

PENSIONS

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Pensions by D. Cady Eaton

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D. CADY EATON

PENSIONS

1893



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R. P. JUDD

NEW HAVEN, CONN.

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The following articles published from time to time in the *New Haven Register* substantially as they now appear were commenced when the enormity of pension legislation was beginning to attract public attention. They were written as much for the purpose of marking and defining reading on the subject as for imparting information. They are now published as an individual contribution to the general movement for reform.

D. CADY EATON.

New Haven, Conn., March, 1893.



PENSIONS

I.

INTRODUCTORY.

With the permission of *The Register* I propose commencing with its readers a careful study of the pension laws. I use the word study advisedly, because I have found by experience that one of the best ways to study a subject is to write about it. I also use the word study for the additional reason that my own knowledge of the subject is as yet superficial and limited, and because I may change my views and may come to other conclusions from those to which I seem tending. At present I have the notion that pension laws are unconstitutional; that Congress had no power to pass them, has no legal power to exercise them; that they are not only in opposition to the letter of the fundamental law of our government, but in opposition to its spirit; that they are unrepublican and autocratic, and that they are unwise and injurious in the highest degree.

They have not as yet been brought before the Supreme Court. Incidentally United States judges have decided that the power to grant pensions is a part of the power given to the United States by the Constitution to raise armies.

If so, the power should certainly be limited to the armies of its own raising and should not be extended to volunteer forces, raised by the several states and mustered into the service of the United States for limited periods. The laws governing the compensation of retired army and navy officers and privates, cover all this ground completely and satisfactorily. To accord a pension is an act of sovereign grace; not of right, but of bounty. Such is the radical idea of a pension ever since pensions existed. A pension is an act of kindness and charity. A discharged soldier has no more natural right to a pension than has a discharged postmaster or revenue collector.

If there be any force at all in the theory of reserved rights, then the right of conferring pensions is reserved; and if exercised at all, should be exercised by the several states in accordance with laws they may be pleased to pass. If exercised by states under state laws, fraud would be more easily detected, for public opinion would be awake. Public opinion cannot carry at long range.

Later pension laws are *ex post facto*, and therefore strictly unconstitutional. They were not in existence when the volunteer volunteered, and therefore could not have influenced his action. A law is none the less *ex post facto* because it carries a favor and not a penalty. The patriots who did not volunteer have a right to say that if they had known that such laws were to be passed they would have volunteered. It would be strictly legal to include them. Perhaps the next amendment will be their inclusion and that of their sisters, their brothers, their cousins and their aunts.

If a government be representative and limited it has no right to exercise charity, for charity is personal. Charity should be local; within the sphere of local observation and regulation; within the limit of personal sympathy and of personal action. No republican government has a right to direct the charities of any one of its citizens, much less to tax its citizens in behalf of a charity in which political leaders happen to be temporarily interested.

Enough has already been written as an introduction to the questions I propose studying and discussing.

What is a pension?

A brief review of the history of pensions before the civil war.