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"Benefit of the Doubt": African-American Civil War Veterans and Pensions

A reading of Civil War pension statutes and lawmakers' pronouncements suggests a federal military-benefit system that was color-blind. Pension laws rarely mention race, and a Congressional committee saw "no reason why the heirs of colored soldiers should not be put on the same footing as to bounty and pensions as the heirs of white soldiers, and many reasons why they should." Nearly 200,000 African Americans served in the Union armed forces, and statements such as these would have raised hopes of equal treatment for black survivors and their heirs.[1]

Yet race was never far from the minds of the men who administered the pension laws. In their certainty about the character of "ignorant colored people," officials painted a curious picture of African-American pension applicants: They were at once devious ("those of that race who can be counted reliable and absolutely truthful, are a rarity indeed") and naïve (a government auditor

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1 Report of the Committee on Pensions, Bounty, and Back Pay, *House Rpt. 1883,* 47th Cong., 2d sess. 1882/83, serial set 2159, 1. The Pension Bureau also had a number of African-American employees. See Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Mass., 1992), 596 n.

wondered at "the general credulity with which the race is apt to listen to the proposals of a *sharper*").[2]

Government officials were untroubled by inconsistencies in the intent and administration of pensions for black veterans and their survivors. Instead, administrators justified the attention given to African Americans' character as necessary "to afford protection to the government and honest claimants." Officials' motivation, however, is not the only, or the most significant, window on the role of race in the Civil War pension system; the experiences of black veterans, such as Clay Ballard, are equally important.[3]

Born a slave in Kentucky, Ballard enlisted in the 116th Colored Infantry in 1864, survived the war without serious disease or injury, and was discharged in 1867. Ballard returned to Kentucky, where he and his wife were running a boardinghouse when his health declined in the late 1880s. In 1890, when Congress changed the law to allow pensions for disabilities that developed after military service, Ballard submitted his first application, citing rheumatism and scurvy. Despite the testimony of a private physician that Ballard was "unfit for hard manual labor," a board of physicians found no pensionable disabilities. Ballard asked that a reevaluation be conducted in Cincinnati, insisting, "I did not receive a fair and impartial examination" because no "colored ex-soldier can get justice from that board [in Lexington, Kentucky]." Ballard received another examination (in Frankfort, Kentucky), and the physicians found him partially disabled. But, this time, the Pension Bureau's reviewers rejected the claim. Ballard filed a new application claiming additional disabilities in 1894, but he died the next year before another examination could be scheduled.[4]

Ballard's case would ordinarily have ended at this point, but his widow Mary, assisted by the pension attorney who had represented her husband, pursued his claim in order to obtain a

2 E. D. Townsend to Secretary of War, April 1, 1878, *Senate Exec. Doc. 57,* 45th Cong., 2d sess., 1877/78, serial set 1781, 5; pension examiner quoted in Donald R. Shaffer, *After the Glory: The Struggles of Black Civil War Veterans* (Lawrence, 2004), 130; E. B. French to Secretary of War, April 24, 1872, *Senate Exec. Doc. 57,* 45th Cong., 2d sess., 1877/78, serial set 1781, 12 (emphasis in original).

3 E. B. French to Secretary of War, Jan. 25, 1878, *Senate Exec. Doc. 57,* 8.

4 Affidavit of J. C. Carrick, n.d., affidavit of Clay Ballard, n.d., Pension File of Clay Ballard (116th U.S. Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration), National Archives, Washington, D.C.

widow's pension. The Pension Bureau stood its ground, however, declaring in 1897 that Clay Ballard had not been prevented from "earning a support," whereupon the attorney appealed, arguing that "it certainly looks strange . . . when soldiers die without being disabled." The Bureau, suspecting that its rejections "cannot now be defended," reopened the case, and after taking depositions, a special examiner decided that Ballard had indeed been "practically totally disabled," clearing the way for Mary Ballard's pension.[5]

Other than an endorsement of Clay Ballard as "one of the better class of negroes," race is largely absent from his pension file. It would be premature, however, to conclude that Ballard was the victim of a simple oversight. If other African Americans disproportionately shared Ballard's acknowledged mistreatment at the hands of the Pension Bureau, the pension system's apparent color-blindness would have counted for little. If, however, Ballard's case were atypical, the federal government's promise to "defend, to the last dollar and the last man," the rights of black recruits to be "soldiers of the Union–nothing less and nothing different" might still retain credence.[6]

Recent studies of black pension applicants suggest that Ballard's experience was commonplace. Noting that African Americans encountered more outright rejections and smaller pension awards than did whites, researchers point to biased pension examiners and documentation rules that were more difficult for black veterans than white veterans to satisfy. These findings, together with studies that have found longevity benefits from Civil War pensions for white veterans, are the starting point for this article. The ultimate questions are whether African Americans were discouraged from applying for pensions in the first place; whether, considering the importance of other characteristics, race swayed

5 J. F. Kinney to Secretary of the Interior, Oct. 9, 1897; J. F. Raub to F. D. Stephenson, May 21, 1898; Percy S. Crowe to Commissioner of Pensions, Feb. 11, 1899, *Senate Exec. Doc. 57*.

6 Deposition of F. O. Young, Feb. 9, 1899, *Senate Exec. Doc. 57;* John A. Andrew, paraphrasing Edwin Stanton to George T. Downing, March 23, 1863, in Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland (eds.), *Freedom: A Documentary History of Emancipation* (New York, 1982), 88–89. Stanton was referring to free black recruits, but ex-slaves were also convinced that "tings can never go back, because we have showed our energy and our courage and our naturally manhood" (quoted in Gary Kynoch, "Terrible Dilemmas: Black Enlistment in the Union Army during the American Civil War," *Slavery and Abolition,* XVIII [1997], 123).

pension awards; and whether black veterans shared in any health benefits from Civil War pensions.[7]

The data for this article come from two samples of Civil War soldiers. The first, containing information about African Americans, is contained in a sample created by Fogel and colleagues at the Center for Population Economics at the University of Chicago. This sample consists of service and pension records of the men who joined fifty-two randomly selected companies of the U.S. Colored Troops. The second is an earlier sample created by the same researchers, containing the records of men who served in 303 white infantry companies. This essay will refer to these data as the CPE samples.[8]

RACE AND PENSION APPLICATIONS Applying for a pension was a complex process. A veteran began by submitting the particulars of his military service and disability to the Pension Bureau, which requested service confirmation from the War Department and occasionally asked applicants (or special examiners in unusually challenging cases) to obtain corroboration from comrades or commanders. If his application was thus far acceptable, the veteran was instructed to obtain an examination from a government-appointed physician (or more commonly a board of physicians), who evaluated his medical claim, expressing the findings in a recommended "rating" of the applicant's degree of disability. Legal and medical reviewers at the Pension Bureau made the final decision on what monthly payment, if any, the applicant would receive. Rejected applicants could file new claims when, as in Bal-

7 Shaffer, *After the Glory,* 119–137; Blanck and Chen Song, "Civil War Pensions for Union Army Veterans: Race and Disability," paper presented at the National Bureau of Economic Research Cohort Studies Meeting, Chicago, 2004; Logue and Blanck, "'There is Nothing That Promotes Longevity Like a Pension': Disability Policy and Mortality of Civil War Union Army Veterans," *Wake Forest Law Review,* XXXIX (2004), 49–67; Martin Salm, "The Effect of Pensions on Longevity: Evidence from Union Army Veterans," Discussion Paper No. 2668, Institute for the Study of Labor (Bonn, Germany, 2007).

8 Both the African-American and white samples are included in Robert W. Fogel et al., *Aging of Veterans of the Union Army: Military, Pension, and Medical Records, 1820–1940,* University of Chicago, Center for Population Economics, http://www.cpe.uchicago.edu. On the evolving inclusion of African Americans in the Union army and the formation of the U.S. Colored Troops, see John David Smith, "Let Us All Be Grateful That We Have Colored Troops That Will Fight," in *idem* (ed.), *Black Soldiers in Blue: African American Troops in the Civil War Era* (Chapel Hill, 2002), 1–77; Joseph T. Glatthaar, *Forged in Battle: The Civil War Alliance of Black Soldiers and White Officers* (New York, 1990); Noah Andre Trudeau, *Like Men of War: Black Troops in the Civil War, 1862–1865* (Boston, 1998)

lard's case, new disabilities arose, and pensioners could request payment increases when the law changed.[9]

Ex-soldiers who had changed a slave name undoubtedly had a tough time documenting their service, as did impoverished African Americans who had to travel to examining boards and illiterate black veterans who had to obtain written testimony. Although "claim houses"—firms headed by attorneys specializing in pension claims—promised to assist veterans with their applications in exchange for a government-regulated fee, studies that compare African-American and white pensioners find a substantially lower proportion of applications among black veterans. Did the application process become the first level of discrimination against black veterans?[10]

At first glance, it appears that African Americans were indeed discouraged from seeking a pension. Slightly less than one-third (31.9 percent) of all black enlisted men in the CPE samples ever applied for a pension, whereas more than half (52.5 percent) of white veterans applied. Yet these aggregates mask complexities in gaining access to the pension system: Proportionately more white soldiers survived the war (85 versus 79 percent of black recruits), for example, and any racial difference in application rates might not have remained uniform throughout changes in pension law.

Table 1 allows for these two influences on pension applications. Examining survivors of the war, the table shows the percentage of veterans who applied for a new pension in the first two major periods of pension law. During the "general-law" period, from the beginning of pensions in 1862 until mid-1890, applicants

9 The medical-examination system evolved from a roster of individual contract physicians and boards in major cities through the early 1880s to a network of more than 1,200 boards (most of which had three members) throughout the country by 1895. See Annual Report of Commissioner of Pensions, *House Doc. 5/5,* 54th Cong., 1st sess., 1895/96, serial set 3383, 32. Useful summaries of the application and evaluation process in the 1890s are in Annual Report of the Secretary of the Interior, *House Exec. Doc. 1/15,* 52d Cong., 1st sess., 1891/92, serial set 2933, 70–73; U.S. Government Printing Office, *A Treatise on the Practice of the Pension Bureau* (Washington, D.C., 1898).

10 See Shaffer, *After the Glory,* 123–128; Edward A. Miller, Jr., *The Black Civil War Soldiers of Illinois: The Story of the Twenty-Ninth U.S. Colored Infantry* (Columbia, S.C., 1998), 179–183. On pension attorneys, see Blanck and Song, "Civil War Pension Attorneys and Disability Politics," *University of Michigan Journal of Law Reform,* XXXV (2001/02), 137–217. Shaffer, *After the Glory,* 209, finds that 64% of black veterans sampled applied for a pension at least once, compared to 77% of whites. Blanck and Song, "Civil War Pensions," report that applications from black veterans amounted to 9.2% of all pension applications, though African Americans comprised 14.5% of the sample.

Table 1 Percentage of Civil War Survivors Who Applied for a New Pension by Race, CPE Samples

	GENERAL LAW 1862–1890	DISABILITY LAW 1890–1907
Whites	43.9	91.6
African Americans	19.7	93.6
Number of cases	29,527	8,004

had to demonstrate that military service had caused a disability that limited their capacity "to procure a subsistence by manual labor." After passage of the Disability Pension Act in mid-1890, pensions became a general disability benefit: Almost any serious impairment, whether it was service-related or not, would qualify a veteran for a pension. The analysis ends in February 1907, when Congress made old age itself (defined as sixty-two years old, which included almost all Civil War veterans) the legal basis for a pension.[11]

The table shows two striking patterns in veterans' behavior. First, the reactions of white and African-American veterans to the general law were markedly different. More than 40 percent of white veterans sought a pension before mid-1890, but fewer than 20 percent of black veterans applied. Under the disability law, however, veterans of both races overwhelmingly sought access to the pension system; indeed, the proportion of African-American veterans who applied exceeded that of whites. This new participation throws the general-law results into sharp relief. Why did black veterans disproportionately shy away from the first pension system?[12]

Shaffer's pioneering study of African-American veterans attributes much of the racial difference in pension seeking to the disadvantages that black veterans faced in navigating the application process. Since most African-American soldiers had been slaves,

11 For a summary of pension-law changes, see Blanck, "Civil War Pensions and Disability," *Ohio State Law Journal,* XLII (2001), 117–127.

12 The population "at risk" to apply for a pension after 1890, shown in the second column of Table 1, includes only those who were known (or estimated, according to the method described in the Appendix) to be alive and who had not yet applied.

and since many ex-slaves were impoverished and illiterate, Shaffer argues that black veterans were especially unlikely to hear about pensions and unable to document their claims.[13]

The effects of deprivation cannot be directly assessed from the CPE data. Because the literacy of Civil War recruits was not recorded, applicants' signatures (or marks) on pension records are the principal indicators of sample members' literacy. Those who never applied are an even greater mystery. Exploring reasons for pension seeking thus requires information collected during the war, one item of which was soldiers' place of birth.

Indeed, birthplace is the basis of an excellent proxy for gauging postwar African-American deprivation. Although former servitude is not listed in military records, ex-slaves can reliably be identified from their state and county of birth. In the 1860 census, 99.6 percent of the black population in thirteen southern states, plus the majority-slave counties of Maryland, were slaves, whereas 93.9 percent of African Americans living elsewhere were free. This slave–free distinction was reflected in literacy and wealth after the Civil War. In 1870, 64 percent of black men aged thirty to fifty who had been born in free states could write, as opposed to 13 percent of those born in slave states; freeborn black men held an average of $436 in property versus $116 for ex-slaves.[14]

Table 2 weighs the effect of this distinction against two characteristics that were directly related to eligibility for pensions prior to 1890. A military hospital record of confinement for a wound or for a disease characterized as "severe," "acute," or "chronic" was a crucial asset to a claim for a general-law pension, and Table 2 includes dummy variables for wounds and illnesses. The table reports a proportional-hazards analysis, which models the risk of an event (in this case, a pension application) taking place; separate analyses are shown for white and African-American veterans. Since proportional-hazards analysis takes account of each person's

13 Shaffer, *After the Glory,* 123–126.

14 Census comparisons are derived from the IPUMS samples. See Steven Ruggles et al., *Integrated Public Use Microdata Series: Version 3.0* (Machine-readable database), Minneapolis, Minnesota Population Center (producer and distributor), 2004. Since county of birth was not recorded in the census and since Maryland was nearly evenly divided between slaves and free African Americans, Maryland is excluded from the figures. The comparable literacy figure for white men in 1870 is 91%. Property averages are based on census-listed real and personal property combined.

Table 2a Relative Influences on the "Risk" of Applying for a New Pension before mid-1890 by Race—All Survivors of Civil War (CPE Samples)

	WHITES			AFRICAN AMERICANS		
VARIABLE	MEAN	HAZARD RATIO	*P*	MEAN	HAZARD RATIO	*P*
Hospitalized for wound	.287	2.34	.001	.124	2.23	.001
Severe/acute/chronic illness	.141	1.67	.001	.121	1.42	.001
Former slave				.828	.76	.002
Number of cases	25,812		3,717			
Initial −2 log likelihood	215,070.9		10,877.4			
Improvement with covariates	2,293.0		105.5			

Table 2b Relative Influences on the "Risk" of Applying for a New Pension before mid-1890 by Race—Former Slaves Only (CPE Samples)

VARIABLE	MEAN	HAZARD RATIO	*P*
Hospitalized for wound	.123	1.996	.001
Severe/acute/chronic illness	.137	1.331	.012
Proportion of company freeborn	.122	1.047	.890
Enlisted in DE/MD/VA/DC	.188	1.504	.002
Number of cases		2,764	
Initial −2 log likelihood		7,858.5	
Improvement with covariates		78.6	

time spent at risk of an event, veterans' longevity has been estimated where necessary (see Appendix).[15]

Table 2 presents hazard ratios, that is, the proportional effect on the "risk" of submitting a pension application associated with the reported value of each independent variable. Part A of the table shows that former slaves were especially reluctant to apply for a pension–wartime health aside—and that freedmen were nearly 25 percent less likely to apply than were freeborn black veterans. Part B explores this difference by drawing on a study of the CPE samples in which the researchers suggest that interaction between former slaves and free blacks in the army may have contributed to higher literacy among ex-slaves. It is conceivable that such interaction also inspired former slaves to apply for pensions. Hence, Part B of Table 2 focuses on ex-slaves in the CPE samples. A variable is added for the percentage of company comrades who were freemen (using the slave–free classification procedure described above), and a dummy variable identifies recruits who enlisted in eastern border areas, which produced the companies with the most freeborn African Americans. The latter variable is meant to account for interaction between slaves and free blacks before the war.[16]

The proportion of freeborn comrades produces a positive sign on the tendency to apply for a general-law pension, but its effect is

15 For good explanations of proportional hazards and its application to historical data, see John G. Treble, "On Marrows: Evidence from the Victorian Household Panel Study," *Historical Methods,* XXVIII (1995), 183–193; Dora L. Costa, "Height, Weight, Wartime Stress, and Older Age Mortality: Evidence from the Union Army Records," *Explorations in Economic History,* XXX (1993), 424–449; J. Morgan Kousser, "'The Onward March of Right Principles': State Legislative Actions on Racial Discrimination in Schools in Nineteenth-Century America," *Historical Methods,* XXXV (2002), 177–204. Age, which is another potential influence on the likelihood of applying for a pension, is not included in Table 2 since it was used in estimating the survival of non-applicants (see Appendix). The validity of proportional-hazards analysis rests on the assumption that the effect of the predictor variables is the same throughout the time of observation. This assumption is potentially jeopardized by the Arrears Act of 1879, which, though it did not alter the basic pension requirements, stimulated a resurgence of applications via its authorization of a retroactive payment dating to an applicant's discharge from the army (see Skocpol, *Protecting Soldiers,* 115–118). A useful test for violations of the assumption is to divide the observation time into sub-periods and compare results. In such an analysis (not given herein), the coefficients are reasonably stable, especially the chief variable of interest, former-slave status, which shows little change after the Arrears Act. For economy of presentation, Table 2 covers the entire general-law period to 1890.

16 See Costa and Matthew E. Kahn, "Forging a New Identity: The Costs and Benefits of Diversity in Civil War Combat Units for Black Slaves and Freemen," *Journal of Economic History,* LXVI (2006), 936–962. The places that were the source of units with the most freemen were Maryland, Delaware, Virginia, and the District of Columbia.

displaced by the stronger influence of enlisting (and probably having lived in) a border state, which raised the likelihood of applying by 50 percent. This finding supports the argument that slavery's deprivations could discourage pension-seeking and that ex-slaves who had grown up in the vicinity of free blacks, and so likely to join companies filled with freeborn comrades, were more apt to seek general-law pensions than were freedmen who had been deprived of this contact.[17]

Both parts of Table 2, however, show that all black veterans joined their white peers in calculating their chances for a pension. Having a wound, the surest sign of military service's toll on the body, doubled the likelihood that veterans of both races would seek a pension; a record of a significant service-related illness also considerably raised the propensity to apply. Part of black veterans' reluctance to seek general-law pensions undoubtedly came from lack of experience and the resources necessary to negotiate a bureaucratic maze, but their disproportionate lack of wartime trauma cannot be denied. Because full-scale recruiting of African Americans began nearly two years into the war and because some commanders resisted using black troops in combat, only 12 percent of men in the black sample were hospitalized for wounds, versus 29 percent among the white sample.[18]

Table 2 cannot capture an additional difference within and between the races. The health problems of non-applicants after their mustering-out are largely unknown, but death rates suggest that African-American veterans, especially former slaves, disproportionately suffered from poor health. The crude death rate from 1865 to 1890 for members of the CPE samples with known death dates was 15 per 1,000 person-years for ex-slaves, 10.7 for freeborn black veterans, and 5.6 for whites.

The morbidity that undoubtedly underlay this mortality difference may have influenced pension seeking. Though Table 2 shows that service-related health problems encouraged black veterans to apply for a pension, Table 1 makes it clear that any such

17 If used alone, rather than in conjunction with border-area enlistment, the percentage of freeborn company comrades produces a statistically significant effect (odds ratio 1.007, meaning that a 50-percentage-point increase in freeborn comrades raises the likelihood of applying by 35%), but place of enlistment reduces the comrades effect to the net shown in Table 2b.

18 On combat use of black troops, see Glatthaar, *Forged in Battle,* 164; Miller, *Black Civil War Soldiers,* 114. This resistance could be overcome, however (*ibid.,* 59–60). The term *wounds* in this article includes injuries as well as gunshot and artillery wounds.

encouragement took place far less often than among whites. Current illnesses and injuries, which probably plagued black veterans more than their white peers, could easily have overwhelmed health problems that had arisen in the army. If a veteran had been hospitalized for diarrhea and then developed tuberculosis or heart disease after the war, the general law offered him no assistance. As their health continued to worsen, black veterans who survived into the 1890s would have been especially enthusiastic about new pensions for recent health problems.[19]

Multivariate analysis of pension seeking under the disability law is unnecessary, because the nearly universal participation shown in Table 1 leaves little variation to explain. Application procedures under the new law became only marginally easier. Military service still had to be proven, and a disability not due to "vicious habits" had to be verified, though the burden of connecting it to the war was lifted. Yet, despite the still-daunting bureaucratic rules, former slaves now pursued pensions as eagerly as did white veterans.

The new law's acceptance of current disabilities was potentially enough to trigger a flood of new applications, but not among ex-slaves unable to learn about its provisions or intimidated by the pension system's continuing intricacies. Contemporary developments, however, may have overcome these problems. Chief among such developments was a campaign in the 1890s aimed at persuading Congress to create a system of bonuses and pensions for all former slaves. The plan was never enacted, but Pension Bureau officials were sufficiently worried about confusion between existing and proposed pensions to order repeated investigations into the ex-slave plan's promoters. The promoters were "setting the negroes wild," wrote one investigator, "robbing them of their money and making anarchists of them." As an ex-slave pension as-

19 On a late nineteenth-century "health crisis" among African Americans, see Kenneth F. Kiple and Virginia H. King, *Another Dimension to the Black Diaspora: Diet, Disease, and Racism* (New York, 1981), 187–190. For a more polemical view, see W. Michael Byrd and Linda A. Clayton, *An American Health Dilemma: A Medical History of African Americans and the Problem of Race* (New York, 2000), I, 325–357. See also Costa, "Race and Older Age Mortality: Evidence from Union Army Veterans," National Bureau of Economic Research Working Paper 10902, 2004 (http//www.nber.org/papers/w10902); Douglas Ewbank, "History of Black Mortality and Health before 1940," *Milbank Memorial Fund Quarterly,* LXV (supp. 1) (1987), 100–128; Samuel H. Preston and Michael R. Haines, *Fatal Years: Child Mortality in Late Nineteenth-Century America* (Princeton, 1991), 81–85.

sociation formed new chapters and pension advocacy spread by word of mouth, black veterans became emboldened to apply for Civil War pensions.[20]

Claim houses and their agents also redoubled their efforts to stimulate new pension applications in the wake of the disability law. A member of Congress declared in 1900 that claim agents were "writing all over the country, . . . hunting up everybody to whom we owe anything." Indeed, the already heavy reliance on claim houses, which was greater among African Americans than among white veterans, became nearly universal after 1890.[21]

It is improbable that any post-1890 change by itself produced the extraordinary disappearance of a racial difference in pension seeking. Acting together, however, the provisions of the new law and the pension-seeking crusades contributed to a revolution in behavior. In an era usually known for proscription and violence directed at African Americans, black veterans began to assert their right to participate as equals in a government program.

APPLICATION SUCCESS AND REJECTION The case of Willis Pleasant points to the complexity of black veterans' behavior and raises questions about their treatment in the pension system. Pleasant, like Ballard, served in a Kentucky regiment of the U.S. Colored Troops, but Pleasant had extensive health problems while in uniform. Serving in Kentucky after the end of hostilities, Pleasant sought medical attention on fourteen occasions for such maladies as diarrhea, rheumatism, and a foot injury. Pleasant submitted his first pension application in 1890 after passage of the Disability Pension Act, and his actions suggest that he had just discovered the system. He first applied under the disability law, later supplementing the claim with another in 1891 in which he cited the military origins of his present neuralgia and intestinal disorder. Examining surgeons rated Pleasant as one-third disabled under the later law,

20 On the Pension Bureau's alarm, see Annual Report of Commissioner of Pensions, *House Doc. 5/6,* 56th Cong., 1st sess., 1899/1900, serial set 3917, 47–48. Mary Frances Berry, *My Face Is Black Is True: Callie House and the Struggle for Ex-Slave Reparations* (New York, 2005), 83, 33–74, 93–121.

21 Joseph Cannon, quoted in Berry, *My Face,* 74. Claim-house assistance to applicants, not differentiated between that offered by attorneys or their brokers, is recorded for members of the CPE samples: 87% of black applicants and 85% of white applicants for new pensions enlisted claim houses under the general law, and 96% of black applicants and 92% of white applicants used claim houses under the disability law.

but the Pension Bureau rejected the recommendation. Both surgeons and Bureau rejected Pleasant's general-law claim. In 1900, since Pleasant was well past the recently defined age of "senility," he was granted a pension of $8 a month. Were white applicants treated in the same manner as was Pleasant? How much did his race, and that of other applicants, influence pension decisions?[22]

To explore this question, the focus must shift from veterans' actions to their applications and their manner of evaluation. The centerpiece of the judgment process was supposed to be the medical examination. As one pension commissioner asserted, the examination was nothing less than "the basis of pension–it determines the disability." Yet the Pension Bureau had a contentious relationship with its appointed physicians. The same commissioner complained that the examining physicians "are appointed and assigned to duty without any knowledge of the law, and practically without any experience or instruction," citing test examinations that revealed considerable inaccuracy and inconsistency in the ratings of applicants. On the basis of the Bureau's rejection of examining physicians' findings for Ballard and Pleasant, apparently *two* judgment processes affected pension applicants.[23]

Table 3 shows the results of these processes. Decisions by both physicians and the Pension Bureau are analyzed as dichotomies. Additional gradations of "success" were possible because applicants could be awarded varying payments under the law, but the starkest difference, and the one most likely to elicit the resentment expressed by Ballard, was the distinction between a pension and no pension.[24]

The table reveals differences in physicians' judgment of the races. Although most African-American applicants were recommended for a pension, the physicians were even more likely to

22 Pension File of Willis Pleasant (119th U.S. Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration), National Archives,Washington, D.C. In the late 1890s, the Pension Bureau ruled that applicants sixty-five and older would be allowed the minimum pension, "unless the evidence disclose[d] an unusual vigor and ability for the performance of manual labor in one of that age"; those seventy-five and older were to be assigned "senility" as a disability. See Annual Report of Commissioner of Pensions, *House Doc. 5/5,* 55th Cong., 2d sess., 1897/98, serial set 3642, 52. A presidential order in 1904 authorized the Bureau to classify applicants sixty-two and older as one-half disabled and seventy and older as fully disabled. Pleasant was born in approximately 1830.

23 Annual Report of Commissioner of Pensions, *House Doc. 5/6,* 57th Cong., 1st sess.,1901/02, serial set 4292, 73, 75.

24 Physicians' reports in Fogel et al., *Aging of Veterans of the Union Army.*

Table 3a Examining Physicians' Pension Recommendations by Race, Applicants for New Pensions, CPE Samples

	BEFORE 1890	1890–1907
% of white applicants recommended for a pension	75.1	90.4
% of African-American applicants recommended for a pension	67.9	78.4
Number of examinations	8,407	6,803

Table 3b Pension Bureau Awards by Race, Applicants for New Pensions, CPE Samples

% of white applicants awarded a pension	77.9	72.5
% of African-American applicants awarded a pension	39.4	45.7
Number of rulings	8,224	6,621

endorse white applicants' claims, especially under the disability law. Yet the Pension Bureau's decision making shows a far larger racial disparity. Under the general law, a racial difference of less than 10 percentage points in surgeons' approvals became a gap of thirty-eight percentage points in the hands of the Bureau, and a twelve-percentage-point difference grew to nearly twenty-seven points after 1890. The physicians' behavior raises suspicions of prejudice, but the decisions of the Pension Bureau are the central focus in this context, because the racial difference in its rulings was much larger and because the Bureau's judgment decided the actual awarding of a pension.[25]

Black veterans' lower approval rates might have stemmed from eligibility differences originating in their wartime service, or from the caprices of partisan politics. Two-thirds of black applicants lived in the South, without benefit of the alleged "order

25 The starting points for Table 3 are medical examinations that followed first applications, and the Pension Bureau's rulings on first applications. The Bureau occasionally overruled examining physicians' rejections, accounting for the higher approval rate for whites under the general law. Cases would sometimes lapse between examination and ruling, usually because of the applicant's death, thus explaining the difference between the examinations and rulings.

[that] was issued [in 1880] to reject no cases [in 'swing' states] pending the election," and African Americans' rush to apply under the disability law may have caught them in the "orgy of punishing and humiliating the pensioners of the Civil War" that supposedly occurred during President Cleveland's second term.[26]

Table 4 includes dummy variables to control for residence in the South and swing states and application during the second Cleveland term, plus variables for the applicant's age, wartime health, noncommissioned rank, and use of a claim house. To gauge the importance of race against these control variables, the white and black CPE samples have been combined and weighted.[27]

The table shows odds ratios (analogous to the hazard ratios presented above) from a logistic regression for each of the first two pension-law periods; application approval or rejection is the dependent variable. Instead of explaining away the racial difference in Pension Bureau approval rates, multivariate analysis underscores the importance of race in the judgment of applications. No matter their place of residence, their health while in the army, or their ac-

26 Testimony of Thomas P. Kane, Report of Select Committee on the Payment of Pensions, Bounty, and Back Pay, *House Rpt. 387,* 46th Cong, 3rd sess., 1880/81, serial set 1983, 389; Wiley Britton, *A Traveling Court: Based on the Investigation of War Claims* (Kansas City, 1926), 311, 308–309. See also Heywood Sanders, "Paying for the 'Bloody Shirt': The Politics of Civil War Pensions," in Barry Rundquist (ed.), *Political Benefits* (Lexington, 1980), 154–156; Mary R. Dearing, *Veterans in Politics: The Story of the G.A.R.* (Baton Rouge, 1952), 451–453; William H. Glasson, *Federal Military Pensions in the United States* (New York, 1918), 224; Donald L. McMurry, "The Political Significance of the Pension Question, 1885–1897," *Mississippi Valley Historical Review,* IX (1922), 19–36; Blanck and Song, "Civil War Pension Attorneys."

27 The South is defined as the former Confederate states, and swing states those that experienced two or more party switches in presidential elections from 1872 to 1892, plus Ohio, which favored Republican candidates throughout but is specifically cited in the testimony and in Sanders, "Paying for the Bloody Shirt." The CPE African-American sample constitutes an oversample: Black recruits comprised 14.7% of the combined white and black samples, whereas African Americans constituted approximately 8.4% of all Union recruits. On the Union total of approximately 2.1 million soldiers (some estimates include sailors as well), see Annual Report of the Commissioner of Pensions, *House Exec. Doc. 1/15,* 47th Cong., 2d sess., 1882/83, serial set 2100, 723–725; *Historical Statistics of the United States, Colonial Times to 1970* (Washington, D.C., 1975), II, 1140; James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York, 1988), 306–307 n.; Benjamin A. Gould, *Investigations in the Military and Anthropological Statistics of American Soldiers* (New York, 1869), 27. Applying the ratio of enlistments to individuals in this article's samples to the total enlistments given in U.S. Government Printing Office, *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, 1861–1865* (Washington, D.C.,1880–1901), IV, 1269–1270, produces a similar total of just under 2.1 million soldiers. For the number of black soldiers, see *ibid.* Black veterans are weighted downward statistically to comprise 8.4% of the total in Table 4.

Table 4 Weighted Logistic Regressions of Odds of Success for New Pension Applications, Combined African-American and White CPE Samples

	GENERAL LAW 1862–1890			DISABILITY LAW 1890–1907		
VARIABLE	MEAN	ODDS RATIO	*P*	MEAN	ODDS RATIO	*P*
Hospitalized for wound	.397	1.298	.001	.197	.836	.032
Severe/acute/chronic illness	.214	1.459	.001	.102	1.023	.839
Age	43.5	.972	.001	53.0	1.046	.001
Noncommissioned officer	.218	1.408	.001	.207	1.011	.902
Living in swing state	.333	1.256	.001	.246	.969	.705
Living in South	.136	.768	.002	.227	.799	.021
Applied in Cleveland's 2nd term				.064	.344	.001
Assisted by claim house	.862	1.645	.001	.922	.975	.845
African American	.071	.325	.001	.154	.430	.001
Unweighted number of applications	7,528		5,146			
Initial −2 log likelihood	8,714.7		5,432.4			
Improvement with covariates	404.7		244.2			

cess to a claim house, black applicants were less than one-third as likely as white veterans to be approved before 1890, and less than one-half as likely under the disability law.

This discrepancy was conceivably due to deficiencies in black veterans' applications. Scrutinizing the amount and the cogency of the corroborating evidence for black applicants, or following the advice of special examiners who had sought such evidence, Pension Bureau reviewers probably found black claims less compelling than those of whites who could more readily obtain confirmation of service and disability. Yet Table 4's results are a warning against overemphasizing application skills: Not even black veterans with military records of service-related trauma to support their cases or with the rank of corporal or sergeant, which presumably would have accustomed them to dealing with official procedures, were as likely as their white peers to receive a pension.[28]

A key distinction that underlies Table 3 helps to explain the discrimination suggested by Table 4. Examining physicians, who encountered applicants face to face, were hardly unaffected by what they saw. Examining boards noted that both Ballard and Pleasant had lost all of their teeth, and Pleasant's examiners observed that he "walks with the unsteady gait of an old man." One examining physician testified that "it is very natural to form an opinion of a man's character when you examine him. . . . If he appears like an honest man and not disposed to exaggerate, we are very likely to give him the benefit of the doubt." Although Table 3 shows that physicians were more skeptical of African Americans than of white applicants, the physicians were far more likely to give black veterans the benefit of the doubt than were Pension Bureau officials. Table 4 strongly suggests that seeing a notation of service in the U.S. Colored Troops on an application was enough to set Pension Bureau reviewers against the applicant.[29]

PENSIONS AND MORTALITY Prejudiced actions have consequences, but they are not always readily identifiable. In the case of

28 See Shaffer, *After the Glory,* 128–132, for a discussion of special pension examiners and African-American applicants.

29 Surgeon's Certificate, June 8, 1891, Pension File of Clay Ballard; Surgeon's Certificate, Oct. 3, 1900, Pension File of Willis Pleasant; Testimony of Joseph F. Atwood, Report of Select Committee on the Payment of Pensions, Bounty, and Back Pay, *House Rpt. 387,* 46th Cong, 3d sess., 1880/81, serial set 1983, 133.

government payments to aging, disabled men, however, the consequences of prejudice would seem to be evident in veterans' health after their pension decisions. The tribulations of Ballard and Pleasant provide two cases in point.

Ballard was convinced that his race had cost him a pension in 1890; Pleasant and other rejected black applicants may well have reached the same conclusion. Ballard and Pleasant lived in the South at a time when whites were employing violence, disfranchisement, and segregation to secure their supremacy, making criticism of racist behavior increasingly risky. A less hazardous approach to justice was perseverance. Both men continued to apply, and Pleasant followed his successful application with requests for increased payments. He collected more than $960 in pension income until his death in 1908 when he had reached his late seventies. Little else about these two veterans' last years is known, but the extent to which their experiences, together with those of their peers, are on record serves to highlight pension officials' actions.[30]

Not surprisingly, pensions allowed veterans to acquire possessions. Almost half of the pensioners in the African-American sample who appear in the 1900 census owned their homes, whereas just under one-third of men like Pleasant, who had received no pension at the time of the U.S. census, were homeowners. Yet the approach of death for the Civil War's survivors became the central concern of policymakers as the twentieth century began. Calling attention to veterans' advancing age and declining numbers, one senator insisted that Congress' duty was "assisting [veterans] while they are on this side of the grave." Did pensions play some part in keeping recipients out of the grave?[31]

There was no clear and simple connection between income and mortality in the late nineteenth century. The superior diet that money could buy mitigated certain diseases, but variations in mortality also depended on the state of public health and sanitation as well as the halting progress of medical care. But one key reason for seeking a link between pensions and mortality for African Americans lies in the CPE samples: Previous articles have discovered that,

30 On conditions in the South, see especially Edward L. Ayers, *The Promise of the New South: Life after Reconstruction* (New York, 1992), 132–159.

31 Speech by Porter McCumber, *Congressional Record,* 59th Cong., 2d sess., Jan. 9, 1907, 806.

despite elderly white pensioners' disabilities, pensions were associated with longevity.[32]

Linking pensions to mortality, however, raises the question of endogeneity. The longer veterans lived, the more opportunity they had to apply for, and receive, a pension—as in Pleasant's case. Longevity might have contributed to pension income as well as the other way around. Table 5, which uses proportional-hazards analysis to explore the risk of dying that the African Americans in the CPE samples faced after 1900, is designed to control for this issue. Observation of each veteran's risk of dying begins in mid-1900, allowing inclusion of home ownership as a measure of economic well-being from that year's census, and ends with the next major expansion of pensions in early 1907. To control for a reciprocal effect of pensions and longevity, pension income is "lagged" by terminating it at 1900. That is, each veteran's pension income to that year is summed and converted to a logarithm. Hence, all veterans included in the table had the same opportunity to apply for a pension prior to observation.

Other independent variables include wartime health and noncommissioned rank as they were employed in earlier tables. Since turn-of-the-century cities were particularly deadly, a separate variable identifies black veterans who lived in cities with more than 30,000 in population. Finally, age is included as a control variable.[33]

With these characteristics included, Table 5 shows that pension income nonetheless had a clear influence on mortality: The more pension income a black veteran had received prior to 1900, the less likely he was to die before 1907. Note, however, that any pension benefit operated against the background of high overall African-American mortality. The information available for these veterans will not let us point to better diets, living conditions,

32 See S. Ryan Johansson, "Food for Thought: Rhetoric and Reality in Modern Mortality History," *Historical Methods,* XXVII (1994), 101–126; Gerald N. Grob, *The Deadly Truth: A History of Disease in America* (Cambridge, Mass., 2002), 209–215; Costa and Kahn, "Public Health and Mortality: What Can We Learn from the Past?" in Alan J. Auerbach, David Card, and John M. Quigley (eds.), *Public Policy and the Income Distribution* (New York, 2006), 359–399. On developments in African Americans' health and mortality, see Kiple and King, *Black Diaspora,* 187–207; Byrd and Clayton, *American Health Dilemma,* 325–357. On pensions' effect on mortality among white veterans, see Logue and Blanck, "Disability Policy and Mortality." Salm, "Effect of Pensions."

33 See Michael R. Haines, "The Urban Mortality Transition in the United States, 1800–1940," *Annales de Démographie Historique,* 101 (2001), 33–64.

Table 5 Relative Influences on the Risk of Dying from 1900 to 1907, African Americans in CPE Samples

VARIABLE	MEAN	HAZARD RATIO	*P*
Hospitalized for wound	.161	1.081	.678
Severe/acute/chronic illness	.115	.931	.742
Noncommissioned officer	.202	.903	.566
Age in 1900	59.0	1.069	.001
Owned own home in 1900	.426	.876	.367
Living in city > 30,000	.261	1.379	.034
Total pension income to 1900 (log)	4.56	.954	.033
Number of cases	884		
Initial −2 log likelihood	2,808.4		
Improvement with covariates	59.4		

medical care, or any other amelioration as an explanation for the apparent pension benefit. The evidence points solely to a human toll of discrimination. If pension officials' evaluations had not been susceptible to the race of applicants, some veterans' time "on this side of the grave" would have been prolonged.

The egalitarian principles of the Union army's pension system were ultimately compromised in practice. To be sure, the initial failure of African-American veterans to apply for pensions was temporary. When Congress made the law more inclusive of disabilities, and when nonmilitary pensions for freedpeople became an issue of widespread appeal, black veterans claimed their right to a pension as insistently as did their white comrades-in-arms.

When they entered the process, however, black veterans became enmeshed in the pension system's devotion to what might be termed moral cost containment. As discussed above, partisan maneuvering affected pension awards, generating favoritism to applicants living in some places and prejudice against those who applied at the wrong time. But a broader political commitment overshadowed these shifting tides of partisan politics: Pension officials were unalterably dedicated to upholding moral dichotomy—worthiness versus unworthiness—as public policy. The applicants who were trying to cheat the pension system were not simply unworthy now; they had *never* been worthy. Pension

officials were unceasingly on guard against the "cowards" and "fraudulent malingerers" who "enlisted near the close of the war for large bounties and did little actual service"; those who actually deserved pensions were "the real soldiers of the war" who had done "patriotically what [their] duty require[d]." Moreover, administrators complained that their vigilance was handicapped by the "army of attorneys . . . subagents, solicitors, and 'grafters'" who encouraged fraudulent claims, as well as by examining physicians who were incompetent and unreliable.[34]

Thus besieged and betrayed, Pension Bureau officials saw themselves as the last line of defense for the public trust. Overwhelmed by the number of veterans seeking a pension, Bureau reviewers apparently fell back on preconceived notions of what sorts of people were most likely to be malingerers, making race once again a factor in the reviewers' rulings. A seemingly unassailable policy of protecting the public and worthy pensioners became a systematic denial of justice, and possibly shortened some veterans' lives.[35]

APPENDIX: ESTIMATING VETERANS' LONGEVITY

Investigation of pension-application rates calls for modification of the CPE samples. Any analysis of pension seeking must take into account each veteran's opportunity to apply, that is, how long he lived. Information on veterans' death dates is biased toward pension applicants. Because the primary means of ascertaining the date of death for survivors of the war is from documents in a pension applicant's file, examining the behavior of veterans with known death dates would disproportionately exclude non-applicants.

Enough death dates appear on widows' pension applications and other documents, however, to supply survival information for about 15 percent of veterans who never applied for a pension, and the information points to a stark difference between applicants and non-applicants. More than 80 percent of non-applicants died before 1890, whereas fewer than 5 percent of applicants were dead by that year. To reflect this difference and to produce a more appropriate population at risk of applying, we have estimated years-to-live at mustering-out for

34 Annual Report of Commissioner of Pensions, *House Doc. 5/5,* 54th Cong., 1st sess., 1895/96, serial set 3383, 13–14; Annual Report of Commissioner of Pensions, *House Exec. Doc. 1/19,* 53d Cong., 3rd sess., 1894/95, serial set 3307, 7.

35 For additional information about disability law and policy issues and this program of study, see the Burton Blatt Institute: http://bbi.syr.edu.

Table A Percentage of Civil War Survivors Who Applied for a New Pension by Race, CPE Samples (Cases with Known Death Dates)

	GENERAL LAW 1862–1890	DISABILITY LAW 1890–1907
Whites	54.7	91.5
African Americans	28.6	93.1
Number of cases	21,741	7,518

"unknown" non-applicants based on the known years-to-live of non-applicants of the same age and race. For example, since black non-applicants mustered out at ages 20 to 25 lived an average of 15.3 years, a black non-applicant with an unknown death date who was discharged in 1865 in his early twenties would be given an estimated death year of 1880.

Comparison of Table A and Table 1 reveals the effects of this adjustment. Since the adjustment's central purpose is to incorporate the behavior of veterans who died without pension records before 1890, its main effect is to raise the number of non-applicants in the general-law period. The adjustment adds 7,786 cases before 1890 and 486 afterward, and lowers the general-law application rate by 10.8 percentage points for whites and 8.9 points for African Americans, with smaller changes under the disability law. The key hazard ratio in Table 2—that is, the effect on the risk of applying under the general law associated with having been born a slave—would be .741, using only veterans with known death dates rather than the adjusted ratio of .755.