

Substitutes (Civil War) ^[1]

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by David A. Norris, 2006



Men in room seeking exemption from being drafted into the military. Photo courtesy of the Library of Congress.

^[2]As the Civil War dragged on and enthusiasm for volunteer enlistments lagged, both sides resorted to conscription ^[3] to fill their ranks. This practice became even less popular and seemed even more unfair because the draft laws allowed men of means to hire substitutes to take their places. Under the Confederate ^[4] conscription law, a draftee could evade service by hiring someone who was exempt from the draft to replace him—someone under or over the mandatory conscription age, one whose trade or profession exempted him, or a foreign national. Generally, the "principal," as those supplying substitutes were called, paid a fee to the government as well as a large sum to his substitute. Prices for hiring substitutes in the South reportedly ranged as high as \$3,000 in specie and even higher in Confederate currency. At such prices, only the wealthy could afford substitutes. The substitute laws reinforced the perception that the war was "a rich man's war and a poor man's fight." Many soldiers earning scanty military pay simmered with anger over serving with the richly rewarded substitutes, whom they considered little better than mercenaries. Other men served halfheartedly, hoping somehow to hire substitutes of their own.

Although many soldiers and civilians thought that it was wrong to hire substitutes, the practice was widespread. The number of substitutes in the Confederate ^[4] army is difficult to determine, though some wartime estimates ranged from 50,000 to 150,000. Newspapers carried many ads from men seeking, or offering service as, substitutes. There were even "brokers" who took fees for finding substitutes. Many substitutes quickly deserted or were unfit for military service due to their age, poor health, or alcoholism. Because of such abuses, the Confederate Congress ^[5] tightened the rules regarding substitution and finally abolished the practice. Men who had hired substitutes found themselves again subject to conscription when the laws changed. They were given a specified length of time to report for duty, and their substitutes still in the service were retained as well.

North Carolina became embroiled in controversy with the Confederate War Department over these changes in the draft laws. In February 1864 Chief Justice Richmond M. Pearson ^[6] of the North Carolina Supreme Court ^[7] ruled that it was unconstitutional to force men into the army if they had furnished substitutes. Eventually, however, the full state supreme court reversed Pearson's judgment, confirming the Confederate government's right to annul substitute contracts.

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Additional Resources on Conscription and Draft Evasion in the Civil War, for both the Union and Confederate

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Peterson, Carl L. 1998. Avoidance and evasion of military service: an American history, 1626-1973. San Francisco: International Scholars Publications. <https://www.worldcat.org/oclc/36597799> [11] (This link is to the record in WorldCat. WorldCat searches the holding of libraries around the world – you can search to see if a library near you has this book).

Image Credit:

"The Civil War in America: claiming exemption from the draught [i.e., draft] in New York." 1863; Library of Congress Summary: Summary: Men in room seeking exemption from being drafted into the military. Photo courtesy of the Library of Congress. Available from <http://www.loc.gov/pictures/item/00652753/> [2] (accessed May 21, 2012).

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