

## Cry Wolf Project

### Policy Brief: Unemployment Insurance

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**TITLE:** Insuring the Unemployed for Stimulus, Stability, and Recovery

#### INTRODUCTION:

The issue of unemployment benefits – including their length, eligibility, and expense – has become a controversial political issue in recent years. It has dominated headlines, newsfeeds, and blogs especially during the Great Recession when Congress continually debated whether to extend Unemployment Insurance to employees who had exhausted their UI benefits.

Beginning in 2008 persistent, long-term unemployment drove Congress to extend jobless benefits far past the normal twenty-six week guarantee. This legislation provoked bitter fights between legislators. Republican Senators, joined by Joe Lieberman (I-CT), Ben Nelson (D-NB), and a handful of conservative Democrats (but without Maine Republicans Susan Collins and Olympia Snow) temporarily scuttled an extension on June 30, 2010. The bill was passed less than a month later, by a vote of 60-40 in the US Senate. Two independents, Lieberman and Vermont's Bernie Sanders, and two Republicans, Collins and Snow, joined fifty-six Democrats in voting "Yes." Nelson was the only Democrat to vote with the Republicans. President Obama signed the bill into law on July 22, 2010.

During the debate, opponents proclaimed themselves dedicated to keeping deficits down, concerned that spending would delay economic recovery, and positive that extending benefits would keep the unemployed from seeking work. "...it could jeopardize the recovery and would add to our already enormous deficit, likely to be around \$1.4 trillion for the second year in a row," Nelson explained in a statement, "Congress should provide additional unemployment benefits but not as a bailout to the states that worsens the deficit and passes the bills onto our children." Jon Kyl (R-AZ) asserted that unemployment insurance "doesn't create new jobs. In fact, if anything, continuing to pay people unemployment compensation is a disincentive for them to seek new work."<sup>1</sup>

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<sup>1</sup> T. Cahill, "Tier V 99er's Unemployment Petition Readies for Washington," *World News Vine*, July 18, 2010, <http://worldnewsvine.com/2010/05/tier-v-99ers-unemployment-petition-readies-for-washington/>; Ryan Grim, "GOP Sen. Kyl: Unemployment Benefits Make People Not Want To Get a Job," *Huffington Post*, March 1, 2010, [http://www.huffingtonpost.com/2010/03/01/gop-sen-kyl-unemployment\\_n\\_481526.html](http://www.huffingtonpost.com/2010/03/01/gop-sen-kyl-unemployment_n_481526.html); Brian Beutler, "With Millions Losing Benefits, Ben Nelson Blocks Extension of Unemployment Insurance," *Talking Points Memo*, July 1, 2010, <http://tpmdc.talkingpointsmemo.com/2010/07/with-millions-losing-benefits-ben-nelson-blocks-extension-of-unemployment-insurance.php>; Alan Harten, "Republican Senators Filibuster 2010 Unemployment Benefits Extension," *APEX News Network*, July 1, 2010, <http://apexnewsnetwork.com/23912/republican-senators-filibuster-2010-unemployment-benefits-extension/>.

These arguments were hardly new. In the earliest debates over state and federal programs, and even after unemployment insurance was included in the broad 1935 Social Security Act, economists, manufacturers, bankers, and other business owners and managers have decried the jobless benefits, no matter how modest, as a job killer, a detriment to recovery, an unmanageable burden, a government overreach, and an entitlement that encourages Americans to stay home and not look for a job.

These opponents are, quite simply, crying wolf. Since enactment, unemployment benefits have proven critical to economic stability, individual livelihood, and long-term prosperity. Hence, keeping and extending this insurance is vital to Americans living through any downturn and to the nation's lasting economic stability.

### **LEGISLATIVE HISTORY:**

Unemployment insurance was a critical part of President Franklin Delano Roosevelt's New Deal, a lifesaver during a period defined by economic volatility, depressed wages, and record unemployment. The President and his advisors backed short-term relief for the unemployed to keep them off welfare (at the time maligned as the "dole"), provide for their basic subsistence and increase the purchasing power of the American people so as to mitigate the overall effects of mass unemployment. As governor of New York, Roosevelt had backed unemployment insurance, asserting this relief: "must be extended by Government, not as a matter of charity, but as a matter of social duty." Roosevelt's Secretary of Labor, Frances Perkins, stated before the House Committee on Ways and Means that private charity and state/local relief could not shoulder the burden. Instead they proposed nationalizing these local experiments and existing programs in private industry to create a federal guarantee for short-term unemployment benefits. She described a 1934 unemployment insurance proposal as "fundamentally a tax bill" because New Dealers argued that business, not wage earners, should contribute to the reserves that would be dispersed. The proposal, a critical piece of economic relief, recovery, and social security, found backing not only from New Deal Democrats, Keynesian economists, and trade union leaders, but from progressive jurists such as Supreme Court Justice Louis Brandeis, and key business leaders, including retailer William Filene. Indeed, Secretary of Labor Perkins often cited efforts by businesses to offer their own set of privately-financed jobless benefits as proof that this type of relief was welcomed, fiscally sound, and workable. Differences between this coalition centered mostly on who, taxpayers, employees, or employers, would bear the tax burden and how best to ensure, either through time limits or compensation levels, that this relief was an emergency hand up, not a permanent hand out.<sup>2</sup>

Despite broad agreement from many on the need for such a program, unemployment insurance had a tortuous path through state governments and Congress. Federal legislation stalled in the early years of the Roosevelt Administration and only a few state legislatures, most notably Wisconsin and New York, passed provisions over numerous objections from manufacturing interests and warnings from conservative economists adverse to higher taxes, more regulations,

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<sup>2</sup> "Unemployment Insurance," Hearings, Subcommittee of the House Committee on Ways and Means, 73<sup>rd</sup> Congress, 2<sup>nd</sup> Session, March 21 to 30, 1934, esp. 5-27, quoted on 10; David Kennedy, *Freedom from Fear: The American People in Depression and War, 1929-1945* (Oxford: Oxford University Press, 1999), 249-287, esp. 90.

and increased state guarantees. In Congress, Southern politicians opposed the bill because they feared that any state or federal program that would make the African American domestic and agricultural workforce less desperate would upset the Jim Crow racial order. Likewise, those Senators and Representatives beholden to major manufacturing interests also deemed the entire project an overreach. Federally funded unemployment insurance was also opposed by the *Wall Street Journal* and *Los Angeles Times*, the du Ponts and other wealthy conservatives associated with the Liberty League, and both the Merchants Association of New York and the Merchants' and Manufacturers' Association of Los Angeles. Key figures at the helm of the Philadelphia, Illinois, and U.S. Chambers of Commerce, attacked proposals for federalized unemployment insurance on the same terms that latter-day counterparts would criticize the extension of unemployment benefits in the Great Recession that began in 2008.<sup>3</sup>

Ultimately, unemployment insurance was passed as a part of the 1935 Social Security Act. Roosevelt introduced his 1935 proposals as “security against the hazards and vicissitudes of life.” “No one can guarantee this country against the dangers of future depressions,” he asserted. “We can eliminate many of the factors that cause economic depressions, and we can provide the means of mitigating their results. This plan for economic security is at once a measure of prevention and a method of alleviation.” The unemployment provisions included a federal tax on employers of 8 or more workers (legislators assigned a gradually increasing tax, it started at 1% and increased, and stayed, at 3% after 1937).

States ran the agencies that dispersed payments and thus could recapture 90% of funds paid to the federal government through a tax offset to fund the local/state programs (the last 10% was dedicated to administrative costs). Still, the program was a far-cry from the original proposal put forward by Roosevelt and Perkins. Liberals made serious compromises with the Southern Democrats whose votes were critical for passage. The policy exempted agricultural, domestic, and public employees from jobless protections, which, in effect, left African Americans in the South, who could find little work outside fields, farms, and family homes, uncovered. Moreover, the entire structure left much power at the local and state levels, which structured compensation levels and time limits, often in accordance with employer wishes.<sup>4</sup>

Nonetheless, unemployment insurance was a key element of post-Depression assurances of economic security, general stability, and social protection. In the Depression decade itself, twenty-six million workers found themselves with new protections, guarantees, and income supports. By the end of the 1930s, every state had individual unemployment compensation programs. There was a real range in scope and scale. Generally, the newly jobless could expect sixteen weeks of support at half pay (no more than \$15 per week).<sup>5</sup>

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<sup>3</sup> Kennedy, *Freedom from Fear*, 249-287.

<sup>4</sup> Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton: Princeton University Press, 2002), esp. 92-97; David Kennedy, *Freedom from Fear: The American People in Depression and War, 1929-1945* (Oxford: Oxford University Press, 1999), 249-287, esp. 270.

<sup>5</sup> David Kennedy, *Freedom from Fear: The American People in Depression and War, 1929-1945* (Oxford: Oxford University Press, 1999), 249-287, esp. 270-272; James T. Patterson, *Grand Expectations: The United States, 1945-1974* (Oxford: Oxford University Press, 1997); Jefferson

Since 1935, there have been substantive changes to the policy, particularly general reductions in contributions and tax rates during the 1980s and 1990s. During prosperous times most states provide twenty-six weeks worth of benefits at roughly one-third of wages for middle and low-income wage earners. If a state's unemployment rate is well above the national average, it "triggers" an additional thirteen weeks of coverage for the jobless. Federal law (under the Federal Unemployment Tax Act, which was first passed in 1939 and has been amended frequently in the ensuing decades) now requires a .8% tax on employers for each employee's first \$7,000 of pay (roughly \$56 per worker). At the state level, a wide variety of measures exist, including higher taxes on companies that lay more workers off, restrictive benefit eligibility standards, strict disqualification provisions, and high thresholds to qualify for jobless benefits.<sup>6</sup>

### **CRYING WOLF:**

In the Great Depression and the recent recession, critics of unemployment insurance have attacked the program as a job killer, an unmanageable burden, a detriment to recovery, an example of government overreach, and an entitlement that discourages Americans from looking for and taking jobs.

The standard argument against unemployment insurance, in the 1930s and the 2000s, is that:

- 1) the payroll tax is an unmanageable burden
- 2) that will cause employers to hire fewer workers
- 3) discourage the unemployed from seeking work (claims made during periods where there was an overall decline in the number of job openings)
- 4) which subsequently slows or even stops economic recovery.

These claims are ubiquitous. For example, Florida legislator Dave Murzin asserted: "You tell businesses to pony up and write a big check and that puts more people out of business." "This is a welfare program. And it's needed because the Democrat Party has destroyed the job sector," conservative commentator Rush Limbaugh declared in July 2010, "We wouldn't even need this if there were jobs being created out there. There's one reason the jobs aren't being created. His name is Barack Obama and his party, the Democrat Party. They're killing jobs. They are killing the private sector, and it is not an accident." "The longer you pay people not to work, the longer they're not gonna try to work," Limbaugh continued, "At what point does unemployment compensation become welfare?"<sup>7</sup>

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R. Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class* (New York: New Press, 2010).

<sup>6</sup> "Understanding the Unemployment Trust Fund Crisis of 2010," Unemployment Insurance Briefing Paper, April 2010, National Employment Law Project, <http://nelp.org/page/-/UI/solvencyupdate2010.pdf?nocdn=1>.

<sup>7</sup> Tami Luhby, "Unemployment Taxes Slam Businesses," *CNNMoney.com*, February 9, 2010, [http://money.cnn.com/2010/02/09/news/economy/unemployment\\_taxes/index.htm](http://money.cnn.com/2010/02/09/news/economy/unemployment_taxes/index.htm); Brian Faler, "Democrats Trim Jobs Bill to Address Deficit Concerns," *Bloomberg Businessweek*, June 17, 2010, <http://www.businessweek.com/news/2010-06-17/democrats-trim-jobs-bill-to-address-deficit-concerns-update4-.html>; Rush Limbaugh, "Democrats Turn Unemployment Insurance

These claims were hardly new. Unemployment insurance opponents used these same arguments to try to halt its passage in the 1930s. “Such a law would inevitably operate to hold down the number of employees on the pay roll as well as to prevent and minimize increases in the rate of pay, so that the burden of the tax could be reduced to the minimum,” a *Los Angeles Times* editorial forewarned in 1934, “These bills, in our opinion, are contrary to the spirit of the Constitution of the United States...” The next day, editors asserted that their “objection to the whole plan is that it is based on the false assumption, not merely that the world owes every man a living, but that employees in industry owe a living to every person who chances to be employed in that or any other industry.” James L. Donnelly, executive vice president of the Illinois Manufacturers Association, asserted that benefits would stall recovery: “The imposition on industry at this time of the tax burden contemplated by this measure would render business recovery absolutely hopeless.” Almost eighty years ago, opponents also wrung their hands over deficit spending: The Merchants Association of New York publicly stated, “unemployment insurance legislation at this time would be a costly experiment which is certain to add extravagantly to public expenditures.” Executives predicted that the bill would kill jobs because the benefit “tends to retard the increase of pay rolls, because of the absorption of this amount of money for taxation purposes; it retards the increase of employment also. It is a permanent tax, with no limit, regardless of economic conditions in general or of the individual company. In other words, it may be the last straw...that puts this company over the line into bankruptcy.” Conservative economists predicted that the policy would snowball into an unaffordable entitlement because unemployment insurance “tends to make many people feel a greater reliance on the Government. What is needed to bring us out of this depression is for the greatest possible number of people to know fully that their best reliance is still on themselves.”<sup>8</sup>

Critics also issued the same dire predictions during the prosperous postwar decades. In the mid-1950s, for example, when the American manufacturing economy was strong and many Americans saw their incomes rise each year, the House Ways and Means Committee considered bills that increased overall benefits, expanded coverage to those working in small firms with less than eight employees, extended the coverage period, and enacted fiscal programs that increased the general solvency of state unemployment insurance programs so as to equalize coverage across the nation. Business groups attacked these proposals. In response to the establishment of a federal loan program to bolster insolvent state programs, a representative from the National Association of Manufacturers declared: “Such arrangements do violence to the basic purpose of

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Into Welfare Payments,” *The Rush Limbaugh Show*, transcript, July 20, 2010, [http://www.rushlimbaugh.com/home/daily/site\\_072010/content/01125108.guest.html](http://www.rushlimbaugh.com/home/daily/site_072010/content/01125108.guest.html).

<sup>8</sup> “Job Insurance Idea Scored,” *Los Angeles Times*, April 2, 1934, pg. 4; Associated Press, “Insurance Plan Called Ruinous,” *Washington Post*, March 31, 1934, pg. 3; Statement by the Merchants Association of New York on New York & national unemployment insurance, quoted in “Merchants Oppose Job Insurance Bills,” *New York Times*, April 17, 1934, pg. 2; Merwin K. Hary, New York, NY, President, New York State Economic Council, pgs. 288-294, esp. 289-290, “Unemployment Insurance,” Hearings before the House Committee on Ways and Means, Mar. 21-24, 26-30, 1934; Frank H. Willard, Worcester, MA, President, Graton & Knight Manufacturing Co., 294-302, esp. 295, “Unemployment Insurance,” Hearings before the House Committee on Ways and Means, Mar. 21-24, 26-30, 1934.

unemployment compensation, perpetuate underemployment, and avert or postpone needed individual or industrial adjustments to changed economic conditions.”

Critics also cited federal overreach in proposals to levy all employers, even if they had a workforce of one, with the unemployment tax. “It is part of a nibbling-away process,” director of the National Small Businessmen’s Association charged, “federalizing State unemployment compensation bit by bit so as to thus achieve ultimately the same end results as would be achieved by directly scrapping State systems and establishing a Federal system.” He questioned, “Is this proposed additional tax burden required by the public interest?” “Small employers,” he explained, “would be required to make an annual return, involving the compilation and reporting of payroll data on an annual basis and also reporting their State unemployment taxes, and credits, etc. The work of assembling and reporting this data for many would be more of a burden than the payment of the Federal tax itself.” The same themes appeared a decade later when Congress considered another benefit expansion and a federal trigger to better safeguard workers in a sudden downturn. A member of the Indiana State Chamber of Commerce asserted that there was no “clearly demonstrated need, in Indiana, for a benefit duration in excess of the 26 weeks now permitted by Indiana law.” He also complained, “the heaviest percentage of tax cost increase is borne by those employers who, by providing steady employment, have earned more favorable rates.”<sup>9</sup>

#### **CONCLUSION:**

Constant predictions, whether in times of prosperity or peril, of excessive deficits, fewer jobs, firms taxed out of business, government control of private enterprises, a decline in individual initiative, and overall economic stagnation clearly never came to pass. As historians, economists, and sociologists have noted and documented, the United States emerged out of World War II as a leading economic power, the engine of the postwar consumer-driven economy, and a paragon of the kind of affluence that state guarantees of a general social safety net could produce. Moreover, unemployment insurance proved vital to buoying the American middle class during the 1970s, when economic stagflation, the first oil crisis, and high unemployment threatened this general prosperity.

It is these provisions that have kept the short and long-term unemployed, both in the crises of the 1970s, 1980s, and 2000s, in their homes and above the poverty line. Quite simply, unemployment insurance:

- 1) is critical to economic recovery
- 2) does not stop citizens from seeking work

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<sup>9</sup> Statement of Harold C. McClellan, Chairman of the Employee Benefits Committee, National Association of Manufacturers, pgs 76-81, esp. 78, Hearings before the House Committee on Ways and Means, Apr. 14, 15, 1953; Statement of Blyth Emmons, Director, Washington Office, National Small Businessmen’s Association, pgs 211-215, esp. 213 and 214, “Unemployment Insurance,” Hearings before the House Committee on Ways and Means, June 8-11, 1954; Statement of Oscar Alvord, Director, Social Legislation Department, Indiana State Chamber of Commerce, pgs 556-565, esp. 556-557, in “Unemployment Insurance Amendments of 1966,” Hearings before the Senate Finance Committee, July 13, 15, 18-22, 25, 26, 1966.

3) but instead provides them the temporary security to enable them to find new employment

Contemporary analysts, for example, have shown that unemployment helps to end, not to prolong, downturns. “If you give money to someone who is unemployed,” the U.S. Department of Labor’s chief economist recently explained, “they are going to spend it the next day.” Mark Zandi, an economist who advised Sen. John McCain during his presidential campaign, determined that just spending one dollar of an unemployment benefit results in a \$1.61 increase in economic activity. Others refute the wild assertions that unemployment checks stop recipients from looking for other work. Rick McHugh and Mike Evangelist point out, “On average, unemployment benefits are equivalent to just 36 percent of average weekly wages—enough to maintain a modest standard of living but hardly enough for a princely lifestyle.” “What’s limiting employment now is lack of demand for things workers produce,” economist Paul Krugman noted, “Their incentives to seek work are, for now, irrelevant.” These points proved especially salient in the early Great Recession. Benefit extensions, which included an extra \$25 per week, a health care subsidy, and a general extension past the initial 26 weeks of unemployment, generated 1.2 million full-time equivalent positions. A report from the Economic Policy Institute concluded: “These jobs were generated by the increase in spending on unemployment compensation of \$152.1 billion, which, in turn, raised gross domestic product (GDP) by \$244.8 billion, a 1.7% boost.”<sup>10</sup>

Unfortunately, and blindly, critics continue to assert that benefits will kill jobs, fetter enterprise, enhance federal power, slow recovery, and destroy individual initiative. They are crying wolf. Unemployment insurance is vital to a sound economic present and future.

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<sup>10</sup> Andrea Orr, “Extending Unemployment Insurance is the Fiscally Responsible Thing to Do,” Economic Policy Institute, May 28, 2010, [http://www.epi.org/analysis\\_and\\_opinion/entry/extending\\_unemployment\\_insurance\\_is\\_the\\_fiscally\\_responsible\\_thing\\_to\\_/](http://www.epi.org/analysis_and_opinion/entry/extending_unemployment_insurance_is_the_fiscally_responsible_thing_to_/); Lawrence Mishel and Heidi Shierholz, “Two For the Price of One: Providing Unemployment Insurance Both Assists the Unemployed and Generates Jobs,” Issue Brief #281, July 15, 2010, Economic Policy Institute, [http://www.epi.org/publications/entry/two\\_for\\_the\\_price\\_of\\_one/](http://www.epi.org/publications/entry/two_for_the_price_of_one/); Rick McHugh and Mike Evangelist, “Beyond Sound Bites—Understanding the Impact of Unemployment Insurance on the Severity of Unemployment,” National Employment Law Project, May 2010, esp. 5 and 8, [http://nelp.3cdn.net/2e73fd99708056efc1\\_r8m6i6jx4.pdf](http://nelp.3cdn.net/2e73fd99708056efc1_r8m6i6jx4.pdf).

## APPENDIX A: ADDITIONAL SOURCES

### CONTEMPORARY ADVOCACY GROUPS:

- Center for American Progress, <http://www.americanprogress.org/>
- Center for Economic and Policy Research, <http://www.cepr.net/>
- Economic Policy Institute, <http://www.epi.org/>
- National Employment Law Project, [www.nelp.org](http://www.nelp.org)

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