

Oasis

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HOLLYWOOD PART 2



We owe our existence to a Supreme Court decision.

SOCIAL SECURITY: 5 YEARS, 4 NAYS

THE DARK, flowing robes of the nine Supreme Court Justices serve to set them apart from the rest of modern society, linking them to a tradition of suprahuman judgments rendered by medieval priests.

And it has been said that they are the nearest thing to demigods in American society. They are appointed for life; they issue edicts which are subject to no higher review; they control their own docket and take only those cases they consider to be of prime national significance. Of all the thousands of cases petitioned for review, only a fraction are heard each year.

In all its long history, the years of greatest turmoil for the Supreme Court may have been the mid-thirties, when a strong and activist United States President sought to wrench the country from the depths of the Great Depression by proposing Government programs not clearly sanctioned by the Constitution.

It was an epic struggle—on one hand the President felt he was saving the country from disaster; on the other, the court felt it was protecting the covenants upon which the country was founded.

And the Social Security Act of 1935 was an important battleground in that struggle.

The New Deal

The Stock Market Crash of '29 signaled the beginning of a great economic depression, not only for the United States but for much of the world. Businesses failed. Banks closed. Unemployment skyrocketed.

The myth of individual self-sufficiency in an industrial age was exposed. No matter how

much people wanted to work, it didn't matter a hoot unless the boss was hiring.

So both bosses and workers began to look around for help. And they found a confident, aristocratic candidate for President, promising that if elected he would see that Uncle Sam gave them a helping hand.

Franklin Delano Roosevelt was elected President on the strength of those promises, and in his first 100 days of office he and Congress dazzled the country with an array of imaginative programs.

But FDR quickly found that his was not the last word.

In the thirties, the Chief Justice of the United States Supreme Court was Charles Evans Hughes, whom some have called the greatest Chief Justice since John Marshall.

Hughes served as Governor of New York from 1907 to 1910, when he was appointed as an Associate Justice of the U.S. Supreme Court by William Howard Taft. In 1916, Hughes was given the Republican Party's Presidential nomination against his wishes and without his consent. He was, however, persuaded to run, and lost to Woodrow Wilson by the narrowest of margins—23 electoral votes. (His defeat was attributed to the feeling that Woodrow Wilson would keep us out of World War I.)

When the country elected a Republican President (Warren G. Harding) again in 1920, Hughes was appointed Secretary of State. And in 1930, President Herbert Hoover appointed Hughes Chief Justice of the Supreme Court.

Thus, when Franklin Delano Roosevelt won the Presidency in 1932 and began to propose and

push his New Deal programs through Congress, he found that the Chief Justice was not a man ready to rubber stamp his legislative measures. Charles Evans Hughes was an old (70), savvy, proud, Republican political veteran who was in no way awed by another ex-New York Governor.

As Chief Justice Hughes once pointed out, "We are under a constitution, but the Constitution is what the Judges say it is."

The Court-packing plan

Between the start of the New Deal, in 1933, and 1937, the Court had knocked out many important props of the Administration's program for recovery. These included the National Recovery Act, the Railway Pension Act, the Agricultural Adjustment Act, the Bituminous Coal Act, the Municipal Bankruptcy Act, and a New York State law prescribing a minimum wage for women.

Roosevelt was angered and believed the Court intended to thwart his plans to pull the country out of the depression. But how could he bend the Court to his will?

In the 1936 election, FDR won reelection by the largest popular majority ever accorded a Presidential nominee up to that time. And he believed he had enough of a public mandate to take on the Supreme Court in an audacious power play.

The United States Supreme Court of 1937 was the oldest in the country's history. Six of the nine Justices were 70 or older. Roosevelt, showing rare poor judgment, seized on the age of these "nine old men" in an attempt to gain control of the Supreme Court. He proposed that

he be allowed to appoint up to six extra Judges to the Court if the sitting members over 70 years of age did not retire.

FDR confidently went before the Nation with his plan to "pack the Court." "I have described the American form of government," he reasoned, "as a three-horse team provided by the Constitution to the American people so that their field might be plowed. The three horses are, of course, the three branches of government—the Congress, the executive, and the courts. Two of the horses are pulling in unison today; the third is not."

The Roosevelt address resulted in a ground swell of public opinion on the issue, but not in

the way the President expected. The public, the press, and the Congress lined up solidly behind the "nine old men."

The Senate committee report on the Court-packing bill said: "The bill is an invasion of judicial power such as has never been attempted in this country.

"It seeks to increase the number of Justices for the express purpose of neutralizing the views of some of the present members."

The Senate committee then cited the constitutional principle of maintaining a system of checks and balances. "It is immeasurably more important, immeasurably more sacred to the people of America . . . than the

immediate adoption of any legislation, however beneficial."

And, to leave no doubt about the matter, the committee concluded:

"We recommend the rejection of this bill as a needless, futile, and utterly dangerous abandonment of constitutional principle.

"It is a measure which should be so emphatically rejected that its parallel will never again be presented to the free representatives of the free people of America."

The committee report on *Roosevelt's Court-packing plan was issued in March 1937, at the same time the Court had under consideration the constitutional-



It's 1937, and Social Security workers are jubilant after learning that the Social Security Act had been declared constitutional.

ity of the Social Security Act. To many observers, the rebuff given the President's Court-packing plan seemed to strengthen the Court's ability to pursue its own course.

No one awaited the Court's decision on constitutionality with more anxiety than the 4,189 employees of the fledgling Social Security Board.

The effective date of the Social Security Act was January 1, 1937. Twelve regional offices and 88 field offices had already been established to handle the claims that were expected to begin coming in June of that year.

And in May, everyone was still awaiting the Court's ruling.

The constitutional challenge to the Social Security Act had been brought by George Davis, a shareholder of the Edison Electric Illuminating Company of Boston, Mass. He filed suit to restrain the corporation from making payments and deductions called for by the Social Security Act.

The United States District Court in Boston ruled against Davis, upholding the constitutionality of the law. But the Court of Appeals reversed the lower court's ruling, declaring the Social Security Act unconstitutional.

Like most of the other New Deal legislation, the constitutional challenge revolved around the tenth amendment. The tenth amendment states that "All powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Government's case took another avenue. Robert Jackson, who would himself eventually become a Supreme Court Justice, argued that the Social Security Act was constitutional because of the clause in the Constitution which grants Congress the power "to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense

and general welfare of the United States." Thus, by virtue of this clause, the Government had an independent power to provide for the general welfare.

While Roosevelt's attempt to pack the Court had failed, his overwhelming reelection was not lost on the Court. On May 24, by a 5-4 vote, they upheld the constitutionality of the Social Security Act. And Chief Justice Hughes' vote gave the Government its one-vote majority.

The dissenting Justices wondered aloud how the Court could justify a philosophical turnabout from opinions written 2 years earlier.

The majority opinion of the Court was written by Justice Benjamin Cardozo, a Hoover appointee, known for his ability to "join legal rule and social need." Justice Cardozo's opinions were so individual and so eloquent that it has been said that every law school graduate can recognize a Cardozo opinion by a quick perusal.

Cardozo wrote that "The line must still be drawn between one welfare and another, between

particular and general. Where this shall be placed cannot be known through a formula in advance of the event.

"The concept of the general welfare is not static. Needs that were narrow or parochial a century ago may be interwoven in our day with the well-being of the Nation. What is critical or urgent changes with the times."

And Cardozo opined that the "discretion belongs to Congress, unless the choice is clearly wrong, a display of arbitrary power, not an exercise of judgment."

A retrospective

After Justice Cardozo died in 1938, Roosevelt began to nominate his own Supreme Court Justices. By the time of his death in 1945, FDR had appointed eight of the nine Justices, and the Supreme Court was thus more of a Roosevelt Court than it would have been even under the President's Court-packing scheme.

But history has provided even greater ironies.

The fierce struggle between the Roosevelt Administration and the Hughes Court over the role of government was in such cases as that of the Social Security Act called "a smashing victory" for Roosevelt, and it was said that "it marks a definite trend toward liberalism . . ."

Yet, today we find a reassessment of the Roosevelt-style liberalism that has dominated government for more than 40 years. In these affluent times, the public seems more attuned to the philosophy of government expressed by Herbert Hoover in the campaign of 1932 that except in times of national emergency, "there must be a return of State, local, and individual responsibility."

Yet any retreat from a strong Federal government can only be in terms of degree, never a return to the old ramparts. For better or worse, Roosevelt's New Deal programs forever altered the landscape of American life. □

In Memoriam

CHARLES BASS, Field Representative, Temple, Tex.

MARTIN COHEN, Assistant Section Chief, Northeastern PSC.

MARY GOWER, Technical Assistant, Great Lakes PSC.

STERLING HAMMOND, Field Representative, Tyler, Tex.

JEROME McCONNELL, Claims Development Clerk, Cambridge, Mass.

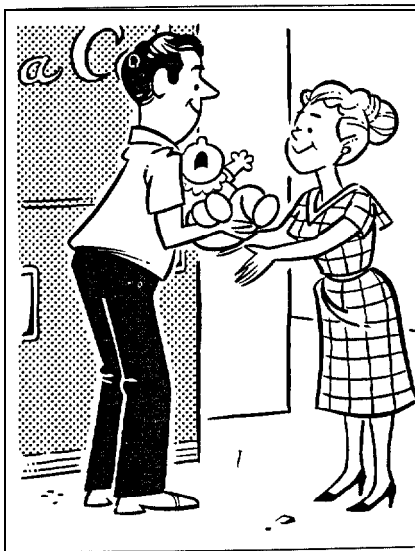
EVERETT PHOTIADES, Deposit and Examining Clerk, Northeastern PSC.

ELEANOR REDMOND, Claims Development Clerk, Falls Church, Va.

SALVINA STEVENS, Data Transcriber, Salinas, Calif.

ANTHONY SZLASA, Service Representative, Elmira, N.Y.

Souvenirs From The Storehouse Of The Mind



A number of employees have written to OASIS in response to our invitations to share their past with other SSAers. Some of them recalled major changes in the way Social Security operated; others offered brief, nostalgic comments about "the way we were" over the years. Here are their stories as told to an OASIS reporter. Interestingly, four of the five people who recently responded work or formerly worked at what is now the Northeastern Program Service Center.

Working Together For 35 Years

By **Diana Blumstein**

I met Mannes Blumstein in 1942 when we both worked in the SS-5 files at the Candler Building. Shortly afterwards, he was detailed to the American Meter Building, one block north of Baltimore City Hall.

SSA occupied the second floor of the Meter Building, and this is where SS-5s were coded. The information was punched onto cards, and the cards were sorted by social security number and tabulated. It was the job of one tabulator to print the flexoline strips for use in the National Employee Index Flexoline File (See "Filing Little Wooden Sticks," March OASIS.) He or she leaned against a stool for support and worked a foot pedal to print a strip. At the same time, the operator fed the roll of strips into the machine.

Soon, I was detailed to the American Meter Building. The

Black Bottle Tavern was across the street, and that's where most of us cashed our paychecks and ate lunch on payday. Paychecks in those days on the night shift amounted to \$49.87 every 2 weeks.

In the "olden days" of 1942-43, the windows (and the rest of the place) already had years of dirt on them. Our supervisor organized a clean-up day, and we brought in, brooms, rags, buckets, etc. We all washed the ceiling-to-floor windows, the cement floors, and the two-seater bathroom.

After our details, Mannes and I returned to the Candler Building. By the way, we were married in November 1947.

After our first child was born, I began working on the day shift, while my husband continued on the night shift. He would bring our daughter in at 4 o'clock just as I was finishing my shift and he was about to start his. I would take her home when I left. Our meeting place was the 7th floor of the Candler Building in the hall near the stand operated by an employee of the Workshop for the Blind. We did this with each child until he or she was old enough to go to nursery school.

For the most part, Mannes and I worked in the same building during our 35 years at SSA. The Government has been good to our family. I started as a GS-1 and retired as a GS-12. I always enjoyed the work and believe that I contributed something to a very important organization.

Setting Up An Area Office

By Leo S. D. Goodman

It was about the middle of 1942 that Social Security made one of its first big moves toward becoming the widespread organization that we know today. Until that time, the Bureau of Old-Age and Survivors Insurance (BOASI) was located at 1825 H Street, NW., Washington, D.C., with the earnings records operation located in Baltimore.

Prior to locating at H Street, part of Social Security—the Claims Adjudications Section, headed by Lou Lange—was housed in the old Potomac Park Apartments. I recall that my work area was located in a spot that was formerly a restroom. The marks left by the fixtures were still visible on the floor near my work area.

Claims adjudication was divided into areas, or regions, depending upon where the claims originated. Hence, all claims from New England were handled by the Section's Boston Region, West Coast claims by the San Francisco Region, and so forth. I was an adjudicator in the Boston Region.

With the coming of World War II, there was a pressing need in Washington, D.C., for office space to house the agencies directly involved in the war effort. President Franklin D. Roosevelt issued an Executive order directing that nondefense offices move outside Washington. That's how the area offices came into being in New York, Chicago, Philadelphia, New Orleans (its function was transferred to Birmingham in 1947), and San Francisco.

I opted for the New York Area Office because that was nearest my home State of Connecticut. Joe Canty, former manager of the Buffalo, N.Y. Field Office (they were not called district offices in those days) became the first chief of the New York Area Office.



Before we left Washington, all of our equipment was labeled so that there would be no problem in New York in setting up our work areas. A team went to our new home at 11 East 45th Street—near the then 3rd Avenue “El”—in New York to mark the floors so that the movers would know exactly where each piece of equipment should be placed.

It was my job to await the arrival of the trucks from Washington, but when they didn't arrive by midnight of the day they were due to arrive, I left the empty building and spent the night at my brother's New York apartment. The trucks finally arrived very early the next morning, and most of the equipment was set up by the time I arrived at our “new home” at 9 a.m.

We held our first party in November—a Thanksgiving party.

The Hudson Herald

By Abraham Marder

“For sale—1938 Oldsmobile in good condition, \$60.”

That item appeared in the November 1951 issue of the *Hudson Herald*, the monthly newsletter published for employees of the New York Area Office.

We all enjoyed the *Hudson Herald*. It ran anywhere from 30 to 40 pages in length, depending

on how much news there was that month. The “news” might be anything from things for sale, who got married or was promoted, to who was spending a few days in the hospital. And, of course, there was always a write-up about the parties we had for our retirees.

Selma Allen was editor, and Florence Rosenwein was associate editor. Others on the staff were Valjean Page, art editor; and Gloria Grasso and Lorraine Ballard, typists. Jack Golden, Richard Fineman, and Michael Perrotta took turns doing the mimeographing. Remember mimeograph machines?

The *Herald* also included “official” news. We were kept informed of the latest changes in Civil Service Commission regula-



tions, such as the promotion restrictions under the Whitten Amendment. News about credit union activities was always included. For instance, a dividend of 3 1/2 percent was declared for 1951. And, in that year, the Board of Directors approved a resolution increasing the maximum on an individual share account to \$500 plus accumulated dividends.

I guess the biggest news item in 1951 was about the first annual awards program held in Washington, D.C., on December 13. Oscar Pogge, then Director of the Bureau of Old-Age and Survivors Insurance (forerunner of SSA), accepted a unit citation for distinguished service on behalf of BOASI. The *Herald* reported that the citation was for outstanding performance of the entire Bureau in converting benefits to the new rates and administering the new amendments (1950) to the Social Security Act. William Fitch, our Chief then, added a postscript. ". . . we knew we were 'tops'-but it's even more satisfying to have others think so too."

I'm proud to say that I got my name in the *Herald* on at least one occasion. I was named as a blood donor volunteer. During my SSA career, I donated over 3 gallons of blood.

Caroling at NEPSC

By Ruth Sandberg

When I came to the Northeastern Program Service Center about 6 1/2 years ago, I looked forward to the carolers who were to entertain us at Christmas time. The carolers were a group of coworkers who practiced diligently for weeks. Then, just before Christmas, they went from floor to floor to blend their lovely voices with harmony and love. We all stopped our work for a few minutes and stood mesmerized while the traditional songs were sung. For a few minutes, I would close my eyes and dream and pray for the peace that is yet to come. But for the moment, it was there, and I

ABOUT THE AUTHORS

LEO
GOODMAN



RUTH
SANDBERG



Leo began working for SSA in 1937 in Baltimore and retired as SSA, a field rep in 1969 from the Stamford, Conn., DO. He is now a records analysis clerk in treasurer and past president of Module #16, NEPSC. An artist, the Bridgeport Chapter of the American Association of Retired Persons. Before she began working at SSA, Ruth was an assistant book-keeper in private industry. She's now a records analysis clerk in treasurer and past president of Module #16, NEPSC. An artist, she particularly enjoys painting and sculpting'.



OSCAR
LEVIN

ABRAHAM
MARDER



Oscar is a benefit authorizer in Module #22, NEPSC. Before he began working at SSA in 1950, he was employed in the New York Regional Office of the Veterans' Administration. Abe retired in 1969 after working at SSA for 18 years. For about 5 years, he was a Hebrew translator in addition to carrying out his regular duties at the New York Payment Center.

DIANA BLUMSTEIN

Diana was a social insurance disability examiner in BDI's Division of BDI's Di-Modular Operations until his revision of Reconsideration at the retirement at the same time, now time of her retirement in March. She and her husband, Mannes, Fla. make their home in Hollywood, Fla.

wished it would never end.

No longer do we hear the SSA Carolers during the holidays. Now, we must content ourselves with the piped-in music provided for our listening pleasure. For me, it will never be the same again.

One Figure Stands Out

By Oscar Levin

As a Northeastern Program Service Center employee since 1950, I frequently think back over the years to recall the time when I first started working at SSA.

In 1950, the PSC was known as the New York Area Office and had a staff of about 350 employees. Today, we have some 2,500 workers. Shortly after I reported

for work, I (along with a group of other newcomers destined for long careers with SSA) was given a briefing by Joseph Kelly, who was chief of the accounting section. He filled us in on the various functions of the office and the services provided for the beneficiaries. Of all the information that he conveyed to us and that I learned over the years, the one thing that remains in my mind is the fact that, in 1950, approximately 800,000 claims were being handled by that office. I often compare this figure with the more than 5 million beneficiaries on the rolls of the NEPSC today.

Joseph Kelly, by the way, is the same Joe Kelly who is the New York Regional Commissioner today. □