

Draft Evasion in the North during the Civil War, 1863-1865

Peter Levine

"We're coming, ancient Abraham, several hundred strong
We hadn't no 300 dollars and so we come along
We hadn't no rich parents to pony up the tin
So we went unto the provost and there were mustered in."¹

This parody of a popular song of Civil War America dramatizes the massive intrusion of the federal government into the personal lives of virtually all Northern families between 1863 and 1865. Between July 1863 and April 1865, four national drafts resulting in a call of 776,829 men took place. Of these men, only 46,347 actually were held to service in the Union army. A combination of volunteers and substitutes, many of whom were paid large bounties to enlist, comprised the bulk of the one million soldiers who actually fought for the North. No other single action undertaken by the federal government from its inception so personally and immediately affected the lives of so many of its citizens.

The bureaucracy and authority for this venture was embodied in the Enrollment Act approved by Congress in March 1863. Under its provisions all fit male citizens and aliens intent on becoming citizens between the ages of twenty and forty-five were liable for military service upon the request of the president. All men called to service could legally avoid it by obtaining one of a number of offered exemptions, the most common involving physical disability. Whether able to secure an exemption or not, all drafted men were guaranteed two other means of legally avoiding military service—substitution and commutation. By providing another person to take his place or by paying a \$300 commutation fee, an individual who had been called to military service could stay at home.²

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¹ Quoted in Nuria Sales de Bohigas, "Some Opinions on Exemption from Military Service in Nineteenth-Century Europe," *Comparative Studies in Society and History*, X (April 1968), 268.

² "An Act for enrolling and calling out the national Forces, and for other Purposes," ch. 75, 12

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With some modifications, including the repeal of commutation in March 1864, this act remained in effect until the close of the Civil War. Most men who were drafted avoided military service by legal means. Over 160,000 individuals who did not avail themselves of such outlets also escaped the call to arms by refusing to report to their draft boards for examination. These men were illegal draft evaders by choice and deserters by law.³

The American war in Vietnam not only engendered a massive draft resistance movement but also new scholarly interest in this first attempt at national conscription.⁴ A central concern of this scholarship involves the policy-making process itself—specifically whether or not conscription legislation represented the conscious design of policy makers to protect the interest of propertied classes at the expense of the unpropertied poor. In this context particular attention to the commutation clause usually is treated as the cutting edge for theories of class discrimination.

Developing a theme first announced in Frederick Shannon's 1928 study of *The Organization and Administration of the Union Army*, Robert Sterling, for instance, condemns commutation as the keystone of a discriminatory policy and argues that the Enrollment Act "represents one of the worst pieces of class legislation ever passed by the United States Congress."⁵ Preoccupation with commutation as the measure of the class impact of conscription also characterizes the work of Eugene Murdock and others who argue the opposite case. For Murdock, the Enrollment Act was an impartial law sensitively conceived to meet military requirements without alienating Northern citizens. Commutation, by informally keeping substitution prices under \$300, represented "a concession to low-income groups" who presumably could

Stat. 731 (1863). Administration of conscription was centered in the Office of the Provost Marshal General. Its responsibilities included the division of the Union states into draft districts and subdistricts, supervision of all enrollment and drafting procedures, decisions regarding district draft quotas, responsibility for the apprehension of deserters, and appointment of all officials on the state and local level. For statistics, by congressional (draft) district, of the number of men drafted and the choice they made when drafted, see *Final Report Made to the Secretary of War, by the Provost Marshal General*, House Exec. Docs., 39 Cong., 1 sess. (16 vols., Washington, 1866), IV, 165-213. For a discussion of the draft as a spur to volunteer enlistments, see Eugene C. Murdock, *One Million Men: The Civil War Draft in the North* (Madison, 1971), 3-177.

³ Men who failed to report are classified as deserters in *Final Report*, 30.

⁴ For prominent examples of recent work, see Richard H. Abbott, "Massachusetts and the Recruitment of Southern Negroes, 1863-1865," *Civil War History*, XIV (Sept. 1968), 197-210; Adrian Cook, *The Armies of the Streets: The New York Draft Riots of 1863* (Lexington, Ky., 1974); Hugh G. Earnhart, "Commutation: Democratic or Undemocratic?" *Civil War History*, XII (June 1966), 132-42; James W. Geary, "A Lesson in Trial and Error: The United States Congress and the Civil War Draft, 1862-1865" (Ph.D. diss., Kent State University, 1976); James McCague, *The Second Rebellion: The Story of the New York City Draft Riots of 1863* (New York, 1968); Murdock, *One Million Men*; Eugene C. Murdock, *Patriotism Limited, 1862-1865: The Civil War Draft and the Bounty System* (Kent, Ohio, 1967); Arnold Shankman, "Conflict in the Old Keystone: Anti-War Sentiment in Pennsylvania, 1860-1865" (Ph.D. diss., Emory University, 1972); Robert E. Sterling, "Civil War Draft Resistance in Illinois," *Journal of the Illinois State Historical Society*, LXIV (Autumn 1971), 244-66; and Robert E. Sterling, "Civil War Draft Resistance in the Middle West" (Ph.D. diss., Northern Illinois University, 1974).

⁵ Sterling, "Civil War Draft Resistance in the Middle West," 150. Frederick Albert Shannon, *The Organization and Administration of the Union Army, 1861-1865* (2 vols., Cleveland, 1928), II, 11-42.

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afford that amount and who "would have no choice but to enter the army" if commutation ended and the price of hiring a substitute increased.⁶

Recent scholarship also focuses on overt acts of resistance to conscription, with special attention to draft riots. Generally, the interpretation of these acts complements the writer's stance on the efficacy and fairness of conscription itself. Those disposed to regard conscription policy as equitable legislation applied without discrimination across Northern society view resistance as unwarranted and the participants as un-American. Those who see the law as discriminatory understand resistance as a logical response of oppressed people to an intolerable situation.

Regardless of their perspective, historians' descriptions of those who participated in draft resistance or evasion usually correspond to the profile that appears in the final report of the Provost Marshal General's Office. In this self-congratulatory message, these actions are characterized as the crimes of poor, lower-class immigrants, often living in cities and allied with Democratic politicians and positions.⁷

These studies of Northern conscription share another common feature. Absent from them is any serious attention to the 160,000 individuals who chose not to report for military service when their names were called. However valuable these accounts may be for calling attention to an important aspect of the Civil War experience, their failure to analyze the response of these men raises some serious questions. For instance, preoccupation with commutation as a measure of the impact of conscription on particular kinds of people eliminates consideration of illegal draft evaders. Yet, analysis of this large population—one that increased dramatically over time—seems essential

⁶ Murdock, *One Million Men*, 201. Eugene C. Murdock's analysis of the New York situation appears in Murdock, *Patriotism Limited*, 211-15. It rests on an unconvincing quantitative analysis of economic characteristics and commutation rates that ignores the eight districts comprising New York City and Brooklyn. Hugh G. Earnhart attempts to use data on individuals drafted between 1863 and 1865, in this case to see who could afford commutation. His analysis is based on drafted men in four Ohio districts, but it fails to consider the impact of the high percentage of men who failed to report. See Earnhart, "Commutation: Democratic or Un-democratic?" 132-42.

⁷ *Final Report*, 4, 19, 26, 30, 75-76. Also see James B. Fry, *New York and the Conscription of 1863: A Chapter in the History of the Civil War* (New York, 1885). The characterization in the *Final Report* clearly labels draft evasion and resistance as irrational, unacceptable, and treasonable acts performed by people who did not belong in American society. Murdock essentially argues the same case and describes draft evaders and resisters in similar ways. See Murdock, *One Million Men*, 29, 41, 52, 307, 314. Unlike James B. Fry or Murdock, Robert E. Sterling views resistance and evasion as the rational actions of people who recognized the discriminatory quality of conscription. Although he focuses on overt acts of resistance, Sterling strongly implies that evaders were from similar backgrounds and were motivated by similar reasons. Based on analysis of those counties where resistance took place in the Midwest, his conclusion nevertheless is that such actions were likely to take place in counties that voted Democratic, contained large percentages of foreign-born and Catholics, and were below average in per capita wealth. Clearly, however, he recognizes that evasion and resistance were not limited to urban settings. See Sterling, "Civil War Draft Resistance in the Middle West," 127-31, 246-50, 534-35. There are some exceptions in the literature to this image of the draft evader. See Shankman, "Conflict in the Old Keystone," 198-235, and William August Itter, "Conscription in Pennsylvania during the Civil War" (Ph.D. diss., University of Southern California, 1941), 119-54.

TABLE 1
Disposition of Names Drawn for Drafts of 1863 and 1864

Date of Draft	Names Drawn	Failed to Report	Discharged	Examined					Held to Personal Service
				Examined	Physical Exemptions	Other Exemptions	Paid Commutation	Provided Substitutes	
July 1863	292,441	39,415	460	252,566	81,131	83,264	52,288	26,002	9,881
March 1864	113,446	27,193	1,296	84,957	21,473	18,479	32,678	8,911	3,416
July 1864	231,918	66,159	27,223	138,536	42,589	39,942	1,298	28,502	26,205
Dec. 1864	139,024	28,477	64,419	46,128	14,210	14,421	460	10,192	6,845
Total of four drafts	776,829	161,244	93,398	522,187	159,403	156,106	86,724	73,607	46,347

Source: *Final Report to the Secretary of War, by the Provost Marshal General* (Washington, 1866), 165-212.

to an understanding of the class dimensions of conscription policy. Similarly, recognition of the large numbers of men who failed to report indicates the need to reconsider discussions of the meaning of resistance that deal only with overt physical attempts to disrupt enrollment and draft proceedings. In short, the experiences of these men represent a major opportunity to reevaluate the nation's first attempt at national conscription.

This essay focuses on illegal draft evaders. On one level, it examines whether or not traditional images of them are accurate. It also explores whether these people differed in background from those who legally avoided military service by substitution, commutation, or other means. These concerns do not limit the possibilities. Indeed, it is a major assumption of this study that analysis of the responses of Northern citizens to national conscription remains essential to any investigation of the impact of war on Northern society and to an understanding of the society itself. For instance, what can the experience of draft evaders indicate about their own situation? What does it suggest about the relationship between political elites and the mass constituency so affected by their decisions? Finally, what can discussion of these problems suggest about popular attitudes concerning national identity, about the nature of political opposition, and about the extent of internal conflict within the North itself?

The final report of the provost marshal general provides detailed information, by congressional district, about the disposition of the 776,829 men subject to Northern conscription. Table 1 summarizes these data for the 180 congressional districts comprising twenty-two states and the District of Columbia.⁸ Categories for each draft separately and for all four drafts combined indicate the total number of men whose names were drawn to fill draft quotas, the number who "failed to report" to local draft boards for examination, the number of men discharged because of previously filled quotas, the number of men actually examined, the number who received exemptions for one reason or another, and the number who paid commutation money, provided substitutes, or put on the Union blue.

Although "failed to report" figures are not absolutely reliable measures of illegal draft evasion, they represent the best available index of that activity. Even as a rough estimate, they indicate the startling frequency of illegal evasion.⁹ If all four drafts are viewed together, 20.8 percent of all individuals

⁸ States included in this group are Connecticut, Maine, Massachusetts, Rhode Island, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota, Iowa, Kansas, Missouri, and Kentucky. According to the *Final Report*, 162-63, only these states were assigned draft quotas for the four drafts held under the Enrollment Act.

⁹ Under the Enrollment Act, a draftee received official notification by personal notice. The notice was left at a person's last known residence. If an individual did not appear at his local draft board within ten days after a draft notice had been left, he was classified as a deserter or, in our terms, as an illegal evader. See *Final Report*, 226; Historical Report, Acting Assistant Provost Marshal General, Wisconsin, Fifth Congressional District, Records of the Provost Marshal General's Bureau, RG 110 (National Archives). It is likely that not all men who "failed to report" were in fact draft evaders. Most important is the testimony of Fry, the provost marshal general of the United States. Fry estimated that 30 percent of the total number of illegal evaders were

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called to serve—161,244 men—refused to report to their draft boards. The range extends from 13.5 percent for the July 1863 draft to 28.5 percent for the July 1864 draft. Throughout the North, more men chose illegal evasion of the draft than the combined total of individuals who either paid commutation fees or obtained substitutes. More men opted against participating in the draft system than were able to avoid service because of some physical disability.

Illegal draft evasion was commonplace in the North; yet its intensity was hardly constant. Not all congressional districts nor all the subdistricts within them, defined by county, township, and city ward, relied exclusively on conscription to meet military demands. Typically, troop quotas were assigned by congressional district and then apportioned by population among subdistricts. Each subdistrict then had a certain amount of time to meet its quota. Particularly during the first two drafts, many areas were able to fill their quotas by encouraging volunteer enlistments through a variety of means, thus avoiding the draft entirely. In other communities only portions of troop quotas were filled by the draft.¹⁰

What is clear is that over time illegal draft evasion increased numerically, by degree, and in terms of the areas in which it occurred, peaking during the July 1864 draft. During the first two drafts, slightly more than half of the 180 Northern districts found it necessary to hold drafts in order to fill quotas. The call for July 1864, however, resulted in drafts in over 77 percent (139) of all districts. The number of districts with illegal evasion rates of 20 percent or higher increased from 19 in the July 1863 draft to 30 for the second draft and to a high of 80 for the July 1864 draft. Similarly, 61 districts in the first draft recorded rates of illegal evasion over 10 percent, 77 in the second draft, and 110 in the third draft.¹¹

Increasing rates of illegal evasion reflected certain geographic patterns. In terms of states containing districts with evasion rates over 20 percent in a particular draft, what began as a phenomenon located primarily in Wisconsin, Michigan, New York, and Pennsylvania spread by July 1864 to include large excusable since "some [had] entered the service after having been drafted, others were absent at sea, and for various other causes the absence of many was unavoidable and excusable." Applying this correction factor, he comes up with a total of 112,901 "as the number of non-reporting drafted men who are deemed deserters." See *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series III (5 vols., Washington, 1899-1900), V, 109. Assuming Fry's estimate is accurate, we are still left with a substantial number of illegal draft evaders. I have chosen to rely on the 161,244 figure reported in the *Final Report* for several reasons. There is no way of knowing how to distribute the reduction by 30 percent accurately across 180 districts for four different drafts. Moreover, enrollment lists, from which the significant category of total number of names drawn was taken, were not always accurate. It was especially hard to obtain accurate enrollments in areas where open opposition to conscription existed. Rather than try to make arbitrary corrections here and elsewhere it seems best to utilize the figures in the *Final Report*, which have the additional virtue of breaking down categories for each draft district for all four drafts.

¹⁰ For the mechanical operations of the draft, see Murdock, *One Million Men*, 26-153.

¹¹ The fourth call for 300,000 men came on December 19, 1864, but it was suspended on April 13, 1865. Because the draft was not fully completed I have decided to focus my analysis on the first three drafts. Calculations are based on the draft statistics located in *Final Report*, 165-212. Unless otherwise noted, similar calculations referred to in this essay have been drawn from those statistics.

sections of Maine, New Jersey, Maryland, Ohio, West Virginia, Kentucky, Illinois, Minnesota, and Missouri. The entire states of New Jersey, Illinois, Indiana, Ohio, Iowa, Kansas, Missouri, Kentucky, and West Virginia, along with large parts of Minnesota and Maryland—that had not required a draft to meet quotas set for summer 1863—accounted for 57.7 percent (38,150) of those men who failed to report when called in summer 1864.

Within this general pattern of expansion over time and space it is possible to identify twenty-seven congressional districts that most often produced the highest rates of illegal draft evasion in the North between 1863 and 1865. Together, they accounted for 36.9 percent (14,540) of all men who failed to report during the July 1863 draft, 61.7 percent (16,782) of those who made the same choice during the March 1864 call, and 36.6 percent (24,218) of all men who failed to report during the July 1864 draft.¹²

Although districts from New York and Pennsylvania predominate, this group includes heavy representation from the midwestern states of Michigan and Wisconsin and from areas with obvious Southern proclivities, including virtually the entire state of Maryland and the District of Columbia. Even districts from the solidly Republican New England states of Massachusetts and Maine are included. Districts containing large urban centers are represented: for example, the Fifth District of New Jersey comprised primarily of Newark; Brooklyn, New York, represented by a combination of the First and Second New York districts; an Ohio district containing Cincinnati; and the First District in Wisconsin, which included the city of Milwaukee. Also included were areas that were rural and lacking in large population centers, such as the Fourth District in Michigan and the Eleventh District and Thirteenth District in New York. Illegal draft evasion clearly became commonplace, increasingly involving a broad range of geographic areas stretching across the entire North.

Who were illegal draft evaders? Were they similar in background to individuals who engaged in active resistance against the enrollment and the draft? Were they typically immigrant, politically Democratic, lower-class people? If so, did they remain so throughout all four drafts, or did the composition of the group change over time? Is it possible to differentiate the kinds of people who most often chose illegal evasion by social, economic, political, or demographic characteristics?

Exploration of these and other questions is possible by examining the data on the draft in relation to demographic, economic, and political profiles of Northern congressional districts. Undertaken at the congressional district level, the analysis that follows is only accurate in describing relationships that

¹² Districts were selected if they met one of the following criteria: illegal evasion rate (percentage of failed to report out of total of men called) for the total of four drafts equal to at least 20 percent; illegal-evasion rates in each of the first three drafts ranked each time either among the twenty most evasive or with rates of 25 percent or greater; or rates in two of the first three drafts ranked each time in the top twenty or with illegal evasion rates of 20 percent or more. Districts included were: Kentucky 1; Maine 52; Maryland 4, 53; Massachusetts 4; Michigan 4, 5, 6; Minnesota 1; New Jersey 5; New York 10, 11, 13, 17, 20, 52; Ohio 52; Pennsylvania 10, 11, 12, 16, 17, 18; Wisconsin 1, 4, 5; and Washington, D.C. Numbers above 50 identify merged districts that combine two or more real congressional districts. See note 15 for explanation of merged districts.

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characterize particular groupings of congressional districts. It does not describe the actual behavior of individuals living in these often large geographic areas and population units. Nor can it pinpoint the specific part of a district or particular groups of people that might be distinguished in some way. Nevertheless, as a preliminary step in the investigation of a group of people long ignored by historians, this analysis helps to establish the issues and hypotheses about draft evaders that demand attention.¹³

A variety of information for every Northern congressional district, garnered from several different sources, provided the basis for testing the relationships between illegal draft evasion and a whole range of variables for different groups of congressional districts.¹⁴ Statistical compilations from the 1860 United States census yielded demographic, economic, and religious data. Information that was originally presented by county and merged into congressional districts established for the 1862 congressional elections provided demographic characteristics such as the proportions of free black population, native-born white population, and foreign-born white population for all Northern districts excepting those in Massachusetts.¹⁵ Similar procedures resulted in the creation of economic variables, including the size of farms by acreage, the cash value of farms, the amount of capital invested in manufacturing, the value of manufacturing products, and the number of people employed in manufacturing establishments. It was also possible to generate a crude index of per capita worth by combining data on the true value of real estate with data on the value of personal property. Information on the number of churches and the number of accommodations by church resulted in statistics on the proportion of such units for each denomination within each congressional district.¹⁶ Political variables for congressional districts, obtained by merging county elections results, included proportions of Republican, Democratic, and non-Republican votes cast in the presidential elections of 1860 and 1864 and the congressional elections of 1860, 1862, and 1864.

¹³ The *Final Report* organizes data on the draft by congressional district. For this reason, analysis proceeded at that level. See note 44 for possibilities and problems of analysis for smaller units.

¹⁴ The Inter-University Consortium for Political Research, Ann Arbor, Mich., provided aggregate 1860 U.S. Census data and political information from the consortium's data banks and facilitated the merging of the draft data with it.

¹⁵ Political and census data, originally organized by county, were merged into congressional district units based on district configurations for the Thirty-Eighth Congress. These districts coincided with those listed in the *Final Report*. Massachusetts's districts were eliminated from this analysis because of the problem of split counties. It was impossible to divide county census and political data between different combinations of congressional districts sharing parts of several counties. This problem arose, in less extreme form, in several other instances and was generally dealt with by merging the data for the congressional districts sharing a county to form a "new" district for purposes of analysis. For instance, New York's Second District and Third District, largely comprising Brooklyn, were merged to form New York 52, and New York's Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth districts, together comprising Manhattan, were merged to form New York 56. These changes reduced the number of districts from 180 to 153.

¹⁶ I have used these indices to get some idea about the probable relative number of people living in a particular area who identified themselves as members of particular religious groups. For a discussion of problems of using such data to explain religious beliefs, see Richard B. Latner and Peter Levine, "Perspectives on Antebellum Pietistic Politics," *Reviews in American History*, 4 (March 1976), 15-24.

Finally, draft data, organized by congressional districts in the final report of the provost marshal general, provided the information necessary to generate seven different variables for each of the four separate drafts held between 1863 and 1865 and for all four drafts combined. The variables included the proportions of men who failed to report (the measure of illegal evasion), who were held to personal service, who provided substitutes, who paid commutation fees, who obtained exemptions for physical disabilities, who either paid commutation fees or provided substitutes, and the combined proportion of men who paid commutation fees, provided substitutes, or obtained exemption for physical disabilities.

As a first step in analysis, zero-order correlation coefficients for various pairs of variables for each draft separately and for all four drafts combined were generated for thirty-one different groups of congressional districts. These groups included all Northern districts; districts comprising the middle states of New York, New Jersey, and Pennsylvania; New England districts; the border state districts of Missouri, Kentucky, Maryland, West Virginia, and Washington, D.C.; the group of twenty-seven districts designated earlier as the most evasive; smaller combinations of those districts; and combinations of districts based on different percentage ranges of men who failed to report in each draft.¹⁷

The most striking observation this analysis offers is the lack of correlation between illegal evasion and the various factors examined. For instance, correlation coefficients measuring the relationships between rates of illegal evasion and twenty variables for eleven of these groups for each of the first three drafts generally failed to reveal indications of significant connection. In gross terms, of 651 correlation coefficients generated, over 76 percent were under ± 0.4 and only 11 percent were over ± 0.5 .¹⁸ Nevertheless, within this pattern of weak association there are developments that deserve our attention.

With varying degrees of strength, congressional districts with high rates of failure to report tended to vote non-Republican and to contain Catholics and foreign-born residents in greater proportions than districts with lower rates of illegal evasion, particularly during the July 1863 draft. A strong expression of this tendency occurred for the seventy-four districts of the North that required a draft to fill quotas during summer 1863. Correlations for illegal evasion with Catholic accommodations, native white population, and foreign-born white population for this group were .59, -.61, and .61 respectively. Although the political variables produced weaker correlations, there was always a negative

¹⁷ Aside from the group noted as border states, I also treated as one group the border states plus congressional districts in other states bordering on the border states and those districts by themselves as another group. The districts included Illinois 4, 9, 10, 12, 13; Indiana 1, 2, 3, 4; Ohio 6, 11, 15, 16, 17; and Pennsylvania 7, 9, 15, 16, 21, and 24.

¹⁸ Included were congressional district groups representing the North, New England, the middle states, the Midwest, border states, the North excluding the border states, and combinations based on the most evasive districts and on districts with varying degrees of illegal evasion. Although similar analyses were run for other groups, the results summarized here provide an accurate picture for the overall results.

association between corresponding post-draft voting behavior.¹⁹

This profile loosens the association between immigrant, Catholic, and the first draft individual characteristics with voting behavior elsewhere. For instance, the independent variable of Catholicism for different groups of districts those generated by the analysis of evasion was more significant for Catholic population than for native-born citizens. Specifically, the North during the third draft had a higher proportion of men who failed to report money, hiring a substitute, and so on, a strongly negative correlation with native-born whites.

Even more significant is the lack of correlation between congressional district political characteristics and voting behavior over time. As the draft became more widespread, evasion and political characteristics during the third draft were at the highest level, these groups of the district.

Correlations in the analysis of accommodations, native white population, and foreign-born white population were consistently positive and negative, respectively. Examination of the data confirms this trend. Correlations with variables exist at all levels of intensity by the third draft. Categories of legal accommodations and foreign-born populations characterize the districts thereafter.

Multiple regression analysis confirms the influence of particu-

¹⁹ No border state districts were included in this group of seventy-four districts.

²⁰ This statement is based on the analysis of groups of congressional districts.

association between illegal evasion and Republican voting strength and a corresponding positive association of illegal evasion with non-Republican voting behavior.¹⁹

This profile loosely fits the historical image of the Civil War draft evader—immigrant, Catholic, anti-Republican. Other data further suggest that during the first draft individuals living in congressional districts that exhibited these characteristics were more likely to choose illegal evasion than men living elsewhere. For instance, considering the various categories of legal evasion as dependent variables and correlating each of them with the independent factors for different groups of congressional districts produced results the reverse of those generated when illegal evasion was the dependent variable. Legal evasion was more likely to occur in areas containing native-born, non-Catholic populations than in those places characterized by Catholic, foreign-born citizens. Specifically, the same group of seventy-four districts comprising the North during the July 1863 draft produced correlations for the combined proportion of men who legally evaded the draft by paying commutation money, hiring a substitute, or obtaining a physical disability that were strongly negative with Catholic accommodations ($-.60$), strongly positive with native-born whites ($.66$), and negative with foreign-born whites ($-.62$).

Even more significant than these rough correspondences between congressional districts displaying particular demographic, religious, and political characteristics and rates of legal and illegal evasion is what happens to them over time. As the need for conscription continued and as illegal evasion became more widespread, the connections between rates of illegal or legal evasion and political preference, ethnicity, and religion diminished. Indeed, during the third draft of July 1864, at a time when illegal evasion reached its highest level, these statistical relationships all but disappeared for virtually all groups of the districts examined.

Correlations in the North, for instance, between illegal evasion and Catholic accommodations, native white population, and foreign white population that were consistently high for the July 1863 call fall to $.22$, $-.21$, and $.20$ respectively. Examination of other combinations of congressional districts confirms this trend. Where correlations between illegal evasion and other variables exist at all, they are strongest in the first draft and decrease in intensity by the third call of July 1864. A similar situation exists for the various categories of legal evasion. Relationships apparent between them and populations characterized by ethnicity and religion in the first two drafts disappear thereafter.²⁰

Multiple regression analysis confirms these tendencies and measures the influence of particular variables on illegal evasion while controlling for the

¹⁹ No border state districts required a draft in the summer of 1863 and so none are included in this group of seventy-four districts.

²⁰ This statement is based on an examination of correlations generated for each draft, for all groups of congressional districts, and for each of the four categories of legal evasion.

TABLE 2
Multiple Regression Analysis of Illegal Draft Evasion in Northern
Congressional Districts for the July 1863 and July 1864 Drafts

Equation No.	Draft	Standardized Regression							R ²
		Coefficients* (Beta Weights)							
		FB	MFG	PCW	60PN-R	62CN-R	Border	Legal	
1	July 1863	.51	-.11	-.20	.26	.20	—	—	.52
2	July 1864	.33	-.03	-.09	.47	-.05	—	—	.23
3	July 1863	.15	-.20	-.08	.06	.19	-.07	-.62	.72
4	July 1864	.34	-.01	-.09	.35	-.04	.15	.00	.24

*Illegal draft evasion = percent of all men called who failed to report
 FB = percent of district population free foreign-born
 MFG = percent of district population employed in manufacturing
 PCW = per capita worth
 60PN-R = percent of 1860 presidential vote non-Republican
 62CN-R = percent of 1862 congressional vote non-Republican
 Border = "dummy" variable for all congressional districts in border states or designated as border districts (see note 17)
 Legal = combined percent of all men called paying commutation, using substitutes, or obtaining physical disability exemption.

Sources: *Final Report Made to the Secretary of War, by the Provost Marshal General* (Washington, 1866), 165-212; data bank, Inter-University Consortium for Political Research, Ann Arbor, Michigan. Districts in Massachusetts are not included in these equations.

effects of others. Table 2 summarizes the most significant results of this analysis for the North during the first and third drafts.²¹

The first and second equations, representing the July 1863 and the July 1864 drafts respectively, examine the influence on illegal evasion of free, foreign-born population; employment in manufacturing; per capita worth; and non-Republican voting behavior in the 1860 presidential and the 1862 congressional elections. The third and fourth equations, again for the same two drafts, introduce two additional variables—one describing the effect of geographic location and one measuring the impact of legal evasion on illegal evasion. Absent from all these equations is the independent variable previously employed to indicate the presence of Catholics. Strong correlation between the foreign-born and Catholic variables results in a high degree of multicollinearity, making it impossible to assess the relative influence of each variable when both are included in the same equation. Other findings, not

²¹ As with zero-order correlation analysis, a wide range of multiple regression equations were generated for different groupings of congressional districts and for different combinations of independent variables. The variables presented in Table 2 were the ones most capable of predicting variance in illegal evasion, regardless of which group of districts was examined. The results summarized in the table accurately reflect what happened in other situations that were examined. In terms of presenting results, the focus is on changes between the first and third drafts, as patterns noticeable for the first two drafts were relatively the same.

presented here, demonstrate that the foreign-born variable is the key predictor variable in such situations.²²

Consistent with already observed patterns is the striking decline in the coefficient of determination (R^2) from the July 1863 to the July 1864 draft. The coefficient of determination represents the proportion of variance in the dependent variable explained by the independent variables in the equation. In both situations described in Table 2, factors that together explain between 52 and 72 percent of the variance in illegal evasion in the first draft account for less than 25 percent of the variance in the third draft.

As indicated by the first equation, also corroborated is the penchant, in the first draft, for illegal evasion to occur in areas containing a relatively high percentage of foreign-born and a population that was likely to vote anti-Republican.²³ The standardized regression coefficients (beta weights) further suggest that ethnicity was twice as important as political preference in affecting variations in illegal evasion patterns and that, as measured by per capita worth, a relatively poor population was more prone to illegal evasion.

The introduction of legal evasion as an independent variable for the first draft results in a significant increase in R^2 from .52 to .72 (equations one and three). The corresponding decline in the beta weights for foreign-born from .51 to .15 is not unexpected given the strong negative correlations between foreign-born and legal evasion and between illegal and legal evasion. By the third draft, however, as indicated by the change in the beta weights for legal evasion from $-.62$ to $.00$ (equations three and four), legal evasion rates no longer had any measurable effect on illegal evasion.

As opportunities for legal evasion decreased and as the demand for troops rose, legal evasion apparently became a real option for men who previously were able to avoid it. Not surprisingly, during the first two drafts, before the repeal of commutation in March 1864, individuals sought wherever possible to avoid the draft legally. Contemporary descriptions of the proceedings of local draft boards indicate that people were well aware of the legal avenues open to them. Reports of large numbers of draftees rushing to their boards to pay commutation fees, provide a substitute, or obtain an exemption appear repeatedly in official correspondence.²⁴ Recognition of this situation, in light of the statistics, supports the notion that commutation did discriminate against the unpropertied whose only realistic alternative to military service was a criminal act.

By the third draft, however, with commutation no longer in effect and with the price of substitutes high, individuals who formerly were able to legally evade the draft no longer could afford such a choice. While multiple regression

²² The correlation for foreign-born and Catholic, for example, for all Northern districts in the July 1863 draft was .85. Multiple regression equations generated with Catholic replacing foreign-born, holding other variables constant, produced a decline in R^2 .

²³ The two non-Republican political variables tended to be moderately to highly correlated with each other in the same direction. Attempts to run equations with only one of the two variables did not dramatically alter the overall influence of the political factor in particular equations.

²⁴ Murdock, *One Million Men*, 69-70, 150.

analysis suggests this possibility, the data on the draft confirm the point. The repeal of commutation for virtually all men after the March 1864 draft precipitated actual and relative increases in the number of draftees who hired substitutes, who went into military service, and who failed to report. Comparison of the July 1863 call with the July 1864 call reveals that the number of men paying commutation fees fell from 52,288 (17.9 percent of the total number of names called) to 1,298 (0.6 percent) while the number of men providing substitutes rose from 26,002 (8.9 percent) to 28,502 (12.3 percent). Significantly, the number of men held to personal service increased from 9,881 (3.4 percent) to 26,205 (11.3 percent) while the number of men who failed to report rose from 39,415 (13.5 percent) to 66,159 (28.5 percent).²⁵

This analysis sustains earlier claims and traditional historical images that, in the first draft, illegal evasion was more likely to occur in areas containing relatively high proportions of foreign-born who tended to vote non-Republican and who were in a relatively poor economic position. It also demonstrates that while ethnicity and political preference explain some of the variance in illegal evasion in the third draft, these factors are unable to account for the dramatic increase in illegal evasion by that time. In brief, as the war continued, illegal draft evasion became chronic and was as likely to affect areas distinguished by immigrant, anti-Republican populations as by native-born, Republican constituencies. This conclusion dovetails with the fact that, as illegal evasion increased, it spread outward from northeastern, urban localities to encompass large sections of the more rural Midwest and border regions.

The introduction of the "border" variable does not disturb these established patterns, yet it underscores that no single image of the draft evader nor any one overriding consideration in becoming one is likely to explain what happened between 1863 and 1865. The "border" variable encompasses all congressional districts comprising border states or designated as border districts and treats that designation as an independent variable by introducing them as such into the analysis. Not surprisingly, this measure of geographic location had little impact in the first draft (beta weight of $-.07$ in equation three), as very few border districts required a draft in summer 1863 to meet quotas. By the third draft, however, although the explanatory power of all variables examined is less important in explaining illegal evasion, the beta weight for the "border" variable increases to $.15$ and assumes a relative importance compared to the other variables (equation four). As illegal evasion became more widespread, location close to the South or Canada may well have been the determining factor, regardless of other considerations, for individuals in such areas who became illegal draft evaders.

Nor should this scenario surprise. Districts comprising West Virginia, Missouri, Kentucky, Maryland, and Washington, D.C., contained large numbers of Southern sympathizers and accounted for 30 percent (48,322) of all men who failed to report between 1863 and 1865. They also included four of

²⁵ A similar pattern emerges when statistics for the March 1864 and July 1864 calls are compared.

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the twenty-seven draft districts designated as most evasive. It takes no great imagination to suggest that for citizens in these areas proximity to the South and loyalty towards that section influenced decisions to refuse to serve in the Union army.

Not only Southern border districts but also districts in Northern states like the Sixth in Michigan or the Seventeenth in New York—located close to Canada and inaccessible to army patrols because of wilderness and weather—showed high rates of illegal draft evasion. Whatever else influenced an individual's decision to avoid the draft illegally, the testimony of draft officials along with the draft data suggest that evasion may be related simply to the physical ease with which it could be accomplished. Accounts of the proceedings of local draft officials are replete with references to men fleeing their homes to points as far north as Canada to avoid the draft.²⁶ The problem of tracking down such people was clearly expressed by the assistant provost marshal in Michigan's Fourth District when he noted that in his large and thinly inhabited bailiwick "communication with the distant portion is in summer very difficult and infrequent while the advent of winter amounts almost to a declaration of non-intercourse."²⁷

What might appear as an excessive tendency to use words like "suggestive" or "possibly" underlines the fact that this analysis of aggregate data proves nothing about actual individuals or about their motives. Complicating matters as well are the size of the unit the analysis attempts to describe and the limits imposed by the nature of the data. Congressional districts were apportioned by populations large in number and often encompassed expansive territory. Any inferences about the likely behavior of people living in districts characterized by certain demographic or political features may not accurately represent smaller localities within those districts where concentrations of draft evaders may have lived. The problem of using census data from 1860 and draft data from a somewhat later span of years only complicates any desire for precision or certainty in discussing the results of this investigation.²⁸

Efforts to explore the behavior of thousands of everyday nineteenth-century citizens, however, require working with what is available, recognizing the limitations of the enterprise while cautiously assessing what the results might mean. In this particular instance, the evidence about Northern draft evasion,

²⁶ Instances of flight are referred to in Historical Report, Acting Assistant Provost Marshal General, Michigan, Fourth Congressional District, Records of the Provost Marshal General's Bureau; *War of the Rebellion*, II, 321-22; IV, 607; V, 110-11; Aretas Arnold Dayton, "Recruitment and Conscription in Illinois during the Civil War" (Ph.D. diss., University of Illinois, 1940), 145; Jack Franklin Leach, *Conscription in the United States: Historical Background* (Rutland, Vt., 1952), 329-30; Murdock, *Patriotism Limited*, 52-53; and Shannon, *Organization and Administration of the Union Army*, II, 189-92.

²⁷ Historical Report, Michigan, Fourth Congressional District, Records of the Provost Marshal General's Bureau. Further complicating matters was the situation where a man might fail to report in his own district and then sign up as a substitute for bounty money elsewhere. See Murdock, *One Million Men*, 218-36; *Final Report*, 226.

²⁸ Concern about the ecological fallacy looms large in this essay. See W. S. Robinson, "Ecological Correlations and the Behavior of Individuals," *American Sociological Review*, 15 (June 1950), 351-57.

when viewed in the context of recent discussion of the Civil War, raises a number of important speculations concerning the significance of the war on individuals' perceptions of themselves and their relationship to society.

Particularly provocative is the work of Eric Foner, Richard Brown, and others who view the Civil War as a clash between a modernizing Northern society and a more traditional Southern order "whose values and interests were in fundamental conflict" with its own. As Foner persuasively argues, the central thrust of Republican ideology, articulated by party spokesmen, represented a cultural outlook that was both anathema to the South and indicative of the transformation of the North in the direction of modernity. Embodied in the rhetoric of "free soil, free labor, free men" was a complex of values and aspirations characteristic of a modern mind-set and reflective of the technological transformation of Northern agriculture and industry in the first half of the nineteenth century.²⁹

Republican belief emphasized that economic success was a product of the "frugality, diligent work, and sobriety of the Protestant ethic."³⁰ The party's goals of social mobility and the triumph of the individual entrepreneur were attractive to many northerners whose own material success matched the choreography of the "free labor" promise. Yet Northern society, with its obvious social divisions, often defined by class and ethnicity, contained the potential for internal disruption, dislocation, and violence. Republicans' insistence on the lack of conflict between social classes and their basically middle-class perspective failed to obscure an obvious disdain for a permanent underclass incessantly toiling for wages and incapable of economic independence because of an inability to conform to the values and virtues necessary for success in a modernizing society.³¹

Certainly a large proportion of the disdained underclass were immigrants and their children, heavily situated in northeastern and midwestern states where the contrast between a tradition-oriented population and a more forward-looking native citizenry intensified nativist conflict. Foner, talking about Republican ideology, for instance, argues that Republicans believed the Irish, at the very bottom of the economic scale, "lacked the qualities of discipline and sobriety essential for social advancement," while Brown asserts

²⁹ The following works were particularly helpful in shaping my analysis: Richard D. Brown, "Modernization and the Modern Personality in Early America, 1600-1865: A Sketch of a Synthesis," *Journal of Interdisciplinary History*, II (Winter 1972), 201-28; Richard D. Brown, *Modernization: The Transformation of American Life, 1600-1865* (New York, 1976); Eric Foner, "The Causes of the American Civil War: Recent Interpretations and New Directions," *Civil War History*, XX (Sept. 1974), 197-214; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York, 1970); Raimondo Luraghi, "The Civil War and the Modernization of American Society: Social Structure and Industrial Revolution in the Old South before and during the War," *Civil War History*, XVIII (Sept. 1972), 230-50; David Montgomery, *Beyond Equality: Labor and the Radical Republicans, 1862-1872* (New York, 1967); Barrington Moore, Jr., *Social Origins of Dictatorship and Democracy: Lord and Peasants in the Making of the Modern World* (Boston, 1966), 111-55; and William G. Shade, "'Revolutions May Go Backwards': The American Civil War and the Problem of Political Development," *Social Science Quarterly*, 55 (Dec. 1974), 753-67. The quotation is from Foner, *Free Soil*, 40.

³⁰ Foner, *Free Soil*, 23.

³¹ *Ibid.*, 23-29; Brown, *Modernization*, 152-53.

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that Irish "attitudes toward time-thrift, education, and temperance were at odds with those of most of the native population." Nativist rhetoric was not simply an expression of religious conflict between Protestant and Catholic but rather a pronouncement of values that "appealed" to a "modern citizenry."³²

It would be wrong to argue that any group of people defined simply by ethnicity or religion consistently fit a particular image.³³ Nevertheless, the significance of this perspective for explaining internal social disruption in the North and for examining the problem of conscription and evasion cannot be understated, particularly in light of the impact of foreign-born and anti-Republican tendencies on illegal-evasion rates and the negative impact of commutation on those people with little or no property.

Is it possible that for well-defined ethnic and religious groups who saw themselves and were seen by others as alien cultures residing in America, and who were seemingly part of that permanent lower class too poor to opt for legal methods of avoiding military service, illegal draft evasion was one way of expressing resistance to "the hegemony of a modernizing culture"?³⁴ Certainly national conscription policy, implemented by Union military officers and by local elites, symbolized in very personal ways the intrusion of national Republican government into the everyday lives of nineteenth-century Americans. Identified as national policy, conscription legislation, with its reminders of European horrors and with its protective qualities for propertied classes, must have appeared particularly threatening to lower-class people heavily comprised of new citizens still deeply committed to European cultural heritages.

This interpretation offers a conception of class division within nineteenth-century American society that goes beyond a simplistic economic-determinist framework. Illegal draft evaders, especially in the first two drafts, predominated in areas whose ethnic, class, and political characteristics were distinguished from those in areas where legal evasion more frequently occurred. These differences outlined class distinctions in terms of property, but also, as Foner and Brown suggest, in terms of culture and values. From this perspective, the decision to evade the draft illegally appears as a rational choice for individuals of particular backgrounds to make. While proposing an alternative to the verdict of draft officials that illegal draft evasion represented the irrational and unpatriotic action of uneducated, ignorant people, defined by birth and culture as inferior, this analysis recognizes that the distaste for such people inherent in official explanations was premised on a sense of class

³² Brown, *Modernization*, 153; Foner, *Free Soil*, 33-34.

³³ On the dangers of ethnic and religious group stereotyping, see James E. Wright, "The Ethnocultural Model of Voting: A Behavioral and Historical Critique," *American Behavioral Scientist*, 16 (May-June 1973), 653-74. It is well known that in particular regions groups of volunteer soldiers defined by ethnic identity were not uncommon during the Civil War. For discussions of such activity see Craig Lee Kautz, "Fodder for Cannon: Immigrant Perceptions of the Civil War—The Old Northwest," (Ph.D. diss., University of Nebraska, 1976), 65-69; Dayton, "Recruitment and Conscription in Illinois," 196-97; and Marcus Cunliffe, *Soldiers and Civilians: The Martial Spirit in America, 1775-1865* (Boston, 1968), 223-30.

³⁴ Foner, "Causes of the Civil War," 208.

grounded in economic difference, but containing as well a strong cultural and ideological dimension. It demands attention to the concerns of immigrant cultures and to an evaluation of the impact of modernization on different groups within American society who experienced that process in different ways.

In this context, attachment to customs and communities, a desire to retain some degree of local autonomy, and opposition to the encroachment of centralized authority by individuals unaccustomed to such intrusion may help to explain the reaction of native-born citizens to conscription. The eager response engendered by the various opportunities for legal evasion along with the well-documented attempts of many Northern communities to raise bounty money in order to encourage volunteers and substitutes to fill assigned quotas suggest that commitment to national purpose was hardly overwhelming.³⁵ Analysis of aggregate data indicates that as the numbers who failed to report increased, and as commutation ended, the profile of the areas in which legal and illegal evasion predominated became indeterminate. If further investigation establishes that illegal draft evasion increasingly cut across ethnic, class, and political lines to include individuals ordinarily assumed to be loyal to the Republican war effort, might not that be another measure of a limited sense of national awareness and of a desire to retain some control over one's life despite the risks involved? Whatever people's perceptions were about the war or its goals at the outset, the war experience itself, with its enormous scale and human requirements, unquestionably accelerated the commitment of the nation's leaders toward modern economic, social, and political development.³⁶ Certainly this process intensified internal dissension, perhaps even among supposedly loyal elements, especially as the necessity for national direction, represented by conscription, increased and as the options for legally avoiding compliance (substitution and commutation) diminished or proved inaccessible. If the Civil War was an enterprise in modernization, perhaps it was more so for Republican political and economic leaders and less so for the citizenry it affected.

Northern draft evasion also raises some interesting questions about the nature of political opposition as it concerns mass constituencies and political elites. The work of Frank Klement, Richard Curry, and most recently Joel Silbey demonstrates that the Democratic party opposed Republican conduct of the war and the goals it sought not with treasonous design but out of sincere disagreement about the direction of the nation's future.³⁷ The necessity for constant intrusion by a centralized government into people's lives in order to secure a future that included "the triumph of nationalism, industrial

³⁵ For discussion of community fund-raising activities see Geary, "Lesson in Trial and Error," 361-62, 387-89; and Murdock, *One Million Men*, 154-77.

³⁶ For two expressions of this view, see Brown, *Modernization*, 175; and Foner, "Causes of the American Civil War," 213-14.

³⁷ Richard O. Curry, "The Union as It Was: A Critique of Recent Interpretations of the 'Copperheads,'" *Civil War History*, XIII (March 1967), 25-39; Frank L. Klement, *The Copperheads in the Middle West* (Chicago, 1960); Frank L. Klement, *The Limits of Dissent: Clement L. Vallandigham and the Civil War* (Lexington, Ky., 1970); and Joel H. Silbey, *A Respectable Minority: The Democratic Party in the Civil War Era, 1860-1868* (New York, 1977).

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capitalism, and the destruction of slavery . . . was neither obvious nor acceptable to all groups and individuals dedicated to the idea of Union in Civil War America."³⁸ Along similar lines, Eric Foner suggests that the Democratic party might have been "the representative of the great premodern cultures within American society" whose appeal at the local level in the North was more "attuned to the communal, traditionalist behavior of the peasant immigrants" than anything the Republicans could offer.³⁹

Could illegal evasion in some way have been an expression of this attachment? Certainly, the opposition of Democratic congressmen to the enactment of national conscription in 1863 hinged, in part, on their distaste for its centralizing tendencies. And, regardless of how historians have interpreted events, there is abundant evidence that most incidents of overt physical resistance to the draft involved immigrant populations living in areas that tended to vote Democratic.⁴⁰ Analysis of aggregate data already suggests a positive relationship, not always consistent, between rates of illegal evasion and non-Republican voting behavior. A sympathetic understanding of Democratic purpose and belief, confined primarily to the study of political elites, may have bearing as well for explaining the actions of tens of thousands of Americans who refused to report for military service between 1863 and 1865.

Speculations about draft evasion as the reaction of individuals to the conflicting claims of allegiance between familiar, local-community ties and the demands of an intruding national authority or as an expression of traditional opposition to a modern political philosophy in no way exhaust the range of possibilities in trying to understand Northern response to national conscription.⁴¹ Whatever combination of factors ultimately proves most helpful in understanding illegal draft evasion, however, the very magnitude of evasion—cutting across a diversity of geographic regions reflecting different economic situations, population mixes, and political loyalties—suggests that no single image of the participant in that process nor any one overriding purpose determining that action will suffice to explain what happened in the North between 1863 and 1865. Equally apparent is the need to identify more precisely the people who became illegal draft evaders. Only by looking at them in comparison with those who either served or acquired some form of legal exemption is it possible to verify patterns of behavior suggested by the analysis of aggregate data. Without an attempt to move to a more discrete level of analysis—to understand the situation of individuals within the social,

³⁸ Curry, "Union as It Was," 31–32.

³⁹ Foner, "Causes of the American Civil War," 208.

⁴⁰ Geary, "Lesson in Trial and Error," 135; Silbey, *Respectable Minority*, 73. For evidence linking physical resistance to the draft with immigrant populations living in areas tending to vote Democratic, see Cook, *Armies of the Streets*, 193–209; Murdock, *One Million Men*, 29, 41, 52, 307, 314; and Sterling, "Civil War Draft Resistance in the Middle West," 127–31, 246–50, 534–35.

⁴¹ The special circumstances of specific communities, as they illuminate popular reaction to the war, deserve attention. See Shankman, "Conflict in the Old Keystone," 198–235; and Albon P. Man, Jr., "Labor Competition and the New York Draft Riots of 1863," *Journal of Negro History*, XXXVI (Oct. 1951), 375–405.

economic, political, and cultural contexts of their communities—can these speculations about the character and meaning of draft evasion be substantiated.⁴² It is already clear, however, that an investigation of Northern draft evasion represents a major opportunity for comprehending the situation of a significant portion of citizens whose lives are not usually available for scrutiny and for examining the impact of the Civil War on society and the individual in new and important ways.

⁴² The Records of the Provost Marshal General's Bureau contain detailed untapped information on all individuals in the North subject to the draft. Arranged by state and within state by congressional district and sub-district, materials such as enrollment lists, descriptive books of drafted men, and registers of deserters indicate the age, occupation, place of birth, residence, and the response of all men called under the Enrollment Act. Although the record-keeping procedures of the Provost Marshal General's Office were not always consistent and although full documentation for every location is not available, preliminary investigation of the data indicates that it is possible to consider the situations of actual individuals in ways demanded by the concerns of this essay.

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