



TRANSCRIPT

Virtual Series: Disability Employment – Looking Back & Moving Forward

Event 2 of 4: Shaping Modern Disability Employment Policy through the Lens of Past Veterans' Experience

October 14, 2020 from 1:00 – 2:30 pm [Eastern Time]

>> **Barry Whaley:** Good afternoon, everybody. I'm the Director of the Southeast ADA Center. The Southeast ADA Center is a project of the Burton Blatt Institute at Syracuse University College of Law. We're pleased to bring you this series, Disability Employment - Looking Back and Moving Forward. I want to thank you for joining us for our first webinar and our second event in this series: Shaping Modern Disability Employment through the Lens of Past Veterans' Experience.

Before we go on, I'm pleased to announce the Burton Blatt Institute was awarded a grant from the National Institute on Disability, Independent Living and Rehabilitation Research. This RRTC - Rehabilitation, Research and Training Center on Disability Inclusive Employment Policy, will design and implement a series of studies that produce new data and evidence on policy levers to increase employment rates of people with disabilities, with the objective of informing current and future policy and program development.

So, we have this series this month in celebration of the National Disability Employment Awareness Month. The theme for 2020 is "Increasing Access and Opportunity." This year marks the 75th anniversary led by the U.S. Department of Labor Office of Disability Employment Policy, or ODEP. During 2020, we also celebrate the 30th anniversary of the Americans with Disabilities Act, as well as the 100th anniversary of Vocational Rehabilitation.

If you had the opportunity to listen to our *ADA Live!* podcast, the first event in this series, that featured Mark Schultz, the commissioner of the RSA - the Rehabilitation Services Administration. You can find that episode either on the Sound Cloud channel or ADALive.org.

In recognition, the Southeast ADA Center is hosting this four-event "Virtual Series: Disability Employment - Looking Back and Moving

Forward” on each Wednesday in October beginning at 1:00 p.m.
[Eastern Time].

I want to go ahead and introduce our two guests for this webinar, always a pleasure to have Larry Logue, Senior Fellow at the Burton Blatt Institute, and former professor of history at Mississippi College. As well as my boss, Peter Blanck, University Professor and Chairman of Burton Blatt Institute.

And today Peter and Larry will discuss the historical and contemporary views of the employment of veterans with disabilities. What can the past tell us about contemporary employment policy for veterans with disabilities?

For the past decade Larry and Peter have conducted research on Union Army veterans' experiences with disabilities. They have a new book, "Race, Ethnicity, and Disability: Veterans and Benefits in the Post-Civil War America," a volume found in the Cambridge University Press Disability Law and Policy Series, which investigates veterans' longevity and African-American's treatment in the pension system following the Civil War.

So, Peter, I'll turn it over to you. Thank you both for being here today.

>> **Peter Blanck:** Thank you. It's an honor for us to begin this new employment policy center which is going to look at all aspects of employment. We will look at -- am I hearing a binging or is somebody else hearing a binging as well? We'll look at hiring, training, retention, unemployment issues and particular issues facing our world today with regard to issues of COVID and.

The economic and health emergency that our country and world is facing. In light of that, for many years now I've had the privilege really of working with Larry. I've kind of been along for the ride and I've tried to understand systematically with Larry now in a number of books and articles and analyses what we can learn from this rather unique period in history. Immediately after the Civil War with this new massive pension program for veterans with disabilities,

And I thought perhaps since we're taking stock of that project and also trying to identify implications for subsequent development of American law and policy in this area, I turn to Larry to first kind of give us an overview of really our body of work, our program of study, what motivated it, how is it unique from other such efforts and perhaps how does it, hopefully, modestly contribute to better understanding of this area, Larry, in this -- what for me is kind of a labor of love.

This pairing between a social scientist and lawyer myself with a very distinguished historian. So, Larry, I turn it to you.

>> Larry Logue: Thanks. I could probably give you a whole bunch of reasons why it's important to study the year after the Civil War in understanding veterans' employment but out of kindness I'll hit the highlights for you first.

When we look at Civil War veterans and what happened, it gives us a picture of a very strange path that led from that era to today's policies on employment for veterans. What I mean is this path began the late 19th century with cash payments for veterans who could demonstrate inability to do manual labor. But then, around the turn of the century, a group of activists, a generation of activists, actually, became disgusted with what they thought was a grossly inefficient policy.

They fell back on the old notion that unrestricted government benefits encouraged laziness. That cash grants are a disincentive to work. So, they got congress to mandate vocational rehabilitation, as it was called in those days, for veterans of World War I and the next war that came up. The policies spell it out. Essentially said no rehabilitation and any veteran who refused rehabilitation would forfeit their pension.

Now, requirements have changed over time since then with the give bill of 1944 and more recent legislation and we're still living with the basic principles that these activists put forward. That's one reason. Another reason to look at Civil War veterans and one we've begun to do is that the Civil War experience came at a crucial time in history of disability. As this country became more urban, more industrial, more ethnically diverse, Americans struggled with how to understand

The meaning of impairments in a changing world and how to respond to them. Veterans' impairments contributed to the conclusion that impairment meant a sign of serious deficiency and the appropriate response was sympathy, often shading into pity. And veterans contributed to this process because every time a veteran was seen with an artificial leg or received a pension and his neighbors often knew it because in many cases pension receipts, pension approvals were published in local newspapers

Every time this happened it demonstrated that even heroes, people characterized as heroes, were actually dependent on government help. And they also deserved people's pity. So, veterans helped to solidify this attitude about disability.

Now, I could go on, but I'll sum up the answer this question of Peter's by turning to a non-historian. Sometimes non-historians have the best

ideas about history and so Michael Crichton in one of his novels wrote that if you don't know history, you don't know anything, you're a leaf that doesn't know it's part of a tree so I can't think of a better summation of what the importance of this is and what we've been about.

>> **Peter Blanck:** Thank you, Larry, I guess that's my part to jump in. Why don't you talk about our earliest studies and where we're drawing the data from in particular, the unique sources which, of course laid the groundwork for the types of analyses we do, both quantitative and qualitative.

>> **Larry Logue:** Up to now we've been dealing with the empirical approach to things and I have to say first off -- and I'll come back to this from time to time -- is that there's a big barrier in scholarship between meaning and action and that barrier shouldn't exist, but it does. We've been on the action side so far, that's often what is called empirical reason. We have taken information from a unique project conducted at the center for population economics at the University of Chicago.

Under the direction of Robert Fogel, an economist, who directed a project that dug into the national archives and pulled out the military records and pension records of about 72,000, eventually, Civil War

soldiers and veterans and basically transcribed everything they could. Better put it digitized everything they could into a huge file, set of files.

And we've pulled out information from that starting with an article on longevity among veterans and suggested -- at least found tentatively that veterans who receive pensions live longer. It's not quite clear what the cause of that is, but we found that. And we looked at pension approvals because a major aspect of this program -- which I'll come back to eventually -- is that the federal government included physicians from the very start in this program. They'd done that in previous wars, But in this war, they incorporated physicians and physicians were the gatekeepers of pensions. They conducted an exam, which they still do, for that matter, for a pension in our time. They conducted examinations and they could recommend or not recommend based on what they found, a pension based on that criterion that I mentioned before, the inability to perform manual labor.

And it turns out when we look at race and ethnic background, African-American veterans were more likely to be disapproved with as close to the same conditions as we could find and so were immigrants less likely to be approved. So that was our next project and that was the basis of the book that Barry mentioned, "Race, Ethnicity, and Disability: Veterans and Benefits in the Post-Civil War America."

And then in a more recent effort we looked at --

>> Peter Blanck: May I stop you there? So, the obvious question is why? There was obvious racism at the time. There was mass, I guess, immigration before the Civil War, perhaps after. What was the underlying bases for this discrimination, do you think, that we've talked about?

>> Larry Logue: The most likely reason -- and nobody said this, we have to surmise it, but it makes sense -- as the workload of pensions went up, so did the disapproval, so did the discrimination. And this suggests that racial profiling was essentially a short cut. I think Peter mentioned that -- heuristic short cuts which is what his field, social psychology, applies to cases like this.

If pension bureau officials and physicians could impose a profile and they could cut down on the time it took to deal with the pension. So, chances are it was not necessarily just racism because, as you've suggested, racism was pretty much constant, but the disapproval rate, discrimination rate increased with the workload and it could be simply a matter of that.

Simply a matter of bureaucratic short cuts and that's the nature of bureaucracies. So that's the best we can do under those circumstances.

>> **Peter Blanck:** And maybe tell folks about what the typical pensioner would face in applying for a pension. I mean, a lot of these young boys went back the -- to the farms or cities and many of them did not know about the legal system or these issues. What was driving this growth of the system? You and I, for example, have written about claim agents.

What did it look like? What did it take for these guys to -- and it was guys and it was only union guys because the federal pension system didn't cover the former confederate soldiers -- what did it take for them to not only get organized and muster the ability to dig into the pension system but to stay in it over time?

>> **Larry Logue:** Two big influences were -- on the one hand the Grand Army of the Republic. They would seek out veterans. They had a newspaper. They had an active set of local chapters and they would inform veterans of benefits available and help them out.

Even more aggressive than the GAR were pension attorneys. You mentioned that a lot of times young veterans went off to farms and rural areas and places where they might not be able to have legal help. Well, claim agents found them through advertising, through word of

mouth. And a claim agent would assist a pensioner in making an application.

An application wasn't easy. They had to fill out forms. They had to send it off. They had to get an examination by the physicians, as I suggested, and then deal with the pension bureau bureaucracy. But the claim agents would help. In fact, if you -- what happened was that pension applicants had to go in front of physicians and sort of give a summary of why they were applying.

And if you read these things, they're orchestrated. The claim agents were very diligent in figuring out the right language to use. So, they would help a lot. In exchange for a fee, they weren't doing this out of the goodness of their hearts, they would get a fee for their services.

So, an application was a daunting process, but there were two major sources of assistance to help out.

>> **Peter Blanck:** Now, again, a context question which you and I have grappled with. There's a lot going on in this so-called Gilded Age, from economic recession, post-war to the beginnings of industrialization and the progressive movement, towards unions, towards the rise of the administrative state and the legal profession and the medical profession, asylums. Darwinism, of course, underlying a lot of this.

Social Darwinism and the beginnings of the understanding of the so-called fittest for survival. What was so unique about this period in Toto that perhaps is as unique except maybe for today, as unique of a period with so many influences developing. I guess you could say World War I was a period unto itself, perhaps World War II.

But this was really a sea change from monarchies to nation states to all sorts of scientific advances. Where was the United States in this sea change, given its unique distinction from Europe and other countries that, of course, had grappled with injured soldiers, for example.

>> Larry Logue: These things happened elsewhere, too. Sort of in a fashion. But in the United States what you've kind of described is what historians and others like to call overdetermination, a whole bunch of phenomena converged to create what some people call modernization, coming of modern society. We like to use the term "modern" in their someplace.

As you mentioned, it was the publication of "Origin of Species" was very important in showing -- showing -- what happened was Darwin had found the key to a field and a number of academics in economics and my own profession of history were intensely jealous of Darwin and wanted to find the key themselves. So, expertise made a sudden rise.

So did urbanization. So did the disappearance of face-to-face society that came with urbanization.

So did the rise of industry and industrial revolution which really happened in this country after the Civil War and opposed to where it happened in England before the Civil War. Other countries found different timing. I guess what we might say is what was distinctive about this country is that all these currents flowed together in this Gilded Age in the half century, three quarter of a century after the Civil War.

It produced a tsunami of change that caused an awful lot of disorientation and some of it was concerning disability. How did disability -- how did people who were different fit in? And experts got involved in that, too, by inventing the concept of normal, one of the more important scholarly works in this era pointed out that the concept of normality and abnormality was really a post-Civil War invention. So that fit right into the quandary about disability.

>> **Peter Blanck:** And you're getting into -- was it Dalton and the beginning of a sense of IQ, the beginning of -- which I know came later. But as you say, you anticipated my next question well and that was in light of this overdetermination period, why disability? Why are we looking at disability? My own interest has always been how do we

understand today's conceptions of disability without unpacking where it's come from, the so-called medical model which of course you you'll speak to.

But disability was the recipient of much of the negativity of a lot of these trends. Whether it was in unemployment or exclusion or eventual segregation not only on the basis of race but the basis of disability. Have historians considered that theme? That notion of "otherness" or disability in this sense? Non-normalness as part of this analysis of the rise of the American state?

>> Larry Logue: Oh, yes. There's work yet to be done but I would say that the most prominent causes have been pointed to industrialization where industry required rational production and interchangeable parts and some suggested that that called attention to people who were not exactly in the so-called normal mode.

The invention of normality and in intellectual history and in science and social science was important and so was the rise of social science. And so was -- another cause. If industrialization was one big driving factor, another big driving factor with us the increase in foreign grips to the United States by people were also thought to be different and inferior.

So as more and more officials and thinkers and opinion makers turned their attention to inferiority and categorization, disability was inevitable as the subject. Difference of all sorts became important.

>> **Peter Blanck:** I guess I think also so what was it like before? What was the sense of normality? And based on what you're saying, there were more localized communities, less migration, obviously, to the cities. But also, less migration as it were intellectually, in kind of culturally, socially.

Would you describe a "pre-normality" period of that kind before, say, the period we're talking about?

>> **Larry Logue:** Yes, and there is a debate among historians -- as there is always, they wouldn't survive if there weren't debates -- they debate whether there was a golden age of disability, especially in the 17th and 18th centuries. There's no consensus on this.

On the one hand, it's fairly clear that people with disabilities were -- as long as they were a member of the community, if they were born there or came there as children, as long as they were members of the community they'd be cared for by, say, a family would take them in and there didn't seem to be a sense that they were inferior. Sometimes

there was an idea that they suffered from an affliction and sometimes it was an affliction assigned from God.

But that didn't seem to be as rigorous an idea as the more recent models. So, in that sense, things were better. On the other hand, there were things such as impotence and up usual behavior that were classed -- treated in every other way as disabilities. So, this was a society that as near as we can tell based on the work that's been done so far --

>> **Peter Blanck:** I guess I have to -- I guess I have to ask also, the role of religion in the local communities, of course, became more diffused in some ways post-this migration, industrialization and so forth.

>> **Larry Logue:** It did.

>> **Peter Blanck:** We refer to almost glibly this so-called medical model of disability early on or maybe even today where it's medicalized and meant to be cured or pitied. But it sounds like on reflection now or brainstorming with you, there might be a -- an alternative, maybe not better way to describe this pre-rights model that we have now. Pre-social model where the world takes some responsibility for accommodation.

It wasn't only a medicalized view of disability. You know what I'm driving at?

>> **Larry Logue:** Absolutely. We've cast doubt on the neatness of models. As humans, we like to impose order so we've come up with these models that sound good about dealing with disability but there are all sorts of problems.

I think studying the past causes more and more doubt, casts more and more doubt on the neatness of models. Let me take this medical model. I'll get to another concept that seems to make more sense. I'll get to that in a second.

But one of the problems is that we tend to equate models with paradigms and when we start talking about paradigms we start talking about the work of Thomas Kuehne, an important historian of science, who insisted that science had paradigms, one replaces the other. So, we tend to think about that, and that's not the way that history suggests that concepts worked with disability.

Let me give you an example of the so-called medical model. And Civil War veterans. Let's take us back to our main interest. Some people have suggested that -- including physicians, as I mentioned before -- was a key advent of the medical model. That when physicians were included as part of the pension systems and they were forced used after the Revolutionary War. After the Civil War they were given much greater and more significant and consistent role.

That doing that, ah-ha, medical model. But there's some problems with that. One is that physicians could only examine, they couldn't treat. So, a key aspect of the medical model is that medical science can fix disabilities. Well, these physicians weren't allowed to. In fact, they were prohibited with talking -- against talking to anybody who might want to treat them.

Another thing was that federal pension policy at first provided for repeat examinations. Every other year. The idea was that if a disability went away, then the pension could be terminated. And they did this for a while but by the 1870s they stopped because they didn't find enough recoveries, as they called them, to justify the examinations.

So, in those two senses, we can't call this a model model. We can call this participation by physicians. But -- and that doesn't affect people who were Deaf, for example. It's not medical men who were supposed to cure that problem, it was educators. So, there's all sorts of problems with saying there's a medical model. What we can say is I like the idea that -- one of the alternatives here. There's two alternatives we can use that make more sense.

One is the deficit model, the idea that people with disabilities were deficient in some way and, if possible then that could be fixed. But in the 19th century that meant all sorts of things. Another problem with

the medical model -- and I keep coming back to that -- you see where I'm going with this is that it wasn't just medical men who were trusted to fix these deficits. It was potions and nostrums and elixirs. It was faith healers.

It was people who had such of treatments such as electromagnetism who could fix disabilities. There was an idea that disabilities could be fixed but it wasn't just a medical one, it wasn't just an expert one.

>> **Peter Blanck:** So today we have categorized -- myself included -- maybe too glibly again, that the present ADA civil rights model is contrasted with a prior -- maybe it's not prior but a medicalized model. Is that model or idea the paradigm, really? A modern label inappropriately put on a past circumstance.

For example, the medical model as presently conceived today could be thought of as very much a reaction to current social security, worker's comp schemes where essentially an impairment is assigned a value. Or a lack of value.

And in all the writing we've done, I wonder if we've replaced our modern views of that medical model, what they may seem, into a past which probably is not the best way to express that past. You know what I'm saying from a historian's point of view?

>> **Larry Logue:** I'm saying that something we could term a medical model might be applicable, but we can't say that it came like a -- Kuehne was talking about with paradigms. What he said was that paradigm changes, when there is so much dissatisfaction with the status quo, that something has to be done. There's a sort of crisis.

That never happened with disability. The medical model came in fits and starts. As I'm suggesting, the use of physicians was a first step toward the medical model. There was a step back with the abandonment of repeat examinations. There was a step back when the provision of prosthetics -- the federal government paid for artificial arms and legs for amputees. When that didn't seem to be working because the pension bureau pointed out

That artificial arms were useless and artificial legs were nearly as useless. Here's another step back from a repair model, affixing model. So, something did change, it just changed in fits and starts and haltingly and in a messy way.

I guess what we could say is the more you and I and others have looked into the past, the messier it gets. But that's history. I mean history is messy. And what I've described and we've described in some of our work is a rehabilitation model, which is part of the change in concepts. The thing of it is, the rehabilitation model was heavily oriented to

acquired disabilities. And one thing -- another barrier, I'm told -- is that we make a distinction between acquired disabilities and conge

And the rehabilitation model deals heavily with acquired ones.

>> **Peter Blanck:** Particularly in war.

>> **Larry Logue:** We have barriers that you and I have tried to pound away at but there needs to be a lot more -- historians like to talk about cross fertilization. There needs to be more of that in studying the past.

>> **Peter Blanck:** We've talked at a high level now and we take questions or comments as they come in. I think it would be useful now to come down a few thousand feet. In particular I thought work regarding stigmatized disabilities in particular mental health, mental illness which we did a whole book on, is not only illustrative of today, the great stigma of mental or invisible conditions.

But in light of what we were talking about not much has seemed to change since the 1800s with regard to mental health perceptions of mental health. Am I misinterpreting that? Is there something we learned from the Gilded Age about insanity, suicide, mental health, as a perceived life condition than we know of it as today?

>> **Larry Logue:** I think progress has been made against conditions like PTSD and outcomes like suicide that are definite. But they didn't much come from the 19th century. In the 19th century, what we found -- and I forgot to mention this before -- the most recent book was called "heavy Laden" and it's about mental illness and suicide among veterans.

What we found was there was really -- there were the same symptoms. Every symptom you can find of PTSD was evident in Civil War veterans. Every up with of them. Flashbacks, depression, anti-social behavior. It was all there.

>> **Peter Blanck:** Substance abuse.

>> **Larry Logue:** Substance abuse. It was all there. And there were attempts to put labels on it. One of the things is that the context of a condition matters. I like to use the analogy between mental illness and tuberculosis. A different name was giving to it in the 19th century. It wasn't just a different name, it was a whole different etiology, a whole different idea where to treat it.

So same disease but utterly different context. And we say that same about mental illness. Similar disease, similar symptoms but a completely different context. There were attempts to put a label on it.

There was one that called it -- I don't even remember the label. It was a medicalization.

But it never caught on. And another thing we know is that suicide rates were pretty high among Civil War veterans. We can't make an overall statement, but we looked at suicide in Massachusetts as a rate of veterans and the suicide rate was much higher than it is now among veterans.

So, the attempts to do something about mental illness were few and far between. And so, the outcome may have been more tragic in a number of ways. But there seems to be a real gulf between then and now. So, I can't say we've learned much. And I can't say we've learned much from that. We've made progress but I can't say we've learned much from that.

>> **Peter Blanck:** In our current project which will be published soon there's an article focusing on employment issues. Talking about the pandemic and coming together with gig ecology and technology, maybe some would say we're at another industrial fraction point, industrial revolution. Certainly, in the 1800s, late 1800s with the beginning of industrialization there was a whole new conception of what work was.

How people work, who was going to work and at what. And this paradigm change in understanding work was related to conceptions of disability at the time. And then of course we can begin to get into the subsequent programs that became more focused on getting people back into work. Although the Civil War had some of them as well.

And how that evolved over time.

>> Larry Logue: One of the things you have to keep in mind is context again and all the developments that you've talked about and I mentioned before took place against a background of rural America. In the 1880 census, the one we looked at, still 40% of veterans and civilians alike worked on farms. And there's a slide that shows basically what -- if there was a typical veteran, there's what he wound up doing was working on a farm.

So, we have to keep that in mind. But there were, the other 60% worked at other kinds of job of jobs, many of them clerical, many sales, many factory work. So, there was a new way of thinking about work that was important. And the problem with dealing with disability is that. That new way of thinking about work ran into the idea of interchangeable parts and efficiency in particular.

The idea was factories needed to be efficient and activists and reformers became entranced with this idea. And so, the -- I don't know, the idea of efficiency was especially important. And so, disability was an issue in both of those things.

>> **Peter Blanck:** Arguably inefficient. A very famous economist who is blind used to lecture about his disability and disability in an economic model and he would say basically disability expend time in the sense of a valuation of one's time.

>> **Larry Logue:** There was no evidence of this, as you might be heading in with. There was no evidence of this but there was an assumption that this was the case. That people with disabilities were dangerous. They were unreliable, inefficient. So, something needed to be done and the most prominent thing was to refit them, rehabilitate them so they could be changed for the workplace.

There were only scattered efforts. The Ford Motor Company was a major exception, around the turn of the century the Ford Motor Company did actively hire workers with disability. Did help to change their work conditions so that they could be especially productive. And they were.

But eventually the workers' compensation system did away with that. The workers' compensation system was partly the result -- I could have mentioned that earlier, was partly influenced by the pension system as well. Because there was an idea that any kind of benefit system needed to be contributory. And in this case, the employers would contribute.

But they found it was easiest to simply not hire people with disabilities in the first place. The inefficiencies -- inefficiency and anathema of it came to dominate the workplace and the policies of employers.

>> **Peter Blanck:** And I guess all of this came together to form the basis for collective action against the other forces, i.e. unions or other sorts of organizing at the time.

>> **Larry Logue:** Unions had a love/hate relationship with people with disabilities. In general, they were hostile to them because they wanted to maximize the bargaining power with employers and that was their number-one priority. So, most unions not sympathetic to people with disabilities.

>> **Peter Blanck:** So, Larry, I haven't seen comments coming in yet. You're a distinguished historian. You and I have been working together for years now on these projects. Has this program of study enriched or

changed your views about how we conceive of disability today, which I'm not sure you did that much work on prior to our getting together on all these projects - if I'm correct?

>> **Larry Logue:** Right, this has been eye-opening. Some of the most exciting and vibrant scholarship I've ever seen applies to both today and the past in trying to wrestle with how we've treated disability and how we can do better. And some of the best -- I mean, I think it's absolutely opened my eyes and some of the best work I've seen done comes under a whole new field of disability research.

The idea of post-humanism. That what we need to do is to just conceive of human variation as just that, and not draw that line between normal and abnormal to get rid of that barrier. And to --

>> **Peter Blanck:** Why do you refer to that as post-humanism?

>> **Larry Logue:** That's what many advocates call it. It's got other names, too.

>> **Peter Blanck:** But the idea is that in the ADA individual difference is a natural part of the human experience.

>> **Larry Logue:** It is, but what the post-humanists are saying if we just focus on social construction and changing conditions, we tend to lose

sight of the facts that there's really something tangible and keep that in mind. And instead of trying to do simply forget about impairments to include them in a new definition of normality. The idea of drawing a boundary between normality and abnormality.

Is to many of the latest scholars counterproductive.

>> **Peter Blanck:** So, I have to ask you, ceding our next endeavor, this concept of post-humanism, what does that mean for either the historical or contemporary research that we have been interested in. Does it mean that we can think of what we've been looking at either historically or presently in a slightly different way? I mean empirically.

>> **Larry Logue:** I've talked to you about this but let me share this with the audience. One thing we can do is to look at the past with some of the same lenses to see if there were any efforts to look at variation as simply normal and a regular part of experience. And so, what I had in mind was to move a couple of steps closer to the meaning of disability in the 19th century to.

First social media and then ordinary people. Now social media may have caused people's ears to perk up because what the heck? I'm talking about the 19th century. But what I mean is that social media of the 19th century was newspapers and newspapers were in a unique

position to deal with disability because they carried fiction. They carried accounts of crimes. But they also carried accounts of people with disabilities getting married.

They carried accounts of real people as well as fictional people. And the literary treatments of disability have been nicely covered by scholars but not so much the newspaper. So, the meaning of disability for ordinary people is that there is a question in the 1880 census -- which is the only time that we still have that they asked that question -- they asked people if they were maimed, crippled or otherwise disabled.

And without further definition. So, what we can do is look at people we know had impairments such as amputees and see if they answered yes to that question. And there is something of a pattern to the way people answered that question.

If they had active employment, for example, they tended to answer -- just not to answer the question. Those who were older or he tired or unemployed tended to answer yes. There were some indications in 19th century newspapers that people with disabilities were regular people and there were times when news articles would say this fellow even though he's a cripple -- and they do this a lot, that was the term, cripple was used as a noun -- is a fine gentleman and an upstanding

Member of the community. There were also some positive mentions of the deaf community on Martha's Vineyard where almost -- one quarter of the people were Deaf and everybody used sign language. There was a newspaper report saying how beautiful that was.

I guess what I'm looking at in both cases is views against the grain on disability and that's much of what post-humanist scholars are saying, we need to go against the grain of disability. Did it happen in the past? So far with initial -- some tentative exploration there were some indications that it did and what that means, that's -- that's something that can be explored some more.

So that's my pitch for another project.

>> Peter Blanck: I'm looking at a question from Shonda if I can pose it to you, Larry. It says "what do you think based on your research has been the primary intersection of disability among civilians and veterans? Do you think it's the stigma? What's the commonality or not commonality? "

>> Larry Logue: That's a sharp question and what I have to say is there's another barrier that I was talking about. Not only between veterans and civilians but between historians. Lots of people with

disabilities as a whole and people who study veterans, and they don't get together all that often, though we're trying to bridge that gap.

There's always been an arm's length relationship between veterans with disabilities and civilians with disability because veterans had these special benefits. And they've defended them and defended their right to have them. And there was a particular fight after World War II to combine the federal government's efforts on prosthetics and veterans said no, we want first crack.

We're different. We're a special class. More recently there has been -- I would say the two groups are moving closer together. Disabled American veterans, for example, are showing more willingness to work with civilians and vice versa. So, they're moving closer together.

But we can still see a barrier that the two exist in -- two groups exist in some sort of tension.

>> Peter Blanck: Some people would say the great strength and advancement of the Americans with disabilities act is that many disability groups came together to work, including veterans, of course, blind, Deaf, others.

But at the same time, in many areas they have distinct interests, not -- I'm not putting a judgment on them, but certainly different

communities have different interests in terms of benefits and access to society and so forth.

At the time we've been looking -- I don't recall much "disability advocacy" or disability advocacy groups around that time historically other than the pension -- other than the perhaps disabled veterans. Do you recall, Larry?

>> **Larry Logue:** Yes, I do. The reason why they're not better known is that they didn't last very long. But let me give you a couple of examples. One is the Maimed Soldiers League, a number of veterans who were amputees got together and advocated for more generous pensions to amputees, pointing out, for example, that the pensions were for people with blindness were higher.

So, they did go to congress, they did testify and a number of them did try to do something. There's also The Silent Army. These were veterans who had been deafened during the war and they formed a group to advocate better pensions.

In fact, at first there wasn't a pension with veterans with deafness. And they used sign language and they advocated sign language, when at a time when it was under severe attack from Alexander Graham Bell. So,

both groups are examples of some advocacy but they didn't gain traction.

Again, we've got a context issue and a messiness issue.

>> **Peter Blanck:** What about non-veterans' groups though?

>> **Larry Logue:** There was the national association Of the Deaf that formed after the Maimed Soldiers League. They ran into troubles of their own when they were seen as too elitist.

>> **Peter Blanck:** Then you have the beginning of the so-called specialized schools. School for the deaf, school for the blind, asylums. That was on the rise at the same time. Out of sight out of mind?

>> **Larry Logue:** But then there was a huge disconnect when advocates like Bell pushed for oralism. And the schools knuckled under for -- to a large degree and sign language was pushed underground for a long time.

So again, the context it's important to look at groups and see what became of them and why.

>> **Peter Blanck:** Well, I don't know how much more time we have. I could go on all day, Larry, because this is fascinating the way you're

explaining things. Would you like to summarize where we're at, then, in our own exploration?

I don't know that you mentioned the results of this new paper on employment but any particular agenda items you have in mind?

>> **Larry Logue:** Let me take the paper first because that one -- you're right, it's important to talk about what that found. It dealt with the issue of whether pensions were a disincentive to work. There's that old -- that goes way back into middle ages, really. The late Middle Ages, the idea that if you gave people benefits it would encourage them to stop working. It would discourage them from working.

We looked at that. We looked at whether people who got pensions were -- veterans who got pensions were less likely to work. And they were. The higher the pension, the less likely the veteran was to work. However, we looked at the 1870 and 1880 censuses and looked at whether a veteran who didn't have work in 1870 but had a pension was likely to return to work. And they were.

The higher the pension, the more likely to return to work. So, the idea that -- the finding is that this idea that pensions were a work incentive are simply mistaken. They were mistaken then, they're probably mistaken now, but they're still with us.

But the activists who designed this new system of rehabilitation perhaps should have spent as much time looking into whether the work disincentive was really true or not and they really didn't. They just assumed; they fell back on that old assumption.

So, the work we've done casts even more doubt on that work disincentive idea. The other thing is the project I have in mind. I'd like to do what I can and what we can to break down the barriers between meaning and behavior and to look at in the 19th century what happened with disability and what it meant.

So, there is a big opportunity, a huge opportunity for research in the 19th century, especially applying some of the outstanding work, the extraordinary work that's being done now in disability theory to the past.

There's still some opportunities for extra work there.

>> **Peter Blanck:** Who is doing some of that work of note, this extraordinary work today that we also can learn from today? All of us.

>> **Larry Logue:** The great book on disability theory, Simi Linton who is an activist and excellent author and others who -- Lenore Davis who has done some great work on -- he's the scholar who pointed to the invention of normality in the 19th century.

There were people like Paul Longmore, who are in longer with us, who did great work. And so, there's a lot of folks doing work in both the 19th century and current work and current theory who -- David Mitchell and Sharon Snyder who are also doing excellent work in current theory.

And they touch on the past, Mitchell and Snyder do, an analysis of her man Melville and how he depicts disability in his "Confidence Man" so there's good work and a lot of work yet to be done.

>> **Peter Blanck:** And if you were going to recommend to readers who wanted a little less ivory tower writing and popular writing and interesting writing in the Civil War pensions and the evolution of thinking about that, are there some that come to mind? Maybe some you mentioned?

>> **Larry Logue:** Historians are pretty readable these days, I think. There's a book I reviewed called "Bodies in Blue" that is on the resource list that is accessible if people want to delve into pensions and disability and the experience of people like Joshua Lawrence Chamberlain.

She's got an excellent chapter on Chamberlain because it's cringe worthy. The hero of Little Round Top at Gettysburg.

>> **Peter Blanck:** And was denied a pension?

>> **Larry Logue:** He tried to get a pension increase and was denied. Eventually they came through for him. I don't know, the books by historians and books on the 19th century on the resource list I think are readable.

Historians are still in touch with the needs of the general audience. Maybe more so than I may -- I may be prejudiced on this but more so than other disciplines.

>> **Peter Blanck:** Well, I would turn to Barry Whaley on this -- our moderator. How are we on time? Do we have more time or shall we wrap it up? I don't see any more questions. Maybe we put everybody to sleep. I did. Not you, Larry.

>> **Barry Whaley:** Sorry, Peter, I'm having some connectivity problems.

>> **Peter Blanck:** How much more time do we have, Barry?

>> **Barry Whaley:** Can you hear me?

>> **Peter Blanck:** Now I can. How much more time do we have?

>> **Barry Whaley:** We have around 20 minutes, 24 minutes. So, if folks have questions for you or Larry, they can put them in the chat.

While we're waiting, I was thinking, Larry. Your work with -- or your study of work disincentives and the amount of pensions, I don't know if this is really a question or just an observation that we haven't learned much from the past.

When we look at the current debate regarding stimulus plans and enhanced unemployment for people during the pandemic. I mean, one of the arguments has been that if we increase those enhanced unemployment benefits that it creates a disincentive to work. So, I don't know if you want to expand on that. It was more an observation, really, than a question.

>> Larry Logue: I'm glad you brought it up. I was going to but -- it's good to get to that. I think there's a distinction between learning and denial. I think we could learn from the past. I mean, there is really -- I don't think there's much of -- if any evidence that work disincentives really happen.

So, the evidence is out there and the willingness to at mitt it, the willingness to apply it is where we're coming up short. Learning has two components. Evidence and willingness to apply it. So, we should have learned from the past but we so far haven't.

Yes, you're right. That idea is still with us. It was with us then; it was with us centuries ago and it's probably going to be with us for a while.

>> Peter Blanck: And you anticipated a question from Brittany. It says "I'm curious about pensions as a disincentive to work today and incentive previously. The relation between how society views disability. Where do we as a society fit here?"

I think you began discussing going against the grain, I'm wondering if you could expand on this.

>> Larry Logue: We need to think more broadly, I guess, and think more creatively about what can be done in now but we can always be informed by the past and we can be informed that when people talked about Martha's Vineyard and how wonderful that was how it can be used if the --

>> Peter Blanck: Tell people what you mean by that. Some may not know.

>> Larry Logue: On Martha's Vineyard, one people of the inhabitants of a little town, Chilmark, were deaf. It wasn't unusual. Maybe there's a critical mass of people with disabilities. I mean, it's hard to say but maybe there's a critical mass that leads to simple acceptance and there

everybody, deaf or not, used sign language and it was just the way they communed. . So, there was some praise in the news about them doing this. And it could have been -- it would have been easy for mocking

To be -- another term that's often used is "complex embodiment."

Which is the same sort of thing as I was talking about with post-humanism. Similar anyway. The idea that we simply need to -- rather than simply -- rather than celebrating people who rise above or overcome disabilities we need to look at the phone potential and the life course and life

Experiences of people with disabilities without categorizing them as deficient. I'm not sure I'm addressing your question but I'm giving it my best shot.

>> **Peter Blanck:** I think that was an interesting answer. I have to ask about the elephant in the room, given you're a historian with the 1918 flu pandemic or epidemic, COVID today. As a historian studying disability what do you make of all that? Are we seeing a sea change -- can we see, will we see, may we see a sea change in new ways of thinking about this mass susceptibility or disability?

Thousands of people dying. Was society changed in such a way from a historical perspective, for example in regard to disability after the 1918 or 1911 epidemic? Any thoughts on that?

>> **Larry Logue:** That was the same time as the rehabilitation movement began but that's because there was a war going on so that is the thing that -- the context makes a huge difference. I guess I have to at this point introduce another barrier between disease and disability. The idea is among most disability theorists that disabilities are permanent.

We consider disabilities to be a permanent condition rather than something temporary. So, we don't know what would have come out of the influenza epidemic because of the effect of the war and the activities of the -- the advocacy of the progressive generation who wanted to undo the policies of the past.

We're not quite at that point now but we don't have a war. And there's still the idea that disease and disability are two separate things. What's happening with COVID is, it turns out there are often long-term consequences of that disease.

So, the more I think about it the more -- maybe it will cause rethinking. I think it may cause rethinking about that barrier between temporary

conditions and permanent ones. Neighbor's another false barrier just like the medical model is -- includes a false barrier.

What's the term, spit balling? I'm spit balling now.

>> **Peter Blanck:** That's a non-historian term. But certainly, from a disability perspective or poverty or race or age there are COVID susceptible groups. If you accept that term. People who are more likely to be severely impacted who have less power, arguably, in society, who are -- many of whom are members of the disability community from an intersectional point of view. So, within disability, within race.

Within gender, the individual combinations are so rich that it's hard to know how this is going to play out across those lines? Poverty, for example, today is highly associated with having a disability. And I'm not -- I don't know the details of that in the late 1800s.

I guess I don't know for non-veterans. Do you have a sense of that?

>> **Larry Logue:** I think the general statement we can make about the Gilded Age is it takes us back to the work on newspaper reports. The attitude toward disability varied certainly by class. And often by race. People read newspapers all the time with much more regularity than they read, say sentimental novels in the 19th century.

And they were teaching people how to think. And if somebody was an artist and there was a young woman who was an artist, who was confined to her bed and a wheelchair and she was an artist and visited the president and visited Garfield when he was in the White House.

But she was upper middle-class and upper class. If a person was upper class, they were more likely to be positively described in newspapers and if they were Black or working class, much less likely. And they were a cripple.

So, the different attitudes by class and gender and race were with us in the late 19th century as far as the evidence indicates. As you say, are with us still.

>> Barry Whaley: Just a follow up on that, Larry, if I could. So, you've kind of centered on Black or African-American or -- and societal perceptions. Thinking back in the historical context of the late 1800s where we see a huge wave of immigration in this country, how did those attitudes -- how were those attitudes reflected on other immigrants or other minority groups?

>> Larry Logue: The main reaction was an attempt at prevention and that attempt took two forms. The idea was that with this rising tide of immigration that something needed to be done to prevent it. And

there was an idea that foreign countries, other countries, were dumping their people with disabilities on our shores and something needed to be done.

So, the two things that were done was to prohibit marriage between two people with disabilities, especially people who were Deaf or, as the term was used at that point, feeble-minded. The other was sterilization through the idea of eugenics. So, the whole eugenics movement began at just this same time and reflected basically a real sense of crisis about the degeneration of the normal White race.

So that was the response there. It was a response to the doctor that I can increase, especially in immigration from southern and eastern Europe.

>> **Barry Whaley:** And of course, you have the famous case Buck V. Bell, the sterilization case written by Oliver Wendell Holmes who was a captain in the Civil War and grew up in the age of Darwinism and infamously said three generations of imbeciles are enough.

We have one more question, maybe more coming in. How have 30 years of the ADA and the many state and federal employment programs for veterans had a positive effect on the hiring and the American economy? I have some thoughts about that for non-

veterans. Larry, what do you think of, in a contemporary sense to the extent that you can, what is the impact of these programs?

What have been the impact of these programs today as you understand them.

>> **Larry Logue:** I haven't looked into that as you might suspect from my previous comments, I dwell a lot in the past. All I know is requirements for rehabilitation and veterans' benefits have relaxed somewhat. And I don't really know. What I hear is anecdotal so I think somebody -- and I suspect somebody has done some work on employment among veterans currently.

>> **Peter Blanck:** A lot of economists have done that. I would say that's an excellent question. The difficulty embedded in that question is the concept of the ADA's role as a positive effect on hiring in the American economy. Of course, it was meant to improve employment. But it's primarily an anti discrimination law with fewer preferential aspects to it, unlike the rehabilitation act perhaps and some other veterans.

Associated laws. And when the economists typically historically have tried to isolate the effects of the ADA on the employment of persons with disabilities other the last 30 years, the trends are hard to show.

Some show negative trends. Some show positive trends. But there's no question that the upward trend is not what people had hoped for and it has remained relatively flat. The way that I try to look at some of those questions is the ADA is part of a larger disability policy framework which includes both generic, social security, whomp and disability-specific policies, SSI, SSDI. It's hard to take those in isolation, particularly now in this pandemic period.

To look at the impact of any particular law on these complex employment changes in the American economy.

I would say prior to COVID the economist had showed a slight upward trend over the last couple years in hiring and that was true for a lot of people. The unemployment rate, of course, was historically low. But it remains to be seen how people recover, of course, from this COVID environment when all boats are pushed way, way down and the disparities in access to benefits and training and

Access to capital and transportation and so forth really are challenged. But a very good question.

>> **Larry Logue:** Can I take a shot at that? Do we still have time, Barry?

>> **Barry Whaley:** Yes, sir, we have seven minutes.

>> **Larry Logue:** Marsha, if you could bring up the first slide. I think I mentioned this before. Here's the -- one of the major interpretations, one of the major assumptions about what happened to veterans. They just went back to what they did before.

That's a veteran because down in the lower corner there's an army jacket. He's discarded those and he's back working.

>> **Peter Blanck:** That's the picture of the veteran, what are you -- what do you call that with the wheat?

>> **Larry Logue:** It's a scythe. It's a painting by win slow Homer. Next, however, is a slide that what many historians have pointed to and what many current commentators have pointed to. Veterans, especially veterans, this guy is an amputee running an organ grinder in the street and begging for money.

There's quite as by of discussion about this and how prevalent it was and how it suggests a mistreatment of veterans. But if we can look at the next slide --

>> **Peter Blanck:** So that was a cartoon labelled "The Soldier Minstrel."

>> **Larry Logue:** This soldier was missing an arm and running an organ in the street and begging for handouts. And the next slide can be taken in contrast with this. Here are help-wanted ads again and again and again for Civil War veterans. Civil War veterans with disabilities.

Wanted: Discharged disabled soldiers and sailors. The work is acceptable even for those who have lost an arm and a leg. None but disabled veterans need to apply. One of the things we found in that paper, that forthcoming article we were talking about, is that veterans were more likely to have occupations in 1880 than civilians were.

So, one of the problems we have is -- in answering that question about veterans and employment now is that we can't tell the difference between, necessarily, the effects of laws and a preference for veterans.

Certainly employers -- I think the sheer weight of the want ads gives context and perspective on the occasional veteran begging in the street. And so, it could well be -- one thing I didn't mention, in 1865 there was a law passed by congress mandating veteran preference in hiring and encouraging veteran preference in private employment.

And we seem to have that, especially looking at the 1880 census, more veterans' Haddock patients than non-veterans did. So, I would suspect

-- without any evidence -- that that preference may still -- and we have seen advertisements in recent decades about hire disabled veterans.

>> Peter Blanck: I think we've answered Brittany's question. Larry, I like to listen to you. We have three minutes left. I'm going to give you the opportunity to close and to suggest for other interests, people may have I would just note that most of our publications are available and free and accessible on the Burton Blatt Institute web site.

And Larry has a subpage there with other Civil War resources which he has developed. Larry, you get the final word.

>> Larry Logue: Let me close with the last slide. This is a tangible indicator of what we're talking about. Here's the pension building that was -- I don't actually remember the year but it was an extraordinary edifice constructed in Washington, D.C. that's still there. Still used for government functions.

And this is what we're talking about. And this is the beginning of the strange path that I talked about. One that indicates how -- if I had to give an example of the way the past is still alive that it's still there and I can maybe close with a paraphrase of a Mississippi author. The past isn't dead, it's not even past.

>> **Peter Blanck:** Thank you, Larry. This pension building which is shown in this slide is called the national building museum. It's on F Street downtown and is where all the bureaucrats worked and functioned at the what was probably the largest single expenditure of the United States government at its time. At some points accounting for almost half of the federal budget.

So, Larry, thank you so much. It's always a pleasure to talk with you. Barry, thank you for hosting this and I will give you a chance to summarize. There were a number of questions, I'm sorry, we did not get to, but we will receive those and either Larry or myself or Barry will try to answer those.

>> **Larry Logue:** Sure will.

>> **Larry Logue:**

>> **Barry Whaley:** Thank you, Peter, thank you, Larry. As always, just remarkable performance. I could listen to both of you all day. For folks in our audience, thank you again for participating in our webinar, Shaping Modern Disability Employment through the Past Veteran's Experience. This is part II of a virtual series on disability employment, looking back and moving forward.

As a reminder, a certificate of completion is available for those who attended this webinar. To receive the certificate, you must meet four requirements: You must have been registered, number one. Second, you must listen to the webinar in its entirety. Number three, your attendance to the entire webinar must be verified. And number four, we have an online multiple choice post-test for this webinar.

I will tell you that the Easter egg in those questions, Peter's dog's name is Harry. After you submit the post-test and verify your attendance, you'll be provided with a link to print your certificate of completion. In addition, a copy of the certificate of completion will be sent to the e-mail address you provided when accessing the post-test for this webinar.

Finally, your feedback is very important to us. Hopefully you enjoyed this webinar and you will enjoy this entire series. We ask you to use -- we ask you provide your input for us to improve future webinars and identify future topics.

The link to the post-test and the evaluation will be e-mailed to all participant within one hour after this webinar ends. This webinar and materials, PDF files, captioned videos shared by our presenters along with all webinars in this series will be archived with recording, video and audio presentation and transcript.

Those archives are online at this address:

So, thank you again for being with us. Save the date for next week's webinar on Wednesday, October 21, whereas I mentioned at the beginning of our webinar today, we will be discussing the new RRTC Disability Inclusive Employment Policy Center at Syracuse University's Burton Blatt Institute.

Our guests will include again Peter Blanck; Michael Morris, our Senior Adviser at the Burton Blatt Institute; Meera Adya, our Senior Director of Research at BBI; along with the Nicole Maestas, Associate Professor of Health Care Policy at Harvard Medical School and Research Associate on the National Bureau of Economic Research; and Doug Kruse, distinguished professor in the School of Management and Labor Relations at Rutgers University.

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Event 2 of 4: Shaping Modern Disability Employment Policy through the Lens of Past Veterans' Experience

Virtual Series: Disability Employment – Looking Back & Moving Forward

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