

The Impressment of Foreign-born Soldiers in the Union Army

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***Abstract** In 1862–1863 well over one thousand foreign-born men living in the United States argued that they had been illegally drafted into Union military service. Fearing a diplomatic row, the Lincoln administration sought to clarify the rules of draft eligibility and its relation to citizenship. William Seward, secretary of state, determined the pool of potential draftees to include men who had filed their declaration of intent to become American citizens and men who had voted in any election in the United States. Seward's policy, already in action in 1862, partially codified in the Enrollment Act of March 3, 1863, and further enunciated in circulars from the Departments of State and War, broadened and redefined the nature of American citizenship. By highlighting the parallels to earlier forms of impressment, and breaking new ground with a quantitative analysis of the Department of State's Case Files on Drafted Aliens, we argue that this history of forced military service for foreign-born soldiers during the American Civil War should be considered an example of impressment. With additional source material from archives in England, the Netherlands, and Denmark, we demonstrate the extent of Union impressment and its transnational character. Concerns about forced service were widespread and had significant consequences for Union foreign relations with European countries and for immigrant communities domestically. Official complaints about impressment represented a new kind of draft resistance, in which legal and political knowledge, as well as local and regional immigrant networks, were essential for securing freedom from military service.*

DURING THE AMERICAN CIVIL WAR, the Lincoln administration investigated over one thousand cases of soldier impressment—claims of forced, illegal conscription of non-citizens into the Union Army. Letters from foreign-born soldiers, their families, diplomatic and consular agents, and state and local political officeholders called for federal action to overturn

individual cases of alleged injustice. In 1862 and 1863, the State Department developed a policy on alien exemptions that redefined citizenship for the purposes of the draft. But because the rules of conscription were initially unwritten, unclear, and subject to change, foreign-born residents as well as diplomats struggled to understand the rights and duties associated with non-citizens. In this, impressment served as a catalyzing phenomenon by which the vague and amorphous legal definitions of citizenship were tested and repeatedly redefined during the American Civil War.

As a term which refers to an extra-legal or illegal seizure of people or property, “impressment” has a clear and well-known lineage in English history, but is seldom used in the context of the Lincoln administration’s policies during the American Civil War. Nineteenth-century commentators were quite clear that the defining characteristic of impressment was compulsion, not illegality.¹ For centuries, impressment was a firmly established practice of the British royal navy, which used press gangs to force sailors into service. Americans were familiar with impressment because in the early republic, the British navy refused to recognize Americans as non-subjects exempt from service, a contributing factor to the War of 1812. It is important to recognize that impressment of foreign soldiers is not the same thing as conscription, nor is it co-equal with the kind of impressment referred to in the March 26, 1863 Confederate Impressment Act, which forced Southerners to provide supplies (but not military service) for the C.S.A. war effort. Another distinct form of impressment concerned slaves who were impressed to work on Southern fortifications and projects beginning in March 1863.² Foreign-born men were certainly forced into service in the Confederate military as well, but the smaller number of men affected and the apparent lack of record-keeping on this matter makes any comprehensive study of the topic quite difficult. Soldier impressment in the Union, though never an official policy, was an unintended consequence of the draft and illustrated the confusion over citizenship and military duty.

Extensive evidence of complaints over forced military service of non-citizens in the North attests to deep and widespread effect of impressment on immigrant communities. The US government, however, argued that all citizens owed military service to their state, and that conscription law could even apply to non-citizens who actively participated politically in their communities. By late 1862, the government defined “political participation” in broad terms, which often included voting or holding political office in local, state, or national elections as grounds for exercising the rights and

privileges of citizenship. In this way, one could fail to meet the requirements for naturalization and yet be subject to conscription.

The authors of this article are not the first to describe the Union's conscription of non-citizens as impressment, but few scholars since Ella Lonn have indicated just how severe this crisis was for the Lincoln administration, for immigrant soldiers and their families, for communities of heavy foreign-born populations, and for the diplomatic networks that looked after these national groups on American soil.³ Underscoring the significance of impressment, Ella Lonn's study of the paperwork resulting from impressment complaints made her wonder how "Seward had time to attend to any of the other duties incident to the secretaryship of state."⁴ Because of the dispersed nature of the documents (some in foreign archives and foreign languages), however, impressment has thus far largely escaped historians' focus as a major war-time issue.⁵ Even the growing literature on the international relevance of the war has by and large not addressed the issue of soldier impressment or directly related issues.⁶ The study of Civil War impressment also offers a unique insight into how immigrants viewed participation in the war and their strategies for resisting compulsory military service.⁷

To understand how impressment in the Union Army played out during the American Civil War, this present study makes use of the Department of State's case files on drafted aliens. The authors have made a systematic study of these files, including tabulating 1,040 cases and sorting by the soldiers' draft location, national origin, and date and result of the case, to provide data for a quantitative analysis. This data provides the groundwork for studying how impressment affected local, national, and transnational communities. Although the number of complaints of impressment paled in comparison to the total number of drafted men or the total number of exemptions granted for other causes such as medical exemption, the true extent of concern about impressment was, as will become clear, far larger than the numbers indicate. We also situate the story of impressment within a transnational context, and in the process incorporate foreign-language sources to describe how various national groups—German, British, Dutch, and Scandinavian—responded to the crisis.

A few key takeaways develop below. First, because of the number of cases of complaint, and the large number of discharge request denials, claims of impressment should be recognized as a form of draft resistance, complicating the traditional narrative of immigrant involvement in the Union as positive story in which all immigrants embrace the opportunity to secure citizenship through service. Ethnic communities (with Wisconsin being a

key battleground) resisted the draft in myriad ways, for example through mutual aid societies, conscious deception with medical status, and threats of—or in a few instances even actual—violence. But when other options were exhausted, one of the most effective modes of resistance proved to be establishing a case for exemption due to “alienage” through their local consul, governor, or their foreign minister in Washington. These individual challenges to national draft legislation forced the State Department to create guidelines for what constituted citizenship in relation to military service while also working hard to expose fraudulent intent not least in the cases emanating from Wisconsin. While the affidavits in the case files mainly speak of citizenship and rights, these cases were implicitly framed as cases of impressment.

Foreign governments abroad, and foreign nationals within American borders, saw in the federal government’s actions a conscious intent to impress, both directly and indirectly, their national subjects claiming exemption from the draft due to their European citizenship status. Diplomats were inundated with impressment paperwork. But through their respective consuls and ministers, foreign governments approached impressment with different strategies. The British, for example, were heavily invested in protecting their citizens abroad, while the Scandinavian nations took a more *laissez-faire* approach. Diplomats, meanwhile, remained confused about the nature of the draft laws, even into the later years of the war.

Finally, the story of Civil War impressment demonstrates the malleable nature of citizenship in the Civil War era, particularly with the clarification of citizenship demanded in the wake of the Militia Act. The Federal government handled the impressment crisis by setting a moderately low bar for citizenship, while demanding a significant burden of proof from those who claimed to be foreign nationals. Source documents in foreign languages and international archives show that the volume of impressment cases, when it has been recognized at all, has been underestimated. Impressment was also more than a passing concern for immigrant communities, where the unclear understanding of draft eligibility caused significant distress and confusion. Who precisely was responsible for serving the nation in wartime? Following the liberal understanding of citizenship of the era, any adult male who had become a citizen was clearly eligible for the draft, and could not claim foreign exemption. But young men born in German states, Ireland, Denmark, England, the Netherlands, etc., sought exemption to the draft by exposing and testing the gray areas and fundamental nature of American citizenship.

AN OVERVIEW OF CITIZENSHIP AND IMPRESSMENT LAWS

Impressment, we argue, is a particularly salient issue with consequences for how we understand citizenship in the American Civil War era, as it allows us to see how US citizenship law was tested in practice, and how it officials re-shaped it according to the needs of the nation. In the main, historians have shown that ambiguity, rather than clarity, characterized the nature of citizenship in the Civil War era.⁸ Yet, in a classic work on constitutional issues of the Civil War, historian James G. Randall recognized impressment as a serious concern during the war, but seemed to dismiss it by simply stating that “the liability of aliens [to military service] was debated.”⁹ A recent article by Paul Quigley bears more directly on the discussion of citizenship and impressment, although he does not use the latter term. Quigley reinforces the idea that there were “many shades of gray within and between the opposing categories of “citizen” and “alien”” and that the Civil War transformed American citizenship generally by helping to define “concepts such as domicile and residence.”¹⁰ His study looks at conscription policies in the Union and the Confederacy, but is limited to British subjects who sought exemption from service.

The ability to vote often signified citizenship status, but for the purposes of the draft this was complicated because voting laws and requirements varied widely at the state level. In Indiana and Wisconsin, for example, aliens who had declared an intention to become naturalized could vote, while California law demanded national citizenship in order to vote. Until the 1850s, suffrage rights among white males generally expanded in each state, largely as property requirement laws were rescinded. In the decades leading up to the Civil War, however, most states also drafted laws restricting suffrage to citizens. Richard Bensele has argued that many immigrants voted not out of some rational calculation but as pressured members of various ethnic and political blocs.¹¹ Bensele ascribes voting patterns to group pressures, fraud, bribery, and the like. If this is the case, it makes it less straightforward to interpret voting as a sign of intent to become a citizen, the standard position the federal government took on the matter.

During the war, a series of acts served as mileposts for evolving conceptions of citizenship. The Militia Act of July 17, 1862 authorized the president to call up state militias into the service of the United States for up to nine months and required states to implement a draft if they could not fill their quotas with volunteers.¹² The act also called for the enrollment of all male

citizens between eighteen and forty-five years of age and authorized the military to accept African American laborers. Many states were able to meet their quota obligations through volunteerism and economic incentives, but in 1862 Ohio (October 5), Indiana (October 6), Maryland (October 15), Pennsylvania, excepting Philadelphia, (October 16), and Wisconsin (November 10), were forced to resort to drafting.¹³ The new law led to confusion on the ground since it did not make any specific mention of the duties of foreign-born residents. States were then responsible for their own drafts, and complaints about impressment had to be dealt with after the fact, at the Department of State. On August 8, 1862, an order from the War Department empowered provost marshals, local deputies, and military officers to arrest anyone attempting to avoid the draft by leaving a state or the country. Such persons arrested would not have the benefit of habeas corpus to challenge their detention in the courts.¹⁴

In individual states, the draft laws were far from clear. In August, Wisconsin Governor Edward Salomon wondered whether foreign-born men who had declared their intention to become citizens and therefore had the right to vote were eligible for conscription. The secretary of war, Edwin Stanton, explained to Salomon that “[f]oreigners who have voted at our elections are regarded as having exercised a franchise that subjects them to military duty,” but added that a declaration of intention to become a naturalized citizen was “not of itself sufficient to prevent their taking advantage of their alienage.”¹⁵

Secretary of state William Seward played a major role in shaping the discussion about impressment. In a letter of August 14, he explained that “[I]n every case where an alien has exercised suffrage in the United States he is regarded as having forfeited allegiance to his native sovereign, and he is, in consequence of that act, like any citizen, liable to perform military service.”¹⁶ He took a less encompassing approach to draft eligibility, however, in a published response to queries about British subjects on August 20, 1862, when he wrote that “none but citizens are liable to military duty in this country.”¹⁷ Responding to an inquiry from Indiana Governor Oliver P. Morton from August 28, Seward initially reiterated his August 20 position by proclaiming “there is no principle more distinctly and clearly settled in the law of nations, than the rule that resident aliens not naturalized are not liable to perform military service.” Importantly, however, Seward, in line with Stanton’s instructions to Wisconsin governor Salomon, added that it was the American government’s position that “in every case where an alien has exercised suffrage in the United States he is regarded as having

forfeited allegiance to his native sovereign, and he is, in consequence of that act, like any citizen, liable to perform military service. It is understood, moreover, that foreign governments acquiesce in this construction of the law.”¹⁸ Many were understandably bewildered by the law and the ambiguity between Seward’s August 20 statement and the American government’s insistence that voting equaled draft eligibility. Foreign-born residents, some desperately seeking an opportunity to avoid military service, mobbed their consular officers and flooded them with letters asking for an exemption or at least clarification of the law. On October 31, the *New York Times* reported that “thousands of persons who have been for years exercising the right of citizenship in New-York and other cities by voting, have evaded the draft by claiming to be and swearing themselves aliens.”¹⁹

Following the American government’s practice, by the fall of 1862 Seward’s State Department had implemented a seemingly extra-legal precedent by refusing to grant discharges for foreign-born draftees who had either (1) declared their intent to become citizens, or (2) voted in any local, state, or national election. Since this policy developed without congressional approval, legal clarification and codification was still needed, and only came (in part) with The Enrollment Act, also known as the Conscription Act, of March 3, 1863. This act declared as liable for conscription “all able-bodied male citizens of the United States, and persons of foreign birth who shall have declared on oath their intention to become citizens . . . between the ages of twenty and forty-five . . .”²⁰ Curiously, however, the Enrollment Act did not mention voting as establishing a liability to be drafted, even though the Department of State had used and would continue to use voting as grounds for denying requests for the foreign-born to be exempted or discharged from service.

Through printed notices, the Lincoln administration shaped the nature and implementation of the conscription legislation.²¹ In May 1863, after the British government asserted that declarant aliens who had not voted should be given a chance to leave the United States, President Lincoln issued a proclamation that gave such aliens sixty-five days to leave the country. In the War Department, Provost Marshal James Fry also set about to clarify the law. His circular number 53, of July 19, 1863, was the first written document to describe the Department of State’s actual reading and implementation of the law concerning alien exemption. Fry encouraged “any person claiming exemption on the ground of alienage” to file an affidavit including basic information about declared national origin and date of arrival in the United States. The person was also to establish “That he has never declared his

intention to become a citizen of the United States, and has not exercised the right of suffrage by voting at any election in any State.”²² Then, in circular 65 of August 6, 1863, Fry gave additional commands concerning how the law should be interpreted. He wrote that enrollment boards in each state should grant alienage exemption when the facts of the case were clear, but cases “where the board has any doubt in the matter” should be referred for decision to the Department of State.²³

Impressment emerged as a concern in the summer of 1862, became a critical issue in the fall of 1862, and remained a serious problem through the end of 1863. As pointed out above, the policies for how to deal with impressment cases were largely established inside the Department of State and not by the laws that came later.²⁴ While Seward routinely denied that there ever was any forced military service of foreign subjects, official policy rested on a fairly weak legal case. James G. Randall explains that the Militia Act of 1862 “was instituted by rules and regulations which the President promulgated through the War Department upon authority derived only inferentially from an act of Congress.”²⁵ Seward, however, innovatively used state law to expand the power of the federal government and discovered a mandate for drafting foreign-born residents who were not citizens of the United States. When he wanted to absolve his office of responsibility, Seward broadly applied the idea that states had different citizenship laws, such that they “determine for themselves who constitute the militia, and they make the draft.”²⁶ But when determining who was eligible nationwide, Seward made no exemptions for immigrants who met weaker state citizenship requirements without yet meeting the requirements of naturalization at the national level.

QUANTITATIVE ANALYSIS OF FILES AT THE US NATIONAL ARCHIVES

The authors of this article have compiled a database of impressment claims based on the files of drafted aliens in the papers of the State Department. In the summer of 1862, State Department clerks started keeping track of complaints regarding impressment by entering soldiers’ names into a small booklet. Individual cases were entered alphabetically by last name of the soldier and, at least for the first few months of the effort, clerks also entered information about claimed nationality and place drafted. Although this booklet is a useful starting place for sorting out the history of impressment during the American Civil War, it is far from complete. In addition to the 756 soldiers’ names in the booklet, the State Department’s collection

of "Case Files on Drafted Aliens" includes over seven hundred envelopes representing individual cases of impressment in addition to a box of newspaper clippings reporting the results of investigations into alleged impressment. Altogether, we have identified 1040 individual cases of impressment recorded in the State Department's files and constructed a database including the names of the soldiers, their claimed nationality, location where drafted, the result of their case, and the date in which their case was decided.²⁷

This, of course, represents only the cases of impressment complaints that reached the State Department and were recorded there. By far, most concerns about alienage were handled by draft enrollment boards at the state level, and although impressment concerns were supposed to be handled officially at the Department of State, it is clear that, especially early in the war, cases were decided with incomplete record-keeping. Records from each national group, particularly records from diplomatic consuls, demonstrate that many other cases of concern about impressment arose and were dealt with outside of the State Department. The British Minister in Washington, for example, instructed British consuls throughout the Union to forward only those cases that they themselves could not resolve, strongly suggesting that many cases of British impressment were never reported to the legation.²⁸

Of the 1040 identified cases, 646 foreign-born soldiers were discharged from service after their complaints were heard, investigated, and verified. Another 148 cases were rejected, marked "denied." In other words, in the available data, 62 percent of soldiers who complained about impressment successfully gained release from service. Only 14 percent had their complaints denied, usually when it turned out that they had voted in previous elections or had filed their first papers to become citizens. There is insufficient information about the conclusions of the remaining 246 cases referenced in the booklet, the surviving envelope files, and newspaper clippings. Upon investigation, the State Department discovered that a few of the soldiers had not even been drafted, but merely enrolled, and that they were just seeking exemption pre-emptively. These probably amounted to only about a dozen cases. At least three cases were resolved when the soldier provided a substitute. Two soldiers who had been drafted were rejected by army surgeons, and one died in service before his case was settled. Many of the other cases, sometimes marked "suspended," probably remained open until the soldier in question had served out his term of enrollment, typically nine months of service if drafted in 1862.²⁹ Investigations took time and effort, and if the soldier was near the end of his term, it did little good to continue correspondence on the matter.

It is reasonable to assume that the data present an accurate, although limited, picture of impressment. Historians of ethnicity in the Civil War might be interested to learn that the data show no ethnic bias in determining who would be released from service. For example, while 65 percent of cases involving Germans resulted in a soldier being discharged and 16.5 percent of those cases were denied, British subjects were discharged at a rate of 64 percent, with 11 percent of their cases denied. Smaller ethnic groups were generally successful in meeting at least those odds, but the small sample sizes here are not statistically significant.

The authors have compiled data that show the rate of discharged cases per state. For example, in Wisconsin, 53 percent of cases resulted in a discharge, but 34 percent were denied. Compare this to the other state most affected by impressment complaints, Pennsylvania, where 80 percent of cases were resolved with a soldier's discharge and only 3 percent were denied. In general, the Midwest fared poorly compared to the Northeast. A significant determining factor here seems to be differences in state laws regarding voting. Immigrants in Wisconsin, for example, could vote in the state before becoming citizens. Wisconsin, in its State Constitution of 1848, defined eligible voters to include "white persons of foreign birth who have declared their intention to become citizens."³⁰ As late as June 1864, War Department solicitor William Whiting could not give a clear answer about the draft liability of aliens who had voted in town meetings in Vermont.³¹ Soldiers from a variety of states complained of illegal drafting by pointing out that they had been pressured into voting and that it was the local custom, not an indication of their intent.

Following the Militia Act of July 17, 1862, a number of states were able to field all-volunteer armies. The draft has long been recognized as a measure to encourage volunteerism, since the actual number of conscripted soldiers was quite low during the war. James W. Geary claims that only 46,347 total conscripts served in the Union Army.³² Although there could

Table 1: Total number of impressment cases by most-affected national groups (including number discharged and denied)

	Great Britain (including Ireland and Canada)	German States	Unclear or unstated national origin
Discharged	197	341	57
Denied	34	86	14
Unknown outcome	65	94	69

Table 2: Total number of impressment cases per state during entire war (including number discharged and denied)

	MO	CT	MA	IN	VT	MI	NY	OH	MD	PA	WI	Unknown
Discharged	0	1	0	3	11	6	16	25	57	287	234	6
Denied	2	1	3	1	0	6	3	0	7	11	106	6
Unknown	1	1	1	4	3	5	3	44	16	59	96	13

be related problems to sort out, true impressment could only be a problem in states with a draft. Obviously, impressment could also only be a major issue where there were large numbers of foreign-born residents. These two factors go a long way in explaining the disproportionate scale of the problem in Wisconsin (where 36 percent of all residents were foreign-born according to the 1860 census), Pennsylvania (15 percent foreign-born), Ohio (14 percent foreign-born), and Maryland (13 percent foreign-born).³³

The timing of impressment cases also demonstrates a clear pattern. Far more cases in the files of the Department of State resulted from the 1862 draft than from all other drafts. When cases were decided, the department's clerk noted the date on the individual file. Not all decided cases have available conclusion dates, but of those that do, 544 were decided before the passage of the Enrollment Act, while only 120 were decided after the act. This indicates that the Enrollment Act and the associated circulars had the effect of clarifying draft laws enough to significantly reduce cases of concern in later years of the war.

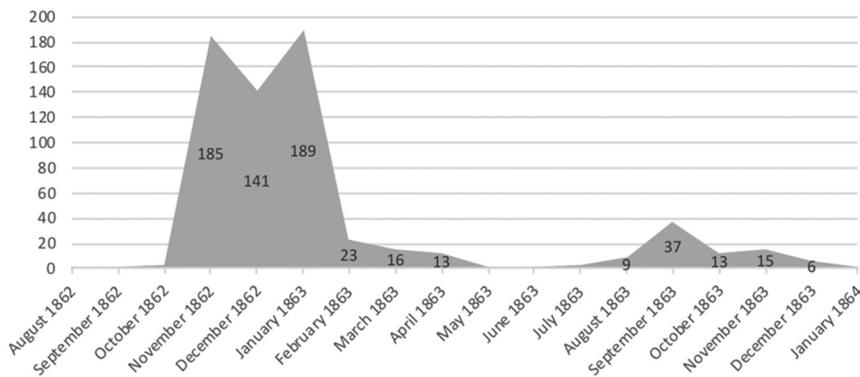


Figure 1: Timeline of impressment cases showing the increase of new cases between the Militia Act of July 1862 and the Enrollment Act of 1863.

Despite the large volume of impressment complaints, the number of alien exemptions granted by state for the combined drafts of July 1863 and March and July 1864 was staggering. From July 1863 on (commencing with the draft following the Enrollment Act) a total of 36,165 individuals in the North were granted exemptions on the grounds of alienage.³⁴ Records of alienage exemptions granted by state boards in the 1862 draft have not yet been compiled and may be found only by consulting the papers of each state draft board, located in various regional archives. There appears, however, to be significant variation in the willingness of each state board to grant alienage exemptions before turning cases over to the Department of State for resolution. For example, while Wisconsin had 1 impressment case (from 1862 to 1865) for every 4.06 exemptions granted (from 1863 to 1865), Pennsylvania had 1 impressment case for every 20.23 exemptions granted over those same periods.

The following table, compiled from official printed records of the war, shows the total number of alien exemptions granted by enrollment boards in all of the Union states for the post-Enrollment Act period.³⁵ A general trend was to allow fewer exemptions with every draft. This must have been, in part, a consequence of the new conception of citizenship and conscription liability. That is to say, the threat of impressment and investigation probably convinced some men not to declare alienage status.

Although impressment complaints were spread out across the northern states, in 1862 they were heavily concentrated in a few particular counties, especially in Wisconsin and Pennsylvania. Of the top fourteen most affected counties, all but two were within Wisconsin or Pennsylvania. These were the true flashpoints of conflict over alienage exemption rights. In Wisconsin, counties with high percentage of foreign-born also saw the greatest numbers of impressment cases. In 1860, the foreign-born population in Milwaukee County, for example, was 33,140 of 62,518 (53 percent), Washington County 11,649 of 23,622 (49.3 percent), Ozaukee County 8,521 of 15,682 (54.3 percent), Dodge County 15,792 of 42,818 (36.9 percent), Kenosha County 3,776 of 5,530 (68.3 percent), and Marquette County 2,975 of 8,233 (36.1 percent), when the statewide average was 35.6 percent.³⁶

Tensions were high in Pennsylvania as well. There, a legal challenge to federal conscription even rose to the state supreme court and was decided in favor of the federal government on November 9, 1863, in the case of *Kneedler v. Lane*.³⁷ Like in Wisconsin, some Pennsylvania counties affected by impressment had a relatively large foreign-born population. According to the 1860 census, for example, Luzerne County had a foreign-born

Table 3: Alienage Exemptions

	July 1863	March 1864	July 1864	December 1864	Total Alienage Exemptions (1863–1864)
Maine	327		72	7	406
New Hampshire	225	15	8		248
Vermont	357	2	5		364
Massachusetts	3,367	1,023			4,390
Rhode Island	361				361
Connecticut	1,261		18		1,279
New York	8,348	632	220	1,335	10,535
New Jersey		592	259	674	1,525
Pennsylvania	4,796	1,223	728	476	7,223
Delaware	110	84	13	12	219
Maryland	583	462	195	203	1,443
District of Columbia	489		295	134	918
West Virginia			5	14	19
Kentucky		242	246	11	499
Missouri			1,118	25	1,143
Ohio		637	632	77	1,346
Indiana			173	10	183
Illinois			1,082	32	1,114
Michigan	339	95	157	57	648
Iowa			262		262
Minnesota		118	125	17	
Wisconsin	847		842	89	1,778
Kansas				2	2
Totals	21,410	5,125	6,455	3,175	36,165

population of 23,486, which was 26 percent of the population of the county, nearly twice as high as the percent foreign-born in the state of Pennsylvania on the whole (14.8 percent). However, other Pennsylvania counties with double-digit impressment cases had smaller proportional populations of foreign-born: Wayne 7,517 of 32,232 (23.3 percent), Erie 8,868 of 49,423 (17.6 percent), Montgomery 8,015 of 70,500 (11.4 percent), Lancaster 9,742 of 116,314 (8.4 percent), and Berks 4,595 of 93,818 (4.9 percent).

In addition to the pressure of meeting state quotas, and the high percentage of foreign-born in particular counties coupled with a high number of complaints about impressment, impressment must also be linked to general attitudes about the war and to draft resistance strategies. Cases of impressment appeared in Holmes County, Ohio, for example, where a heavy Swiss-French and Swiss-German population also included large

numbers of pacifist Mennonites and strong Democratic Party support.³⁸ In Holmes County, only 2,166 of 20,580 (10.5 percent) were foreign-born, while statewide, 14 percent of the population were foreign-born.

It seems quite likely that soldiers from smaller national groups—those without substantial diplomatic presence or community awareness of exemption protocol—could be underrepresented in this data. Many of the letters in aid of particular soldiers came from local consulates, and national groups with more consulates were more likely to have access to information about the foreign-born exemption and aid in filing letters of complaint. Still, even foreigners belonging to a major European power, such as Great Britain, sometimes had difficulty contacting a consulate, which could be hundreds of miles away. Illiterate or isolated foreign-born men may have been unaware of any special protections or immunities. High concentrations of impressment complaints in places like Milwaukee, Wisconsin, and Baltimore, Maryland, likely reflect an ease of access to local consular officers as well as advanced local knowledge in ethnic networks of this potential strategy of draft resistance.

NATIONAL GROUPS IN QUESTION

Germans

In addition to being an issue of broad national importance, impressment was a topic of serious concern within particular immigrant communities. Although there were more British than German immigrants in the United States at the time, the State Department handled more impressment cases concerning Germans than any other foreign national group.³⁹ Early histories of Germans in the Civil War focused on the positive contributions of the ethnic group and failed to mention issues of draft resistance or discontent. For example, Wilhelm Kaufmann in 1911 described an estimated 216,000 German American soldiers who fought for the Union, but he made no distinction between volunteers and drafted men and neglected entirely the issue of exemptions for foreign citizens. Kaufmann described Germans in the South as “completely anglicized,” as if to say that true Germans only fought for the Union, not the Confederacy. More recent research has drawn attention to the diversity and complexity of German voting patterns and with it their support for the Union war effort. German American support for the Union was relatively strong, and Germans were the most overrepresented ethnic group in the Union army. These soldiers, however, sometimes included reluctant conscripts.⁴⁰

Germans' complaints of impressment were particularly evident in Wisconsin and Pennsylvania and corresponded to general antipathies for the draft in those states. Pressured to find available men to meet their quotas, the Wisconsin draft commissioners had to be aggressive in their recruitment. Of Wisconsin's 437 cases of impressment complaints, at least 289 of these concerned men claiming German citizenship. Milwaukee, Manitowoc, and Washington Counties were also particularly hard hit. In Ozaukee County, Wisconsin, a bloody draft riot took place in November, 1862.⁴¹ The local anger in Ozaukee could be understood better if we recognize that the county experienced perhaps the highest rate of impressment complaints of any county in the Union. With fifty-eight cases of complaints, of which twenty-three were denied by the Department of State, it also faced the highest level of denied requests for discharge of any of the top fourteen counties in this study.

In Wisconsin, the task of protecting Germans fell largely to Adolph Rosenthal, the Prussian Consul in Milwaukee. On November 24, 1862, Rosenthal wrote William Seward to provide the State Department with a long list of residents born within the German states (e.g., Prussia, Hesse, and Baden) who claimed to be exempt from service.⁴² Rosenthal described a complexity of cases, from drafted Germans who "ceased to be subjects of their former sovereign, but have likewise not declared their intention to become citizens of the United States" to those who had declared their intent to become citizens but had not yet become such, including some non-citizens who had previously voted.⁴³ This represented a continuum of issues concerning the draft, impressment, and citizenship, which, in the eyes of a foreign consul, had not been clearly sorted out by the federal government. In general, there was confusion on the ground in Wisconsin. At the end of 1862, August Gaylord, the Adjutant General of the State of Wisconsin, wrote of the need for clarification of exemption legislation. In some instances, he explained, the last remaining able-bodied male in a family had been drafted after others in the family had volunteered.⁴⁴

The situation also created tension between Germans and their American neighbors in Wisconsin. As the foreign-born claimed exemptions, soldiering burdens fell too heavily on native-born Americans, particularly those living in districts with heavy immigrant numbers. A letter from a Wisconsin resident, arguing this point, was forwarded from a Provost Marshal in Wisconsin to the Provost Marshal General in Washington. It read, in part: "The people of our county are greatly agitated by rumor that the Board of Enrollment for this district are excusing on the plea of alienage the Sons of

foreign citizens, who have procured naturalization papers, long since, and have been exercising all the rights and privileges of American citizenship for many years . . .”⁴⁵ This perspective has often been overlooked, although Tyler Anbinder argued in a 2006 article that immigrant groups were not “disproportionately forced into the army as a result of the draft.” Partly this was because they failed to report when drafted. Instead, “native-born laborers, especially those residing in rural areas,” gave the highest proportional contribution.⁴⁶ Anbinder claims that after the Enrollment Act took effect in March 1863, 14 percent of all draft exemptions went to those who claimed foreign alien status.⁴⁷

Although we now have some data on German complaints of impressment, this is a larger story that could be fleshed out in a separate article. Relatively little research exists on Germans in Pennsylvania, and closer study is needed to explain tensions on the ground in German communities there. There has also been comparatively little written on the German consuls in America, for example, and an understanding of how they functioned could provide insights here. It is clear that there was a large German diplomatic network in the United States during the Civil War, but how organized and connected they were is less clear. Following an agreement of 1860, all the German states cooperated as one in diplomatic matters.⁴⁸ In Washington, however, there were only two Minister Residents from German states, one from Bremen (Rudolph Schleiden), and one from Prussia (Baron Friedrich von Gerolt).

The issue of impressment was all the more concerning for the Prussia delegation. In the 1840s and 1850s, many Prussians had migrated to the United States, motivated to a significant degree by the desire to avoid service in the Prussian army. Once naturalized, however, these Prussians often found themselves arrested by authorities if they returned to visit their homeland. The two nations agreed in principle that long-term residents should be subject to the duties of living in a state, so that non-citizens should not reside in a nation in perpetuity while avoiding all potential military service duties. But, in practice, the two sides found it frustrating that they seemed unable to protect their citizens abroad. Enno Eimers, who has consulted German American diplomatic records available only in Germany, explains that in 1862 to 1863, the State Department received from representatives of the German states so much correspondence on the issue that they hired an additional worker specifically to handle the German claims.⁴⁹

German claims of impressment also need to be considered in the context of mercenary recruitment. While the recruitment of soldiers in Canada, in

Ireland, and in the German states was officially illegal, German recruitment flourished because it was lucrative business for the agents who could provide substitutes for drafted men. A scheme organized by the Boston agents Allen & Ross brought 1077 men from Hamburg (mostly Germans, with some Swiss and Belgians) to the United States and inspired the only large-scale federal investigation of foreign recruitment during the war.⁵⁰ None of the men listed in Andrea Merhländer's German-language article on this topic appear in the Department of State's case files on drafted aliens, indicating, once again, that the Department of State's case files on drafted aliens is far from complete.⁵¹

English, Irish, and Canadians

Once the federal government instituted conscription beginning in the summer of 1862, the impressment of British nationals from England, Canada, and Ireland into the Union military became an issue the British legation worked tirelessly to sort out for the remainder of the war. In response to Union impressment, British diplomats consistently emphasized the concept of perpetual allegiance to the Crown and even went so far as to interfere in courts-martial trials of British soldiers serving the Union against their will. As a result of his cordial working relationship with Seward and the primary bilateral imperative of avoiding potentially volatile Anglo-American disputes, Lord Richard Lyons succeeded in securing the discharges of at least 197 Britons who claimed impressment into the Union military between 1862 and 1864.

Union impressment, as well as Union conscription policies more generally, clashed with British ideas of citizenship. Until 1870, the British government in London, as noted above, embraced a conception of citizenship known as "perpetual allegiance," whereby subjects of the Crown inherited citizenship at birth and carried it with them everywhere they went outside the British realm.⁵² From his position as minister at the British Legation in Washington and chief representative of over 2.5 million British expatriates living in the United States in 1861, Lord Lyons did not worry about British subjects who had voluntarily enlisted to fight on either side of the conflict.⁵³ Ultimately, the Irish-born, or sons of Irish, made up nearly 12 percent of the Union army and were its most numerous ethnic group.⁵⁴ While 95 percent of Irish immigrants lived in Northern States, those in the South did in some circumstances willingly fight for the Confederacy, but when captured, might claim that they were less-than-willing soldiers. In other words, Irish men could navigate and negotiate citizenship claims for their own benefit.⁵⁵ By

volunteering to fight in either the Union or Confederacy, Britons explicitly violated the directive of Queen Victoria's Neutrality Proclamation to stay out of the American war, and thereby forfeited all rightful claims to official protection as British citizens. The British Legation took strong exception, however, to cases in which Britons were drawn into the war against their will.

The best extant work on Union impressment of British nationals may be found in Eugene Berwanger's 1994 *The British Foreign Service and the American Civil War*. Berwanger provides an overview of the problems surrounding Union conscription and British nationals, but does not adequately distinguish between those Britons seeking to avoid the draft and those actually impressed into the military. In describing select cases among his estimated five hundred British victims of "fraudulent enlistment," he declares one particular Briton as having been "unlawfully conscripted," while another was "illegally conscripted," while still another was "forcibly enlisted."⁵⁶ Such terms, however, do not adequately capture the nature or the details of the cases that he describes.

The number of Britons impressed into the Union army was even understated by official British records. In a report detailing formal claims made against the United States government by British subjects near the end of the war, the British government noted that no fewer than four cases of impressment had been reported to the Legation through March 1864. The vague descriptions for these cases—"alleged forcible enlistment" and "alleged improper conscription," for example—speak to the inconsistency of recording cases of impressment during the Civil War.⁵⁷ State Department records clearly show, however, that there were many more than just the stated "four" cases of British impressment.

In the fall of 1862, British diplomats in Washington implored the Lincoln administration to respect the British conception of perpetual allegiance. "By British law," William Stuart, the British chargé d'affaires, informed the secretary of state in late September 1862, "all persons born on British ground, or abroad of British parents, are British Subjects; and Her Majesty's Consuls are, therefore, obliged to give Certificates [of British nationality] to all such who have not by their own Act become Citizens of the United States."⁵⁸ In other words, Britons living in the Union who had not forsaken their British nationality were off-limits for Union military service.

But diplomatic assurances did not always square with feelings on the ground. "It would be difficult to describe to you what a panic there is amongst British subjects all over the States with regard to this Drafting,"

Stuart wrote Foreign Secretary Russell in London. The British Legation, Stuart continued, “is daily besieged by numbers asking for advice, and I receive numbers of Letters from the Western States, in none of which, except in Missouri, is there any Consul to apply for. So far, it is only panic, but I greatly fear . . . that many may be forcibly impressed in some States, in spite of their British nationality.” The subject gave Stuart “great anxiety,” and he sent a secretary at the Legation to the western states in order to speak to western governors about the problem.⁵⁹ For his part, Lyons admitted to Russell that sorting out impressment cases had become “the most laborious and most painful and unsatisfactory part of the duties which have devolved upon this legation since the breaking out of the civil war . . .”⁶⁰ The government in London was keenly aware of the dangers of forced military service across the Atlantic, as well, and acted similarly in warning British subjects against falling prey to calls to military service disguised as high-wage employment opportunities in the Union states.⁶¹

Writing to Seward in early September 1862, Stuart informed the Secretary that he had received several “painful” letters from Britons complaining of impressment through military intimidation. Stuart implored Seward to “take prompt and energetic measures for their protection,” as such letters suggested “that a system of intimidation is being established in some places which may lead to most disagreeable results.” Despite bearing a certificate of nationality, one British victim of this practice, Christopher Cleburne, was imprisoned at Newport, Kentucky by the provost marshal for refusing to report for military duty and had been threatened with death if he refused to fall into the ranks.⁶² Similarly, after Canadian John Shaw—also bearing a proper certificate of nationality—was impressed into the Union army in Louisville, Kentucky, Lord Lyons asked Seward to investigate the case “with a view to securing British Subjects at Louisville from being called upon to perform any service incompatible with their duties as Subjects of a neutral Sovereign.”⁶³ In these and myriad other cases involving impressments, British diplomats emphasized the British conception of perpetual allegiance in securing justice for Britons unlawfully impressed into the Union military.

The State Department records on drafted aliens contain the cases of at least 296 alleged Britons who claimed impressment into the Union military. No fewer than seventy-one Britons were identified as Irishmen, while at least nine were Canadians. Of the 197 cases in which Britons were ordered discharged, the majority—128, or 65 percent—were decided between the Militia Act of July 1862 and the Enrollment Act of March 1863. The aggregate number of Britons found in the State Department files is far from

Berwanger's estimate of five hundred cases, but the case files also make it difficult to determine which ones involved impressment and which did not. Moreover, this total only encompasses those cases presented to the Department of State by the British legation, and as noted above, there were likely many more cases encountered by the British consular network that went unreported to the British legation. Given widespread reporting of incidents of Union military officers kidnapping British Canadians and impressing them into the Union military as early as 1861, it is most likely that the number of Canadian cases is significantly underrepresented in the State Department data.⁶⁴ It is worth noting, as well, that many Irishmen who before the American Civil War passionately called for Irish independence from Britain did not hesitate to wield their British nationality as a trump card for escaping Union impressment.⁶⁵ Regardless of what Irishmen thought about their own national identity, British diplomats and consular agents did not discriminate against them (or Canadians) when they complained of British subjects being impressed into the Union army. As both Ireland and Canada were part of the British realm, the legation in Washington worked with equal diligence in protecting all subjects of the Crown from impressment, regardless of which part of Great Britain they came from.

Dutch

The Dutch case confirms the severity of the problem of impressment and the confusion and concern it caused immigrant groups. The Dutch story also indicates that well-prepared diplomats often played an important role in aiding soldiers who complained about impressment. Although we could identify only thirteen cases concerning Dutchmen in the Department of State's files, Dutch diplomatic files in the Netherlands' national archive in the Hague show that Dutch consulates inquired about additional specific cases of impressment, including cases in which men fought under aliases.⁶⁶ Dutchmen claiming false conscription could get in touch with their consular officer, who would then send a letter to the Dutch Resident Minister in Washington, DC. This minister, Roest Van Limburg, then wrote the secretary of state's office. Many times, the secretary of state forwarded individual cases to the Department of War.

As noted, the Militia Act's passage on July 17, 1862 prompted several European diplomats to voice their apprehension over potential impressment to American officials.⁶⁷ Roest van Limburg had written to Seward on November 4, 1861, to inform him that Dutch law did not allow for foreigners to be subject to compulsory military service. The Dutch Ministry of Foreign

Affairs wanted to remind Seward that as long as Dutchmen in the United States were exempt from service, so would Americans in the Netherlands be exempt from the same. This was, he claimed, in keeping with a tradition of reciprocity.⁶⁸

Most of the Dutch immigrants living in the United States during the Civil War could be found in midwestern states: Michigan, Wisconsin, Iowa, and Illinois. So it is no surprise that several cases of impressed Dutch citizens come from this region. The twenty-year-old Reinier Van den Heuvel provides one example. Van den Heuvel, of Little Chute, Wisconsin, claimed that he was not an American citizen and had never voted in the United States. He had immigrated in 1858 but never declared his intention to become a citizen. On November 12, 1862, Van den Heuvel, joined by his mother and stepfather, all appeared before the county Justice of the Peace and gave sworn testimony regarding his citizenship. Through the Dutch consul in Wisconsin, J.P. Voswinkel Dorelesen, Van den Heuvel's papers were sent to DC, and on December 26, 1862, Van den Heuvel was discharged from duty.⁶⁹ Diplomatic records in the Hague include references to impressed servicemen, but the full circumstances and result of each case are seldom clear. In some instances, all that appears is a name, like J.P. Roest, alias William Lewis, and the remark that this soldier had claimed to be pressed into service.⁷⁰

Impressment threatened not only non-naturalized Dutch immigrants in the Midwest, but the very Dutch diplomats who looked over them. By 1860, Dutch consulates had been established in Iowa and Wisconsin, along with East Coast port cities. In addition to promoting trade with the Netherlands, these consuls sought to protect Dutch citizens in the United States.⁷¹ In 1862, the Dutch consular network was in a panic because they learned that their status as consuls did not provide them any exemption from the draft if they were American citizens. This was a surprise to the Dutch consul in Philadelphia, George K. Ziegler, who wrote that he and his colleagues from other consulates in Philadelphia "feel confident that the Hon. Secretary of State would out of national courtesy exempt them if drafted."⁷² The Dutch Minister Resident in Washington, DC, Roest Van Limburg, presented William Seward with a letter from Attorney General Cushing to Mr. Marcy, secretary of state, dated November 4, 1854, in which consuls were said to be "privileged from political or military service."⁷³ Van Limburg doubled down on this position in a letter from October 1862, writing that he supposed "the United States would prefer that their Consuls, even when not Americans, should be exempt in the Netherlands from military service."⁷⁴

But by mid-1863, the Dutch consul in Milwaukee, J.P. Voswinkel Dorselen, was still not clear about these rules. Voswinkel Dorselen, writing directly to Seward (and bypassing Van Limburg) explained that he had declared his intention to become a citizen and had voted in the State of Wisconsin, but had not yet become an American citizen.⁷⁵

While circulars from the US government did help clarify some matters about recruitment, the government's messages often fell far short of addressing all of the contingencies that could arise regarding foreigners and military service during the war. Some Dutch cases appear to have never been resolved, indicating that even aid from the diplomats could not always clear up impressment problems. Cases of Dutch mercenaries adopting English names or of Dutchmen crossing the Canadian border or into the Union from rebel territory complicated matters further.

Scandinavians

Evidence from Scandinavian communities in Wisconsin indicates that impressment was a much larger issue than it would appear from the Department of State's files or published works on Scandinavian American history. Fearing the draft, Scandinavian immigrants in America, individually and communally, developed strategies to resist what was commonly understood and articulated as "forced conscription" (tvangsdskrivning).⁷⁶ Among other strategies, Scandinavian American immigrants sought medical exemptions and formed mutual aid societies to pool money for hiring substitutes in order to avoid compulsory military service.

For two reasons, Scandinavian concern with impressment was concentrated in Wisconsin. First, according to the 1860 census, more Norwegian, Swedish, and Danish immigrants (23,265) lived in Wisconsin than in any other state in the Union, and Scandinavian Wisconsin residents far outweighed countrymen in other states that held a draft in the fall of 1862 (only 1,663 Scandinavian immigrants lived in Ohio, Indiana, Maryland, and Pennsylvania combined). Second, in Wisconsin, there was significant tension regarding draft quotas and enrollment of foreign-born.

To avoid military service, Scandinavians in several Wisconsin settlements sought out medical exemptions and proved disproportionately successful in obtaining them. According to the 1860 census, 169 men in the town of Springfield, Wisconsin were between the ages of eighteen and forty-five in 1862, with 37 percent being Norwegian. Yet, a conservative estimate based on common Scandinavian names such as Arne Anderson, Thore Oleson, and Peter Arnison, as well as the names matching specific census information,

suggests that at least ten Norwegians (out of twenty medical exemptions preserved at the Wisconsin Historical Society) escaped the initial draft for conditions such as “want of constitutional vigor,” “a bad hand,” “injury of the knee,” etc. after being examined by examining surgeon John Favill. This pattern of disproportionate medical exemptions repeated itself in the nearby town of Perry.⁷⁷ Moreover, the Scandinavian pattern of seeking draft exemption in Wisconsin was not limited to Dane County. Although the reluctance to serve in the United States military runs counter to most historiography on Scandinavian Americans’ Civil War service, readers of Scandinavian-language newspapers in 1862 would have been well aware of the issue as the newspaper pages were regularly filled with descriptions and lamentations of countrymen avoiding military duty.⁷⁸

One of the young Norwegians who tried, and failed, to get an exemption from military service due to his foreign-born status, not medical disability, was Ole Hanson in Dane County. Hanson appeared before draft commissioner Levi Vilas on Monday, September 1, but was denied, along with his countryman Helge Hanson, for having taken out naturalization papers and voted.⁷⁹ As it turned out, Hanson was drafted in November and through local attorneys took his case all the way to the State Department as only one of two Norwegians whose cases ended up in the State Department Case Files.⁸⁰ After having been notified on February 27, 1863 that his exemption request had to be submitted through more official channels (either a local consul or the state executive), Hanson on March 18 was finally given an exemption “unless evidence controverting” his statements of having “never declared his intention to become a citizen” nor “exercised the privilege of the elective franchise,” were unearthed.⁸¹

In many ways, Hanson’s case was a rare example, as few cases of Scandinavian impressment made it to the highest levels of the diplomatic circles. The Swedish-Norwegian legation, following the lead of the Swedish foreign minister, saw little reason for granting Swedish and Norwegian nationals protection that they had voluntarily renounced by emigrating. Thus, the small number of Swedish and Norwegian cases (only 2 out of the 436 cases in Wisconsin) for an immigrant group that constituted more than 8 percent of all foreign-born Wisconsin residents in 1860 can partly be explained by lack of Old World political will to defend their former subjects against the American government’s draft policies. On the other hand, Danish representative Waldemar Raaslöff had developed close personal relationships to top American politicians and raised the issue of impressment to Seward as early as November 5, 1861, which along with his active attempt to have

draft regulations clarified in August of 1862 is part of the reason why all five Danish cases taken to the State Department resulted in exemption.⁸²

Additionally, Scandinavian settlement patterns in rural areas, shaped by Norwegian, Swedish, and Danish immigrants mostly finding agricultural work, help explain the relatively few Scandinavian impressment cases in comparison to the prevalence of impressment cases from the area around Milwaukee, which was heavily populated by German immigrants and, as we have seen, well represented by German consuls.⁸³ It would have been practically and economically difficult for Scandinavian immigrants living in rural Wisconsin to travel to Chicago, the location of the closest Scandinavian consuls in 1862.

Scandinavians in New Denmark, a small rural settlement of approximately five hundred inhabitants, mainly Scandinavian, Prussian, and Irish, in Brown County, established a mutual aid society to allow drafted countrymen to hire substitutes from other ethnic groups. On August 30, 1862, the Scandinavian inhabitants organized a meeting to “support and comfort the families of persons who may be conscripted” for the United States Army. The solution, after lengthy discussions, was a monthly fee of \$2 from everyone who attended the meeting. What was left unsaid in the meeting minutes, but what the meeting’s secretary Fritz Rasmussen made clear in his diary, was that many residents were prepared to (if possible) hire substitutes, feign invalidity, or invoke ambiguous citizenship status to avoid conscription.⁸⁴ “[D]raft fear” was the principle topic of conversation in the community.⁸⁵

For Scandinavians already in the United States, the impressment experience was marked by diplomatic indifference for former Swedish and Norwegian subjects, while the Danish legation did manage to successfully bring a handful of cases to the American State Department’s attention. Just as importantly, the fear and confusion which followed in the wake of the 1862 Militia Act led Scandinavian communities in Wisconsin to devise a multitude of strategies in response to the draft before even pleading their case to the local consul. Medical exemptions, mutual aid societies, and desperate “alienage” claims all testify to the impressment fears at the Scandinavian community level even if they are less visible in the official diplomatic correspondence.

CONCLUSION

The State Department’s “Case Files on Drafted Aliens” provides an important starting point for further studies related to issues of citizenship,

transnational diplomacy, and the relationship between conscription and European immigration during the last years of the Civil War. Perhaps most importantly, our analysis of the State Department “Case Files” has shown that the challenges to impressment that made it to the highest diplomatic level were only the tip of an iceberg stretching from New York over Pennsylvania to Wisconsin. Supplementing this work with community studies of the most affected counties based on material from regional archives would shed even further light on this overlooked topic of Civil War ethnic history, as would additional archival research in the United Kingdom, France, Belgium, or other countries involved in protecting their citizens from American conscription law. Additionally, President Andrew Johnson’s third annual message to Congress in 1867 made clear that questions of citizenship, perpetual allegiance, and military service were not just confined to the Civil War years but remained unresolved in relation to German and British subjects even years later. It is evident that from the initial implementation of federal conscription in the summer of 1862 until the end of the war, foreign consular agents throughout the Union, foreign ambassadors in Washington, and local and state officials quarreled with the Lincoln administration over just who could rightly be considered a citizen and therefore liable for compulsory military service.

As an unintended consequence of federal conscription, the alleged impressment of over one thousand foreign-born men into the Union army created widespread diplomatic anxiety among European powers and immigrant communities throughout the North, and the problem was exacerbated by the regular reshaping of the boundaries of American citizenship. Despite energetic efforts on behalf of the Union and foreign governments to define these boundaries in concrete terms, military officials on the ground did not always respect them and sometimes resorted to impressment in order to fill their draft quotas. The impressment of foreign-born men demonstrates that ambiguity surrounding citizenship status in the United States and in European countries, and the rights and duties associated therewith, had widespread impact both locally and globally during the Civil War. The majority of the impressment cases were resolved in late 1862 and early 1863, but the issue lingered throughout the war and hampered the American government’s explicit aim of attracting European immigrants, most notably exemplified by the Homestead Act of 1862.

NOTES

1. Webster’s Dictionary of 1828 gave “the act of compelling into any service” as its main definition, with “the act of seizing for public use; as the impressment of provision for the

army” as a secondary meaning. <http://webstersdictionary1828.com/Dictionary/impressment>. John Erskin May, *The Constitutional History of England since the accession of George the Third*, vol 2 (1863; New York: A.C. Armstrong and Son, 1899), 259–60. This language was repeated in *The Opinion of Hon. John M. Read, of the Supreme Court of Pennsylvania, in favor of the constitutionality of the act of Congress of March 3, 1863 "For enrolling and calling out the national forces and for other purposes"* (Philadelphia, PA: Caxton Press of C. Sherman, Son & Co., 1863), 11.

2. Bernard H. Nelson, “Confederate Slave Impressment Legislation, 1861–1865,” *The Journal of Negro History* 31, no. 4 (October 1946), 392–410; Jamie Amanda Martinez, *Confederate Slave Impressment in the Upper South* (Chapel Hill: University of North Carolina Press, 2013).

3. Ella Lonn used the very word “impressment” more than sixty-five years ago to describe the process. Lonn, *Foreigners in the Union Army and Navy* (Baton Rouge: Louisiana State University Press, 1951), 449–55. Well before Lonn, a category of Seward’s correspondence was listed under “Impressment by the United States Government in the *Civil War in General Index to the Diplomatic Correspondence and Foreign Relations of the United States, 1861–1899* (Washington: Government Printing Office, 1902), 919. A general overview that touches upon Civil War impressment is Candice Bredbenner, “A Duty to Defend? The Evolution of Aliens’ Military Obligations to United States, 1792–1946” *Journal of Policy History* 24, no. 2 (2012): 224–62.

4. Ella Lonn. *Foreigners in the Union Army and Navy* (Baton Rouge: Louisiana State University Press, 1951), 470–71.

5. Christian G. Samito, *Becoming American under Fire: Irish Americans, African Americans, and the Politics of Citizenship During the Civil War Era* (Ithaca, NY: Cornell University Press, 2009), 1–11.

6. Andre Fleche, *The Revolution of 1861: The American Civil War in the Age of Nationalist Conflict* (Chapel Hill: University of North Carolina Press, 2014); Don H. Doyle, *The Cause of All Nations: An International History of the American Civil War* (New York: Basic Books, 2015), 168–69, 177–81.

7. For recent works that explore the political dimensions of draft resistance in the North, and for discussion of the “Copperhead” elements of the Democratic Party generally, see Jennifer L. Weber, *Copperheads: The Rise and Fall of Lincoln’s Opponents in the North* (New York: Oxford University Press, 2006); Michael Thomas Smith, “Damnable Treason or Party Organs? Democratic Secret Societies in Pennsylvania” and Robert M. Sandow, “Copperheads in Connecticut: A Peace Movement that That Imperiled the Union,” both in *This Distracted and Anarchical People: New Answers for Old Questions about the Civil War Era North*, ed. Andrew L. Slap and Michael Thomas Smith (New York: Fordham University Press, 2013), 29–59; Mark E. Neely Jr., *Lincoln and the Democrats: The Politics of Opposition in the Civil War* (Cambridge, UK: Cambridge University Press, 2017).

8. James W. Geary, *We Need Men: The Union Draft in the Civil War* (DeKalb: Northern Illinois University Press, 1991), 39–44. James H. Kettner, *The Development of American Citizenship, 1608–1870* (Chapel Hill: University of North Carolina Press, 1978), 248–86. Samito, *Becoming American under Fire: Irish Americans, African Americans, and the Politics of Citizenship During the Civil War Era*, 1, 217–20.

9. James Garfield Randall, *Constitutional Problems under Lincoln* (New York: Appleton, 1926), 252.

10. Paul Quigley, "Civil War Conscription and the International Boundaries of Citizenship." *The Journal of the Civil War Era* 4, no. 3 (Sept. 2014): 373–97. Quotes from pages 373 and 389.
11. Richard Franklin Bense, *The American Ballot Box in the Mid-Nineteenth Century: Law, Identity and the Polling Place* (Cambridge, UK: Cambridge University Press, 2004).
12. U.S. *Statutes at Large*, XII, 597, <https://www.loc.gov/law/help/statutes-at-large/37th-congress/session-2/c37s2ch201.pdf>.
13. See for example "The Draft in Pennsylvania." *The New York Times*, October 18, 1862 as well as August Gaylord. *Annual Report of the Adjutant General of the State of Wisconsin for the Year 1862* (Madison, WI: Atwood & Rublee, State Printers, 1863), 90–94.
14. William A. Blair, *With Malice toward Some: Treason and Loyalty in the Civil War Era* (Chapel Hill: The University of North Carolina Press, 2014), 167.
15. The United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*. Series 3., vol. 2 (Washington, DC: Government Printing Office, 1899), 369.
16. Seward to Gamble, August 14, 1862. In John Bassett Moore, *A Digest of International Law*, vol. 4 (Washington, DC, GPO, 1906), 52–53.
17. "Aliens and the Draft," *The New York Times*, August 25, 1862.
18. Quoted in Sterling E. Edmunds, "Aliens and the Draft." *Washington University Law Review* 5, no. 1 (January 1920): 26–27.
19. IMPORTANT FROM WASHINGTON; A Warning to Persons Claiming Exemption from the Draft, *New York Times*, October 31, 1862.
20. "An Act for Enrolling and Calling Out the National Forces, and for Other Purposes," *Congressional Record*. 37th Cong. 3d. Sess. Ch. 74, 75. 1863. March 3, 1863. <http://glc.yale.edu/act-enrolling-and-calling-out-national-forces>.
21. Solicitor General William Whiting, writing in July 1863, could not furnish any universal rules about policy on alienage, except to say that exemptions could only be given to residents who had not declared their intent to become citizens. But in 1864 he declared that aliens who had volunteered as substitutes could not be discharged on the ground of alienage, and that aliens who had fought for the rebellion did not lose their right to plead for an alienage exemption should they be enrolled in a draft in a Union state. RG 107: Records of the Office of the Secretary of War, Solicitor's Office: Summaries of Cases Reviewed. No. 244, Alienage. July 3, 1863, and cases No. 433 and 448.
22. Circulars of the Provost Marshal General's Bureau for 1863, 1864, 1865 (Washington: Adjutant General's Office, 1870), 57
23. *Ibid.*, 68.
24. Many have naturally assumed that policy changed with the Enrollment Act. An example of this kind of thinking is William W. Fitzhugh and Charles Cheney Hyde, "The Drafting of Neutral Aliens by the United States," *The American Journal of International Law* 3 (1942): 369–882, specifically 372.
25. James G. Randall, *Constitutional Problems under Lincoln* (New York: D. Appleton and Company, 1926), 255.
26. William Seward to Mr. Mercier, November 10, 1862. Executive Documents, printed by order of The House of Representatives during the first session of the thirty-eighth congress, 1863–64, vol. 2 (Washington, DC, Government Printing Office, 1864), 745.

27. This database will be uploaded to Social Science Research Network website as an appendix after the publication of the article.

28. Eugene H. Berwanger, *The British Foreign Service and the American Civil War* (Lexington: University Press of Kentucky, 1994), 143.

29. Kimmons explains that, at least for 1863, "suspended" cases were those in which no decision could be reached at the level of state draft boards and had been referred to the Department of State. Neil C. Kimmons, "Federal Draft Exemptions 1863–1865." *Military Affairs* 15, no. 1 (1951): 25–33.

30. Wisconsin Constitutional Convention, *Constitution of the State of Wisconsin* (Madison, WI: Beriah Brown, 1848). <http://www.wisconsinhistory.org/turningpoints/search.asp?id=1627>.

31. RG 107: Records of the Office of the Secretary of War, Solicitor's Office: Summaries of Cases Reviewed. No 574. Enrollment of Aliens, June 17, 1864.

32. James W. Geary, *We Need Men: The Union Draft in the Civil War* (DeKalb: Northern Illinois University Press, 1991), 221.

33. Joseph C. G. Kennedy, ed. *Population of the United States in 1860* (Washington, DC: Government Printing Office, 1864), 215, 398, 439, 544. In eastern Wisconsin the proportion of foreign-born residents was often higher than the state average. According to the 1860 census, 8,521 out of 15,682 residents (54%) in Ozaukee County, for example, were foreign-born while 33,144 out of 62,218 residents (53%) in Milwaukee County were born outside the United States.

34. Neil C. Kimmons, "Federal Draft Exemptions, 1863–1865" *Military Affairs* 15, no. 1 (Spring 1951), 25–33, specifically 29.

35. Based on information tables in *The War of the Rebellion: Official Records of the Union and Confederate Armies*, Series III, vol. 5 (Washington, DC: Government Printing Office), 730–39. Blank entries indicate that there was no draft enrollment in the state for that draft or that no drafted men declared alienage status.

36. United States Census Bureau, 1860 Census: Population of the United States, <https://www.census.gov/library/publications/1864/dec/1860a.html>.

37. J.L. Bernstein, "Conscription and the Constitution: The Amazing Case of *Kneedler v. Lane*" *American Bar Association Journal* 53, no. 8 (August 1967), 708–12. "A Judicial Revisitation Finds *Kneedler v. Lane* Not So 'Amazing,'" *American Bar Association Journal* 42, no. 12 (December 1967), 1132–35. The dissenting Chief Justice of Pennsylvania presented in this case an interesting argument against impressment: "[W]hilst all readers of the Constitution would imply the power to establish ship yards, dry docks, and naval asylums, no one would understand the press-gang to be legalized. And here let it be remarked as one of the curiosities of this subject, that impressment of militia men into the Federal armies, is claimed to be constitutional, whilst no American voice has yet been raised in favor of impressment into the Federal navy." *The Luzerne Legal Observer*, January 8, 1864, 15.

38. Kenneth H. Wheeler, "Local Autonomy and Civil War Draft Resistance: Holmes County, Ohio," *Civil War History* 45, no. 2 (1999): 147–59.

39. According to the 1860 census, 1,301,136 Germans resided within the United States while more than 1.7 Irish immigrants had landed on American shores between 1841 and 1860. Torben Grøngaard Jeppesen, "*Danske i USA 1850–2000. En Demografisk, Social Og Kulturgeografisk Undersøgelse Af De Danske Immigranter Og Deres Efterkommere [Danese*

in the United States 1850–2000. *A Demographic, Social and Cultural Geographic Study of The Danish Immigrants and their Descendants*], (Odense, Denmark: Syddansk Universitetsforlag, 2005), 47, 131.

40. Walter D. Kamphoefner, "German-Americans and Civil War Politics: A Reconsideration of the Ethnocultural Thesis," *Civil War History* 37, no. 3 (1991). Walter D. Kamphoefner, *Germans in the Civil War: The Letters They Wrote Home* (Chapel Hill: University of North Carolina Press, 2006).

41. Martin W. Öfele, *True Sons of the Republic: European Immigrants in the Union Army* (Westport, CT: Praeger, 2008), 48.

42. Adolph Rosenthal, "To His Excellency William H. Seward," in RG 59. General Records of the Department of State. Civil War Papers, 1861–1865. Case Files on Drafted Aliens. 1862–64. Entry 970. Box 6. (National Archives at College Park, 1862).

43. *Ibid.* The same reasoning, being a native of a foreign country and not having completed the naturalization process, appears throughout the "Case Files on Drafted Aliens."

44. August Gaylord, *Annual Report of the Adjutant General of the State of Wisconsin for the Year 1862* (Madison, WI: Atwood & Rublee, State Printers, 1863), 55.

45. Letter from Edson Kellogg Whitewater Wisconsin to A.W. Ramsey, January 13, 1863. Forwarded as an enclosure in letters from J.M. Yillapaugh, Captain and Provost Marshall, 1st district Wis, to Colonel James B Fry, Provost Marshal General, Washington, DC January 15, 1864 (National Archives, misc files box, to Secretary of State).

46. Tyler Anbinder, "Which Poor Man's Fight? Immigrants and the Federal Conscription of 1863," *Civil War History* 52, no. 4 (December 2006): 344–72. Quotes from 346, 347.

47. Anbinder, 352.

48. The best overview of the German diplomatic network in the United States in this period is an unpublished manuscript by Niels Eichhorn: "Ein Einblick in de Welt der Diplomaten während des Bürgerkrieges 1861–65" (2005). The authors are grateful to Dr. Eichhorn for bringing this material to our attention.

49. Enno Eimers, *Preussen und die USA, 1850 bis 1867: transatlantische Wechselwirkungen* (Berlin: Duncker & Humblot, 2004), 541.

50. *Answers of the Governor of Massachusetts to Inquiries Respecting Certain Emigrants who have arrived in this Country from Europe and who are alleged to be illegally enlisted in the Army of the United States, and Other Papers on the Same Subject* (Washington, DC: Gov. Printing Office, 1864).

51. Andrea Mehrländer, "'... ist daß nicht reiner Sklavenhandel?'" Die illegale Rekrutierung deutscher Auswanderer für die Unionsarmee im amerikanischen Bürgerkrieg," *Amerikastudien / American Studies* 44, no. 1 (1999): 65–93.

52. Quigley, "Civil War Conscription and the International Boundaries of Citizenship," 374. On perpetual allegiance versus volitional citizenship see Paul Quigley, "The American Civil War and the Transatlantic Triumph of Volitional Citizenship," in *The Transnational Significance of the American Civil War*, ed. Jörg Nagler, Don H. Doyle, Marcus Gräser (London: Palgrave Macmillan, 2016).

53. Amanda Foreman, *A World on Fire: Britain's Crucial Role in the American Civil War* (New York: Random House, 2012), 7; Berwanger, *The British Foreign Service*, 126.

54. Doyle, *The Cause of All Nations*, 176.

55. David T. Gleeson, *The Green and the Gray: The Irish in the Confederate States of America* (Chapel Hill: University of North Carolina Press, 2013).

56. Berwanger describes several such cases in chapters 10 and 11 of his *The British Foreign Service and the American Civil War*, 143–44.

57. “Return of Claims of British Subjects against the United States’ Government from the Commencement of the Civil War to the 31st of March, 1864,” *North America* no. 11 (London: 1864); *Memorandum to Accompany the Return of Claims of British Subjects in the United States since the Secession of the Southern States*, B DFA, VI, 273–83.

58. Private Memorandum from William Stuart to W. H. Seward, September 20, 1862, Notes from the British Legation, RG 59, M50, Roll 45, NARA.

59. Letter from Stuart to Russell, August 12, 1862, in *Private and Confidential: Letters from British Ministers in Washington to The Foreign Secretaries in London, 1844–67*, ed. James J. Barnes and Patience P. Barnes (Selinsgrove, PA: Susquehanna University Press, 1993), 295; Letter from Mr. [Percy] Anderson to Mr. Stuart, September 28, 1862, in B DFA, VI, 97–101.

60. Letter from Lord Lyons to Foreign Secretary Russell, May 3, 1864, as quoted in CONSCRIPTION: “[From the London Times of July 29, 1864] HOUSE OF COMMONS – THURSDAY, JULY 28, EMIGRATION TO AMERICA, in FRUS 1864, 254–56.

61. Berwanger, 154.

62. Letter from William Stuart to W. H. Seward, September 6, 1862, Notes from the British Legation, RG 59, M50, Roll 45, NARA.

63. Lyons to Seward, July 21, 1863, Notes from the British Legation, RG 59, M50, Roll 53, NARA.

64. Berwanger, 146–48.

65. Quigley, “Civil War Conscription,” 384.

66. Netherlands’ National Archive, Ministerie van Buitenlandse Zaken, Gezantschp V.S., Collection 2.05.13, Folder 92

67. See also Waldemar Raaslöff, “Ligation Danois. New York a 12 Aout 1862 ” in *Collection 0002. Udenrigsministeriet. 1848–1972 Depecher. Washington 1861–1862 mm. Box 155* (Rigsarkivet, 1862).

68. National Archives, Microfilm M-56, Roll T5: Notes from the Netherlands Legation in the U.S. to the Dept. of State, 1910–1906. (Sept. 8, 1861–Dec. 28, 1864)

69. Netherlands’ National Archive, Gezantschap VS, Legatie Washington NNA – 2.05.13, Bestanddeel 61. See also F. W. Seward, “Department of State. Washington December 26, 1862,” in *RG 59. General Records of the Department of State. Civil War Papers, 1861–65. Letters sent Regarding Drafted Aliens. 1862–64. Entry 972* (National Archives at College Park, 1862).

70. Letter from William Seward to Van Limburg, March 18, 1864, Netherlands’ National Archive, Ministerie van Buitenlandse Zaken, Gezantschp V.S. Folder 92.

71. Michael J. Douma, *How Dutch Americans Stayed Dutch* (Amsterdam: University of Amsterdam Press, 2014).

72. Letter from Zeigler to Van Limburg, November 27, 1862, Netherlands’ National Archive, Gezantschap VS, Legatie Washington, Netherlands’ National Archive, – 2.05.13, Bestanddeel 61.

73. Letter from Van Limburg to Seward, undated, but likely soon after September 26, 1862, NARA, Microfilm M-56, Roll T5.

74. Letter from Van Limburg to Seward, October 9, 1862, NARA, Microfilm M-56, Roll T5.

75. Letter from Dorselen to Seward, May 20, 1863; NARA, Microfilm M-56, Roll T5.

76. "Udskrivningen [the Conscription]," *Emigranten*, September 15, 1862.

77. Kennedy, ed. *Population of the United States in 1860*, 534. Also Favill, "Certificate of Disability" in County Clerk. Civil War Draft Records, 1862. Dane Series 42. Box 1, Wisconsin Historical Society.

78. J. A. Johnson, *Det Skandinaviske Regiments Historie [The Scandinavian Regiment's History]* (La Crosse, WI: 1869). The ethnic "contribution" trope is also found in Waldemar Ager, *Oberst Heg Og Hans Gutter [Colonel Heg and His Boys]* (Eau Claire, WI: 1916), 223–61. See also Peter Sørensen Vig, *Danske i Krig i Og for Amerika [Danes Fighting in and for America]* (Omaha, NE: Axel H. Andersen, 1917), 185–97. Vig does briefly acknowledge that several families had their "sons flee either to Denmark or Canada until the war was over." "Udskrivningen [the Conscription]," *Emigranten*, September 15, 1862.

79. Levi B. Vilas, "Monday Sept. 1st 1862" and "Wednesday Augt. 27th 1862." In County Clerk. Civil War Draft Records, 1862. Dane Series 42. Box 1, Wisconsin Historical Society, 1862.

80. Ole Hanson, "Madison, Wisconsin, December 12th, 1862." In RG 59. General Records of the Department of State. Civil War Papers, 1861–1865. Case Files on Drafted Aliens. 1862–64. Entry 970. Box 3: National Archives at College Park, 1862.

81. F. W. Seward, "Department of State, Washington, March 18, 1863." In RG 59. General Records of the Department of State. Civil War Papers, 1861–65. Letters sent Regarding Drafted Aliens. 1862–64. Entry 972: National Archives at College Park, 1863.

82. W. Raasløff. "Danish Legation. Pt. New York November 5, 1861." In M-52. Notes from the Danish Legation in the U.S. to the Dept. of State, 1801–1906. Roll T3: National Archives at College Park, 1861. See also Lonn, *Foreigners in the Union Army and Navy*, 458. For examples of Raasløff's correspondence with high-level American politicians see Michael J. Douma and Anders Bo Rasmussen, "The Danish St. Croix Project: Revisiting the Lincoln Colonization Program with Foreign-Language Sources," *American Nineteenth Century History* 15, no. 3 (2014): 311–42.

83. Torben Grøngaard Jeppesen, *Danske i USA 1850–2000*, 131–35. See also Alison Clark Efford, *German Immigrants, Race, and Citizenship in the Civil War Era* (New York: Cambridge University Press, 2013), 10.

84. Fritz W. Rasmusen, "Forhandlingler [Negotiations, August 30, 1862]," in Fritz Rasmusen Papers. Additions, Genealogy notes. Box 9, Folder 7, Wisconsin Historical Society, 1862.

85. Fritz W. Rasmusen, "The 12. Friday [September]," in *Fritz William Rasmusen Papers. Diaries, 1857–1876*. (Wisconsin Historical Society, 1862). See also "The 20. Saturday [September]," in *Fritz William Rasmusen Papers. Diaries, 1857–1876*. (Wisconsin Historical Society, 1862).