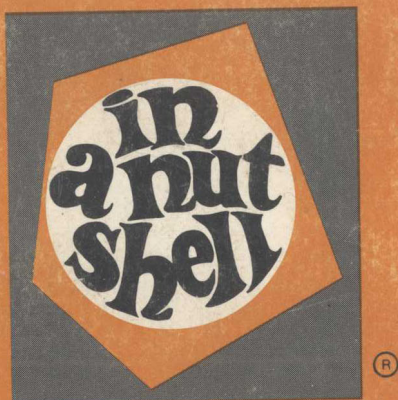


Welfare Law: Structure and Entitlement



ARTHUR B. LaFRANCE

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For
Jacobius tenBroek
whose scholarship
gave sight to the blind

PREFACE

This Nutshell is an effort to present in concise form the history of welfare in America, with its structure, programs and procedures. This task is made profoundly difficult by the conflicting policies implemented through a complex federal and state structure involving a myriad of agencies and programs which have developed piecemeal over two centuries. Any result is unfortunately superficial. Yet a comprehensive survey seems essential precisely because the bewildering complexity of the subject is overwhelming without an overview. This Nutshell attempts just such a perspective.

The discussion begins with the Elizabethan Poor Laws and traces their pervasive influence on American welfare. In the 1930s, through the Social Security Act, the federal government first entered the welfare scene in a comprehensive way through creation of "cooperative" programs with the states, which were to administer federal funds. The difficult issues raised concerning state/federal relations are therefore treated by this text, followed by the development of governing constitutional principles, such as due process and equal protection of the laws. The text then moves to examining the content of various programs, in-