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"Never Forget What They Did Here": Civil War Pensions for Gettysburg Union Army Veterans and Disability in Nineteenth-Century America

Peter Blanck

Chen Song

"NEVER FORGET WHAT THEY DID HERE":[1] CIVIL WAR PENSIONS FOR GETTYSBURG UNION ARMY VETERANS AND DISABILITY IN NINETEENTH-CENTURY AMERICA

PETER BLANCK* & CHEN SONG**

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1. Abraham Lincoln, Gettysburg Address (Nov. 19, 1863), *available at* http://www.loc.gov/exhibits/gadd/4403.html.

* Charles M. and Marion Kierscht Professor of Law, and Professor of Public Health and Psychology at the University of Iowa; Director of the Law, Health Policy, and Disability Center; Ph.D., Harvard University; J.D., Stanford Law School. The research on the lives of the Civil War veterans would not have been possible without the generous assistance of Dr. Robert Fogel and his colleagues at the University of Chicago. Robert Fogel, Claudia Linares, James Schmeling, Michael Stein, and Peter Viechnicki provided most helpful comments on earlier versions of this Article. Special thanks to Quan Vu for his invaluable research support. We also have benefitted from presentation of this work at the Disability and Identity Symposium at the William and Mary School of Law. The program of research described herein is supported, in part, by grants from the University of Iowa College of Law Foundation, the National Institute on Disability and Rehabilitation Research, U.S. Department of Education, and the National Institute on Health. For information on grant funding, see www.its.uiowa.edu/law.

** Economist, Resolution Economics, LLC; Ph.D., Economics, University of Chicago.

INTRODUCTION

There probably is no single event more associated with the American Civil War than the epic July 1863 battle at Gettysburg, Pennsylvania. The defense of Little Round Top, intense fighting in Devil's Den, the Wheatfield, the Peach Orchard, and Pickett's Charge are etched in American mind and culture. The battle marked the turning point of the Civil War and the South's High Water Mark. Union heroes emerged—Warren, Chamberlain, Reynolds, Vincent— while the South's Lost Cause was cemented. The battle birthed Lincoln's Gettysburg Address, which is revered as a vision for the postwar reconciliation.[2]

Yet, as historian Amy Kinsel comments, "[f]or most Americans, Gettysburg's legacy has been unavoidably shaped by a host of important events that occurred after July 1863, and it includes many more elements than the participants in the battle could ever have imagined."[3]

Given the prominent position of Gettysburg in American history and culture, it is remarkable that so little is known about the subsequent lives of the survivors of the battle. Indeed, aside from scores of individual and military portrayals of the participants before and after the war,[4] no systematic large-scale investigation has been conducted on this unique cohort of veterans in American history.

The stature of the Gettysburg Battle, and the American narrative it came to represent, developed well after July 1863. Historian Kinsel writes, "it was during the postwar period that most Americans ... came to regard Gettysburg as the preeminent battle

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2. *See* GARRY WILLS, LINCOLN AT GETTYSBURG: THE WORDS THAT REMADE AMERICA 40 (1992) (commenting on the "intellectual revolution contained in those fateful 272 words" of the Gettysburg Address).

3. Amy J. Kinsel, *From Turning Point to Peace Memorial: A Cultural Legacy*, *in* THE GETTYSBURG NOBODY KNOWS 203, 205 (Gary S. Boritt ed., 1997); *id.* at 210 ("Almost independently of popular interest in the military aspects of the Battle of Gettysburg, there developed a deep public interest in Lincoln's Gettysburg associations.").

4. For a review of Gettysburg writings, see Noah Andre Trudeau, *Preface* to GETTYSBURG: A TESTING OF COURAGE (2002) (discussing the extraordinary amount of literature on Gettysburg).

of the Civil War and to invest it with a complex set of meanings that went far beyond its strictly military ramifications."[5]

In a series of empirical studies, we have examined the postwar lives of disabled Union Army (UA) Civil War soldiers. We have studied the nature of UA veterans' impairments during and after the war, and how the Civil War pension system compensated those disabilities from 1862 to 1907. The investigation documents how public acceptance and inclusion into society of disabled UA veterans in late-nineteenth-century American society were as much driven by factors external to disability, including political, economic, social, and attitudinal factors, as by the pension laws themselves.[6]

Public attitudes toward pension worthiness or deservingness were prominent among the external or environmental forces affecting the then new class of disabled Americans. We have compared and contrasted conceptions of "disability worthiness" in late-nineteenth-century America and in contemporary policy as articulated in the Americans with Disabilities Act (ADA) of 1990.[7] We have examined

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5. Kinsel, *supra* note 3, at 205-06 (concluding that not until much later did Americans see Gettysburg as a turning point in the war and the "High Water Mark of the Confederacy"); *see also* Richard A. Sauers, *Gettysburg: The Meade-Sickles Controversy*, 26 CIV. WAR HIST. 197 (1980) (discussing later controversy about Gettysburg tactics).

6. *See generally* Center for Population Economics, University of Chicago, The Union Army Project, *at* http://www.cpe.uchicago.edu/unionarmy/index.html (last visited Sept. 25, 2002) (describing the project and data files). For a description of research on disability and Civil War pensions, see Law, Health Policy and Disability Center, Conceptions of Disability after the Civil War, *at* http://www.its.uiowa.edu/law/hpdc/lawdisabpolicy/civilwarperiod.html. The historical data set is called "Early Indicators of Later Work Levels, Disease, and Death," and research related to the data is sponsored by grants to the Center for Population Economics (CPE), University of Chicago, and Department of Economics, Brigham Young University. University of Chicago professor Robert Fogel is the principal investigator. Dr. Fogel and his colleagues (including Peter Viechnicki and others) have graciously provided us access to and assistance with their data for our analyses herein. For information on Dr. Fogel's program of research, see ROBERT W. FOGEL, PUBLIC USE TAPE ON THE AGING VETERANS OF THE UNION ARMY: DATA USER'S MANUAL: SURGEON'S CERTIFICATES, 1862-1940, Version S-1 Standardized (2001) [hereinafter DATA USER'S MANUAL].

7. *See* Peter Blanck, *Civil War Pensions and Disability*, 62 OHIO ST. L.J. 109, 112-16 (2001) (discussing prior studies); Peter Blanck & Michael Millender, *Before Disability Civil Rights: Civil War Pensions and the Politics of Disability in America*, 52 ALA. L. REV. 1 (2000). For extensive discussion of the political and social forces behind the growth of the Civil War Pension System, see MARY KLAGES, WOEFUL AFFLICTIONS: DISABILITY AND SENTIMENTALITY IN VICTORIAN AMERICA 10 (1999) (concluding that the cultural meaning of disability depends largely on social and political context); THEDA SKOCPOL, PROTECTING SOLDIERS AND MOTHERS: THE POLITICAL ORIGINS OF SOCIAL POLICY IN THE UNITED STATES (1992) [hereinafter SKOCPOL, PROTECTING SOLDIERS AND MOTHERS]; Theda Skocpol, *America's First Social Security System: The Expansion of Benefits for Civil War Veterans*, 108 POL. SCI. Q. 85 (1993) [hereinafter Skocpol, *Social Security*].

these forces in studies of how views about UA veterans' disabilities, and hence pension compensation, were shaped by partisan forces, the rise of the administrative and bureaucratic state, attorney advocacy and lobbying, veterans' social class, nativity, occupation, and economic factors in late-nineteenth-century America.[8]

For the first time in our program of study, this Article examines a unique cohort within the UA—the survivors of Gettysburg. Who were these veterans and what were their lives like before and after the war? Popular literature, movies, and documentaries remind us of Joshua Chamberlain as defender of Little Round Top and later as Governor of Maine, and Dan Sickles as soldier-politician and killer of his wife's lover.[9]

Amazingly, no systematic study has been conducted of the postwar lives of soldiers under the commands of Chamberlain, Sickles, and others at Gettysburg.[10] We do not know whether, as progressive-era statistician Isaac Rubinow contends, "[t]he most singular feature of the [Civil War] American pension system ... [was] that it primarily redound[ed] to the advantage of a class least in need of old-age pensions."[11] And, we do not know whether the revered Gettysburg cohort was received as the most elite of these pension beneficiaries.

At its height in the 1890s, the UA pension scheme consumed almost half of the federal budget and was intimately linked to the Republican Party's strategy to maintain the soldier vote and hold the White House.[12] During this time, the Battle of Gettysburg became a

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8. Peter Blanck & Chen Song, *Civil War Pension Attorneys and Disability Politics*, 35 U. MICH. J.L. REFORM 137, 159-61 (Fall 2001/Winter 2002) (finding widespread use despite pension penalties associated with the retention of pension attorneys by UA veterans).

9. *See* THOMAS KENEALLY, AMERICAN SCOUNDREL: THE LIFE OF THE NOTORIOUS CIVIL WAR GENERAL DAN SICKLES (2002) (presenting a biography of Sickles pre- and post-Civil War); MICHAEL SHAARA, THE KILLER ANGELS (1974) (depicting Civil War activities of Joshua Chamberlain at Gettysburg).

10. One exception may be Ken Burns' large-scale documentary, *The Civil War*, which did focus on the individual experiences of the combatants, but not on their postwar lives. *The Civil War* (PBS television broadcast 1990); *see also* KEN BURNS'S THE CIVIL WAR: HISTORIANS RESPOND (Robert Brent Toplin ed., 1996) (documenting historians' reaction to the documentary).

11. ISAAC M. RUBINOW, SOCIAL INSURANCE WITH SPECIAL REFERENCE TO AMERICAN CONDITIONS 408 (1913) (emphasis omitted) (estimating that in 1910, nearly two-thirds of white, native UA veterans over the age of sixty-five were receiving a pension).

12. *See infra* notes 52-54, 64 and accompanying text.

"touchstone of the war," "a sacred landscape" that defined the postwar culture of reconciliation.[13]

In our studies, we document that the beneficial class of UA pension recipients was primarily white, native-born UA veterans residing in rural Republican strongholds.[14] Nonetheless, we find that inequality of access to and benefits from the UA pension system existed on the basis of disability type, ethnicity, and occupation, among other factors. We attribute much of this inequality to underlying partisan and discriminatory attitudes, independent of disability itself, that accounted for such a disadvantage.

This Article continues our examination of the lives of disabled UA veterans, with a focus on the heretofore untold story of Gettysburg UA veterans, particularly in the context of their postwar experiences with the federal pension scheme. Historian David Gerber suggests that untapped links to the evolution of culture in the United States may be found in an examination of the social construction of disability and veterans' pension programs.[15]

Gerber writes: "The story of disabled veterans is not complete without analyzing the ways representation and discourse transform functional impairments into fixed handicaps or disabilities in various historical environments."[16] Study of the Gettysburg cohort therefore may shed new light not only on this important event in American history, but also on what the battle and its participants came to represent in American culture.

Toward these ends, Part I of this Article overviews the operation of the Civil War pension scheme from 1862 to 1907. Part I then presents

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13. *See* Kinsel, *supra* note 3, at 206-07 (commenting that "[i]t would not be overstating the case to argue that before the fiftieth anniversary of the battle, Gettysburg entered the American imagination as an essential symbol of what the war had been about"); *id.* at 207 ("By the 1890s, Americans who traveled to Gettysburg found scores of monuments and markers on the field confirming the idea that what was known about the battle could indeed be collected and set down in stone.").

14. Blanck, *supra* note 7, at 196-97 (discussing findings illustrating the effect of occupational status on pension awards).

15. *See* David A. Gerber, *Disabled Veterans and Public Welfare Policy: Comparative and Transnational Perspectives on Western States in the Twentieth Century*, 11 J. TRANSNAT'L L. & CONTEMP. PROBS. 77, 80 (2001) (discussing limitations of prior empirical study of war pension schemes).

16. *Id.* at 80 (discussing the need for study of many of the factors explored in our research model, such as class, race, ethnicity, and disability severity).

a descriptive analysis of the Gettysburg cohort, particularly during the period of the UA pension scheme. Part II presents empirical findings on how access to and payment from the pension scheme varied for Gettysburg UA veterans from other UA veterans, considering environmental and social factors independent of disability. This Article concludes with implications for future historical and contemporary study of disability policy.

I. CIVIL WAR UNION ARMY (UA) PENSIONS

During the Civil War, there were roughly 860,000 casualties incurred by the nearly 2.5 million members of the UA.[17] Civil War-era statistician Benjamin Gould estimated that nearly half (400,000) of these casualties occurred before the July 1863 Gettysburg Battle, at a rate of about 15,000 per month.[18]

At Gettysburg, 95,000 men of the Northern Army of the Potomac, led by General George Meade, faced General Robert E. Lee's 75,000 men of the Army of Northern Virginia. At the end of the three day battle, there were more than 51,000 casualties, roughly 23,000 Union men and 28,000 Confederates.[19] Twenty-seven percent of Meade's forces and more than thirty-six percent of Lee's army were killed, wounded, or missing.[20]

Even before the bloodshed at Gettysburg, the need to maintain an army had led Congress to pass the Civil War pension system in 1861.[21] The 1861 Act provided pensions for UA veterans with war-

17. BENJAMIN A. GOULD, INVESTIGATIONS IN THE MILITARY AND ANTHROPOLOGICAL STATISTICS OF AMERICAN SOLDIERS 9 (1869) (discussing casualty statistics and noting that UA war deaths totaled about 250,000).

18. *Id.*

19. Casualties on the Union side included about 3000 killed, 15,000 wounded, and 5000 missing. On the Confederate side, there were 2600 to 4500 killed, 13,000 wounded, and 5000 missing. For battle statistics, see COMTE DE PARIS, THE BATTLE OF GETTYSBURG: FROM THE HISTORY OF THE CIVIL WAR IN AMERICA 242-43 (1886); Military History Online, On a March Through the Past, *at* http://www.militaryhistoryonline.com/gettysburg/day3/getty4.asp (last visited Sept. 25, 2002). Historian Joseph Glattharr ponders whether "the answer to those fundamental questions of why the Union won and the Confederacy lost at Gettysburg ... lies with the common soldiers of the Union and Confederate armies." Joseph T. Glattharr, *The Common Soldier's Gettysburg Campaign*, *in* THE GETTYSBURG NOBODY KNOWS, *supra* note 3, at 4.

20. COMTE DE PARIS, *supra* note 19, at 242-43.

21. Parts of the review here of the history of the UA pension system are drawn from our

related injuries, as well as for the widows and minor children of slain soldiers.[22] As the war progressed and recruits were needed, a comprehensive pension system became necessary.

There are two primary periods in the Civil War pension system.[23] The first period extended from 1862 to 1890, under which "Disability Pension System" awards to UA veterans were based on war-related injuries and impairments. During the second period, from 1890 to 1907, the "Service-Based Pension System" linked veterans' awards to length of military service and later to age.[24]

A. UA Pension Scheme

In 1862, Congress passed the "General Law System," which established the Pension Bureau.[25] The General Law prescribed that the Bureau award pensions to UA veterans with war-related disabilities through a medical screening system for rating and compensating disabilities.[26] Under the General Law, claimants were rated with respect to their "total disability for the performance of manual labor requiring severe and continuous exertion."[27] The definition of disability in relation to the ability to perform manual labor was interpreted later to include other types of labor that required "education or skill."[28]

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prior articles. *See* Peter Blanck & Chen Song, *With Malace Toward None; With Charity Toward All: Civil War Pensions for Native and Foreign-Born Union Army Veterans*, 11 TRANSNAT'L LAW & CONTEMP. PROBS. 1, 5-10 (2001).

22. For extensive discussion of the political and social forces behind the growth of the Civil War Pension System, see SKOCPOL, PROTECTING SOLDIERS AND MOTHERS, *supra* note 7; *see also* DATA USER'S MANUAL, *supra* note 6, at 329-40; HUGH ROCKOFF, THE CHANGING ROLE OF AMERICA'S VETERANS (Nat'l Bureau of Econ. Research, Working Paper No. 8595, 2001) (reviewing American war pension schemes).

23. *See generally* Blanck, *supra* note 7 (discussing these periods).

24. *See* DATA USER'S MANUAL, *supra* note 6, at 332-37.

25. *Id.* at 332-34 (discussing Act of July 14, 1862, General Law System).

26. Skocpol, *Social Security*, *supra* note 7, at 93; DATA USER'S MANUAL, *supra* note 6, at 332-34; *see also* WILLIAM H. GLASSON, FEDERAL MILITARY PENSIONS IN THE UNITED STATES 125 (1918) (quoting statutory changes requiring that "[t]he claimant must show that his disability was incurred as the direct consequence of the performance of his military duty" and explaining that the General Law also provided for the widows, children, and other dependents of soldiers who died in military service) (emphasis omitted).

27. Skocpol, *Social Security*, *supra* note 7, at 93; *see also* DATA USER'S MANUAL, *supra* note 6, at 332-33.

28. DATA USER'S MANUAL, *supra* note 6, at 332-33; *see also* DORA L. COSTA, THE EVOLUTION OF RETIREMENT, AN AMERICAN ECONOMIC HISTORY, 1880-1990, at 36 (1998)

The Pension Bureau retained local physicians to screen and rate claimants' disabilities as well as to complete standard "surgeon's certificates."[29] The examining surgeon's ratings of the claimant's degree of "total disability" determined its severity, such as the loss of a leg or an arm from a gunshot wound (GSW).[30] Medical screening ratings were categorized for different diseases and disabilities, including those resulting from battle wounds, infectious diseases, and nervous system disorders.[31] Awards for disease and disability categories were increased over time by acts of Congress.[32]

Under the General Law, an army private in 1862 received a maximum of $8 per month for being rated as "totally disabled."[33] A veteran whose disability was rated less than "total" received a proportion of that $8. The system defined fractional rates of total disability for diseases or conditions; for instance, a war-related lost finger or small toe was compensated by a prescribed rating of 2/8 totally disabled, with a corresponding pension allotment of $2 per month. A war-related lost eye or thumb, or a single hernia, resulted in a 4/8 rating of total disability with a corresponding award of $4 per month.[34]

Congress periodically supplemented the General Law to increase pension benefits for total disability and added conditions not covered by the 1862 Act.[35] Modifications to the General Law increased the rate of compensation for severe disabilities that were neither self-evident nor easily ascertainable by existing medical practices.[36] By 1866, conditions and diseases such as malaria, measles, and sunstroke were

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(noting that inability to participate in the labor force became the standard means for compensation in subsequent American pension and support programs).

29. *See* Blanck, *supra* note 7, at 118-19 (reviewing Pension Bureau operations).

30. *Id.* (discussing total disability as a measure of inability to perform manual labor). Pension ratings greater than 100% total disability, though relatively uncommon, could be awarded in circumstances requiring attendant care services for severely disabled veterans and ratings could change over time and with age. *Id.*; *see also* Skocpol, *Social Security*, *supra* note 7, at 93.

31. Blanck, *supra* note 7, at 153. For data analysis purposes, the disability ratings have been standardized to control for differences in the magnitude of ratings made by different surgeons and under different pension laws. *See id.* at 178-91 (discussing data analysis).

32. *Id.* at 117-27 (reviewing evolution of pension laws).

33. DATA USER'S MANUAL, *supra* note 6, at 332-33, 342 (noting that officers were compensated at a higher proportional rate).

34. *Id.* (providing other examples); Skocpol, *Social Security*, *supra* note 7, at 93.

35. Skocpol, *Social Security*, *supra* note 7, at 93.

36. *See* GLASSON, *supra* note 26, at 136-38.

compensated based on their "equivalence in disability" to physical war-related wounds.[37] Veterans who lost both feet received $20 monthly pensions, whereas those who lost both hands or eyes received $25.[38] The maximum monthly compensation of $25 required that the claimant need "regular aid and attendance of another person" as a result of his war-related disabilities.[39]

By the early 1870s, a complex system of pension ratings for war-related disabilities had evolved.[40] In fiscal year 1870, the government spent $29 million on pensions, doubling the $15 million spent in 1866.[41] In response to the growth of the system, Congress passed the "Consolidation Act" in 1873, which assigned grades of severity to impairments in awarding pensions to war-related conditions.[42] Controversies and inequities in diagnosis and compensation resulted because the 1873 Act compensated veterans for conditions contracted in military service that *subsequently* caused disabilities.[43] After the 1873 Act, a veteran who was impaired years after his military discharge could receive a pension, provided he showed that his disability had its originating

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37. DATA USER'S MANUAL, *supra* note 6, at 335, 342-45 (listing examples of surgeons' disability ratings).

38. *Id.* (providing examples).

39. *Id.* at 342-45.

40. *Id.* (summarizing monthly sums awarded for specific conditions and disabilities).

41. *See* GLASSON, *supra* note 26, at 273 (presenting statistical tables on pension expenditures and illustrating pension expenditures and number of claimants across time).

42. *See* DATA USER'S MANUAL, *supra* note 6, at 335, 342-44 (summarizing grades and monthly sums awarded for specific conditions and disabilities). The highest grade for a permanent disability, such as the loss of both hands or eyes, was compensated at $31.25 per month for veterans who were totally disabled and rendered "utterly helpless, or so nearly so as to require the constant personal aid of another person." *Id.* The second grade for a permanent disability, such as the loss of both feet or one foot and one hand, was compensated at $20 per month for those so disabled as to be "incapacitated for performing any manual labor, but not so much as to require constant personal aid and attention." *Id.* The third grade, such as the loss of one foot or one hand, was compensated at $15 per month for those so disabled as to be unable to "perform manual labor equivalent to the loss of a hand or a foot." *Id.*

43. *See* GLASSON, *supra* note 26, at 136. For example, some claimants suffered from heart disease or chronic bronchitis caused by pneumonia contracted while in the army. *Id.* at 136-37. The highest grade for a permanent, specific disability remained at $31.25 per month, the second grade was pensionable at $24, and the third grade at $18. *Id.* at 134-37. The 1873 Act provided for a new statutory rate of $13 per month for total deafness that may have been the gradual result of earlier war-related conditions. *See id.* at 135 (citing other statutory changes, including that the discretionary powers of the Pension Bureau were increased under the 1873 Act, and under the subsequent 1888 Act).

causes in military service.[44] The Bureau allowed UA veterans to hire lawyers to navigate their cases through the application process.[45]

Another development that fostered the growth of the pension system was the use of arrears—back pension payments—as a means to attract veterans who had not applied for pensions.[46] Prior to 1879, proponents of arrears advocated that payments should be paid dating back to the veteran's discharge, at the rate the pension would have been granted, rather than commencing from the date of filing the claim.[47] Advocates argued that arrears payments should apply to pension claims that already had been allowed, as well as to new claims.[48] Concern emerged that an arrears system would tempt older veterans to claim they had incurred a disability that originated in military service.[49]

When passed into law, the 1879 Arrears Act provided that veterans could receive lump sum pension back payments that should have been granted as a result of their military service during the Civil War.[50] The 1879 Act provided pension arrears to applicants who could establish disability claims, regardless of the date when presenting the claims.[51] The Arrears Act increased the number of veterans applying for and receiving disability pensions.[52] It galvanized interests of the constituency of disabled UA veterans, who were increasingly important to the Republican and Democratic parties in the upcoming national elections.[53]

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44. *Id.* at 136-37 (citing other examples); Blanck & Song, *supra* note 8, at 159-71 (discussing pension attorney usage rates).

45. Blanck & Song, *supra* note 8, at 182-83 (noting that the mean ruling amount per month for the 16,861 applications sampled was $9.52, and showing, in Figure 10, that the $10 application fee was more than the average monthly pension award).

46. *See* GLASSON, *supra* note 26, at 148, 150–53 (discussing arrears legislation and illustrating expenditures and numbers of pensioners from 1866 to 1907).

47. *Id.* at 151 (discussing issues and providing examples of application of arrears).

48. *Id.*

49. *Id.* at 151-53 (noting that prior to the 1879 Arrears Act there was a five-year statute of limitations to establish a pension claim, and there were related limitations on application for arrears by widows and dependents of veterans).

50. *Id.* at 164-65 (discussing the 1879 Arrears Act); *see also* STUART CHARLES MCCONNELL, GLORIOUS CONTENTMENT: THE GRAND ARMY OF THE REPUBLIC, 1865-1900, at 149 (1992) (noting that the Arrears Act did not alter the classification scheme for awarding pensions on the basis of war-related disability).

51. GLASSON, *supra* note 26, at 166, 174-75 (discussing the flood of claims brought by attorneys and agents who received a $10 fee for their services).

52. *See* MARY DEARING, VETERANS IN POLITICS: THE STORY OF THE G.A.R. 250 (1952) (noting that the Arrears Act also enhanced the political importance of the Pension Bureau).

53. *See* Heywood T. Sanders, *Paying for the "Bloody Shirt": The Politics of Civil War*

The second period of the Civil War pension scheme began in 1890 when Congress passed the Disability Pension Act.[54] Unlike the "invalid" scheme under the General Law, the 1890 Act was a service-based pension system, compensating veterans based on their length of military service.[55] The 1890 Act expanded pension eligibility to include physical and mental disabilities not related to wartime experience.[56] Although the definition of disability in the 1890 Act was based on an individual's inability to perform manual labor, it did not require disability to be related to military service,[57] as long as the disability was not the product of "vicious habits or gross carelessness."[58]

UA pensioners and federal expenditures swelled after 1890 and the amount the government spent on pensions that year alone was $106 million.[59] The 1890 Disability Pension Act was the most costly and liberal pension measure "ever passed by any legislative body in the

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Pensions, in POLITICAL BENEFITS: EMPIRICAL STUDIES OF AMERICAN PUBLIC PROGRAMS 137, 139-40 (Barry S. Rundquist ed., 1980) (discussing how the emergence of the G.A.R. may be traced to Republican and Democratic party platforms); *see also* DATA USER'S MANUAL, *supra* note 6, at 346, Chart 1 (showing rise in number of pensioners and related expenditures over time); GLASSON, *supra* note 26, at 165, 205-07 (noting that Arrears Act repealed the provision in General Law placing a limitation on the use of parole evidence in establishing a pension claim); Skocpol, *Social Security, supra* note 7, at 102-04 (arguing that the Arrears Act originated from a strong lobby by pension attorneys who collected $10 pension application fees and noting that before 1879 the average claim filing was 1600 per month; after the 1879 Arrears Act the average filing was more than 10,000 per month).

54. The law is referred to as the Disability Pension Act of 1890 or the Dependent Pension Act of 1890. *See* Sanders, *supra* note 53, at 141-42 (commenting that during the passage of the 1890 Act the Republicans controlled both houses of Congress and the Presidency).

55. Blanck, *supra* note 7, at 124-25 (reviewing 1890 Act).

56. DATA USER'S MANUAL, *supra* note 6, at 334-37 (summarizing the 1890 Act's requirements of military service for ninety days during the Civil War); *see also* GLASSON, *supra* note 26, at 236 (noting that the 1890 Act required the veteran be honorably discharged).

57. *See* GLASSON, *supra* note 26, at 208-25 (noting that President Cleveland had vetoed an earlier version of the bill because he believed that it was subject to abuses and suggesting that the pension issue may have been the deciding factor in Harrison's defeat of Cleveland in the election of 1888); Skocpol, *Social Security, supra* note 7, at 96-101 (stating that old age became sufficient for disability and discussing the political ramifications of the 1890 Act).

58. Blanck, *supra* note 7, at 125. For findings regarding claimants' "vicious habits," see *id.* at 154 (coding examining surgeons' medical notes about claimants' alcohol, drug, and tobacco use); *see also* DATA USER'S MANUAL, *supra* note 6, at 338 (providing examples); GLASSON, *supra* note 26, at 235 (noting that the 1890 Act provided that widows of veterans covered by the law were entitled to pensions regardless of the cause of their husbands' deaths).

59. GLASSON, *supra* note 26, at 123.

world."[60] In 1904, the scope of the 1890 Act was broadened with the issuance of Executive Order No. 78. The order provided that old age itself was a "disability" covered by the 1890 Act, regardless of the claimant's income level and health condition, provided that the claimant showed ninety days of service with an honorable discharge.[61]

In 1907, the 1890 Act was replaced by the Service and Age Pension Law, which granted pensions based on a veteran's age and length of military service. Under the 1907 Act, veterans over the age of sixty-two were to receive pensions, with graduated increases in payments with age.[62] Most veterans pensioned under the 1890 Act transferred to the rolls under the 1907 Act to receive higher rates.[63] In 1907, it was estimated that the 1890 Act had cost more than $1 billion.[64] Between 1870 and 1910, the proportion of veterans receiving pensions rose from

60. Skocpol, *Social Security*, *supra* note 7, at 114.

61. GLASSON, *supra* note 26, at 246-47 (stating that the provisions of Order No. 78 classified sixty-two-year-old claimants as being one-half disabled in their ability to perform manual labor and noting that sixty-two-year-old claimants received a pension of $6 per month, while those over sixty-five received $8 per month, those over sixty-eight received $10 per month, and those over seventy received $12 per month).

62. *Id.* at 250 (explaining that by 1907, a sixty-two-year-old's pension was worth $12 per month, while a seventy-year-old's pension was worth $15 per month, and a seventy-five-year-old's pension was worth $20 per month).

63. *Id.*

64. *See id.* at 238, 270 (stating that in 1907, the 1890 Act was superseded by the "Service and Age Pension" law, which based pensions on a veteran's age and length of service); *cf.* William H. Glasson, *The South's Care for Her Confederate Veterans*, 36 AM. REV. OF REVS. 40, 44-47 (1907) (discussing and comparing Confederate pension system). In 1906, Alabama disbursed roughly $462,000 to 15,000 Confederate veterans at approximately $30 average annual rate, with range of payments from $30 to $60 for those with most severe disabilities, but only 127 $60 payments and more than 14,000 $30 awards. In 1906, Mississippi disbursed roughly GLASSON, *supra* note 26, at 235 (noting that the 1890 Act provided that widows of veterans covered by the law were entitled to pensions regardless of the cause of their husbands' deaths); $250,000 to 7900 Confederate veterans at approximately $31 annual rate, with GLASSON, *supra* note 26, at 235 (noting that the 1890 Act provided that widows of veterans covered by the law were entitled to pensions regardless of the cause of their husbands' deaths); range of annual award from $28 to $125; and in 1906, South Carolina disbursed roughly $198,000 to 7800 Confederate veterans at approximately $26 annual rate). *Id.*; *see also* William H. Glasson, *The South and Service Pension Laws*, 1 S. ATLANTIC Q. 351, 351–60 (1902) (discussing inequities in support of federal versus Confederate pension systems).

5% to 93%.[65] Congress did not again pass legislation to increase pension rates based on age and length of military service until 1920.[66]

B. Gettysburg UA Veterans: Descriptive Findings

In this study, we explore the hypothesis that the UA Gettysburg cohort received a "premium" from the Pension Bureau, not just for its involvement with the epic battle, but also for what Gettysburg came to represent in American culture at the turn of the nineteenth century. Those "distinctly American traits" evidenced by the Gettysburg soldier were said to include "self-sacrifice, courage, and a willingness to fight for one's convictions."[67]

Historian Kinsel argues that by the 1890s, coincidentally at the height of the UA pension scheme, Americans—Northerners and Southerners alike—shared elements of their heritage as a post-Civil War Union.[68] First, Gettysburg was a turning point in the war: "Both men who had defended the Union and men who had fought for the Confederacy agreed that the Gettysburg battle had been an especially dangerous encounter, a dramatic contest that they were convinced had decided the fate of the nation."[69]

Second, by the twenty-fifth anniversary of the battle in 1888, at the crest of the pension wave, Americans believed in the "unquestioned heroism" shown by the soldiers at Gettysburg.[70] We will explore later whether the Pension Bureau translated this view to the advantage of UA Gettysburg veterans.

65. ANN SHOLA ORLOFF, THE POLITICS OF PENSIONS: A COMPARATIVE ANALYSIS OF BRITAIN, CANADA, AND THE UNITED STATES 1880-1940, at 136 (1993) (describing related data derived from GLASSON, *supra* note 26, at 145).

66. For a review of legislation relevant to the research project, see DATA USER'S MANUAL, *supra* note 6, at 342-45 and GLASSON, *supra* note 26, at 258-74.

67. Kinsel, *supra* note 3, at 222.

68. *Id.* at 207-08.

69. *Id.* at 208.

70. *Id.*

Third, although the UA pension scheme only benefitted UA soldiers,[71] by the early 1900s, both Northerners and Southerners "connected Gettysburg with their nation's successful postwar reconciliation."[72] Americans accepted this narrative despite the fact that Southern states did not grant pensions to their Confederate veterans until the 1880s, and even then only awarded small sums to needy persons.[73] This view also was held despite that the large group of foreign-born UA veterans was significantly less likely to apply for pensions in the first place.[74] It remains an open question whether the advantages of Gettysburg UA veteran status were recognized in the UA pension scheme and transcended such barriers.

To examine these questions, we use data derived from Civil War records stored at the U.S. National Archives. We draw from a random sample of white male recruits with enlistment papers from the National Archives. The sample, henceforth referred to as "M-5," represents 303 companies mustered into the UA during the Civil War.[75] Approximately two-thirds of the recruits were linked to the Pension Bureau data set.[76]

We obtain information on 35,134 UA recruits from the pension records.[77] The records contain information such as name, birthplace, age at enlistment, occupation at enlistment, application date, state of residence at the time of application, primary disability claimed, and

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71. *See* Blanck & Millender, *supra* note 7, at 33-34 (noting advantages of pension scheme that accrued to UA veterans and not to Confederate veterans); *see also* Kinsel, *supra* note 3, at 220 (noting that the Gettysburg National Cemetery dedicated by Lincoln only held UA soldiers).

72. Kinsel, *supra* note 3, at 208-09.

73. *See* Blanck & Millender, *supra* note 7, at 34 (noting paltry sums received by Confederate veterans as compared to UA veterans' pensions).

74. *See* Blanck & Song, *supra* note 21, at 70 (discussing findings related to nativity, but finding that once admitted to the UA pension scheme there was no apparent disparate treatment based on nativity). In addition, prior study shows that a smaller proportion of African-American UA veterans received pensions. *See* Donald R. Shaffer, *"I Do Not Suppose that Uncle Sam Looks at the Skin": African Americans and the Civil War Pension System, 1865-1934*, 46 CIV. WAR HIST. 132, 133-36 (2000) (describing empirical findings).

75. These books were created by the regimental clerks during the Civil War and contain more than 20,000 companies. *See* Robert W. Fogel, *Public Use Tape on the Aging of Veterans of the Union Army: Military, Pension, and Medical Records, 1820-1940, Version M-5* (2000).

76. For a review of the various data sets, see generally Blanck, *supra* note 7.

77. We maintain a recruit in our sample if he had applied for pension at least once, and if at least one of his applications had a non-missing application date.

attorney usage information.[78] In addition, approximately 10,000 recruits were linked to the 1900 census.

1. Enlistment Characteristics

Figure 1 illustrates the number of Gettysburg and non-Gettysburg soldiers at enlistment (i.e., sample derived from 35,134 recruits in the UA data set). In the top panel of Figure 1, UA soldiers who enlisted in 1861 and 1862 are separated to indicate whether they fought at Gettysburg. The lower panel of Figure 1 shows the sample of men who enlisted post-Gettysburg, from July 6 to December 31, 1863, and in 1864 and 1865.

78. The sample was restricted primarily to white volunteer infantry regiments—few officers, no black recruits, and no other branches of the military were sampled. Other research by Fogel indicates that the sample is representative of the contemporary white male population who served in the UA. *See* Robert W. Fogel, *New Sources and New Techniques for the Study of Secular Trends in Nutritional Status, Health, Mortality and the Process of Aging*, 26 HIST. METHODS 5, 22-39 (1993) (finding the sample representative of white Northern males after the Civil War); Sven E. Wilson & Louis L. Nguyen, *Secular Trends in the Determinants of Disability Benefits*, 88 AEA PAPERS & PROC. 227-31 (1998) (same). For proposed study of black UA recruits and their subsequent pension outcomes, see Robert Fogel, Principal Investigator, *Early Indicators of Later Work Levels, Disease & Death* (N.I.H. Grant Proposal, Mar. 1, 2001) (on file with authors). *Cf.* DAVID W. BLIGHT, RACE AND REUNION: THE CIVIL WAR IN AMERICAN MEMORY 193-94 (2001) (discussing lower survival rates of black relative to white veterans); C.N. BLISS, A TREATISE ON THE PRACTICE OF THE PENSION BUREAU, GOVERNING THE ADJUDICATION OF ARMY AND NAVY PENSIONS 51-69 (1898) (discussing separate pension claims by UA veterans' widows, minors, dependent relatives, and mothers); SKOCPOL, PROTECTING SOLDIERS AND MOTHERS, *supra* note 7, at 138 (describing anecdotal accounts that certain groups of Northern free blacks fared as well as their white counterparts in the pension application process).

FIGURE 1

NUMBER OF GETTYSBURG VERSUS NON-GETTYSBURG SOLDIERS AT ENLISTMENT

35,134 RECRUITS IN THE UNION ARMY DATA SET

GETTYSBURG AND NON-GETTYSBURG SOLDIERS ENLISTED IN 1861 AND 1862		
FOUGHT AT GETTYSBURG	**# RECRUITS**	**AS A % OF TOTAL**
Yes	672	3.2
No	20,427	96.8
Total Enlisted in 1861 and 1862	**21,099**	**100.0**

NON-GETTYSBURG SOLDIERS ENLISTED IN 1863, 1864, AND 1865		
ENLISTMENT PERIOD	**# RECRUITS**	**AS A % OF TOTAL**
Enlisted between 1863.7.6 and 1863.12.31	2112	15.0
Enlisted in 1864	8077	57.5
Enlisted in 1865	3846	27.4
Total Enlisted in 1863, 1864, and 1865	**14,035**	**100.0**

Note:

None of the 282 recruits enlisted between 1863.1.1 and 1863.7.5 in the sample fought at Gettysburg.

There are several findings that may be derived from Figure 1. First, veterans who fought at Gettysburg represent a small sub-group (3.2%, or 672 recruits) of the larger sample of 21,099 contemporary UA recruits. The small number of Gettysburg participants is compared to the non-Gettysburg enlistees from 1861-1862 who numbered 20,427, or 96.8% of this sample.[79]

Second, approximately 60% of the sample (21,099 of 35,134 recruits) enlisted in 1861 and 1862. Post-Gettysburg, we observe that roughly 40% of the sample enlisted (14,035 of 35,134). The majority of the post-Gettysburg recruits were drafted in 1864 (57.5% of all post-Gettysburg enlistees).

For purposes of subsequent comparisons, Figure 1 identifies three different cohorts of UA soldiers: a small pool of Gettysburg soldiers; a second larger group of enlistees from 1861-62 who did not participate at Gettysburg; and a third large group of post-Gettysburg enlistees. In our prior studies, we document the demographic differences among enlistees pre- and post-1863, or similarly, the pre- and post-Gettysburg cohorts. We find that the pre-Gettysburg group consisted primarily of those who voluntarily enlisted. In contrast, the post-Gettysburg group consisted of those who were drafted through the Conscription Act of 1863.[80]

Historian Ella Lonn claims that later-year UA recruits were physically, morally, and intellectually inferior to the caliber of the early volunteers, and that many at the time ascribed these characteristics to foreign-born recruits.[81] After Gettysburg, with growing recognition that the war would be prolonged and bloody, the foreign-born were in demand, especially after July 1863 when Congress implemented the major draft laws.[82]

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79. *See also infra* fig. 3 and accompanying text (showing a high proportion of our Gettysburg sample to have enlisted in the Northeast, whereas non-Gettysburg soldiers sampled tended to enlist in the Northeast and the Midwest). In addition, because General Meade's Army of the Potomac at Gettysburg was estimated at 95,000 men, some of the recruits sampled in the Civil War data set likely were from other Union Armies (e.g., Army of the West or of Tennessee), thereby further reducing the size of the sub-sample.

80. *See* ELLA LONN, FOREIGNERS IN THE UNION ARMY AND NAVY 442-46 (1951) (discussing the draft).

81. *Id.* at 644 (noting claims of the "inferior foreign element" in the UA in the later years of the war).

82. *See* WILLIAM L. BURTON, MELTING POT SOLDIERS: THE UNION'S ETHNIC REGIMENTS 15 (1988) (noting 1860 census counted 34.5 million U.S. residents of which more than four million (13%) were foreign-born); Thomas Walker Page, *The Distribution of Immigrants in the*

Ten days after the Gettysburg Battle on Monday, July 13, German and Irish New Yorkers protested the draft and conscription.[83] Bloody riots occurred that were put down by UA troops. There were other draft riots in 1863 involving the discontent working class.[84] Civil War-era statistician Gould estimates that almost 87,000 men drafted after Gettysburg paid commutation so that others, many of whom were likely poorer foreign-born substitutes, would serve in the war.[85]

In Figure 2, we observe a comparison of enlistment ages among Gettysburg and non-Gettysburg soldiers.[86] On average, Gettysburg recruits were about one year younger than non-Gettysburg soldiers, with an average enlistment age of 24.63.[87] This age difference is statistically significant when compared to the pre-battle non-Gettysburg enlistees, who had an average enlistment age of 25.68, and the post-Gettysburg recruits, who had an average enlistment age of 25.56.[88] The average age of all recruits combined, Gettysburg and non-Gettysburg, is 25.61, which is comparable to the average age of 25.8 in Gould's comprehensive study.[89]

United States Before 1870, 20 J. POL. ECON. 676, 678-80 (1912) (same); *see also* GOULD, *supra* note 17, at 15-16 (noting that early in the war the place of recruit residence was frequently provided instead of place of birth). In this Article, we use the word recruit, as used by Gould, to mean those who volunteered or were drafted and then served in the UA, although before 1863 the UA consisted mostly of volunteers and regular army, and after 1863 enlistment was supplemented by the draft. *Id.* at 26.

83. KENEALLY, *supra* note 9, at 293 (discussing draft riots); *see also* GANGS OF NEW YORK (Miramax Films 2002) (depicting draft riots, albeit with some historical inaccuracy).

84. *See* JOHN HIGHAM, STRANGERS IN THE LAND: PATTERNS OF AMERICAN NATIVISM, 1860-1925, at 13-14 (1955) (discussing nativism and distrust of immigrant UA soldiers before and after the Civil War).

85. *See* GOULD, *supra* note 17, at 24-25 (calculating numbers of enlisted UA men).

86. *See infra* fig. 2.

87. *See id.*

88. *Id.*

89. GOULD, *supra* note 17, at 4-35 (findings presented in tbl. I).

FIGURE 2

COMPARISON OF ENLISTMENT AGE AMONG 460 GETTYSBURG SOLDIERS, 12,538 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 9941 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

GETTYSBURG AND NON-GETTYSBURG SOLDIERS ENLISTED IN 1861 AND 1862

FOUGHT AT GETTYSBURG	# RECRUITS	AVERAGE ENLISTMENT AGE***	STANDARD DEVIATION ENLISTMENT AGE
Yes	460	24.63	6.83
No	12,538	25.68	7.61

NON-GETTYSBURG SOLDIERS ENLISTED IN 1863, 1864, AND 1865

ENLISTMENT PERIOD	# RECRUITS	AVERAGE ENLISTMENT AGE	STANDARD DEVIATION ENLISTMENT AGE
Enlisted between 1863.7.6 and 1863.12.31	1288	25.66	7.28
Enlisted in 1864	5872	25.81	7.69
Enlisted in 1865	2781	24.97	7.33
Average Age for Non-Gettysburg Soldiers Enlisted in 1863-1865		**25.56**	
Average Age for All Recruits		**25.61**	

Note:

*** The difference in average enlistment ages between Gettysburg and non-Gettysburg soldiers is statistically significant at 1%.

We show in Figure 3 that a high proportion of enlistees who fought at Gettysburg, mostly pre-draft volunteers, resided in the Northeast.[90] A review of Gould's age statistics for UA volunteers who enlisted before Gettysburg, separated by state and presumably a cohort comparable to our present sample, shows the average age at enlistment for 54,000 men from Massachusetts to be 26.09, for 183,000 men from New York to be 26.16, and for 116,000 men from Pennsylvania to be 25.8.[91] The finding of a younger average age for the Gettysburg sample therefore is not necessarily an artifact of regional differences in age but is due to a selection factor. The nature of that factor, however, requires additional study.

It is worth noting that Gould calculates the average age for all UA volunteers, recruits, and reenlisted men over the course of the war as follows: July 1862, 25.1 years; July 1863, 25.8 years; July 1864, 26.1 years; and May 1865, 26.3 years.[92] We observe an increase of UA recruits' average age across time, generally comporting with the findings presented in Figures 2 and 3,[93] again observing the lower average in this study for Gettysburg participants.

Figure 3 tabulates data from enlistment records for Gettysburg and non-Gettysburg recruits sampled.[94] A recruit's region of enlistment was a good approximation for residence at the time of enlistment.[95] We observe in Figure 3 that more than eight out of ten (86.96% of 460) Gettysburg recruits sampled enlisted in the Northeast.

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90. *See infra* fig. 3.

91. GOULD, *supra* note 17, at 53 tbl. XV (describing findings for men aged 18-45 years who volunteered and were not recruits versus those who joined later and were drafted); *id.* at 76 (noting "volunteers, of whom we have the recorded ages of somewhat more than one million, were chiefly enlisted before the middle of the year 1863[,]" i.e., up to July 1, 1863).

92. *Id.* at 86-88 (presenting findings for average age at last birthday).

93. *See supra* fig. 2; *infra* fig. 3.

94. *Id.*; *cf.* GOULD, *supra* note 17, at 26-28 (describing similar findings regarding place of enlistment of native and foreign UA recruits).

95. *See* Blanck & Song, *supra* note 21, at 19 (discussing findings).

FIGURE 3

COMPARISON OF ENLISTMENT REGION AMONG 460 GETTYSBURG SOLDIERS, 12,563 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 9911 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE [1]

GETTYSBURG AND NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5

FOUGHT AT GETTYSBURG*	NORTHEAST	MIDWEST	SOUTH[1]	GROUP TOTAL
Yes	400	44	16	**460**
Percent who taught at Gettysburg	(86.96)	(9.57)	(3.48)	(100.00)
No	5341	6141	1081	**12,563**
Percent who did not fight at Gettysburg	(42.51)	(48.88)	(8.6)	(100.00)
REGION TOTAL	**5741**	**6185**	**1097**	

NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865

ENLISTMENT PERIOD	NORTHEAST	MIDWEST	SOUTH[1]	TOTAL
Enlisted between 1863.7.6 and 1865	4436	4428	1047	**9911**
(Percent Enlisted b/w 1863.7.6 and 1865)	(44.76)	(44.68)	(10.56)	(100.00)

Note:

[1] Enlistment region reflects where each individual was enlisted, not necessarily his place of residence.

* The difference in the distribution of enlistment regions between Gettysburg and non-Gettysburg soldiers is statistically significant at the 1% level.

By contrast, historian James McPherson estimates that, for all UA soldiers over the course of the war, almost half (46%) enlisted in the Northeast.[96] These estimates, however, likely are influenced strongly by the post-Gettysburg recruitment years during which soldiers increasingly came from large cities across the North and comprised greater numbers of foreign-born men.[97] Our findings comport with this suggestion. We see in Figure 3 that non-Gettysburg participants in our sample who enlisted from 1861 through 1865 were equally likely to have enlisted in the Northeast and the Midwest, with each representing approximately 45% of the sample.[98]

We also find that the majority of the UA Gettysburg participants sampled in Figure 3 were soldiers in regiments from Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.[99] The smaller proportion of Gettysburg soldiers from the Midwest came from Indiana, Michigan, Minnesota, Ohio, and Wisconsin.[100]

2. Life Span

Figure 4 shows year of death for the sample of 566 Gettysburg and 24,251 non-Gettysburg UA soldiers, consisting of 15,315 pre-Gettysburg and 8936 post-Gettysburg enlistees.[101] Comparing those who enlisted prior to the 1863 battle, Gettysburg veterans died, on average, three years later than non-Gettysburg veterans, evidenced by a death year of 1897 versus 1894.[102] The average death year was 1901 for those recruits who enlisted after Gettysburg.[103]

96. *See* JAMES M. MCPHERSON, FOR CAUSE AND COMRADES: WHY MEN FOUGHT IN THE CIVIL WAR 180 (1997) (estimating geographical distribution of white UA soldiers).

97. Blanck & Song, *supra* note 21, at 11-19 (discussing findings).

98. *See supra* fig. 3.

99. For a catalogue of regiments at Gettysburg, see Military History Online, *at* http://www.militaryhistoryonline.com/gettysburg/misc/usaunits.asp (last visited Sept. 25, 2002).

100. *Id.*

101. *See infra* fig. 4.

102. *Id.*

103. *Id.*

FIGURE 4

COMPARISON OF YEAR OF DEATH AMONG 566 GETTYSBURG SOLDIERS, 15,315 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 8936 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

GETTYSBURG AND NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5

FOUGHT AT GETTYSBURG	# RECRUITS	AVERAGE DEATH YEAR*	STANDARD DEVIATION DEATH YEAR
Yes	566	1897.6	21.68
No	15,315	1894.7	22.69

NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865

ENLISTMENT PERIOD	# RECRUITS	AVERAGE DEATH YEAR	STANDARD DEVIATION DEATH YEAR
Enlisted between 1863.1.1 and 1863.7.5	8936	1901.2	21.21

Note:

* The difference in average years of death between Gettysburg and non-Gettysburg soldiers is statistically significant at 1%.

Figure 5 compares age at death for the three cohorts.[104] Compared to recruits who enlisted before Gettysburg, but who did not fight at the battle, and those who enlisted after Gettysburg, Gettysburg participants lived one year longer on average, with the age at death being 69 years versus 68 years.[105]

104. *See infra* fig. 5.
105. *Id.*

FIGURE 5

COMPARISON OF AGE AT DEATH AMONG 366 GETTYSBURG SOLDIERS, 8430 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 5890 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

GETTYSBURG AND NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5

		AVERAGE	STANDARD DEVIATION
FOUGHT AT GETTYSBURG	# RECRUITS	AGE AT DEATH	AGE AT DEATH
Yes	366	69.41	12.93
No	8430	68.64	14.29

NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865

		AVERAGE	STANDARD DEVIATION
ENLISTMENT PERIOD	# RECRUITS	AGE AT DEATH	AGE AT DEATH
Enlisted between 1863.1.1 and 1863.7.5	5890	68.63	14.80

Figures 4 and 5 suggest that the survival characteristics of the Gettysburg cohort may differ from those UA veterans who did not participate in the battle, regardless of enlistment date.[106] One explanation is that soldiers who survived more severe battles or war experiences developed a stronger susceptibility towards hardship, which transformed into a longer life span.

Another environmental explanation is that the Gettysburg cohort received a greater subsidy from the UA Pension System, which raised its socioeconomic status, and this in turn enhanced longevity. We will return to this point in the next section where we examine environmental and disability-related factors associated with pension outcomes.

3. Occupation and Wealth

There are several sources in the Civil War data set from which we obtain information about recruits' occupations. A starting point is notation in the military and census records of occupation at enlistment.[107] Figure 6 provides the distribution of recruits' occupational categories at enlistment, presented separately by Gettysburg and non-Gettysburg participants.[108]

106. For casualty rates of the Battle of Gettysburg, see Military History Online, *at* http://www.militaryhistoryonline.com/gettysburg/day3/getty4.asp (last visited Sept. 25, 2002).

107. Enlistment occupation was classified using Wilcox's definition. N. Wilcox, *A Note on the Occupational Distribution of the Urban United States in 1860*, *in* 2 WITHOUT CONSENT OR CONTRACT: THE RISE AND FALL OF AMERICAN SLAVERY, EVIDENCE AND METHODS (Robert W. Fogel et al. eds., 1992) (classifying enlistment occupations); *see also* GOULD, *supra* note 17, at 208-17 (presenting statistics for UA recruits' occupations).

108. *See infra* fig. 6.

FIGURE 6

COMPARISON OF ENLISTMENT OCCUPATION AMONG 451 GETTYSBURG SOLDIERS, 12,374 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 9854 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

GETTYSBURG SOLDIERS*

ENLISTMENT OCCUPATION	# GETTYSBURG SOLDIERS IN OCCUPATION	AS A % OF TOTAL ENLISTED GETTYSBURG SOLDIERS IN 1861 AND 1862
Farmer/Agriculturalist & Farm/Agricultural Labor	179	39.7
Professionals and Proprietors I, II & Artisans	171	37.9
Manual, Service, Semiskilled, and Operative	101	22.4
TOTAL	**451**	**100.0**

NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5

ENLISTMENT OCCUPATION	# NON-GETTYSBURG SOLDIERS IN OCCUPATION	AS A % OF TOTAL ENLISTED NON-GETTYSBURG SOLDIERS IN 1861 AND 1862
Farmer/Agriculturalist & Farm/Agricultural Labor	6148	49.7
Professionals and Proprietors I, II & Artisans	3966	32.1
Manual, Service, Semiskilled, and Operative	2260	18.3
TOTAL	**12,374**	**100.0**

NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865

ENLISTMENT OCCUPATION	# NON-GETTYSBURG SOLDIERS IN OCCUPATION	AS A % OF TOTAL ENLISTED NON-GETTYSBURG SOLDIERS IN 1863, 1864, AND 1865
Farmer/Agriculturalist & Farm/Agricultural Labor	4435	45.0
Professionals and Proprietors I, II & Artisans	2610	26.5
Service, Semiskilled, and Operative	2809	28.5
TOTAL	**9854**	**100.0**

Note:

* The difference in the distribution of enlistment occupation between Gettysburg and non-Gettysburg soldiers is statistically significant at the 1% level.

Comparing Gettysburg and non-Gettysburg enlistees in 1861 and 1862, we find that battle participants were substantially less likely to be in agricultural, farming, and manual labor occupations than in professional, proprietor, and artisan occupations; percentages in professional occupations are 37.9% for Gettysburg and 32.1% for non-Gettysburg pre-battle enlistees. This trend is enhanced when comparing Gettysburg participants with those who enlisted after 1863; 26.5% of post-Gettysburg enlistees were professionals.

The occupational trends likely relate to the geographic composition of the three cohorts. In particular, more than eight out of ten Gettysburg recruits enlisted in the Northeast where farming was a less prevalent occupation as compared to the Midwest; Gettysburg recruits were 39.7% farming, non-Gettysburg pre-battle enlistees were 49.7% farming, and non-Gettysburg post-battle enlistees were 45% farming.[109]

Gould examines the occupations of some 600,000 UA enlistees based on the muster rolls.[110] He estimates that 2% (8051 of 423,572) of UA volunteers and 1% (2480 of 242,958) of later year recruits were in professional occupations at the time of enlistment; the overall rate for Gould's sample is 1.6% (10,531 of 666,530).[111] Because Gould's professional category is more narrowly defined than in the present study, his estimates for UA soldiers are markedly lower than those in Figure 6.

In the occupational category of agriculture, Gould's estimates are 55% for volunteers (231,275 of 423,572) and 38% for later year recruits (93,428 of 242,958).[112] These findings comport with those presented in Figure 6, given that Gould's average for all UA soldiers in agricultural occupations at enlistment was 49% (324,703 of 666,530 enlistees during the course of the war).[113]

We next proxy the wealth of the UA recruits' sampled through occupational composition by examining real estate ownership at a different time period from that of the enlistment. To estimate the wealth and holdings of UA recruits sampled, Figure 7 displays the distribution of real estate or property value for the three cohorts.[114]

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109. *See supra* fig. 3 and accompanying text (describing findings for enlistment region).

110. *See* GOULD, *supra* note 17, at 208-10 (describing occupation coding scheme).

111. *Id.* at 210-11 tbls. I-II.

112. *Id.*

113. *Id.* at 212 tbl. III (presenting occupation prevalence by state of enlistment).

114. *Infra* fig. 7.

FIGURE 7

COMPARISON OF WEALTH AMONG 210 GETTYSBURG SOLDIERS, 5705 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 4000 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE USING 1900 CENSUS DATA

FARM/HOUSE*	# GETTYSBURG SOLDIERS	AS A % OF TOTAL GETTYSBURG SOLDIERS
Owns Farm	64	30.5
Owns House	146	69.5
FARM/HOUSE*	# NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5	AS A % OF TOTAL NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5
Owns Farm	2208	38.7
Owns House	3497	61.3
FARM/HOUSE	# NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865	AS A % OF TOTAL NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865
Owns Farm	1670	41.8
Owns House	2330	58.3

FREE OF MORTGAGE/MORTGAGE	# GETTYSBURG SOLDIERS	AS A % OF TOTAL GETTYSBURG SOLDIERS
Free of Mortgage	88	68.8
Mortgage	40	31.3
FREE OF MORTGAGE/MORTGAGE	# NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5	AS A % OF TOTAL NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5
Free of Mortgage	2772	70.5
Mortgage	1162	29.5
FREE OF MORTGAGE/MORTGAGE	# NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865	AS A % OF TOTAL NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865
Free of Mortgage	1891	69.1
Mortgage	845	30.9

OWNS/RENTS HOME*	# GETTYSBURG SOLDIERS	AS A % OF TOTAL GETTYSBURG SOLDIERS
Owns Home	131	63.9
Rents Home	74	36.1
OWNS/RENTS HOME*	# NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5	AS A % OF TOTAL NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5
Owns Home	4045	71.6
Rents Home	1606	28.4
OWNS/RENTS HOME	# NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865	AS A % OF TOTAL NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865
Owns Home	2796	70.9
Rents Home	1145	29.1

In Figure 7, the wealth information in the 1900 census took the form of "yes" or "no" answers to several ownership questions: "Do you own a farm? (If not, own a house?)"; "Are you free of mortgage?"; and "Do you own or rent your home?"[115] Elsewhere, we show the convergence of economic and social status between foreign-born and native veterans at the turn of the nineteenth century, when social status was estimated by the type of occupation.[116]

Figure 7 lists the three measures of wealth reported in the 1900 census. We retrieve information for 210 Gettysburg participants, 5705 non-Gettysburg soldiers who enlisted prior to the battle, and 4000 non-Gettysburg soldiers enlisted after the battle (presented in that order in Figure 7).

Comparison within the first panel in Figure 7 confirms the view that Gettysburg participants who tend to be from the Northeast are less likely to be farmers or farm owners. In the second panel we observe no difference among the three cohorts in the proportion free of a mortgage.[117] In the third panel, we see that by 1900, Gettysburg participants were somewhat less likely to own a home relative to the other two cohorts.[118]

4. Disability and Stigma

Under Pension Bureau administrative rules, different disabilities received standard fractional ratings toward the condition of "totally disabled."[119] In practice, however, veterans with certain disabilities were perceived as "less deserving."[120] This was because of perceived distance from war activities and association with vicious habits including drinking, smoking, and sexual promiscuity.[121] Pension claims that were the product of such socially questionable behaviors were more likely to be rejected by the Bureau.[122]

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115. Blanck & Song, *supra* note 21, at 34 (discussing findings).

116. *Id.*

117. *See supra* fig. 7.

118. *Id.*

119. Blanck, *supra* note 7, at 118.

120. Blanck & Song, *supra* note 8, at 180.

121. *Id.* (stating certain activities were regarded as less deserving due to the activity's lack of connection to war-related injuries).

122. *See generally* Blanck, *supra* note 7, at 124-25 (discussing the effects of the 1890

Our prior studies demonstrate that disability stigma not only affected UA veterans' decisions to apply for pensions, but also that veterans with more visible or less stigmatized disabilities, such as gunshot wounds (GSWs), were, on average, compensated with higher monthly pension awards relative to those with severe "hidden" disabilities such as nervous disorders.[123] The relative dollar premium for applicants with certain visible disabilities is statistically independent of the other factors in our research model, such as the applicant's occupation, age, and date of application.[124]

Additionally, veterans claiming stigmatized diseases and disabilities were twice as likely to be rejected outright by pension doctors and thereby denied access to the system.[125] Applicants who persuaded examiners that they possessed a stigmatized yet pension-worthy disability, however, received, on average, comparably higher awards than those with less prejudicial conditions.[126]

Having documented several environmental and attitudinal factors affecting pension access and outcomes, we focus our inquiry on whether Gettysburg veterans, perhaps due to their revered status, successfully navigated the Bureau's application process.[127] Before we examine pension outcomes, however, we first examine the types of disabilities claimed by recruits from the three cohorts.

Figures 8A, 8B, and 8C provide a breakdown, by the Gettysburg and non-Gettysburg cohorts, of the first-claimed disability in the recruits' first pension applications. To examine the issue of disability stigma, we divide claimed disease categories into two groups: those associated with less (visible disabilities) and those with more (non-visible disabilities) attitudinal stigma.[128]

Americans with Disabilities Act).

123. *See* Blanck & Song, *supra* note 8, at 182-95 (finding premium in pension awards for UA veterans with visible disabilities).

124. Blanck, *supra* note 7, at 159-77 (discussing findings).

125. *Id.*

126. *See infra* fig. 10B.

127. Our discussion of access to the pension system and of awards in the next part therefore must be tempered by assessing attitudinal prejudice or enhancement as well as the nature and visibility of particular disabilities.

128. Blanck, *supra* note 7, at 155-56 (discussing basis for coding disabilities).

In the top panel of Figures 8A-C, visible conditions include GSWs, diarrhea, ear defects, eye defects, gastrointestinal disorders, hernias, and musculoskeletal problems. Less visible conditions in the bottom half of Figures 8A-C include infectious and parasitic, nervous system, genito-urinary, and blood system impairments.

FIGURE 8A

COMPARISON OF DISTRIBUTION OF FIRST CLAIMED DISABILITY IN THE FIRST APPLICATION AMONG 283 GETTYSBURG SOLDIERS, 5237 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 2732 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

FIRST CLAIMED DISABILITY IN THE FIRST APPLICATION	# GETTYSBURG SOLDIERS*	AS A % OF TOTAL GETTYSBURG SOLDIERS
VISIBLE DISABILITIES		
Diarrhea	22	7.8
Ear	12	4.2
Eye	8	2.8
Gastrointestinal	1	0.4
General Appearance	3	1.1
Hernia	6	2.1
Injury & GSW	137	48.4
Rheumatism & Musculoskeletal	54	19.1
Varicose Veins	5	1.8
Total	**248**	**87.6**
NON-VISIBLE DISABILITIES		
Accidents	0	0.0
Blood	0	0.0
Cardiovascular	0	0.0
Endocrine	0	0.0
Genito-urinary	5	1.8
Hemorrhoids	4	1.4
Infectious & Parasitic	10	3.5
Liver	1	0.4
Neoplasms	1	0.4
Nervous System	6	2.1
Respiratory	8	2.8
Skin & Tissue	0	0.0
Spleen	0	0.0
Total	**35**	**12.4**
Total Gettysburg Soldiers	**283**	**100.0**

Note:

* The difference in the distribution of disabilities between Gettysburg and non-Gettysburg soldiers is statistically significant at the 1% level.

FIGURE 8B

COMPARISON OF DISTRIBUTION OF FIRST CLAIMED DISABILITY IN THE FIRST APPLICATION AMONG 283 GETTYSBURG SOLDIERS, 5237 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 2732 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

FIRST CLAIMED DISABILITY IN THE FIRST APPLICATION	# NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5*	AS A % OF TOTAL NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1861 AND 1863.7.5
VISIBLE DISABILITIES		
Diarrhea	627	12.0
Ear	260	5.0
Eye	193	3.7
Gastrointestinal	95	1.8
General Appearance	102	1.9
Hernia	252	4.8
Injury & GSW	1480	28.3
Rheumatism & Musculoskeletal	1004	19.2
Varicose Veins	67	1.3
Total	**4080**	**77.9**
NON-VISIBLE DISABILITIES		
Accidents	4	0.1
Blood	2	0.0
Cardiovascular	1	0.0
Endocrine	2	0.0
Genito-urinary	126	2.4
Hemorrhoids	109	2.1
Infectious & Parasitic	351	6.7
Liver	37	0.7
Neoplasms	48	0.9
Nervous System	109	2.1
Respiratory	364	7.0
Skin & Tissue	3	0.1
Spleen	1	0.0
Total	**1157**	**22.1**
Total Non-Gettysburg Soldiers Enlisted between 1861 and 1863.7.5	**5237**	**100.0**

Note:

* The difference in the distribution of disabilities between Gettysburg and non-Gettysburg soldiers is statistically significant at the 1% level.

FIGURE 8C

COMPARISON OF DISTRIBUTION OF FIRST CLAIMED DISABILITY IN THE FIRST APPLICATION AMONG 283 GETTYSBURG SOLDIERS, 5237 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 2732 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

FIRST CLAIMED DISABILITY IN THE FIRST APPLICATION	# NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865	AS A % OF TOTAL NON-GETTYSBURG SOLDIERS ENLISTED BETWEEN 1863.7.6 AND 1865
VISIBLE DISABILITIES		
Diarrhea	363	13.3
Ear	149	5.5
Eye	115	4.2
Gastrointestinal	79	2.9
General Appearance	56	2.0
Hernia	113	4.1
Injury & GSW	436	16.0
Rheumatism & Musculoskeletal	743	27.2
Varicose Veins	30	1.1
Total	**2084**	**76.3**
NON-VISIBLE DISABILITIES		
Accidents	1	0.0
Blood	3	0.1
Cardiovascular	0	0.0
Endocrine	1	0.0
Genito-urinary	92	3.4
Hemorrhoids	76	2.8
Infectious & Parasitic	147	5.4
Liver	28	1.0
Neoplasms	42	1.5
Nervous System	84	3.1
Respiratory	170	6.2
Skin & Tissue	3	0.1
Spleen	1	0.0
Total	**648**	**23.7**
Total Non-Gettysburg Soldiers Enlisted between 1863.7.6 and 1865	**2732**	**100.0**

Figure 8A shows that for Gettysburg veterans, the majority (87.6%) of their first claimed disabilities involved visible impairments. Almost half of all applications (48.4%) involved battle injuries or GSWs. The high application rate by Gettysburg veterans for battle injuries is consistent with casualty estimates of more than one-quarter (27%) of UA forces.[129] The second most common disability for the Gettysburg group involved claims for rheumatism and musculoskeletal disorders normally attendant with age.[130]

As before, two nondisability factors likely contribute to the prevalence of disability applications for Gettysburg veterans. The first is a "political-pension law effect," whereby certain war-related disabilities received recognition from the Bureau for the political, party patronage, and social reasons we have identified: national identification with the Gettysburg survivors and political affiliation of the state in which the claimants filed their applications.[131]

The second factor is an "age-disability effect," whereby as veterans aged, their health deteriorated and they contracted conditions such as rheumatism that were not the direct product of war-related injuries. The age-disability effect is moderated by a claimant's occupation and social class.[132]

We might expect to find in Figure 8B that non-Gettysburg recruits enlisted prior to 1863 would have a relatively equal footing toward favorable pension outcomes if, in fact, they tended to apply for war-related conditions under the General Law. In Figure 8B, however, we observe that substantially more nonvisible conditions are claimed by this non-Gettysburg cohort who enlisted prior to 1863. We observe in Figure 8B a lower prevalence for GSWs and an almost identical proportion of claims for rheumatism and musculoskeletal conditions.

Figure 8C shows the findings for non-Gettysburg soldiers who enlisted after 1863. Here, we see a substantially lower prevalence of GSWs (16% versus 48.4% for the Gettysburg veterans).[133] Although most of the war's bloodiest battles occurred before Gettysburg

129. *See* COMTE DE PARIS, *supra* note 19, at 242-43 (estimating 23,000 casualties each for Union and Confederate Armies at Gettysburg); Military History Online, *supra* note 99.

130. *See supra* fig. 8A.

131. Blanck & Song, *supra* note 8, at 180.

132. *See id.*

133. *See supra* fig. 8C.

—Antietam, Chancellorsville, and Shilo—many did not—Chickamauga, Spotsylvania, and the Wilderness.[134] This finding requires additional analysis with consideration of the battle regiments of those sampled. Interestingly, applications claimed for disabilities that might have been deemed "less visible" or "more obscure," to use the Bureau's terminology, did not vary substantially among the three cohorts.[135] The most commonly claimed nonvisible impairment pertained to infectious and parasitic diseases.[136]

II. PENSION ACCESS AND AWARDS FOR GETTYSBURG AND NON-GETTYSBURG UA VETERANS

This Part examines the experiences of Gettysburg and non-Gettysburg veterans with the UA pension scheme. We hypothesize that Gettysburg veterans had an advantage under the pension system on at least two levels.

First, due to their status, Gettysburg veterans had enhanced access to entry into the system. Second, once admitted into the system and particularly over time, Gettysburg veterans were rewarded more on average due to attitudinal or cultural advantages.

No previous research has examined these notions of "enhanced treatment" of Gettysburg soldiers by the Bureau. To address the issue, we develop two theoretical models: the "Pension Access Model" and the "Pension Outcome Model."[137]

A. Research Models

1. Pension Access

We assume that access and application to the pension system were a function of individual and social factors, such as the claimant's age, nativity, enlistment occupation and region, Gettysburg veteran status,

134. *See* Shotgun's Home of the American Civil War, *at* http://www.civilwarhome.com/Battles.htm (last visited Sept. 25, 2002) (listing casualties at the ten most costly Civil War battles).

135. *See supra* fig. 8C.

136. *Id.*

137. For the development of these models, see Blanck & Song, *supra* note 21, at 40-69.

and of course, disability type. If Gettysburg status alone did not influence the likelihood of access to pensions, two claimants, one a Gettysburg veteran and the other not, should have the same probability of access, assuming their characteristics were otherwise identical. If, by contrast, Gettysburg service did positively and significantly affect the odds of being admitted to the pension system, we should observe a "premium" to the Gettysburg claimant in the form of a higher likelihood of pension access.

Higher pension access rates could result from self-selection on the part of recruits who believed, or who came to believe over time, that they would succeed, and thus they took greater initiative in applying. A form of increased initiative to apply, be it perceived and/or actual, could have included individual and social recognition of having fought at Gettysburg, even when we statistically control for, or hold constant, factors such as the applicant's age, occupation, wealth, and disability type.

Increased access to the pension scheme for Gettysburg participants also could result from the preferential attitudes and practices of the Pension Bureau or its administrators and examining surgeons, especially if they were to accept Gettysburg veterans at higher rates than other veterans with similar background characteristics.

What might be the reasons for such preferential, or conversely discriminatory, attitudes? The prominent view of the period was the perceived "moral worthiness" of UA veterans for pensions, at which the Gettysburg veteran would be expected to excel.[138]

The 1869 comments of Benjamin Gould, who was charged by the Sanitary Commission, the public health and welfare vehicle of the UA, are illustrative of the "moral calculus":

> Most of the patriotic men who could go to the war had already gone [by 1863], and the chief available source for new troops, beside the annual supply of young men attaining military age, consisted in that class of men who could be tempted by the large bounties, or were influenced directly or indirectly by the pressing danger of conscription.[139]

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138. *Id.* at 40.

139. GOULD, *supra* note 17, at 16; *see also* Dora L. Costa & Matthew E. Kahn, *Cowards and Heroes: Group Loyalty in the American Civil War*, Q.J. ECON. (forthcoming 2003) (finding

We have shown the strong effects of the moral calculus at work in the operation of the pension scheme over time.[140] After passage of the 1879 Arrears Act, and through 1907 to the Service and Age Pension Laws, the proportion of pension rejections ("zero ratings") for those with conditions subject to more prejudice increase substantially.[141] In addition, there is a corresponding decline for those conditions subject to less prejudice.[142]

We define pension access by creating a link between claimant information from the UA military records and the Pension Bureau records.[143] One factor that could produce the appearance of unequal pension access for Gettysburg veterans may be differences in mortality (health) rates among the three cohorts. If a relatively higher proportion of Gettysburg veterans died later, then a higher proportion would have lived to apply for pensions, particularly under the more liberal 1890 Act. According to Figure 5, Gettysburg veterans lived longer (one year on average) relative to nonparticipants. The difference, however, in longevity is not robust (i.e., not statistically significant). We therefore assume for now that the mortality patterns among the three cohorts are similar.

We also have seen in Figure 6 that the Gettysburg cohort was more likely to work in professional occupations and less likely to work in agriculture and manual tasks. It is possible that mortality rates are a function of social class, particularly related to occupational stress, given that Gettysburg participants were less likely to work in manually demanding and arguably dangerous occupations.

To this point, we have examined descriptive relationships in the research model. We use regression or multivariate analyses next to explore the extent to which identified outcome measures, such as the odds of applying for a pension (access), and pension outcomes (awards), may be predicted by a set of other variables. Those predictor variables

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relative to native soldiers, the Irish were more likely to desert the UA).

140. *See generally* Blanck, *supra* note 7, at 108, 153 (discussing concept of disability stigma in the operation of the UA pension scheme).

141. Blanck & Song, *supra* note 21, at 41.

142. *Id.*

143. When we find at least one pension record for a UA recruit who survived the war, we assume that he gained access to the pension system. If we fail to link him to any pension records, we assume that he did not gain access to the pension system. This definition of access does not allow us to distinguish between recruits' own decisions to apply and the Bureau's attitudes and practices towards particular applicants.

are identified earlier, such as Gettysburg status and nativity, and are used as controls.

Figure 9 presents the logistic regression on the odds of applying for UA pensions for 22,441 recruits sampled, including separation by the Gettysburg and non-Gettysburg cohorts. Figure 9 provides the definitions of the variables under study (left column), their prevalence or mean scores (center column), and the associated probability of applying for a pension (right column) presented as an "Odds Ratio" (OR).[144] The asterisks to the right of the OR reflect its degree of statistical significance.[145]

The OR shows, on average, within each variable such as Gettysburg cohort, nativity, birth cohort, enlistment occupation, and enlistment region, the additional likelihood of gaining access to the pension system by belonging to a category relative to a reference category in that variable.[146] For instance, under enlistment occupation, there are four categories: agricultural, manual, professional, and occupation missing.[147] The reference category, or the omitted category in the regression, is professional. An OR of 1.66 in the agricultural category means that recruits in this category were 1.66 times as likely to apply than recruits in the professional category. An OR of 0.96 in the manual labor category means that recruits in this category were 0.96 times as likely to apply than recruits in the professional category. ORs that are greater than one indicate a higher likelihood relative to the reference category. ORs that are less than one indicate a lower likelihood relative to the reference category.

The asterisks denoting "Statistical Significance" in Figure 9 indicate whether the average influence from each categorical variable quantified and presented as the OR is due to random sampling or is sufficiently substantial that we would likely achieve the result had we performed this analysis on another sample as representative as the current one.[148] The number of asterisks in Figure 9 increases with the degree of

144. *See* Craig Zwerling et al., *Workforce Participation by Persons with Disabilities: The National Health Interview Survey Disability Supplement, 1994 to 1995*, 44 J. OCC. & ENVIRON. MED. 358, 360 (2002) (describing use of OR analysis). For a description of the odds ratio, see *infra* Methodological Appendix.

145. *See* Zwerling et al., *supra* note 144, at 360.

146. *See infra* fig. 9.

147. *Id.*

148. *Id.*

statistical significance, with three asterisks being the most significant, and one asterisk being the least significant but still substantially noticeable from a statistical standpoint.

An OR that is statistically significant from one implies that the higher or lower likelihood compared to the omitted category is likely not due to chance. For example, the OR of 1.66 is statistically significant, so there is a substantial difference in the probability of applying for pensions between recruits in the agricultural occupation and those in the professional occupation.

On the other hand, the OR of 0.96 is not statistically significant, so there is no difference, statistically speaking, in the probability of applying for pensions between recruits in the manual labor occupation and those in the professional occupation.

FIGURE 9
REGRESSION MODEL EXPLAINING THE ODDS OF APPLYING FOR PENSION AMONG 471 GETTYSBURG SOLDIERS, 12,201 NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 9769 NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

VARIABLES	VARIABLE MEANS	PROBABILITY OF APPLYING FOR PENSION (ODDS RATIO PRESENTED)
Number of Recruits	22,441	
Ever Applied for Pension	60.93%	
Gettysburg v. Non-Gettysburg		
Fought at Gettysburg	1.93%	2.65***
Enlisted Before Gettysburg Battle	60.34%	1.46***
Nativity		
Native-born	72.51%	2.52***
Birth Cohort		
Born between 1801 and 1830	19.68%	0.78***
Born between 1831 and 1836	17.72%	0.92
Born between 1837 and 1841	26.78%	0.93
Born between 1842 and 1844	22.51%	0.90**
Born between 1845 and 1849	13.31%	(omitted)
Enlistment Occupation		
Enlistment Occupation Agricultural	46.58%	1.66***
Enlistment Occupation Manual	17.38%	0.96
Enlistment Occupation Professional	34.25%	(omitted)
Enlistment Occupation Missing	1.79%	0.50***
Enlistment Region		
Enlistment Region Northeast	44.08%	(omitted)
Enlistment Region Midwest	45.94%	1.29***
Enlistment Region South	9.28%	0.93***
Enlistment Region Missing	0.70%	4.80***

Note:
*** Statistical significance at the 1% level.
** Statistical significance at the 5% level.
* Statistical significance at the 10% level.

Consistent with our predictions, Figure 9 shows several findings of interest. First, relative to non-Gettysburg veterans who enlisted after the battle (omitted category), the Gettysburg cohort was substantially more likely (OR 2.65-1, or 1.65 times more so) to apply for pensions. Those non-Gettysburg veterans who enlisted before the battle also were more likely to apply for pensions (OR 1.46-1, or 46% more so relative to non-Gettysburg postbattle recruits).

The positive and substantial relationship between Gettysburg status and the odds of pension application evidenced in the regression model bolsters our conjecture about the prominent status of this unique cohort. This finding is noteworthy, given that the regression model statistically controls for factors other than Gettysburg status, such as age, nativity, and occupation, which might have independently affected pension application rates.

Figure 9 shows that out of 22,441 veterans sampled, almost three-quarters (72.5%) were native to the United States. We find in prior studies that native-born veterans were more likely (in Figure 9, 2.5 times as likely) to apply for pensions, relative to foreign-born veterans.[149]

We also see in Figure 9 that the birth cohort centers toward those born between 1837 and 1844 with somewhat more than one-quarter (27%) of the recruits born during this period. Relative to the youngest cohort born between 1845 and 1849 (the omitted category), the oldest cohort was 22% (OR 1-0.78) less likely to apply. Another birth cohort group that had a significantly lower probability of 10% (OR 1-0.90) of applying was born between 1842 and 1844. These results are not surprising, primarily because the youngest cohort would have had more opportunity (years) to apply for pensions since the inception of the system as compared to the older cohorts.

We further observe that almost half (46%) of the recruits came from agricultural occupations at enlistment, with most of them enlisting in the Northeast (44%) or the Midwest (46%). Relative to professionals, farmers and farm laborers were 66% (OR 1.66-1) more likely to apply for pensions. In addition, relative to recruits who enlisted in the Northeast, recruits enlisted in the Midwest were 29% (OR 1.29-1) more likely to apply. We conclude that in general, midwest farmers and farm laborers

149. *See* Blanck & Song, *supra* note 21, at 70-71 (reviewing findings).

had a significantly higher probability of applying for pensions than northeast professionals.[150]

For some recruits, enlistment occupation and enlistment region information was missing from the data set. The true distribution within each variable may differ between non-missing observations and the missing observations. This would introduce a potential bias to the estimated odds ratio. To avoid such a bias, we create a "missing" category.

We observe from Figure 9 that recruits belonging to the enlistment occupation missing category were half as likely (OR 0.50) to apply as the omitted group of professionals. We observe that recruits with no recorded enlistment regions were almost five times (OR 4.80) as likely to apply for pensions as the omitted group of enlistment in the Northeast. Both ORs are statistically significant.

For enlistment occupation, the missing category OR was less than one, which implies that recruits in this category behaved similarly to those in the agricultural category, and therefore were most likely farmers and farm laborers. Likewise for enlistment region: Recruits in the missing category were most likely those enlisted in the Midwest.

Having demonstrated that Gettysburg veterans enjoyed relatively enhanced access to the pension system, we turn to the question of whether this access premium resulted in greater pension awards.

2. Pension Outcomes

The Pension Outcome Model examines the distribution of pension awards for those UA veterans who gained access to the system. The model explores how awards vary with factors individually and in combination, such as the applicant's Gettysburg status, nativity, disability stigma or visibility, class or occupational level, degree of advocacy, attorney involvement, and the politics surrounding the pension system at the time of application.[151]

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150. This finding is consistent with our earlier suggestions and studies showing that for political reasons the Pension Bureau focused its energies in those areas and regions where the soldier vote might be harvested for election contests. *See* Blanck & Song, *supra* note 8, at 154; *see also* MARY DEARING, VETERANS IN POLITICS; THE STORY OF THE G.A.R. 301 (1959).

151. *Cf.* Sanders, *supra* note 53, at 150-56 (discussing how the emergence of the G.A.R. may be traced to Republican and Democratic party platforms and growth of UA pensions).

As in the Pension Access Model, if Gettysburg status does not influence pension outcomes, we expect to observe two claimants, one a Gettysburg veteran and the other not, to enjoy equal benefits, to the extent that their background characteristics are otherwise identical.

We apply the model first to the entire sample covering the period from 1862 to 1907, and then to two sub-samples: one only including applications before the Disability Act from 1862 to 1889; the other including applications afterwards from 1890 to 1907. When the Age Act became effective in 1907, old age alone qualified a veteran for a pension. Presumably disability and other socioeconomic factors ceased to influence pension outcomes.

Comparing Figure 9 with Figures 10A and 10B, we observe that the population applying for pension is different from the population granted a pension. In the former population, Gettysburg veteran representation was only 1.93% (Figure 9). In the latter population, that representation rose to 2.70% (Figures 10A and 10B).

FIGURE 10A

REGRESSION MODELS EXPLAINING ODDS OF A RULING INCREASE AMONG 1074 APPLICATIONS FROM THE GETTYSBURG SOLDIERS, 17,468 APPLICATIONS FROM THE NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 8111 APPLICATONS FROM THE NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

VARIABLE DEFINITION	VARIABLE MEANS	26,653 APPLICATIONS BETWEEN 1862 AND 1907 (Odds Ratio)	VARIABLE MEANS	11,948 APPLICATIONS BETWEEN 1862 AND 1889 (Odds Ratio)	VARIABLE MEANS	14,705 APPLICATIONS BETWEEN 1890 AND 1907 (Odds Ratio)
Pension Outcome						
Percentage Granted a Ruling Increase	34.50%		36.92%		32.50%	
Gettysburg v. Non-Gettysburg						
Fought at Gettysburg	2.70%	1.17**	5.03%	1.31***	2.02%	0.99
Enlisted Before Gettysburg Battle	64.13%	1.14***	78.39%	1.10**	59.96%	1.17***
Nativity						
Percentage Native Born	82.23%	1.09**	81.82%	1.17***	82.56%	1.02
Attorney Usage						
Percentage Used Attorneys	86.23%	0.71***	82.23%	0.77***	86.70%	0.65***
Occupation at Enlistment						
Agriculturalists	60.02%	(omitted)	60.56%	(omitted)	59.59%	(omitted)
Manual Laborers	12.11%	1.00	11.41%	1.11	12.67%	0.91
Professionals	27.87%	1.02	28.03%	1.05	27.74%	1.00
Application Period						
Applied between 1862 and 1878	12.01%	(omitted)	26.61%	(omitted)	0.00%	n/a
Applied between 1879 and 1889	33.10%	1.41***	73.37%	1.40***	0.00%	n/a
Applied between 1890 and 1907	54.88%	1.11**	0.00%	n/a	100.00%	n/a
Political Affiliation						
Application State Democratic Majority Votes	22.25%	(omitted)	20.43%	(omitted)	23.75%	(omitted)
Application State Republican Majority Votes	75.62%	1.50***	76.07%	1.35***	75.26%	1.64***
Application State Equal Party Majority Votes	2.12%	1.62***	3.50%	1.51***	1.00%	1.57**
Visibility First Claimed Disability						
Disability Visible	81.14%	1.18***	80.86%	1.24***	81.38%	1.13***

Note:
*** Statistical significance at the 1% level.
** Statistical significance at the 5% level.
* Statistical significance at the 10% level.

FIGURE 10B
REGRESSION MODELS EXPLAINING MONTHLY PENSION RULING AMOUNT AMONG 691 APPLICATIONS FROM THE GETTYSBURG SOLDIERS, 10,919 APPLICATIONS FROM THE NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 4900 APPLICATONS FROM THE NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

VARIABLE DEFINITION	VARIABLE MEANS	16,510 APPLICATIONS BETWEEN 1862 AND 1907	VARIABLE MEANS	8553 APPLICATIONS BETWEEN 1862 AND 1889	VARIABLE MEANS	7957 APPLICATIONS BETWEEN 1862 AND 1907
Adjusted R Square		7.20%		3.75%		3.55%
Pension Outcome						
Average Monthly Pension Amount	$9.51		$8.22		$10.92	
Gettysburg v. Non-Gettysburg						
Fought at Gettysburg	2.70%	$0.53	5.02%	$0.65	2.02%	$0.30
Enlisted Before Gettysburg Battle	64.13%	$0.75***	78.39%	$0.58**	59.96%	$0.89***
Nativity						
Percentage Native Born	82.23%	-$0.46*	81.82%	-$0.64*	82.56%	-$0.26
Attorney Usage						
Percentage Used Attorneys	86.23%	-$2.69***	82.23%	-$2.55***	86.70%	-$2.86***
Occupation at Enlistment						
Agriculturalists	60.02%	(omitted)	60.56%	(omitted)	59.59%	(omitted)
Manual Laborers	12.11%	$0.18	11.41%	$0.61	12.67%	-$0.24
Professionals	27.87%	$0.00	28.03%	-$0.04	27.74%	$0.06
Application Period						
Applied between 1862 and 1878	12.01%	(omitted)	26.61%	(omitted)	0.00%	n/a
Applied between 1879 and 1889	33.10%	$1.67***	73.37%	$1.67***	0.00%	n/a
Applied between 1890 and 1907	54.88%	$4.10***	0.00%	n/a	100.00%	n/a
Political Affiliation						
Application State Democratic Majority Votes	22.25%	(omitted)	20.43%	(omitted)	23.75%	(omitted)
Application State Republican Majority Votes	75.62%	$1.16***	76.07%	$1.33***	75.26%	$1.00***
Application State Equal Party Majority Votes	2.12%	$0.58	3.50%	$0.74	1.00%	-$0.04
Visibility First Claimed Disability						
Disability Visible	81.14%	-$0.34*	80.86%	-$0.29	81.38%	-$0.37*

Note:
*** Statistical significance at the 1% level.
** Statistical significance at the 5% level.
* Statistical significance at the 10% level.

In addition, there are higher representations of native-born recruits (72.51% in Figure 9 versus 82.23% in Figures 10A and 10B) and those in the agricultural profession (46.58% in Figure 9 versus 60.02% in Figures 10A and 10B) in the latter population. This finding implies that the Pension Bureau was selective in admissions to the pension system, even taking into account the nature of the claimed disabilities. Relative to the representation in the pre-admission population, a larger proportion of Gettysburg soldiers and those in the agricultural profession receive pension awards.

Figures 10A and 10B present the findings for pension outcomes among the Gettysburg and non-Gettysburg cohorts. Figure 10A displays the results of the logistic regression on the probability of a pension ruling increase, represented by the OR, and based on 26,653 applications. Under the column "Variable Means," we see that about one-third (34.50%) of applications between 1862 and 1907 are granted a ruling increase. In addition, the percentage granted an increase was higher in the pre-1890 period (36.92%) than in the post-1890 period (32.50%), indicating that the Bureau somewhat toughened the standard in the later period.

Figure 10B shows the Ordinary Least Squares (OLS) regressions on the monthly pension dollar amount granted, based on 16,510 pension applications.[152] The average monthly pension amount during the entire period was $9.51. The average in the post-1890 period was more than $2 above that in the pre-1890 period ($10.92 versus $8.22). Combined with the implication drawn from Figure 10A, we infer that although the Bureau became more selective in the later period, the system grew more generous for those who did get in.

As in Figure 9, the asterisks in Figure 10A and 10B denote "Statistical Significance." There are several findings from the regression analyses corresponding to the population over the entire period from 1862 to 1907.

First, all else being equal, Figure 10A shows Gettysburg veterans were 17% more likely (OR 1.17-1, in Figure 10A, left column of data) to receive a ruling increase. They also experienced a $0.53 premium in monthly pension awards (Figure 10B, left column of data), though this

152. *See infra* Methodological Appendix (describing Ordinary Least Squares (OLS) regression models with robust standard error corrections). Thanks to Dean Hyslop for helping in the explanation.

is not a statistically significant result given the small sample size relative to the sample of non-Gettysburg recruits post-battle.

Second, relative to non-Gettysburg recruits enlisted after the battle, non-Gettysburg recruits enlisted prior to the battle received a significant premium of $0.75 in monthly pension awards (Figure 10B), and were 14% more likely to receive pension increases over time (Figure 10A). We suggest that this early year premium is due to moral perceptions that earlier enlistees are more likely to be motivated by patriotism, whereas later enlistees are driven by monetary payoffs.[153]

Indeed, when we review the findings for nativity in Figure 10A, native-born (82.23% of the sample), relative to foreign-born veterans, enjoy a 9% higher probability of being granted a ruling increase. However, Figure 10B shows that native-born veterans receive $0.46 lower monthly pension relative to foreign-born veterans.[154]

Third, although there is no overall premium for claimant occupation in the operation of the pension scheme,[155] later year claimants receive substantial premiums. We note in Figures 10A and 10B that applying for pensions in later years increases the premium for pension awards. As mentioned, it is possible that claimants' disabilities worsened with age and thereby the later survivors receive enhanced awards.

Fourth, we observe significant premiums in outcomes for claimants applying during years when a Republican (or neutral) majority vote is present in the state of the claimant's application, presumably because of the support for pensions in the Republican administration, which reduce the need for pension advocates and lawyers.[156] Thus, claimants applying in Republican majority states receive a $1.16 (Figure 10B) premium in monthly pension awards and evidence a 50% (Figure 10A) greater likelihood of receiving a pension increase.

Fifth, Figures 10A and 10B show the high proportion of claimants (86.23%) assisted by attorneys between 1862 and 1907. We see evidence of a strong penalty in monthly pension amount (-$2.69 in Figure 10B)

153. *See* Blanck & Song, *supra* note 21, at 40-41 (discussing historical views about UA participation).

154. *Id.* at 48 fig. 17B (displaying a lower average monthly pension of $1.21 for the native-born recruits, although not statistically significant). The model in Figure 10B yields a marginally significant discount of $0.46. *See supra* fig. 10B.

155. We presently are examining whether occupational stress evidenced in manual labor jobs is more prevalent for certain claimants who lacked the economic resources from pensions and thereby had relatively higher mortality rates.

156. Blanck & Song, *supra* note 8, at 203 (discussing findings).

and in the probability of a ruling increase (OR 0.71-1 = -29% in Figure 10A) when claimants used attorneys.[157]

We draw additional conclusions when we compare the 1862-1889 sample with the 1890-1907 sample in Figures 10A and 10B. Those two samples share similarities. The distributions of enlistment occupation are almost the same, with farmers and farm laborers representing 60% of the sample, professionals representing 28%, and manual laborers representing about 12%. There are also equal proportions of claims from native-born recruits (82%) and on visible disabilities (81%). Slightly more veterans filed their applications in years and states under Democratic majority votes in the later period sample. In general, distributions of claims according to political affiliations were similar between the two sub-samples.

There are, however, two notable distributional differences. First, the 1862-1889 sample has a larger representation of Gettysburg soldiers (5.03%), more than doubling that in the 1890-1907 sample (2.02%). The proportion of recruits who enlisted before Gettysburg also was higher (78.39% versus 59.96%). Second, because the 1862-1889 sample consists of more "deserving" veterans, the percentage using attorney services was lower than that of the 1890-1907 sample (82.23% versus 86.70%).

Scanning across the last two panels in Figures 10A and 10B, the premium for Gettysburg participants is apparent in earlier years of the pension system. The premium on the probability of a ruling increase is 31% (OR 1.31-1 in Figure 10A) higher than that of the non-Gettysburg soldiers and is statistically significant. In the 1890-1907 sample, Gettysburg and non-Gettysburg soldiers fare almost equally (OR 0.99). Although the dollar premiums of $0.65 and $0.30 (Figure 10B, last two data columns) for the Gettysburg soldiers are not statistically significant, their magnitudes suggest that Gettysburg recruits who applied in the 1862-1889 period received a slightly higher average dollar premium.

Despite the fact that only one-third (32.50%) of the recruits who applied in the 1890-1907 period received a ruling increase, compared to 36.92% of those who applied in the 1862-1889 period (Figure 10A), enlistment prior to the Gettysburg Battle translated into favorable pension outcomes if veterans applied in the later period rather than the earlier period. Specifically, pre-Gettysburg recruits applying before the

157. This evidence is consistent with our earlier studies. *Id.*

1890 Disability Act had a 10% (OR 1.10-1 in Figure 10A) greater chance of receiving a ruling increase relative to the post-Gettysburg recruits applying in the same period. That percentage difference increases to 17% (OR 1.17-1) for applications after 1890. The dollar difference also widened from $0.58 per month to $0.89 per month (Figure 10B).

In summary, the Gettysburg premium is prominent during the pre-Disability Act period, whereas the earlier enlistment premium is present in both the pre- and post-Disability Act period and is more prominent in the post-Disability Act period.

In a follow-up exploratory analysis, we test whether a Gettysburg premium may be attributed to a positive relationship between disability type and pension outcomes. In other words, if GSW claims tend to receive favorable outcomes, and if the distribution of GSW claims is not random between the Gettysburg and non-Gettysburg soldiers, as was the case illustrated by Figures 8A to 8C, favorable outcomes for Gettysburg soldiers may be a spurious relation between fighting at Gettysburg and claiming GSW.

To test this possibility, we reanalyze the pension outcome regression model, limiting the sample to those recruits claiming GSWs. The findings are presented in Figures 11A and 11B.

Comparing Figure 11A with Figure 10A, we observe that the size and the statistical significance of the Gettysburg premium in the probability of a ruling increase are almost identical. Similar to Figure 10B, Figure 11B shows no Gettysburg dollar premium. This implies that the findings in Figures 11A and 11B are not due to the positive correlation between fighting at Gettysburg and claiming GSW. Gettysburg soldiers enjoy a more favorable pension outcome in terms of their odds of a ruling increase even limiting the analysis to the GSW claims.

FIGURE 11A

REGRESSION MODELS EXPLAINING ODDS OF A RULING INCREASE - INJURY AND GUNSHOT WOUNDS (GSW) AMONG 575 APPLICATIONS FROM THE GETTYSBURG SOLDIERS, 5542 APPLICATIONS FROM THE NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 1480 APPLICATIONS FROM THE NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

VARIABLE DEFINITION	VARIABLE MEANS	7597 APPLICATIONS BETWEEN 1862 AND 1907 (Odds Ratio)	VARIABLE MEANS	4844 APPLICATIONS BETWEEN 1862 AND 1889 (Odds Ratio)	VARIABLE MEANS	2753 APPLICATIONS BETWEEN 1890 AND 1907 (Odds Ratio)
Pension Outcome						
Percentage Granted a Ruling Increase	36.69%		38.15%		34.09%	
Gettysburg v. Non-Gettysburg						
Fought at Gettysburg	7.37%	1.17*	7.83%	1.30***	6.56%	0.92
Enlisted Before Gettysburg Battle	80.52%	1.03	83.04%	1.01	76.03%	1.05
Nativity						
Percentage Native Born	78.82%	1.10	78.57%	1.16*	79.25%	0.98
Attorney Usage						
Percentage Used Attorneys	81.17%	0.72***	79.01%	0.72***	85.02%	0.65***
Occupation at Enlistment						
Agriculturalists	54.23%	(omitted)	54.56%	(omitted)	53.64%	(omitted)
Manual Laborers	14.98%	1.01	14.78%	1.02	15.34%	1.00
Professionals	30.79%	1.03	30.66%	0.99	31.03%	1.11
Application Period						
Applied between 1862 and 1878	25.22%	(omitted)	39.34%	(omitted)	0.00%	n/a
Applied between 1879 and 1889	38.88%	1.38***	60.66%	1.37***	0.00%	n/a
Applied between 1890 and 1907	35.90%	1.04	0.00%	n/a	100.00%	n/a
Political Affiliation						
Application State Democratic Majority Votes	21.60%	(omitted)	21.01%	(omitted)	22.65%	(omitted)
Application State Republican Majority Votes	75.73%	1.31***	75.55%	1.25***	76.03%	1.43***
Application State Equal Party Majority Votes	2.68%	1.56**	3.44%	1.60**	1.32%	1.11

Note:

*** Statistical significance at the 1% level.

** Statistical significance at the 5% level.

* Statistical significance at the 10% level.

FIGURE 11B

REGRESSION MODELS EXPLAINING MONTHLY PENSION RULING AMOUNT - INJURY & GUNSHOT WOUNDS (GSW) AMONG 360 APPLICATIONS FROM THE GETTYSBURG SOLDIERS, 3397 APPLICATIONS FROM THE NON-GETTYSBURG SOLDIERS ENLISTED BEFORE THE GETTYSBURG BATTLE, AND 902 APPLICATIONS FROM THE NON-GETTYSBURG SOLDIERS ENLISTED AFTER THE GETTYSBURG BATTLE

VARIABLE DEFINITION	VARIABLE MEANS	4659 APPLICATIONS BETWEEN 1862 AND 1907	VARIABLE MEANS	3416 APPLICATIONS BETWEEN 1862 AND 1889	VARIABLE MEANS	1243 APPLICATIONS BETWEEN 1890 AND 1907
Adjusted R Square		7.70%		7.31%		8.50%
Pension Outcome						
Average Monthly Pension Amount	$9.53		$8.43		$12.59	
Gettysburg v. Non-Gettysburg						
Fought at Gettysburg	7.37%	-$0.13	7.83%	-$0.08	6.56%	$0.07
Enlisted Before Gettysburg Battle	80.52%	$1.05***	83.04%	$0.73	76.03%	$1.58***
Nativity						
Percentage Native Born	78.82%	-$0.24	78.57%	-$0.39	79.25%	$0.15
Attorney Usage						
Percentage Used Attorneys	81.17%	-$4.67***	79.01%	-$3.52***	85.02%	-$8.62
Occupation at Enlistment						
Agriculturalists	54.23%	(omitted)	54.56%	(omitted)	53.64%	(omitted)
Manual Laborers	14.98%	$0.81	14.78%	$0.88	15.34%	$0.66
Professionals	30.79%	-$0.32	30.66%	-$0.62	31.03%	$0.50
Application Period						
Applied between 1862 and 1878	25.22%	(omitted)	39.34%	(omitted)	0.00%	n/a
Applied between 1879 and 1889	38.88%	$2.49***	60.66%	$2.42***	0.00%	n/a
Applied between 1890 and 1907	35.90%	$5.79***	0.00%	n/a	100.00%	n/a
Political Affiliation						
Application State Democratic Majority Votes	21.60%	(omitted)	21.01%	(omitted)	22.65%	(omitted)
Application State Republican Majority Votes	75.73%	$1.40***	75.55%	$1.39***	76.03%	$1.44***
Application State Equal Party Majority Votes	2.68%	$2.83***	3.44%	$3.02***	1.32%	$0.21*

Note:

*** Statistical significance at the 1% level.

** Statistical significance at the 5% level.

* Statistical significance at the 10% level.

Regressions on the entire sample of the 1862-1889 period, therefore provide evidence that Gettysburg soldiers did receive favorable pension outcomes. Regressions on the sub-samples of pre- and post-1890 periods illustrate further the possibility that the change in the definition of pensionable disabilities before and after 1890 did affect the size of the relatively advantageous treatment enjoyed by the Gettysburg applicants.

As shown in Figures 8A, 8B, and 8C, Gettysburg soldiers submitted an overwhelming proportion of injury and GSW claims compared to other soldiers. GSW was one of the conditions recognized as being directly war-related before 1890. It is not surprising that Gettysburg soldiers stood to gain the most during this period.

After 1890, the definition of pensionable disabilities covered conditions that were not directly war-related. Although GSW was perhaps considered a "most" deserving condition, there are other conditions attendant with age deemed deserving so that the Gettysburg premium ceased to exist. Replacing the Gettysburg premium instead was the early enlistment premium, which was tied strongly to conceptions of moral worth that earlier year enlistees were loyal volunteers fighting for a cause, whereas later year recruits were bounty hunters.[158]

CONCLUSION

This study presents new information about the unique cohort of UA survivors of Gettysburg. It documents the impact of extra-disability forces on access to and rewards from pension policies aimed at the then new class of disabled Americans.

As in contemporary disability policies, the Civil War pension scheme disproportionately benefitted those disabled whom society, politicians, and courts deemed "worthy."[159] The calculus of disabled veterans' moral worth was tied to patriotic and cultural views of the Battle of

158. Blanck, *supra* note 7, at 133-46 (discussing findings about conceptions of veterans' moral entitlement to pensions).

159. *See* DEBORAH A. STONE, THE DISABLED STATE 85, 172 (1984); Matthew Diller, *Entitlement and Exclusion: The Role of Disability in the Social Welfare System*, 44 UCLA L. REV. 361, 416-17, 433 (1996) (noting Social Security Disability Insurance's "emphasis on disability as a status that can be objectively determined through scientific and uniform methods").

Gettysburg well after it was fought. Gettysburg survivors received a "premium" from the Pension Bureau, not just because of their involvement with the epic battle, but also for what Gettysburg came to represent in American culture at the turn of the twentieth century, which coincidentally was the height of the UA pension scheme.

No doubt, factors other than Gettysburg status influenced veterans' pension access and awards. Economists Dora Costa and Matthew Kahn find that recruits' socioeconomic and demographic characteristics, as well as ideology and morale, were predictors of loyalty to the Union cause, and presumably to postwar recognition.[160]

Historian James McPherson likewise shows that UA soldiers were bound together by notions of honor and ideology, and that men who enlisted in later years of the war were described as without these traits.[161] The question that remains is whether the pension premiums derived from the public and private moral calculus of the day influenced veterans' subsequent economic stability, health, work lives, and retirement trends. To address such questions, information is needed on economic, political, and social factors, both alone and in combination.

Our examination of Gettysburg UA soldiers leads us to the conclusion that they enjoyed enhanced access to the pension system. We find that they were 2.65 times as likely to apply for pensions relative to non-Gettysburg applicants. Once admitted to the system, they also fared better when applying for a pension ruling increase. Specifically, they were 17% more likely to be granted an increase than non-Gettysburg veterans.

These findings highlight the need for study of the social construction of disability as a major factor associated with UA pension awards, as well as under later social welfare programs. From a macroeconomic point of view, the growth of the Civil War pension system was made possible by a federal budget surplus.[162] The economic environment of the

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160. *See* Costa & Kahn, *supra* note 139, at 1-2, 12-13 (discussing findings derived from the Civil War data set, and noting wide variations by state in "moral quality" of recruits, with border states showing high shirking rates).

161. *See* MCPHERSON, *supra* note 96, at 8-9, 13, 116 (discussing moral and ideological bounds of UA soldiers).

162. *See* SKOCPOL, PROTECTING SOLDIERS AND MOTHERS, *supra* note 7, at 107–15 (analyzing federal budget surplus trends from 1866 to 1920 and their relation to Civil War pension laws); *see also* COSTA, *supra* note 28, at 35 (commenting that high tariffs on imports produced the federal budget surplus); Sanders, *supra* note 53, at 143–44 (commenting that the Republicans' constant support for high tariffs to protect American industries led to increased

late 1800s may be linked in subsequent research to pension policy and corresponding attitudes toward targeted disabled beneficiaries such as Gettysburg survivors and native-born soldiers.

We are pursuing related lines of study in the examination of the extra-disability forces on the lives of UA veterans. One route, which is an extension of our work identifying the factors behind premiums and penalties in the pension scheme, comes with the expansion of the Civil War data set. We are beginning to compare white and African-American UA pension claimants' access to the system, disability types and severity, attorney usage, and pension outcomes.[163] Estimates suggest that roughly 186,000 African Americans served in the UA. Most of these veterans were freed from Southern states and joined the UA in the later years of the war.[164] Little is known about the perceptions and experiences of this cohort of UA survivors.

In a second line of study, we are examining whether one explanation for the finding of pension premiums and penalties for veterans from different groups or background characteristics may be a result of differences in disability type and severity. We have demonstrated that the findings in the present study are not artifacts of the positive relationship between disability type and pension award. When we restrict the pension outcome regressions to recruits claiming GSW, the findings still hold, namely, the Gettysburg premium in the odds of being granted a ruling increase remains at 17%.

The next step is the construction of a composite health index, either directly from the surgeons' ratings for each disability or indirectly from symptoms pertaining to each disability, to separate the disability contribution from the nondisability contribution, such as Gettysburg status, residence at enlistment,[165] nativity, and attorney usage on

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income from the customs houses which led to the governmental surplus); Maris A. Vinovskis, *Have Social Historians Lost the Civil War? Some Preliminary Demographic Speculations, in* TOWARD A SOCIAL HISTORY OF THE AMERICAN CIVIL WAR 1, at 25-27 (Maris A. Vinovskis ed., 1990) (calculating Civil War pension benefits from 1866 to 1905 as a function of the federal budget and finding that in 1893 pensions constituted 40% of the overall federal budget, far more than the approximate 3% spent on veterans today).

163. *See* Dora Costa, Memorandum, Early Indicators of Later Work Levels, Disease, and Death (Feb. 13, 2001) (on file with authors) (discussing study of African-American UA veterans).

164. *See* Skocpol, *Social Security*, *supra* note 7, at 138 n.128 (citing estimates).

165. For instance, we find that Gettysburg veterans sampled are predominantly from the Northeast and from more professional occupations. *See supra* fig. 3; fig. 6. Costa and Kahn likewise find that soldiers from professional occupations were more likely to be promoted. *See*

pension outcomes. This study will assess the relative importance of nondisability forces while statistically controlling for impairment type and severity, as well as for claimant health and mortality rates.

Information from a composite health index in the Civil War data set is significant to contemporary policy researchers modeling disability and environmental factors that affect individual behavior in claims for government benefits, such as for Social Security Disability Insurance (SSDI), and subsequent labor force participation. The index may help in the assessment of the relation between contemporary disability laws such as the Americans with Disabilities Act (ADA), economic incentives and disincentives in government benefits programs, and the labor force participation of persons with disabilities.[166]

In the historical data set, Civil War pensions influenced disabled UA veterans' labor force participation, wealth accumulation, and retirement trends in ways that changed public attitudes about this cohort and the pension system. Can the same process be documented with regard to the operation of contemporary disability policy and perceptions of the ADA?[167]

Economists John Bound and Timothy Waidmann examine the labor force participation of persons with disabilities during the 1990s, coinciding with the passage of the ADA.[168] Critics argue that the costs attendant to ADA implementation—hiring and accommodation costs—have had negative causal effects on the labor force participation of

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Costa & Kahn, *supra* note 139, at 23. Therefore, further study is needed to estimate the individual and combined contribution of these nondisability factors of occupation, residence at enlistment, and other socioeconomic factors to the prediction of pension outcomes and subsequent health and mortality. *See also* Peter Blanck, Claudia Linares & Chen Song, *Evolution of Disability in Late 19th Century America: Civil War Pensions for Union Army Veterans with Musculoskeletal Conditions*, 20 BEHAV. SCI. & L. 681, 681-97 (2002) (finding changes in UA veterans' age and environment affected morality rates).

166. For an excellent discussion of these issues, see John Bound & Timothy Waidmann, *Accounting for Recent Declines in Employment Rates Among Working-Aged Men and Women with Disabilities*, 37 J. HUM. RESOURCES 231 (2002) (discussing related analysis and showing that growth of the SSDI program accounted for the decline in the relative employment of the disabled after passage of the ADA).

167. For a discussion of these issues involving the impact of the ADA on the labor force participation of persons with disabilities, see Peter Blanck et al., *Is it Time to Declare the ADA A Failed Law?*, *in* WHAT IS CAUSING THE DECLINE IN THE EMPLOYMENT OF PEOPLE WITH DISABILITIES?: A POLICY PUZZLE (David C. Stapleton et al., eds.) (forthcoming 2003); Susan Schwochau & Peter Blanck, *Does the ADA Disable the Disabled?: More Comments*, 42 INDUS. REL. 67-77 (2003).

168. Bound & Waidmann, *supra* note 166.

disabled workers.[169] Bound and Waidmann show, however, that much of the decline in the labor force participation of persons with disabilities in the 1990s is due to the contemporaneous growth in the SSDI program.[170] Rather than costs imposed by the ADA or the supposed malingering behavior by the "marginally disabled," Bound and Waidmann show that "most of those who apply for disability transfers suffer from potentially disabling conditions."[171]

What is the relevance of our research to Bound and Waidmann's conclusions? Our studies illustrate that historically, as in contemporary society, negative and stereotypical views, either purposefully or unknowingly, contribute to conceptions of disabled persons as "illegitimate," "malingering," and "unworthy" (or conversely "worthy" as in the case of the Gettysburg cohort) despite evidence to the contrary.[172]

Economist Edward Yelin, in his analysis of the SSDI program, examines similar conceptions in the context of individual withdrawal from the labor force with receipt of disability benefits.[173] Yelin's ultimate conclusion is relevant and stark: "[M]alingering is a myth, one now being used [by politicians] to legitimate cutbacks in disability benefits."[174] Yelin believes, as we suggest, that "the debate about the work disability problem takes place in the context of a larger debate about the role of entitlement programs in the society as a whole."[175]

Despite evidence to the contrary, disability policy in general and the ADA in particular, are portrayed by some as encouraging

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169. For a review of these criticisms, see Blanck et al., *supra* note 167 and Schwochau & Blanck, *supra* note 167.

170. Bound & Waidmann, *supra* note 166, at 9-10.

171. *Id.* at 16. This conclusion draws attention to the need for a health/disability composite index to assess the extent to which changes in labor force participation are due to strategic economic choices, health condition, and the ability to work.

172. *See* Blanck, *supra* note 7, at 200-01 (discussing findings); *id.* at 159-70 (noting that this bias was found in the Civil War data set, despite the finding that examining surgeons commented on the possibility of malingering or fraud in less than 1% of the cases studied).

173. Edward Yelin, *The Myth of Malingering: Why Individuals Withdraw from Work in the Presence of Illness*, 64 MILBANK Q. 622, 623-26 (1986) (discussing empirical findings).

174. *Id.* at 647 (noting that higher disability insurance rates did not necessarily relate to individual withdrawal from the labor force, even when considering the health status of the individual); *see also* GAO, SSA DISABILITY: SGA LEVELS APPEAR TO AFFECT THE WORK BEHAVIOR OF RELATIVELY FEW BENEFICIARIES, BUT MORE DATA NEEDED, GAO-02-224, at 2 (2002) (finding that Social Security benefits affect the work patterns of a small proportion of Disability Insurance beneficiaries).

175. Edward Yelin, *Displaced Concern: The Social Context of the Work-Disability Problem*, 67 MILBANK Q. 114, 116 (Supp. 2 1989).

shirkers and malingerers.[176] Some claim that many disabled people seeking protection under the ADA pose a challenge to notions of fairness in American society.[177] Once again, the "moral calculus" of disability law and policy comes into play.

The study of Gettysburg survivors is one way to learn more about the social, cultural, and political calculus and legacy of the Civil War pension scheme. We hope it also contributes to the understanding of long-held attitudes about disability and individual worth in contemporary American policymaking.

176. *See, e.g.*, Michelle Stevens, *High Court Must Define Disability*, CHI. SUN TIMES, May 2, 1999, at 35 (stating that "[a]ll manner of malingerers have jumped onto the ADA bandwagon," and that the ADA protects "shameless shirkers").

177. *See, e.g.*, Mona Charen, *Frenetic Guidelines Straight from EEOC*, WASH. TIMES, July 31, 1997, at A14 (commenting that the ADA has "gone far beyond the benevolent intentions of its designers ... [and] has accomplished nothing less than to undermine our traditional understanding of character, behavior, and personal responsibility").

METHODOLOGICAL APPENDIX

A. Ordinary Least Squares (OLS) Models with Robust Standard Errors

A critical assumption required for the OLS standard errors to be correct (unbiased and consistent) is that there is a random and representative sample (i.e., the sample observations are independent). Although it is reasonable to assume that the pension applications are independent across different UA veterans, this assumption is inappropriate for different applications on the same veteran. The assumption of independence implies that a veteran's application in one year is unrelated to his applications in other years, which is almost surely false.

One way to think about the breakdown of this assumption of independence for applications of the same veteran is that there is not as much independent information in the sample as implied by the total sample size. The magnitude of the problem depends on the degree of correlation between applications for the same individual. It is an artifact that year-to-year applications for the same veterans are highly correlated, in which case ignoring the nonindependence will lead to substantial understatement of the true standard errors and incorrect statistical inference.

The statistical package we use, STATA, enables the standard errors to be adjusted for correlations among veterans. The command "regress" used together with the "cluster" option gives OLS estimates, while allowing the dependent variable to have between-year correlations for a given individual. The standard error adjustment is achieved by assuming an individual-specific random effect that is normally distributed. The correlation between any two different years is assumed to be constant for an individual.

B. Logistic Models (LOGIT) and Odds Ratios (ORs)

When we attempt to explain a decision or an outcome measure that is discrete rather than continuous, we can use binary choice models that explain a binary (0/1) dependent variable. For example, we can model the decision to apply for a pension by creating a dummy variable called "apply" that consists of veterans applying

(apply = 1) versus not applying (apply = 0). Likewise, we can measure a pension ruling outcome by a variable called "ruling increase," which assumes the value of 1 if the applicant received an increase in the monthly pension award, and 0 if the monthly pension award stayed the same or was reduced.

To link a binary variable to a set of socioeconomic factors, we can construct a regression model where the probability of an event occurring (e.g., getting a pension increase) is a function of the set of socioeconomic factors. Although the actual values of the dependent variable are either 1 or 0, the predicted values of the dependent variable from the regression model are viewed as probabilities with values between 0 and 1.

The problem with using the OLS method to explain a discrete dependent variable is that OLS suffers a major conceptual flaw. There is no assurance that predictions from the OLS model will reflect probabilities because we cannot constrain the predictions to the zero-one interval. This effect produces nonsense probabilities and negative variances.

A minor flaw of OLS is that the error terms are not independent of the explanatory variables. OLS produces unbiased estimates only if the error terms are independent of the explanatory variables. If the error terms are correlated with the explanatory variables, as is the case with a binary dependent variable, OLS estimates are biased.

The Logistic model (LOGIT) produces predictions, expressed as probabilities. In the LOGIT, the probability that a veteran used an attorney or the probability that a ruling increase was granted has a logistic distribution. Unlike the OLS model that is a linear model, LOGIT models are nonlinear. As a result, coefficients of the LOGIT vary with levels of the explanatory variables.

A unique property of the LOGIT is that although a coefficient estimate varies with levels of all explanatory variables, the corresponding odds ratio (OR), or the probability of one category over that of the reference category, remains constant. This is why researchers often choose to present ORs instead of coefficient estimates (usually evaluated at the mean of all explanatory variables).

OR is a relative measure. In the pension access model, for instance, if enlistment in the Northeast is the reference category

and if the OR of enlistment in the Midwest is 1.29, it follows that recruits in the Midwest are 1.29 times as likely to apply for pensions than those in the Northeast. It is equivalent to interpret the result as recruits in the Midwest being 29% more likely than those in the Northeast to apply for pensions.[178]

178. For a detailed technical explanation of regression techniques in general, see WILLIAM H. GREENE, ECONOMETRIC ANALYSIS ch. 21 (2d ed. 1993). For a specific discussion on the LOGIT procedure, see SAS INSTITUTE INC., LOGISTIC REGRESSION EXAMPLES USING THE SAS SYSTEM (4th ed. 1997).