THE LAW AND ADMINISTRATIVE PRACTICE AS BARRIERS TO MOBILITY OF POPULATION

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THE EFFECT of the law on the mobility of population has many facets and far-reaching ramifications. For practical reasons, it seems desirable to limit this discussion of the subject to the special concerns of the public-assistance agencies with respect to legal and administrative problems arising from law and custom in dealing with individuals who apply for public assistance in a community other than that of their origin. Constructive planning for the care of such individuals and their families is complicated and often made impossible by the artificial boundaries set up by our Federal and State systems of government. In a Nation founded on principles of religious and political freedom and dedicated to the purpose of affording to its citizens a maximum of personal opportunity, we find ourselves in a curious situation. At the time when our system of government was established, social and economic boundaries conformed with, or were included within, those of the State and local units of government. It was in these early days that most of our settlement laws were established. These early laws were patterned on the Elizabethan poor laws, which, because of economic and social conditions in frontier communities, did not conflict in practical application with the principles and purposes of democratic government. However, with the rapid growth of our population, the greater mobility of that population, and the increasing complexity of social and economic intercourse, the artificiality of these boundaries has presented practical problems in administration, in taxation, and in farsighted and constructive social planning. A historical study of the enactment of settlement laws and of their administration would be an engrossing subject. In consideration of immediate problems of public-welfare administration, however, we must accept the fact that, although settlement laws of the various States were suitable to the times and circumstances in which they were enacted, their suitability arose from their expediency rather than their compatibility with the purposes of our Government; it is in the light of the purposes of our Government that we must review our legislation and adapt our administrative practices as they apply to current social and economic conditions.

The problems in public welfare, insofar as they involve residence of the individual and relationships between States, arise chiefly in relation to five different processes.

The first of these processes is the migration of labor. With the mechanization of industry and the development of large-scale production, families tend to move to urban centers to be near employment possibilities, or the individual members scatter in search of remunerative, interesting, or steady work. In some areas industries have moved to new localities to be nearer raw materials, to evade State or local taxes, to use a cheaper labor supply, or to evade pressures from organized labor. Former employees have followed these industries, or new families have come into the community in the hope of finding vocational opportunities. Families and individuals are moving from place to place in search of seasonal employment—in the beet fields, fisheries, orchards, and canning industries, for example, which operate largely by the use of migratory labor. In some areas concern has been expressed about the impetus given to migration of labor under Public Works or Works Progress Administration projects.

The second process is the moving about of the nomadic family. There has always been a portion of the population that moved about aimlessly from place to place, depending largely on luck or local charity for maintenance and without regard for the health or essential needs of the children. This group may have been increased somewhat in recent years by some families who have made a sound effort to seek some way out of the doldrums of unemployment or to escape from inadequate or unwise local practice of relief administration. Unable to strike roots in a new community, they have abandoned efforts to reestablish themselves and have adjusted to an itinerant way of life.

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The third process is mobility for personal reasons, to be near relatives and friends, to benefit by climatic conditions conducive to maintaining or recovering health, or to be near educational facilities and resources for children. Some of these migrants are receiving public assistance from the States of their origin, but they fall ill and must be hospitalized, or die and must be buried, in the community in which they happen to be living. Some communities with comparatively adequate standards of assistance express fear of migration of persons from communities with less generous standards.

The fourth process is the crystallization and articulate expression of public opinion. With increasing sensitivity to the problems of nationalism and local interest, attitudes are developing as a result of which, in some communities, the foreign-born and nonresident are being singled out and identified as a categorical group. This process is of particular importance in the face of the present international situation and a consideration of our responsibility toward those from other countries who are seeking shelter and opportunity to earn a living in this country, and those citizens from stranded communities who seek, from necessity, a means of livelihood in a new community.

The last process is that of placement of children in foster homes, hospitalization of aged and infirm, or transportation of dependent persons by public agencies to communities outside of the State of their domicile. Sometimes this is done with adequate financial provision by the State which makes the arrangements for the care of the individual, sometimes it is done to enable the individual to make use of natural resources available through relatives or fraternal or religious organizations and to relieve the State of origin of financial responsibility. Individuals so placed, however, frequently fall into necessitous circumstances not provided for by the financial arrangements of the State of origin, and their problem must be handled by the State in which the family or individual is domiciled.

The Social Security Act does not establish a residence requirement as a condition of eligibility for public assistance, but it prohibits the Social Security Board from approving a plan that requires as a condition of eligibility for aid to the blind or old-age assistance a residence of more than 5 out of 9 years or 1 year continuing residence, or, for aid to dependent children, a residence requirement for a child of more than 1 year. The Social Security Board has recommended that, insofar as practicable, people should be cared for in a place of residence of their own choosing and where it is in their interests to remain.

Problems within and between the States with respect to residence existed long before the Social Security Act, but with availability of Federal funds, the development of State governmental responsibility for needy individuals, and the centralization of authority in a single State agency these problems have been thrown into sharp relief and have been recognized as of common concern among the States. The conflict, confusion, and ambiguity of our State settlement laws have been forced into the foreground of public interest because of the practical problems arising in the administration of public assistance.

The function of the agency with respect to residence of applicants for public assistance is conditioned for the main part by four factors:

1. Legal limitations in settlement laws, residence requirements in the public-assistance statutes, and limitations placed on the use of appropriations;
2. The adequacy of funds obtainable and the facilities of the agency;
3. Precedent in agency practice or in the State government;
4. Attitudes of the community.

Some measure of growth is to be marked in the elimination of local residence requirements or settlement restrictions as conditions of eligibility for public assistance. Wide difference in administrative machinery and standards of practice in local units has been, to some extent, replaced by standardization of practice under State rule and regulation and State care for unsettled or nonresident persons. A certain uniformity in the residence requirements within and among States should provide a workable basis for discussion and planning between States. All but four jurisdictions administering old-age assistance have adopted as the residence requirement the maximum permissible under the Federal act—5 years out of 9 and 1 year of continuous residence. One State has adopted an old-age assistance residence requirement of 2 out of 9 years, and three have adopted 1 year. All but six jurisdictions

administering aid to the blind have adopted the Federal maximum, 19 of them qualifying this by the statement "or has lost eyesight while a resident of the State." One State has a residence requirement of 2 out of 9 years, and five a 1-year residence requirement. Two jurisdictions administering aid to dependent children have no residence requirements; the others all have established the 1-year residence requirement for the child, which has done away with some of the problems centering around derivative settlement, i. e., settlement of a child derived from that of his parents. The extent to which the maximum residence requirements permissible under the Federal act have been adopted by the States is one indication of the apprehension with which the problem is approached. It is particularly disturbing to note that prior to the enactment of the Social Security Act only two States had residence requirements greater than 5 years for legal settlement as establishing a right to relief. A residence requirement of 1 year was most general, obtaining in 22 States. Eleven States had residence requirements of less than 1 year, five States had residence requirements of 5 years or less, nine jurisdictions had no specific provisions for requiring residence or settlement. Some States have come to feel that they are bearing an undue proportion of expense in caring for needy individuals and by evasions of principle are attempting to handle the problem by arbitrary interpretations of residence, excluding or removing from the State those who they believe may become public charges.

The first evasion of principle practiced by the States is in the interpretation of residence requirements. States not overburdened with applications from nonresidents have shown an increasing tendency to interpret residence in terms of physical presence, intention of the individual to establish and maintain a home, and the social and personal considerations involved in his remaining in a given community.

One State department, for example, provides for continuation of assistance to an individual who, after establishing his eligibility, moves to another State until he has become eligible for assistance in the community to which he has moved. The regulations [1] provide that—

> Assistance may be granted out of the State, but only under the following circumstances:
>
> (a) When the granting of the pension will make it possible for the recipient to live with a relative.
>
> (b) When satisfactory arrangements have been made with a local agency for follow-up visits on request.
>
> (c) When the County Welfare Board has approved the arrangement by board action duly recorded in the minutes.

Many of the settlement laws had provision that an individual did not lose settlement in one community until he had gained it in another. The application of this principle needs to be considered in relation to another that was fairly uniform, providing that an individual could not gain settlement in a community during a period in which he or his family were receiving aid. Several States have continued assistance to children placed with relatives in other States or to aged individuals who moved to other States for personal reasons, on the assumption that the State in which the recipients were domiciled would automatically make provision for beginning assistance payments as soon as the recipient had lived in the State for the prescribed period. This often was not possible because of the fact that conditions of eligibility otber than residence vary from State to State and because of prohibition on gaining settlement or residence while receiving public aid. A further difficulty is that resentment between States is apt to develop unless an agreement has been reached by the agencies before the removal of the recipient.

Typical of legal interpretation is that in which a court rules that an individual receiving public support could not establish residence in a community as long as he continued to receive support:

> No matter how poor a man may be, so long as he is able to support himself and his family and not likely to become chargeable, he has the right to choose his own domicile or remove from one to another, and thus change his legal settlement. But as regards one who is a pauper . . . the State has a right to say how he shall be supported and where, and can require him, while being thus supported at public expense, to stay in the place of his last legal settlement, and if he attempts to go elsewhere, will remove him.[2]

The solicitor general of an adjoining State rendered an interesting opinion to the effect that WPA employment does not bar an individual from attaining settlement:

> The WPA employment is still supposed to be self-sufficient and sustaining employment and not relief in

[1] Maryland Rule and Regulation #4.

[2] *Destitute Home* v. *Fayette County Almshouse*, 72 Pa. Supr. 491 (1919).

the sense of our welfare law. Settlement may, therefore, be gained for a WPA worker.[3]

The court said:

Under the normal economic conditions this question would not be so vital, for then there would be a sort of normal balance which would tend to create an equitable distribution of the relief need and load. Likewise, under such conditions there would be normal private employment and a consequent average distribution of workers in the community, dependent on the employment needs thereof. But with the existing situation, natural normal balance is upset and the unemployed and needy are compelled to move to communities which have the largest number of relief projects. The practical result is that the urban communities are the goal for relief workers, as there the greatest opportunity for work relief is found. In other words, there is a trend in the movement of relief needs which is abnormal and is influenced largely by the nature and location of certain relief projects.[4]

Further complications arise from confusing and arbitrary distinctions that are made in the law between settlement, residence, and domicile. In one State it has been ruled:

In our pauper law, the terms residence, dwelling place, home have a different meaning from the word settlement. The place of one's settlement is a place where such person has a legal right to support as a pauper. It may be in a place other than the one where such pauper has his dwelling place, home, or residence. Thus a person may have a settlement in a place where he has never had a residence, as by derivation. So, too, a person may have a residence or home different from their settlement.[5]

A second evasion of principle in the interpretation of law is with respect to exclusion or removal of nonsettled persons. A number of States have taken it for granted that dependent persons or those who may become dependent may be excluded from the State. There are many statutes which impose penalty by a fine or by fixing responsibility for support or removal upon persons who bring "paupers" into the State, and apparently the validity of these statutes has never been doubted. As to the exclusion of such individuals, however, it has been established that the basis must be more than poverty alone. Article IV of the Articles of Confederation provided:

The better to secure and perpetuate mutual friendships and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State . . .

The admitted purpose of vagrancy laws has been to show homeless men and families or those who were undesirable to a community that they were not wanted in the community. Frequently the threat of arrest has been sufficient to turn them back or to impel them to move on to another community, a process both cruel and ineffectual in meeting the real problem. These laws have not been intended to exclude from a State people willing and able to work. In one State imposing a liability on bringing "paupers" into a State it was held that a railroad could not be held liable if people brought into a State subsequently became public charges if they were not public charges at the time they were brought in.[6]

There is some disagreement as to whether the privilege of free ingress into a State is protected under the privileges and immunities clause of the fourteenth amendment or under the commerce power. In one case the court said that this right was protected under the fourteenth amendment, but Mr. Justice Stone said in his dissent:

If protection of the freedom of the citizen to pass from State to State were the object of our solicitude, that privilege is adequately protected by the commerce clause, even though the purpose of his going be to effect insurance or to transact any other kind of business which is in itself not commerce.[7]

The right of the individual to freedom of ingress to a State raises some problems, particularly in relation to migration in search of employment. Persons are brought into a State by employers under indefinite contracts. They may live and work under conditions that are undesirable from their own standpoint or that of the community. The enterprises in which they are employed fail, and the family becomes dependent upon the community for assistance and protection. Exploitation of labor, particularly of child labor, impels a need to control migration of labor by means of better State and Federal legislation. The State statutes imposing penalties on importation of public charges are ineffective in this respect because they provide that liability exists only where the intent to defraud or evade responsibility has been present and because of the impracticability of proving that an individual was a pauper at the

[3] Letter dated Sept. 21, 1938, from the solicitor general of New York to the department of social welfare *In re Matruski*, 169 Misc. 316, 8 N. Y. Supp. (2d) 471, 475 (Broome County court).

[4] *In re Matruski*, 169 Misc. 316, 8 N. Y. Supp. (2d) 471, 483.

[5] *Inhabitants of Warren* v. *Inhabitants of Thomaston*, 43 Me. 406, p. 418.

[6] *City of Bangor* v. *Smith*, 83 Me. 422, 22 Atl. 379, 380 (1891).

[7] *Colgate* v. *Harvey*, 296, U. S. 446.

time of importation. Freedom to move from State to State is a dubious privilege unless the rights and interests of the individual are protected. The elimination of all regulations on exclusion and removal is not desirable, but such regulations should be purposefully administered as they affect protection of the individual as well as the State.

Vagrancy is handled for the most part under local ordinances rather than State law. Because of the effectiveness of the threat in frightening the individual into moving on, the administration of these ordinances probably comes to test in court in relatively few instances. There is unquestionably widespread abuse in the enforcement of such ordinances, resulting in cruelty, evasion of responsibility, and probable increase of the problem as it is passed on to another community. There has been one interesting decision in this respect:

> Jersey City police, acting on their own discretion in each individual case, but in conformance with the general policy of the city administration, had on occasion physically transported beyond the city limits certain residents of sister States, and even a resident of Jersey City. This practice was defended on the ground that the policemen were, in some cases, preventing "undesirable" persons from committing "unlawful acts" and, in others, protecting the individual from the wrath of the citizenry of Jersey City. By denying the plaintiffs an opportunity to be arrested for their activities within the city, the police effectively prevented the plaintiffs from attacking the validity of objectionable policies by the ordinary legal method of contesting or appealing a conviction in court.
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> Since no other city has been brazen enough to claim a legal right summarily to deport "undesirables," there is a paucity of legal precedent on the exact point. Nevertheless, the court was unquestionably correct in enjoining this vicious practice. The Supreme Court has long recognized the privilege of free movement to and from any State [citing *Crandall* v. *Nevada*, *Twining* v. *New Jersey*, *Colgate* v. *Harvey*, and adding in the footnote "While the State can prevent convicts, idiots, paupers, rioters, and diseased persons from entering the State, the power of exclusion would seem to be limited to these special types of cases. *In re Ah Fong*, 1 Fed., Case No. 102 (C. C. D. Cal., 1874)"]; and the principle is obviously applicable to a subdivision of a State. Moreover, the power of a police officer, as the court points out, extends only to making an arrest and conveying the person to a "reasonably convenient trier." The police could presumably request the prospective victim to leave the city; upon refusal to comply the police must either leave him unmolested or arrest him for the commission of some offense.[8]

[8] Note on Hague injunction proceedings 48 Yale Law Journal 261–262; 25 Fed. Supp. 127 (D. N. J.). The Hague decision was affirmed by the Circuit Court of Appeals 101 F (2d) 774 and on other grounds by the Supreme Court of the United States.

The California vagrancy statute provides that the State may exclude persons without visible means of support and serves warning that adverse consequences will follow failure to leave the community or the State. Numerous State statutes have provision for return of public charges to their last place of settlement. According to Charlotte Donnell's admirable article in 1930 on settlement law and interstate relationships,[9] 11 States provided for removal from one district to another within the States; 8 States provided in vague terms for the removal of the public charge to his "place of residence," "elsewhere," or "from the State"; 13 States authorized the enforcing agency to remove the "pauper" to the "country or State" where his residence may be; 3 States provided only for the removal of nonresident "paupers" who have been committed to State institutions.

All these arbitrary interpretations of residence exclusion and removal serve to limit the discretionary power of the State agencies, to impede efficient operation, and to interfere with constructive planning for the individual. They also serve to limit the State agencies in entering into or carrying out the terms of agreements with other States. The obstacles such interpretations create undoubtedly contribute to the expense and confusion that are bases for great concern in the administration of residence laws and regulations.

The States are also limited in their powers of administration by the amounts of funds available. State appropriations for assistance purposes represent new and substantial increases in the State budget. Agencies desiring to protect standards of assistance have sought to restrict the use of State funds to provide adequate assistance for those who had clearly established claims upon the State. Other agencies are finding that their limited funds are being depleted to furnish medical care or to provide burial for persons who are receiving assistance from other States but fall ill while visiting or domiciled away from the State of origin. The confusions and variations in State law and practice with respect to residence create special difficulties with respect to the division of financial responsibility between States.

[9] Donnell, Charlotte C., "Laws Regarding Settlement in Connection With the Problem of Interstate Relationship Under a Federal System," *Social Service Review*, Vol. IV, No. 3 (September 1930), pp. 427-451.

Much time that should be spent in considering the circumstances in the particular situation must be spent in explaining essential differences in State law and State precedent. What should be done becomes a secondary consideration to precedent and prejudice.

In its approach to the problems of residence the State agency is also conditioned by community attitudes. An agency dependent upon the public for support cannot detach its major policies from public opinion. The agency must, however, remember that the public-assistance agency is in strategic position to know the facts in a given problem, and through all its activities it must exercise planned and constructive leadership in educating the public, directing public opinion, and stimulating social action. An agency with a sincere interest in its problem and a conviction about the way in which that problem can be met can do much to create or condition the community attitudes in relation to which it must work.

In the face of mounting assistance rolls, the community has legitimate concern with a rising tax burden. That concern is usually expressed in skepticism or criticism of the expenditure of public funds for care of those whose behavior does not conform to an accepted social pattern or for care of the outsider. This reaction is a normal one of self-preservation, and it needs to be explored and discussed freely. Unqualified acceptance of a community attitude or defiant rejection of it are equally unsound and equally prone to crystallize unwise practices into unsound law. Social prejudice is frequently based on misinterpretation of facts or on misinformation. For example, I have been asked three times to secure for speakers at this conference the source of a statement that of 2 million children born in 1938, 1.1 million were born in relief families. The statement actually is that of 2 million children born in 1938, "It is estimated that more than 1.1 million births occur each year in families that are on relief or have total incomes (including home produce on farms) of less than $1,000." [10] The size of the public relief load is not what was implied in the interpretation.

Not long ago I was informed that a store at which I maintain an account was refusing to employ Jewish people. I made inquiry and was referred to the manager of the store, who produced his employment lists to demonstrate that they are employing Jewish personnel and had taken on Jewish employees within the previous 6 months. He thanked me for making inquiry and showed me two folders of correspondence from persons who were closing their accounts without getting the facts—one group because of alleged refusal to employ Jewish personnel, the other because of the rumor that the store was dismissing old employees to make placements of Jewish refugees. These kinds of propaganda are prone to rise with respect to public administration. They must be faced squarely, traced to their source if possible, and the facts given clear and direct interpretation. The present hostilities and apprehensions with respect to the problem of the alien and the nonresident and others who are dependent on the State need to be replaced with tolerance, a tolerance that is not characterized by sentimentality or disinterest but one based on factual knowledge, understanding, patience, and constructive support in working out the problem.

It has long been recognized that variations in law and practice between the States were not only unsound but were actually creating chaos in State administration of assistance to persons whose residence was not clearly established. The mobility of population is essentially a national problem, and the complex of local problems and limitations cannot be met without uniformity in local practice and an accepted authority to make decisions in disputed questions.

There have been three suggestions of possible solution to the problem:

1. Establishment of a Federal category for the care of the transient from 100 percent Federal funds;

2. Federal legislation defining State residence, regulating moving from State to State, and designating a superior authority to act in disputed points between States;

3. Uniform settlement laws to be enacted by the States and supplemented by interstate agreements.

Under the Federal Emergency Relief Administration the problem of transiency was accepted as a Federal problem. Although the State transient programs were theoretically integrated with the State relief programs and the personnel was administratively responsible to the State agency,

[10] Interdepartmental Committee to Coordinate Health and Welfare Activities, *Proceedings of the National Health Conference*, 1938, p. 30.

the plans were for care of transients financed from Federal funds and the standards established by the Federal agency. The transient program provided for a modest but decent standard of care for nonresidents. It was, however, a target for antagonism and sabotage. Modest though its standards were, thoughtfully planned as they were to protect community health and welfare as well as that of the transients themselves, the standards for transient care were higher than those the communities were willing to maintain for residents, and on this basis resentment developed in local communities against the Federal program. Charges were made that the program was increasing transiency, although it must be admitted that any increase in transiency was more likely caused by unwise and inadequate local administration that impelled families and individuals to seek assistance in communities other than those in which they had resided. The failure to marshall community support behind the transient program resulted in its demolition, a tragic and disheartening end to a valiant effort. It seems logical to assume that a problem of national significance such as that of the nonresident might best be handled by Federal administration and Federal finance. However, one point needs to be considered in relation to the effect of Federal administration on mobility of population and on the individual who seeks to establish himself in a new community. The desire to relieve the State of financial responsibility will keep the individual in the status of a transient as long as he is in need of assistance; he will be barred from the opportunities open to residents of the community, segregated, isolated, perhaps even ostracized as long as it serves the interest of the State to perpetuate his nonresident status. Acute suffering may be alleviated, but the nonresident will not be enabled to exercise a normal and desirable determination in managing his own affairs or in establishing himself in wholesome community relationships. There is some possibility that the establishment of a Federal program for nonresidents would establish a caste not conducive to the best interests of the community or the individual and would not, in the last analysis, meet the problem.

There are, however, advocates of abolition of all settlement laws. As one authority puts it: "The settlement law has never been an unqualified success; it is not now; and I see no reason to believe that it ever will be." [11]

Such a program, however, would offer greater possibilities if it were to follow and be administered under Federal legislation fixing residence requirements for all States. W. A. Gates at the National Conference of Charities and Corrections in 1899 [12] and again in 1912 [13] made proposals for such legislation providing that—

1. Settlement would be attained in all States after 1 year of residence;
2. Removals would be effected by the authorized State agency with consideration for family unity and individual circumstances;
3. Agreements would be worked out between State agencies before removal, with the Federal courts operating in case disputed points could not be resolved by common agreement.

Such a measure would be a constructive step toward bringing to an end some of the present difficulties which arise from the efforts of each State to protect itself by establishing residence requirements a little higher than its neighbors'. It would also be a means of establishing a statutory basis for uniformity of operation that would promote a more constructive service to individuals. It might well be followed by a program for Federal financing of care of the nonresident during the period in which some permanent plan was being worked out for him, a program less subject to destructive criticism than that of the FERA because of its permanent character and because of its relation to each State welfare program and its conformity to the standards of those programs. There are many, however, who believe that Federal legislation in this area would be unconstitutional and that, beyond the powers of the commerce clause and those embodied in the fourteenth amendment, the Federal Government has no authority to act with respect to State residence or settlement.

The uniform State-settlement law has numerous advocates including the Council of State Governments, the National Association of Attorney Generals, and the American Public Welfare

[11] Gillin, J. L., "The Need for a Uniform Settlement Law," *Proceedings of the National Conference of Social Work*, 1926, p. 545.

[12] Gates, W. A., "Report of Committee on Immigration and Interstate Migration," *Proceedings of the National Conference of Charities and Corrections*, 1900, pp. 153–158.

[13] Gates, W. A., "Deportation of Insane Persons, Paupers, and Others From One State to Another," *Proceedings of the National Conference of Charities and Corrections*, 1912, pp. 71–76.

Association. Clear and forceful arguments have been presented by these organizations setting forth the interests of public policy that would justify the establishment of uniform 1-year residence requirements by the States. The residence requirements in the Federal Social Security Act have, however, already become embodied in the State laws, and each State hesitates to liberalize its laws until it is assured that by doing so it will not assume an unequitable share of financial expense. Until a group of States can reach agreements to take the step at the same time, it is unlikely that any State legislature will enact legislation by which it seems that the State has nothing material to gain and something to lose.

For the present, the question of establishing less rigorous and more uniform legislation either on a Federal or on a State level must be pursued. Immediate steps, however, can be taken to eliminate existing inequalities of treatment and the hardship to individuals arising from them.

The transportation agreement with the National Committee on Transportation acting as arbiter operated for many years to promote voluntary cooperative treatment of residence problems by public and private agencies. The signers of this agreement, among other things, agreed to refrain from removing any family, or to assist in the removal of any family, to another community without determining through the appropriate agency in that community that the family would be cared for. In 1933 the National Committee on Transportation ceased to function because, according to one authority, with the establishment of the Federal transient program the committee believed its work was done. The revival of the Transportation Agreement would be expedient at this time to alleviate some of the cruelties arising from unplanned removal or unreasonable exclusion of persons seeking to move to a new community.

Another precedent that might be adopted for use by public-welfare agencies is that of the interstate agreements that have been operating for some years in the field of parole. The Council of State Governments has sponsored the establishment of Commissions on Interstate Cooperation, which now exist in 37 States. The American Public Welfare Association and the Council of State Governments have urged the use of these commissions to arrange interstate agreements among departments of public welfare. Eleven States have, in their welfare acts, provisions authorizing them to enter into agreements with other States, but, so far as we know, no States have formulated or attempted to establish such agreements.

The public is acutely aware today of the problem of the nonresident and the alien. Feeling is running high, and that feeling, undirected, is likely to become transmitted into thoughtless action that will increase rather than face honestly the problem of the stranger within our gates. We have already faced such action against the noncitizen in the WPA. Pearl Buck, as a citizen returning to a country which, from the distant view, she believed to represent ideals of individual freedom and tolerance, challenged our acceptance of local antagonism and prejudices against the nonresident as incompatible with the ideals on which our Government was founded.[14]

In visiting the World's Fair in New York recently I was impressed with the inscription on the Czechoslovakian Building, which was completed by voluntary subscription after having been abandoned by the Government: "When the tempest of wrath has passed, the rule of thy country will return to thee, oh Czech people." The people of a nation under oppression thus indicate that a magnificent heritage of tolerance and idealism lives.

We, too, have a heritage in this country. The fundamental principles of tolerance and of respect for the integrity of the individual personality that are a part of that heritage are clouded at present by confused interpretations of public policy and defensive drives toward protection of State funds to the detriment of a wise economy of public expenditure and the conservation of human values. We are in a strategic and critical period. To meet the challenge before us, leadership informed as to fact, convinced as to principles, must be stimulated through our efforts to establish reasonable, equitable, and uniform residence laws and to administer those laws with constructive consideration of our ideals of family unity and individual opportunity.

[14] Buck, Pearl S., "On Discovering America," *Survey Graphic*, Vol. 26, No. 6 (June 1937), pp. 313-315 ff.