

1963 MICHIGAN AID TO DEPENDENT CHILDREN OF THE
UNEMPLOYED (ADC-U) LEGISLATION CONTROVERSY:
AN ANALYSIS OF POLITICAL STRATEGY AND PRESS
COVERAGE

Thesis for the Degree of M. A.
MICHIGAN STATE UNIVERSITY
Stanley C. Fedewa
1965



ROOM USE ONLY

[Handwritten signature] 156

1963 MICHIGAN AID TO DEPENDENT CHILDREN OF THE
UNEMPLOYED (ADC-U) LEGISLATION CONTROVERSY:
AN ANALYSIS OF POLITICAL STRATEGY AND
PRESS COVERAGE

by

Stanley C. Fedewa

A THESIS

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

MASTER OF ARTS

College of Communication Arts

1965

32 577
5-11-65

Copyright by
STANLEY C. FEDEWA

1965

PREFACE

The author gratefully acknowledges the assistance granted by many people in the preparation of this thesis. Specific recognition should be given to the Michigan Department of Social Welfare for granting access to pertinent files; Robert McKerr, Administrative Assistant to the Director, Michigan Department of Social Welfare; Lynn Kellogg, Deputy Director, Michigan Department of Social Welfare; Walter DeVries, Executive Assistant to Governor George Romney, for making pertinent information available; Richard Van Dusen, former legal counsel to Governor Romney; John Gambotto, Administrative Assistant to the Director, Michigan Department of Social Welfare; William Downs, Director, Catholic Charities (Michigan); John Murray, Director, Motor Services Division, Michigan State Highway Department.

Special mention should also be made of the splendid cooperation received from members of the press. These include: Charles Harmon, Press Secretary to Governor Romney (formerly of Booth Newspapers); Robert Popa, Lansing Bureau of the Detroit News; and James Brooks, Chief, Lansing Bureau, United Press International.

Professor Frank Sanger, Chairman, School of Journalism, Michigan State University, as my thesis advisor,

deserves special note for his excellent counsel given during the months this manuscript was being prepared.

TABLE OF CONTENTS

	Page
PREFACE	ii
LIST OF TABLES	v
INTRODUCTION	1
Chapter	
I. THE BACKGROUND	3
The Period from 1937 to 1963	
II. THE LEGISLATIVE BATTLE, 1963	11
The Period from January 1 to March 27	
III. THE BATTLEFIELD WIDENS	54
The Period from March 27, 1963 to March 13, 1964	
IV. THE PRESS	98
Survey of ADC-U Press Coverage in 1963	
BIBLIOGRAPHY	129

LIST OF TABLES

Table	Page
1. Number of unemployment compensation claims filed in Michigan, 1955-1960	25
2. Michigan unemployment (as percent of total labor force)	27
3. Michigan's average rate of unemployment, 1960- 1962 (as percent of total labor force)	27
4. Federal funds used in Michigan welfare, 1962, and number of cases participating in	28

INTRODUCTION

This thesis is written in two distinct parts. The first part is an analysis of the political strategy involved in the 1963 Aid to Dependent Children of the Unemployed (ADC-U) controversy in Michigan. The major protagonists, political philosophies, events, and issues are examined carefully to accomplish this purpose. The period of time on which this thesis will focus is chiefly January, 1963 to July, 1963, although necessary background material has been included.

The second part is an evaluation of the press coverage given to the ADC-U controversy during roughly the same period of time. The second part will address itself to these particular subjects: the accuracy, bias, comprehensiveness and clarity of newspaper articles written about the ADC-U issue; editorial stands on ADC-U; analysis of reasons why ADC-U enjoyed such extensive coverage; and reporters' views on the coverage, issues and people involved in the ADC-U controversy. Material for this part was derived largely from five Michigan newspapers, and one news service, namely: Detroit Free Press, Detroit News, Lansing State Journal, Ann Arbor News, Grand Rapids Press, and United Press International. Interviews with State Capitol correspondents and State government officials were also necessary to complete part two.

The 1963 ADC-U controversy in Michigan is a complicated but exciting story. If the ADC-U measure had been passed by the Legislature and signed into law under normal circumstances, it would have caused few ripples on the pond of public opinion. ADC-U became embroiled in an all-out fight, however, between Republican and Democratic Legislators, between a new Republican Governor and a Kennedy Cabinet member, and between the same Governor and a Democratic State Attorney General. Thus, the ADC-U measure mushroomed into national news, and became the "whipping-boy" for a host of issues just beneath the political surface.

It is entirely too optimistic to expect that this thesis will resolve the bitter controversy over the 1963 ADC-U issue once and for all. But it is hoped that by bringing together pertinent facts and opinions from a variety of sources, a basis for more objective judgment will be attained.

CHAPTER I

THE BACKGROUND

The Period from 1937 to 1963

Forerunner to ADC-U.--The 1963 Aid to Dependent Children of the Unemployed (ADC-U) legislation cannot be divorced from the circumstances in which it was conceived and born. ADC-U was an issue knotted with emotional and political overtones on the one hand, and with coldly financial and academic considerations on the other.

ADC-U inherited, quite reluctantly, the traditional animosity directed by many toward its forerunner, Aid to Dependent Children (ADC), which became operative in Michigan in 1937.¹

Avowed enemies of ADC leveled a variety of arguments against the program. Probably the most publicized were the allegations that ADC was an endorsement of promiscuity and illegitimate childbirth, that ADC encouraged laziness and thwarted initiative, and that, at best, it encouraged desertion

¹ADC first became operative in Michigan in 1937 under the Emergency Relief Administration. In 1939, the Michigan Department of Social Welfare began administering it under the Social Welfare Act, P. A. 280, 1939. (Memorandum from Robert McKerr, Administrative Assistant to the Director, Michigan Department of Social Welfare, February 3, 1965.)

on t

woul

that

ing

era

rac

was

cal

pro

chi

lin

re

sh

qu

vi

wi

ar

in

10
11
12

on the part of the father since, in many cases, the family would receive more money from the government in his absence than he was able or willing to make himself.² Substantiating these claims to a limited degree were results from Federal and State investigations into the ADC program which received publicity throughout the time the 1963 ADC-U bill was the center of controversy.³

Aid to Dependent Children (ADC) can rightfully be called a "close-cousin" of ADC-U because, primarily, the programs seek to accomplish similar ends, i.e., care of needy children who cannot properly be supported by their parents. Likewise, both welfare programs originate from Congress, and require State enabling legislation before Federal-State shared payments can be made to those meeting necessary requirements.

ADC and ADC-U differ, however, in eligibility provisions. Under ADC, recipients are families whose breadwinners have deserted, died, been sent to jail, or otherwise are absent or incapable of providing support for their children.⁴

²Interview with McKerr, June 1, 1964.

³Wall Street Journal, December 7, 1962; Lansing State Journal, hereinafter cited as the State Journal, April 5, 1963; Detroit News, January 27, 1963, May 9, 1963, July 18, 1963.

⁴Interview with McKerr, June 1, 1964.

th

hav

git

all

der

see

and

the

the

on

on

at

the

in

the

es

the

the

the

the

the

Under the ADC-U program, breadwinners, unemployed through no fault of their own, currently seeking work, and having children under the age of 18 living at home, are eligible to receive ADC-U payments,⁵ provided that they meet additional criteria set by state law.

The ADC program was revolutionary in 1937. It was developed at a point in welfare history when it was still generally believed that "when times were reasonably good, any able-bodied individual was solely responsible for his financial condition." Congress made an exception for families without a breadwinner, however, and ADC was launched on its career as precedent-setting legislation.

ADC-U arrives in 1961.--ADC had been operational for over two decades before Congress enacted the first ADC-U amendment, making Federal aid available for a fourteen month period--May 1, 1961, to June 30, 1962.⁶

This again marked a definite shift in welfare thinking. The ADC-U legislation was an acknowledgment of the fact that society has an obligation to provide a favorable economic climate for job seekers, and that all able-bodied men cannot be held responsible for their financial plight.⁷

⁵U. S., Dept. of Health, Education and Welfare, Handbook of Public Assistance Administration (Washington: U. S. Government Printing Office, 1963), Part IV, Par. 3424.21-22, pp. 1-3.

⁶Files of Michigan Democratic State Central Committee.

⁷Interview with William Downs, Director of Catholic Charities (Michigan), June 9, 1964.

Impetus for enactment of the first Federal ADC-U amendment derived from the fact that an increasing number of families receiving entitlements such as ADC and unemployment compensation still remained impoverished. Unemployment rates had risen to critical heights in many areas during previous years. Meanwhile, state and county welfare funds were unable to keep pace with the growing demand.⁸

A similar situation existed at the time in Michigan. On the surface at least, the social and economic climate in Michigan seemed to justify favorable consideration of ADC-U enabling legislation in 1961.

Michigan attempts ADC-U enabling legislation.--The first Michigan ADC-U bill (H. B. 295) was introduced in the Michigan House of Representatives on March 3, 1961 in anticipation of Congressional approval of a Federal-State financed ADC-U program. The bill was referred to the House Ways and Means Committee.⁹ On June 9, 1961, more than a month after the ADC-U amendment had passed in Congress, House Democrats moved to suspend legislative rules for the purpose of forcing the ADC-U bill from Committee. A two-thirds vote was required. The motion was defeated by a vote of YES - 50, NO - 42 with 49 Democrats and 1 Republican voting YES and 42 Republicans voting NO.¹⁰

⁸Interview with Downs, June 10, 1964.

⁹Files of Executive Office, State of Michigan.

¹⁰Files of Michigan Democratic State Central Committee.

lar

Jun

aga

4 D

tee

tee

wi

in

wi

to

pu

th

me

ab

wh

er

ch

SC

Democratic Governor John Swainson called the Legislature into Special Session to pass ADC-U legislation on June 15, 1961. The Governor's bill (H. B. 1) was referred again to the House Ways and Means Committee (9 Republicans, 4 Democrats). Democrats attempted to discharge the committee. The motion was defeated in a straight party-line vote, YES - 47, NO - 48.¹¹ The Legislature adjourned the same day without taking further action on ADC-U.¹²

Necessary Republican support for ADC-U was lacking in 1961 for several reasons. Republican legislators were not willing to enact enabling legislation on a program that was to expire in a little more than a year. Further, many Republicans opposed extension of Federal programs in general. They likewise brought up the traditional conservative arguments against welfare and, in particular, ADC, alluded to above.¹³ Too, Republicans raised a legal question as to whether ADC-U should qualify as a welfare program or as an extension of unemployment compensation (which had not been thought of as welfare, but unemployment insurance).¹⁴

There are other factors to weigh in considering reasons for the ADC-U bill's failure in 1961. The Welfare

¹¹Ibid.

¹²Files of Executive Office, State of Michigan.

¹³Interview with McKerr, June 1, 1964.

¹⁴Interview with Downs, June 9, 1964.

community itself was not united in support of this legislation. In fact, more than 40 of the major counties' welfare directors opposed the bill because of Federal requirements that ADC-U be administered under the merit system. Since county welfare programs were not functioning under the merit system, welfare directors saw an impending shake-up of their operations, and an encroachment on their current duties and powers. Thus, numerous county welfare directors worked through their legislators to defeat the bill.¹⁵

In addition, Republican Legislators from predominantly rural areas looked with disfavor on ADC-U because the greatest financial benefits would accrue to highly Democratic, industrialized areas.¹⁶

Lastly, since ADC-U was a Democratic sponsored program on both Federal and State levels, Republicans were reluctant to support it.

ADC-U in 1962.--On January 11, 1962, Governor Swainson again urged immediate legislative action on ADC-U in his State of the State message.¹⁷ Senate bill 1023 was introduced on January 16, 1962 and referred to the Senate Committee

¹⁵Interview with John Gambotto, Administrative Assistant to the Director, Michigan Department of Social Welfare, November 17, 1964.

¹⁶Interview with Downs, June 9, 1964.

¹⁷Michigan, Journal of the House of Representatives, 71st Legislature, Regular Session, 1962.

on Health and Welfare.¹⁸ A similar bill (H. B. 497) was introduced in the House and referred to the Ways and Means Committee on February 20, 1962.¹⁹ Both bills died in committee.²⁰

President Kennedy signed Public Law 87-543 (H. R. 10606) on July 25, 1962. The program was officially called: "Grants to the States for Aid and Services to Needy Families with Children." The law extended ADC-U for five years, to June 30, 1967.²¹

The Legislature did not adjourn until December in an attempt to prevent Governor Swainson from calling a Special Session as he had in 1961.²² Thus, the close of 1962 still found a political stranglehold on ADC-U.

In addition to those reasons why Republicans opposed ADC-U in 1961, one more factor was added in the 1962 controversy: 1962 was an election year. Any action on ADC-U had campaign overtones. Passage of ADC-U meant a political plum for State Democrats. Republicans weren't about to let them have it.²³

¹⁸Files of Michigan Democratic State Central Committee.

¹⁹Ibid.

²⁰Files of Executive Office, State of Michigan.

²¹Files of Michigan Democratic State Central Committee.

²²Ibid.

²³Source wishes to remain anonymous.

The political sands were slowly shifting, however. Michigan continued to be riddled with fiscal problems. County officials began to cry in a loud voice for additional financial assistance on their increasing welfare burdens.²⁴ County welfare directors had ceased opposition to ADC-U when assured that upcoming legislation would restrict the program to include only "employables" (direct relief cases under county jurisdiction were largely confined to "unemployables").²⁵ The extension of the Federal ADC-U program for another five years had removed one of the Republicans' strongest reasons for opposition, and most significantly, ADC-U had found a new champion. Michigan gubernatorial candidate, George Romney, announced that he too thought Michigan should accept Federal aid to dependent children of unemployed parents.²⁶ Thus began a new chapter in the life of ADC-U.

²⁴Interview with Downs, June 10, 1964.

²⁵Interview with John Gambotto.

²⁶Grand Rapids Press, September 24, 1962.

CHAPTER II

THE LEGISLATIVE BATTLE, 1963

The Period from January 1 to March 27

New Republican Governor takes up ADC-U cause.---Governor George Romney squeaked into office in 1963 by a narrow margin of some 80,000 votes over incumbent John Swainson.¹ Romney, a newcomer to politics and a Moderate, was not harnessed by the conservative persuasions of old-line rural Republicans. Further, Romney's victory in November, 1962 was made possible only by substantial support from traditionally Democratic areas.² Adding these considerations to the fact that Romney had promised to solve Michigan's fiscal problems, a rationale for Romney's unprecedented move to support ADC-U can be seen developing.

Other reasons which may be hypothesized for Romney's sudden departure from the traditional G. O. P. position are: (1) he believed in the program; (2) he had no real welfare program of his own at that point; (3) he wanted the credit

¹Michigan, Office of the Secretary of State, Official Canvas of Votes, Primary and General Elections 1962, 1963, p. 34.

²Files of the Executive Office, State of Michigan.

for gaining passage of a worthwhile Democratic program which had been defeated twice under Democratic Executive leadership; (4) he wanted to appease financially overburdened county officials; (5) he saw an opportunity to start building his image as a man "who gets things done."

Governor Romney's first public statement regarding ADC-U after assuming office came in his address to the Legislature, January 10, 1962. The Lansing State Journal simply stated that Romney "said he would recommend legislation to qualify Michigan for aid to children of jobless workers."³ A follow-up article in the Lansing State Journal the next day pointed out that:

Republican legislators generally expressed hearty approval of the proposals Governor Romney presented Thursday in his first address to the legislature . . . but privately many G. O. P. legislators admitted that they could see some trouble ahead on Romney's request for federal aid to children of jobless parents.⁴

Michigan legislators began to gird their loins for another long and tedious battle over ADC-U.

Romney again emphasized his plans to seek participation in the Federal ADC-U program at his news conference on January 21. He said that "we had to decide whether to ask to start it with the new fiscal year or ask that it start

³State Journal, January 10, 1963.

⁴Ibid., January 11, 1963.

as soon as possible. We decided to ask that it start as soon as possible."⁵

The battle shapes up.--Two days later, on January 23, Senator Philip Rahoi (D-Iron Mountain) introduced an ADC-U bill (S. 1011) in the Senate, at the same time reminding Republicans that Michigan stood to lose \$20 million from the Federal government--and Detroit alone, \$2.9 million--if action weren't taken immediately. The bill was referred to the Senate Committee on Health and Welfare.⁶

Representative Joseph J. Kowalski (D-Detroit) rose in the House on January 28 to threaten Republicans with a discharge petition if the House ADC-U bill had not left committee within a short time. However, Kowalski had not consulted with Representative John Sobieski (D-Detroit), author of the Democratic House bill, who had held up introduction of the bill at the last minute while trying to gain Republican support.⁷ Kowalski was threatening to discharge a bill which had not yet been introduced. This attempt by Democrats to gain the initiative on ADC-U before Governor Romney's program had been announced was a decided failure. Kowalski did get one message across however: "Taxpayers are losing \$50,000 a day" for every day of inaction on ADC-U.⁸

⁵Detroit Free Press, January 22, 1963.

⁶Ann Arbor News, January 23, 1963; files of Michigan Democratic State Central Committee.

⁷Detroit News, January 29, 1963.

⁸Ibid.

Simultaneously with Kowalski's statement in the House, Senator Charles Blondy (D-Detroit), Senate Minority Floor Leader, promised his fellow senators that "he would move before the end of the week to push ADC-U out to the senate floor for action." Further, Blondy stated that "we have seen no indication that Republican leaders are going to make this an action-packed session." The article carrying Blondy's remarks stated that "there is little chance of passage [of the Democratic bill] in view of the G. O. P. domination of the senate, and the expected move by Romney to introduce his ADC-U specifics next week."⁹ The conjecture was an accurate one.

Up to this point in the 1963 legislative session, Republicans--excluding Romney--had played more or less passive roles in the struggle. Now Republican lawmakers began to take up the sword again.

As a reply to Kowalski, House Speaker Allison Green (R-Kingston) said that House Republican leaders were not going to be "stampeded" by Democratic efforts to speed ADC-U legislation. He said further that

Michigan had the reputation of grabbing every possible federal welfare program the minute it was offered. By waiting on this one, and forcing changes, the state's reputation had been aided.¹⁰

⁹Grand Rapids Press, January 29, 1963.

¹⁰Detroit News, January 30, 1963.

Governor Romney offered his budget message to the Legislature on January 30. It included a plea for State participation in the Federal ADC-U program.¹¹ According to the Detroit News, the latter was "cooly received by Republicans who rejected the plan several times in recent years." Representative Carroll C. Newton (R-Delton), member of the House Ways and Means Committee, was quoted as saying, "I don't like it any better now than I did last year." Representative Arnell Engstrom (R-Traverse City), who was to become the chief sponsor of the Republican ADC-U measure, however, predicted the enabling ADC-U legislation would pass in 1963.¹²

At this stage, the G. O. P. party was clearly split on the ADC-U issue. Within a few days, however, Republican members of the House were to be seen solidly behind Romney's ADC-U proposal. The new Governor was pressing hard on ADC-U.

Romney announces Republican ADC-U version.--On Monday night, February 5, Romney put his prestige to the test by urging adoption of his ADC-U proposal. In a special message to the Legislature, the Governor estimated that ADC-U would save the State about \$75,000 a year and county welfare units nearly \$9 million in the fiscal year starting July 1,

¹¹Michigan, Journal of the House of Representatives, 72nd Legislature, Regular Session, 1963.

¹²Detroit Free Press, January 31, 1963.

1963.¹³ To be administered by the Michigan Department of Social Welfare, the proposed ADC-U program "would bring an estimated \$12,460,000 federal contribution to complement payment by the state of \$7,841,000."¹⁴ The average monthly direct relief payment of \$128 to \$166 per family (paid by county welfare agencies) would be expected to increase to an average of \$167.¹⁵ About 10,130 families--a total of 50,650 adults and children--would benefit from ADC-U in Michigan.¹⁶

Romney criticized the Federal ADC-U provision, however, before urging legislators to approve it:

Although I strongly oppose the Federal Government moving into areas which rightfully are concerns of individuals, local, or state governments . . . I also believe that when a Federal program is available, we should take every opportunity to use it.¹⁷

The Grand Rapids Press quoted more reasons given by Romney for his backing of the ADC-U program:

The new federal act for ADC-U has been changed from the original, Romney noted, to allow the state to define unemployment to limit the program to those able to work but unemployed through no fault of their own and willing to accept suitable jobs; and emphasized [sic] return to gainful employment through re-training and frequent checks with government agencies.¹⁸ (*Italics mind.*)

¹³ Ibid., February 5, 1963.

¹⁴ Grand Rapids Press, February 5, 1963.

¹⁵ State Journal, February 5, 1963.

¹⁶ Ibid.

¹⁷ Detroit Free Press, February 5, 1964.

¹⁸ Grand Rapids Press, February 5, 1964.

State Welfare Director Willard J. Maxey said an estimated 100 additional employees would be needed to administer the new program.¹⁹

At a news conference the same day, Romney said, "I expect to get the legislation passed; I expect to see Democrats supporting it as well as Republicans."²⁰

Reactions to Romney's message came from many quarters:

Democratic Lt. Gov. T. John Lesinski said that both parties in the senate could be expected to support the bill. "It's just too bad we have to lose more time for the sake of who introduces the bill. . . ."²¹

Representative Joseph J. Kowalski (D-Detroit), Democratic Floor Leader, said, "We are pleased Gov. Romney agrees with us on the need of [sic] this program."²²

House Speaker Allison Green Commented: "I think the bill has a good chance of passing. Action won't be drawn out too long, but we're not going to bang it through, either."²³ Green further noted that changes in the Federal law made it more acceptable.²⁴

¹⁹Ibid.

²⁰Detroit Free Press, February 5, 1963.

²¹State Journal, February 5, 1963.

²²Ibid.

²³Detroit Free Press, February 5, 1963.

²⁴Ibid.

Representative Engstrom, Chairman of the House Ways and Means Committee, reiterated what he had said previously: "There's a pretty good chance the program will pass this year."²⁵

Representative Robert E. Waldron (R-Grosse Pointe) favored adoption of the new Federal program because it differed in three ways from the 1961 amendment: (1) it extended ADC-U for five more years; (2) it permitted the State Welfare Department to administer the program, allaying fears that county welfare staffs would be subjected to Civil Service regulations; and (3) it contained a feature requiring re-training of jobless workers.²⁶

Suddenly, dissent died down among Republican Legislators. One of the main reasons given by them for acquiescence on the ADC-U issue was enactment of the Federal amendment in 1962 providing for an extension of ADC-U for several more years. However, it seems unlikely that this accounted for their sudden shift of thinking since the Federal law in question became operative in July, 1962. It seems more tenable that Governor Romney was finally able to rally Republicans

²⁵Ibid.

²⁶State Journal, February 5, 1964. Points 2 and 3 made by Waldron are erroneous in that exactly the same provisions were in the 1961 Federal amendment (memorandum from McKerr, February 3, 1965).

to his cause.²⁷

The political implications of Romney's declared intention to qualify Michigan under ADC-U was described well by the press.

The Lansing State Journal said: "Action on the bill was seen as the first major test of Romney's legislative program."²⁸

The Detroit Free Press commented: "Gov. Romney placed his leadership squarely on the line behind a controversy-laden bill. . . ."²⁹

It was evident at this point Romney's ability as a welder of bipartisan forces was in question. He and his advisers had charted an irrevocable course. Many were waiting to see just how adroitly the freshman Governor would navigate his ship of state through legislative waters.

On Tuesday, February 5, the day after Romney's special message on ADC-U, Representative William Doorn (R-Grand Rapids), introduced the Republican version of ADC-U in the House. It was enrolled as House Bill 145, and carried the signatures of 28 members of both parties, including Sobieski who earlier

²⁷Interview with Walter DeVries, Executive Assistant to Governor Romney, September 20, 1964.

²⁸State Journal, February 5, 1963.

²⁹Detroit Free Press, February 5, 1963.

introduced the Democratic version.³⁰ H. B. 145 was then referred to the Committee on Social Aid and Welfare.³¹

Allison Green said that the bill could be through the House in three or four weeks "if no hitches developed."³² Chances for ADC-U passage under bipartisan sponsorship seemed to brighten with every public announcement.

Terms of Romney ADC-U bill.--House Bill 145 sought to amend the "Social Welfare Act" (P. A. 280, 1939) by adding two new sections to it (56a, 56b). Section 56a read as follows:

Effective only for the period ending June 30, 1967, the term "dependent child" . . . shall . . . include a needy child under the age of 18 who has been deprived of parental support or care by reason of the unemployment of a parent. A parent is considered unemployed if he has been eligible to or has received unemployment compensation benefits from a state employment security commission subsequent to January 1, 1958, is not engaged in gainful employment for more than 32 hours in any consecutive 2-week period and the cause of his current unemployment does not disqualify him for unemployment compensation benefits under Michigan law.³³ (*Italics mind.*)

Section 56b read in part:

The employment security commission and the social welfare commission shall enter into cooperative arrangements for maximum utilization of the job placement and

³⁰State Journal, February 5, 1963; files of the Executive Office, State of Michigan.

³¹Files of Michigan Democratic State Central Committee.

³²State Journal, February 5, 1963.

³³Michigan, Public Act 12, 1963, section 56a.

other services and facilities of the employment security commission, including appropriate provisions for registration and periodic reregistration of the unemployed parent of a dependent child. The employment security commission shall make available to the social welfare commission any information from their files concerning the relative of a dependent child legally responsible for his support. The social welfare commission is authorized to enter into a cooperative agreement with the county, district or city department of social welfare for the purpose of establishing community work or training programs.³⁴

The phrase which linked ADC-U to eligibility for unemployment compensation was to become the rock that swamped the Romney ship. It had been included in the bill by the State Welfare Department staff, drafters of the bill, for the purpose of rendering ADC-U acceptable to conservative-minded Republican leaders whose support was needed for passage.³⁵

The Democratic bill did not contain these restrictions in 1963³⁶ and likewise had not in previous years.

Since the eligibility clause in H. B. 145 precipitated the controversy over ADC-U, it is necessary to examine in some detail the philosophical, administrative, and financial considerations which lead to its adoption by the State Welfare Department and, later, Governor Romney and Republican Legislators.

³⁴Ibid., section 56b.

³⁵Letter from Lynn Kellogg, Acting Director, Michigan Department of Social Welfare, to Governor Romney, Lansing, Michigan, March 25, 1963.

³⁶Michigan, Senate Bill 1011, 72nd Legislature, 1963.

Rationale for Romney bill.--Willard J. Maxey, Director of Michigan's Department of Social Welfare, for many years, was a man respected by all for his competence in dealing with legislative matters.³⁷ Over the years he had been singularly successful in getting Welfare Department measures through the Legislature.³⁸ When he was requested by the Romney administration to draft an ADC-U bill, he did so with particular sensitivity to the political make-up of the 1963 Legislature.³⁹ In addition, there were seven major reasons why Maxey developed a restrictive ADC-U bill.

1. Michigan already had a reasonably good general assistance program. Locally administered direct relief payments averaged from a high of \$126.46 per month in Detroit, and \$132 in Wayne County outside Detroit, to a low of \$80 to \$90 in many outstate areas.⁴⁰ Michigan's average grant for direct relief ranked second in the nation.⁴¹

2. After two unsuccessful attempts at passing ADC-U using Governor Swainson's definition, Maxey was convinced that there was little chance of enacting a liberal bill.⁴²

³⁷Interview with Kellogg, November 17, 1964.

³⁸Interview with Charles Harmon, Booth Newspapers, Capitol Bureau, Lansing, September 23, 1964.

³⁹Letter from Kellogg to Romney, March 25, 1963.

⁴⁰Detroit News, April 16, 1963.

⁴¹Interview with Kellogg, November 17, 1963.

⁴²Ibid.

3. It was difficult for county bureau caseworkers to determine the unemployment of a parent where there was little or no record of his past employment. Therefore, it was thought that the assistance of the Michigan Employment Security Commission would be helpful in making such a determination inasmuch as this agency had records of those people receiving unemployment benefits.⁴³

4. Maxey believed families with limited education and no recent history of employment could best be served by the county social welfare agencies through direct relief. Many such families had no prior experience in handling money. Only county agencies could grant relief through use of food and fuel orders, for instance. In addition, work relief programs were available on the county and local level only.⁴⁴

5. County welfare departments played an important role in the total welfare program. They administered the hospital vendor program for the State, and were the only public agencies in a position to provide emergency welfare assistance to families in immediate need. By liberalizing ADC-U, the State Welfare Director believed, the State would take over a large function of local departments and, in effect, put them out of business.⁴⁵

⁴³Letter from Kellogg to Romney, March 25, 1963.

⁴⁴Ibid.

⁴⁵Ibid.

6. Maxey held that a program of unknown proportions and effects should begin on a limited basis, and should later be liberalized only if experience justified such action. This was the same method of approach he had taken to other welfare programs. Aid to the Disabled, for instance, had been liberalized four times between 1951 and 1963. Experience learned from other states such as Washington, which had to abandon ADC-U in 1962 because of the high costs of a too liberal program, gave Maxey further cause to promote restrictiveness in H. B. 145.⁴⁶

7. Maxey and his staff defined unemployment to include only those unemployed parents who had "been eligible to or had received unemployment compensation benefits from a state employment security commission subsequent to January 1, 1958" to relate the ADC-U program to Michigan's chief emergency need. State unemployment compensation claims filed in Michigan reached a peak in 1957-58. The following figures exemplify this fact (Table 1). Therefore, by using the 1958 cut-off date, it was thought that the largest number possible of those unemployed parents qualifying under unemployment compensation would be eligible for ADC-U. To justify marrying ADC-U eligibility to that of unemployment compensation, the Social Welfare Department Director said that since the

⁴⁶Ibid.

Table 1.--Number of unemployment compensation claims filed in Michigan, 1955-60

1955-56	4.8 million
1956-57	5.8 million
<u>1957-58</u>	<u>10.7 million</u>
1958-59	7.7 million
1959-60	5.7 million ⁴⁷

recession of 1958 was primarily automobile oriented it resulted largely in unemployment in industries covered by unemployment compensation.⁴⁸

Lynn Kellogg, in a memorandum to Governor Romney, summarized some of the key arguments of the State Welfare staff:

Our definition is objective, it offers the possibility of absolute proof of eligibility through the records of the Employment Security Commission, it assures equal treatment to all applicants. Another definition would be subjective, its interpretation would vary from worker to worker and therefore from applicant to applicant. Administrative cost would rise under . . . [a more liberal] definition because of the need for a greater number of highly skilled workers. The delay in obtaining or training such workers would greatly delay the implementing of a law broadened to such definition.⁴⁹

⁴⁷Memorandum from Kellogg to Romney, April 17, 1963, in files of the Executive Office, State of Michigan.

⁴⁸Ibid.

⁴⁹Ibid.

It is only fair to point out in regard to Maxey that however astute he was in matters legislative, and however many well-founded reasons he had for restricting ADC-U, it is likewise true that he disliked Federal control, and centralized programs on both the Federal and state levels. It is also true that Governor Romney accepted the terms of H. B. 145 largely on Maxey's advice that it was the only type of program that would be accepted by the Legislature in 1963.⁵⁰

Two additional factors must be brought out to gain a complete picture of the circumstances under which the 1963 ADC-U bill was being considered. One is the unemployment rate during the period; the other is the extent to which the Federal government was already participating in Michigan welfare programs.

Table 2 shows the unemployment rate in Michigan from November, 1962 to May, 1963.

It is clear from Table 2 that in early 1963 when ADC-U saw legislative light again, Michigan was still experiencing the normal mid-winter rise in unemployment. In fact, rates did not drop drastically until April and May. Therefore, the need for an additional welfare program seemed more imminent in the period from January to March than in later months when unemployment declined.

⁵⁰Interview with Kellogg, November 17, 1963.

Table 2.--Michigan unemployment (as percent of total labor force)

Date	Percent
November, 1962	4.9
December, "	5.5
January, 1963	6.4
February, "	6.8
March, "	6.6
April, "	5.5
May, "	4.5 ⁵¹

As pointed out above, Michigan's county governments were hard put to finance expanding welfare services after Michigan's extended period of high unemployment. County budgets needed refurbishing badly. To illustrate this point, Table 3 shows unemployment rates for the three years preceding 1963.

Table 3.--Michigan's average rate of unemployment, 1960-62 (as percent of total labor force)

1960	1961	1962
6.8%	10.2%	6.6% ⁵²

⁵¹Michigan Employment Security Commission, Research and Statistics Division, Detroit.

⁵²Ibid.

The Federal government, in 1962, was already participating in Michigan's welfare programs to the tune of \$76.7 million.⁵³

The following breakdown gives the full account of Federal financial involvement in State welfare prior to consideration of ADC-U in 1963.

Table 4.--Federal funds used in Michigan welfare, 1962, and number of cases participating in

	Amount	Average No. of Cases per Month
Old Age Assistance	\$32,169,000	53,100
Aid to Dependent Children	30,830,000	30,000 (families)
Aid to Blind	910,000	1,700
Aid to Permanently and Totally Disabled	3,380,000	6,000
Medical Assistance to Aged	9,500,000	4,750 ⁵⁴

The precedent for Federal participation in Michigan welfare programs was well set indeed. To some this was an indication that further Federal programs should be blocked.

⁵³State Journal, April 5, 1963, quoting Melrose H. Hosch, Regional Director of U. S. Dept. of Health, Education, and Welfare, Chicago.

⁵⁴Ibid.

To others it proved that Federal participation in State welfare was the only solution to a growing problem.

Note particularly the number of cases averaged per month under ADC as shown in Table 4 (30,000 families). The Republican version of the ADC-U was attempting to qualify but 10,000 additional families for welfare benefits. Democrats wanted broader eligibility provisions.

With the foregoing information in mind, the story of ADC-U's journey through the Legislature may be resumed.

House Bill 145 advances through House.--Wednesday afternoon, February 14, the bill was approved and moved from the House Committee on Social Aid and Welfare.⁵⁵ It was subsequently re-referred to the House Ways and Means Committee for further consideration.⁵⁶

On February 19, Representative Engstrom, the ADC-U bill's sponsor and Chairman of the Ways and Means Committee, emerged from a House Republican caucus saying that he felt "a majority" of Republicans favored the measure.⁵⁷

Just two days later, however, Engstrom told of snags developing on ADC-U in his committee. Representative Carrol C. Newton (R-Delton), member of the committee, was attempting to amend the bill to force the merger of the Detroit and Wayne

⁵⁵State Journal, February 14, 1963.

⁵⁶Files of Michigan Democratic State Central Committee.

⁵⁷State Journal, February 20, 1963.

County Welfare departments. Engstrom said further study of H. B. 145 was necessary.⁵⁸

The ADC-U bill emerged from the Ways and Means Committee on February 28.⁵⁹ Newton had withdrawn his merger amendment when the disagreement it engendered threatened to hold up progress on the bill. Wayne County Democrats on the committee, aware that their backing was needed to report the bill to the floor, had threatened to block the bill unless the amendment was dropped. Newton said he would bring his proposal up again on the floor.⁶⁰

When questioned regarding possible Romney influence on his committee's action of reporting the bill, Engstrom emphasized:

The governor's office never gave us any instruction on it. . . . We knew they were interested in the measure but there was no heat put on. They've been very fair. . . .⁶¹

So far the new Governor had fared well in gaining support for his first major program. Most Democrats and a majority of Republicans were expected to support the bill when it came to a vote in the House. Of major interest, however, was the size of the G. O. P. vote Romney would

⁵⁸Detroit News, February 21, 1963.

⁵⁹Files of Michigan Democratic State Central Committee.

⁶⁰Detroit Free Press, March 1, 1963.

⁶¹Detroit News, February 28, 1963.

swing, and its implications concerning other elements of the Governor's legislative program. Republicans held a 58-52 majority over Democrats in the House.⁶²

Ironically, just as House and Senate approval of ADC-U seemed all but certain, the bill's chief architect died unexpectedly of a heart attack.⁶³ Maxey's absence during the long fight ahead is an unmeasurable variable, but a decidedly important one in the opinion of many close observers.

On the eve of the House vote on ADC-U, although indicating general support, Democratic leaders contended that the scope of the bill was not wide enough, that it should cover dependents of unemployed workers not covered under unemployment compensation.⁶⁴ Representative Joseph Kowalski, House Minority Leader, and Representative Albert Horrigan (D-Flint), Minority Floor Leader, indicated further that they were unhappy with the ADC-U provision that excluded children not living at home.⁶⁵

Engstrom said that direct relief could cover the former case, and that the existing ADC program would cover

⁶²State Journal, March 1, 1963.

⁶³Willard J. Maxey died on Saturday, March 2, 1963.

⁶⁴State Journal, March 5, 1963.

⁶⁵Grand Rapids Press, March 5, 1963.

the latter case.⁶⁶ Engstrom added:

We've tightened up this bill as much as we dare. It is for people who have been employed and through no fault of their own, are no longer. But we have people who haven't been employed for three generations and this bill is not designed to help them.⁶⁷

On Tuesday, March 5, the House approved H. B. 145 by a vote of 89-14, requiring Democratic support to gain the required 56 majority. All 14 legislators opposed were Republican.⁶⁸ Thus a clear definition of Executive leadership was not indicated in the vote.

Newton's amendment to combine the Detroit and Wayne County welfare departments was defeated 66-34. Kowalski's proposed amendment to eliminate the 1958 unemployment compensation clause lost 55-48 in a party-line vote. Another amendment, introduced by Alexander Petri (D-Ecorse), would have permitted aid to go to unemployed parents who were actively seeking work although they hadn't qualified as unemployment compensation recipients since 1958. It was defeated in another party-line vote, 53-50. Lastly another Newton amendment to allow birth control information to be given to inquiring welfare recipients was knocked down 71-30.⁶⁹

⁶⁶State Journal, March 5, 1963.

⁶⁷Grand Rapids Press, March 5, 1963.

⁶⁸State Journal, March 6, 1963.

⁶⁹Ibid.

Kowalski accused Republicans of passing the bill only because they didn't want to embarrass Governor Romney.⁷⁰

But, as the ADC-U bill was sent to the Senate, it still contained the restrictive provisions. Republicans were tasting sweet success.

ADC-U faces test in Senate.--The bill was then referred to the Senate Health and Welfare Committee for study. Senate Democrats sought to discharge the committee from further consideration of the ADC-U bill on Monday, March 11. However, the effort proved futile because of the 23-11 G. O. P. edge in the Senate.⁷¹ Complaints about the restrictiveness of the bill continued from Democrats, union leaders, and welfare agencies.⁷² It was a certainty that minority leaders would attempt to liberalize the bill.

The ADC-U measure was subsequently re-referred to the Senate Appropriations Committee where it was reported out Tuesday, March 11, with no amendments and a unanimous recommendation that it pass.⁷³ Democrats had not made their move as yet.

Senate Republicans "counted noses" in a caucus held

⁷⁰Grand Rapids Press, March 8, 1963.

⁷¹Ibid., March 11, 1963.

⁷²Ibid.

⁷³State Journal, March 13, 1963.

the same day, and conceded they might need Democratic help to pass Romney's ADC-U enabling legislation.⁷⁴

Democrats emerged from their own caucus to announce that there might be some room for negotiation when the bill reached the Senate floor Thursday. Senator Charles S. Blondy (D-Detroit), Senate Minority Floor Leader, said Democrats took no minority position on the bill in their caucus, however, and when it came to voting on the Romney measure, it would "be up to each Democratic Senator to vote his own conviction." Blondy added: "The Republican bill is better than nothing at all."⁷⁵

Senator Stanley G. Thayer (R-Ann Arbor), Senate G. O. P. Caucus Chairman, said he had close to the 18 votes needed to pass ADC-U, but was uncertain as to whether he could muster enough votes without relying on Democratic help. Even in view of the latter possibility, however, Thayer was certain that Republicans could hold out against Democratic attempts to liberalize the bill.⁷⁶

Another G. O. P. leader was more optimistic. Senator William G. Milliken, Majority Floor Leader from Traverse City, said: "When the chips go down and the governor's

⁷⁴Ibid.

⁷⁵Ibid.

⁷⁶Ibid.

program is at stake, . . . I believe the Republican votes will be there to push it through."⁷⁷

Governor Romney had made ADC-U passage a "must" before the April 1 spring election.⁷⁸

On Friday, March 15, a survey of Republican Senators indicated there were only 17 votes assured for ADC-U passage. Blondy announced that Democrats would abstain from voting on the bill during final passage.⁷⁹

Senate Democrats, by forcing a show-down vote, were laying Romney's prestige on the line. If Republicans couldn't muster 18 votes, Romney would lose face, and Democrats would be in a favorable bargaining position for liberalizing the ADC-U program.

The same day, however, Republicans thwarted attempts to liberalize the bill by defeating four proposed amendments. The bill passed from general order status to third reading "in the same fashion it was received from the House of Representatives March 5."⁸⁰

But G. O. P. leaders were still seeking another vote to insure passage of the priority bill. The eighteenth vote

⁷⁷Ibid.

⁷⁸Grand Rapids Press, March 13, 1964.

⁷⁹Detroit News, March 15, 1963.

⁸⁰News story transmitted by the Lansing Capitol Bureau, United Press International, March 15, 1963.

was being sought from Senator Fred Hilbert (R-Wayland), or Senator Kent Lundgren (R-Menominee). Thus, the final vote was postponed until Monday, March 18.⁸¹

Throughout this period, Governor Romney defended his program both publicly and privately. At a news conference that same week, he said:

There are three basic approaches--wide open, the restricted and the in-between, which is what we've got. The tight approach would have a January 1, 1960 cut-off, but we go back two years beyond that date.

The bill as it is, is not the only way it could be. But as far as could be seen this was a bill we could get approval of and it was better to have some program than no program.⁸²

The stage was set. Democrats had been unable to alter the bill until this point. They had precious little time left to develop a strategy to defeat the Republican version of ADC-U.

Democrats charge ADC-U unacceptable.--On Monday night, March 18, Senator Philip Raho (D-Iron Mountain) "exploded a last-minute bomb shell on the senate floor" charging that "exemption clauses in the bill would disqualify Michigan from the federal program."⁸³ Raho's charge was

⁸¹Grand Rapids Press, March 15, 1963.

⁸²News story transmitted by the Lansing Capitol Bureau, United Press International, March 15, 1963.

⁸³Grand Rapids Press, March 19, 1963.

based on a telegram received from John J. Hurley, Acting Director of the Bureau of Family Service, U. S. Department of Health, Education and Welfare (H. E. W.):⁸⁴

. . . We now conclude that a provision excluding the unemployed recently attached to the labor market in fulltime [sic] regular employment, solely on grounds the employment is not covered under unemployment insurance, is an unreasonable classification and not approved under the Social Security Act.⁸⁵

Senator Rahoï asserted: "This bill is no good, it's a dead duck."⁸⁶

Senator Thayer, informed about the Democratic maneuver just ten minutes before the Monday night session, warned Democrats: "If you play around with this long enough, you'll lose APC-U for Michigan." Thayer further asked:

I wonder why it took them until just a few hours before session time tonight to come up with this one? . . . Obviously Wilbur Cohen has seen fit to play this in a very political manner.⁸⁷

Cohen, Assistant Secretary of Health, Education and Welfare (for legislation) had been a professor of public welfare administration at the University of Michigan before joining the Kennedy administration in 1961.⁸⁸ Cohen was to

⁸⁴Ibid.

⁸⁵Ibid.

⁸⁶Ibid.

⁸⁷Ibid.

⁸⁸Interview with Kellogg, November 17, 1964.

figure heavily in the ensuing controversy.

Democrats then countered that they would work all night to adjust the bill, and could assure Republicans of eleven Democratic votes to approve it. "Then all you'll need will be seven Republican votes here and four in the house," said Senator William Ford (D-Taylor).⁸⁹

However, Republican leaders withheld final action on the bill charging that the Democratic maneuver was a political one aimed at embarrassing the Romney administration. G. O. P. leaders scheduled a meeting with State Welfare authorities the next day.⁹⁰

Since this unexpected maneuver was one of the most crucial of the 1963 controversy, it is fruitful to "go behind the scenes" and examine it more carefully.

Maxey, before his untimely death in early March, had been fully aware that approval by H. E. W. was desirable. Thus he had submitted the terms of H. B. 145 to H. E. W.'s regional office (Miss Phyllis Osborne) in Chicago for concurrence. The Chicago office then contacted H. E. W. in Washington. Maxey was subsequently informed by the regional office that the H. E. W. office in Washington had found the bill acceptable even though it was "more restrictive than

⁸⁹Grand Rapids Press, March 19, 1963.

⁹⁰Ibid.

necessary."⁹¹ Hurley's telegram of March 18, 1963 alluded to this fact, but said that former approval given the bill was based on a similar situation approved under the temporary ADC-U act.⁹²

Professor Fidele F. Fauri, former State Social Welfare Director, and Dean of the School of Social Work, University of Michigan, was another figure playing an important role in this phase of the controversy. He was also concerned with the ADC-U bill's provision linking eligibility to coverage under unemployment compensation since 1958. He thought it was restricting an already restricted definition. However, he honored Maxey's request to keep quiet on the matter until the bill had been reported out of committee in the Senate.⁹³ But as soon as he had fulfilled his promise, he sent material both to Cohen and Senator Thayer attempting to substantiate a claim that ADC-U, as written, was unacceptable.⁹⁴ It is interesting to note that Cohen was currently on a leave of absence from University of Michigan's School of Social Work and hoped to return there some day.⁹⁵

⁹¹Interview with Kellogg, November 17, 1964.

⁹²Grand Rapids Press, March 19, 1963.

⁹³Interview with Kellogg, November 17, 1964.

⁹⁴Ann Arbor News, March 20, 1963.

⁹⁵Interview with Kellogg, November 17, 1964.

According to Senator Rahoï, his personal doubt as to the bill's acceptability came when he read a letter from Max M. Horton, Michigan Employment Security Commission director, raising doubt about the bill's eligibility provisions.⁹⁶ As a result of the letter, Rahoï said he had contacted Federal authorities during the week before final vote on the measure was expected. Hurley's telegram, according to Rahoï, resulted from his telephone call Monday to Wilbur Cohen.⁹⁷

It is extremely doubtful that Rahoï was the "master-mind" behind this delaying action. Rather, it seems more likely that the whole matter was a planned piece of strategy using Rahoï as the "axe-man."⁹⁸

Lynn Kellogg, succeeding Maxey as Acting Director of the Social Welfare Department, also enlightens the famous "Monday night maneuver" with this account:

About 4:30 that Monday afternoon I received a phone call from Wilbur Cohen. He said, "We made a mistake; our lawyers are finding questions on your ADC-U bill. I don't think we can approve it." I told him we needed a definite answer by 8:00 o'clock that night. He said okay. When I finished talking with him, it was time to leave the office, so I drove home. It takes me about fifteen minutes. Just after I arrived home, Cohen called again saying that the

⁹⁶ Grand Rapids Press, March 19, 1963. The letter is believed to be that sent by Max Horton to Governor Romney, February 19, 1962.

⁹⁷ State Journal, March 19, 1963.

⁹⁸ This was the consensus of most close observers who were interviewed.

bill definitely wasn't acceptable to H. E. W. I went down to the Legislature to inform Senator Beadle about this latest development. On the way through the Senate, Senator Rahoï spotted me and showed me a telegram "from Cohen" timed before Cohen's phone call to me saying the bill in question was unacceptable. Later Bob Danhoff and Lucille Kapplinger [Romney's assistants] and I called Phyllis Osborne from H. E. W.'s regional office in Chicago. She was almost in tears when she heard what had happened. She said, "I feel like I've been double-crossed." Governor Romney was told about these developments later.⁹⁹

Thus, overnight the ADC-U issue became inflamed with emotion and extreme partisanship. Romney was facing a tough decision on his first major piece of legislation. If he pushed for Senate action, he might not get enough G. O. P. votes to pass it, and consequently would have to acquiesce to Democratic demands. If he did obtain passage under G. O. P. sponsorship, he might look bad for having ended up with a worthless and unacceptable piece of legislation. On the other hand, if he dropped the issue altogether, he would be accused of "backing down" to Democrats on both the State and Federal levels. Romney made his decision promptly.

The next day, Tuesday, March 19, Romney told Senate Republicans to stick with his bill, because he was satisfied it would meet all Federal requirements.¹⁰⁰ Republican legislators indicated they would follow his request, and make

⁹⁹Interview with Kellogg, November 17, 1964.

¹⁰⁰State Journal, March 19, 1963.

the Federal government prove that the Michigan ADC-U plan was unacceptable.¹⁰¹

Senate sends ADC-U to Governor for signature.--

Shortley after noon the same day, 18 Republican Senators voted to pass Romney's bill intact.¹⁰² Four Republicans voted against it (Begick-Bay City; Hilbert-Wayland; Geerlings-Holland; Younger-Lansing).¹⁰³ Democrats abstained on the first vote, but after the bill was assured of passage, all but two Democrats (Brown-Detroit; McManiman-Houghton) asked to be recorded in favor of the ADC-U bill. The official vote was 27-6.¹⁰⁴

A meeting between Democratic Senators and Romney that morning had ended with the Governor still unwilling to compromise on his ADC-U proposal.¹⁰⁵ The new chief executive had gambled and won--temporarily.

That night, Romney sent a telegram to U. S. Secretary of Health, Education and Welfare Anthony J. Celebrezze asserting that he would sign the ADC-U measure into law on the

¹⁰¹News story transmitted by Lansing Capitol Bureau, United Press International, March 21, 1963.

¹⁰²State Journal, March 19, 1963.

¹⁰³Ann Arbor News, March 20, 1963.

¹⁰⁴State Journal, March 19, 1963.

¹⁰⁵Ibid.

assumption it met Federal standards.¹⁰⁶

Lynn Kellogg announced that his department would be ready to begin payments to families under the new program in five major counties by April 15, and the remainder by May 1, "unless a more definite opposing position is taken in Washington."¹⁰⁷

Zolton A. Ferency, Democratic State Chairman stated the Romney bill would never qualify Michigan for Federal funds, and accused the Governor's office of "bungling the job."¹⁰⁸

Lieutenant Governor T. John Lesinski charged Republicans with passing "an empty bill" for the sake of headlines two weeks before the April 1 election.¹⁰⁹

Late Wednesday, March 20, Celebrezze replied to Romney's telegram. Referring to the part of the Michigan act which limited eligibility to those jobless parents who were eligible to or had received unemployment compensation since 1958, Celebrezze told Romney: ". . . The general counsel [of H. E. W.] believes this classification is arbitrary and cannot be accepted as a valid definition of

¹⁰⁶Ann Arbor News, March 20, 1963.

¹⁰⁷Ibid.

¹⁰⁸State Journal, March 20, 1963.

¹⁰⁹Ibid.

unemployment within the meaning of the social security act."¹¹⁰

Romney still had sufficient time to seek amendments to make the act comply with Federal standards.

The next day, Senator Rahoï took the floor again to propose a motion to recall the controversial bill from the Governor's desk.¹¹¹ Republicans still held fast at the Governor's request. The motion was defeated 21-9 in a straight party-line vote.¹¹² Rahoï promptly requested the Attorney General to issue an opinion on the constitutionality of the ADC-U act.¹¹³

Romney goes to Washington.--Meanwhile, Romney said he would go to Washington to confer with Secretary Celebrezze. Richard Van Dusen, Romney's legal counsel, Lynn Kellogg, Acting Director of the Social Welfare Department, and Richard Milliman, the Governor's press secretary, were to accompany Romney to Washington.¹¹⁴

¹¹⁰Detroit News, March 21, 1963.

¹¹¹This was an attempt to get the Senate to request the House to recall the bill, since a bill may be recalled only by the chamber in which it originated. (Detroit News, March 21, 1963.)

¹¹²News story transmitted by Lansing Capitol Bureau, United Press International, March 21, 1963.

¹¹³Grand Rapids Press, March 22, 1963.

¹¹⁴Detroit Free Press, March 21, 1963.

Senator Thayer called the dispute a "political situation" and said that Washington Democrats were trying to "embarass" Romney because they were afraid of him.¹¹⁵

Senator Rahoï, said he was going to fight the bill all the way to the Supreme Court if he had to.¹¹⁶

Reed Orr, Vice Chairman of the State Welfare Commission, said after an emergency meeting on Thursday, that the Commission was behind Governor Romney and the bill.¹¹⁷

Friday at 1:00 P. M. Romney and his staff arrived at Washington National Airport. During the afternoon they met with Congressman Victor A. Knox (R-Sault Ste. Marie, Michigan), Senators Hart and McNamara of Michigan, and later, Secretary Celebrezze.¹¹⁸

Celebrezze was unable to render specific legal arguments against Michigan's ADC-U bill, but promised a legal memorandum from H. E. W.'s General Counsel Alanson W. Willcox by the following Tuesday.¹¹⁹

Romney, emerging from his meeting with Celebrezze, said he would await the memorandum before deciding whether

¹¹⁵Detroit News, March 21, 1963.

¹¹⁶Ibid.

¹¹⁷Grand Rapids Press, March 22, 1963.

¹¹⁸Interview with Kellogg, November 17, 1964.

¹¹⁹Ibid.

to sign the controversial bill.¹²⁰

Congressman John Byrnes (R-Wisconsin), a member of the House Ways and Means Committee which wrote the Federal ADC-U law, said that "both the law itself and its legislative history are clear that states, not the federal government, will define eligibility under the law." He accused H. E. W. of "throwing up a technicality" against Michigan.¹²¹

Victor Knox, also a member of the House Ways and Means Committee, told a reporter after meeting with Romney that the Governor's states' rights position was backed by Ways and Means Committee Chairman Wilbur D. Mills (D-Arkansas), and by Martin, the committee counsel. Knox said Martin's examination of Michigan's ADC-U law in light of H. E. W.'s objections and the Federal ADC-U statute itself showed that there could be "no reason why the Michigan bill did not conform with the federal law."¹²²

Romney and Kellogg discovered another complication in the ADC-U dispute while in Washington, in a conversation with Ellen Winston of H. E. W. North Carolina and Oklahoma, which had restrictive ADC-U bills similar to Michigan's, were currently being told by H. E. W. to broaden their programs

¹²⁰Ann Arbor News, March 23, 1963.

¹²¹News story transmitted by Washington, D. C. Bureau, United Press International, March 23, 1963.

¹²²Grand Rapids Press, March 23, 1963.

or lose Federal contributions.¹²³ Romney had had no previous indication that other states besides Michigan were being pressured into conformity with the H. E. W. position.¹²⁴ It looked as if Michigan were being made a test case, in a sense, to help bring present and future dissenting programs into line.¹²⁵

Another dimension had thus been added to the ADC-U controversy. William Kulsea, in a story published in the Ann Arbor News, described this latest development well:

. . . But such relief and the money involved (about \$10,000,000 a year) becomes a secondary consideration in the face of the impending fight, since it now covers the right of a sovereign state to write its own definitions of unemployment and who and how many can get such help.¹²⁶

Democratic Legislators were still trying to get the ADC-U bill recalled from the Governor's desk. Romney held firm. He told the Detroit Economic Club on March 25 that Celebrezze was trying "to dictate to Michigan how Michigan can define unemployment."¹²⁷ He said further:

¹²³ Interview with Kellogg, November 17, 1963.

¹²⁴ Robert Danhoff, legal counsel to Gov. Romney, in a lecture to Faculty Seminar for Michigan Center for Education in Politics, Michigan State University, December 11, 1964.

¹²⁵ Samuel Krislov, Professor of Political Science, University of Minnesota, ibid.

¹²⁶ Ann Arbor News, March 23, 1963.

¹²⁷ News story transmitted by Lansing Capitol Bureau, United Press International, March 26, 1963.

Unless his [Celebrezze's] lawyers can dig up such specific authority and prove to me that he possesses that authority despite the stated and restated intent of Congress and the specific wording of the ADC-U act is [sic] I'll sign Michigan's ADC-U bill into law.¹²⁸

Romney noted, in the same speech, that the matter had gone beyond the ADC-U act alone and now involved a question of whether a Federal agency could "bring a state to heel in order to receive a federal handout."¹²⁹

At this point in the dispute, Governor Romney defended the limitations written into his ADC-U bill on these grounds:

1. It was sound administratively.
2. [Michigan] . . . can't afford to hire all the people otherwise needed.
3. It was a system the legislature would accept.¹³⁰

H. E. W.'s legal memorandum on ADC-U written by Allanson Willcox arrived as promised on March 26.¹³¹ The Detroit News summarized Willcox's five page brief in this way:

"it is clear that the secretary has the authority to disapprove the proposed Michigan plan on grounds that it is discriminatory unless Congress has specifically denied him this power," wrote Willcox.

¹²⁸Ibid.

¹²⁹Ibid.

¹³⁰Grand Rapids Press, March 26, 1963.

¹³¹Detroit Free Press, March 27, 1963.

"In my judgment, the exclusions which would be affected by the bill . . . bear no rational relation to the purposes of a public assistance program."

Willcox said he felt persons denied eligibility by the Michigan ADC-U bill "could make a forceful challenge" under the 14th amendment to the U. S. Constitution.¹³²

Romney said Willcox's memorandum appeared to contain nothing in the way of new legal citations to justify Celebrezze's intention of disqualifying Michigan's ADC-U law. Romney said his legal advisor would "study the memorandum carefully" before he would comment further. However, the Governor did reaffirm his intention "to establish Michigan's eligibility under the ADC-U programs without sacrificing basic considerations."¹³³

Willcox's memorandum was turned over to Richard C. Van Dusen, Romney's legal advisor, for analysis. Van Dusen had not been exposed to the ADC-U act until after it had been challenged by H. E. W.¹³⁴ Now he was asked to prepare a response to Willcox almost overnight.

This Van Dusen did. The day after the H. E. W. memorandum was received, Van Dusen handed his completed legal analysis of ADC-U to the Governor. Van Dusen's opinion concluded:

¹³²Detroit News, March 27, 1963.

¹³³Ibid.

¹³⁴Letter from Richard E. Van Dusen to Prof. Samuel Krislov, August 12, 1964 (in files of Executive Office, State of Michigan).

For reasons stated above, I conclude that neither the Federal Social Security Act, nor pertinent judicial decisions, nor the memorandum of the General Counsel of the Department of Health, Education and Welfare support the claimed authority of the Secretary to disapprove the Michigan plan for Aid to Dependent Children of the Unemployed on the grounds stated. The disagreement of the Secretary with the definition of unemployment embodied in H. B. 145 offers no legal impediment to your signing the bill.¹³⁵

Romney signs ADC-U into law.--Romney defied the Federal government and signed the ADC-U bill into law on March 27, 1963. It was enrolled as Public Act 12, 1963.¹³⁶

Justifying this action, Romney stated in a news release:

I am signing House Bill 145 for these reasons:
1. It qualifies about 10,000 Michigan families for this assistance.

2. It reduces the present welfare cost of local units of government and enables them to use these released funds to help additional families if necessary.

3. This program and approach have been recommended by the Department of Social Welfare and its commission as in the best interests of the state's overall welfare program.

4. Congress clearly gave to the states the responsibility for defining unemployment and administering the program.

5. Legal arguments submitted by the Department of Health, Education and Welfare do not support the claimed right to approve or disapprove state action such as we are taking.

¹³⁵Memorandum from Van Dusen to Romney, entitled "Claimed Authority of the Secretary of Health, Education and Welfare to Disapprove Michigan H. B. 145," March 27, 1963 (in files of Executive Office, State of Michigan).

¹³⁶Michigan, P. A. 12, 1963.

6. Michigan's program under House Bill 145 will be more liberal and cover more families than most programs already receiving federal grants.¹³⁷

7. Acceding to unauthorized federal dictation in this program would expose us to similar arbitrary actions on other federal-state sharing programs.

8. There is no possibility of securing favorable legislative action on any other ADC-U program under existing circumstances.¹³⁸

Romney denied that a more liberal ADC-U bill could be obtained by delivering eleven Republican votes in the Legislature to add to existing Democratic votes.¹³⁹ Democratic legislators had continually challenged the Governor to release enough G. O. P. votes in the Legislature to pass ADC-U legislation acceptable to the Federal government.

Representatives Kowalski and Horrigan summed up the Democratic viewpoint of the ADC-U controversy in a memorandum sent to all Michigan Democratic Legislators on the same day Public Act 12 was signed into law:

1. There are 63 Democratic votes in the Legislature ready to approve a non-discriminatory program immediately.

2. Governor Romney has failed to obtain just 11 Republican votes, 4 in the House and 7 in the Senate, for a non-discriminatory ADC-U law.

¹³⁷ In March, 1963, there were a total of fifteen ADC-U programs in the U. S. (Danhoff, lecture to Faculty Seminar for Michigan Center for Education in Politics, Michigan State University, December 11, 1964).

¹³⁸ Press release, Executive Office, State of Michigan, March 27, 1963.

¹³⁹ State Journal, March 28, 1963.

3. Governor Romney's argument with the Department of Health, Education, and Welfare is over his insistence upon excluding 10,000 (by his own figures) Michigan families from ADC-U coverage. H. E. W. has ruled that federal funds under ADC-U cannot be extended to some needy children and denied others in the same circumstances. Romney has insisted that he and the Legislature can discriminate against some families arbitrarily.

4. Despite the fact that Romney's conference with Secretary Celebrezze resulted in a Romney failure, 20,000 Michigan families can become eligible for ADC-U --if Romney will provide only 11 Republican votes in the Legislature.¹⁴⁰

Enter Attorney General.--Michigan's Democratic

Attorney General, Frank J. Kelley, boldly entered the ADC-U arena just hours before Romney signed the ADC-U act into law. In a news release, Kelley made these assertions:

For several weeks now the Governor has been making public statements and taking certain actions concerning aid to the dependent children of the unemployed. He has publicly arrived at legal conclusions and has challenged the legal judgment of the federal government and the motives of a member of the President's Cabinet. He has rendered legal opinions daily.

Yet during this entire time, neither he nor any member of his staff, including the Assistant Attorney General assigned to his office, nor, indeed, any member of his entire administration, has once contacted the State's Chief legal officer, the Attorney General, or any of his 70 career attorneys to seek their advice or counsel on this important matter.¹⁴¹

.....

¹⁴⁰Memorandum from Representatives Kowalski and Horrigan to Democratic Legislators, March 27, 1963 (in files of UPI, Capitol Bureau, Lansing).

¹⁴¹It was known by the Governor's office, however, that Kelley's opinion had already been solicited by Senator Rahoi.

Furthermore, inasmuch as the Governor has not seen fit to provide me with any of the information or materials he has received from any source, I am leaving for Washington this afternoon and intend to be in touch with interested federal officials to fully explore their position in this matter so that the State's legal interests may be adequately protected.¹⁴²

Romney described Kelley's coming trip to Washington as "just another example of a hydra-headed administrative monster."¹⁴³ Thus entered a new phase in the 1963 ADC-U controversy.

¹⁴² Press release, Office of the Attorney General, State of Michigan, March 27, 1963.

¹⁴³ Detroit Free Press, March 28, 1963.

CHAPTER III

THE BATTLEFIELD WIDENS

The Period from March 27, 1963 to March 13, 1964

Kelley rendezvous in Washington.--Attorney General Frank J. Kelley, accompanied by his Deputy, Leon S. Cohen, departed for Washington, D. C. on March 27. There they met with H. E. W.'s General Counsel Allanson Willcox in regard to the acceptability of Michigan's ADC-U program under the Social Security Act and the Fourteenth Amendment to the United States Constitution.¹ Kelley's opinion as to the constitutionality of Public Act 12 had not yet been issued.

Kelley's sudden entrance into the ADC-U dispute had definite political overtones. A Democratic State Attorney General was travelling to Washington to confer with other Democrats who were attempting to disqualify a Republican Governor's program by somewhat questionable means. This gave more credence to allegations that there was a "Democratic plot" underway to discredit Romney.² Subsequently,

¹Ann Arbor News, March 29, 1963.

²Zolton Ferency, Michigan Democratic Chairman, denies that there was any planned Democratic strategy to discredit Romney in the ADC-U dispute. Two other facts seem to bear out this point: (1) Willcox's legal opinion was based on a

even some Democrats questioned the wisdom of Kelley's trip to Washington, since it dubbed the State's Chief legal officer as a "political man," rather than an impartial judge of the law.³

Michigan's ADC-U program was little better off at this point than it had been during 1961 and 1962. ADC-U had become law in Michigan, but even Romney forces had dim hopes of having it accepted by H. E. W. or Michigan's Attorney General. Romney, by pushing ADC-U through the Legislature, had accomplished more than Swainson had in two attempts at the same thing. But Romney had committed himself to obtaining Federal funds under ADC-U. It was questionable now whether his bill would achieve this end, although H. E. W. had not as yet officially turned down Michigan's proposal. If Governor Romney gave up his fight, he would be abandoning something he both believed in and had committed himself to publicly. He would not do that.

The Governor again took the offensive. In a speech to the Detroit Economic Club the day after signing ADC-U into law, he lashed out at Celebrezze:

similar situation regarding North Carolina in 1961 (North Carolina's plan was approved because the program would last only one year); and (2) Kelley had planned to go to Washington on another matter anyway. (Interview with Samuel Krisolov, Professor of Political Science, University of Minnesota, December 11, 1964.)

³Representative Joseph Gillis (D-Detroit), lecture to Faculty Seminar for Michigan Center for Education in Politics, Michigan State University, December 11, 1964.

If Celebrezze is correct, then we have an example of an administrative agency usurping the powers of Congress, and we have an example of government by men rather than by laws.

If Celebrezze is incorrect, we have an example of an agency trying to subvert the will of Congress and the special relationship between the states and Washington to suit its own whims.⁴

On April 1, the State Welfare Commission approved forwarding Michigan's ADC-U plan to H. E. W. The Commission consisted of three Democrats and two Republicans. Democrats on the Commission, although opposing eligibility provisions in the act, "agreed it was better to seek some ADC-U coverage in the state than none at all."⁵

In answer to the Attorney General's request, Lynn Kellogg sent a letter to Kelley on April 5 outlining the State Welfare Department's stand on ADC-U.⁶

Romney-Kelley quarrel heightens.--Romney and Kelley continued their verbal warfare. On April 9, Romney said in a letter to Kelley: "Since your press release indicating you were going to Washington in the interest of the people to look into ADC-U, I have heard nothing further from you."⁷ Within an hour, Kelley retorted in a letter to the Governor:

⁴Detroit Free Press, March 29, 1963.

⁵State Journal, April 1, 1963.

⁶Letter from Kellogg to Romney, April 17, 1963 (in files of Executive Office, State of Michigan).

⁷Detroit News, April 9, 1963.

"Although this is the very first time you have sought the advice of the state's chief legal officer on this vital legal matter, I can only observe, better late than never."⁸

Such comments were to become the keynote of the Romney-Kelley squabble over ADC-U.

Meanwhile, Romney was beating Congressional bushes in Washington, trying to scare up support for his state's rights position. Congressman Knox said if H. E. W. ruled Michigan's unemployment definition unacceptable, and therefore made the State ineligible to take part in ADC-U, he would appeal to Wilbur D. Mills, Chairman of the House Ways and Means Committee, which wrote the ADC-U law in 1961. Knox said he would request Chairman Mills to have Celebrezze appear before the Ways and Means Committee to "determine whether the intent of Congress is being followed."⁹

The day before he issued his opinion on ADC-U, Kelley attempted to justify his previous actions. Referring to two of his recent legal opinions as well as the upcoming one on ADC-U, Kelley said:

In each of these opinions I have had one aim: To honestly test these provisions by the law. In doing this I must ignore the political wishes of my own party and the political ambitions of anyone. As Attorney General I do not intend to be anyone's stooge or "yes" man. I was elected by the

⁸Ibid.

⁹State Journal, April 10, 1963.

people and I will be the people's lawyer. Their interests always will come first as long as they are in accord with the highest law of the land.

• • • • •
 I am a lawyer first and a Democrat second, but I value my integrity above all.

• • • • •
 I will leave the legerdemain and magic to the politicians.¹⁰

Attorney General Kelley rules Michigan ADC-U unconstitutional.--The next day, however, in a press release attached to the opinion ruling ADC-U unconstitutional, Kelley brought politics back into his quarrel with Romney. The Attorney General, perhaps trying to build his image as a chief critic of the Romney administration, and a spokesman for the Democratic party in Michigan, assailed Romney in these words:

We should all endeavor to understand clearly where the tragedy lies in this chapter in the long fight to bring ADC-U--Aid to Dependent Children [sic]--to Michigan.

Thirty-thousand ill fed, poorly clothed children¹¹ are being deprived of any assistance¹² due to the cynicism of Governor Romney in refusing to fight for what rightly belongs to Michigan.

He had been warned before the house bill was passed that it did not comply with the intent of the national legislation. Despite this warning, he and his legislative

¹⁰Press release, Office of the Attorney General, State of Michigan, April 10, 1963.

¹¹The figure "30,000 children" apparently was arrived at by multiplying 10,000 (number of families expected to be covered by ADC-U) by 3 (average number of children in each family).

¹²It is an error to state that Michigan's needy children at that time "were being deprived of any assistance," since most of those who would qualify under ADC-U were presently receiving direct relief from county welfare agencies. (Interview with Kellogg, November 17, 1964.)

leaders approved a plan to prevent 30,000 needy children from receiving aid.

• • • • •
ADC-U is nothing more, and should be nothing less, than a method for helping shelter, clothe and feed needy children by bringing Michigan tax dollars out of the federal treasury for this purpose.

The Governor has tried to claim this to be a battle over state's rights. In point of fact, however, it is nothing more than an attempt on his part to make taking food and clothing away from 30,000 look like a high-minded, noble accomplishment.

Taking from the needy has other names.

Governor Romney and his legislative leaders could, in a matter of hours, execute a law which would meet the needs of all 30,000 needy children --and comply with both the law and the federal constitution.¹³

Romney was out of the city the day Kelley ruled Public Act 12 unconstitutional and made the foregoing accusations. Romney's staff withheld comment until the Governor could be consulted.¹⁴

Other G. O. P. leaders, however, severely criticized Kelley.

Senator Thayer, G. O. P. Caucus Chairman, called the Attorney General's ruling on ADC-U "a blatant political misrepresentation." Thayer suggested the State Bar should investigate "improper conduct" by Kelley.¹⁵

Senator Milliken, Republican Floor Leader, called

¹³ Press release, Office of the Attorney General, State of Michigan, April 11, 1963.

¹⁴ Detroit News, April 12, 1963.

¹⁵ Ibid.

the opinion "a pure political gesture on the part of the attorney general."¹⁶

In a seventeen-page text, Kelley had ruled Michigan's ADC-U act unconstitutional on the basis that it violated both the equal protection clause of the Fourteenth Amendment to the Constitution of the United States, and the equal benefit clause of the Michigan Constitution of 1908 (Article II, Section I).¹⁷

Governor Romney's reaction the next day to Kelley's pronouncements was not unexpected. Romney protested that Kelley's press release was "filled with misleading, inaccurate and emotional claims and inferences," and further that the inaccuracies of Kelley's political charges raised "obvious doubt as to the accuracy of his legal opinion."¹⁸

Romney strongly took a position that:

1. A Federal agency had no right to ignore the expressed will of the Congress which had adopted ADC-U, nor did it have the right to dictate to a State because of its ability to withhold funds.

2. Kelley's opinion ignored the "sound, logical reasoning" of the Michigan Department of Social Welfare on the matter.

¹⁶Ibid.

¹⁷Michigan, Attorney General's Opinion No. 4156,
April 11, 1963.

¹⁸Grand Rapids Press, April 13, 1963.

3. Many of the legal cases cited in Kelley's opinion seemed to "justify a reasoned and reasonable classification of beneficiaries such as contained in Public Act 12. . . ."

4. There had been no "convincing evidence" as yet that ADC-U was invalid as passed.¹⁹

5. He (Romney) would call in a team of lawyers from outside of State government to advise him on the constitutionality of the ADC-U act. If this team of "competent objective attorneys" said the act was constitutional, Romney would take the issue to Federal or State courts in an effort to overcome Kelley's adverse opinion. If these same attorneys indicated that either H. E. W.'s position, or that of the Attorney General was correct, Romney would "modify" his current thinking on the matter. The attorneys would be asked to donate their services.²⁰

Just minutes after these assertions were made by Romney at a press conference, Kelley had a reply ready. A Kelley aide waited outside the Governor's office, and as soon as he received Romney's statement, went back to the Attorney General's office to prepare Kelley's retort.²¹ The resulting press release was short and to the point:

¹⁹Ibid.

²⁰Detroit Free Press, April 13, 1963.

²¹Grand Rapids Press, April 13, 1963.

I have issued a formal opinion on the law, and that opinion will stand unless it is overruled by the courts. In the meantime, the Governor would do well to concentrate his efforts on the 30,000 children who need his assistance rather than on 1 Attorney General with whom he is so concerned.²²

The following day, Kelley defended his action of attaching a press release to an official opinion by noting that Van Dusen had done the same thing on March 27 when the Romney administration's legal stand on ADC-U was made public. Van Dusen's action, accused Kelley, was in direct violation of an agreement between Romney and himself, that Van Dusen would make no public comment. Secondly, Kelley noted that "many attorneys-general in the past" had issued opinions accompanied by press releases.²³

In Washington, Congressman-at-large Neil Staebler (D-Michigan), charged that Romney had deliberately set up a battle between himself and the Kennedy administration. Staebler declared: "He's picking a fight for political purposes. He doesn't want a solution to the problem."²⁴

State Democratic Chairman Zolton Ferency likened Romney's tactics to Huey Long of Louisiana.²⁵

²²Press release, Office of the Attorney General, State of Michigan, April 12, 1963.

²³Grand Rapids Press, April 12, 1963.

²⁴Ibid.

²⁵Detroit Free Press, April 17, 1963.

On Friday, April 12, an H. E. W. spokesman conceded: "Court action on the ADC-U issue is a possibility. The move on that is up to the state. The state ADC-U plan has been submitted to us. Prospects are that it will be unacceptable."²⁶

Romney told newsmen on Saturday "he might take advantage of a law giving him authority to direct the attorney general to defend the disputed [ADC-U] act before the State Supreme Court."²⁷

Other chief protagonists in the ADC-U fight were equally vocal.

Wilbur Cohen, whom many blame for instigating the Federal-State ADC-U dispute, gave his side of the story in a Washington interview:

This whole business of politics is a red herring dragged into what actually is a substantive issue.

It's not a question of a fight with Romney because he's a potential presidential candidate.

That's just a fiction concocted by some people.

I can say to you in good conscience, there's no politics in this at all.

How can you say for purposes of a public assistance program that someone is unemployed but he's not unemployed [?] That's like saying someone should be shut out of the program because he has red hair.

My sole interest is in applying this program on a non-discriminatory basis. The intent of this legislation was to take care of the needy child. A child is just as needy whether his father worked where there were just a few employees and wasn't covered by unemployment insurance.

²⁶Grand Rapids Press, April 12, 1963.

²⁷State Journal, April 13, 1963.

This is a matter of law, and we would have taken the same action if G. Mennen Williams was [sic] governor of Michigan.

Congress only said the states could define unemployment. An eligibility provision is not a definition of unemployment.²⁸

Later, Cohen put his argument more succinctly by likening the ADC-U law to the shape of a football goal post: "The state has the right to say how high the crossbar will be . . . but the Federal government says how wide the side-pieces will be."²⁹

Secretary Celebrezze largely echoed Cohen's arguments when asked by a news reporter to explain his position on the Michigan ADC-U issue:

There is no question that the State has a right to define unemployment, . . . but not eligibility.

I just think it is unreasonable to say to a child that because your father doesn't work in a factory with more than 3 people, you can't get help.

I think we lose sight of the basic purpose of this act--helping the children.

I told him (Romney) that we had no objection what restrictions the State wants to set up as long as they apply equally to all.³⁰

Lynn Kellogg, still occupying the position of Acting Director, Michigan Department of Social Welfare, asserted his views on the constitutionality of the ADC-U act in a letter to Governor Romney on April 17:

²⁸Ann Arbor News, March 30, 1963.

²⁹Detroit Free Press, April 25, 1963.

³⁰Ibid., October 6, 1963.

The Attorney General fails to refer to any of the reasons advanced by this Department for the type of program we recommended. Furthermore, the Attorney General fails to take into consideration the several welfare programs being administered in Michigan and which provide for the care and support of children.

Regardless of the Attorney General's opinion, I sincerely believe that the Department's position in this matter was and continues to be sound. The Department's position in this matter was reached after considerable study by competent professional staff.

.
I am, therefore, recommending that every possible legal action be taken to have the question of the constitutionality of Act 12 resolved.³¹

H. E. W. rules against Michigan ADC-U plan.--H. E. W.

officially informed the Michigan Department of Social Welfare the same day that Michigan's ADC-U program was unacceptable. In a letter from John J. Hurley, Acting Director, Bureau of Family Services, H. E. W., to Lynn Kellogg, the Federal Agency ruled that Michigan Public Act 12 "did not meet the requirements of the Federal statute as a basis for Federal financial participation in expenditures for assistance and administration incurred in the State operations under such amendments."³²

Romney received Hurley's letter Monday, April 22. The Attorney General had ruled Michigan's ADC-U plan unconstitutional. A Federal agency had said the program was

³¹Letter from Kellogg to Romney, April 17, 1963.

³²Letter from John J. Hurley, Acting Director, Bureau of Family Services, H. E. W., to Kellogg, April 17, 1963 (in files of Executive Office, State of Michigan).

unacceptable and thus ineligible to receive Federal funds. But Michigan's Governor was undaunted. When asked for his comment on Hurley's letter, Romney said: "The Monday morning letter from H. E. W. will not deter our efforts to determine the constitutionality of our program and its compliance with the will of congress [sic] when the federal program was established."³³ Romney explained further that he had received "preliminary indications" that his private legal counsel disagreed with Attorney General Frank Kelley's opinion on Public Act 12. The Governor refused to name the attorney.³⁴

Romney received another blow when W. Willard Wirtz, Secretary of Labor, entered the ADC-U dispute on the side of his colleague, Anthony Celebrezze. A solicited letter³⁵ was sent from Wirtz to Celebrezze on April 23. Romney and his staff received a copy.

In the letter, Wirtz said he shared "deep concern" over Michigan's proposal to limit ADC-U to children of workers who had been eligible for State unemployment insurance. He continued:

³³ State Journal, April 22, 1963.

³⁴ Detroit Free Press, April 23, 1963.

³⁵ H. E. W. had been trying for some time to induce Wirtz to enter the feud, in an attempt to further fortify H. E. W.'s position (Krislov, lecture to Faculty Seminar for Michigan Center for Education in Politics, Michigan State University, December 11, 1964).

The basic concept of the unemployment insurance program is that benefits are payable as an earned right, with no consideration of individual need. The program would be seriously harmed by the confusion between assistance and insurance which would result from Michigan's combination of unemployment insurance eligibility with assistance based on need.

As a matter of principle, Wirtz asserted, he considered Michigan's limiting clause both "arbitrary and capricious." The Secretary added:

The need for assistance in times of unemployment is obviously not confined to those who have had unemployment insurance claims allowed. In fact, need may be greater among the unemployed who have not been eligible for unemployment insurance. The 35 per cent of the Michigan labor force not covered by the unemployment insurance law includes many low income workers who are ill-equipped to finance themselves over periods of unemployment.

As a practical matter, moreover, Michigan's plan involves reliance on records which do not exist, and apparently contemplates calling on the Michigan Employment Security Commission for services which the employment security program cannot finance.

Wirtz noted that Michigan Employment Security Commission (MESCC) records on individual claims "are discarded two years after the end of the benefit year," and thus records prior to January 1, 1960 would not be available. In addition, the Secretary pointed out that employment security funds appropriated by Congress could not be used for the administration of an assistance program. He concluded:

Thus, if the Michigan plan should be approved, it will be necessary to provide an alternative way of verifying past receipt of unemployment insurance, and to finance the verification from a source other than employment security administrative funds.³⁶

³⁶Letter from W. Willard Wirtz, Secretary of Labor, to Anthony J. Celebrezze, Secretary of H. E. W., April 23, 1963 (in files of Executive Office, State of Michigan).

Wirtz was saying in effect, that there was one more reason why Michigan's ADC-U plan was unacceptable to the Federal government, namely, that MESC records would not be available for use in an ADC-U program.

Governor Romney was receiving conflicting information. In a subsequent letter to the Governor, Lynn Kellogg referred to Wirtz's statement that MESC records would not be available for verification purposes:

Yesterday in a telephone conversation with Mr. Paul Giannola, Assistant Director, Unemployment Compensation Division, I referred to Secretary Wirtz's letter and Mr. Giannola advised me that the records were definitely available in Michigan and he was a little lost to understand the Secretary's statement.³⁷

The obvious discrepancies between Wirtz's statements and those of his regional and local directors has convinced many observers that Wirtz's entrance into the ADC-U dispute was part of the "Democratic plot to embarrass Romney." Others deny this, but concede that, at best, Wirtz hadn't done his "homework" on ADC-U before crashing onto the ADC-U scene.

Legality of Michigan's 1963 ADC-U act.--Questions arise at this point as to Governor Romney's rationale for maintaining that Michigan's ADC-U program was both constitutional and acceptable under the Federal ADC-U law despite

³⁷Letter from Kellogg to Romney, May 21, 1963 (in files of Executive Office, State of Michigan).

adverse opinions from Michigan's chief legal officer and H. E. W. The following are possible answers.

First, Romney had made it clear that he believed Congress was responsible for passing laws, not Federal administrative agencies. Since he interpreted the Federal ADC-U law to leave the definition of unemployment to the states, Romney believed that Michigan's definition could not rightfully be ruled unacceptable by H. E. W.

Secondly, Romney was convinced that Kelley's opinion was steeped in political considerations, and not strictly based on an objective analysis of the law.³⁸

Thirdly, Romney's advisors had consistently maintained that Public Act 12 was not only administratively sound, but should be acceptable under State and Federal law as well. Romney was still to be convinced that he and his advisors were wrong.

A brief analysis of pertinent documents will better explain the legal positions taken by Romney, H. E. W., and Kelley on Michigan's ADC-U act.

The first question to be examined is this: Did the State of Michigan have the legal right to define unemployment in Public Act 12?

The ADC-U law passed by Congress specifically states

³⁸ Interview with DeVries, September 20, 1964.

that unemployment shall be "defined by the state." The statute nowhere implies that the Secretary of Health, Education and Welfare has any authority in respect to a state's definition of unemployment.³⁹

The Handbook of Public Assistance Administration, prepared by H. E. W. to guide states in the implementation of the ADC-U program, says:

The definition of the term "unemployment" is the responsibility of the State. A State may define the conditions that constitute the unemployment of the parent as broadly or as restrictively as is consistent with the conditions existing in the State, and within the limits of maintaining a reasonable relationship between such definition and the purpose of the new legislation, i.e., to aid needy children whose parents are unemployed.⁴⁰

The foregoing statement was frequently relied upon by Governor Romney at news conferences to explain his position to reporters.⁴¹ Taken alone, the statement is quite forthright in meaning. However, additional clauses in the same paragraph of the Handbook further qualify the state's power to define unemployment:

In any event, the State's definition of unemployment must provide equal treatment to all individuals in similar circumstances. Definitions which

³⁹U. S., Social Security Act, 1935, Title IV, Sec. 607, 42 U.S.C.A., Sec. 407.

⁴⁰U. S., Dept. of Health, Education and Welfare, Handbook of Public Assistance Administration, 1963, Part IV, par. 3424.21, p. 1.

⁴¹Interview with Robert Popa, Detroit News, Capitol Bureau, Lansing, September 23, 1964.

would in fact, disqualify individuals for reasons unrelated to the purpose of the legislation would not be acceptable. For example, such factors in a definition as type or place of employment or employer are not relevant to a determination as to whether an individual is currently unemployed and in need and, therefore, the definition would be determined an unreasonable classification under the law.⁴²

Thus, in regard to the Michigan ADC-U law, H. E. W. had followed suit by contending that exclusion of unemployed parents solely on the grounds that previous employment was not covered under unemployment compensation is "an unreasonable classification and not approved under the Social Security Act." Tying eligibility to unemployment compensation automatically eliminated former agricultural employees, for instance, and all those who had worked for firms employing fewer than four persons.⁴³

Romney believed, however, that no matter what interpretation H. E. W. gave the Federal ADC-U statute, the intent of Congress was made abundantly clear in the recorded statements made by members of the House Ways and Means Committee who deliberated the bill.

The Federal ADC-U bill's sponsor, Wilbur Mills, Chairman of the Committee, is quoted as saying that Congress

⁴²U. S., Dept. of Health, Education and Welfare, par. 3424.21, p. 2.

⁴³Grand Rapids Press, March 13, 1963.

should not usurp the states' right to decide what, how much and how long to pay welfare recipients.⁴⁴ Mills asserted on March 10, 1961, when the ADC-U bill was approved by the House, that "the question of the determination of need is left to the states . . . the question of whether a parent is unemployed is left entirely to the determination of the state."⁴⁵

Richard Van Dusen, in the legal opinion prepared for Romney, documents Congressional intent in regard to the ADC-U bill in this way:

The legislative history indicates that, in fact, Congress did intend to give broad authority to the states when it inserted the words "as defined by the state" in Section 407. The bill as originally introduced by Representative Mills did not include the words "as defined by the state." They were inserted by amendment. The committee reports in both the House and the Senate state: "The definition of the term 'unemployment' for the purpose of qualifying for assistance under the bill, is left to the states, just as the definition of 'need' has always been." (87th Congress, First Session, House of Representatives, Report No. 28, February 27, 1961; Senate Report No. 165, April 14, 1961.)⁴⁶

Celebrezze, et al., resolved Congressional intent with the H. E. W. position by saying that Michigan's plan was being denied because of its definition of eligibility, not unemployment. Romney and his staff apparently saw little

⁴⁴Memorandum from Van Dusen to Romney, March 27, 1963.

⁴⁵State Journal, April 10, 1963.

⁴⁶Memorandum from Van Dusen to Romney, March 27, 1963.

difference between the two in Michigan's Public Act 12.

The second legal question to be considered is this:
Did the Secretary of Health, Education, and Welfare have
the authority to declare Michigan's ADC-U plan invalid?

Van Dusen's legal opinion contends that the Secretary did not have such authority:

Any attempt by the Secretary to deny aid to Michigan children on the basis of his stated objections . . . would be a usurpation by him of the power of the state contrary to the intent of Congress.

.
The federal statute (Title IV of the Social Security Act, 42UCCA, Sections 601-609) confers no authority on the Secretary of Health, Education and Welfare to disapprove Michigan House Bill 145 on the grounds given by him and the memorandum [Willcox's] of March 25, 1963 cites none.

While the memorandum furnished by the General Counsel [of H. E. W.] makes the bold assertion that: "It is clear that the Secretary has authority to disapprove the proposed Michigan plan on the ground that it is discriminatory" no provision of the federal statute is cited to support this proposition. The Social Security Act, which includes the federal program for Aid to Dependent Children and which sets forth the powers and duties of the Secretary of Health, Education and Welfare in connection therewith, covers (with annotations) over 300 pages of United States Code Annotated, but the General Counsel has been unable to find a single specific provision of the statute which he can cite in support of his claim.

Van Dusen develops his argument further:

Title IV of the Social Security Act requires the Secretary of Health, Education and Welfare to approve the plan for Aid to Dependent Children of the Unemployed. . . .

Section 402 of the Social Security Act (42 USCA 602) states that: "The Secretary shall approve any plan which fulfills all the conditions specified in subsection (a) of this section. . . ."

The Michigan plan fulfills all of the conditions specified in subsection (a) of Section 402 and the Secretary does not contend otherwise. The only objection raised by the Secretary has been to the definition of "unemployment." . . .⁴⁷

Other legal research, however, raised arguments against Van Dusen's opinion:

In any event, the legality of a state plan under the federal social security act must first be determined by the federal administrator. State of Indiana v. Ewing, 99 Fed. Supp. 734. (1955).

Once the decision of the federal administrator is made, and let us assume the plan is rejected, the administrative decision of the federal officer may not be reviewed and set aside unless the decision is clearly wrong and the official action is arbitrary and capricious. State of Indiana v. Ewing, supra.⁴⁸

In the absence of a court decision on Michigan's Public Act 12, a definitive conclusion regarding the Secretary's authority to disapprove such a plan cannot be reached. Let it suffice to say, for the purposes of this narrative, that Governor Romney, faced with contrary opinions on this issue, was more apt to adopt the position of his trusted legal counsel than that of others.

The third crucial question which must be examined is: Did Public Act 12 deny equal protection of the laws to the people of the State of Michigan in violation of the Michigan Constitution and the Fourteenth Amendment to the

⁴⁷ Ibid.

⁴⁸ Legal memorandum on ADC-U (in files of Executive Office, State of Michigan).

Constitution of the United States?

H. E. W.'s General Counsel, Allanson Willcox, merely said that persons denied eligibility by the Michigan ADC-U act "could make a forceful challenge" under the Fourteenth Amendment to the United States Constitution.⁴⁹ He did not say the act was unconstitutional.

Attorney General Frank Kelley went a step further than Willcox and flatly said the controversial ADC-U act was in violation of both the Federal and State constitutions. Therefore, the answer to the third question posed above lies in an analysis of the Attorney General's opinion on the 1963 Michigan ADC-U act.

In this opinion, Kelley first establishes the principle that both Article II, Section I of the Michigan Constitution (1908), and the Fourteenth Amendment to the United States Constitution afford equal protection of the law to all citizens. After citing several legal precedents supporting the contention that "the law seems to be well-settled that statutes providing for public assistance to needy persons must meet the constitutional test of equal protection of the laws," Kelley delves into the problem of classification under the law:

⁴⁹
Detroit News, March 27, 1963.

The equal protection clause of the Fourteenth Amendment, and . . . the Michigan Constitution as well, does not take from the State the power to classify in the enactment of legislation under the police power. Thus the legislature has a wide scope of discretion in statutory enactments but it cannot act in an unreasonable and arbitrary manner. When the classification in a statute is called into question the statute will be sustained if any state of facts can reasonably be conceived to support it. Lindsley v. Natural Carbonic Gas Co., 220 US 61 (1911).

A statute does not violate the equal protection clause merely because it fails to be all embracing. However, the fundamental rule of classification is that the statute shall not be arbitrary and must be based upon substantial distinctions and be germane to the purpose of the law. Kelley v. Judge of the Recorder's Court of Detroit, 239 Mich. 204 (1927).

Legislation which is limited by reasonable and justifiable differences to a distinct type or class of persons violates the equal protection clause if it does not apply equally to all persons in the same class because of unreasonable or arbitrary subclassification. Haynes v. Lapeer Circuit Judge, 201 Mich. 138 (1918).

Thus the legislature may determine a classification in a statute in accord with the equal protection clause of the Constitution if the statute applies alike to all persons within the class and reasonable grounds exist for making a distinction between those who fall within such class and those who do not, with the distinction resting upon some ground of difference having a fair and substantial relation to the object of the legislature. Godsol v. Unemployment Compensation Commission, 302 Mich. 652 (1942).

The legislature may classify persons provided the classification is based upon substantial distinctions which are in accord with the legislative aims sought to be achieved by the statute. Classification must neither be arbitrary or capricious and is required to rest on reasonable and justifiable foundations. Finally, classification is not offensive to the Constitution because it fails to provide for all persons that could be included so long as the legislature constitutionally makes a class of the group it selects. People v. Chapman, 301 Mich. 584 (1942).⁵⁰

⁵⁰Mich., Attorney General, Opinion No. 4156, pp. 4-5.

Kelley was thus admitting that the Michigan Legislature had been fully within its rights to "classify" a group of citizens who would become eligible for benefits under ADC-U. Kelley was building an argument, however, that the Michigan ADC-U law did not treat all persons within that class equally, and that, furthermore, such a classification as existed in Public Act 12 was arbitrary and discriminatory.

Ironically, Romney, in referring to the above sections of Kelley's opinion, said that many of the cases cited by Kelley seemed to justify, rather than disprove, the validity of such a classification as that written into Michigan's ADC-U act.⁵¹

Further on in the opinion, Kelley made these points:

At the same time it is patent that the dependent child of the unemployed parent as well as the unemployed parent has absolutely no control over the fact that the employer or the former employer of the unemployed parent was or was not covered by employment security legislation.

.....
 An unemployed parent with needy dependent children and drawing unemployment compensation benefits subsequent to January 1, 1958, being otherwise eligible, would receive assistance under the act for the support of his dependent children. At the same time an unemployed parent with equally deserving dependent children but ineligible to draw unemployment compensation benefits after January 1, 1958, because his employer was not subject to the employment security act either for reasons for insufficient number of employees or by nature of his organization, would

⁵¹Supra, chapter iii, p. 61.

not be eligible to receive assistance for the support of his dependent children under the act. Each parent is unemployed through no fault of his own, and has in his home needy dependent children. Yet Act 12, PA 1963, finds the dependent children in the home of an unemployed parent who drew unemployment compensation benefits after January 1, 1958, worthy of benefits under the act, and discriminates against the dependent children in the home of an unemployed parent who worked for an employer not subject to the employment security act as unworthy of public assistance.⁵²

Kelley concluded:

It must follow that the classification adopted in Act 12, PA 1963, . . . is patently arbitrary and unreasonable in light of the worthy purposes of the social welfare act and amendments thereto. Thus, the classification imposed by Act 12, PA 1963, does not fulfill the commands of the equal protection clause of Article II, Section 1, of the Michigan constitution of 1908, and the Fourteenth Amendment to the constitution of the United States.⁵³

Van Dusen disagreed with Kelley that Michigan's ADC-U law was unconstitutional. Van Dusen argued:

Review of a number of cases indicates that . . . [the ADC-U act] should not be held to violate the Fourteenth Amendment. State definitions of unemployment for other purposes in the same or more restrictive terms than those used in this Michigan bill have been expressly held up against attack on constitutional grounds.

Van Dusen cites a court case to support his argument:

⁵²Mich., Attorney General, Opinion No. 4156, pp. 9-10.

⁵³Ibid., p. 11.

An Alabama statute, which limited its application to employees of those who employed eight or more, was upheld by Carmichael v. Southern Coal Co., 301 U. S. 495.⁵⁴

The burden of Kelley's argument against the constitutionality of the ADC-U measure seems to rest largely on his definition of a "class" of persons. Romney, his aides, and Lynn Kellogg were convinced that the classification of beneficiaries embodied in Public Act 12 was not "arbitrary and capricious" as Kelley contended. Kellogg explained his reasoning on this matter in a memorandum to Romney on April 17, 1963:

[The federal ADC-U law's] . . . limitation to children of "unemployed parents" . . . labels it as restrictive legislation. If the intent had been to provide for all children in need, this objective could have been accomplished more certainly by enactment of a general assistance category such as has frequently been proposed in Congress. Such a general assistance program would have been "classless" legislation because it would have provided for aid to all persons in need. Both ADC and ADC-U are "class" legislation because combined they ignore the needs of the children whose parents are fully employed but whose incomes are inadequate to the needs of the family, they ignore the needs of children living in the home of non-relatives, and they make possible a "no-man's land" of children whose parents are neither classifiable according to the states' definitions of "incapacity" or "unemployment."

Kellogg thus pointed out that ADC-U was meant to be "class" legislation from its inception. Kellogg went on to defend his Department's stand on linking ADC-U eligibility to unemployment compensation:

⁵⁴Memorandum from Van Dusen to Romney, March 27, 1963.

The Department of Social Welfare, in its proposed definition of "unemployment," followed the lead of the federal government in the recession of 1957-58, when in a more severe recession the federal government presumed to meet the emergency needs of the unemployed by a temporary extension of the unemployment compensation benefits in the states.

When the Department recommended a definition of unemployment related to previous eligibility for unemployment compensation benefits, there was no intent to exclude thereby any particular persons or labor. Any categorical assistance program is prejudicial in relation to the needs of certain persons. The age 65 year requirement in old age assistance is prejudicial to the person age 64 who is in need. Aid to dependent children is definitely prejudicial in favor of certain classes of families and against certain other classes of families. When the federal government enacted these categories of aid it did not provide for the other classes of uncovered needy. The State of Michigan has provided for all classes and all needs in one program or another in which the state participates. When it was proposed that ADC-U in Michigan be related to persons who had a history of unemployment compensation benefit eligibility this did not deny assistance to meet the needs of all other unemployed families with children; most ADC-U cases as defined would be derived from direct relief roles; families with children who did not meet this definition would be provided for and remain under direct relief.⁵⁵

Romney called Kellogg's arguments "sound reasoning." Kellogg was looking at the 1963 ADC-U act as only one piece in a network of welfare programs. Each program had its own "class" of beneficiaries; each program complemented the other. The result of such an approach, in Kellogg's opinion, was a well-integrated, non-overlapping social welfare system in the State.

⁵⁵Memorandum from Kellogg to Romney, April 17, 1963.

It is doubtful that Attorney General Kelley fully understood ADC-U's relationship with other welfare programs. For instance, in the press release accompanying the ADC-U opinion, Kelley said, "Thirty thousand ill-fed, poorly clothed children are being deprived of any assistance due to the cynicism of Governor Romney. . . ."56 In the ADC-U opinion itself, Kelley reiterated: "If Act 12, PA 1963 is upheld as it is written some 10,000 families with dependent children of unemployed parents would be benefited. On the other hand approximately 20,000 such families would be deprived of benefits."57 Available evidence does not support the contention that "20,000 such families would be deprived of benefits." Further, as pointed out above, Kelley said that "children are being deprived of any assistance." This statement is more than a casual inaccuracy. The fact that children were already being cared for by direct relief, as Kellogg noted in his memorandum, is basic to the understanding of the ADC-U legislation. In the absence of a clear understanding of the intended scope of Michigan's ADC-U bill, it is difficult to conclude that the Attorney General weighed all pertinent factors before ruling that Michigan's ADC-U program was both "arbitrary and capricious."

⁵⁶Supra, chapter iii, p. 58.

⁵⁷Mich., Attorney General, Opinion 4156, p. 3. It should be pointed out that the Attorney General usually delegates the writing of opinions to his professional career staff.

This is not to say that the Michigan ADC-U act could not rightfully incur much criticism for being too narrow and restrictive. The only points considered in this section were: (1) Did the Legislature have the right to "classify" a group of potential welfare recipients?; (2) Was this classification reasonable, legal, and related to the purpose of the legislation?; and (3) Would all beneficiaries within this "class" be treated alike? The answer to (1) is a universal "Yes." The answers to (2) and (3), as has been painstakingly pointed out, range wide in disagreement.

The final legal question to be analyzed in connection with the 1963 Michigan ADC-U dispute is this: Would it have been a possible or a potentially fruitful action on the part of Governor Romney to seek judicial review of Secretary Celebrezze's and Attorney General Kelley's decisions on Public Act 12?

If suit were brought to compel the Secretary of Health, Education and Welfare to approve Michigan's ADC-U plan, a Federal court would be barred from assuming jurisdiction by plea of sovereign immunity in the absence of consent to the suit by Congress of the United States.⁵⁸

Several legal precedents substantiate this position:

⁵⁸Legal memorandum on ADC-U (in files of Executive Office, State of Michigan).

Immunity from suit is an attribute of the sovereignty of the United States. Pflueger v. United States, 121F 2d 732, Cert. denied in 314 US 617.

. . . The law is well settled that only Congress may by law consent to an action against the United States. United States v. Shaw, 309 US 495.

Suits essentially designed to reach moneys owned by the United States, in the absence of consent of Congress to the suit, are barred by the doctrine of sovereign immunity even though they are brought against a federal officer as an individual. Mine Safety Appliances Company v. Forrestal, 326 US 371.

Notwithstanding the fact that the suit is brought against the federal officer individually, the court will look beyond the "nominal" party to determine the interest of the United States government in the case "by the essential nature and effect of the proceeding, as it appears from the entire record." Re New York, 256 US 490, 500.

The leading case on the question of suits brought against federal officers and the defense of sovereign immunity as a bar thereto is Larson v. Domestic and Foreign Commerce Corp., 337 US 682, 703.

[The court held] . . . that interference by the courts in the performance of duties by the executive branch of the government would lead to mischief and would be against the strongest reasons of public policy. The court limited the type of action that could be brought against a public officer without bar of sovereign immunity to the following cases:

1. The federal officer exceeds his statutory authority in the ultra vires action he takes that is complained of in the suit and it is necessary to plead specifically the statutory limitation upon the officer. It is the lack of delegated power that is controlling so as not to constitute the action of the sovereign.

2. The officer acts under an unconstitutional statute so that he acts unconstitutionally and his action is not that of the sovereign.

It should be stressed that under the first case the action is permitted without bar of sovereign immunity because of the officer's lack of delegated power. The court ruled that a claim of error in the exercise of the power is not sufficient to bring the suit outside the scope of the bar of sovereign immunity.

. . . At best the suit would have to allege that the Secretary of Health, Education and Welfare erred in disapproving the Michigan plan. [The federal ADC-U

statute does not] . . . impose a ministerial duty only requiring the Secretary to approve every plan submitted to him and [there is] . . . no provision in the statute that the erroneous action of the Secretary "violated any express command of Congress." Mine Safety Appliances v. Forrestal, supra.⁵⁹

Furthermore, a decision of the Michigan Supreme Court upholding the constitutionality of Act 12, P. A. 1963 would have been imperative before filing suit against Secretary Celebrezze. Such a decision would not only have resolved the legal question but would also have undermined the position taken by the Attorney General on the Michigan ADC-U act and his possible position as Intervenor in a Federal suit against the Secretary.⁶⁰

However, it was considered hopeless for Romney to seek a reversal of Kelley's decision in the Michigan Supreme Court. Romney calculated that the composition of the court would not be in his favor.⁶¹ Secondly, it was an historical fact that none of the 160 opinions issued by the Michigan Attorney General's office in 1962 had been overruled by the courts.⁶²

Thus, it seems clear that it would have been a possible but not a potentially fruitful endeavor for Governor Romney to seek judicial review of Celebrezze's or

⁵⁹Ibid.

⁶⁰Ibid.

⁶¹Source wishes to remain anonymous.

⁶²Detroit Free Press, April 13, 1963.

Kelley's decisions on Public Act 12.

Romney carries on ADC-U fight in spite of adverse rulings.--Until the latter part of April, 1963, Governor Romney's actions in the ADC-U dispute could be defended in light of: (1) the explosive political situation; (2) the legal and administrative advice received from his colleagues; and (3) the Governor's relative inexperience in politics. However, it should have been clear to the Governor by that time that a court test overruling either Kelley's or Celebrezze's decisions was well nigh impossible. But as late as mid-May and June, Romney still held out hope that Michigan's ADC-U issue would be resolved in his favor by the courts.

On May 14, the Governor said a court test of Kelley's decision held possibilities of success.⁶³

On June 6, Romney renewed the prospect that he might try to take the United States to court in order to qualify Michigan for ADC-U. He said for the first time that his "outside legal advisors" had told him a suit against the United States was possible. Romney said court action against the United States could be based either on the constitutionality of Michigan's program or on the position adopted by H. E. W. He asserted, further, that his legal advisors had

⁶³Ibid., May 15, 1963.

told

good

of t

poss

mult

proa

cont

duri

acco

the

the

ADO-

summ

publ

solv

to J

quest

refut

Unite

told him the chances of a favorable result were reasonably good.⁶⁴ Again, he refused to name his "phantom lawyers."

The Governor did, however, admit the possibility of two other approaches to solving the ADC-U issue. One possibility being explored, he said, was Congress "and its multiple relationships with federal agencies."⁶⁵ This approach was finally to become the climax of the 1963 ADC-U controversy, but Romney gave it only brief mention publicly during the period from April to July, 1963.

The other possibility of solving the ADC-U impasse, according to Romney, was passing new legislation. However, the same day he made this admission, Romney publicly rejected the Democratic State Chairman's request that a more liberal ADC-U law be passed by a special legislative session that summer.⁶⁶ Therefore, it is not unfair to say that Romney publicly regarded action by the courts as the most likely solution to the ADC-U problem during the months from April to July.

The Governor's actions in this regard give rise to questions as to his motives in view of the abundant evidence refuting his belief that court action on ADC-U would have

⁶⁴News story transmitted by Lansing Capitol Bureau, United Press International, June 6, 1963.

⁶⁵Detroit Free Press, May 15, 1963.

⁶⁶Ibid.

held promise of success.

Several possible reasons may be offered to explain Romney's pursuit of the legal struggle:

1. The Governor was receiving poor legal advice.
2. Perhaps he confused the political issues (the states' rights battle, and the political aura in which Kelley's opinion was issued, for instance) with the strict legality of the ADC-U act. Or perhaps the Governor could not resolve his belief that the ADC-U program was sound philosophically, financially, and administratively with the fact that it might be, at the same time, unconstitutional.
3. The Governor might have thought that since he had publicly committed himself to the legal battle, it would be to his disadvantage to "back down" in face of the "Democratic" onslaught. Extensive publicity had been derived from his "taking on" the Federal government and the Attorney General of Michigan. Few expected the Governor to win, but the public could still admire Romney's dogged determination to win "as a matter of principle." To capitulate at this point meant a "total defeat" on his first major piece of legislation. Romney apparently sought at least a partial victory before "succumbing" to the opposition.

The Governor's decision to continue the ADC-U battle instead of passing new legislation marked the turning point in the Romney "fortunes of war." He still was irrevocably committed to qualifying Michigan under ADC-U. New

legislation remained the only certain method of carrying out his promise. If the purpose of ADC-U legislation--caring for underprivileged children--had taken precedence over personal or political considerations in his hierarchy of values, Romney would have passed a revised ADC-U bill, in spite of a so-called "defeat."

Outstanding leadership requires compromise at times, subjugating personal interests to those of the common society. Romney apparently was unwilling to do this. Politics has been defined as "the art of the practical," but Romney failed to absorb this principle into his strategy. A Detroit Free Press editorial spelled out the latter point in these words:

. . . Governor Romney is perfectly right in not wanting the rules changed after Michigan has started playing the game. But the fact of the matter is that the rules of the game have been changed, and the Federal government has the money.⁶⁷

Summer sees no solution for ADC-U.--The City of Detroit was the local government hardest hit by Romney's refusal to pass acceptable ADC-U legislation. Jerome Cavanaugh, Mayor of Detroit, had earlier amended his 1963-64 budget to include \$2,230,000 he expected to receive in grants under the new Michigan ADC-U law. A like amount was consequently transferred from the Detroit welfare fund for use

⁶⁷ Ibid., May 1, 1963.

in other municipal activities.⁶⁸ Now with strong prospects that Michigan would not qualify for ADC-U in 1963, Cavanaugh feared Detroit would be left with a budget over \$2 million out of balance. Cavanaugh put strong pressure on Romney to seek new legislation. Romney answered him in a letter:

. . . It is constitutionally impossible to do what you request. I signed the bill in question March 27 and it became law that date. Under the Constitution there is nothing which I could or which the Legislature could do to recall or reconsider the bill at this time.⁶⁹

The Governor was referring here to what could be done under normal procedure. He did admit another possibility, but said it had been declined by legislative leaders. Romney told Cavanaugh: "I have discussed your message with leaders of the Legislature and they are not prepared to change the rules to permit introduction of new legislation at this time."⁷⁰

Governor Romney announced on June 5 that he would take the ADC-U issue to the annual Governors' Conference in July. This action was not proposed as a "substitute" for a court test, since it was the very next day when Romney announced the "favorable" findings of his private lawyers on

⁶⁸ Ibid., April 12, 1963.

⁶⁹ News story transmitted by Lansing Capitol Bureau, United Press International, June 5, 1963.

⁷⁰ Ibid.

the question of judicial review. Romney's results at the Governor's Conference were to become a significant segment in the long ADC-U dispute.

Romney takes ADC-U to Governors' Conference.--After approximately a month and a half of relative silence on ADC-U, Romney put the issue back in newspaper headlines by introducing a resolution at the Governors' Conference in Miami Beach. The resolution, introduced to the Committee on Federal-State Relations, asked for "Federal legislation empowering the states to seek quick judicial review of administrative decisions by Federal officials."⁷¹ The resolution singled out H. E. W. for special criticism.

Romney told the Governors from fifty states: "Not only does the Department [H. E. W.] continue to demonstrate complete unconcern, . . . but other Federal departments continue to assert authoritarian demands for conformity without regard for statutory authority."⁷²

Romney quietly succeeded in getting his resolution passed unanimously by the Committee on Federal-State Relations on July 21. The Committee was weighted 5-4 Democratic.⁷³ Later that week, the entire Governors' Conference voted

⁷¹Detroit Free Press, July 22, 1963.

⁷²Ibid.

⁷³Detroit News, July 23, 1963.

unanimously to pass Romney's states' rights resolution.⁷⁴

The Governor returned to Michigan pleased with his victories.

At a Friday morning press conference the same week, the Governor reflected:

. . . Naturally I was gratified at the conference action supporting . . . [my] resolution. . . .

.
The fact that it was recommended unanimously by the state-federal relations committee [sic] and approved unanimously by the conference has more than passing significance. . . .

.
The actions of the governors at the Governors' Conference on judicial reviews shows that the roadblocks thrown in the way of the Michigan ADC-U program were politically inspired and not justified by the law.⁷⁵

Apparently the results obtained by Romney at the Governors' Conference constituted the "partial victory" long sought by the Governor. He had been publicly vindicated in his stand on ADC-U by the entire group of the nation's governors. Romney's delight over this development signaled many close observers that the Governor's long feud over ADC-U would soon be terminated.

Accordingly, at the time his resolution was assured of passage at the Miami Conference, Romney admitted to reporters that a suit against Celebrezze to obtain funds for ADC-U might be ruled illegal, since the United States and

⁷⁴State Journal, July 26, 1963.

⁷⁵Ibid.

its officers enjoyed sovereign immunity in most cases.⁷⁶

On August 15, Governor Romney announced his change in strategy on ADC-U. He said he hoped Congress would solve the ADC-U dilemma by acting on the Governors' Conference resolution. Secondly, he stated he he had given up any thought of trying to gain ADC-U approval through Federal court action. Thirdly, Romney said he didn't "anticipate doing anything about it [ADC-U] in the Legislature's special session. . . ." ⁷⁷ Romney held true to his new strategy.

In late August, Senator Stanley Thayer, Senate Majority Leader, went to the National Legislative Conference in Hawaii and succeeded in getting a resolution passed similar to Romney's proposal at the Governors' Conference.⁷⁸

A month later, Richard Van Dusen represented Michigan's chief executive at the first annual Republican Governors' Conference. Again concentrating on Congress for a solution to the impasse over ADC-U, Van Dusen, acting for Romney, requested the G. O. P. governors to follow up on the Romney resolution approved at Miami. Republican Governors obligingly urged immediate action in Congress on legislation which would allow judicial review of actions by

⁷⁶ Detroit Free Press, July 22, 1963.

⁷⁷ Detroit News, August 15, 1963.

⁷⁸ Grand Rapids Press, August 21, 1963.

Federal administrators.⁷⁹ Romney thus gained two more anticlimactic victories--small ones in the history of the 1963 ADC-U dispute.

Also in keeping with his strategy, Governor Romney repeatedly denied requests for consideration of new ADC-U legislation at the special legislative session held during the fall of 1963.

Senator Rahoï, contending that ADC-U enabling legislation was "a legitimate part of fiscal reform" (which was the purpose of the 1963 autumn session), urged Romney to open up the session to ADC-U. Romney refused.⁸⁰

Again on October 9, Senator Raymond Dzenzal (D-Detroit), made a request similar to Rahoï's. The Governor again denied the request.⁸¹

Romney seeks form of new ADC-U legislation.--Despite Governor Romney's outward reluctance to act on ADC-U, however, ground was quietly being laid by Romney's administration as early as June, 1963 for an acceptable ADC-U bill.

Lynn Kellogg proposed a substitute definition of unemployment for purposes of ADC-U eligibility in a June 27 memorandum to Walter DeVries, Romney's Executive Assistant:

⁷⁹State Journal, September 23, 1963.

⁸⁰State Journal, September 3, 1963.

⁸¹Ibid., October 9, 1963.

. . . The same objectives [as those of the restrictive clauses of Public Act 12] can be obtained, though perhaps with less exactness and equality of determination, if the definition is altered to require a history of work experience in a specific calendar period instead of "eligible to receive UCB [Unemployment Compensation Benefits] on or after."

.
 The end result [of the new definition] should be the same if the [Social Welfare] Department's assumption that the majority who became unemployed in 1958 were eligible for UCB was correct. If the Department's assumption was incorrect, the result still will not exceed the Department's estimate, but the federal agency's [H. E. W.] point would then have been well taken; which was correct will probably never be determined. . . .⁸²

Thus, Kellogg, one of Romney's principal advisors on the ADC-U issue, was admitting that Public Act 12 might have been drafted under erroneous assumptions. Secondly, Kellogg was admitting that the restrictiveness desired for ADC-U could be accomplished by using another definition which, at the same time, would be acceptable to the Federal government.

Research and exploratory investigation on possibilities for acceptable ADC-U legislation continued throughout the summer and fall of 1963. Romney, finally realizing that new legislation remained the only solution to the ADC-U deadlock, announced to the Michigan Welfare League on November 19 that a new ADC-U bill would be submitted to the Legislature in January, 1964. Romney declared: "There is

⁸²Memorandum from Kellogg to DeVries, June 27, 1963 (in files of Executive Office, State of Michigan).

no point in continuing to deny local units of government funds to which they are entitled under the ADC-U program."⁸³ Thus, after eight months of refusal to revise the inoperative ADC-U act, Romney capitulated.

Governor Romney justified his decision to seek new ADC-U legislation in these words:

With the interest and help of the governors of other states, I trust we will be able to obtain the right of review, so that arbitrary decisions by federal officials which clash with the will of Congress can be effectively challenged.

But the fight will take time. I see no reason why Michigan should continue to be denied these funds during the period in which this battle is being waged.

That is why I have decided to introduce new legislation to bring Michigan under the federal program.⁸⁴

The Governor failed to explain, however, why it took him eight months to arrive at his decision.

ADC-U becomes operative in 1964.--The story of Michigan's long and heated struggle over the ADC-U issue arrived at a successful conclusion with this chain of events.

1. On January 9, 1964, Romney asked the Legislature in his State of the State address for a new ADC-U bill.⁸⁵

2. The Republican State Central Committee passed a resolution backing Romney's new ADC-U proposals.⁸⁶

⁸³Detroit News, November 20, 1963.

⁸⁴Press release, Executive Office, State of Michigan, November 22, 1963.

⁸⁵State Journal, January 10, 1964.

⁸⁶Ibid., January 11, 1964.

3. Romney received approval from H. E. W. on his proposed ADC-U bill.⁸⁷

4. The new bill, sponsored by twenty Republicans and twenty Democrats, was introduced into the House of Representatives February 5.⁸⁸

5. In answer to Romney's question as to whether the current ADC-U bill complied with certain provisions of the newly operative Michigan Constitution, Kelley replied affirmatively on February 23. Kelley, although not asked by the Governor, added that the proposed bill was also otherwise constitutional.⁸⁹

6. The House of Representatives passed the ADC-U bill by a vote of 95-13 on March 4.⁹⁰

7. With very little debate, the Senate voted overwhelmingly in favor of ADC-U (29-3) on March 10.⁹¹

8. The new ADC-U bill was signed into law by Governor Romney on Friday, March 13.⁹² It was enrolled as Public Act No. 3, 1964, and, as of the writing of this

⁸⁷ Detroit News, January 15, 1964.

⁸⁸ Detroit Free Press, January 30, 1964.

⁸⁹ State Journal, February 23, 1964.

⁹⁰ Detroit News, March 4, 1964.

⁹¹ Detroit Free Press, March 11, 1964.

⁹² State Journal, March 13, 1964.

thesis, is still in operation in Michigan encompassing an average monthly caseload of approximately 3,500 families.⁹³

The controversy-ridden eligibility clause written into the 1963 ADC-U act was revised thoroughly in Public Act 3. The Department of Health, Education and Welfare and Michigan's Attorney General had made their points well. The Romney forces had finally accepted defeat. Section 56d, replacing Section 56a of the 1963 act⁹⁴ read as follows:

Effective only for the period ending June 30, 1967, the term "dependent child" . . . shall also include a needy child under the age of 18 who has been deprived of parental support or care by reason of the unemployment of a parent. In order for a child to be considered dependent under this section, the parent cannot be engaged in gainful employment for more than 32 hours in any consecutive 2-week period.⁹⁵ [*Italics mine.*]

With Governor Romney's signing of the new bill into law, the ADC-U issue belatedly retired from public life to the anonymous existence of "just another welfare program."

⁹³Files of Michigan Department of Social Welfare.

⁹⁴Supra, chapter ii, p. 20.

⁹⁵Michigan, Public Act 3, 1964, sec. 56d.

CHAPTER IV

THE PRESS

Survey of ADC-U Press Coverage in 1963

Role of press important in public policy-making.--In the United States, the press acts as the "Fourth Branch of Government"¹ because it introduces the element of an informed public opinion to those forces already at work in shaping public policy.

The press serves the political system in two ways. First, it acts as a "watchdog" against government. Second, through providing information, discussion and debate on public affairs, the press provides an "enlightened citizenry" necessary for maintaining a healthy democracy.²

The Commission on Freedom of the Press envisions at least three distinct functions of the press in a modern democratic society:

1. To provide a "truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning."

¹Douglass Cater, The Fourth Branch of Government (Boston: Houghton Mifflin Co., 1959).

²Theodore Peterson, "Social Responsibility Theory of the Press," in Four Theories of the Press (Urbana, Illinois: University of Illinois Press, 1956), p. 73.

2. To serve as a "forum for the exchange of comment and criticism."

3. To provide "full access to the day's intelligence" in order to equip citizens with information upon which to base decisions.³

A fair and unbiased press is indispensable to a democracy. On the one hand, governmental policy makers depend on newspapers to reflect public opinion.

The press undoubtedly influences government not because the people read the newspapers, but because government officials read newspapers and try to assess the people's reaction to the news item; and the government officials then react according to this assessment.⁴

On the other hand, citizens rely on newspapers for interpretation and appraisal of governmental policies, programs and personalities.

The press is then a vital link in the governmental policy-making process. Regretfully, however, the press does not always live up to the ideal standards offered by the Commission on Freedom of the Press. At times it does more than "relay the news"--it tries to sell its readers

³Theodore Peterson, ibid., pp. 87-91, citing Commission on Freedom of the Press.

⁴John Murray, "Communication Techniques in Handling a Public Charge of Racial Discrimination in a Political and Governmental Framework" (unpublished Master's dissertation, College of Communication Arts, Michigan State University, 1962), p. 97.

opinion under the guise of objective news; or, through misuse of its editorial function, it plays only those stories favorable to certain groups. Such misuse of power is called "managing the news."

Democrats indict Michigan press on handling of ADC-U issue.--Representatives Joseph Kowalski and Albert Horrigan accused the Michigan press of managing the news in a memorandum circulated to all Democratic House members on March 27, 1963. The memorandum stated:

The policies of Michigan's newspapers are responsible for regulation of the flow of important news affecting the public welfare. As a result of this management of the flow of news, Michigan's participation in the federal program of Aid to Dependent Children of the unemployed [sic] are being hurt.

All evidence of the Governor's failures on ADC-U has been "mysteriously" omitted from the published news. . . . The people of Michigan are not fully aware of the fact that a non-discriminatory ADC-U bill can become law immediately.⁵

However politically inspired this memorandum was, it cannot be ignored in a serious study of the 1963 ADC-U dispute. The role of the press in the ADC-U controversy was an important one. Any charge from a reputable source that the ADC-U coverage was slanted is serious, and must be examined thoroughly. Such is the purpose of this chapter.

⁵Memorandum from Kowalski and Horrigan to Democratic Representatives, March 27, 1963.

Newspaper coverage of the 1963 ADC-U issue will be examined here using the following variables:

1. Volume of coverage received.
2. Accuracy.
3. Bias.
4. Editorial stands.
5. Comprehensiveness and clarity.
6. Reporters' views on covering the ADC-U controversy.

Material for this chapter was largely derived from three sources:

1. Newspaper articles on ADC-U.
2. Interviews with reporters who covered ADC-U.
3. Interviews with State government officials and public information officers for State agencies.

Five Michigan newspapers and one wire service were chosen to provide a representative cross-section of coverage in Michigan. They are: the Detroit Free Press, Detroit News, Lansing State Journal, Ann Arbor News, Grand Rapids Press and United Press International.

Two hundred key articles on ADC-U were chosen for close analysis. Approximately 300 additional articles were read and discarded, largely because they duplicated information contained in the 200 articles already selected. Publication dates for these articles ranged from December, 1962 to March, 1964, but the majority of articles fell into the

most controversial period of time--from January to mid-April, 1963.

Volume of ADC-U coverage.--Had the ADC-U bill been passed into law routinely, little press coverage would have resulted. The elements of the ADC-U bill itself were rather uninspiring and dull to the average citizen. Several important factors, however, joined together in making ADC-U major news for several months in 1963:

1. The 1963 ADC-U bill was one of Romney's first pieces of priority legislation.

2. ADC-U had been defeated twice before at the hands of Republicans. Now the first Republican governor in fourteen years was attempting to pass a twice-defeated Democratic program through a Republican controlled Legislature.

3. A Romney success in getting ADC-U passed would have broad implications on the remainder of the new Governor's legislative proposals.

4. The fights between Romney and H. E. W., and later, between Romney and Kelley, spurred newspaper coverage to new heights. Romney was defying the Federal government, in the person of Secretary Celebrezze, a Kennedy appointee. Romney was likewise in hand-to-hand political combat with Democratic Attorney General Kelley. The conflict became one of the states' rights and personalities.

5. ADC-U became trapped in a political cross-fire of another sort. Politicians and bureaucrats from all quarters fed an endless stream of comment to the press. Rahoi, Kowalski, Kelley, Celebrezze, Cohen, Ferency, Cavanaugh, Staebler, and Lesinski fired allegations at Romney. Romney, Engstrom, Thayer, Knox, and Byrnes fired back. The conflict fed on itself.

6. There was a "national flavor" to the new Romney organization in Michigan. From the very beginning of Romney's political career, speculation abounded that he would some day climb to the national ranks in the Republican party--most likely as a presidential nominee. Thus, every success or defeat Romney incurred had implications far beyond Michigan and the issue at hand.

The volume of newspaper coverage ran consistently high throughout the ADC-U bill's journey through the Legislature. Publicity reached a new peak in late March when the Federal government entered the picture via Hurley's telegram. The Romney-Celebrezze exchange, Romney's and Kelley's trips to Washington, Kelley's ADC-U opinion, and Romney's introduction of the "phantom lawyers" kept the ADC-U issue in headlines until mid-April. Coverage subsided considerably then until the Governor's Conference in late July. Following this, the issue was revived only occasionally. Finally in November, when Romney announced his intention of introducing new ADC-U legislation in 1964,

coverage hit another minor peak. The extensive ADC-U coverage enjoyed during late March and the first two weeks of April, however, was never again matched.

Accuracy of ADC-U coverage.--After reviewing 200 pertinent articles, two conclusions can be safely drawn: (1) there were no major or consistent errors of fact in the news articles on ADC-U examined; (2) there were numerous minor errors.

The majority of errors discovered revolve around the terms of the ADC-U bill itself. The terms of the bill, as described in a previous chapter, were: ADC-U would bring an estimated \$12.5 million from the Federal government; the State of Michigan would have to pay about \$7.8 million; county and local units would save approximately \$9 million a year; average direct relief payments which then averaged from \$128 to \$166 per family would be increased to an average of \$167 per family under ADC-U.⁶ The eligibility clause demanded that recipients: (1) have a child under the age of 18; (2) be currently unemployed; (3) have been eligible to or have received unemployment compensation since January 1, 1958; (4) could not be working more than 32 hours in any consecutive two week period.⁷

⁶Supra, chapter ii, p. 16.

⁷Michigan, Public Act No. 12, 1963, sec. 56a.

Initial accounts of Governor Romney's ADC-U proposals were detailed and largely accurate. However, as the story wore on, reporters looked for summarized and simplified phrases to replace the detailed explanations used at the story's inception. Some of the results are as follows.

The State Journal: "Increased monthly payments would be provided to an estimated 12,000 families. . . ." ⁸

The Detroit News: "It [ADC-U] would allow the state to come under a federal program to pay benefits to families with children under 18 in which the father is chronically unemployed." ⁹ To provide for the chronically unemployed was diametrically opposed to the purpose of the Michigan ADC-U bill.

The Grand Rapids Press said that the ADC-U program would "bring \$10,000,000 a year to Michigan in federal aid." ¹⁰ Less than two weeks later, the same newspaper, referring to the same bill, stated: "Immediate financial benefit to the state would be federal aid totaling \$9 million a year. . . ." ¹¹ Shortly after this, the Grand Rapids Press again erred: "The proposed ADC-U program . . . would expend \$9 million annually

⁸ State Journal, February 20, 1963.

⁹ Detroit News, February 21, 1963.

¹⁰ Grand Rapids Press, March 1, 1963.

¹¹ Ibid., March 13, 1963.

to aid an estimated 10,000 families with children under 18 and with jobless parents."¹²

The Detroit Free Press erred in describing monthly payments under ADC-U: "ADC-U recipients would get an average of \$138 a month, compared to the \$106 they now receive under general assistance."¹³

The Detroit Free Press also developed a watered down description of the ADC-U bill's eligibility provisions: "Michigan's [ADC-U] act would restrict payments to those who have been eligible to receive unemployment compensation payments since January 1, 1958."¹⁴

The Grand Rapids Press further "simplified" the ADC-U bill's eligibility provisions into meaninglessness: ". . . It [ADC-U] applies only to the unemployed who are receiving or are eligible for welfare."¹⁵

However basic and unforgiveable such mistakes are, it should be re-emphasized that they were relatively few in number. At the same time, it is true that diligent readers of these newspapers must have been thoroughly confused over the actual provisions of the 1963 ADC-U bill.

¹²Ibid., March 19, 1963.

¹³Detroit Free Press, March 21, 1963, and March 23, 1963.

¹⁴Ibid., March 28, 1963.

¹⁵Grand Rapids Press, April 13, 1963.

Bias in ADC-U coverage.--In order to investigate bias in newspaper articles written about ADC-U, a suitable definition of the term must be determined. There was disagreement as to the precise meaning of "bias" among those interviewed on the subject.

Some reporters and State public relations officers see "bias" in reporting news as the lack of objective truth, or, put positively, arranging a story in such a way as to show favoritism to some interests over others. Other professional communicators do not demand "objective truth" from news stories, being satisfied as long as both sides of an issue are adequately explained.¹⁶ For sake of ease in handling, the latter concept will be used in examining bias in the ADC-U coverage. The question as to whether or not reporters went to great enough lengths to ferret out the "objective truth" will be considered under "comprehensiveness" in this chapter.

With very few exceptions, there was little, if any, bias shown in the reporting of the 1963 ADC-U controversy among the newspapers studied. This statement must be qualified in one respect, however: In examining those events, issues, and statements which were reported regarding the

¹⁶Interview with Marvin Tableman, Urban Affairs Officer, Michigan State Highway Department, December 21, 1964.

ADC-U controversy, little bias was found. Under another heading, it will be proposed that all issues were not brought to light in the press.

Keeping the Kowalski-Horrigan charge of "managed news" in mind, it is fruitful to examine several examples of articles written on the most politically controversial aspects of the ADC-U story.

Charles Harmon, in an article published in the Grand Rapids Press, describes the events of Monday night, March 18, 1963, when Rahoï read the Hurley telegram to the Senate in an attempt to block passage of the ADC-U bill:

Democratic lawmakers shouting "foul" at the Republican plan for federal aid to dependent children of the unemployed, have successfully delayed final state senate action on the ADC-U measure.

.....
Republican leaders immediately withheld final action with charges that the maneuver was a political one aimed at embarrassing the Romney administration.

.....
Sen. Stanley G. Thayer, R-Ann Arbor, GOP caucus chairman, laid the blame for the move not only on the Democratic senators but also on federal welfare authorities.

The article gives a detailed explanation of the text of Hurley's telegram, then continues:

"I wonder why it took them until just a few hours before session time tonight to come up with this one?", he [Thayer] asked.

.....
Rahoï asserted that he contacted federal authorities last week as a result of a mid-February letter from Max M. Horton. . . .

.....
Sen. Raymond D. Dzendzel, D-Detroit, labeled the bill "a public relation man's dream."
.....

Republicans countered that the bill is a practical measure resulting from compromise aimed at assuring its passage.

.....
 Democrats then countered that they were prepared to work all night to adjust the bill, and could assure the Republicans of a full 11 votes from the minority to approve it.

"Then all you'll need will be seven Republican votes here and four in the house." Said Sen. William Ford, D-Taylor. (Italics mine.)¹⁷

John Millhone, in a Detroit Free Press article, describes developments in the ADC-U story surrounding Romney's signing the bill into law:

Gov. Romney defied Federal objections Wednesday and signed into law Michigan's Aid to Dependent Children of the Unemployed (ADC-U).

.....
 The Romney-Celebrezze clash over Michigan's ADC-U program continued Wednesday with these other developments:

..Attorney General Frank J. Kelley objected that Romney was ignoring his office in the legal dispute over the bill's acceptability and said he was going to Washington to find out the facts for himself.

..Lynn Kellogg, acting director of the Social Welfare Department, supported Romney's approach in a statement also approved by the State Social Welfare Commission.

..House Democratic leaders issued a protest that Michigan's newspapers were "managing" the ADC-U story to conceal the governor's "failures on ADC-U." (Italics mine.)

The dispute centers on whether the State or HEW has the authority to say who is qualified to receive ADC-U payments.

The article thus leads off with a summary of events concerning all parties involved in the controversy. The article then treats alternately: the H. E. W. opinion

¹⁷ Grand Rapids Press, March 19, 1963.

10-11-12

written by Willcox; Romney's reaction to it; Kelley's allegations against Romney (long quotes from Kelley's press release); Romney's reaction to Kelley's trip to Washington; Kellogg's statements on the ADC-U bill; and a summary of the Kowalski-Horrigan memorandum indicting Michigan newspapers.¹⁸ Millhone's account can rightly be termed "unbiased."

Robert A. Popa, in a Detroit News article about Kelley's ADC-U opinion, likewise displays impartiality:

Gov. Romney's staff withheld comment on Atty. Gen. Frank J. Kelley's opinion that the state's recently enacted ADC-U law is unconstitutional.

.....
Kelley said the ADC-U law was unconstitutional because it included some workers and disqualified others, even though both were jobless and equally needy.

Romney and Republican legislators insist that Congress, which established the federal ADC-U program two years ago, gave to the states the authority to decide who should receive benefits.

.....
In a press release accompanying yesterday's opinion, Kelley accused Romney of trying to take "food and clothing away from 20,000 [sic] children and make it look like a high-minded noble accomplishment."

.....
Senator Stanley G. Thayer, of Ann Arbor, Senate Republican caucus chairman, called the opinion "a blatant political misrepresentation."

He suggested the State Bar should investigate "improper conduct" by Kelley.¹⁹

The foregoing examples are offered only as a random selection of thorough, unbiased news accounts of the ADC-U

¹⁸Detroit Free Press, March 28, 1963.

¹⁹Detroit News, April 12, 1963.

issue. These articles are representative of the type of news stories written about ADC-U. The articles give "both sides of the story" almost religiously, and do not favor one political party over the other.

One additional observation must be made, however. Romney, being the new Republican Governor of Michigan, a strong personality, and having at his disposal the vast resources of any Governor, was bound to attract more attention than several State Democratic leaders put together. Such prestige as is attached to a governor is not enjoyed by those around him, or those opposing him. This accounts for the fact that Romney's meetings with the press were covered in greater detail, and that throughout the height of the ADC-U controversy, Romney's name appeared in the headlines more than any other single participant in the dispute. In short, Romney was more "newsworthy" than his opponents.

On the whole, newspaper headlines displayed Romney's name favorably or, at worst, neutrally. Some examples are:

ROMNEY PRESSES CHILD AID FIGHT

GOVERNOR

CONFERS IN

WASHINGTON²⁰

²⁰Grand Rapids Press, March 22, 1963.

ROMNEY DEFIES U. S.,
SIGNS ADC-U BILL²¹

ROMNEY DEFIES
HEW ON ADC-U²²

MAY SEEK COURT
TEST OF ADC-U

GOVERNOR
BYPASSES
KELLEY²³

ROMNEY TO USE OWN LAWYERS
CHALLENGES
DECISION
BY KELLEY²⁴

The only period of time during the entire 1963 ADC-U controversy in which Romney received unfavorable headlines occurred when he announced his intention to introduce acceptable ADC-U legislation in the 1964 session. Following are representative examples of the generally unfavorable headlines received at that time:

²¹Detroit Free Press, March 28, 1963.

²²State Journal, March 28, 1963.

²³Detroit Free Press, April 13, 1963.

²⁴Grand Rapids Press, April 13, 1963.

ROMNEY RETREATS ON FEDERAL ADC-U²⁵

ROMNEY QUILTS STAND, SEEKS ADC-U HELP²⁶

GOVERNOR RETREATS ON CHILD AID²⁷

ROMNEY DROPS ADC-U RIGHT

YIELDS TO U. S. TERMS²⁸

It can be concluded that while articles on ADC-U were free from bias, the headlines assigned to them were at times slightly biased toward Romney. This can possibly be explained by the fact that assigning headlines is an editorial function, and Michigan newspaper editors were overwhelmingly behind Romney on ADC-U.

Editorial stands on ADC-U.--The editorials written about the ADC-U issue in 1963 exhibit a strong Republican, states' rights, anti-Federal bureaucracy tendency, in keeping with Michigan newspaper tradition. The effect of these "crusading" editorials on public opinion cannot be accurately measured in the absence of empirical research. However, if people read editorials and if they are influenced by them,

²⁵State Journal, November 19, 1963.

²⁶Grand Rapids Press, November 19, 1963.

²⁷Ann Arbor News, November 19, 1963.

²⁸Detroit Free Press, November 20, 1963.

and if public officials react to them as hypothesized above, then Romney's cause in the ADC-U dispute was greatly aided by the favorable editorials he received.

The following are examples of editorials written on ADC-U at various times during the 1963 controversy.

The Grand Rapids Press, January 28:

Gov. Romney has . . . insisted that while we should try to stop the growth of concentrated federal power, turning our backs on what's rightfully ours--and only ours--will accomplish nothing. The failure thus far to qualify for federal ADC-U payments has cost Michigan counties, which would be the direct recipients of the funds, as much as \$50,000,000. We're not so rich that we can afford to turn up our noses at that kind of money. The legislature should stop being so free with our money--now. It should pass the ADC-U bill without further debate.²⁹

An Ann Arbor News editorial attributed Celebrezze's actions in the ADC-U dispute to the downswing of "Kennedy's political axe," then analyzed two additional ingredients in the political controversy:

Maxey knew his business, probably better than some of the political appointees in the federal Health, Education and Welfare Department. In 1961, he was the victor when Celebrezze's predecessor, Abraham A. Ribicoff, threatened to cut off Michigan's ADC money on a legal technicality.

.
One can't help but speculate on how the ADC-U matter would have been handled if the Kennedy Administration did not regard Michigan's governor as a political enemy.³⁰

²⁹ Grand Rapids Press, January 28, 1963.

³⁰ Ann Arbor News, March 22, 1963.

The Grand Rapids Press bitterly attacked Cohen's involvement in Michigan's ADC-U program:

. . . We regard Cohen's attitude as punitive and vindictive and entirely contrary to Congress' clear intent to permit the states to decide how far they should go in extending ADC-U benefits.³¹

The Detroit Free Press called Celebrezze's stand "political rather than judicial," and "sociological, not legal."³²

The Detroit News likewise portrayed the ADC-U controversy as a political plot against Romney:

. . . Whatever the eventual outcome of the dispute over Michigan's new ADC-U legislation, it is clear that Democrats in Michigan and Washington are playing politics with the issue.

.
Why would Democrats wish to play politics with such a program in Michigan?

Precisely because Romney is a potential threat on the political horizon, both as a possible GOP presidential candidate and as a chief executive who strongly believes in refusing to turn over all of the state's responsibilities to Washington.³³

A Detroit Free Press editorial, commenting on Federal intervention in the ADC-U issue, draws this conclusion:

The problem now is far bigger than ADC-U. It involves Constitutional issues as well, and on these the Governor had better be right or the whole country is in trouble.³⁴

³¹Grand Rapids Press, March 22, 1963.

³²Detroit Free Press, March 22, 1963.

³³Detroit News, March 27, 1963.

³⁴Detroit Free Press, March 29, 1963.

The Lansing State Journal described its position on the Romney-Celebrezze clash in this manner:

As we see it, it is not a matter of what Secretary Celebrezze or his department's general counsel believes to be rational, but whether Congress in fact delegated to HEW the power to determine eligibility or left it to the discretion of the states.

.
In our opinion, the current controversy raises once again the vital issue of whether the American people are to be governed by their duly elected representatives in their state legislatures and in Congress or by the judgments, opinions or whims of appointive bureaucrats in the executive agencies of the federal government.³⁵

An even more stinging attack on the Federal government was launched by the Ann Arbor News:

If Romney wins out in a fight for a tight Michigan eligibility requirement, he will have struck a blow for sound government against the bleeding hearts and loose purse strings some observers associate with official Washington under President Kennedy.³⁶

The Grand Rapids Press also defended Romney's stand against the Federal government:

. . . But despite the possibility of delay, we believe that Romney has made the right decision. A fundamental question is at issue here--the right of a state to determine under what conditions it will administer welfare funds. . . . He has taken a courageous course.³⁷

Editorials written about Attorney General Frank J. Kelley's stand on ADC-U held true to form.

³⁵ State Journal, March 29, 1963.

³⁶ Ann Arbor News, March 30, 1963.

³⁷ Grand Rapids Press, April 5, 1963.

Describing Kelley's actions in the ADC-U controversy, a Detroit Free Press editorial stated:

He's running his own ship of state, and if it happens to be heading in a different direction from that of the State of Michigan, that's Michigan's tough luck.

The issue is not whether Kelley likes the [ADC-U] law. As a party-line Democrat, he isn't expected to. The issue is that a lawyer's job is to help his client, and Kelley's client is the State. If he isn't willing to help, he ought to get out.³⁸

In a later editorial, the Detroit Free Press called Kelley's involvement in the ADC-U issue a "gross violation of his oath of office," and charged that through proclaiming ADC-U unconstitutional, Kelley had "insulted the people of Michigan, the Legislature, the office of the Governor and the dignity of the office of attorney general."³⁹

The Lansing State Journal described Kelley as a "political malcontent," and observed that "the timing of the attorney general's announcement [on ADC-U] injects the element of political maneuvering, whether one credits the legal merits of the decision or not."⁴⁰

A Grand Rapids Press editorial called Kelley's reasoning on ADC-U "strange" and again reaffirmed the newspaper's backing of Governor Romney's position on the ADC-U issue.⁴¹

³⁸Detroit Free Press, April 10, 1963.

³⁹Ibid., April 11, 1963.

⁴⁰State Journal, April 14, 1963.

⁴¹Grand Rapids Press, April 16, 1963.

The Detroit Free Press had continually urged Romney to fight to the finish on the Federal vs. State aspect of the ADC-U dispute. An editorial published on April 25 said that if Michigan lost the fight over ADC-U, there would be no end to the expansion of Federal control over state affairs.⁴² Within a week, however, the Detroit Free Press changed its position. On May 1, these words appeared in an editorial in the same newspaper.

The only practical solution to this impasse [over ADC-U] lies not with Washington, but with the State Legislature. When the members reconvene in June for three days, they can amend their ADC-U law to meet federal standards.⁴³

This editorial change of direction was sudden and unprecedented, and remained largely confined to the Detroit Free Press. Note that the Legislature, not Romney, was called on to solve the ADC-U dilemma. For reasons unknown, the Detroit Free Press finally made its complete about-face on ADC-U in June:

In principle, the Michigan law providing aid to dependent children of the unemployed is on sound ground. . . . But the practical fact is that the State, and more importantly the people who need and would receive the money, aren't going to get any unless the Michigan law is changed.

There is a time to stand on principle and a time to retreat. Gov. Romney, who believes that the law means what it says it means, wants to stand on principle.

Our sympathies are with him, but this feeds and clothes no hungry, naked children.

⁴²Detroit Free Press, April 25, 1963.

⁴³Ibid., May 1, 1963.

• • • • • Much as it hurts, the Governor should take his
licking like a man.⁴⁴

Press coverage of ADC-U slowed to a mere trickle during the summer months of 1963, and few editorials of the latter type appeared in the other Michigan newspapers studied.

It would not be improbable to conclude, after examining the evidence above, that the sterling editorial support received by Romney during the height of the ADC-U controversy was one more reason why he carried his "states' rights fight" to such lengthy proportions.

Comprehensiveness and clarity of ADC-U press coverage.--Earlier in this chapter it was concluded that the events, issues and statements regarding the ADC-U controversy were handled fairly and without political bias. This statement, however, does not answer two key questions: (1) Did press accounts adequately expose all aspects of the issues involved in the ADC-U dispute?; and (2) Did these accounts provide Michigan citizens with enough insight into the issues to enable them to evaluate the stands taken by major opponents in the ADC-U struggle? The answer proposed to both questions is "no."

However laudable the practice is of "giving both sides

⁴⁴Ibid., June 6, 1963.

of the story" in newspaper reporting, such an approach gives no assurance that the "real truth" is being relayed to readers. Nor is there any assurance under this system that controversial issues will emerge sufficiently clear for readers to be able to understand them.

It can be argued that most issues reported by the press do not require coverage in depth, and, moreover, readers seldom demand it. The burden of this chapter, however, is not to hypothesize the extent to which the press should carry out its responsibility to inform the public. The observation made here is only that, in the ADC-U case, the press did not provide enough background information for citizens to make sound judgments on the matter. This observation is made with full knowledge that such extensive coverage was not only impossible under the conditions, but also that it would have far exceeded reader demand.

The following is a list of subjects which were not adequately explained in the newspapers examined. The author believes that a meaningful evaluation of the 1963 ADC-U controversy is impossible without knowledge of these subjects.

1. Reasons why the ADC-U program was defeated in 1961 and 1962 by Republicans.

2. Precise differences--not merely monetary ones--between the Republican and Democratic ADC-U bills introduced in 1963.

3. The full reasoning of the Michigan Social Welfare Department in drafting the ADC-U bill as it did.⁴⁵

4. An analysis of the Willcox, Van Dusen and Kelley legal opinions on ADC-U.

5. The fact that John J. Hurley, the sender of the infamous "Monday night telegram" disapproving Michigan's ADC-U plan, had the power to approve, but not disapprove state plans according to H. E. W. regulations and, further, that Hurley violated another rule by sending his declaration to the State Legislature instead of the Social Welfare Department.⁴⁶

6. The fact that most of those to become eligible for ADC-U benefits were already being cared for under direct relief payments. Two differences would have occurred if the ADC-U program had passed: the amount of the welfare payments would have been increased, and the State-local responsibility for administering the relief would have shifted to a Federal-State one.⁴⁷ Although these facts were brought

⁴⁵The State Journal reported on April 6, 1963 an interview with Lynn Kellogg in which a number of reasons were explained for the Department's proposals on ADC-U. Even in this story, however, much of the Department's rationale was omitted.

⁴⁶Krislov, lecture to Faculty Seminar for Michigan Center for Education in Politics, Michigan State University, December 11, 1964.

⁴⁷Letter from Van Dusen to Krislov, August 12, 1964.

out in abbreviated form a number of times in the press, the author believes their importance in the dispute was great enough to warrant much more attention by reporters.

7. The possibilities for a successful suit by Michigan against H. E. W., or Celebrezze himself, to gain acceptance of the Michigan ADC-U plan. The press quoted Romney repeatedly as saying he "would taking ADC-U to the courts," but never, to the author's knowledge, did the press interpret, evaluate or explain the complications and probable outcome of such a course of action.

8. Although lengthy accounts were published about the Secretary of Labor's denial of MESC records for use in the ADC-U program, the fact was never mentioned that regional and local directors of the Department of Labor were unaware of any such policy and were willing to grant access to the records.⁴⁸ Knowledge of this high-level collusion between the Secretary of Labor and the Secretary of H. E. W. --two Democratic cabinet members--is necessary if one is to properly evaluate Romney's courses of action during the ensuing period. A phone call by a reporter undoubtedly would have uncovered the story.

There were good reasons in most cases, however, why reporters were not able to cover the ADC-U issue in greater depth.

⁴⁸Detroit News, May 16, 1963; Grand Rapids Press, May 16, 1963; Detroit Free Press, May 11, 1963.

Reporters' views on covering the ADC-U story.--The coverage of any news story is affected by several factors: (1) the importance of the story (reader interest in it); (2) the number of other stories "breaking" simultaneously with it; (3) the amount of time the reporter is able to spend in gathering information and writing the story; (4) the reporter's expertise on the subject; (5) the reliability and cooperation of news sources; (6) the proximity of such sources; and (7) the amount of information available concerning the story.⁴⁹

There are approximately 115 State government agencies in Michigan. Reporters assigned to the Capitol Bureau in Lansing, Michigan find it extremely difficult to keep abreast of all aspects of State government, let alone investigate them in depth.⁵⁰ Reporters are thus forced to rely on contacts and public information officers in the various agencies for information. Antagonism between reporters and certain officials may also make information hard to obtain at certain times, and may result in unfavorable coverage of a particular event or person.⁵¹

⁴⁹This is a summarized list compiled from interviews with many persons involved in the communications profession.

⁵⁰Interview with Thomas Farrell, Public Information Officer, Michigan State Highway Department, December 21, 1964.

⁵¹Interview with John Murray, Director, Motor Services Division, Michigan State Highway Department, December 7, 1964.

The job of reporting State government affairs becomes even more difficult during a legislative session. During a session, Capitol Bureau correspondents often work from 7:30 A. M. to mid-night on their beats, and don't finish writing their stories until 2:00 o'clock in the morning.⁵² Necessarily, covering stories in depth at such times is impossible.

Members of the press who reported the 1963 ADC-U controversy generally agreed on the following difficulties involved in covering the story:

1. The ADC-U issue was highly technical and legalistic in nature. Simplifying it for the average reader meant leaving out a great deal of pertinent material.

2. Reader interest was low except for politicians, government officials and county welfare agents.

3. The issue became a political one with allegations and counter-allegations coming from many quarters. Conflicting information was given to reporters. Reporters found it difficult at times to know whom to believe.

4. Major opponents in the ADC-U dispute were often separated by hundreds of miles as in the case of Celebrezze and Romney. Reporters assigned to Lansing, Michigan found it hard to cover the Washington scene adequately.

⁵²Interview with Robert Popa, September 23, 1964.

5. Reporters had to explain developments in the ADC-U story as if readers were being confronted with the issue for the first time. This meant resorting to summary paragraphs and simplified phrases which ultimately rendered many subtle points in the controversy meaningless to readers.⁵³

The reporters interviewed likewise agreed that Democrats "were playing politics with ADC-U," and that Senator Rahoï was merely the "front man" in a Democratic effort to kill the ADC-U bill. The same reporters thought Romney had gained much favorable publicity from the ADC-U fight. All but one of the reporters questioned thought Kelley's ADC-U opinion and subsequent actions were politically motivated. The dissenting reporter said, "Kelley was just doing his job."

The same reporter dissented from the others again by answering "yes" to the question: Do you regard the press coverage given the ADC-U issue to be adequate in all respects? The reporter stated categorically that the amount of ADC-U press coverage was affected only by space limitations, and that members of the press "more than adequately covered the ADC-U issue."⁵⁴

⁵³Interviews with James Brooks, UPI, Chief, Capitol Bureau, Lansing, November 17, 1964; Robert Popa, September 23, 1964; Charles Harmon, September 23, 1964.

⁵⁴Source wished to remain anonymous.

All reporters interviewed said they had no instructions from their editors as to "how to treat the ADC-U issue." Likewise the reporters believed that those covering the ADC-U story had not allowed their personal political beliefs to "color" their reporting of the facts.

Comments and conclusions.--The purpose of this thesis, as stated in the Preface, was not to resolve the ADC-U controversy. This is an impossible task. The purpose here was to portray the dynamic interplay between personalities, politics, public relations and the press, and how each affects the public policy.

Emphasis was placed on the functions of the press in this study because of the significant part it played in shaping the ADC-U policies, and the vital role it plays in molding most public issues. Citizens depend on the press for information, appraisal and evaluation of governmental actions. Governmental policy makers rely on the press to mirror public opinion. Thus, the press stands in the middle as the guardian of the public trust. It must present a fair and unbiased account of the day's intelligence. It must provide a comprehensive view of the many forces which operate in a democratic society. And yet, as was shown in analyzing the press coverage of the ADC-U issue, even determined efforts on the part of reporters to carry out these responsibilities often produce inadequate results. The reasons for this, as explained above, were many.

The author believes, however, that the inadequacies in the coverage of the 1963 ADC-U controversy were due more to the nature of the subject itself and to the environmental limitations of the reporter than to the reporter's deficiencies. Moreover, the "straight-jacket" of objective news reporting imposed by modern journalistic practices further denied reporters the opportunity to cover the ADC-U issue in the depth needed to render a "comprehensive and intelligent account" of the subject to the citizens of Michigan.

This thesis shows how a relatively minor issue was so involved and so knotted with problems that it became virtually impossible for the press to relay all of its complexities to the people in a way in which they could understand them. Add to this the small reader demand for the intricacies of such a technical and legalistic subject, and the almost insurmountable problem of the reporter can be grasped.

Thus described are some of the most crucial problems of democratic society today. The issue is no longer merely that of the people's "right to know" pitted against the freedom of the press, because, even given a sincere effort on the part of the press not to betray the public trust, the other problems remain: (1) the complexities of issues make it impossible for the reporter to fully understand them and relay them clearly to his readers, and (2) the average reader is only superficially interested in them anyway.

It is clear that at least two steps must be taken to correct this situation.

First, reporters must be trained to be specialists in their fields. They must acquire a knowledge of their specialties comparable to that of an instructor in a university. And, of paramount importance, they must be allowed to cover the same area long enough to become thoroughly familiar with it.

Secondly, American citizens must be educated to read critically, and to understand the crucial function the information media play in the preserving of the democratic process. Herculean efforts on the part of the press to provide the people with vital information would be useless unless the people desired and absorbed it.

Study of the ADC-U controversy points to the critical nature of these problems. Failure to coordinate the role of the press with the role of the citizen constitutes a threat to democracy in the United States.

Such is the challenge that confronts the people and the press in 1965.

BIBLIOGRAPHY

Public Documents

- Michigan. Michigan Journal of the House of Representatives.
71st Legislature, Regular Session, 1961.
- _____. Michigan Journal of the House of Representatives.
71st Legislature, Special Session, 1961.
- _____. Michigan Journal of the House of Representatives.
71st Legislature, Regular Session, 1962.
- _____. Michigan Journal of the House of Representatives.
72nd Legislature, Regular Session, 1963.
- _____. Michigan Public Act 3, 1964.
- _____. Michigan Public Act 12, 1963.
- _____. Michigan Social Welfare Act. Public Act 280, 1939.
- _____. Senate Bill 1011, 72nd Legislature, 1963.
- _____. Office of the Attorney General. Opinion 4156.
Lansing: April 11, 1963.
- _____. Office of the Secretary of State. Official Can-
vas of Votes, Primary and General Elections 1962,
1963. Lansing: 1963.
- _____. Office of the Secretary of State. The Constitu-
tion of the State of Michigan. Lansing: 1908.
- _____. Office of the Secretary of State. The Constitu-
tion of the State of Michigan. Lansing: 1963.
- U. S. Bureau of Labor Statistics. Employment and Earnings.
August, 1964.
- _____. Monthly Report on Labor Force. July, 1964.
- U. S. Department of Health, Education and Welfare. Handbook
of Public Assistance Administration, Part IV, 1963.

U. S. Social Security Act, 1935, Title IV, Section 607, 42
United States Code Annotated.

Books

Cahn, Edmond. The Predicament of Democratic Man. New York: Macmillan Co., 1961.

Cater, Douglass. The Fourth Branch of Government. Boston: Houghton Mifflin Co., 1959.

Commission on Freedom of the Press. A Free and Responsible Press. Chicago: University of Chicago Press, 1947.

Gerald, J. Edward. The Social Responsibility of the Press. Minneapolis: University of Minnesota Press, 1963.

Harrington, Michael. The Other America. New York: Macmillan Co., 1963.

Siebert, Fred S., Peterson, Theodore, and Schram, Wilbur. Four Theories of the Press. Urbana, Illinois: University of Illinois Press, 1956.

Unpublished Material

Catholic Charities (Michigan). "Proceedings of the Haven Hill Conference, June 6-7, 1961." Second Annual Conference of Catholic Social Service Agencies of Michigan. Milford, Michigan, 1961. (Mimeographed.)

----- . "Proceedings of the Haven Hill Conference, May 23-24, 1962." Third Annual Conference of Catholic Social Service Agencies of Michigan. Milford, Michigan, 1962. (Mimeographed.)

Hobart, Lawrence S. "Governor's Press Secretary: A Profile of Paul Weber." Ann Arbor, Michigan: Institute of Public Administration, University of Michigan, 1958.

Michigan Social Welfare Community. 12th Biannual Report of Michigan Social Welfare Community. Lansing, December, 1962.

Murray, John. "Communication Techniques in Handling a Public Charge of Racial Discrimination in a Political and Governmental Framework." Unpublished Master's dissertation, College of Communication Arts, Michigan State University, 1962.

Articles in Periodicals

- Ann Arbor News. December, 1962-March, 1964.
- Battle Creek Enquirer and News. August, 1963.
- Detroit Free Press. December, 1962-March, 1964.
- Detroit News. December, 1962-March, 1964.
- Grand Rapids Press. September, 1962-March, 1964.
- Lansing State Journal. December, 1962-March, 1964.
- Wall Street Journal. December 7, 1962.

Author's Interviews

- Booth Newspapers. Interview with Charles Harmon, Booth Newspapers, Capitol Bureau (presently Press Secretary to Governor Romney). Lansing, September 23, 1964.
- Catholic Charities (Michigan). Interview with William Downs, Director of Catholic Charities (Michigan). Lansing, June 9, 1964; June 10, 1964.
- Detroit News. Interview with Robert Popa, Detroit News, Capitol Bureau. Lansing, September 23, 1964.
- Executive Office of the State of Michigan, Lansing. Interview with Walter DeVries, Executive Assistant to Governor Romney. September 16, 1964; September 20, 1964.
- . Interview with Richard Van Dusen, former legal counsel to Governor Romney. Lansing, September 16, 1964.
- Michigan Department of Social Welfare. Interview with John Gambotto, Administrative Assistant to the Director, Michigan Department of Social Welfare. Lansing, November 17, 1964.
- . Interview with Lynn Kellogg, Deputy Director, Michigan Department of Social Welfare. Lansing, November 17, 1964; November 27, 1964.

----- . Interview with Robert McKerr, Administrative Assistant to the Director, Michigan Department of Social Welfare. Lansing, June 1, 1964; June 10, 1964; November 24, 1964.

Michigan House of Representatives. Interview with Representative Joseph Gillis (Democrat-Detroit). East Lansing, December 11, 1964.

Michigan State Highway Department. Interview with Thomas Farrell, Public Information Officer, Michigan State Highway Department (formerly Associated Press Reporter, Capitol Bureau, Lansing). Lansing, December 21, 1964.

----- . Interview with John Murray, Director, Motor Services Division, Michigan State Highway Department (formerly Press Secretary to Governor Williams). Lansing, December 7, 1964.

----- . Interview with Marvin Tableman, Urban Affairs Officer, Michigan State Highway Department (formerly Administrative Assistant to Governor Williams). Lansing, December 21, 1964.

Office of the Attorney General, Lansing. Interview with Eugene Krasickey, Assistant Attorney General, State of Michigan. June 11, 1964.

United Press International. Interview with James Brooks, United Press International, Chief, Capitol Bureau. Lansing, November 17, 1964.

University of Minnesota. Interview with Samuel Krislov, Professor, Department of Political Science, University of Minnesota. East Lansing, December 11, 1964.

Other Sources

Allen, Glenn S., Jr. Memorandum to Walter DeVries, Executive Assistant to Governor Romney, October 17, 1963.

----- . Memorandum to Walter DeVries, October 22, 1963.

Danhoff, Robert. Lecture to the Faculty Seminar for Michigan Center for Education in Politics, Michigan State University. East Lansing: December 11, 1964.

Gillis, Joseph. Lecture to the Faculty Seminar for Michigan Center for Education in Politics. Michigan State University. East Lansing: December 11, 1964.

Houston, R. Bernard. Letter to Walter DeVries, Executive Assistant to Governor Romney, December 30, 1963.

Hurley, John J. Letter to Lynn Kellogg, Acting Director of Michigan Department of Social Welfare, April 17, 1963.

Kellogg, Lynn. Letter to Governor Romney, March 25, 1963.

_____. Letter to Governor Romney, April 17, 1963.

_____. Letter to Governor Romney, May 21, 1963.

_____. Memorandum to Governor Romney, April 17, 1963.

_____. Memorandum to Walter DeVries, Executive Assistant to Governor Romney, June 19, 1963.

_____. Memorandum to Walter DeVries, June 27, 1963.

Kowalski, Joseph and Horrigan, Albert. Memorandum to Democratic Legislators, March 27, 1963.

Krislov, Samuel. Lecture to the Faculty Seminar for Michigan Center for Education in Politics. Michigan State University. East Lansing: December 11, 1964.

Maxey, Willard J. Memorandum to Governor Romney, February 27, 1963.

Michigan Democratic State Central Committee, Lansing. ADC-U files, 1961-1964.

Michigan Department of Social Welfare, Lansing. ADC-U files, 1961-1964.

Michigan Employment Security Commission, Research and Statistics Division. Detroit.

Michigan, Executive Office of the State of Michigan, Lansing. ADC-U files, 1961-1964.

_____. Executive Office of the State of Michigan, Lansing. Press releases: March 27, 1963; November 22, 1963.

_____. Office of the Attorney General, Lansing. Press releases: March 27, 1963; April 10, 1963; April 11, 1963; April 12, 1963.

Orr, W. Reed. Letter to Governor Romney, December 20, 1963.

Thayer, Senator Stanley G. (Republican-Ann Arbor). Manuscript copy of speech given to National Legislative Conference, Honolulu, Hawaii: August 20, 1963.

United Press International. Releases, Lansing: March 15, 1963; March 21, 1963; March 26, 1963; June 5, 1963; June 6, 1963; December 20, 1963.

_____. Releases, Washington, D. C.: March 23, 1963.

Van Dusen, Richard. Letter to Professor Samuel Krislov, August 12, 1964.

_____. Memorandum to Governor Romney, "Claimed Authority of the Secretary of Health, Education and Welfare to Disapprove Michigan H. B. 145," March 27, 1963.

Wirtz, W. Willard. Letter to Anthony J. Celebrezze, Secretary of Health, Education and Welfare, April 23, 1963.

MICHIGAN STATE UNIVERSITY LIBRARIES



3 1293 03056 3849