



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

A FEDERAL DEPARTMENT OF PUBLIC WELFARE

THOMAS I. PARKINSON

Vice-President, Equitable Life Insurance Company, Professor
of Legislation, Columbia University

In his first message to Congress President Harding said:

In the realms of education, public health, sanitation, condition of workers in industry, child welfare, proper amusement and recreation, the elimination of social vice, and many other objects, the government has already undertaken a considerable range of activities. . . . But these activities have been scattered through many departments and bureaus without coordination and with much overlapping of functions which fritters energies and magnifies the cost. Many subjects of the greatest importance are handled by bureaus within government departments which logically have no apparent relation to them. . . . To bring these various activities together in a single department where the whole field could be surveyed and where these inter-relationships could be properly appraised would make for increased effectiveness, economy and intelligence of direction. In creating such a department it should be made plain that there is no purpose to invade fields which the states have occupied. . . . There need be no fear of undue centralization or of creating a federal bureaucracy to dominate affairs better to be left in state control.

In these words the President furnishes at once the inspiration and the explanation of Senator Kenyon's bill (67th Cong. S. 1607) to create a department of Public Welfare.

The bill provides for the reorganization in a new executive department of those agencies of the federal government which deal with the public health and education and with the welfare of the ex-service men. The bill creates a Secretary of Public Welfare who becomes a member of the president's cabinet, but otherwise it is limited entirely to a reorganization of existing machinery of the government. It does not increase or decrease the functions of the bureau of education, but provides that these functions shall be performed in and under the supervision of the department of Public Welfare instead of the department of the Interior. It does not increase or reduce the functions of the public health service or the bureau of war risk insurance, but simply transfers these agencies from the Treasury to the new department of Public Welfare. It does not pro-

pose any expansion of the federal government into new fields of welfare legislation or administration, and on the other hand it does not place any restriction on present or future activity in these fields by the federal government. The bill deals purely with the machinery by which whatever activities have been or may hereafter be authorized by Congress in the fields of health, education and welfare are to be administered.

The fact that the bill deals only with "machinery" does not, however, lessen its importance. No one familiar with the welfare legislation of the past few years can overlook the importance of the governmental machinery for the administration of such legislation. Its administration has increased the cost of government and legislators responsible for our tax policies are increasingly critical of the large appropriations devoted to it. There is nothing which so seriously interferes with the development of governmental activities in the welfare field as the waste through inefficiency or lack of coordination in the administration of our social and economic legislation. Only by efficient use of the funds provided can the proponents of such legislation hope to secure its further extension.

The Kenyon bill provides that the new department of Public Welfare shall be divided into the following divisions: Education, public health, social service, and veteran service. Each establishment is to be in charge of an assistant secretary. Twelve existing establishments of the federal government are transferred to the department to be assigned by the Secretary of Public Welfare to one of these four divisions. The most important of the establishments transferred are the bureau of war risk insurance and the public health service, now in the Treasury department; the bureau of education and the pension bureau, now in the department of the Interior; the children's bureau, now in the Labor department; the federal board for vocational education and the federal employee's compensation commission, now independent establishments.

No one seems to doubt the advisability of coordinating the three principal agencies now engaged in the general problem of caring for disabled veterans and their dependents. The compensation and insurance functions of the war risk bureau necessarily involve attention to the physical condition and the future health of the ex-service men. Closely related to com-

pensation is the rehabilitation work now done by the board for vocational education. The work of both these agencies involves or depends upon the hospital care provided by the public health service. Competition between these agencies, and particularly competition between the war risk bureau and the board for vocational education should have been eliminated long ago. Much time and money might have been saved and much more prompt and effective aid rendered to the victims of the war if compensation and rehabilitation had been administered by a coordinated agency immediately following the armistice. However, there is little need to argue for the desirability of this coordination now. An order of the Secretary of the Treasury, issued on April 19, 1921, takes the first step in affecting such a coordination by transferring to the war risk bureau the activities of the health service which affect the beneficiaries of the war risk bureau, including trainees of the rehabilitation division of the vocational board.

Congressmen Sweet's bill, which has now passed the House, carries this coordination further by merging the veteran service functions of these three agencies in a single bureau in the Treasury department.

In addition to its function in relation to the rehabilitation of disabled service men the federal vocational board now administers the laws to stimulate state activity in the fields of vocational education and the rehabilitation of workmen injured in industry. These are state-aid laws which provide appropriations to be allotted to the states on condition that the vocational and rehabilitation educational work of the state complies with standards fixed by the federal board.

The only other important federal agency dealing with education is the bureau of education now wholly misplaced in the department of the Interior. This bureau was created in 1867. Its purposes and duties are: "To collect statistics and facts showing the condition and progress of education in the several states and territories and to diffuse such information respecting the care and management of schools, school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems and otherwise promote the cause of education throughout the country." Research and publication constitute the sole func-

tions of the bureau of education as at present organized. Senator Kenyon's public welfare bill does not propose to interfere with or extend these educational functions of the bureau of education and the federal board for vocational education. Neither does the bill place any obstacle in the way of future congressional appropriations such as that proposed in the Smith-Towner bill to be distributed to the states in aid of education generally.

The bill has been opposed by the representatives of organized labor on the ground that it will weaken the department of Labor. The only agency now administered in the department of Labor which the Kenyon bill proposes to transfer to the new welfare department is the children's bureau. This bureau was created in 1912 to investigate "all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several states and territories." The bureau, with these powers and duties—many of which include investigations of health conditions and all of which affect non-employed as well as employed children—is simply transferred to the new department.

The federal employees' compensation commission was created in 1916 to administer the act providing a scheme of compensation for civil employees of the federal government injured in the course of their employment. At present there are three members of this commission exercising a semi-judicial function of determining when and to what extent an injured employee is entitled to compensation benefits. The Kenyon bill does not abolish this commission but reduces its membership to one commissioner and places him under the supervision of the Secretary of Public Welfare.

The problems involved in the administration of this act are necessarily related to those involved in administering the compensation features of the war risk insurance act.

Admitting the desirability of coordination of many of these existing agencies of the federal government, the question remains, why create a new executive department with a secretary in the cabinet? It is difficult to describe the circumstances

which justify the creation of a cabinet position as distinguished from an agency without cabinet representation. It is clear that the head of an agency like the bureau of standards should not have a place in the cabinet. His administrative functions do not bring him in touch with any phase of our political life which should be represented at the President's council table. We do not want the cabinet to expand so that it will require the Jefferson manual to govern its proceedings.

The relations of the government to the ex-service men is involved in the determination of many of our governmental and political problems for some years to come. There is justification, therefore, for having in the cabinet an official whose daily administrative duty brings him into intimate contact with the ex-service man and his relation to the government. Perhaps still further justification for the proposal comes, as does much of the opposition to it, from the possibility that it means a woman in the cabinet.

The principal opposition to the Kenyon bill comes from the proponents of a federal department of Education. As has been pointed out the proposal does not involve any restriction of existing educational activities of the federal government. The proponents of a department of Education oppose the Kenyon bill frankly because they believe that it will "submerge" education in the Welfare department as it is now "submerged" in the department of the Interior, and will defer the possibility of creating a separate department of Education. One of the leading proponents of this idea said in his testimony before the Senate Committee:

What education wants and requires in America is leadership to make investigation along the lines of educational research that will reveal to the country what might be done in America in the matter of a great problem of education.

If the educational agency of the federal government is to be a scientific organization conducting researches and evolving standards—if, in other words, its purpose is to be "leadership"—there arises at once a question whether the head of such a department should be a member of the President's cabinet. As pointed out above, the chief of the bureau of standards, though he does important governmental work, could contribute nothing to the settlement of the questions which confront a cabinet

meeting and there is, therefore, no justification for his having a place in the cabinet. Likewise an educational agency which is to conduct scientific researches and provide "leadership" does not seem to be an agency of such political significance that its head should sit in the cabinet. The other suggestion made at the hearings, that education should be represented in the cabinet "because education should be exalted", should be "dignified" by a cabinet position is not persuasive. At the moment, at least, there seems to be more justification for a cabinet position representing the coordinating of health, education and welfare activities of the government than for the educational activities alone. If a Welfare department is to be created does it not follow that related activities in the field of education and health should be transferred, at least temporarily, to the new department rather than remain in departments to which they have no relation whatever? The proponents of separate health and education departments may find an interesting analogy in the department of Commerce and Labor, first created as a single department and later divided into two separate departments.