²

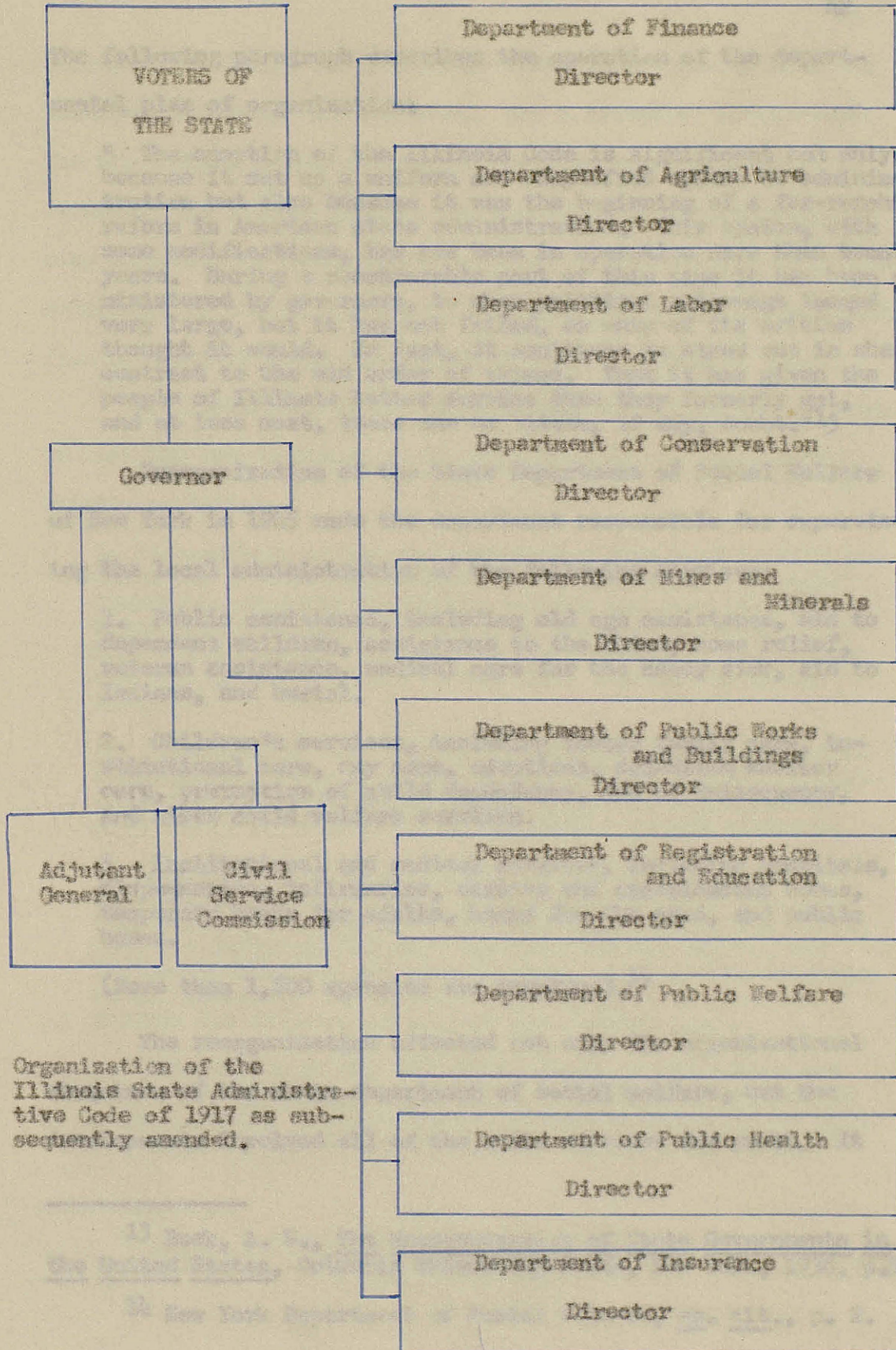
In 1917, the legislature of Illinois passed an act which created the Civil Administrative Code. This board abolished some one hundred statutory offices, departments, boards, and agencies and consolidated their functions into nine departments. By 1933, certain functions were transferred and other departments added so that there are now ten code departments. Each code department has a single head called a director, who is appointed by the governor with the consent of the senate and who serves for a two-year period. Chart Four is an organizational chart of the administrative pattern found in Illinois. Under this plan the department of public welfare has jurisdiction over all the charitable, penal and reformatory institutions in the state.

¹⁰ Cumulative supplement to compiled statutes, Sec. 31-12, 31-11.

¹¹ 1936 Laws, Ch. 83, sec. 3.

¹² Social Welfare Laws of the Forty-eight states, compiled by Wendell Huston, Sec. on New Jersey, p. 44.

CHART FOUR



Organization of the Illinois State Administrative Code of 1917 as subsequently amended.

The following paragraph describes the operation of the departmental plan of organization:

" The adoption of the Illinois Code is significant not only because it set up a uniform and simplified system of administration but also because it was the beginning of a far-reaching reform in American state administration. This system, with some modifications, has now been in operation more than twenty years. During a considerable part of this time it has been administered by governors, to whom political patronage loomed very large, but it has not failed, as many of its critics thought it would. In fact, it continues to stand out in sharp contrast to the old order of things. That it has given the people of Illinois better service than they formerly got, and at less cost, there can be little, if any, doubt."¹³

Reorganization of the State Department of Social Welfare of New York in 1945 made the department responsible for supervising the local administration of the following services:

1. Public assistance, including old age assistance, aid to dependent children, assistance to the blind, home relief, veteran assistance, medical care for the needy sick, aid to Indians, and burial.

2. Children's services, including foster family care, institutional care, day care, adoptions, detention shelter care, prevention of child dependency, and of delinquency, and other child welfare services.

3. Institutional and medical services, including hospitals, dispensaries, infirmaries, nursing and convalescent homes, temporary homes for adults, homes for the aged, and public homes.

(More than 1,500 agencies are involved).¹⁴

The reorganization affected not only the organizational structure of the state department of social welfare, but the developments involved all of the state services for youth. It

¹³ Buck, A. S., The Reorganization of State Governments in the United States, Columbia University Press, New York, 1930, p.93.

¹⁴ New York Department of Social Welfare, op. cit., p. 2.

attempted to change the out-dated treatment procedures in state institutions caring for children. The eligibility requirements for the various public assistance programs were realigned. The extent of the changes made in the departmental structure may be seen by comparing Chart Five, Organizational Plan of New York State Department of Social Welfare in 1940 with Chart Six, Organizational Plan of New York State Department of Social Welfare in 1945.

The highlights of the Department's efforts to equip itself to meet the responsibilities of the future may be summarized briefly as follows:

1. Recognition of the differentiation that must be made between the administrative problems of directing a group of operations designed to provide service and care directly to people and of directing a group of operations designed to review and evaluate the quality and quantity of assistance and care provided people in the first instance by local agencies.

2. Promotion of more intimate and harmonious working relations between central office policy bureaus and field operations offices in the supervision of locally administered programs by uniting their efforts into a single division.

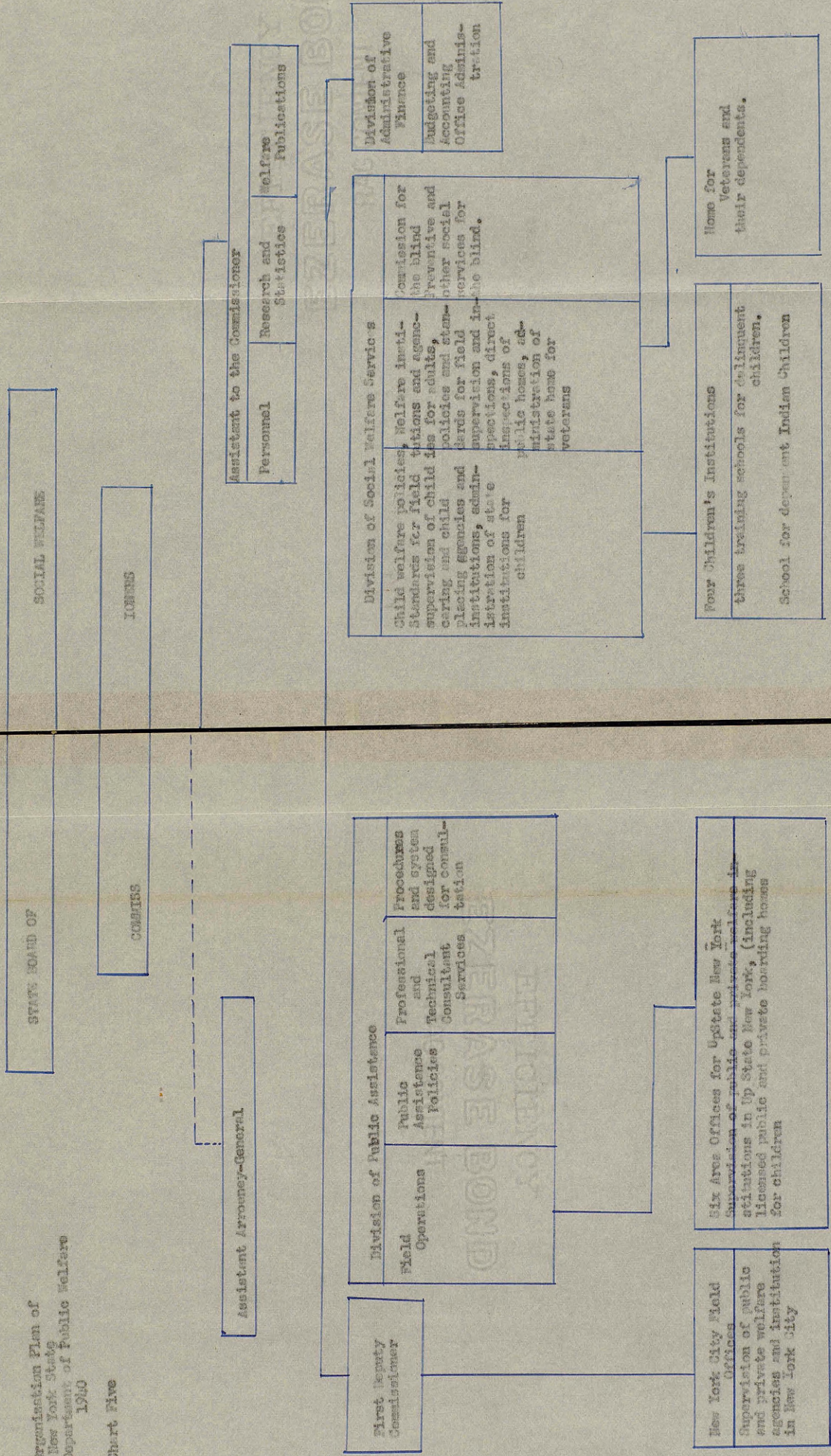
3. Integration of program planning and field supervision for "social welfare" rather than for a series of more or less unrelated programs of financial assistance, for foster home and institutional care for children and adults, and for hospitalization and medical care. Appropriate attention to all phases of the social welfare program is provided through the division of welfare and medical care.

4. Recognition of the law as the basis of all policy and program by establishing an office of Department Counsel at a level within the departmental structure commensurate with the significance of the services to be performed by it.¹⁵

¹⁵ Ibid., p. 12.

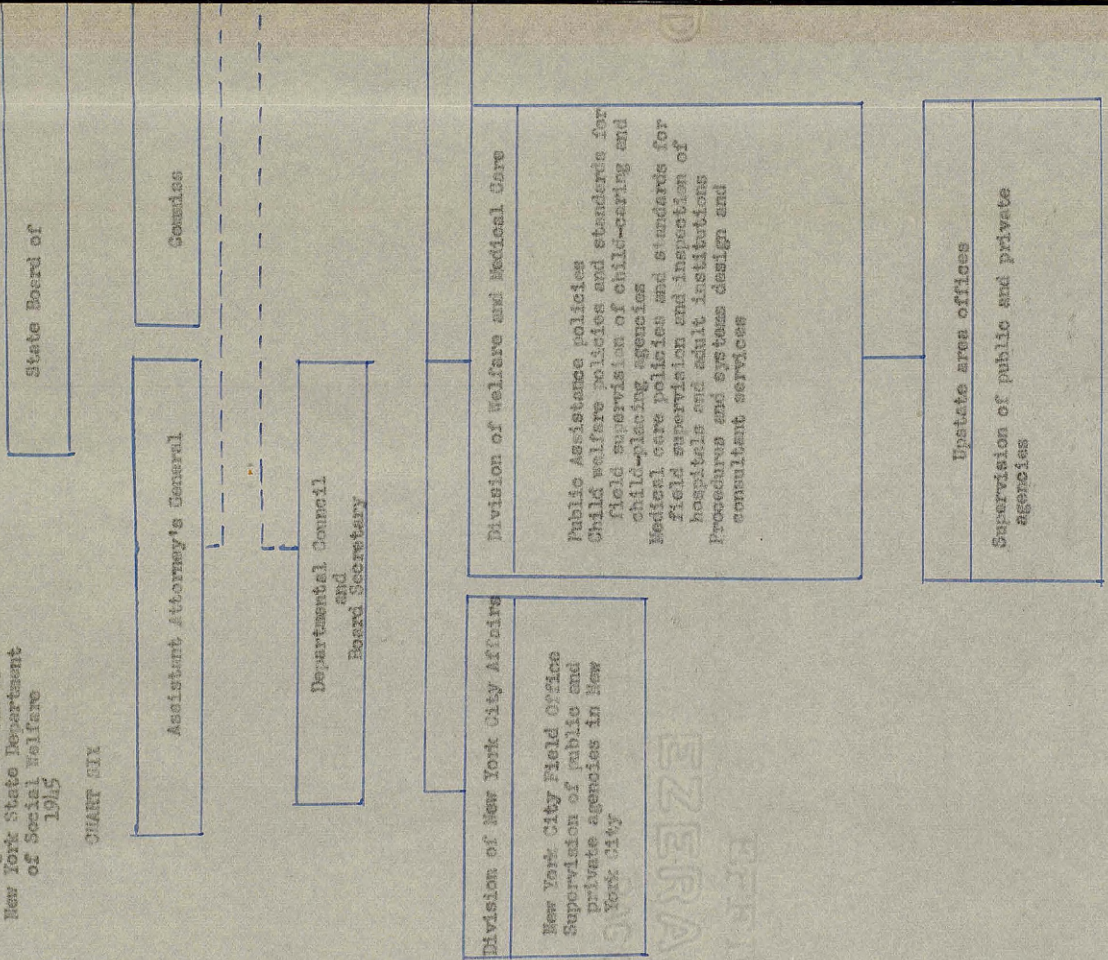
Organization Plan of
New York State
Department of Public Welfare
1940

Chart Five



Organization Plan of
New York State Department
of Social Welfare
1945

CHART SIX



Social Welfare

Director

Assistant to the Commissioner

Personnel	Research and Statistics	Welfare Publications
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Division of New York City Affairs

New York City Field Office
Supervision of public and private agencies in New York City

Division of Welfare and Medical Care

Public Assistance policies
Child supervision of child-caring and child-placing agencies
Medical care policies and standards for field supervision and inspection of hospitals and adult institutions
Procedures and systems design and consultant services

Upstate area offices

Supervision of public and private agencies

Division of State Institutions and Agencies

Institutions, operations, review and analysis, consultant service on management and program, Preventive, vocational, rehabilitative, and other services for the blind.
Three state training schools for delinquent children, school for dependent Indian children and home for veterans and their dependents.

Institutions and Agency

N. Y. S. Training School for Boys
N. Y. S. Training School for Girls
State Agricultural and Industrial School
Thomas Indian School
N. Y. S. Women's Relief Corps Home
State Commission for the Blind

Division of Administrative Finance

Budget and Accounting
Office Administration

Twenty-eight states partially or nearly completely reorganized their state governments in the quarter of a century ending in 1940. This reorganization resulted in consolidation of many small independent agencies into small numbers of large departments with subordinate bureaus.¹⁶

States which made extensive changes in the structural organization of the departments handling welfare problems are listed below. States in which public welfare administration was reorganized into departments administered by a single head, appointed by the governor:

California	Nebraska
Illinois	Ohio
Kentucky	Pennsylvania
Louisiana	Rhode Island
Massachusetts	Vermont
	Washington

States in which the reorganized welfare departments were placed under a board or a commission:

Idaho
Maryland
Wisconsin
Michigan
Virginia.¹⁷

¹⁶ Council of State Governments, The Peak of the States, Public Administration Service, Chicago, Illinois, 1941, p. 62.

¹⁷ Ibid., pp. 64-69.

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PART TWO

PUBLIC WELFARE ORGANIZATIONAL NEEDS IN MONTANA

CHAPTER V

MONTANA'S WELFARE ORGANIZATIONAL PATTERN

Part One of this study attempted to show the changing nature of social welfare as it is developing in this country. The basic principles of administration were explained and examples of organizational patterns employed by the federal government in meeting welfare needs were given. Part Two is concerned with the problems of administering public welfare services which are encountered under the present system of organization in Montana. It is the purpose of this chapter to describe the organizational structure of administering welfare services as it is ordained by law in this state.

The problem of administrative reorganization has been facing the state for some time. In 1920, an economy and efficiency committee was appointed to study the administrative structure in Montana. The report of the committee was not utilized to bring about reorganization.¹

* In his message to the 1937 legislature, Governor Roy L. Ayres pointed to the tendency toward decentralization of the state government through creation of independent boards, bureaus, and commissions. He said that this general drift had "resulted in many needless duplications of services, all of which call for unnecessary expenditure of public funds." He urged the legislature to work with him in the elimination and coordination of superfluous and duplicating administrative agencies.²

¹ Back, A. E., op. cit., p. 150.

² Ibid.

That same year the legislature responded to the governor's plea by creating several new independent agencies, among which was the state board of public welfare.³

That there was a great need for a department of public welfare in 1937 is shown by this quotation from Veeder:

" County authorities had attempted to care for people needing assistance, without the help of professionally qualified workers...Standards of public assistance throughout the state varied greatly and the methods depended upon the interpretation that the poor law received from county officials, and, as the county commissioners had the duty of caring for the poor and were in an elective office, they were often influenced by political considerations."⁴

The first step toward analyzing the administrative pattern of public welfare services in Montana will be an examination of the State Department of Public Welfare to see what functions are administered through this unit. Other services which are generally conceded as belonging in the welfare jurisdiction, but which are not handled through the state department of public welfare will be studied from the standpoint of their administration.

A state board of public welfare was established in 1937 which consists of five members "appointed by the governor with the advice and consent of the senate." The tenure of office is for overlapping terms of three years, but any member of the board may be removed by the governor for cause. The qualification for membership on the board is determined "on the basis of a broad experience and interest in civic affairs and matters of public welfare."⁵ Each member is required to be a citizen of the United States and a resident for five years immediately preceding his

³ Ibid., p. 151.

⁴ Veeder, op. cit., p. 39.

⁵ Montana Session Laws of 1937, c. 82, Part I, Sec. I, 395.2, as amended including amendments of 1947 Session Laws.

appointment.⁶ Members are allowed ten dollars a day per diem while attending meetings, and actual traveling expenses. The maximum amount which may be paid to a member of the board is limited to five hundred dollars a year. This money is paid from funds appropriated to the state department of public welfare.⁷

It is the duty of this state board to supervise all activities and agencies provided for by the Social Security Act of 1935. The board is responsible for all general policies, rules, and regulations that are necessary for governing the state and county departments of public welfare.

" All administrative and executive authority, functions and duties shall be vested in the state administrator, subject to the authority of the state board."⁸

The state administrator is appointed by the governor with the cooperation of the state board, and is selected with regard to education, training, and ability necessary in public welfare administration and organization. The administrator must have been a resident at least five years prior to his appointment.⁹ He has the duties of administrative officer in the state department of public welfare and acts as secretary of the state board. It is his duty to prepare reports of the budget and activities of the department for the governor.¹⁰

⁶ Ibid., 325.3.

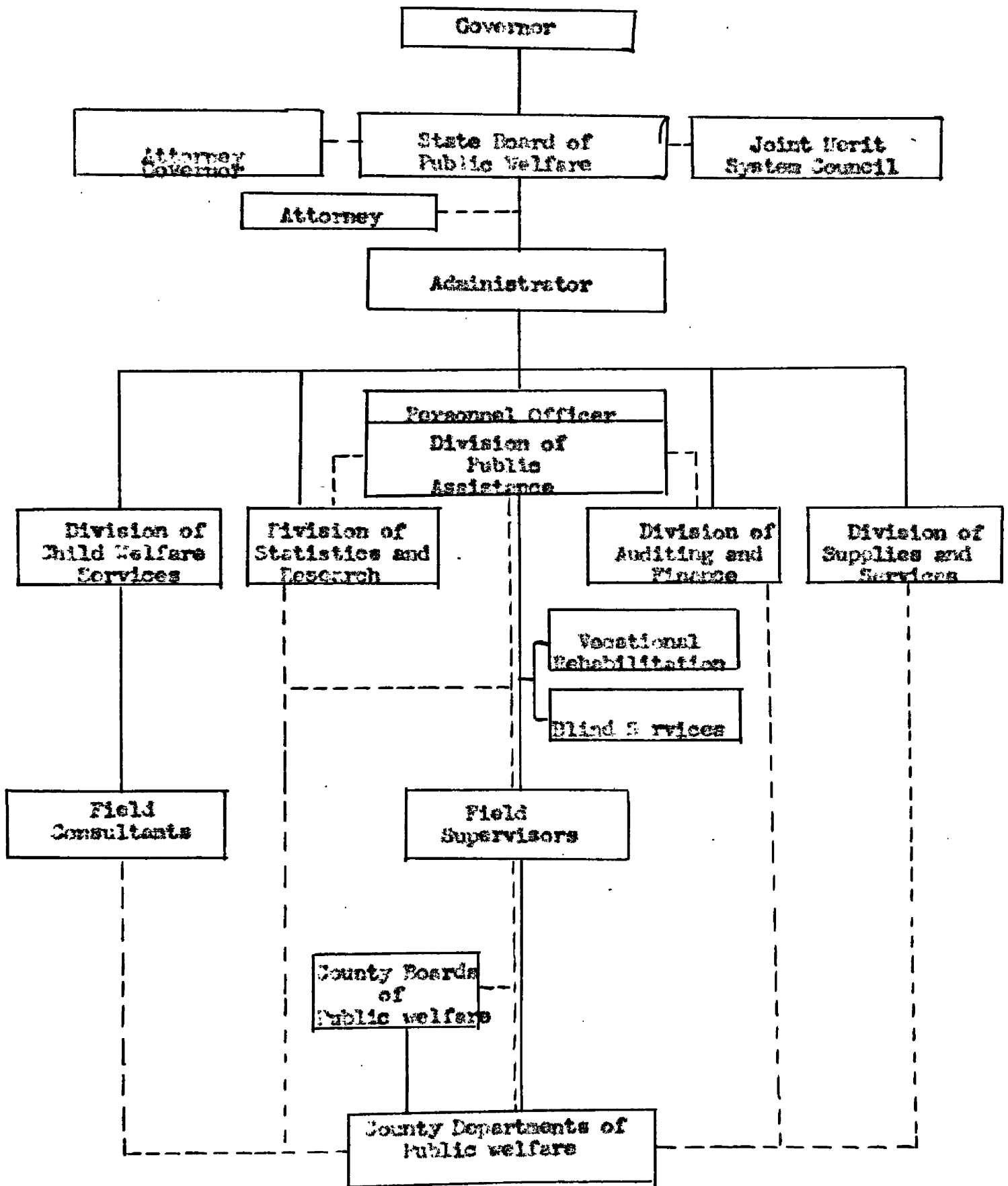
⁷ Ibid., 325.5

⁸ Ibid., 325.10.

⁹ Ibid., 325.8.

¹⁰ Ibid., 325.15.

ORGANIZATION CHART OF THE DEPARTMENT OF PUBLIC WELFARE



_____ Administrative
 - - - - - Technical and Advisory

Standards of selecting personnel in both the state and county departments of public welfare must conform with the general standards required by the state merit system and the federal security agency.¹¹

In paragraph 325.17 the state department of public welfare is given authority to:

- a) Administer or supervise all forms of public assistance including general relief, old age assistance, aid to dependent children, aid to needy blind, child protection and child welfare and the supervision of agencies and institutions caring for dependent, delinquent or mentally or physically handicapped children and adults.
- b) Administer or supervise all child welfare activities, including importation and exportation of children; licensing and supervising of private and local child-caring agencies; the care of dependent, neglected and delinquent children in foster family homes, especially children placed for adoption or those of illegitimate birth.
- c) Supervise private institutions providing care for the needy, indigent, handicapped or dependent adults.
- d) Develop and cooperate with other state agencies provisions for the services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions and vocational guidance and training of the blind.
- e) Provide services to the county governments in respect to organization and supervision of county welfare departments for efficiency and economy in the administration of public welfare functions.
- f) Prescribe and maintain minimum standards and salary rates for public welfare personnel in state and county departments, establish rules and regulations to maintain such standards, and furnish to the county welfare boards a list of qualified personnel who are available for appointment. Insofar as possible such personnel shall be residents of the county.
- g) Assist and cooperate with other state and federal departments, bureaus, agencies, and institutions, when so requested, by performing services in conformity with the purpose of this act.

¹¹ Ibid., 325.16.

h) Act as the agent of the federal government in public welfare matters of mutual concern in conformity with this act and the federal social security act, and in the administration of any federal funds granted to the state to aid in the department.¹²

A county department of public welfare is in operation in each county in Montana, made up of a county board of public welfare and sufficient staff personnel to carry out the welfare activities in the county.¹³ The county welfare board consists of county commissioners.¹⁴ This board is responsible for establishing local policies and making rules and regulations necessary to govern the county departments. Of course, all rules constituted by the county board must conform with those established by the state board.¹⁵

Field supervisors and field auditors are direct representatives of the state department of public welfare to the county departments. Their purpose is that of maintaining personal contact between the two departments.¹⁶

The Department of Public Welfare which was established by the twenty-fifth Montana Legislative Assembly assumed the powers and duties of five earlier established bureaus, boards, and commissions which had been dealing with some phase of public welfare service. The following administrative units were abolished and their duties transferred to the Department of Public Welfare:

- (1) The Bureau of Child and Animal Protection

¹² Ibid., 325.17.

¹³ Ibid., 325. 19.

20 .

22 .

24 .

- (2) The Orthopedic Commission
- (3) The State Board of Charities and Reforms
- (4) Montana Relief Commission
- (5) Montana Old Age Pension Commission¹⁷

To this extent the Public Welfare Act was a consolidating force. However, there are still in operation several boards, commissions, and all the state institutions which are administered separately. In order to understand the problem fully, it will be necessary to see how the public welfare department fits into the over-all pattern of public administration in the state.

The powers and duties of the governor in Montana are very numerous and may be grouped under several heads: (1) administrative, (2) appointive, (3) legislative, (4) financial (5) Military, (6) Pardon Powers, and (7) Miscellaneous. The governor is important in the administration of welfare services because he serves as an ex-officio member on several executive boards and commissions which handle welfare functions. He nominates and appoints, with the consent of the state senate, all officers whose election or appointment is not authorized in some other way. He also has the power to fill all vacancies which may occur in elective and appointive offices and which are not prescribed by law to be filled in another fashion.

The governor is supposed to execute laws rather than to enact them, but it is possible for a strong governor to wield

¹⁷ Id., 325.7

great influence over legislation by ordering special sessions of the legislative bodies for specific purposes and by special messages which he may deliver on any topic. In Montana, the governor has some rather great financial powers. All state departments, boards, and commissions must submit to the governor before the legislative session a budget of their estimated expenditures and accounts necessary for carrying on the work of the department for the next two year period. The governor uses these reports as a basis for the annual budget. He may make his own decisions as to what he feels should be a reasonable amount for the individual agencies. The military powers of the governor are not so likely to affect the administration of public welfare and will not be discussed here.

On the other hand, the governor has the power to grant pardons and change or substitute punishments after sentences have been passed on offenders against the criminal law of Montana. This is definitely a welfare function as "justice" from court decisions is rather impersonal and sometimes not a particularly humane approach to solving certain problems of maladjustment which result in crime.¹⁸

In addition to the governor, other elected officials are authorized by the laws to administer welfare functions. The lieutenant governor performs the duties of the governor in his absence. The secretary of state and the attorney-general serve

¹⁸ Renne and Hoffmann, The Montana Citizen, State Publishing Company, Helena, Montana, 1937, pp. 170-180.

as ex-officio members of executive boards responsible for welfare work, and in addition the attorney-general serves as legal advisor for the state department of public welfare. The state auditor serves as an ex-officio member of the Board of pardons as well as acting as auditor for the department of public welfare.

The state board of examiners composed of governor, the attorney-general, and the secretary of state, has the power to examine all claims against the state except salaries and compensations fixed by law. No claim against the state may be passed upon without first being reviewed by this board, except salaries and compensation set by law.¹⁹ The board also has the duty of contracting for the furnishing of all necessary supplies needed by the legislative assembly and by the other departments of government.²⁰

The state board of pardons consists of the secretary of state, the attorney-general, and the state auditor. It is the duty of this board to approve all pardons, absolute or conditional which may be granted by the governor.²¹

The State Board of Health is provided for in Chapter 230, Section 2444 of the Revised Code of Montana (as amended, 1935). This board is composed of five members all of whom are required to be experienced physicians. A list of not less than ten names is submitted to the governor by the Montana Medical Association from which he chooses the persons to serve. The State Board of Health

¹⁹ Constitution of the State of Montana, Art. VII, Sec. 20.

²⁰ Montana Session Laws, Ch. 25, Sec. 256.

²¹ Constitution, Art. VII, Sec. 20.

has supervision "of the interests and health and life of the citizens of the state." These are broad duties entailing supervision, inspections, and investigations of various types and section 2450 gives the board power to:

" promulgate and enforce such rules and regulations for the better preservation of public health in contagious and epidemic diseases as it shall deem necessary, and also regarding the causes and prevention of diseases and their development and spread."²²

In addition to the state board of health, but also concerned with matters pertaining to health is the State Board of Entomology which investigates and studies the dissemination by insects of diseases among people and animals.

The State Board of Eugenics is made up of the chief physician of each custodial institution in the state and the president of the state medical association and a female member named by the state medical association and the secretary of the state board of health, who acts as chairman.²³

The Livestock Sanitary Board whose membership is composed by the six livestock commissioners is authorized by Chapter 281 of the Revised Political Code of Montana to inspect livestock and their products for infectious, contagious, communicable or dangerous diseases. They are requested by the law to cooperate with the State Board of Health.

The three-member Milk Control Board has the duty of supervising, regulating, and controlling the distribution and sale of milk for consumption within the state. Members are: the

²² Chapter 235.

²³ Chapter 127, Sec. 1444.3.

executive officer of the livestock sanitary board, the chief of the dairy division of the department of agriculture and one appointed member.²⁴

Montana also has an Industrial Accident Board consisting of three members who are: the commissioner of agriculture, labor, and industry; the state auditor; and one member appointed by the governor. It is the duty of this board to administer Workman's Compensation Act.²⁵

The Vocational Rehabilitation Board was established in 1921 and has a membership of five persons who work with the federal board for vocational education by enabling disabled persons to obtain a vocational education. This board works in conjunction with the Montana Industrial Accident Board and with the State Board of Education.²⁶

The State Board of Education, which is provided for by Chapter Seventy-nine, Section 230, of the Revised Codes of Montana, consists of eleven members who are as follows: the governor, the state superintendent of public instruction, and the attorney-general, ex-officio members and eight members appointed by the governor. There must be an equal number of appointed members and from both the first and second congressional districts and no more than four members may be affiliated with the same political party or organization. This board has the general

²⁴ Chapter 241, Sec. 2637.4.

²⁵ Chapter 256, Sec. 2819.

²⁶ Chapter 260, Sec. 3016 and 3019.

control and supervision of the Montana State University, Montana State College, Montana School of Mines, Northern Montana State Normal School, Eastern Montana State Normal School, and Montana State Normal College. In addition to these educational institutions this board has control and supervision for the following welfare institutions: Montana State Orphan's Home, Montana School for the Deaf and Blind, Montana Home for the Feeble-minded, Boy's Industrial School and Girl's Vocational School.²⁷

Local Boards of trustees are provided to work with the board of education for most of these institutions and the presidents of the institutions are in most cases non-voting members of the state board of education.

The Board of Commissioners for the Insane is vested with the power of managing, controlling, and supervising the state insane asylum. The governor is chairman of the board and the secretary of state is secretary. The third member of the board is the attorney-general. All three positions on the board are ex-officio.²⁸

The State Board of Prison Commissioners was established by the Constitution of Montana, Article VII, Section 20, for the purpose of supervising all matters connected with the State prison. The three members of this board are the governor, the attorney-general and the secretary of state.

The two citizens comprising the Board of the Montana State Tuberculosis Sanitorium are appointed by the governor with the advice and consent of the state board of examiners. One of these

²⁷ Chapter 79, Sec. 636.

²⁸ Chapter 126, Sec. 1413.

members must be a physician. The president of the institution acts as ex-officio member of the board and is the chairman.²⁹

The Board of Managers of the Montana State Soldiers Home has five members, one of whom is required by law to be the department commander of the Grand Army of the Republic. (In case this office is vacant the department commander of the Spanish American War Veterans shall take the post temporarily). The other four members of the board are appointed by the governor for overlapping terms of four years. No less than three members of the board must be ex-soldiers or sailors and one member must be a licensed physician in the state.³⁰

Two commissions are also responsible for welfare functions in the state. The first is the Veteran's Welfare Commission, a three-member unit with members appointed by the governor, whose function is to rehabilitate soldiers and sailors who participated in the world war. The work of this commission for the most part is being done by the Federal Veteran's Administration.³¹

The Unemployment Compensation Commission which was established in 1937 has three members all appointed by the governor. One is chairman and receives a yearly salary and the other two members receive ten dollars a day and actual traveling expenses. It is the duty of this board to establish and maintain free public

²⁹ Chapter 132, Sec. 1512.

³⁰ Chapter 133, Sec. 1522.

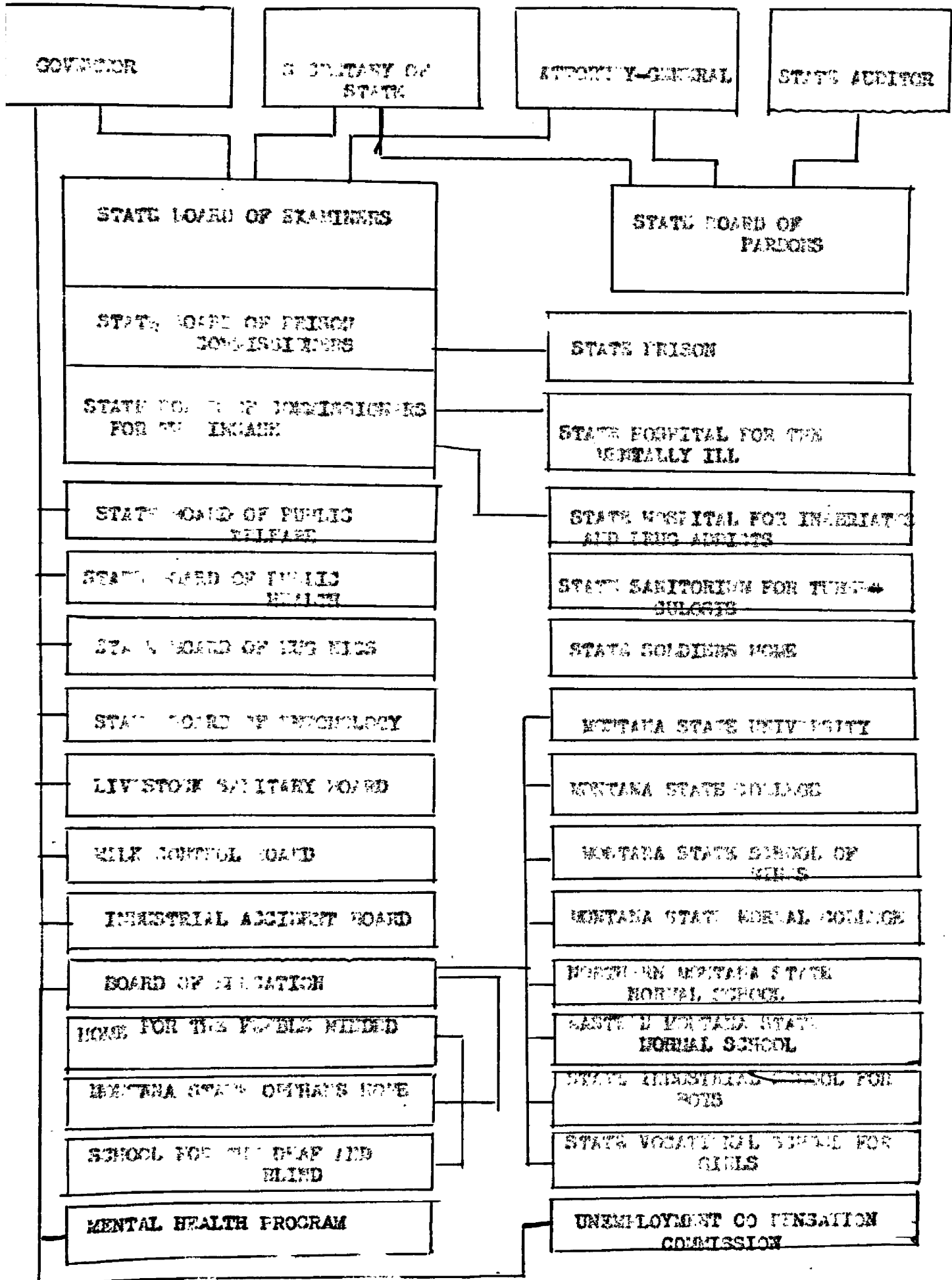
³¹ Bonne, op. cit., p. 187.

employment offices and to cooperate with the national employment office and administer unemployment compensation administration funds in cooperation with Federal Security Board.³²

The chart which appears at the end of this section illustrates the administrative structure as it exists in Montana for public welfare services. Of course, there are endless other departments, boards, and commissioners, which complicate the entire administrative structure still more. For the purpose of this thesis, only those which are concerned with functions generally conceded to be in the jurisdiction of public welfare administration are included.

32 Id.

CHART EIGHT ORGANIZATIONAL CHART OF PUBLIC EMPLOYMENT SERVICE IN MONTANA



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CHAPTER VI

CONCLUSION

Professional concepts regarding public welfare services are relatively new, but their roots go far back into the past. The more scientific approach to the problems of public welfare, which we are developing today, with the emphasis on prevention and treatment rather than mere alleviation of suffering did not spring up overnight. This is the result of long years of changing to meet new conditions. The Gluecks wrote:

" One of the most insidious forces at work in the administration of public office is inertia. Human nature readily drifts into a mechanical routine attitude and practice toward its problems. Effort gradually abandons difficult paths for the ruts of precedent. All human institutions must resist this insidious transformation of the vital, and progressive into the hardened and lifeless...the law, the church, the state, and other institutions. The tendency towards crystallization, form, and ritual must continually be combated."¹

The needs of the public in Montana have changed just as they have changed in all the other parts of the country. Methods of administering services for meeting these needs have been studied and improved. If progress in treating the needs in this state is to be made, and the services rendered are to conform to the standards set up by authorities in the field, the state should take advantage of the improved methods of administration which are in practice elsewhere.

¹ Glueck, Sheldon and Eleanor T., 500 Criminal Careers, New York, A. A. Knopf, 1930, p. 315.

"Public welfare administration is the management of personnel, finances, and equipment to accomplish the purposes and carry out the social functions for which the welfare agency is established ... good administration is basic and essential if the caseworker is to be able to function to the best advantage, if the client is to be served, and if the taxpayer is to get his money's worth from the public agency."²

The need for modernizing the administrative structure in Montana was recognized twenty-eight years ago and yet very little has been done about it. As the various departments, bureaus, boards, and commissions listed in the preceding pages were studied, it must have appeared that many of them are engaged in carrying out functions that are very closely related and that might be better grouped together.

Integration of these functions could be accomplished within the constitutional limitations of the law. Statutory enactment could be passed which would coordinate welfare activities without drastically changing the present system of state government. In order to invoke any change in structure, it would be necessary to call the attention of the legislators to the need which exists and make them see the desirability of such action at the present time. Two developments which have occurred recently which might be used to point up the need for integration are the appointment by the governor of a commission for investigation of the juvenile delinquency problem in this state and the newly-established Mental Hygiene Program.

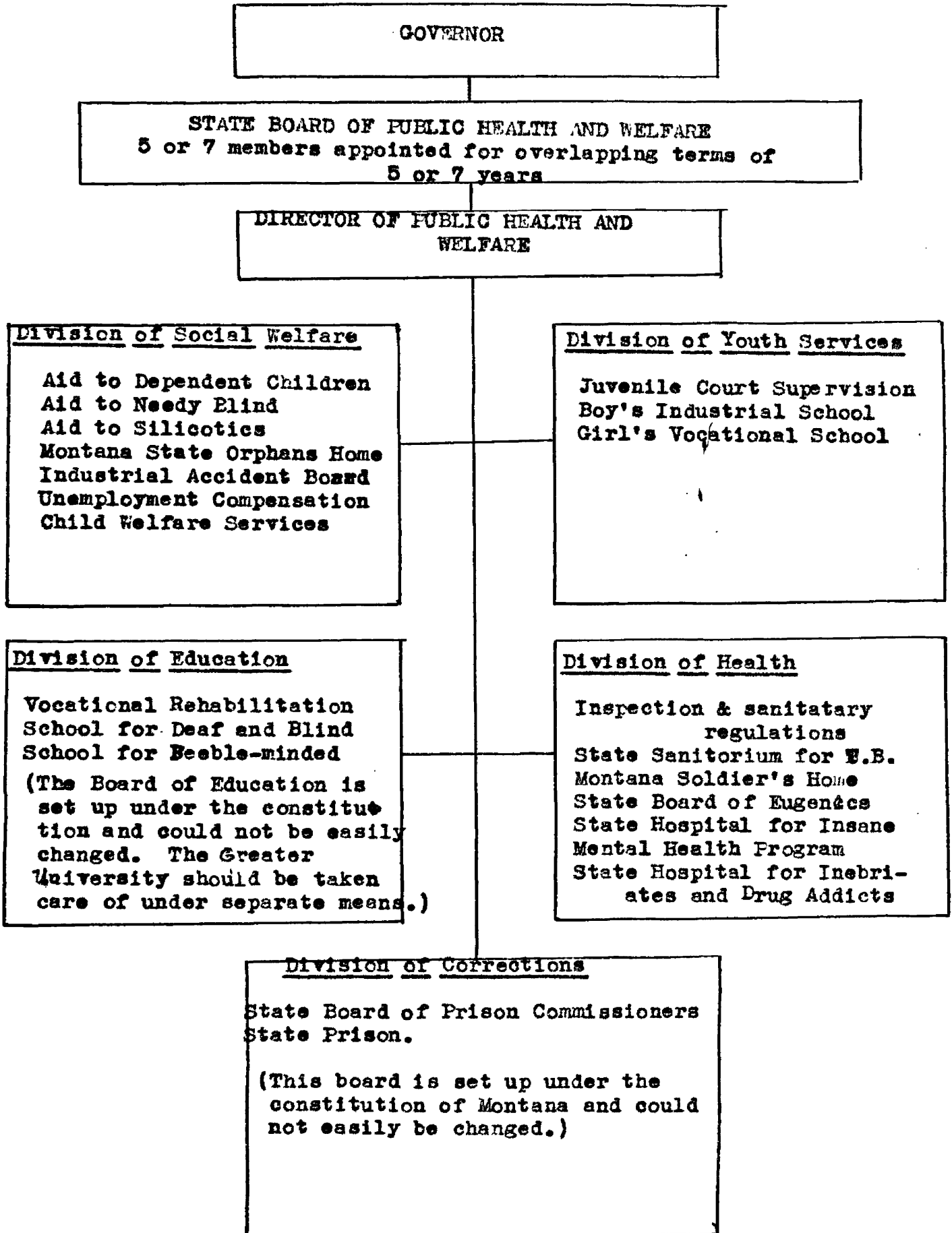
² Stevenson, op. cit., p. 107.

When the problem of juvenile delinquency is brought before the legislature, it would be an opportune time to show that we have no connection between the institutions that treat juvenile offenders and the agencies which enforce laws and apprehend and sentence delinquent children. A case might be built which would show that there is a need for coordinating the preventive work which is possible through the Mental Health Program with the treatment carried on by the correctional institutions for children. Also, it might be well to show that the health and welfare departments could function more effectively in their work of adjusting health and welfare maladjustments which might be contributory forces in the juvenile delinquency rate if they were more closely integrated with the institutions and with the Mental Health Program.

At the present time, the Mental Health Program in this state is a temporary one. At the next session of the legislature in January, 1949, questions will undoubtedly arise as to the advisability of continuing and expanding the program. Here again is an opportunity to bring up the important problem of integration and show its relationship to current legislative trends and problems.

The chart on the following page illustrates a possible form of organization which could be adopted through statutory enactment to accomplish the very necessary integrations desirable in the administration of welfare functions in Montana.

Chart Nine
Proposed Plan for Administrative Organization of the Montana
Department of Public Health and Welfare



The conclusions reached through this study are as follows:

- (1) The scope and range of social welfare services are expanding. There are more opportunities for constructive and preventive services than there were formerly.
- (2) History shows that the development of welfare services as we know them today has been long and uninterrupted. The nature of such services has necessarily needed to be changed as the needs of society have become more complicated.
- (3) As the needs and services have expanded, certain types of agencies are recognized as more satisfactorily designed for providing public welfare services which can satisfy public welfare needs.
- (4) Every state has established some legal structure for the administration of services for the welfare of the public. Most of these patterns developed by accretion and imitation, but in the last quarter of a century, many states have recognized the need of reorganization of the administrative structure of their state public welfare departments.
- (5) Montana must take cognizance of the fact that the administrative structure in effect in this state is not on a par with the standards of administration which are operating in other parts of the country. There should be a realignment of the organizational pattern in Montana in order to meet the basic principles of public welfare administration as they are generally recognized by authorities on the subject and as they are in practice in other

states.

(5) Such reorganization is entirely possible within the constitutional limitations of the state laws and might be accomplished without drastically altering the existing system of state government in Montana.

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