“WHO THEY ARE—OR WERE”: MIDDLE-CLASS WELFARE IN THE EARLY NEW DEAL

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INTRODUCTION

Class is all but invisible in contemporary American social discourse. At most, it is a fleeting image, a rarely detected underlayer to the complex texture of race, ethnicity, and gender that captures our society's attention. For many, America stands as the model of the classless society, one in which most people think of themselves as *middle* class (or at least as potentially so, with hard work and a little luck) and in which middle-classness is the socioeconomic face of “American-ness.”¹ The recognized exception, the chronic poor, is seen as an aberration rather than evidence of a general system of class in the United States.²

Similarly, American law does not recognize class. Constitutional equal protection doctrine and antidiscrimination statutes are the major mechanisms through which American law recognizes and re-

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¹ For a brilliant account of this phenomenon, focusing on the role of social science in its emergence, see OLIVIER ZUNZ, *WHY THE AMERICAN CENTURY?* (1998).

² See generally Deborah C. Malamud, *Engineering the Middle Classes: Class Line-Drawing in New Deal Hours Legislation*, 96 MICH. L. REV. 2212, 2213-15 (1998) (commenting on the invisibility of class in America).

dresses hierarchy in American society. Both are silent on the question of class.³ Welfare law advocates have utilized litigation and other mechanisms to argue that “the poor” is a legally significant group, that “poverty” is a suspect classification, and that welfare benefits are “new property” entitled to protection. Scholars have exhibited interest in addressing the question of how the law contributes both to the creation of cycles of poverty and to the social construction of poverty. But the very location of this work within poverty advocacy and theory has meant that it has drawn attention not to class as a general social phenomenon but to the aberrational nature of poverty and our social tolerance for it. Thus poverty is marked, middle-classness unmarked; poverty is figure, middle-classness ground. Poverty needs social, culture, and legal explanation. Middle-classness does not.

There is something familiar about these questions of figure and ground. Racial studies never used to pay attention to whiteness, assuming that white is just what “we” are and that “blackness” is the problem. Gender studies drew needed attention to issues of female gender but has only more recently started to look at masculinity as socially and legally constructed. For many years, labor historians focused almost exclusively on the historical experiences of the working classes, assuming, perhaps, that we already knew from experience all we needed to know about the middle classes. All these fields have benefited from their broadenings of focus to include close study of the “unmarked” ground against which social difference is perceived.⁴

³ I mean by this that class is neither a protected classification in antidiscrimination law nor a suspect classification in equal protection jurisprudence. I do not mean that the government could, for example, bar poor people from walking on public sidewalks because of their poverty. I mean only that any such policy would be subject only to rationality review. Then again, being subject only to rationality review has its advantages in an era in which the Supreme Court sees no difference between benign and malign discrimination. See Jed Rubenfeld, *The Anti-Antidiscrimination Agenda*, 111 YALE L.J. 1141, 1169-70 (2002) (explaining the consequence of applying strict scrutiny when whites challenge “a racial preference in the allocation of a government benefit”). For a nuanced account of what a general constitutional law of social hierarchy might look like, see J.M. Balkin, *The Constitution of Status*, 106 YALE L.J. 2313 (1997).

⁴ Examples of interesting current historical work on the middle classes include CLARK DAVIS, *COMPANY MEN: WHITE-COLLAR LIFE AND CORPORATE CULTURES IN LOS ANGELES, 1892-1941* (2000); THE MIDDLING SORTS: EXPLORATIONS IN THE HISTORY OF THE AMERICAN MIDDLE CLASS (Burton J. Bledstein & Robert D. Johnston eds., 2001); DANIEL J. WALKOWITZ, *WORKING WITH CLASS: SOCIAL WORKERS AND THE POLITICS OF MIDDLE-CLASS IDENTITY* (1999). For a broad foundational study, see STUART M. BLUMIN, *THE EMERGENCE OF THE MIDDLE CLASS: SOCIAL EXPERIENCE IN THE AMERICAN CITY, 1760-1900* (1989).

My project is directed toward both of the scholarly lacunae I have identified. My aim is to shed light both on middle-classness and the roles of law and the state in defining, maintaining, and validating it. At numerous points in modern American history, actors within the legal system have been required by their programmatic interests to develop a working understanding of middle-classness. Much of the state's exercise of police power involved (and still involves) the setting of enforceable behavioral standards aimed at making public life safe for the "respectable" people in society, with respectability modeled on the behavior of the white, native-born middle strata. Prohibition, first at the state and then at the federal level, was just one manifestation of this broader trend.⁵ On the federal level, the World War I draft presented an important occasion for Progressive-era social reformers to envision middle-classness and protect it from the mixing of the classes in the military.⁶ Indeed, it seems at times as if middle-classness simply became "American-ness"—with the government simultaneously helping to define a middle-class set of values and standard of living, to encourage immigrants to embrace it, and to protect people who had done so from the bad influence of those who had not.

The New Deal is a particularly fertile ground for the study of the middle classes and the law. During the New Deal, Congress adopted numerous social programs that put government actors in the position to make vital decisions about what it means to be middle class. Just as David Roediger has documented "the wages of whiteness" in America⁷—the societal value of whiteness and how it was fought for and won—I aim to show how the crafters and administrators of New Deal social programs had, and took, the opportunity to define the "wages"

⁵ See WILLIAM J. NOVAK, *THE PEOPLE'S WELFARE: LAW AND REGULATION IN NINETEENTH-CENTURY AMERICA* 152-89 (1996) (exploring the temperance movement as one of many forms of public-morals reformation). Novak observes, and rightly so, that "morals police was not simply a malleable arena for social-cultural struggle and definition. The legal structure of reform distinctly empowered certain definitions of public morality and silenced others." *Id.* at 154; see also *id.* at 313 n.64 (discussing antigambling regulations, and noting that "[c]lass tension and allegiance were at the heart of such antigambling sentiment, but jurists often dwelled more on the temptations to 'the middling ranks of life' than on the criminality of the 'horde of low gamblers'"). Another area of state protection of middle-class respectability was in bankruptcy, where some states provided generous homestead exemptions. DAVID A. SKEEL, *DEBT'S DOMINION: A HISTORY OF BANKRUPTCY LAW IN AMERICA* 41-42 (2001).

⁶ Cf. NANCY K. BRISTOW, *MAKING MEN MORAL: SOCIAL ENGINEERING DURING THE GREAT WAR 1-90* (1996) (explaining the progressives' moral philosophy in attempting to reform military troops and training camps).

⁷ DAVID R. ROEDIGER, *THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS* (1991).

of middle-classness. The central question is how key governmental actors decided what middle-class status was worth, not merely in terms of money (though of course money was crucial to all concerned), but also—and most importantly—in terms of dignity and honor.⁸ Or, to use a different academic vocabulary, my aim is to consider the role of the state as both a site for contestation and as a locus for the formation and dissemination of hegemonic messages about what it means to be middle class in America.

My larger project focuses on three major New Deal programs: wage and hour legislation (an already-published case study), federal welfare relief in its early years (this Article), and the then-new federal law of unionization (still to come).⁹ Each program presented administrations with a problem of class line-drawing affecting those in the middle of the socioeconomic range, broadly defined. In all three cases, the government actors focused on elements of present and past employment. In deciding who needed or was entitled to receive the benefit of these federal programs, administrators focused on the similarities and differences between different kinds of jobs or between the *types of people* who hold different kinds of jobs. Most often, the administrators' discourse and practice turned on the distinction between blue-collar and white-collar employment and its relevance (or lack thereof) to the program in question.

If there had been, in the period, a clear societal consensus that the color of one's collar was the key marker of one's social class, the governmental focus on the collar-color line would be relatively uninteresting. But no such consensus existed. During the early and mid-

⁸ For examples of work by other legal scholars whose interest in social distinction centers on honor and dignity, see DON HERZOG, *POISONING THE MINDS OF THE LOWER ORDERS* (1998); WILLIAM IAN MILLER, *THE ANATOMY OF DISGUST* (1997); James Q. Whitman, *Enforcing Civility and Respect: Three Societies*, 109 YALE L.J. 1279 (2000). During the New Deal, as now, the quest for money and honor did not always go hand in hand. For example, high-status workers paid (and still pay) a price in actual wages (namely, unpaid overtime) for their higher status and their concomitant exemption from the Fair Labor Standards Act's overtime requirements. See Malamud, *supra* note 2, at 2267-77 (discussing the wage-and-hour experiences of newspaper reporters).

⁹ I present each program as a separate case study, as the programs were created and administered with surprisingly little (if any) coordination. For the wage-and-hour study, see Malamud, *supra* note 2. If I were to expand the project, social security would be the next case study. It is not one of the original three largely because it began later in the New Deal than did the programs I examine in the first three case studies. My decision not to include the later years of New Deal relief under the Works Progress Administration (WPA), which grew out of the programs at issue in the present case study, has largely to do with the combination of the sheer mass and deplorable organization of the WPA collection in the National Archives.

1930s, lower-paid white-collar workers and higher-paid, skilled blue-collar workers were each engaged in battles over their status and their class alliances (not necessarily with each other, a point to which I will return in closing).¹⁰ At times, federal programs became sites for fighting those battles in true interest-group fashion; at times, the relevant groups were unorganized and government officials were themselves the most important articulators of group interests. Throughout, administrators' public statements and official actions validated some groups' self-perceptions and belittled others'. In doing so, administrators made two significant interventions into the social process of defining the American middle class. They placed the Roosevelt Administration's imprimatur on a vision of the American middle class in which white-collar work was the most salient determinant of middle-class status. And they helped to insure that both middle-class values (as they understood them) and the hierarchy that valorized them would survive the downward-leveling threat of the Great Depression.¹¹

Before I begin the historical account, a few methodological notes are in order. Class is a stunningly complex phenomenon in a society like ours, and it has consumed the energies of generations of sociologists—be they Marxian, Weberian, or eclectic in approach. For these scholars, the middle classes have proven to be the most complex theoretical puzzle in the field of class studies.¹² At any given historical moment, our lay, working definition of middle-classness includes elements of many factors, which tend to covary but fail to do so often enough to make the development of even a working definition difficult. Income, level of occupational skill, relationship to the means of production, white-collar versus blue-collar occupational status (themselves terms in need of definition), education, place of residence, pattern of consumption, the presence of a set of "values" identified with

¹⁰ For an important theoretical and historical account of the battles fought by white-collar workers during this period, see JURGEN KOCKA, *WHITE COLLAR WORKERS IN AMERICA, 1890-1940: A SOCIAL-POLITICAL HISTORY IN INTERNATIONAL PERSPECTIVE* (1980). The struggles of skilled blue-collar workers are well-documented in the labor history literature. For some examples, see JEFFREY HAYDU, *BETWEEN CRAFT AND CLASS: SKILLED WORKERS AND FACTORY POLITICS IN THE UNITED STATES AND BRITAIN, 1890-1922*, at 28, 50, 54-56 (1988); JAMES O. MORRIS, *CONFLICT WITHIN THE AFL: A STUDY OF CRAFT VERSUS INDUSTRIAL UNIONISM, 1901-1938*, at 162-63, 167, 175 (1985).

¹¹ This story obviously resonates with ongoing scholarly debates on the meaning of the New Deal. I will focus on these debates in a subsequent work (a book-length treatment tentatively entitled *The Middle Classes and the Law in the New Deal*).

¹² For a discussion of the history of theorizing the middle class, see Deborah C. Malamud, *Class-Based Affirmative Action: Lessons and Caveats*, 74 TEX. L. REV. 1847, 1862-63 & n.59 (1996).

middle-classness, and capital wealth (among other possible factors) all contribute to our sense of whether a person is middle class.¹³ So, importantly, do his or her race and gender.¹⁴ One might decide a priori that some of these factors are associated with “class” and others with “social status,” but efforts to separate the two have not been stunningly successful (to put it mildly) when dealing with American society in general and the American middle classes in particular. My theoretical orientation is an eclectic one, with a predisposition not to privilege any one factor as necessarily central, nor to presuppose that certain factors are capable of generating group self-consciousness and collective action while others are not.¹⁵ That makes for some sloppy language (do I mean “class” or “status”; is there one “middle class” or are there multiple “middle classes?”), but starting with categories that are too open-textured is better, when seeking cultural understanding, than starting with categories that pack too many important decisions into their very definitions.¹⁶

¹³ See *id.* at 1870-90 (delineating and discussing the elements that aid in the identification of an individual’s “class”).

¹⁴ For example, Census Director Alba Edwards defended the practice of using a jobholder’s race and gender to help determine the place of his or her job in the census’s occupational hierarchy. MARGO ANDERSON CONK, *THE UNITED STATES CENSUS AND LABOR FORCE CHANGE: A HISTORY OF OCCUPATION STATISTICS, 1870-1940*, at 42-44 (1980).

¹⁵ That predisposition stems from a certain kind of anthropological training, a concern with the distinction between the discovery of meaning systems and their imposition from outside. The notion that we ever do anything but impose meaning systems from the outside has become entirely unfashionable, of course. I will attempt to defend a method that aspires toward the impossible—at least in this instance—only by offering an example of what that method can produce.

¹⁶ By way of confession, I do note that the middle-class category is *somewhat* external to the discourse of the Federal Emergency Relief Administration (FERA). I came into my New Deal work with a preexisting interest in the middle classes, which I had explored in a body of work addressing issues of class and affirmative action. Most of my FERA materials refer to the “white-collar class,” or some such formulation rather than the “middle classes.” But at times there is reference, more generally, to the middle class. See, e.g., Harry Lurie, *An Evaluation of Social Work* 14 (Sept. 17, 1934) (unpublished manuscript presented at Proceedings of the Minnesota State Conference and Institute of Social Work) (on file with Franklin D. Roosevelt Library, Hyde Park, N.Y. (FDR Library)), Harry L. Hopkins Papers (HH) 9, *Speeches* 1934) (noting “a debasement of culture for all classes but more evident among the middle and upper economic classes”). For the many instances in which the “white-collar class” is equated with the “middle class” as a descriptor of people, jobs, or places, see, for example, Anne Evans, *Adjustment and the Dispossessed*, J. ADULT EDUC., June 1933, at 1 (on file with National Archives, Washington, D.C. (National Archives)), Record Group (RG) 69, FERA, Old General Subject Files (OGS) box 10, Education Gen. Corr. A-C file); Letter from Frederic A. Chase, Emergency Relief Administration, State of California, to Lorena A. Hickok 3 (Oct. 19, 1934) (on file with FDR Library, HH 67, Letters to

Questions of class are difficult not only for sociologists and historians, but also for governmental actors who are called upon (or who take it upon themselves) to understand and act upon conceptions of class in the course of their daily work. This dilemma is especially powerful for those, like government actors during the New Deal, who engage in class-related work in times of mass economic insecurity.¹⁷ Throughout my New Deal work, I have made it my job to question the motivations and assumptions underlying administrators' work on issues of class and the skill with which they used the information that was before them or was reasonably available to them through their disciplinary training (in, for example, economics, law, or social work). I hope to make it understood that in so doing I do not mean to tell a story about how they were "wrong." I intend, instead, to provide a sympathetic account of what happens when actors within the administrative state are called upon to do difficult cultural work with uncer-

Hickok); Letter from Wayne W. Parrish to Harry L. Hopkins, Administrator, FERA 1-4 (Nov. 17, 1934) (on file with FDR Library, HH 65, Survey of Conditions, Parrish N.Y.); Letter from Wayne W. Parrish to Harry L. Hopkins 2, 5, 12 (n.d.) (on file with FDR Library, HH 65, Survey of Conditions, Parrish N.Y.). There are also many instances in which the working population is described as consisting of the unskilled or the poor, the white-collar class, and the upper class, leaving out the existence of skilled blue-collar craftspeople altogether. *E.g.*, Martha Gellhorn, Camden, N.J. Field Report (Apr. 25, 1935) (on file with FDR Library, HH 66, Field Reports). The government's disregard for, and occasional blindness to, dignitary claims of skilled blue-collar workers was an ongoing feature of their work—a point to which I will return in the text.

In addition, it should be noted that the term "white collar" and the criteria for determining whether a project, job, or person was in fact "white collar" were never expressly defined within FERA. The term's status was contentious, as evidenced by the exchange between Charlotte Carr and Arthur Goldschmidt. Carr complained about being stymied in her efforts on behalf of the Governor of New York to survey white-collar relief: "Remember, I have not yet gotten a definition of what a white collar project is I am assuming from this that, at least as far as New York City is concerned, no standard has been established." Letter from Charlotte E. Carr, Director of Survey of Professional Projects, Governor's Commission on Unemployment Relief, to Arthur Goldschmidt, Acting Director of Professional Projects, FERA (Apr. 20, 1935) (on file with National Archives, RG 69, FERA, State Series (SS)/N.Y. box 204, Work Relief file). Goldschmidt dodged the question; he responded by discussing what makes for social desirability in a white collar project and what makes an unemployed person eligible for work relief, but his response said nothing about "white collar" or what a "white-collar project" is. Letter from Arthur Goldschmidt to Charlotte E. Carr 1 (May 10, 1935) (on file with National Archives, RG 69, FERA SS/N.Y. box 204, Work Relief file). The lack of a consensus vocabulary suggests that there was also a lack of consensus about the social reality the vocabulary aimed to capture.

¹⁷ For examples of works exploring downward mobility within a class-defined hierarchy, see BARBARA EHRENREICH, *FEAR OF FALLING: THE INNER LIFE OF THE MIDDLE CLASS* (1989); KATHERINE NEWMAN, *FALLING FROM GRACE: THE EXPERIENCE OF DOWNWARD MOBILITY IN THE AMERICAN MIDDLE CLASS* (1988); RICHARD SENNETT & JONATHAN COBB, *THE HIDDEN INJURIES OF CLASS* (1972).

tain social implications, often with their hands tied behind their backs by deficits in resources, time, and relevant training. That they bring the power of the state to bear on contested issues of social identity is simply fact, and cannot be avoided. Understanding how they do it, with what level of self-consciousness about the importance and implications of their actions, and with what consequences, is the central focus of my work.

I. INTRODUCING HARRY HOPKINS, FERA, AND THE PROBLEM OF WHITE-COLLAR UNEMPLOYMENT

The problem of unemployment loomed large during the Depression. Already-poor black agricultural workers, unskilled blue-collar workers, skilled blue-collar workers, and white-collar workers at all levels faced dire economic conditions: unemployment followed by the eventual exhaustion of their economic resources (if they were fortunate enough to have had any) and then by poverty. Their economic needs presented the government with the question of whether distinctions based on past (for the impoverished unemployed) or present (if past status survived unemployment) social and economic status should be the basis for differential treatment in the delivery of unemployment relief.

The key program for these purposes is the unemployment relief program administered by the Federal Emergency Relief Administration (FERA) and its successor agencies, all of which were under the authority of the legendary Harry Hopkins. To both friends and foes of the New Deal, Hopkins and his programs became emblematic of the New Deal itself.¹⁸ He and his closest staff, drawn from among progressively oriented social workers from around the country, worked incessantly and with little bureaucratic formality¹⁹ to shape a new welfare policy for the New Deal.²⁰

¹⁸ See, e.g., KENNETH S. DAVIS, *FDR: THE NEW DEAL YEARS 1933-1937*, at 81 (1986) (documenting that Hopkins's face became "famous in the land, the focus of immense admiration and virulent hatred"). Accounts of Hopkins and his activities during this period include HENRY H. ADAMS, *HARRY HOPKINS: A BIOGRAPHY* (1977); SEARLE F. CHARLES, *MINISTER OF RELIEF: HARRY HOPKINS AND THE DEPRESSION* (1963); JUNE HOPKINS, *HARRY HOPKINS: SUDDEN HERO, BRASH REFORMER* (1999); PAUL A. KURZMAN, *HARRY HOPKINS AND THE NEW DEAL* (1974).

¹⁹ See, e.g., KURZMAN, *supra* note 18, at 14 (noting that Hopkins hated paperwork and preferred oral communication); ARTHUR M. SCHLESINGER, JR., *THE COMING OF THE NEW DEAL* 271 (1959) (noting Hopkins's "unorthodox methods" and his perceived "loose fluidity of organization"); see also *id.* at 277 (noting Hopkins's "brusque efficiency"). For another account of Hopkins's informality, which was one of the rea-

When Harry Hopkins joined President Franklin Delano Roosevelt's administration as head of FERA, he was no stranger to the problem of white-collar unemployment. Hopkins, an Iowan and a social worker by training, had grown up as the son of a salesman whose business failed with every passing economic downturn.²¹ Drawn to social work as the secular extension of his mother's religious values, he came to New York City, rose through the profession, took a place in then-Governor Roosevelt's New York state welfare administration, and went on to become New York's Administrator of Relief.²²

New York's welfare administration was a pioneer in the governmental development of work relief for the employable unemployed. While working together in New York, Hopkins and Roosevelt had both been horrified by the demoralization caused by traditional indoor (poor house) and outdoor (mostly in-kind grants of commodities, e.g., food and coal) relief methods, and developed a preference for work relief. That work relief was significantly more expensive than direct relief because of the cost of materials, supervision, and administration was an accepted fact at that time.²³ Moreover, it was not the

sons for Roosevelt's fondness for and trust in Hopkins, see ROBERT E. SHERWOOD, *ROOSEVELT AND HOPKINS: AN INTIMATE HISTORY* 2 (1948) (statement of Raymond Clapper) ("Many New Dealers have bored Roosevelt with their solemn earnestness. Hopkins never does . . . Quick, alert, shrewd, bold, and carrying it off with a bright Hell's bells air, Hopkins is in all respects the inevitable Roosevelt favorite . . .").

²⁰ For accounts that detail the variety of Depression-era public works programs, see DORIS CAROTHERS, *CHRONOLOGY OF THE FEDERAL EMERGENCY RELIEF ADMINISTRATION, MAY 12, 1933, TO DECEMBER 31, 1935* (1937); NANCY E. ROSE, *PUT TO WORK: RELIEF PROGRAMS IN THE GREAT DEPRESSION* (1994); BONNIE FOX SCHWARTZ, *CIVIL WORKS ADMINISTRATION, 1933-1934: THE BUSINESS OF EMERGENCY EMPLOYMENT IN THE NEW DEAL* (1984).

²¹ For descriptions of Hopkins's background and the shifting financial fortunes of his family, see SHERWOOD, *supra* note 19, at 15 (describing Hopkins's father as "a charming, salty, . . . erratic and somewhat shiftless man," recounting that although he "was always . . . popular . . . [he] did not stay for long in any one place," and detailing that "[h]e had been, at various times, a newspaper 'carrier,' prospector, harness maker, traveling salesman and storekeeper, but his main interest in life was bowling, at which he was expert and from which he derived a good income from side bets"). For Hopkins's own account of his family background, see GEORGE T. MCJIMSEY, *HARRY HOPKINS: ALLY OF THE POOR AND DEFENDER OF DEMOCRACY* 38-39 (1987) (quoting Hopkins as saying, "[i]f Sinclair Lewis ever gets the complete history of the Hopkins family, he will make 'Main Street' look like ten cents"). For a general background of frequent business failure, credit overextension, and other such problems in American history, see EDWARD J. BALLEISEN, *NAVIGATING FAILURE: BANKRUPTCY AND COMMERCIAL SOCIETY IN ANTEBELLUM AMERICA* (2001).

²² For a discussion of Hopkins's career, see MCJIMSEY, *supra* note 21, at 15-32.

²³ For later assessments of the cost, see Press Conference with Harry L. Hopkins 5 (Feb. 19, 1934) (on file with FDR Library, HH 28, Press Conferences); Memorandum

social value of the product that was its main selling point: work relief projects were not supposed to compete with real work, so they could not consist of work that would have been done by private or governmental employees on a nonrelief basis. As one might expect under these constraints the actual social value of the projects was often contested.²⁴ Rather, the value was the moral value of work to the workers themselves. It made sense, then, that if clerical and professional workers were facing unemployment, definitions of appropriate work relief would have to include work they were physically able to do. It also made sense that since the whole purpose of work relief (in its 1930s guise) was the preservation of workers' morale and dignity,²⁵ the jobs assigned to white-collar workers would have to share what administrators saw as the most salient characteristics of their prior jobs—the work would have to be white collar. This view was not uniformly accepted by middle-class Americans: critics assailed white-collar programs both for their perceived low social value and for how different (and how much more desirable) the jobs were from the manual labor traditionally extracted from the poor in exchange for relief. This meant that white-collar work relief came at an especially high political cost. Despite that cost, white-collar workers were core participants in work relief in New York: “clerical and professional” projects constituted eleven percent of all New York Temporary Emergency Relief Administration (TERA) work relief projects as of June 1932.²⁶

from Corrington Gill to Harry L. Hopkins (Jan. 14, 1934) (on file with National Archives, FERA, NGS box 41, file 140).

²⁴ See JAMES T. PATTERSON, *AMERICA'S STRUGGLE AGAINST POVERTY, 1900-1944*, at 64, 107 (1994) (saying that this was particularly problematic for white-collar projects); Jon Elster, *Is There (or Should There Be) a Right to Work*, in *DEMOCRACY AND THE WELFARE STATE* 53, 75-76 (Amy Gutmann ed., 1988) (arguing that evidence from the work relief programs during the Great Depression provides support for his claim that “[t]here is something inherently self-defeating about the job subsidies whose sole and explicit purpose is to maintain the self-esteem of the recipients”). For early Temporary Emergency Relief Administration (TERA) consideration of all of these constraints, see TEMP. EMERGENCY RELIEF ADMIN., *FIVE MILLION PEOPLE, ONE BILLION DOLLARS: FINAL REPORT OF THE TEMPORARY EMERGENCY RELIEF ADMINISTRATION*, NOV. 1, 1931-JUNE 20, 1937, at 25 (1937).

²⁵ For an articulation by TERA of the difference between new and traditional rationales for work relief, see TEMP. EMERGENCY RELIEF ADMIN., *supra* note 24, at 26, which characterizes modern work relief as “a new start, entirely different from the poor relief.”

²⁶ See Press Release, Anonymous, New York Unemployment Relief: A Summary of the Activities of TERA, 11/1/31 to 6/1/32, at 4 (Sept. 6, 1932) (on file with FDR Library, HH 7, Plans and Suggestions for Relief 1932) (“Among projects employing white collar workers were clearing of public records, necessary clerical work which the unemployed perform in the relief bureaus and other welfare agencies, and traffic and

Certainly it would have been problematic for Hopkins to yield to political pressure and ignore the need of white-collar workers for appropriate work relief. But from his earliest days in Roosevelt's New York welfare administration, Hopkins went well beyond a call for equal treatment. From the very beginning, Hopkins developed the theory that white-collar workers (*all* white-collar workers, regardless of their previous levels of income) had an *especially* great need to have relief tailored to their special needs. They, more than other unemployed workers, needed to be provided work relief instead of direct relief; they, more than other unemployed workers, needed to be protected from the indignities of the welfare system, both for their own sakes and for the sake of the country's future. For them, to adopt the vocabulary of debates raging in our day, equal treatment required special treatment.

Hopkins's certainty that white-collar workers had special needs was neither the product of outside sources nor the result of successful interest-group lobbying by white-collar workers themselves. The social work journals and monographs of the period leading up to the New Deal had precious little to say about unemployed white-collar workers, and white-collar workers (especially those not in the professions) were essentially unorganized in the early 1930s. Instead, the agency's theory of the needs of white-collar workers was developed internally, the product of the shared assumptions of Hopkins and his aides—all, of course, themselves white-collar workers. The specialness of the white-collar worker was, for them, simply obvious.

Hopkins began expressing special concern for white-collar workers as soon as he took office. In a June 1933 letter to French writer André Maurois, Hopkins wrote:

All of a sudden probably beginning in 1932 we realized that we had people on our rolls who had never seen the need of relief before—clerks, engineers, auditors, architects, etc.—*presenting a new type of person requiring new technique*. We were accustomed to dealing with the incompetent, handicapped, underprivileged type of person; but here we got thrown in with this group.²⁷

topographical studies valuable to the local districts."); *see also* Franklin D. Roosevelt, What Should We Do Next to Fight Unemployment and to Help the Unemployed? Why? How?, Draft of a Planning Conference in the Executive Mansion of Albany (Apr. 1932) (on file with FDR Library, Small Collections, Oral History Project, Perkins: Drafts of Speeches) (noting a planning conference called by Governor Roosevelt, and reflecting the monitoring of unemployment among clerical workers).

²⁷ Letter from Harry L. Hopkins to André Maurois 3-4 (June 27, 1933) (on file with FDR Library, HH 39, Confidential Political file Ma-Mi) (emphasis added).

In this statement of the problem, there is an obvious gap. Were there really only two types of person on the American scene? Where was the industrial laborer in this picture? Were all industrial workers classified here as “underprivileged”? Did that category include unionized skilled craftsmen who could hardly have been called incompetent, handicapped, or underprivileged, and most of whom were also likely new to the relief rolls?

Hopkins’s statement came at the very beginning of his tenure—in late June 1933. Almost a year later, as Hopkins was contemplating the dismantling of the second stage of his relief program, the Civil Works Administration (CWA),²⁸ he had the following exchange at one of his frequent press conferences:

Mr. Hopkins:

....

One of the most important groups is the white-collar crowd, all over the country. I think that you have to determine that need through a different type of investigation as to need, than you do with the run of families. I am inclined to think that it should be done in a separate office for professional people, and in that office to have people who are of the professions, perhaps, to interview and to see these people and to talk with them, and I think it can be done. In fact, I know it can be done and in a way that will not offend the dignity of an unemployed person, on the one hand, and will, at the same time, protect our interests by not throwing away public funds on people who do not need it. . . .

. . . So I think we must have machinery that is not class distinction, but work distinction. I do not believe in setting up two relief offices, but it seems to me that this white-collar group constitute a different problem. If you are going to have, say, newspapermen, engineers, architects, doctors, or draughtsmen ask for relief, it calls for a new technique. . . .

....

Query:

But when they get onto the basis of need, they are no longer white-collar men, are they?

Mr. Hopkins:

That does not change the type of work they are fitted for and are looking for. . . .²⁹

²⁸ For further treatment of the CWA, see *infra* Part II.B.

²⁹ Press Conference with Harry L. Hopkins 2 (Apr. 6, 1934) (on file with FDR Library, HH 28, Press Conferences). For two accounts of this conference, see *Hopkins Maps “White-Collar” Aid Program*, WASH. POST, Apr. 7, 1934 (on file with FDR Library,

White-collar workers, for Hopkins, have a distinct character, a character they retain even when they are out of work and suffering financial need. Their distinct character, to Hopkins, necessitated differential treatment. For all of Hopkins's protestations to the contrary, a "work distinction" based on the type of work one is "fitted for" or "looking for" surely sounds like a "class distinction."

Yet at times, Hopkins and his staff took a broader view of who should be seen as new to the relief rolls. In an article for *The New York Times*, Hopkins described the unemployed as "carpenters, bricklayers, plumbers, engineers, architects, teachers, stenographers, and laborers—indeed, they represent a cross-section of all the industrial and so-called 'white collar' workers in the United States. It is doubtful if more than one in ten ever received relief before."³⁰ Elsewhere, in a radio-broadcast speech, his litany was similar:

Who are these fellow citizens? Are they tramps? . . . Take a good look at them, if you have not, and see who they are. . . . They are carpenters, bricklayers, artisans, architects, engineers, clerks, stenographers, doctors, dentists, farmers, ministers; the whole crowd is caught in this thing, the finest people in America. That is who they are—or were before they lost their jobs.³¹

Through this rhetorical turn, Hopkins argued that it is not just the white-collar workers who are "the finest people in America." Carpenters and bricklayers qualify too. Indeed, one of Hopkins's "personal" stories about the devastation of the Depression focused on a carpenter. He had a house, \$700 in savings, \$500 left on the mortgage, and a \$7000 paid-up life insurance policy. When he lost his job, he and his wife first lived on their savings, skimmed on their insurance premiums, started to borrow on their insurance and to take in extra relatives, then turned to refinancing their house. Eventually, once the grocer refused to extend credit, his wife "finally put her pride in her pocket" and sought relief.³²

HH 277, Clippings); Harry L. Hopkins, Address Before the American Red Cross Convention at the United States Chamber of Commerce Auditorium (Apr. 9, 1934) (on file with National Archives, RG 69, FERA, OGS box 57, Publicity file).

³⁰ Harry L. Hopkins, *The Gigantic Task of Winter Relief: What the Nation Is Doing to Aid the Millions Who Are Still Unemployed*, N.Y. TIMES, Sept. 24, 1933, at xx2 (on file with FDR Library, HH 272, Clippings).

³¹ Harry L. Hopkins, Emergency Relief in the U.S., Radio Address 1 (Oct. 11, 1933) (on file with National Archives, RG 69, FERA, OGS box 57, Publicity file).

³² *The War on Want: How It Is Being Fought—and Won!* (1933) (unidentified publication) (on file with FDR Library, HH 272, Clippings).

Similarly, when Aubrey Williams, a key Hopkins advisor, wrote a field report to Hopkins about the millions of needy families that were failing to apply for relief, his concern was not limited to white-collar workers:

They are too proud to ask for relief. They observe the amounts that are granted to persons who are found to be eligible for relief and they see the group that waits upon the relief officers and learn of the necessity of investigation, and apparently elect to go it alone rather than enter the relief lists. A careful observation convinces one that hundreds of thousands of these people representing, as they do, the best elements of the trades and skilled artisans are electing to allow their children to go hungry and exist in a state of destitution rather than accept relief.

. . . .

In conclusion, may I respectfully urge upon you that our treatment of the unemployment at the present time is untenable. Our program of relief is unacceptable to millions of the best people that we have got.³³

Williams echoed Hopkins's remarks that tradesman and skilled artisans qualified for heightened concern as "the best people that we have got"—at least if they, like white-collar workers, demonstrated a preference for the despair of poverty over the humiliation of relief.

There can be no doubt that the Hopkins administration's approach to relief was deeply humanitarian. Hopkins had a *broad* concern about the debilitating effects of relief on *all* of its recipients. But as a matter of belief as well as a matter of practice, the Hopkins administration showed a particular solicitude for the white-collar class. It expressed and acted on the belief that it was particularly hard for white-collar workers to deal with being on relief, and that it was particularly threatening to the post-Depression future of America to undermine the work skills and moral sensibilities of the white-collar worker.

The archival record suggests that Hopkins and his staff recognized that the special dignitary status of white-collar workers was not universally accepted within American society. Indeed, FERA administrators made efforts to mask the favored treatment of white-collar workers from public view. They feared that the objections of organized skilled blue-collar workers would, if these privileges were disclosed, lead to their undoing. This was not simply a matter of normal interest-group

³³ Memorandum from Aubrey Williams to Harry L. Hopkins 2, 6 (Oct. 30, 1933) (on file with FDR Library, Aubrey Williams Papers (Williams) 27, WPA-FERA Correspondence, Misc. 33-34, file 1).

politics, of handing out the spoils and then hiding the act behind smoke and mirrors. In normal politics, all groups' claims are equally legitimate, but inevitably some groups win and some groups lose. In contrast, we will see that the (often unstated) claims of white-collar workers were seen by FERA officials as legitimate; the anticipated objections and claims of skilled blue-collar workers were not. Thus, in the course of designing, implementing, and masking special protections for white-collar privilege, Hopkins and his staff reenforced the collar-color line as a dignitary line-in-the-sand, and did their best to render invisible the increasing dependency of white-collar privilege on governmental action.

II. A BASIC CHRONOLOGY OF NEW DEAL WELFARE RELIEF

Before we examine the Hopkins administration's treatment of white-collar workers more closely, it is useful to establish a basic chronology of the activities of FERA and related agencies in the early years of the New Deal. The white-collar situation is best understood against the backdrop of the agencies' general activities. While we are dealing here with different agencies, there is great continuity over time: Hopkins was always at the helm, and his long-serving core administrative staff was allocated to different positions as needs developed. Despite the different entities involved, we are dealing with the same minds directed toward the same basic task. After describing the major stages of the early years of the New Deal relief operation, I will turn in Part III to a review of the main white-collar issues that occupied Hopkins and his staff at each stage.

A. *The First FERA Period (May-November 1933)*

FERA was created by statute on May 12, 1933,³⁴ and Harry Hopkins was appointed to head the new agency on May 20. In June, Congress created the Public Works Administration (PWA),³⁵ and Roosevelt selected Harold Ickes to direct it. Both FERA and the PWA were authorized to implement programs of what one might broadly call "work relief." But PWA and FERA had sharply differing orientations toward the creation of work.

Ickes saw PWA's mandate as the building of large-scale public works—bridges, dams, and the like—at the highest engineering and

³⁴ Federal Emergency Relief Act of 1933, Pub. L. No. 73-15, 48 Stat. 55.

³⁵ National Industrial Recovery Act, tit. 2, Pub. L. No. 73-67, 48 Stat. 200 (1933).

work standards possible. Ickes's philosophy was that the PWA's major economic impact would come not by creating government jobs, but by purchasing large quantities of materials from private-sector sources. Private-sector employers would then respond by increasing their own production levels, and with it the size of their workforces.³⁶

Hopkins had a different vision—and the battles between Hopkins and Ickes over their differences are well documented.³⁷ Based on his New York experience, Hopkins was convinced that work relief was the least debilitating form of public relief—far better than grocery orders or even cash payments. The PWA, in his view, could never achieve the necessary levels of relief employment, precisely because PWA projects were too major to be organized quickly (or at least that seemed to be the case with Ickes in charge) and were too materials-intensive to make the hiring of large numbers of workers affordable. What was needed, in Hopkins's view, was an alternative program of relief work, managed directly by FERA in cooperation with the states, which would bypass PWA and recreate work relief as a mass solution to the problem of Depression unemployment.

From the very beginning, FERA began to solicit work relief projects from the states and approve them for federal funding.³⁸ At the same time, FERA established rules, regulations, and procedures for both direct and work relief. Applicants for relief would apply to local relief offices (under state jurisdiction) with authority to dispense FERA assistance, and office staff would determine their eligibility for

³⁶ *E.g.*, CHARLES, *supra* note 18, at 46, 54, 108-11; JOHN SALMOND, A SOUTHERN REBEL: THE LIFE AND TIMES OF AUBREY WILLIS WILLIAMS, 1890-1965, at 79 (1983); *see also* JAMES E. SARGENT, ROOSEVELT AND THE HUNDRED DAYS: STRUGGLE FOR THE EARLY NEW DEAL 6 (1981) (suggesting that Frances Perkins recommended Ickes for the PWA post precisely because she expected that he would be cautious in expending public funds).

³⁷ FDR had a significant part in provoking and maintaining the tension between the two. *See* DAVIS, *supra* note 18, at 210-11 (claiming that the manner in which FDR engendered conflict between Hopkins and Ickes, through his common practice of "blurred or actually duplicative assignments of authority among those who served him," manifested "a thin, steel-edged cruelty, a narrow and deeply buried streak of sadism which seemed to contradict his empathic sensitivity"). That Ickes's temperament was almost the exact opposite of what Roosevelt found appealing about Hopkins might well have had much to do with Hopkins's success in the Hopkins-Ickes wars. *See id.* at 212 (describing Ickes, nicknamed "Honest Harold," as "extremely touchy, vain, self-righteous, self-centered, but also extremely able"); *id.* at 470 (noting that although Hopkins was generally the winner, both Hopkins and Ickes suffered, physically and mentally, from the conflicts).

³⁸ For an account of FERA as a pioneer in cooperative federalism, *see* JAMES T. PATTERSON, THE NEW DEAL AND THE STATES: FEDERALISM IN TRANSITION (1969).

relief and establish, based on questioning and home investigation, a relief "budget" for each household—a total amount of aid needed "to prevent physical suffering and to maintain minimum living standards."³⁹ It was then up to the relief office to determine whether the applicant would receive aid (up to but not necessarily reaching budget levels, depending on the office's funding level) in the form of direct relief or work relief. All applicants had to go through this process, and there was considerable emphasis on making sure that investigators purged the relief rolls of those not in need.⁴⁰

If the local office determined that a work relief position was available, the applicant would be given the assignment to work a specified number of hours per week. With wage levels and maximum hours set for different types of jobs, applicants would be assigned "the number of hours of work relief," paid at the specified hourly wage, that was necessary to "provide for the budgetary needs of the family"—and no more.⁴¹ The "work relief basis" of work meant that work was spread among the unemployed and rationed carefully by the hour so that workers could earn their relief payments. Work relief jobs were not "real" jobs. The jobs were not full-time, they paid less than the hourly rates for similar work in the "real" job market, and they were temporary: they ended when the project ended, or even sooner if the recipient was found to be no longer in need (perhaps because someone else in the household had secured a "real" job).

FERA funded and had an administrative hand in both direct and work relief, but work relief was Hopkins's greatest area of personal concern. Projects were often criticized as make-work, and in the early months of FERA that criticism was fair. With few exceptions, FERA work relief projects had miniscule budgets for materials and for non-relief labor costs for skilled workers and supervisors not taken from the relief rolls (who were needed either because workers of appropriate skill were not available on the relief rolls, or because workers on relief would not be permitted to work enough hours effectively to perform these roles). Given the constraints, it was difficult to create work relief projects that could earn the respect of the public—or of the

³⁹ *Bans Relief Funds to Private Groups*, WASH. STAR, July 14, 1933 (on file with FDR Library, HH 272, Clippings).

⁴⁰ Report of Harry Hopkins (July 18, 1933) (on file with FDR Library, HH 43, Exec Council Reports).

⁴¹ FERA Rules and Regulations R. 4, § 3 (1933) (on file with FDR Library, HH 22, FERA Procedural Issuances—Rules and Regs 1933).

workers engaged in them. In this respect, too, relief work was not “real” work.

Hopkins did not spend much time visiting the states to view the actual implementation of FERA, but he had an elaborate network of field representatives whose job it was both to monitor and assist FERA implementation in the states and to report emergent problems back to Hopkins. In addition to his regular field staff, Hopkins developed the pattern, early on, of inviting independent journalists to serve as special investigators. These investigators had no implementation authority and were not part of any established chain of command. Their only job was to be Hopkins’s eyes and ears in the field, and they reported directly to Hopkins. Field representatives and state FERA officials were directed to give them free rein to speak to officials, relief clients, or anyone else they chose to meet. Among them was Lorena Hickok, a journalist who had covered Eleanor Roosevelt during the election and became her close friend.⁴² It is likely that FDR read some of the special investigators’ reports.⁴³

B. *The CWA Period (November 1933-May 1934)*

As the winter of 1933 approached, Hopkins persuaded FDR that it was time to try a new approach to work relief.⁴⁴ FDR created the CWA by executive order on November 9, 1933, under the authority of Title II of the National Industrial Recovery Act (the main purpose of which

⁴² This relationship is discussed extensively in 2 BLANCHE WIESEN COOK, *ELEANOR ROOSEVELT* (1992). Hopkins sent Hickok to Pennsylvania in late July of 1933, and she reported back to Mrs. Roosevelt: “I seem to have lost all of my individuality and to have become a kind of wax record for the recording of other people’s ideas and complaints and hopes. And it is the most interesting thing that has ever happened to me in all my life.” Letter from Lorena A. Hickok to Eleanor Roosevelt (Aug. 1933) (on file with FDR Library, Hickok).

⁴³ At the very least, FDR’s personal secretary had the indexed compilation of these reports that Hopkins prepared for him placed at his bedside. Letter from Harry L. Hopkins to Marguerite LeHand, Private Secretary for the President of the United States (Dec. 10, 1934) (on file with FDR Library HH 95, General Correspondence, President 1933-1940). The letter included an index with special-observer reports and the notation that “the President was anxious to go over these.” *Id.*

⁴⁴ Hopkins’s staff was pushing for an aggressive program of work relief, but Hopkins was hesitant in part because he knew FDR would fear organized labor opposition. Hopkins made the commitment to go forward when his aide Aubrey Williams got word to him, while Hopkins was on the road in Kansas City, that labor economist John Commons had just discovered from an 1898 clipping that AFL founder Samuel Gompers had once spoken in favor of work relief. *E.g.*, SCHLESINGER, *supra* note 19, at 269; SHERWOOD, *supra* note 19, at 52.

was the creation of the National Recovery Administration).⁴⁵ Much to Ickes's chagrin, FDR funded CWA with money taken from the PWA budget (funds that Ickes had been painfully slow in spending).⁴⁶ The decision to fund CWA from PWA's budget meant importing PWA wage standards into the Hopkins relief operation for the first time. As a result, CWA wages were considerably higher than FERA work relief wages. Additionally, during the CWA period, Hopkins and his staff initiated a separate program, the Civil Works Service (CWS), that was specifically aimed at generating more jobs for white-collar workers than the states were otherwise willing to generate under the CWA program.⁴⁷

The declared mission of the CWA was to create "regular work"—real jobs, not on a work relief basis—for four million of the unemployed. Half of these jobs were to go to individuals on relief as of November 1933; half were to go to individuals who were unemployed but not on relief. To get one of the two million nonrelief jobs, a person merely needed to show that he or she was unemployed. There was to be no investigation of an individual's economic need (e.g., to make sure assets had been spent down) and no investigation of whether other members of the family were working.⁴⁸

The decision to split the available CWA jobs equally between the relief and nonrelief unemployed was hardly self-explanatory: if funds were limited (as they indeed were), what was the justification for giving work relief to those who could not qualify for relief on the basis of need? FDR and Hopkins both believed that those who resisted going on relief were in some sense the noblest among those struggling to survive during the Depression and that they ought not to have their moral fiber weakened by being required to join the relief rolls in order to obtain "work." FDR, in a speech to governors, mayors, and CWA officials, discussed his belief that when people go on public assis-

⁴⁵ Exec. Order No. 6420b (Nov. 9, 1933), *microfilmed on Presidential Executive Orders*, Reel 10 (Trans-Media Publ'g Co.).

⁴⁶ See SHERWOOD, *supra* note 19, at 52 (discussing FDR's decision to use Ickes's PWA budget as the source for the CWA's funds).

⁴⁷ Because the CWS program used funds left over from FERA's appropriations, certain FERA rules applied to CWS jobs. CWS job holders had to be relief-eligible (although, in practice, they were not required to actually apply for relief). ROSE, *supra* note 20, at 48.

⁴⁸ See Harry L. Hopkins, Opening Address to the General Meeting of the Federal Civil Works Administration 56 (Nov. 15, 1933) (on file with FDR Library, HH 9, Speeches 1933) ("Now we are not going to get involved in any investigation business on these men not on the relief rolls.").

tance, “something happens to them mentally and the quicker they are taken off the dole the better it is for them during the rest of their lives.”⁴⁹ He continued:

We hope we can recruit 2 million from the ranks of people who perhaps ought to have been on the dole—perhaps people who were too proud to ask for assistance. In every community most of us know of cases—many cases—of families that have been living along, barely subsisting, yet too proud to go and ask for relief. We want to help that type of American family.⁵⁰

The moral justification for the policy was joined by a political justification—spin control. The administration wanted to present a picture of economic rebound. Everyone understood that it was hard to get off of relief once one entered the relief system. The more salient sign of the economic state of the country was the rate at which *new* cases entered the system. As Frank Persons, director of the United States Employment Service (a branch of the Department of Labor that worked closely with FERA on work relief issues), explained to CWA administrators, the best way to avoid creating new relief cases was to provide work to those not yet on the relief rolls:

Your dilemma, as I see it, Mr. Hopkins, is this: that the Public Works opportunities for employment shall become a means of diminishing relief rolls and not the unfortunate means of increasing the number on relief. In other words, this recruiting of labor must be so conducted that the avenue to the job is not through the relief offices, because if you have to go to the relief office to get a passport for a job you are going to have more applications for relief than you can accommodate on jobs, and the net result would be to increase your relief burdens.⁵¹

Persons recognized, however, that those already on the rolls would have reason to complain about this policy. If the message of the CWA was that being on the relief rolls was *properly* viewed as stigmatizing (for what else does it mean to declare that “something has happened to a person mentally” that cannot be reversed?), how were those already on the rolls to feel about being trapped there while others who might well be less needy were getting jobs? As Persons explained,

⁴⁹ *Roosevelt's Talk to US Relief Workers*, MINNEAPOLIS J., Nov. 16, 1933 (on file with FDR Library, HH 277, Clippings).

⁵⁰ Franklin D. Roosevelt, Address to Relief Workers at the White House (Nov. 15, 1933), in *Roosevelt's Talk to US Relief Workers*, *supra* note 49.

⁵¹ Frank Persons, Comments at the Executive Meeting Held During the General Meeting of the Civil Works Administration 38 (Nov. 15, 1933) (on file with FDR Library, HH 9, Speeches 1933).

[I]f it is said naively that this is a constructive and preventive enterprise and we give preference to employment to those that have been self-sustaining, then those unfortunates who have had to take relief will say, "We have been abandoned to a pauper class."⁵²

The problem was not merely that half of the CWA jobs were reserved for people not on the relief rolls. There was also cause for concern that because the program created full-time jobs at closer-to-market wages, a fixed amount of work relief money was being shared among fewer people. An Illinois CWA official highlighted the depths of these concerns: "[Y]ou are making reds out of the seventy five percent of the unemployed unable to get on the payrolls. . . . [T]his work should be passed around."⁵³

Despite these problems of distributive equity, the CWA was enormously popular with large segments of the American public, and Hopkins was deeply committed to it. But it was expensive, and ultimately it lost FDR's support. Part of the problem was that once work relief jobs looked like real jobs, opponents of the relief operation were more justified in criticizing the poor quality of some of the work programs. Hopkins, however, never lost his orientation toward quantity rather than quality as the benchmark for a successful jobs program. He complained, for example, that the head of relief in Pennsylvania was being too fussy about program quality and insisted that he "take projects on a temporary basis which are only 75% as good as those which he is now using as his lower limit," or else lose his funding.⁵⁴ But even more significant was the pure cost of the program. The average CWA wage was fifty dollars per month,⁵⁵ which was much higher than previous per-person relief costs (estimated at twenty to thirty-five dollars per month).

Hopkins, at FDR's request, advocated to Congress that the CWA be discontinued. Like the team player he was, Hopkins stated to the public that the administration had always intended the program to be

⁵² *Id.*

⁵³ Telegram from T.B. Steele, Crawford County Chairman, CWA, to Jacob Baker, Assistant Administrator (Dec. 12, 1933) (on file with National Archives, CWA SS/III, box 17, Complaints file, S-Z).

⁵⁴ Memorandum from Julius F. Stone, Director of Federal Projects, FERA, to Harry L. Hopkins 2 (Dec. 8, 1933) (on file with National Archives, RG 69, FERA OGS box 19, Interoffice Memoranda file).

⁵⁵ Memorandum from Harry L. Hopkins to Franklin D. Roosevelt 1 (Dec. 12, 1933) (on file with FDR Library, HH 95, General Correspondence, President 1933-1940).

a temporary measure, to end with the coming of the spring of 1934.⁵⁶ But the rhetoric and the reality of the CWA—the claim that only CWA jobs were “real” jobs, and that the taking of any other form of work relief or (even worse) direct relief should properly cause “the best people in America” to feel deep shame—made the process of winding the program down a difficult one, both for those losing CWA jobs and for those implementing the return to a form of relief they had so recently denounced.

C. *The Second FERA Period (April 1934-May 1935)*

With the return of FERA, work relief jobs were to go exclusively to relief clients. The transition from CWA to FERA created a need to determine the relief eligibility of millions of workers in the shortest possible time. The resulting chaos is well described by the head of New York’s TERA as follows:

[On] the basis of the questionnaire, persons were transferred to a work relief basis from civil works on the first of April. . . . [I]t was not possible to investigate these 160,000 cases but . . . the rolls were reduced by 30,000 and later 10,000 persons returned upon reinvestigation; . . . the facilities for investigating relief applicants were entirely inadequate.⁵⁷

For CWA workers who had never been on relief, the “questionnaires” that had long been standard for determining relief eligibility came as a shock. Applicants were required to prove both their own indigency and the unavailability of support from relatives inside and outside the household. An uproar went up about the indignities of being asked to sign the “pauper’s oath.” Thus the transition from CWA back to FERA was difficult not only administratively but also politically.

In sum, there were three distinct periods within the two-year lifespan of FERA and the CWA. The different rhetorics, eligibility rules, wage structures, and implementation procedures in each of these three periods provided ample opportunity for Hopkins and his staff not only to attempt to meet the needs of the unemployed white-collar worker, but also to construct and reconstruct their understand-

⁵⁶ *Id.* at 1-2.

⁵⁷ Minutes of Meeting of the Temporary Emergency Relief Administration (June 22, 1934) (on file with National Archives, RG 69, FERA, SS/N.Y. box 209, TERA Minutes file); *see also* Memorandum from Arch Mandel, Field Representative, to Aubrey Williams (Aug. 2, 1934) (on file with National Archives, RG 69, FERA, SS/N.Y. box 200, Field Reports file) (discussing investigations in New York of those on work and direct relief designed to remove cases where relief had been inappropriately awarded).

ings and public messages about those needs and about the legitimacy of meeting them.

III. THE WAGES OF WHITE-COLLARNESS IN FEDERAL RELIEF

What privileges were accorded white-collar workers in the design and implementation of federal relief? I will address this question by proceeding thematically rather than chronologically.

A. *Efforts to Create White-Collar Work Projects*

Whenever the subject of work relief was on the agenda, Hopkins and his staff made special efforts to generate projects that would hire substantial numbers of white-collar workers to do white-collar work. This was at the core of the protection of white-collar dignity: Hopkins was committed to the view that of all workers,⁵⁸ white-collar workers were the most sensitive to the difference between direct relief (however and in whatever amounts granted) and work relief, and could only reasonably be expected to accept the latter.⁵⁹

⁵⁸ At the Conference of State Directors, National Emergency Council, Hopkins gave a speech in which he stated:

When there is work relief you will find a higher percentage, because there are literally hundreds of thousands of people that won't take this direct relief, though they will take work relief, even though it comes out of the same money. They consider it work and they make the distinction, whether we do or not. They are not ashamed to tell their friends they are getting work, but they are ashamed to tell their friends they are getting grocery orders.

Harry L. Hopkins, Address at the Conference of State Directors, National Emergency Council 160, 162 (Feb. 1, 1934) (on file with FDR Library, HH 47, Report: Conference of State Directors Emergency Council). Note that conflicting evidence exists that suggests white-collar workers knew relief jobs, even CWA jobs, weren't real jobs, and that they were reluctant to take them. As Hickok noted:

It is quite apparent that the majority of those now coming on the relief rolls have exhausted every possible resource. They don't take to relief with much pleasure. As a matter of fact, I know personally people in the white collar group—and you probably do, too—who have been eligible for relief for months, who were certainly eligible for CWA or CWS jobs, but who wouldn't apply for them. They don't want "that kind of job." They are pretty bitter, too, some of them, and when they are finally forced to apply for "that kind of job"—and don't get it—they are dangerous.

Letter from Lorena A. Hickok to Harry L. Hopkins 2 (Feb. 18, 1934) (on file with FDR Library, HH 68, Lorena Hickok Reports).

⁵⁹ Lizabeth Cohen, in her masterful study of the New Deal in Chicago, adopts this notion without much support—even citing as support a re-analysis of Indiana data that the author himself did not claim showed meaningful differences between white-collar and nonfarm blue-collar workers. See LIZABETH COHEN, MAKING A NEW DEAL: INDUSTRIAL WORKERS IN CHICAGO, 1919-1939, at 270-72 (1991) (citing John Modell,

As a general rule, federal relief administrators relied upon the states to generate work relief projects. The states did utilize white-collar workers, disproportionately using the states' allotment of nonrelief jobs on them during the CWA period.⁶⁰ Nonetheless, Hopkins was convinced that the states were not meeting the full extent of the need for white-collar jobs. He thus created a special Federal Projects program to solicit white-collar projects from federal agencies.

This move was controversial for a number of reasons. The Federal Projects program did not require federal agencies to provide evidence that their projects involved work that would not otherwise be done by workers on the agency's own payroll. The most significant of the projects were therefore subject to the criticism that they were taking away "real" federal jobs. Precisely to avoid that concern, Hopkins and his staff often approved research projects that leaned too far in the other direction, yielding research so esoteric that it subjected Hopkins to highly publicized criticism. Indeed, the now common term "boondoggle" emerged out of the subject matter of one Federal Projects research project, and stuck to the entire program like glue.⁶¹ White-collar projects were also objectionable because, of all federal works projects, they were the most removed from the older, more conservative model of using unpleasant, physically taxing "work" as both a test of relief recipients' willingness to work and as a punishment for their need of relief. White-collar jobs were cushy compared to the construction labor that so typified work relief for the working classes. Finally, still another reason for controversy over the Federal Projects white-collar programs was that many of the beneficiaries were single

Public Grievs and Personal Problems: An Empirical Inquiry into the Impact of the Great Depression, 9 SOC. SCI. HIST. 399 (1985)).

⁶⁰ Hopkins stated, "You will not find the 50-50 breakdown among the white-collar crowd. My hunch is that it will be around 75-25." Press Conference with Harry L. Hopkins 3 (Apr. 6, 1934) (on file with FDR Library, HH 28, Press Conferences).

⁶¹ During one of Hopkins's press conferences, a questioner stated that "[Rexford] Tugwell recommended a design for a boondoggling badge and suggested that you wear it." To this Hopkins replied, "I wear it? We only have six people working on that thing. It is amazing the fuss they make over six people. The *NY Times* beat everybody with that story." Press Conference with Harry L. Hopkins (Apr. 11, 1935) (on file with FDR Library, HH 29, Press Conferences). Another controversial project involved the tracking of rainfall in Russia. See Memorandum from Julius F. Stone to Harry L. Hopkins 1 (Dec. 22, 1933) (on file with FDR Library, HH 49, Federal Projects file) (providing Hopkins with an amplified copy of the approved federal projects, including a study involving "the compilation and analysis of the data on temperature, rainfall and wheat yield in Russia").

women—rather than male heads of families⁶²—and were thus likely to be viewed by the public as less worthy of relief.

The argument can certainly be made that in their solicitude for the creation of white-collar work projects, Hopkins and his staff were merely making up for the political unpopularity of white-collar relief at the state level and remedying the concomitant unwillingness of state officials to meet the legitimate work relief needs of this group. “Special treatment” really *might* just have been, at least in this instance, a means of providing equal treatment. But it is also possible—and I think probable—that there was some truth to local officials’ concerns that the white-collar workers receiving jobs under CWS programs were not in as dire need as were many direct-relief recipients who had lost out in the competition for scarce CWA jobs. As one of Hopkins’s field representatives reported:

Such C.W.S. projects as surveys of use of leisure, calling for hundreds of college people as workers come to relief directors with a great sense of injustice when relief funds are low.

Persons arriving in motor cars to work on C.W.S. projects make it hard for relief directors to justify sub-standard relief grants to families.⁶³

That Hopkins was so willing to use stealth tactics in providing work for the white-collar classes while cutting jobs for blue-collar workers also seems inconsistent with the mere-equality theory behind his commitment to white-collar projects. Given the chaotic conditions of the demobilization of CWA in the spring of 1934, many CWA workers were being removed from relief jobs who might well have proven eligible for relief work under stricter FERA standards. Both blue-collar and white-collar CWA workers who had obtained CWA jobs without being on the relief rolls were in this situation. But Hopkins was most concerned with the transition’s likely effect on white-collar workers: he placed numerous calls to state officials to monitor the effect of demobilization on white-collar workers and asked his field in-

⁶² See, e.g., Procedural Issuance from Harry L. Hopkins to the State Emergency Relief Administrations (Nov. 29, 1933) (on file with FDR Library, HH 23, FERA Procedural Issuances) (instructing “that women are [to be] employed wherever possible” on Federal Projects).

⁶³ Alabama Field Reports from Edith Foster to Harry L. Hopkins 2 (Jan. 9-14, 1934) (on file with FDR Library, HH 56, Narrative Field Reports file, Alabama). Foster’s report also notes complaints that the work being done was not important and that it would not have been done otherwise. Note that the contrast between “persons” and “families” implies that CWS workers were less likely to be heads of households than were other workers—an observation that is consistent with the heavy representation of single women in CWS work.

investigators to report back to him on the white-collar situation around the country.⁶⁴ In a series of telephone conversations Hopkins initiated with Frederic Daniels, New York State's head of public relief, Hopkins responded to reports from William Hodson, New York City's welfare administrator, of demobilization-related cuts in white-collar relief jobs:

Hopkins: Fred, how many people do you think over and above those working now on your work program would you need if you were going to meet this situation and especially for white-collar people? How many more people do you think ought to have work opportunities?⁶⁵

To this, Daniels expressed the need for 100,000 additional jobs in the state as a whole and added that 50,000 would help take the heat off.⁶⁶ The conversation continued three days later:

Hopkins: I want to talk to you about getting the heat off up there. I feel more and more that we probably are throwing off Civil Works a lot of white collar people who are broke and who have got a pretty good case against us. The question in my mind about New York City is how many people it would take to take the heat off this thing with Hodson and whether or not we shouldn't do it right away and whether or not there should be no publicity—without any statement from your office to him that an appropriation has been made. You might find that Hodson would say if he could put four or five thousand to work that this heat would get off.⁶⁷

* * *

Hopkins: I think this thing is pretty serious. Did you talk to Hodson? I am afraid if we do him any good it will all break into publicity.

Daniels: I think we could ease into the picture about 5,000 people in the white collar group. I think we should be careful to not encourage any new stuff and awfully careful not to give these people new hope and then later discourage it.

⁶⁴ See, e.g., Telephone Conversation Between Harry L. Hopkins and Mr. Book of Indiana (Apr. 4, 1934) (on file with FDR Library, HH 38, Confidential Political file) (relaying a conversation in which Hopkins inquired into whether Book could adequately take care of the white-collar people in Indiana); *Federal Envoy Looks over Relief Situation: Projects Here Held Up*, BIRMINGHAM AGE HERALD, Apr. 3, 1934 (on file with FDR Library, HH 277, Clippings) ("Miss Hickok also, it was learned, showed special interest in the plans to care for the 'white collar' and professional men thrown back on the unemployed list with the cessation of CWA.").

⁶⁵ Telephone Conversation Between Harry L. Hopkins and Fred Daniels 1 (Apr. 4, 1934) (on file with FDR Library, HH 76, Transcripts).

⁶⁶ *Id.*

⁶⁷ Telephone Conversation (First) Between Harry Hopkins and Frederic Daniels 1 (Apr. 7, 1934) (on file with FDR Library, HH 76, Telephone Conversations with State Administrators, N.Y. no. 1)

Hopkins: I see that—no publicity. . . .

. . . .

Daniels: What about the labor people?

Hopkins: I should think this stuff that you are going to let Hodson do should be confined to white collar people.

Daniels: I think so too. Bill has to loosen up and be realistic and if necessary, give these people grocery orders if they need them.⁶⁸

In other words, white-collar and blue-collar workers faced the chaos of CWA demobilization together. Many white-collar workers, along with many blue-collar workers, were being thrown out of CWA jobs despite the fact that they were relief-eligible and therefore entitled to work even under the stricter rules of the incoming FERA program. But Hopkins's concern with white-collar workers was so great that he was willing to create five thousand new white-collar jobs while at the same time eliminating the CWA jobs of the "labor people" and moving them to the most humiliating form of direct relief—the grocery order—all on the condition that it be done secretly.⁶⁹ This hardly sounds like mere equality of treatment.

Nor was special treatment of white-collar workers in New York a one-time thing, precipitated by the immediate CWA demobilization crisis. As late as April of 1935, the head of FERA white-collar and professional programs, Arthur Goldschmidt, acknowledged in correspondence with a New York State government official that "[t]he situation in New York you will find does not conform to the general policy established regarding these people. This arises out of the fact that New York has never completely abandoned the Civil Works program which provided full time employment."⁷⁰

⁶⁸ Telephone Conversation (Second) Between Harry Hopkins and Frederic Daniels 1 (Apr. 7, 1934) (on file with FDR Library, HH 76, Telephone Conversations with State Administrators, N.Y. no. 1).

⁶⁹ TEMP. EMERGENCY RELIEF ADMIN., *supra* note 24, at 35-36 (indicating that New York did not allow home relief in cash form until 1934, via amendment to the 1931 Wicks Act).

⁷⁰ Letter from Arthur Goldschmidt, Acting Director of Professional Products, FERA, to Charlotte Carr, Director of Surveys of Professional Projects for the Governor's Commission on Unemployment Relief (Apr. 5, 1935) (on file with National Archives, FERA, SS/N.Y. box 204, Work Relief file).

B. *Relief Budgets*

Both for purposes of direct relief and of FERA needs-tested work relief, a central question raised by the task of relief administration was how to determine how much relief each family or person needed. The rhetoric of federal relief was that each family (or person, if the recipient was single) would receive enough to live at a minimum standard of decency,⁷¹ but no more. There was no mention by Hopkins and his staff in their public statements that this minimum standard of decency would differ depending on the prior occupation of the applicant. Yet consistently, and for the most part silently, federal relief policy was to set family budgets higher for white-collar workers than for blue-collar workers, regardless of their prior incomes.

The two main reasons for the award of higher family budgets to white-collar workers are hard to disentangle. One was that white-collar workers were a different (and better) kind of *person*. The other was that white-collar jobs were a different (and better) kind of *job*. Both pointed in the same direction: more money for white-collar workers.

First, white-collar government officials could see the dignitary loss that would come from failing to consider past living standards for white-collar workers, but failed to see that loss for blue-collar workers. That was in part because *all* blue-collar workers (and *no* white-collar workers) were understood to be veterans of the receipt of relief during past depressions and economic downturns who, therefore, were used to living with lessened resources for periods of time. It was also in part because administrators were not sensitive to the important symbolic value of certain non-“necessities” purchased by blue-collar workers—for example, burial insurance.⁷² Thus in this case, ideas about the differentness of white-collar *people* were the driving force behind the special treatment they received.

⁷¹ See, e.g., *Data on Needy Given Meeting by Roosevelt*, WASH. HERALD, June 15, 1933 (on file with FDR Library, HH 272, Clippings) (quoting FDR as discussing the number of families missing “the necessities of life”); Release on Work Relief for Unemployed Teachers (Aug. 23, 1933) (on file with FDR Library, Official File (OF) 444, box 1, FERA 1-8/33) (focusing on the provision of the necessities of life to unemployed teachers and confining the relief funds to the minimum needs of the teachers); Harry L. Hopkins, Radio Address (Nov. 27, 1933) (on file with FDR Library, HH 9, Speeches 1933) (“These fifteen million people in America were on a standard of living that nobody would say is a decent American standard.”).

⁷² COHEN, *supra* note 59, at 264.

Another reason for the higher white-collar budgets relates back to the subject matter of my wage-and-hour case study: the perception of white-collar work as unsuitable for work-spreading strategies (i.e., strategies, like hours restrictions and overtime requirements, aimed at allowing more people to share in the available work). Whenever work relief was needs-tested, the extent of a worker's need determined the number of hours he or she could work. Much relief work was therefore part-time. But very early on it was decided that certain kinds of work could only be done properly on a full-time basis—that certain jobs could not be divided among multiple workers. At first, this claim was made only for supervisory relief work.⁷³ Soon, however, *all* white-collar work came to be seen as presumptively nondivisible. This perception, in turn, made the states more reluctant to design white-collar work projects.

Hopkins and his Washington-based staff responded to this problem by instructing local-level relief-office workers that they should consider white-collar workers' previous standard of living in determining their need (and therefore in setting their working hours)—a policy that applied *only* to white-collar workers.⁷⁴ In addition, Hopkins's staff made special efforts to generate white-collar relief jobs in *federal* agencies, and stressed in their correspondence with agency officials that white-collar budgets were high enough to permit full-time work.⁷⁵

⁷³ As illustrated in this letter:

We are anxious to provide suitable work relief for the ever increasing numbers of people with clerical and professional training who are being forced on to the relief rolls. Continuity of supervision is particularly necessary on work relief projects if good work is to be done, owing to the fact that the workers themselves are staggered or rotated. Continuous service is understood not to exceed 40 hours per week. In order that persons in the clerical and professional group may be employed continuously as supervisors and in other ways, where continuous service is required, this office has advised in every case in which an inquiry has been made that the state relief administrations are justified in taking account of the prior standard of living in determining budget deficiencies.

Letter from Jacob Baker to All Governors and State Emergency Relief Administrators (Oct. 30, 1933) (on file with National Archives, FERA, OGS box 12, Form Letter).

⁷⁴ See Memorandum from Jacob Baker to Field Representatives (Sept. 14, 1933) (on file with National Archives, FERA, OGS box 57, Reemployment, General file) (noting that FERA had ruled that a high-class person on relief rolls may be granted higher payments).

⁷⁵ For the ability to provide full-time work as central to the policy, see *id.*, which notes that "[u]nder this ruling, from 30-40 hours of work per week can be given and the necessity for 'staggering' considerably diminished." For correspondence with federal officials, see, for example, Letter from Jacob Baker to the Bureau of Biological Survey in the Department of Agriculture (Sept. 22, 1933) (on file with National Ar-

This policy advantaged white-collar workers in three ways. Hopkins could more easily convince agencies to devise work relief programs for white-collar workers because the projects would run more efficiently due to the full-time status of the white-collar workforce. White-collar workers could more readily believe they were being given “real” jobs rather than relief—a belief that the agency perceived as necessary to the preservation of their dignity—even when in fact jobs were needs-based. And, most obviously, the policy put more funds into the hands of white-collar workers simply because they were white-collar.

Even with a variety of projects in place to improve the financial situation of white-collar workers in need of relief, Hopkins’s field investigators reported their perception that too little was being done. In the South, in particular, Hopkins’s premier field investigator, Lorena Hickok, reported and largely endorsed the view among white-collar workers that they were in direct conflict with blacks and Mexicans for relief funds, and that the solution was to cut minority workers from the rolls and redistribute the money to them. Hickok reported from Alabama:

To white collar people it’s damned important to live in a decent house or apartment, in a decent neighborhood. I honestly believe that, if we force them to give that up, we shall, in many, many instances, either break their morale completely or make Communist leaders out of them.⁷⁶

Hickok further reported that white-collar workers complained that they’ve even “gone out and competed with Niggers to get jobs” and that they “couldn’t afford [to] have a Nigger come in and [wash the diapers].”⁷⁷ To which Hickok remarked, “[But w]e can hardly increase their allotments. Hardly, with the unions howling bloody murder” for an increase both in hourly rate and number of hours per week for skilled labor.⁷⁸ Hickok filed similar reports from Texas:

If we continue to take on in San Antonio as many Mexicans as we now are—and in other parts of the South as many Negroes—it seems to me that we are forcing white people, especially white collar people, who are very apt to give us trouble, down to Mexican and Negro standards of liv-

chives, FERA, OGS box 82, Work Relief, Federal Projects file), in which Baker requests projects for “clerical and professional people” and notes that “[t]he need of many of them is so great that we can pay them enough wages on work relief to enable them to work for you continuously.”

⁷⁶ Letter from Lorena A. Hickok to Harry L. Hopkins 2 (Apr. 2, 1934) (on file with FDR Library, HH 68, Lorena Hickok Reports).

⁷⁷ *Id.* at 2-3.

⁷⁸ *Id.* at 3.

ing. If we had the money, of course, it would be nice to force Mexican and Negro standards of living up to white standards. But have we? The more I think about it, the more I'm convinced that something ought to be done to clean up those Mexican and Negro case loads by thorough reinvestigation and that, as far as possible, we should force them to go back to [low-paid agricultural] work by withholding relief—even though it may be forcing them back into peonage. What else can we do? . . . [I]f we want to get them off our relief rolls, to make room for white people—urban dwellers, who really ARE out of work and who are not going to be even half way happy on an inadequate relief—the only thing we can do, as I see it, is to make them take whatever work they can get.

. . . .

You'll probably think I'm getting to be a hardhearted old Bourbon. Well, I'm no more hard hearted than are the case workers and case supervisors who are handling this job. They—and I—are thinking about these white people, especially the white collar people. And we are worried. Plenty worried.⁷⁹

* * *

We might, of course, set up two standards of relief, one for Mexicans and Negroes and one for whites. (It's actually been done, quietly, in some places.) But I don't see how the Federal Government could go in for that sort of discrimination.⁸⁰

There is no reason to doubt that Hickok accurately reflected the views of those she interviewed. In the South, "whiteness" was the mark of entitlement, and the white-collar workers were the "whitest" of all workers—both in practical and in symbolic terms. The more the class system was expressly racialized, the more likely it was that relief administrators at the local level would anticipate and honor the claims of white-collar workers, especially if workers of color could be made to bear the costs. Making this trade-off was not official FERA policy. Indeed, as we will see, and as Hickok's comments reflect, Hopkins's administration opposed race discrimination. But there is every reason to believe that, at the local level, the perception of white-collar workers as whiter-than-white worked in their favor when funds were short and no one from Washington was looking.

⁷⁹ Letter from Lorena A. Hickok to Harry L. Hopkins 4, 6 (Apr. 17, 1934) (on file with FDR Library, HH 69, Letters from Hickok).

⁸⁰ Letter from Lorena A. Hickok to Harry L. Hopkins (Apr. 25, 1934) (on file with FDR Library, HH 69, Letters from Hickok).

C. *The Relief Certification Process*

There was a very strong rhetoric in all of Hopkins's public speeches that being required to apply for relief was an injury to dignity for *all* workers, but even more so for white-collar workers. The most traumatic element of going on relief was understood to be the relief investigation itself. Applicants would wait in long lines, often outdoors and in foul weather; they would find themselves waiting even longer inside crowded and ill-furnished relief offices; they would be asked highly personal questions about why they lost their jobs, about their finances and those of any relatives who might be able to support them, and about their remaining assets. They might, at certain times and in some places, be required to swear to a "pauper's oath": a statement under oath that they could no longer support themselves and their families. This very process, Hopkins and his staff thought, was a dangerous threat to morale—but especially to the morale of the white-collar worker.

For workers able to secure CWA jobs without going on the relief rolls,⁸¹ the CWA had solved the problem of the humiliating relief-application process. They only needed to go to their local reemployment office (a program administered by the labor department) or, in some times and places, to their local union hall and ask for a CWA job. But for those applying for the fifty percent of CWA jobs reserved for those on relief, CWA did nothing to change the relief-application process. White-collar workers applying for jobs under the CWS program also had to qualify for relief on a needs basis (because CWS funding was drawn from FERA, which was a needs-based program, while CWA funding was drawn from Harold Ickes's Public Works Administration, which was not needs-based).⁸² For these groups of white-collar workers (and *only* for white-collar workers), Hopkins and his staff struggled to provide a dignity-preserving way to allow them to obtain needs-based work relief.

As part of the CWS program, Hopkins and his staff developed a plan to create (but not generally publicize) a special application process for professional workers:

A special set-up for handling professional people will be suggested that will regard need and entail little investigation. Professional organizations may be brought in to help set up this separate and distinct office

⁸¹ See *supra* Part II.B (discussing the split between relief and nonrelief rolls of the CWA).

⁸² *Supra* notes 46-47 and accompanying text.

for handling professional people. Bain to get out general wire regarding Civil Works Service, but not including special set-up for professionals.⁸³

As implemented, this special process authorized professional associations to certify their members' relief eligibility, without a formal application or an investigation of need. Anyone so certified was treated as "relief-eligible," and offered CWS employment, even if that person had never gone on the relief rolls. While there is one mention in a work relief program instruction letter that labor unions "may" be used to certify their members, this was not the usual practice—and evidence suggests that it was not even tried until 1938, when it was abandoned in the face of charges of fraud.⁸⁴

Beyond this particular program for professionals, a wide range of special application procedures were created in the field—procedures that were applied not only to professional workers, but also to other white-collar workers, and not only to CWS jobs but also to needs-based CWA jobs. It appears that local relief offices were given a good deal of leeway to experiment in finding ways to take white-collar workers "out of intake"—in other words, to certify them for relief under a friendlier application process. For blue-collar workers aiming to qualify for jobs reserved for those on relief, no such special provisions were made.

The greatest pressure for finding an alternative way to certify the need of white-collar workers emerged in the CWA demobilization period, when thousands of white-collar workers would face the normal relief-application process for the first time. This was the setting for the press-conference quotation above in which Hopkins called for a "work distinction" in relief processes for the white-collar unemployed.⁸⁵ The relief-application process facing former CWA workers was not a pretty one. In anticipation of CWA demobilization, states had begun to circulate copies of the standard-form application sheet and interview protocol for needs-based relief, and white-collar workers widely protested the inclusion of the "pauper's oath"—basically a declaration that the applicant has exhausted each and every possible asset and family resource, supported by a detailed questionnaire. In defending to Hopkins the use of that protocol, relief officials in New

⁸³ Minutes of the Staff Conference, Report of the Civil Works Service (Nov. 28, 1933) (on file with FDR Library, HH 49, Staff Conferences Nov-Dec 33)

⁸⁴ David Montgomery & Ronald Schatz, *Facing Layoffs*, in *WORKERS' CONTROL IN AMERICA: STUDIES IN THE HISTORY OF WORK, TECHNOLOGY, AND LABOR STRUGGLES* 139, 143-46 (David Montgomery ed., 1979).

⁸⁵ *Hopkins Maps "White-Collar" Aid Program*, WASH. POST, Apr. 7, 1934 (on file with FDR Library, HH 277, Clippings).

York State stressed that they were simply doing what the reinstituted FERA rules required—establishing need, in just the same way as they had always established need. But it was distressing to Hopkins and his staff that white-collar workers who had finally accepted assistance in the form of CWA or CWS jobs would now be subjected to this application process.⁸⁶

Once again there was a call for differential treatment to protect white-collar dignity. Indeed, Hopkins's field investigators predicted dire results from any failure to protect white-collar workers: many, investigators reported, would rather starve than go through the relief-application process on these terms.⁸⁷ But this time there was another problem. Key field investigators such as Hickok predicted that any move toward singling out white-collar workers for preferential treatment in the relief-application process, if it became public, would be highly controversial. She expected that skilled blue-collar workers, through their unions, would strenuously object to any efforts to remove white-collar workers from the standard intake process without also according that privilege to them.⁸⁸ Hopkins's investigators had very little sympathy for the dignitary claims of skilled blue-collar workers. FERA officials, including Hopkins, disliked and disrespected union officials.⁸⁹ Union leaders were seen as dues-minded rather than public-minded.⁹⁰ But despite the fact they believed there was a reasonable basis for distinguishing white-collar from skilled blue-collar

⁸⁶ See, e.g., Letter from Lorena A. Hickok to Harry L. Hopkins 2 (Mar. 29, 1934) (on file with FDR Library, HH 68, Lorena Hickok Reports) (noting the difficulties of taking relief for white-collar workers and "irritations" such as "having to stand in line with Niggers" that were attendant to the application process for white-collar workers); cf. Letter from L.A. Halbert, Supervisor, Division of Emergency Relief, Board of Public Welfare, to Harry L. Hopkins 1-2 (Mar. 31, 1934) (on file with FDR Library, HH 61, State of the Nation Reports) (observing that white-collar workers insist that they are not applying for relief and that they are only applying for work).

⁸⁷ See, e.g., Letter from Lorena A. Hickok to Harry L. Hopkins 3 (Apr. 2, 1934) (on file with FDR Library, HH 61, State of Nation Reports) ("Apparently they won't even let themselves be starved into it.").

⁸⁸ See Letter from Lorena A. Hickok to Harry L. Hopkins (Apr. 8, 1934) (on file with FDR Library, HH 56, Narrative Field Reports) (noting that the unions asserted the right to control how direct relief is given).

⁸⁹ Hopkins, on the eve of a meeting with AFL president William Green and Secretary of Labor Frances Perkins, wrote in his diary: "These labor fellows are pretty dumb and Frances talks too much." Harry L. Hopkins, Diary (May 14, 1935) (on file with FDR Library, HH 6, HH Diary). This diary covers only a very short period and does not reach back to the most formative months and years of FERA.

⁹⁰ See, e.g., Letter from Lorena A. Hickok to Franklin D. Roosevelt (Nov. 25, 1933) (on file with FDR Library, OF 444, box 1, file 9-12/33) (complaining about organized labor's thinking too much about their "damned union dues").

workers, they did not expect to be able to convince the unions to change their positions or to convince the public to stand up to union pressure.

The following quotations, all from Hickok's reports, illustrate a strong sense of the legitimacy of white-collar dignitary claims and the logistical and political frustrations that stood in the way of fully meeting them on the eve of CWA demobilization. They also give a sense of how, at least in the South, the humiliation of the relief process was experienced and described in terms of race. Reporting from Montgomery, Alabama:

One way of getting around the irritation caused by "having to stand in line with Niggers"—the opposition to the "relief idea"—will be to have these white collar people handled by their own professional groups. . . . But counting out the possibility that such an idea won't work because a professional man who was down and out wouldn't want his associates to know it, the plan will fail to touch many thousands of white collar people. They aren't organized.⁹¹

Reporting from Houston:

In New Orleans I got another idea of a possible way to handle the intake problem on white collar people. They are trying out there a plan whereby they are permitted to come in by appointment. That spares them the ordeal of having to sit around in the intake for hours. Mr. Hopkins, did you ever spend a couple of hours sitting around an intake? An intake is about the nearest thing to Hell that I know anything about. The smell alone—I'd recognize it anywhere. And take that on top of the psychological effect of having to be there at all. God! . . .

Of all the various ideas I've heard, I think that placement bureau idea they are using in Birmingham is probably the best. That keeps your white collar people away from intake entirely. I'd be afraid, as I wrote you, of charges of favoritism from the Labor Unions, but Mr. Early says:

"Why? We're allowing their people to deal with us through them, aren't we? And that keeps their people out of intake, doesn't it?"⁹²

⁹¹ Letter from Lorena A. Hickok to Harry L. Hopkins 2 (Mar. 29, 1934) (on file with FDR Library, HH 68, Lorena Hickok Reports).

⁹² Letter from Lorena A. Hickok to Harry L. Hopkins 3-4 (Apr. 13, 1934) (on file with FDR Library, HH 68, Lorena Hickok Reports). Note, however, that the evidence shows that Early was wrong in suggesting that unions were allowed to certify member relief eligibility. *See, e.g.*, Letter from Perry Fellows to Joseph Weber, National President, American Federation of Musicians (May 4, 1934) (on file with National Archives, RG 69, CWA, General Subject Series (GSS) Misc. T) (replying to a letter in which the union expressed concern that under the present system it could not certify the eligibility of its members).

And, reporting from Phoenix:

There is a way of handling the problem, other than throwing the Mexicans and Negroes off relief—and the local relief administrations have been doing it. Discrimination. Two standards of relief. The idea will sound horrible in Washington—but I'm beginning to wonder.

....

In Tucson—without any publicity, but so quietly that people didn't even know they were being classified—they divided their case load into four groups, Classes A, B, C, and D. . . .

[Class A included e]ngineers, teachers, lawyers, contractors, a few former businessmen, architects, and some chemists who used to be connected with the mines. They and each of the other three groups had their own intakes. No mixing. They gave this group a \$50 a month maximum, 50 per cent cash. It took care of them fairly adequately, rents, clothing, and everything.

[And so forth down the line. Class B got \$36 a month maximum, from 33 1/3 to 40 percent cash, and included] some white collar people—clerks, stenographers, bookkeepers, and so on—and skilled labor. . . .

. . . [W]hite unskilled labor and Mexican and Spanish-American unskilled labor with standards of living higher than those of most Mexicans [were in Class C, and received \$25 maximum, 30 percent in cash; Class D got \$10 maximum, all in kind.]

....

. . . And I realize the terrific pressure brought to bear by the Labor crowd on those wage scales. But, dammit, man, our job is to feed people and clothe them and shelter them, with as little damage to their morale as possible. . . . We haven't got the money to do any more. . . . I've been on the road nearly a year now. More and more I've come to the conclusion that, the less we interfere with the normal lives of these families, the less damage we're going to do to their morale. If, by relief, we raise a family's income beyond what ever has been before or beyond what it has any chance of becoming normally, we are damaging the morale of that family. And if we lower a family's standard of living too much, we are going to ruin its morale, too—or make a rebel out of the head of that family.⁹³

As is clear from the details of the Tucson experiment, there was no guarantee that local administrators would agree with the precise contours of the dignitary hierarchy as Hopkins and his staff perceived it. In Tucson, the map of the class system was one that integrated race

⁹³ Letter from Lorena A. Hickok to Harry L. Hopkins 4-6 (May 4, 1934) (on file with FDR Library, HH 68, Lorena Hickok Reports).

and occupational status (i.e., higher-status Mexicans grouped with white unskilled workers) and that did not center on the collar-color line as a salient basis for dividing white workers (i.e., lower-level white-collar workers were grouped with skilled blue-collar workers).

For all the potential controversy, experimentation with separate tracks for white-collar workers continued through this period, and took place in Washington as well as in the localities. Hopkins continued under FERA the process of allowing professional organizations to vouch for their members' relief eligibility.⁹⁴ He continued to allow FERA work projects to give work relief to white-collar workers whom they determined to be relief-eligible but who were not on the relief rolls, without engaging in home visits or extensive follow-up.

Although one cannot know for sure, there is every reason to believe that the dignitary protection of white-collar workers through a less intrusive relief-application process also afforded them a measure of purely economic protection. Objections to the pauper's oath were not merely due to the need to *swear* indigency: workers objected to having to *become* indigent to qualify for relief. A family that has to relinquish its very last bits of savings, insurance, and assets loses not just dignity, but also loses its last small measure of economic flexibility and security. It seems to me that white-collar workers were being protected from this economic loss as well.

Although there is little evidence on this point, it seems unfathomable that the pauper standard was ever actually applied to white-collar

⁹⁴ Letter from John M. Carmody, Chemical Engineer, Federal Civil Works Administration, to R.R. Leonard, Field Secretary, American Society of Mechanical Engineers (Mar. 29, 1934) (on file with National Archives, RG 69, CWA, SS/Ill. box 18, Misc. A-G file). The rule that men must now be selected on the basis of need "will apply to technical groups as well as to skilled and unskilled labor." *Id.* at 1. The letter continued:

However, as a result of thorough discussion of this matter here we definitely incorporated into the rules an arrangement whereby professional people and technical men, such as engineers, teachers, architects, dentists, etc., may be certified for need to the relief administration without going through the process of the ordinary case investigation. When this question came up at a staff meeting while the program was being formulated, I assured Mr. Hopkins that the professional groups would cooperate with the relief organization to accomplish this very purpose. I told him further that I would go before the various engineering and professional bodies and win their cooperation to this arrangement if it were found to be necessary.

I don't think this will be necessary. We have talked this matter over for several months with some of the professional societies and they have expressed a willingness to do this certifying on the basis of their understanding of the needs of their own members, many of whom are in as great need as any other group.

Id.

workers who were allowed alternative methods of applying for relief. The purpose of investigation and swearing under oath, after all, was to require people to be honest about their economic situations. Why should one assume that white-collar workers were any more spontaneously honest than blue-collar workers, *especially* when the person to whom they must disclose this highly personal information is a respected professional colleague? Indeed, officials had good reason to suspect that many of the white-collar families that benefited from CWA did not, in fact, satisfy the new relief standards.⁹⁵

D. Educational Programs for the College-Eligible

One additional privilege to consider is the creation of special programs under the federal relief operation for advancing the college education of college-eligible unemployed youth. It is easy to see the logic of such programs. It was best to keep as many young people as possible out of job competition with older workers, and if⁹⁶ the Depression was not the beginning of a permanent change in the American social order, there would be a need for a new generation of educated workers when the Depression ended. But in the absence of programs that subsidized advanced skill training for young blue-collar workers, the college education program established unequal starting points for Depression-era young adults with blue-collar versus white-collar trajectories. Blue-collar young adults had to downskill and take unskilled employment, because there were essentially no pre-job apprenticeship/training programs that would have facilitated initial entrance into the labor market at a higher level. They fell behind economically, while white-collar young adults jumped objectively—and even more so relatively—ahead.

⁹⁵ See, e.g., Letter from Sidney J. Williams, Acting Director of National Programs, FERA, to Frank W. Lynch (Apr. 11, 1934) (explaining that “the present possibilities for providing white collar employment are considerably more limited than they were under the CWA”) (on file with National Archives, CWA, GSS box 55, White, A-H file).

⁹⁶ This too was contested, as illustrated in Jerome H. Bentley, *Human Adjustment and Job Efficiency*, PERSONNEL SERV. BULL., July, 1933 (on file with National Archives, RG 69, FERA, OGS box 10, Education Gen. Com. A-C file). Much effort in vocational guidance was dedicated to convincing young men to pursue blue-collar rather than white-collar work. See, e.g., *id.* (describing the story of a young man, whose “mother’s ambition to see him in a ‘white-collar’ job pushed him into clerical work,” but after going to the Adjustment Service, he was “on his way to becoming a good practical mechanic”).

IV. INTERPRETING WHITE-COLLAR RELIEF: NEUTRALITY OR VALUE JUDGMENT?

As I said in the Introduction, the purpose of this project is to document an encounter between governmental actors and the question of the American middle class. Hopkins and his FERA/CWA staff took it upon themselves to attend to what they saw to be the special needs of the white-collar unemployed. To the extent that they attended to the asserted needs of skilled, unionized blue-collar workers, they did so reluctantly, out of political pressure rather than out of a sense of the legitimacy of those claims. They also had to address the controversial question of the needs of blacks and Mexicans in the South and Southwest—and largely failed to do so because of the political realities of southern white opposition. In the course of their daily activities, then, Hopkins and his staff were confronted with competing claims for dignitary and monetary resources. In anticipating and responding to these claims, they stressed some, rejected others, ignored still others, and thereby both described and enforced their own picture of the American class hierarchy.

In the Hopkins picture of class in the early 1930s, all white-collar workers enjoyed a status superior to that of all blue-collar workers. Skilled, unionized blue-collar workers were, despite their protestations to the contrary, indistinguishable in dignitary status (if not in purely wage-driven economic status) from other blue-collar workers. Blacks and other minorities were at the bottom. Women were entitled to consideration as full-fledged members of the class they belonged to by virtue of their own occupational experience.

Hopkins, I am sure, would not have seen anything controversial in his picture of the class system. He would have thought he was acting conservatively, to preserve a social order from the ravages of the Depression. The Depression, in Hopkins's view, was a short-term problem—a view he held even as the Depression wore on. He rejected the claim of others in social work and cognate fields that the Depression was a sign that the existing social order needed to change in fundamental ways. For Hopkins, preserving legitimate claims to dignitary difference was the same thing as helping people to resist the demoralizing effects of the Depression, so that American moral and social capital would remain intact.

Indeed, it might seem that Hopkins was simply engaged in a "hierarchy-neutral" approach to governmental action—one in which it is the job of governmental actors to understand the class system well enough to assure that their programs do nothing fundamentally to

change it. If that is the case, his special concern for white-collar workers disappears into a neutral principle of treating each group exactly according to its desert under the rules of the existing social order. This hypothesis, however, fails to fully account for the historical record for four main reasons: Hopkins's position regarding black and Mexican workers; his interventions on behalf of working women; his treatment of skilled "blue-collar" workers; and the method of defining the "white-collar" category itself.

As we have seen, Hickok forcefully argued that FERA should acknowledge the traditionally lower standard of living for blacks and Mexicans and treat them accordingly. That view was strongly held by southern Democrats in Congress, whose importance to the New Deal coalition cannot be overstated.⁹⁷ It was also held, as Hopkins and others noted with concern, by many otherwise well-meaning liberal southerners involved in federal relief programs. There is no evidence, however, that Hopkins ever embraced this view as a desideratum. It is undeniable that the practical politics of New Deal dependency on southern Democrats stopped Hopkins from becoming the champion for the interests of blacks.⁹⁸ It is also undeniable that blacks did in fact face considerable discrimination when they applied for benefits.⁹⁹ The fact that all of his official policies barred discrimination is hardly a defense. Nonetheless, even in the early years of FERA, black agricultural and domestic workers were never excluded from relief eligibility (as they were from so many other Depression-era economic pro-

⁹⁷ See Ira Katznelson, Introduction, *The Southern Cage: The New Deal Experiment and the Origins of Our Time* 40-41 (2002) (unpublished manuscript, on file with author) ("[T]he South did more than facilitate the New Deal or push it forward. The South decisively defined its outer limits and its content."); see also HARVARD SITKOFF, *A NEW DEAL FOR BLACKS: THE EMERGENCE OF CIVIL RIGHTS AS A NATIONAL ISSUE* 40-43 (1978) (describing how Roosevelt and those in his inner circle were careful to stay away from any racial causes that would offend powerful southerners); *id.* at 44 (noting that neither Perkins nor Hopkins would lure Roosevelt in any direction that would alienate the southerners in Congress despite themselves being more sympathetic on racial issues).

⁹⁸ SITKOFF, *supra* note 97, at 44.

⁹⁹ See, e.g., *id.* at 49 ("Throughout the South, Afro-Americans in need had far greater difficulty in obtaining public assistance than did whites in the same economic circumstances."). This was not universally the case in the North, however. For a case study of Harlem that notes that blacks did not face much express discrimination there in eligibility for relief, see CHERYL LYNN GREENBERG, "OR DOES IT EXPLODE?" BLACK HARLEM IN THE GREAT DEPRESSION 141 (1991).

grams),¹⁰⁰ and Hopkins made efforts to persuade otherwise-skeptical government agencies to create white-collar jobs for professionally trained African Americans.¹⁰¹ Furthermore, there is no evidence (of the sort we have for white-collar and blue-collar workers) that Hopkins worked behind the scenes to redistribute aid from blacks to whites. Indeed, his deputy and closest advisor, Aubrey Williams, himself an Alabamian, was horrified at the situation of blacks in the Depression and consistently championed their interests whenever he had the opportunity to do so.¹⁰² As time passed, Williams was able to implement programs that did take black interests seriously. But even when the political environment prohibited direct action in favor of blacks, the internal discourse of Hopkins's Washington-based core staff never embraced hierarchy-neutrality as a desirable policy where blacks were concerned. They accepted it only as politically necessary, when they accepted it at all.

Similarly, Hopkins's interventions in favor of the interests of working women—including single, white-collar working women—bear more of a relationship to his and his aides' own experiences in the female-heavy field of social work than to any conservative sense of hierarchy-preservation. New Deal social welfare policy has been trenchantly critiqued for using federalism to downgrade economic programs aimed at meeting the needs of women by placing them under state rather than federal authority.¹⁰³ Hopkins's efforts to generate programs for women within the federal system of work relief stands as

¹⁰⁰ *E.g.*, DAVID E. BERNSTEIN, ONLY ONE PLACE OF REDRESS: AFRICAN-AMERICANS, LABOR REGULATIONS AND THE COURTS FROM RECONSTRUCTION TO THE NEW DEAL (2001); SITKOFF, *supra* note 97.

¹⁰¹ Those efforts assumed segregation without challenging it: the only politically feasible way to use black professionals was to assign them to jobs serving the needs of other blacks. *Cf.* Procedural Issuance from A. Williams to State Relief Administrators (Nov. 2, 1934) (on file with FDR Library, HH 22, Procedural Issuances—Series E) (“Negro teachers should always be employed to teach Negro pupils . . .”). Skilled and white-collar blacks were often forced into unemployment through competition with whites. *See, e.g.*, Letter from Lorena A. Hickok to Harry L. Hopkins 5 (Feb. 18, 1934) (on file with FDR Library, HH 68, Lorena Hickok Reports) (reporting the complaint of a black bank cashier that whites “won’t even let us keep our jobs as truck drivers, let alone anything higher”).

¹⁰² *See* SALMOND, *supra* note 36, at 60-62, 169-72 (documenting Williams’s commitment to these causes at the CWA and the National Youth Administration (NYA)).

¹⁰³ *See* SUZANNE METTLER, DIVIDING CITIZENS: GENDER AND FEDERALISM IN NEW DEAL PUBLIC POLICY 15-22, 43-52 (1998) (arguing that programs predominantly benefiting male wage earners were consolidated under the new power of the federal government, which consequently relegated the protection of the economic security of women to the states).

an exception to that general trend and suggests that he and his staff were not merely mirroring conventional thinking about the existing social hierarchy.

In addition, Hopkins's treatment of skilled, often unionized, blue-collar workers seems to reflect a vision of the social order that was hotly contested by those workers and their unions, and that was hard to see as hierarchy-neutral. Until the creation of the CIO in 1935, unskilled industrial workers were largely unorganized. The entire premise of craft unions was the belief of their members and leaders in the superiority of skilled craftsmen to ordinary unskilled laborers.¹⁰⁴ That belief, and the moral discourse of which it was a part, was sufficiently available to the society during the period before the Depression that it could be appropriated well outside the community of male skilled workers in industry—for example, as a model for self-organization among waitresses.¹⁰⁵ It is certainly true that the mechanization and Taylorization of industrial work and judicial restrictions on union activity threatened the status of skilled industrial workers even before the start of the Depression. Nonetheless, no observer at the time could have failed to notice a difference between highly skilled craftsmen and unskilled laborers, if not in the kind of work they were able to do during the Depression, then at least in the kind of work they had been trained to do and in their self-concept as workers. My third case study, looking at issues of white-collar unionization, will surely also look at the involvement of New Deal administrators (this time within the National Labor Relations Board and its predecessor agencies) in the dignitary battles between craft and industrial unionists. Suffice it to say, here, that in the pre-New Deal period, the claim of the skilled industrial worker to a superior position within the industrial hierarchy would have to have been recognized by anyone operating on a principle of pure hierarchy-neutrality. Instead, FERA policymakers never embraced the status claims of skilled workers as

¹⁰⁴ For discussion of craft workers' sense of superiority to unskilled laborers, see HERBERT HARRIS, *AMERICAN LABOR* 357-58 (1939); JEFFREY HAYDU, *BETWEEN CRAFT AND CLASS: SKILLED WORKERS AND FACTORY POLITICS IN THE UNITED STATES AND BRITAIN, 1890-1922*, at 25, 50-56 (1988); JAMES O. MORRIS, *CONFLICT WITHIN THE AFL: A STUDY OF CRAFT VERSUS INDUSTRIAL UNIONISM, 1901-1938*, at 167, 175 (1985).

¹⁰⁵ For a fabulously rich account of waitress self-organization, see DOROTHY SUE COBBLE, *DISHING IT OUT: WAITRESSES AND THEIR UNIONS IN THE TWENTIETH CENTURY* (1991). Cobble is also in the forefront of labor historians trying to rehabilitate the reputation of skilled blue-collar workers and the American Federation of Labor. For an example of this literature, see Dorothy Sue Cobble, *American Politics, AFL Style*, 40 *LABOR HIST.* 192 (1999).

entitled to protection. Unionized skilled workers were portrayed in official discourse as powerful rent-seekers, not as legitimate claimants to status-based rights.¹⁰⁶

Finally, there is the question of the "white-collar" category itself, as defined through practice within FERA and the CWA. The Hopkins approach to the white-collar classes was to treat all levels of white-collar workers the same way, unless administrative necessities made it impossible to do so. There is no way that a hierarchy-neutral approach could have failed to miss the fact that lower-level clerical workers were generally poorly paid (paid less than skilled artisans, by and large), and that their standard of living had little in common with that of high-level professionals. Nor was it any longer the case that lower-level clerical workers saw themselves as engaging in a measured climb upward into the managerial ranks. For wage and hour purposes, the overtime-exemption line was drawn *within* the white-collar group, precisely because of the lack of commonality between lower and upper ends of the white-collar universe. While this does not demonstrate that lower-level white-collar workers accepted the view that they were no longer entitled to the same measure of social honor as were professionals and managers, it does suggest that Hopkins's administration was taking their side in an ongoing struggle for the preservation of heightened status that had lost its economic underpinnings long before the start of the Depression.

Indeed, the social work community from which Hopkins hailed

¹⁰⁶ This policy foreshadowed the accusation that the National Labor Relations Board in its early years intentionally undermined skilled-craft unions in favor of the CIO and its model of industry-wide organizing. See JAMES A. GROSS, *THE RESHAPING OF THE NATIONAL LABOR RELATIONS BOARD: NATIONAL LABOR POLICY IN TRANSITION, 1937-1947*, at 41 (1981) (discussing the AFL's criticisms of the NLRB "for its allegedly pro-CIO bias"); CHRISTOPHER TOMLINS, *THE STATE AND THE UNIONS: LABOR RELATIONS, LAW, AND THE ORGANIZED LABOR MOVEMENT IN AMERICA, 1880-1960*, at 189 (1985) ("[T]o AFL leaders . . . the CIO was largely the creation of the NLRB and completely dependent on continued governmental support for its survival . . ."). I note that the NLRB would have had reasons other than the making of dignitary judgments to favor the CIO, given the underlying commitment of the Wagner Act to mass unionization as an economic answer to the problems of the Depression. For scholarly debates on the extent to which the AFL itself was coming around to industry-wide organizing in the period, see Christopher L. Tomlins, *AFL Unions in the 1930s: Their Performance in Historical Perspective*, 65 J. AM. HIST. 1021 (1979).

As to other potentially salient differences between skilled blue-collar and lower-level white-collar workers, it is true that skilled blue-collar workers were used to periods of cyclical unemployment. But their cyclical unemployment did not generally put them onto public relief. Borrowing the words of one writer, they were no more accustomed to "the bread line and the park bench" than were white-collar workers. Evans, *supra* note 16, at 1.

knew through personal experience that white-collar employment by no means guaranteed a middle-class way of life. In the years prior to the New Deal, most social workers were paid better than department store saleswomen but worse than skilled industrial workers.¹⁰⁷ Social workers viewed themselves as professionals and fought to be treated as such. They were, however, plagued by the gap between their middle-class educations and aspirations, on the one hand, and their low wages and the low status assigned to spending one's time surrounded by the poor, on the other. If, as one scholar has noted, they saw themselves as "working class at work and middle class at home," why then was it so clear that one's status for relief purposes should rest solely on one's previous job?¹⁰⁸

It was not only underpaid white-collar workers who relied on home-based consumption rather than workplace social relations as an alternative basis for their sense of self-esteem and class privilege. There was, in the period leading up to the Depression, an important line of thought among labor-movement leaders and theorists that emphasized consumption as the locus for class pride. It was based upon the notion of the "living wage," which was defined as a wage that permitted the worker's family to have what they called the "American standard of living."¹⁰⁹ The concept resonated in both race and class: Chinese and black workers had a "low moral tone" not merely because of their racial difference but because "they do not know to purchase any of the luxuries which tend to elevate and enlighten people."¹¹⁰ As Lawrence Glickman has argued, the concept of the "American standard of living" had its reactionary, racist face, but it also had a radical face. As labor leaders were losing control over the conditions of in-

¹⁰⁷ WALKOWITZ, *supra* note 4, at 97-98.

¹⁰⁸ *Id.* at 110.

¹⁰⁹ See, e.g., Lawrence Glickman, *Inventing the "American Standard of Living": Gender, Race and Working-Class Identity, 1880-1925*, 34 LABOR HIST. 221 (1993). As Glickman explains, this alternative focus on consumption is an important part of the American-exceptionalism story.

As Sombart concluded in 1906,

the American worker lives in comfortable circumstances. . . . He is well fed. . . . He dresses like a gentleman and she like a lady, and so he does not even outwardly become aware of the gap that separates him from the ruling class. It is no wonder if, in such a situation, any dissatisfaction with the "existing social order" finds difficulty in establishing itself in the mind of the worker.

Id. at 221 (quoting WERNER SOMBART, WHY IS THERE NO SOCIALISM IN THE UNITED STATES? 105-06 (Patricia M. Hocking & C.T. Hasbunds trans., 1976) (1906)) (alteration in Glickman).

¹¹⁰ *Id.*

dustrial production, they reenvisioned needs, rather than production, as “the mark of virtuous character.” To survive on less than the wages required to maintain the “American standard of living,” through this transformation, was equivalent to doing scab work—it meant betraying the dignity of skilled blue-collar labor. Under this calculus of honor, the carpenter threatened with losing his house was as deeply threatened as was the white-collar worker in similar straits—if not more so.

The real operating principle, then, behind special privileges for white-collar workers was *not* pure hierarchy-neutrality. Hopkins and his staff made value judgments of their own about who was entitled to preserve a heightened sense of dignity through the horror of the Depression. By using the collar-color line as the dignitary line, Hopkins reinforced *a* view of the American class system—but not the only reasonable view of the American class system.

So why that line? Why did the dignitary lines between white-collar workers and skilled blue-collar workers seem so clear to Hopkins and his staff? Perhaps it was the very class insecurity of Hopkins’s key staff members that caused them to reinforce the collar-color line as the be-all and end-all of status in America. Or perhaps they understood white-collar workers—people like themselves, social workers and journalists, underpaid but doing important work—as forming the core and the future of the American middle class and saw the preservation of middle-class lives and values as the most essential task of the federal relief program. But the very fact that they were never fully confident that their view would be socially acceptable to the majority of Americans makes abundantly clear that there was still strength in alternative visions of which types of workers were to be regarded as being among America’s finest. Another, purely instrumental, explanation for the special regard for white-collar workers was the belief that they were uniquely likely to become radicalized by the experience of the Depression. Indeed, one of the reasons Hopkins asked his field investigators to pay special attention to white-collar workers and their concerns was that he wanted to assess that very risk. But the reports that came back to Hopkins from his investigators all tended to allay those concerns; even on the (largely Jewish) upper west side of Manhattan, Wayne Parrish saw more signs of individual self-blame than of radical organization.¹¹¹ Similarly, although white-collar unionization was a

¹¹¹ Letter from Wayne W. Parrish to Harry L. Hopkins (Nov. 17, 1934) (on file with FDR Library, HH 65, Survey of Conditions, Parrish N.Y.).

factor in this period, and white-collar unions were an important part of New York's Popular Front, garment-worker unions and the Harlem left were also significant Popular Front loci, and no special efforts were made on their behalf.¹¹² Hopkins was, of course, cautious in dealing with white-collar unions known to have communist influence, but he by no means was opposed to white-collar organizing, even among relief recipients and their case workers. He actually viewed white-collar organizing as a good sign of the workers' emotional resiliency and morale, rather than as a sign of incipient and risky political radicalism.¹¹³ The issue of white-collar unionization and the activities of the American left is one that will be central to my third case study, and I remain prepared to revise my views should research on that case study give more reason to think Hopkins's white-collar policy was driven by his assessment of the risk of radicalism. But at present, this explanation fails to persuade.

V. WHY WORK RELIEF?

To this point, I have documented Hopkins's assertion and protection of white-collar interests and values in the implementation of his pre-WPA program of work relief. The account has, so far, taken Hopkins's operative hierarchy of types of relief for granted and has instead foregrounded processes through which Hopkins assured that white-collar workers would get the best of what relief had to offer. When available, the very best form of relief was the CWA job or its stealth equivalent: a real job (meaning full-time, rather than hours-restricted to match assessed budgetary need), as close as possible to the worker's prior job experience, with no requirement of going on relief. Next best was work on a relief basis, which had the following characteristics: restricted hours; low, subsistence-based compensation; less effort to assure a match with prior skills; and other potentially stigmatizing indicia of the relief nature of the work. Below that was direct relief (which was eventually banished from the federal welfare program altogether and administered by the states during the WPA period) and, far below that, relief-in-kind (the "grocery order").

¹¹² MICHAEL DENNING, *THE CULTURAL FRONT: THE LABORING OF AMERICAN CULTURE IN THE TWENTIETH CENTURY* 14-15 (1996).

¹¹³ See Letter from Frederick I. Daniels to Harry L. Hopkins 6-7 (Apr. 10, 1934) (on file with FDR Library, HH 61, State of the Nation (1)) (including a "Report on the Conditions in New York State as of March 31, 1934," which documents that "organization [is] not confining itself . . . to the manual labor group" and comments that "[t]his expression is certainly all too good . . . in that it indicates a pickup in morale").

Throughout our period of study, Hopkins's preference for the "real" CWA-type job had critics in government and in elite social-work circles. One example is the response of Grace Gosselin, a Hopkins ally and administrator of CWS programs in New York City, to pressure from Hopkins to hire and place unprecedented numbers of white-collar workers in CWA-type jobs. In January of 1934 (before the heated period of CWA-demobilization politics in New York), Gosselin had to explain to Mayor LaGuardia why she was unable to implement Hopkins's proposal to hire 15,000 white-collar workers at CWA wages within forty-eight hours to implement an economic census. She explained that although part of the problem was practical, she had deeper objections to Hopkins's approach. Stated simply, Gosselin expressed concern that the high cost of CWA-type relief had hidden costs to nonrecipients that were intolerably high:

I feel very strongly at this time that some of us should register the public sentiment that what we need is a decent work relief wage for decent made work for a large number of people rather than a normal wage for limited number of people for a shorter period. It is an excellent thing that a workman should feel he is earning his regular wage for a regular day's work, but to me it seems much more important for the welfare of the vast numbers of people and the entire program of recovery that the majority of the unemployed be occupied with useful work on a decent work relief wage which will allow them to pay their own bills for food, clothing, and shelter.¹¹⁴

Indeed, Hopkins's rhetoric in support of the moral superiority of the CWA job fueled the fire of the demobilized CWA workers whose "real worker" dignitary status was at one moment extolled by Hopkins's words and at the next moment dashed by his actions. The CWA-demobilization crisis was not *only* an ideological problem of Hopkins's own making, but it was that in significant part.

Gosselin's objection was to Hopkins's preference for CWA work over work on a relief basis, a preference Hopkins never abandoned even after FDR forced the abolition of the CWA. But reasoned objections were also raised within the progressive social work community to Hopkins's insistence on work relief of any sort over direct relief. The reason was cost: even in as tight a ship as Hopkins ran, any sort of work relief was significantly more expensive than was direct relief, with the result either that fewer people would receive any relief or that re-

¹¹⁴ Letter from Grace Gosselin to Fiorello H. LaGuardia, Mayor, New York, N.Y. (Jan. 27, 1934) (on file with New York City Municipal Archives, New York, N.Y., LaGuardia Papers, Subject files, United States CWA, Roll 248).

lief clients would receive less money than they might otherwise have received. The standard pro-work relief response to this objection was two-fold: the moral imperative to maintain the skills and morale of the American worker, and the political imperative of the unacceptability of “the dole” and therefore the likelihood that political actors would permit only even lower levels of relief if the form of the relief were cash rather than work.

In an extremely articulate response to these arguments, Homer Folks, the Secretary of the State Charities Aid Association in New York, gave a speech in March 1934 called, *Making Relief Respectable: A Radical Reconstruction of Our Conception of Public Relief*.¹¹⁵ In it, he posed a number of questions from the prevailing ideology of public relief and offered answers aimed at the capacity of relief organizations themselves to change that ideology through their actions.

“[I]s it necessary to break down the public relief group into all its varied subdivisions, and create for each one a new vocabulary and perhaps a new authority and certainly a new statute,” he asked, “or is it practicable to bring about a radical reconstruction of our conception of public relief, particularly the conception held by the general public?” His argument was for radical reconstruction, a conscious effort to change public perception of direct relief. Making the argument that cash relief had been made respectable for (widowed) mothers and the aged,¹¹⁶ he contended that the same could be done for the unemployed. For them, it need not be the case that “[a]n application for public aid is one of the greatest humiliations a person can undergo.”¹¹⁷

I will not say that an applicant can go to a public relief office in quite the same spirit in which he would take his children by the hand and take

¹¹⁵ Folks sent the speech to Hopkins on November 22, 1934, and though a copy is in the FERA files, we do not know if Hopkins actually read it. Homer Folks, Address Before the Conference of County Children’s Agents (Mar. 23, 1934), in MAKING RELIEF RESPECTABLE: A RADICAL RECONSTRUCTION OF OUR CONCEPTION OF PUBLIC RELIEF 1, 7 (State Charities Aid Ass’n, Publ’n No. 212, 1934) (on file with National Archives, FERA, SS/N.Y. box 208, General N-O). The speech was later revised and published as an article, and it seems to have been noticed. DONALD S. HOWARD, THE WPA AND FEDERAL RELIEF POLICY 41 n.1 (1943).

¹¹⁶ For a discussion of mothers’ pensions, see THEDA SKOCPOL, PROTECTING SOLDIERS AND MOTHERS: THE POLITICAL ORIGINS OF SOCIAL POLICY IN THE UNITED STATES (1992). As to the aged, I suspect Folks was referring to employer-funded pensions, which for some workers predated social security. For a discussion of 1920s welfare capitalism, see COHEN, *supra* note 59, at 159-211; SANFORD JACOBY, MODERN MANORS: WELFARE CAPITALISM SINCE THE NEW DEAL 20-34 (1997).

¹¹⁷ Folks, *supra* note 115, at 9.

them to the public school, but the relief approach should be something approximating this much more closely than it is at present.

. . . .

. . . Our finances are not the most truly private, personal, and confidential part of our lives or personalities. . . . A social investigation can be made considerably, thoughtfully, and effectively, and be a sympathetic and even a healing process, rather than a humiliating one. One's personal troubles may seem less difficult when shared with another who has power to assist in their solution, if that other has the right attitude.

. . . .

[The widespread belief that] the receipt of public funds is, in itself, necessarily demoralizing [is, i]n the main, a confusion of the misfortune of being forced down to the level of needing relief with the actual receipt of relief. No one would dream of denying that the experience of being deprived of income, exhausting savings, of being subjected to an ever more imminent state of complete resourcelessness, is a distressing, a terrifying, and, to many, a demoralizing experience.

. . . [But i]n fact, at its best, the receipt of relief can be a cohesive social factor. Relief itself provides a certain measure of security, and the better it is administered, the more sense of security it provides when need continues.¹¹⁸

Folks here is stressing that the reality of direct relief could be changed by higher payments and more humane treatment. In a report from the field, Edward Webster, one of Hopkins's field investigators, made similar observations by blaming the public unacceptability of direct relief on the attitudes and behaviors of case workers.¹¹⁹

But the problem was not only the *reality* of direct relief, which was susceptible to change through the adoption of enlightened policies. There was also a problem of political communication and ideology formation: namely, the passion and frequency with which Hopkins and Roosevelt preached the message to the people of the moral superiority of work relief in their incessant public attacks on "the dole." Given the cost savings to be had from direct relief,¹²⁰ given the deep-

¹¹⁸ *Id.* at 12-14.

¹¹⁹ See Report from Edward J. Webster to Harry L. Hopkins 15 (Dec. 8, 1934) (on file with FDR Library, HH 67, Edward Webster) ("Without meaning to be unkindly critical, and without meaning to condemn 'case work,' I am sure that not a few 'case workers' need to be most carefully instructed concerning their own status and function.").

¹²⁰ Work relief had other problems in addition to expense. Robert Washburn, for example, reported that

where the morale on the job is very low work relief may in fact be rather more

seeded belief of the Roosevelt administration at this time that the Depression was a temporary crisis from which the country would soon emerge, and given the rapport that both Roosevelt and Hopkins had with the American people, it would have been possible for the administration to preach a very different message. Why preach that the finest people would starve their children rather than go on direct relief, and implicitly suggest that their attitude is a noble one?¹²¹ Why not, instead, preach that there is no shame in accepting direct relief during those rare times when the economy is failing to create and sustain opportunities for work? Certainly the administration was capable of mustering (and did for some purposes muster) an image of the Depression as disaster, thereby invoking a different set of rules—one in which the provision of relief was a moral imperative and its acceptance carried no shame.¹²² It did so, Michele Landis has demonstrated, through photographic images of impoverished but noble agricultural workers.¹²³ Why not preach the same message to urban workers? In the well-chosen words of Edward Webster, the field investigator quoted above, “*It ought to be possible so to ‘interpret’ this relief to those receiving it so as not to offend.*”¹²⁴

I want to suggest that the reason Hopkins did not take the initiative to “interpret” direct relief to the people in a new way was *not only*, or even predominantly, that he was under orders from FDR to refrain from doing so for reasons of spin control—that is, the need to create the appearance of economic improvement by deterring expansion of

destructive than direct relief would be. It seems incontrovertible that the higher the percentage of the total relief rolls that is taken care of on a work program, the harder it is to keep us a high working morale.

Letter from Robert Washburn to Harry L. Hopkins 2-3 (Dec. 7, 1934) (on file with FDR Library, HH 65, Survey of Conditions).

¹²¹ For a formal report stating this view, see Security Employment—A Part of a Program of National Economic Security (Nov. 21, 1934) (on file with FDR Library, HH 48, Memorandum). The report posits that one reason direct relief is not desirable is that “[i]t is not acceptable to the better class of working people who reluctantly accept aid under its arrangements.” *Id.* at 7.

¹²² See Michele L. Landis, *Fate, Responsibility, and “Natural” Disaster Relief: Narrating the American Welfare State*, 33 LAW & SOC’Y REV. 257, 284-85 (1999) (discussing the Roosevelt administration’s narrative of the Great Depression as disaster and the concomitant effect such characterization had on reclassifying the jobless as “victims of circumstance” so that blame might be channeled away from the claimant). In the case of farmers, the “disaster” analogy was of course helped by the severe drought that exacerbated the effects of the general depression. *Id.* at 308.

¹²³ *Id.*

¹²⁴ Memorandum from Edward J. Webster to Harry L. Hopkins 15 (Dec. 8, 1934) (emphasis added) (on file with FDR Library, HH 67, Final Report).

the relief rolls. The reason was also that Hopkins believed in the moral superiority of the CWA program and of work relief in general, not only as a descriptive matter as to the existing preferences of the white-collar middle class (i.e., "this is what respectable people *do* think"), but as a normative matter as to the rest of the working public (i.e., "this is what respectable people *should* think").¹²⁵ Hopkins knew that CWA jobs, and especially FERA work relief jobs, were not "real" jobs.¹²⁶ But he also knew that his political rhetoric was capable of making people *believe* that they were, and he trusted in the capacity of the

¹²⁵ Hopkins himself acknowledged, albeit in private, that in order to secure popular support for the CWA, New Dealers had to overemphasize the undesirability of other forms of relief. *E.g.*, COHEN, *supra* note 59, at 270-72. For a contemporaneous critique of the confused rhetoric of relief issuing from FERA published in a widely circulated magazine, see Dorothy Thompson, *Our Ghostly Commonwealth*, SATURDAY EVENING POST, July 27, 1935, at 5. Hopkins also was a true believer in the capacity of his relief programs, even outside of the CWA model, to protect the morale of the unemployed, despite contemporaneous criticism on that point. *See, e.g., id.* at 61 (noting that "there is something humiliating about the exercise" of the right to receive relief program benefits). The WPA may *now* be viewed by many as one of the best and most humane relief programs ever envisioned, but, as Cohen notes, by the late 1930s not even New Dealers themselves were prepared to advocate for work relief on an ongoing basis, and for the next thirty years few people in or out of government used the WPA as an example of a successful agency. COHEN, *supra* note 59, at 267.

¹²⁶ For Hopkins, the key distinction was between needs-based work relief (of the FERA sort) and work relief without regard to budgetary need (which characterized CWA work for those not taken off the relief rolls). *E.g.*, HARRY L. HOPKINS, SPENDING TO SAVE: THE COMPLETE STORY OF RELIEF 114 (1936). As to the former, Hopkins later came to think that he had exaggerated the differences between needs-based work relief and direct relief. *See id.* at 110 ("In our own anxiety to achieve a work program I think we as an administration have perhaps overemphasized the undesirability of relief, inasmuch as we have not been able to remove from hundreds of thousands of people the inescapability of accepting it."); *see also* Harry L. Hopkins, Address at the General Meeting of the Federal Civil Works Administration (Nov. 15, 1933) (on file with FDR Library, HH 9, Speeches 1933) (saying that it is eliminating needs-based investigation that will turn work relief into "real jobs for these people"). Hopkins nonetheless acknowledged that most workers on needs-based relief had come to accept those differences. *See* Nat'l Emergency Council, Report of the Conference of State Directors 162 (Feb. 1, 1934) (on file with FDR Library, HH 47, Report: Conference of State Directors Emergency Council) (quoting Hopkins as saying people "make the distinction [between direct relief and work relief], whether we do or not"). As to CWA work relief, Hopkins made no secret that he agreed with demobilized non-needs-based workers that the need to qualify for relief under the resumed FERA program was a distinct drop in status. *E.g.*, Press Conference with Harry L. Hopkins 2 (Mar. 26, 1934) (on file FDR Library, HH 28, Press Conferences). For some observers and participants, however, the distinctions between FERA-style and CWA-style work relief were not so clear. *See, e.g.*, State of the Nation Report from Harry Greensteen (Nov. 14, 1934) (on file with FDR Library, HH 62, State of the Nation Reports, Maryland) (reporting the view of the Baltimore Emergency Relief Commission that "a work program has all the handicaps of the dole with none of the advantages of real jobs").

beliefs he nurtured to have the desired moral effect. Hopkins's message was heard by the people, and on countless occasions Americans asserted their respectability—their membership in the elite of “the finest people in America”—by speaking back to him in his own words.¹²⁷

But not all groups of Americans accepted Hopkins's political rhetoric.¹²⁸ Take, for example, this exchange between an official of an East St. Louis building-trades union and a FERA official in May of 1934. The union posited that its members would not do relief work in any form. Real work was what they wanted, and that meant real employment involving negotiations with real employers, not “work done on relief budgets.” If real work was not available, the members would prefer direct relief to work relief. The union official explained:

We wish to point out the fallacy of the opinion that it upholds the morale of the people to work for a budgetary relief more than to receive relief without working for same—it is true that men would rather work than to receive relief, however, what is meant by that is that men want reasonable regular employment and not be placed out on relief projects to be pointed at by the passing public as objects of charity.¹²⁹

The official response to the letter was to treat it as aberrant: “your letter is rather unusual for the overwhelming majority of complaints that reach this office from organized labor arise because of the absence of work projects, not because of them.”¹³⁰

The FERA administrator's response was overly simplistic. Throughout this period, organized labor wanted more work relief jobs to go to union members. But what it also wanted—and at times got through pressure that FERA officials deeply resented—was for work

¹²⁷ The letter of an artist's wife, whose husband had just lost his work relief job, is an example of this type of response.

Please do not suggest welfare we prefer starving, we are not the kind of people who look for welfare we want *work*. Will you please help me as this is beyond us now and I am so afraid of what will happen This is not easy to write, but I am desperate and want help through work not welfare.

Letter from Molly Pierce to James Roosevelt (Oct. 7, 1937) (on file with FDR Library, HH 39, Confidential Political). It might as well have been taken straight out of a Hopkins speech from 1933. Sources cited *supra* notes 31, 48, 71.

¹²⁸ See, e.g., TEMP. EMERGENCY RELIEF ADMIN., *supra* note 24, at 29 (“Through these two doors marked ‘JOB’ many entered only to find after some months that in changed public opinion they had been in the house of relief all along.”).

¹²⁹ Correspondence Between CWA and Building Trades Unions in East St. Louis (May 31, 1934) (on file with National Archives, CWA, SS/III. box 17, Complaints A-C).

¹³⁰ *Id.*

relief jobs to be jobs that could be done by union members with their dignity intact.

The dignitary requirements of organized blue-collar workers did not generally go so far as to lead to the rejection of all relief work. They were, instead, aimed at protecting the status of skilled blue-collar workers and the work culture of their unions.¹³¹ So, for example, unions insisted that jobs be either entirely union or entirely nonunion, so that union men would not have to breach union rules against sharing jobs with nonmembers.¹³² They insisted, for union jobs, that relief offices hire from union hiring halls, rather than from employment offices.¹³³ They fought a constant battle against supervisors misclassifying skilled work as unskilled, not only out of a desire for job preservation but also as a way of avoiding the dumbing-down of their established crafts.¹³⁴ They insisted upon wage differentials that were reflective of the distinction between the skilled and unskilled, even in circumstances in which a higher hourly relief wage would result in working fewer hours for the same budgeted level of need.¹³⁵ FERA officials often caved to union pressure, but that does not mean that they ever accepted the validity of these demands as efforts by unionized workers to retain the dignity of work in the face of the Depression. Anything FERA officials gave the unions was given reluctantly, as a concession to pressure rather than as a recognition that their preexisting culture of the dignity of work was worthy of respect. Certainly their view that direct relief was better than work relief under dignity-defeating conditions of labor was accorded no respect at all.

It was not only union leaders who had an alternative set of beliefs about the meaning of dignity during the Depression. As E. Wight Bakke found in his important contemporaneous study of unemployed

¹³¹ It is difficult to say whether union leaders were genuinely speaking for their members in this regard.

¹³² See, e.g., Letter from Elizabeth Sketzsch to Lorena A. Hickok (June 15, 1934) (on file with FDR Library, HH 56, Narrative Field Reports, Colorado) (noting that "the labor unions in Denver refuse to recognize the Federal principle that the work program is relief and will consequently not work on skilled jobs with non-union men").

¹³³ See, e.g., Telegram from John M. Carmody, CWA, to George Rossetter, Chairman, Chicago Association of Commerce (Jan. 12, 1934) (on file with National Archives, CWA, SS/III. box 17 Complaints A-C) (explaining regulations that gave unions hiring hall status).

¹³⁴ See, e.g., Letter from John M. Carmody, CWA, to Thad Holt (Dec. 4, 1933) (on file with National Archives, CWA, SS/AL box 1, Gen. Admin. Corresp. 11-12/33) (documenting complaints about "placing unskilled men on skilled jobs").

¹³⁵ See, e.g., *id.* (describing complaints about the "failure of state and local administrations to pay [the] civil works skilled rate for skilled work").

workers in New Haven, nonunionized workers' sense of dignity was tied not merely to having respectable work and the respect of one's coworkers on the job. Dignity was also tied to other aspects of life, including providing a good living to one's family through the use of whatever resources were available. Just as being able to find work in tight economic times was a sign of virtue, so was being able to use the welfare system when no work was available.¹³⁶ Within Hopkins's administration, however, workers who learned the fine art of getting all they were entitled to under the relief system were worthy of no respect whatsoever. As Martha Gellhorn, another leading journalist working with Hopkins as a field investigator, bluntly put it, there are two types of people: "the 'gimme gimme' group that knows its rights and monitors who is getting what" and "another group—and they are the people worth saving," who refuse to ask for help.¹³⁷

It seems, then, that Hopkins's administration was interested in protecting the dignity of the unemployed, but only when their dignitary demands were the correct ones. The correct dignitary demands were those Hopkins most associated with the white-collar middle class. If the dignitary demand was for work over direct relief, it was honored as precisely the sort of demand respectable Americans should make. If the demand was for work that comported with the dignitary vision of a group other than the white-collar middle class, it was met only when that group had the capacity to exercise disruptive power, and even then the matter was conceded in practice but not in rhetoric or ideology. This, as William Novak explains, paraphrasing the insights of Robert Cover, is the hand of the state at work: "for all of law's supple normative capacity to embrace shifting social and personal narratives of justice and right, its hallmark remains an irreducible element of force and violence."¹³⁸

CONCLUSION

Let me close with two related observations, one about my own experience in doing this research, and another about what it has taught me about class as a phenomenon.

¹³⁶ This may well underlie the observation made by COHEN, *supra* note 59, in this regard. For a contemporaneous social-scientific study on this and related questions, see E. WIGHT BAKKE, *THE UNEMPLOYED WORKER: A STUDY OF MAKING A LIVING WITHOUT A JOB* 365-66, 379, 385 (1940).

¹³⁷ Letter from Martha Gellhorn to Harry L. Hopkins 2 (Dec. 12, 1934) (on file with FDR Library, HH 66, New Hampshire).

¹³⁸ NOVAK, *supra* note 5, at 154.

In the course of my archival research and writing, I have often been deeply concerned that, when all was said and done, I did not have a story to tell. These doubts are an inherent part of researching subjects that do not fit into established literatures, and so I tried to quiet them by continuing with the work. Over time I have come to see that my problem was that I was trying to tell the wrong story and failing to listen to the archival voices as they tried to redirect my attention to the right one.

I initially thought I could limit my study to the specific problem with which I started: the treatment of middle-class, white-collar workers by federal relief authorities. I realized fairly early on that the problem was implicitly comparative (in the discrimination lawyer's sense): special methods for dealing with one group only stand out as special when they are shown to be different from the methods used with other groups. It also became clear to me that not all comparisons are equally salient. That professionals and unskilled laborers were treated in different ways is worth writing about, but it is far more important to show differences in treatment between groups closer to each other on the socioeconomic scale. I had earlier, in my affirmative action work, spent time focusing on "close swaps": on the likelihood that government programs involving class would leave the groups at the extremes in their preexisting places but would unsettle the existing and often contestable relationships among those in middle positions in the hierarchy.¹³⁹ In the case of the FERA project, the "close swap" was the relative status of upper-level, skilled blue-collar workers and lower-level, relatively unskilled white-collar workers, and the determinative meaning of the collar-color line within the American class system was the area of contestation.

So, of course, I searched the archives for instances of class conflict in which (as predicted by Hickok and others) white-collar workers were given something and unionized blue-collar workers screamed bloody murder. Despite extensive research, I could find no signs of such hand-to-hand combat. I sent research assistants into labor archives, looking for complaints of differential treatment. They didn't find them. I searched the contemporaneous literature on unions in the New Deal looking for signs of blue-collar distress at white-collar privilege. Same negative results. The stealth with which Hopkins and

¹³⁹ See Deborah C. Malamud, *Assessing Class-Based Affirmative Action*, 47 J. LEGAL EDUC. 452, 463 (1997) (noting that in the affirmative action process, "close swaps will survive public scrutiny only if there is a broad consensus that the bottom of the top is meaningfully less in need than the top of the bottom").

his crew had privileged white-collar workers could be seen as explaining this noisy silence in the record, but stealth sounds more like an excuse than like an explanation. No one is *that* good at hiding the ball, not even Hopkins.

This research dilemma itself has a lesson to teach about the nature of class and class conflict—a lesson that is there to be learned from theoretical accounts of class,¹⁴⁰ but which was made real for me as I encountered it in the archives. It is a lesson about the workings of hegemony. From the perspective of the most powerful elements within the society as a whole, the experience of the New Deal social programs I am studying contributed to the shaping of a class system built around the special salience of the collar-color line. The “hot spot,” the contested arena for the maintenance of that system, is the point at which lower-level white-collar workers and upper-level blue-collar workers meet and their life chances intersect and, at times, change places. But the beneficiaries of Hopkins’s assertions of white-collar privilege were not themselves organized to participate in any sort of project of class conflict, and by and large they experienced their own battleground as being psychological rather than social.¹⁴¹ Similarly, unionized blue-collar workers’ efforts were directed at maintaining the dignitary distinction between their position and that of the unskilled. It was unskilled workers they encountered in the relief workplace, and it was descent into the category of the unskilled they most feared. However, the fact that these two key groups did not *experience* themselves as competing with one another does not mean they *were not in fact* competing with one another. They in fact were competing, seen from the standpoint of the class system as a whole rather than from the standpoint of their own direct experience of it.¹⁴²

Dignity is not a scarce commodity when each group within a society is free to define its own dignity in its own terms. It becomes a

¹⁴⁰ For examples of theoretical accounts of class, see PIERRE BOURDIEU, *DISTINCTION: A SOCIAL CRITIQUE OF THE JUDGEMENT OF TASTE* (Richard Nice trans., 1984); MICHÈLE LAMONT, *THE DIGNITY OF WORKING MEN: MORALITY AND THE BOUNDARIES OF RACE, CLASS, AND IMMIGRATION* (2000); PAUL WILLIS, *LEARNING TO LABOR: HOW WORKING CLASS KIDS GET WORKING CLASS JOBS* (1977).

¹⁴¹ Except, of course, in the South where, if Hickok is right, the battle was perceived as racial. *Supra* text accompanying notes 76-80.

¹⁴² Lorena Hickok’s reports, which I quoted at the beginning of my first published case study, Malamud, *supra* note 2, at 2217-18, included several vibrant observations of unionized blue-collar resentment (real or likely) of privileges accorded to white-collar workers (real or contemplated). It was because of Hickok’s comments that I expected to find evidence that unions and unionized workers were focused on treatment differentials across the collar-color line.

scarce commodity when some groups have more social, cultural, and political power than others and can represent their views as the views of the country as a whole—or at least of those who really count. That is precisely what Hopkins succeeded in doing for white-collar workers through his relief programs. Hopkins proclaimed what it meant to be the best kind of American, and his model of the best American was the white-collar worker. Skilled blue-collar workers lost status and relatively unskilled white-collar workers gained status, and it happened without a blow or a word being exchanged between them. This is class conflict in a different voice, perhaps, but it is class conflict all the same—with government actors serving as umpires. They call it like they see it, and by doing so help to shape what it is.

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