

BEGINNING THE WELFARE STATE: CIVIL WAR VETERANS' PENSIONS

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EDITOR'S NOTE: The following essay was written while Rothbard was working on "Origins of the Welfare State in America," which was originally published posthumously in the *Journal of Libertarian Studies* in 1996 (Rothbard 1996). "Origins" was included as Chapter 11 in *The Progressive Era* (Rothbard 2017). The draft pages of "Beginning the Welfare State" label it as Section 4. Rothbard most likely took it out and rewrote "Origins" so it would focus more on the Progressive Era intellectuals and reformers in the early-twentieth century. It was referenced but not included in *The Progressive Era* due to space constraints (Rothbard 2017, 153). It is published here for the first time. In this short but highly illuminating essay, Rothbard describes one of the first significant welfare programs in America: pensions to Union veterans. He documents the pro-pension legislation pushed by the Republicans, who supported it to cement a significant interest group to their party and also spend the federal budget surplus caused by their high tariff protectionist policies. Fighting a rearguard battle was President Grover Cleveland (1885-1889, 1893-1897) and his wavering Democratic congressional allies. The 1890 Dependent and Disability Pension Act was an important step in paving the way for the welfare reforms of the Progressive Era and New Deal. For a recent analysis of Civil War pensions that is similar to Rothbard's, see Cogan (2017, 31–53).

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It is fitting that the welfare state began as one aspect of the Great Leap Forward into centralized statism: the victory of the North in the Civil War. Under the cover of the virtual one-party Congress during the war, the Republicans put through their long-cherished interventionist Big Government program, one they had inherited from the Whigs. The Republican Party, driven by postmillennial pietism and northern industrialists striving for government favor, put through an income tax that continued after the war, excise "sin" taxes on alcohol and tobacco, high protective tariffs for American industry, massive land grants and other subsidies for transcontinental railroads, inflationary fiat "greenback" paper money, and a centralized "national banking system" that destroyed competitive state banks and grounded a new inflationary banking system on the issue of federal government bonds.

The dominant wing of the Radical Republicans bent on crushing the South after the war was led by Congressman Thaddeus Stevens, a Pennsylvania ironmaster who provided strong support for protective tariffs and greenback inflation.¹ After slavery was abolished, the Republicans substituted for slavery the cry of "Rebellion," and tried to permanently tar the Democratic Party with the charge of treason. A favorite Republican campaign tactic was to "wave the bloody shirt," allegedly of a soldier who had died fighting the hated rebels. When the Protestant Reverend Samuel D. Burchard denounced the Democrats just before the 1884 election as the Party of "Rum, Romanism, and Rebellion," he summed up the Republican case.

Never has American society been as militarized as it was during the Civil War: 37 percent of all northern males aged fifteen to forty-four

¹ There were two wings of the Radical Republicans: the Charles Sumner pro-free trade and hard money school, and the victorious Stevensites. Stevens himself sat at the feet of the venerable Philadelphia economist and ironmaster Henry C. Carey, who, in periodic meetings known as the "Carey Vespers," instructed his eager disciples on the way in which greenback inflation could serve as a hidden tariff on imports and a subsidy to iron and steel exports. Carey's eager followers also included ironmasters and Republican Party leaders: Eber Ward, president of the Iron and Steel Association; John A. Williams, editor of the *Iron Age*; Thomas A. Scott, of the Pennsylvania Railroad; and Pennsylvania Congressmen Daniel Morrell, an ironmaster, and William D. Kelley, known affectionately for his devotion to the iron and steel industry as "Pig Iron" Kelley. The railroads also favored greenback inflation in order to whittle away the value of their heavy bond indebtedness (Dorfman 1949, 7–8; Sharkey 1959, 141–73; Unger 1964, 53–59).

as well as 50 percent of southern white males served during the war. Battle deaths were far greater proportionately to population than in any later war. The number of northerners killed was 18.0 per thousand of population, which is enormous compared to only 1.31 per thousand American deaths in World War I, and 3.14 per thousand in World War II. The surviving wounded in the North amounted to another 13.9 per thousand (Skocpol 1992, 103–04, 570, 586).

Pensions to Union veterans began early during the war, in 1862. A generous scale of benefits was voted by Congress for veterans who could prove they had incurred disabilities in combat or from “injuries received or disease contracted while in military service.” Furthermore, widows, orphans and other dependents of soldiers who died in military service also received pensions at the rate of total disability. Not only that, but dependent mothers or sisters of dead or injured soldiers could also receive pensions, provided that only one dependent at a time was eligible for each soldier. Secretary of the Interior John Palmer Usher proclaimed that this law was “the wisest and most munificent enactment of the kind ever adopted by any nation” (Skocpol 1992, 106–07; Sanders 1980, 138).²

At the beginning of the Civil War, the United States had been paying limited pensions to some 10,700 veterans and widows of previous American wars, totaling about \$1 million per year and declining steadily each year. As a result of the law of 1862, the U.S. veterans pension list had swelled by the end of the war to 127,000 people, with spending amounting to \$15.5 million. In 1866, Congress politicized and expanded the pension system further by authorizing the president to appoint pension claims agents in all pension offices throughout the country (Quadagno 1988, 37–38). In 1868, a five-year grace period was enacted to enable and encourage eligible veterans and their dependents to file their applications with the U.S. Bureau of Pensions, which administered the program. At the end of the five years, in 1873, the number of war pensioners reached a peak at 238,000 and started steadily declining thereafter. It seemed that all the eligible recipients had been gathered in, and in 1872 Commissioner of Pensions James H. Baker understandably

² Usher was a personal friend of President Lincoln and heavily invested in the newly chartered Union Pacific Railroad, which he aided against the Indians as part of his activities as Secretary of Interior (Burch 1981, 23–24).

declared: "We have reached the apex of the mountain."³ Baker couldn't have been more wrong.

The first act that transformed the Civil War veterans' pension scheme from a major but contained and declining program, into a massive, long-term welfare scheme, was the Arrears of Pension Act of January 1879. The Arrears Act allowed soldiers who suddenly discovered disabilities related to the Civil War to apply and receive in one lump sum all the accumulated pension payments they would have been eligible to receive since their discharge from the army. This provision was, of course, an open sesame for encouraging the discovery and application of disability claims, both genuine and phony. As a result, the number of new pension claims, which had totaled 18,800 in 1878, doubled to 36,900 the following year, and tripled the next year, 1880, to 110,600.

The Arrears Act stimulated not only new claims but also a mighty pressure-group movement of Union veterans dedicated to expanding the pension program. The major Union veterans group, the Grand Army of the Republic (GAR), sprang into action and its membership doubled from 45,000 in 1879 to 86,000 in 1881, and then more than tripled to 295,000 in 1885. In 1881–82, the GAR set up a Pensions Committee in Washington to lobby Congress and the Pensions Bureau. It is no accident that the most accelerated expansion of the GAR came during the 1880s, "immediately after" the GAR "began its aggressive campaign for government aid to veterans." Its membership reached a peak in 1890 at 410,000, or 39% of surviving Union veterans (Skocpol 1992, 111–12; Sanders 1980, 156).

The enthusiasm for the new lump sum pensions may be explained by the generosity of the payments. The average first payment in 1881 has been calculated at \$954 to disabled veterans and \$1,022 to army widows and other dependents. If we consider that the average annual earnings of nonagricultural employees at that date was about \$400, then we can see that the lump sum payments, at about

³ The interest in the largess was oddly limited. Of the 1.65 million Union veterans in civilian life in 1875, only 107,000 were disabled military pensioners, a rate of 6.5 percent. But this was only 43 percent of the formerly wounded veterans who were eligible. Furthermore, of the surviving dependents of Union soldiers killed during the war, or who had died soon after, only about 25 percent were receiving pensions in 1875 (Skocpol 1992, 108–10; Sanders 1980, 143).

two-and-a-half times the average annual wage, were handsome indeed and considered worth scrambling for. It is no wonder, too, that the number of disabled military pensioners had quintupled from 107,000 in 1875 to 520,000 in 1891, or that the percentage of veterans enrolled in the pension scheme had sextupled from 6.5 percent to 39.3 percent in the same period.

A contemporary critic sardonically and justly noted that “the effect of this law was to stir up a multitude of people to apply for pensions who had never thought of the matter before. In one year 141,466 men who had not realized that they were disabled until the Government offered a premium of a thousand dollars or more for the discovery of aches and disabilities, made application” (Skocpol 1992, 118).

The major impetus for the bill came from a lobbying campaign by a cadre of wealthy pension lawyers. Pension attorneys collected fees of \$10 for each application they helped through the bureaucracy of the Pension Bureau. From these fees, the pension attorneys built up a highly profitable business. Thus, one of the most prominent Washington pension attorneys, George Lemon, handled tens of thousands of cases at a time and reaped hundreds of thousands of dollars in income.⁴ Perturbed at the falling off of pension claims during the late 1870s, Lemon, determined to rescue and expand his profitable practice, launched the *National Tribune* in October 1877. The *National Tribune* was a newspaper Lemon sent to Union veterans across the country and agitated for arrears legislation as well as advertised Lemon’s own valuable services. Other leading pension attorneys also weighed in, one started a competing news sheet, the *Citizen Soldier*, and another, Captain R.A. Dimmick, set up a Soldiers’ Association to lobby for an arrears law.

Bills for pension arrears had been introduced in Congress ever since the closing of the grace period in 1873. The Republican Party was far more favorable than the Democrats; the final passage of the Arrears Act, in 1878–79, was overwhelmingly partisan. In the House

⁴ The pension attorneys, “by means of subagents and a very thorough system of advertising... were ‘drumming’ the country from one end to the other in search of pension claims.... Claims agents and attorneys were building up an enormous practice. Those most skilled in the system were gradually drifting to the nation’s Capital. There they divided their energy between handling claims and lobbying for more favorable pension legislation” (Skocpol 1992, 116).

of Representatives the Republican vote for the Arrears Act was unanimous, while the Democrats split forty-eight for and sixty-one against. Unsurprisingly, the pro-Union pension Democrats came from the North, while the opposition largely centered in the border and southern states.

The favorable votes of the northern Democrats may be explained by the fact that ever since 1875 when the Democrats captured the House, they were a viable national party on par with the Republicans. Indeed, the Democrats actually won the presidential election of 1876, even though it was "stolen" by Rutherford B. Hayes in the Electoral College. The northern Democrats, then, were anxious to prove to northern voters that they were not really traitors and they too had tender regard for the Union army. As a result of pressure in state legislatures by agents of pension lawyers in the respective states, the Senate vote for the Arrears Act was close to unanimous, forty-four to four.

How did the proponents propose to pay for the veterans' pensions? During the 1880s, the federal government enjoyed a hefty budget surplus, which amounted to 20 to 30 percent of total receipts. Most of the revenue came from the protective tariff, which comprised over 50 percent during the 1870s and 1880s. The northeastern Republican industrialists who formed the elite of the Republican Party therefore had an extra incentive to favor the veterans' pensions, an incentive beyond cementing the political support of the Union veterans to the Republican cause. For the provision of pensions provided an extra excuse to keep the protective tariff, in reaction to demands by resurgent Democrats for free trade and lower federal budgets.⁵

⁵ Theda Skocpol, attempting to deprecate the influence of northeastern industrial interests on behalf of pensions, notes that George Lemon, writing in early 1879 when there was little budget surplus, advocated an issue of greenbacks to pay for the pensions. She then naively comments that such a suggestion "surely did *not* appeal to eastern business interests [*italics Skocpol*]." Skocpol ignores the work of Sharkey, Unger, and others who demonstrated that the dominant Stevens wing of Radical Republicans strongly endorsed greenback inflation as well as protective tariffs (Skocpol 1992, 114; Sharkey 1959, 141-73; Unger 1964, 53-59; Dorfman 1949, 7-8).

On the horrified reaction of the Grant Administration to the original Supreme Court decision *Hepburn v. Griswold* (1870), which outlawed irredeemable fiat paper such as the greenbacks, see Unger (1964, 172-78). On Grant's appointment of two leading railroad lawyers to the Supreme Court, which quickly reversed the decision in *Knox v. Lee* (1871), see Paul (1991, 115-16).

Expanding potential pensions claims in the Arrears Act naturally led to a tremendous expansion of the federal agency solely empowered to process, adjudicate, and pay the claims, the U.S. Bureau of Pensions. The Pensions Bureau, anxious to expand its claimants and therefore its bureaucracy, beat the bushes looking for and encouraging potential claimants. In particular, Colonel W.W. Dudley, who was appointed Commissioner of Pensions by the incoming Garfield Administration in 1881, saw the possibilities and aggressively seized the potential for expanding the number of claimants and his bureaucracy. Dudley immediately pressed for more personnel and more medical examiners throughout the country to examine the pension claimants and process their claims. Dudley instructed the Bureau to draw up a list of army enlistees from every state and of pension applicants from invalids and dependents. He also compiled a list of every surviving soldier of the Union Army, with a list of their addresses, so that veterans could locate old army buddies to testify on behalf of their injuries. Dudley called on the Grand Army of the Republic for aid in drawing up the list, and in six months he had acquired a list of names and addresses of over 189,000 veterans. From 1880 to 1885, Dudley had built up the Pension Bureau from 379 employees with an administrative expenditure of \$935,000, to a bureaucracy with 1,680 employees that spent \$3.4 million.

Dudley also used the Pension Bureau to build up the Republican Party, and as one historian put it, Dudley's "one aim appears to have been that of building up a great political machine." Thus, during the 1884 presidential campaign in which the Democratic candidate Grover Cleveland was pitted against the Republican candidate James G. Blaine, Dudley moved out of Washington and into the electorally vital states of Ohio and Indiana, where he became a critical part of the Republican campaign organization. To promote the campaign, Dudley instructed the Pension Bureau in September to reject no pension applications until after Election Day, and ordered that claims from Ohio and Indiana be processed before all others. As a result, 5,000 pension claims were accepted from Ohio and Indiana during the 1884 fiscal year, a 40 percent increase from the previous year. Dudley also doubled the number of pension examiners in these two states during September and October of 1884, and used them also as organizers for the Blaine for President campaign.

The Pension Bureau, the Grand Army of the Republic, and the Republican Party acted in happy symbiosis: the GAR lobbied for greater appropriations and personnel for the Pension Bureau, which in turn processed more claims for GAR veterans, who in turn gratefully voted for the Republican Party. The Democratic state committee of Ohio attributed their defeat to Dudley's efforts, but Dudley could not keep Indiana from voting for Cleveland by a slim majority. Despite Dudley's best efforts, moreover, the Republicans narrowly lost the election to Grover Cleveland, who established the first Democratic Administration since the Civil War. Dudley resigned shortly after the election.⁶

Colonel Dudley's zeal is understandable, given his background and personal and political interests. Before his appointment, Dudley was a Republican national committeeman from Indiana as well as chairman of the Indiana invitation council for the Grand Army of the Republic. Dudley had tried and failed to win the Republican nomination for governor of Indiana in 1884, but he was promised the post of Secretary of the Interior should James G. Blaine win the election for the presidency.⁷

The Cleveland Administration did not abolish or roll back veterans' pensions, but it also did nothing to expand them. At the end of the first Cleveland term, administrative expenses of the Pension Bureau remained flat at about \$3.5 million while the number of employees actually fell to 1,550.

The latter half of the 1880s saw the peak of agitation over veterans' pensions. A movement developed in the GAR for "dependent" pensions for all Union veterans who became disabled at any time, even in peacetime after the war. The more radical even escalated

⁶ Dudley's Democratic successor, General John Black, excoriated the Dudley regime in the 1885 Report of the Pension Bureau: "the Pension Bureau was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization, who had for the claimant other tests than those of the law, and who required, in addition to service in the field, submission to and support of a party before pensions were granted.... People of one faith filled every one of the great agencies. Examiners, trained in unscrupulous schools, traversed the land as recruiting sergeants for a party..." (Sanders 1980, 145, 144–50).

⁷ On Dudley, see Dearing (1952, 263, 301–02). George Lemon did not help matters during the campaign by ungratefully denouncing Dudley's administration of the Pension Bureau for insufficient zeal (Dearing 1952, 305–06).

their demands to “universal service pensions,” which would simply ladle out pensions to all who had served in the Union military regardless of disability. Congress passed over a thousand private pension bills during the first Cleveland Administration, and President Cleveland took the unprecedented step of investigating, and actually vetoing, over two hundred of the bills. His actions of course greatly angered the GAR, which had already been convinced that he was a secret “Rebel” in any case.

Finally, the Republican-controlled Senate, joined by the Democratic House, passed a dependent pension bill in early 1887. The bill stated that all Union veterans who served a minimum of ninety days and who were disabled and dependent on their own labor, regardless when the disability was incurred or the kind of disability, would receive \$12 monthly. In a trenchant and courageous message, President Cleveland vetoed the bill, declaring that surely the “vast peaceful army” of veterans did not wish to become “objects of simple charity.” The law, Cleveland warned, would create an appalling increase in government expenditures, and would “stimulate weakness and pretended incapacity for labor,” and “put a further premium on dishonesty and mendacity.” The House Democrats were loyal enough to block overriding of the veto (Dearing 1952, 335; Sanders 1980, 140–41).

Cleveland’s vetoes enraged the veterans’ lobby, and the pension issue reached a climax in the presidential election of 1888 where it rivalled the tariff as the crucial issue. To oppose Cleveland, the Republicans selected Benjamin Harrison of Indiana, a Union General who was also an advocate of veterans’ pensions. Ever-growing GAR membership reached 373,000 that year. But more radical veterans’ groups were impatient with the GAR’s dual commitment to dependent pensions as well as the more radical universal service pensions. Thus, the Service Pension Association was formed and settled for nothing less than universal service pensions. Its president, General Alvin P. Hovey, rode to power as governor of Indiana on this issue in the 1888 election. Indeed, the pension issue swung the presidential election to Harrison by moving New York and Indiana from the Democratic to the Republican column in 1888, and these two states saw the most intense veterans’ agitation for the service pensions (Dearing 1952, 367–91; Davies 1955, 198–205; Jensen 1971, 22–26).

If the veterans elected President Harrison, they required a payoff. This came quickly when Harrison appointed as head of the crucial Pensions Bureau none other than the fiery leader of the radical veterans, the legless "corporal" James Tanner, twice commander of the New York GAR and close friend of the leading pension agitator and top pension claims attorney George Lemon. Tanner had trumpeted during the campaign that were he to be pension commissioner, "God help the surplus!" and that "I will drive a six-mule team through the Treasury." Tanner had also written to the great idol of the Union veterans, General William Tecumseh Sherman, that "If I achieve the [pension] office, I shall... run it on the idea that it is the duty of all of us to assist a worthy old claimant to prove his case rather than to hunt for technical reasons under the law to knock him out" (Dearing 1952, 393).

James Tanner quickly proceeded to do precisely that. Looking at previous pension grants, he "rerated" them by sending applicants thousands of dollars in back pensions, and even did the same for veterans who had not even bothered to apply for pensions. Moreover, Tanner widened eligibility and reduced the proof of disabilities so that money was virtually trundled out the door. Many of these quick settlements were clients of the "notorious" George Lemon. While Tanner's flamboyant methods caused President Harrison to fire him, his successor continued with similar administrative rewriting of the pension rules.

The more important payoff came in changing the pension law. While Harrison urged a dependent service bill, the rambunctious veterans, escalating their demands, denounced Harrison and demanded universal service pensions. The new commander-in-chief of the GAR, General Russell Alger, Diamond Match Company tycoon from Michigan who had longstanding presidential ambitions, whipped up the veterans to demand service pensions, while Republican Governor Alvin P. Hovey of Indiana denounced Harrison for lagging behind the veterans' demands.

The result of all this pressure was the second big leap forward in pensions, the Dependent and Disability Pension Act of June 1890, passed by the Republicans who were now in control of both houses of Congress. Republican support for this Harrison measure was unanimous, and the Democrats split on the issue. The Pension Act

provided for a pension to every veteran with ninety days service who suffered any disability, regardless of when it occurred. Any veteran who could certify that he was unable to perform manual labor was entitled to \$144 a year, and any veteran's widow could obtain the same. The veterans were delighted and 655,000 filed an application for new or increased pensions within the year, and 116,000 were approved. The number of veterans receiving pensions vaulted from 490,000 in 1889 to almost 970,000 in 1893. The number of Pension Bureau employees increased from 1,500 in 1890 to over 2,000 the following year, while administrative expenditures of the Pension Bureau increased from \$3.5 million to \$4.7 million. Meanwhile the GAR increased its membership from 373,000 in 1888 to a peak of 410,000 two years later.

Even the GAR, which was disappointed at not getting its universal service pension, rejoiced in 1890 and exulted that the Dependent Pension Act "is the most liberal pension measure ever passed by any legislative body in the world, and will place upon the rolls all of the survivors of the war whose conditions of health are not practically perfect." Indeed, since the disability eligible for pensions only had to be for *manual* labor, federal employees, for example, could continue to work at cushy desk jobs while collecting their "disability" pensions.⁸

The result of the 1890 law was an acceleration of pension payments to a new "budget-busting" plateau. Before 1879, federal pension payments had totaled about \$30 million per year, after the Arrears Act, it had been in the \$60–80 million annual range. But now, after the Dependent Pension Act, total payments vaulted to \$160 million a year and remained above \$140 million through the 1900s. Pension payments, which had amounted to about 11 percent of total federal expenditures until 1879, and about 23 percent in the 1880s, now increased to about 40 percent. Gone was the famous budget surplus; Jim Tanner had been all too correct. By the mid-1890s the federal budget was in deficit.

Heedless of these problems, the GAR and more radical veterans groups wasted little time in gratitude to the Harrison

⁸ Skocpol points out the suggestive fact that in 1910 over 37 percent of the population aged sixty-five and older in Washington D.C. collected Civil War pensions (Skocpol 1992, 138, 541). Also see Sanders (1980, 142–43, 146–47, 156) and Dearing (1952, 399–400).

Administration. Instead, their demands escalated and they began to talk increasingly of their "rights." George Lemon's *National Tribune* raised the banner: "Let us now gird up our loins for a vigorous battle for the remainder of our rights," of which the universal service pension bill took first rank.

But the veterans had gone too far. The increased spending and the deficit soured most of the public on veterans' demands, and, in the 1892 campaign Cleveland was able to effectively argue against fraud in Republican administration of pensions and their use to build a political machine. The Cleveland campaign talked not of repealing the pension law, but in making sure that the pension list was truly a "roll of honor." As a result, after 1892, the pension law was not expanded, expenditures reached a plateau, and the entire issue was allowed to dribble away slowly as the Union veterans gradually died off. The general retrenchment of further veteran demands was best expressed by the commander of the Tennessee GAR, who warned that a "policy of unreasonable exaction will surely react for it does not take a large reaction in the North joined to the fixed prejudice in the South to undo much of the pension legislation now on the statute books. Conservatism is demanded by the interests of the soldier himself" (Dearing 1952, 469–70).

Needless to say, Confederate veterans were not rewarded with goodies by the triumphant Union government.⁹ To the contrary, the vanquished South was subjected to a vast federal welfare relief program, appropriately enough under the auspices of the U.S. military, and its Bureau of Refugees, Freedmen and Abandoned Lands—popularly known as the Freedmen's Bureau. Established in March 1865, the Freedmen's Bureau flourished for four years, distributing massive aid to the freed blacks ("the freedmen"), established camps to provide government jobs for the blacks, plus hospitals, orphan asylums, and colleges. As enthusiasm for Reconstruction waned, and as people became increasingly concerned about the program establishing a permanent pauperized class of blacks, the Freedmen's Bureau program dwindled and was closed permanently in 1872. In his wise and perceptive veto message for

⁹ However, in the late 1880s and 1890s the former Confederate states enacted state level pension systems, but these states were poor and the programs were not nearly as generous as the federal program for Union soldiers (Skocpol 1992, 139).

extending the Freedmen's Bureau in 1866, a veto that was overridden by the Radical Republican-dominated Congress, President Andrew Johnson declared:

...the bill authorizes a general and unlimited grant of support to the destitute and suffering refugees and freedmen, their wives and children. Succeeding sections make provision for the rent or purchase of landed estates for freedmen, and for the erection for their benefit of suitable buildings for asylums and schools, the expenses to be defrayed from the Treasury of the whole people. The Congress of the United States has never heretofore thought itself empowered to establish asylums beyond the limits of the District of Columbia except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people... but has left the care of education to the much more competent and efficient control of the States, of communities, of private associations, and of individuals. It has never deemed itself authorized to expend the public money for the rent or purchase of homes for the thousands, not to say millions, of the white race, who are honestly toiling from day to day for their subsistence.... Pending the war, many refugees and freedmen received support from the Government, but it was never intended that they should thenceforth be fed, clothed, educated, and sheltered by the United States. The idea on which the slaves were assisted to freedom was that, on becoming free, they would be a self-sustaining population. Any legislation that shall imply that they are not expected to attain a self-sustaining condition must have a tendency injurious alike to their character and their prospects (Axinn and Levin, 1992, 112).¹⁰

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¹⁰ Also see Axinn and Levin (1992, 89–90, 109–115) and McFeely (1968).

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