

LAW AND CONTEMPORARY PROBLEMS

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FOREWORD

This symposium constitutes the second of two issues of this periodical devoted to a consideration of the legal and administrative problems posed by the Social Security Act. The preceding issue was directed exclusively to the subject of unemployment compensation;¹ the present issue deals with the provisions for old-age security and public welfare embodied in the other titles of the Federal Act.

In those provisions which erect the framework of the federal-state system of unemployment compensation, the Social Security Act seeks to cope with a problem which is peculiarly the product of contemporary industrialism. This endeavor compels the creation of intricate legal and administrative devices, all without precedent in this country, many without precedent elsewhere. In contrast, the other titles of the Act deal with an ancient problem which has long been the concern of the state, the incidence of poverty upon old age and childhood and upon the sick and disabled. Modern economic maladjustments have intensified this problem and have often defeated the efforts of the local unit of government to deal with it adequately. Except in its old-age insurance provisions, what the Social Security Act has done is to bring to bear the federal government's superior resources in wealth and in trained personnel to the aid of those state and local governments which adopt suitable measures for the assistance of these dependent classes. The measures themselves, however, are not new, and hence no effort has been made to scrutinize them in that detail with which state unemployment compensation laws were examined in the preceding issue. Instead, in the articles herein discussing old-age assistance, aid for dependent children, maternal and child welfare services, public health work, and pensions to the blind, emphasis has been placed on the conditions leading to the provision of federal aid, the basis on which it is to be extended, and the possible effects of the Federal Act on state and local programs. Two significant problems, common to all these measures, the problem of administrative organization and the problem of financing the requisite state and local expenditures, are dealt with in separate articles.

The provisions of the Social Security Act providing for old-age insurance are noted above as exceptional in character. These provisions represent an experiment in government which is as far-reaching in effect and, for this country at least, as novel in character as that embodied in the unemployment compensation system. Although

¹The table of contents of that issue is set forth in the advertisement facing the last page of this issue.

less complex in structure than the latter, the Federal Old-Age Insurance System presents problems of the first magnitude, and the first six articles in this symposium are devoted to their consideration.

The soundness and adequacy of these measures, however important and provocative a subject for discussion, are matters that can only be tested in experience. But that experience cannot be gained without the sanction of the Supreme Court. Whether the Justices of that tribunal will find the several titles of the Social Security Act within the powers granted to Congress by the Constitution and not in conflict with the inhibitions it imposes is a question which has led to sharp division of opinion among those expert in constitutional divination. The concluding articles of the symposium present the cases for and against the constitutionality of the Federal Act.

D. F. C.

J. Prentice Murphy, Executive Secretary of the Children's Bureau of Philadelphia and President-Elect of the National Conference of Social Work, had consented to prepare an article for this symposium when he was stricken by an illness which caused his death on February 2, 1936. Edgar Sydenstricker, Director of Scientific Research of the Milbank Memorial Fund, shortly after having completed his valuable article, "Public Health Provisions of the Social Security Act," died on March 19, 1936. The death of these leaders in the cause of public welfare deprives the nation of distinguished talents at a time when services such as theirs are sorely needed.