



## 8

# Preserving the Seed Corn

## Youth Enlistment and Demographic Anxiety in the Confederacy

The Virginia Military Institute cadets who fought at the Battle of New Market are the stuff of Confederate lore. On May 15, 1864, a force commanded by General Major John C. Breckinridge, former vice president of the United States, repelled a Union invasion near the town of Staunton, Virginia. Facing a break in his lines, Breckinridge reluctantly issued his famous command: “Put the boys in, and may God forgive me the order!” Union troops were then met by what historian James McPherson describes as “a spirited charge of 247 VMI cadets aged fifteen to seventeen, who were ever after immortalized in southern legend.”<sup>1</sup> Dramatized in books and movies, the cadets’ much-retold story has contributed to the widely shared perception that the Confederacy, being badly outnumbered, relied far more than the United States on underage soldiers.

This perception obscures the profound anxiety around underage enlistment that existed in the Confederacy and the concerted attempts to shield the young from regular military service. In truth, the ages of the VMI cadets ranged from fifteen to twenty-five, and of the ten who died, six were between the ages of eighteen and twenty—in other words, above the age of conscription.<sup>2</sup> Further mudding the waters is the fact that the Union side also counted boy soldiers among its ranks, including former inmates of the Massachusetts Reform School who had been released early on the condition that they enlist.<sup>3</sup> The mythology surrounding the Battle of New Market has thus obscured two unsavory truths. The first, addressed in the following chapter, is that the Union army enlisted boy soldiers who had been subjected to coercive enlistment practices. The second, taken up here, is that many elite families tried to prevent or delay their sons’ enlistment into the Confederate army by enrolling them in schools and military academies. These inconvenient facts call into question the narrative that portrays the Confederacy as distinctive from the United States in that it enlisted from “cradle to grave”

In fact, what is surprising about the situation in the Confederacy is not that large numbers of underage boys and youths performed military service, but the comparative ease with which parents recovered them, and the government's staunch refusal to lower the official enlistment age for regular service. In April 1862, a full year before the United States instituted its far more limited draft, the Confederacy's acute need for soldiers led it to adopt universal conscription for men between the ages of eighteen and thirty-five.<sup>4</sup> Yet legislators resisted reducing the age of conscription to seventeen until February 1864, by which time the Confederate war effort was in dire straits. Even then, the War Department held that seventeen-year-olds could only be conscripted to serve as reserve troops in their home states, not as regular Confederate soldiers—a critical distinction that mattered greatly to people at the time.<sup>5</sup> During the war's final weeks, the Confederate Congress went so far as to enact legislation allowing for the arming of slaves, but the conscription of boys younger than eighteen for field service remained a step beyond the pale.<sup>6</sup> That politicians could countenance the once-unthinkable proposition of Black enlistment, while refusing to consider the full incorporation of those below age eighteen into the Confederate army, speaks to the nation's intense desire to preserve the next generation of white males.

Considering the increasingly desperate military situation, this unwillingness to fully mobilize youth calls for explanation, especially since boys of sixteen and seventeen often served in militias both before and during the war. At least three factors were at play. First is the simple reality that many underage youths had already enlisted. While the Confederate Congress early on established the proper military age as ranging from eighteen to thirty-five, it never barred those below eighteen from enlisting as soldiers, provided they had parental consent—a step the Union army took in February 1862. Even without consent, many young southerners joined the ranks with relative ease. If the Union army was often lax when it came to enforcing age restrictions, the Confederate army seems to have been positively cavalier.<sup>7</sup> Military and political leaders understood this and therefore knew that lowering the conscription age would not open up an untapped pool of potential soldiers.

Still more important was the fact that large numbers of underage youths were already performing other kinds of military service in their home communities. Like Unionists, Confederates began the war believing that service in the militia and the regular army differed markedly, and that it was appropriate for youths below eighteen to join the former but not the latter. They tasked boys and youths, along with the aged but not yet decrepit, with

a crucial role in the war effort: while able-bodied men took to the field, the young and the old would tend farms, govern families, and oversee the enslaved population, taking up arms to defend the homefront when necessary. In the war's earliest stages, boys rushed to form voluntary units and junior military companies, and starting in 1862, some states drafted youths between the ages of sixteen and eighteen to serve in state-controlled home guard or reserve units.<sup>8</sup> As the war progressed, governors grew increasingly resentful of the central government's insatiable demand for conscripts, which they believed left their states unable to adequately defend themselves. Conscripting boys below the age of eighteen into the Confederate army would have exacerbated these tensions, further alienating powerful political figures.

Perhaps above all, what seems to have stopped Confederate leaders from lowering the conscription age for field service was the conviction that to do so would be to "grind up the seed corn"—to allow the urgent demands of the moment to dictate actions that would doom the nation in the long run. Elite southerners had long kept a wary eye on population trends in relation to both their northern neighbors and the Black population (both enslaved and free), but the war made anxieties about being outnumbered even more acute.<sup>9</sup> Concerns predictably centered on the military implications of the population disparity between the two sides, but Confederate leaders also expressed a kind of existential anxiety about the elite's ability to reproduce itself. Just as seed corn had to be protected through the winter, they argued, so the new nation needed to hold back its most promising youths to ensure future prosperity. This metaphor circulated widely in the Confederacy but not the United States—a telling difference that cannot be chalked up to the former's rural character, given that most communities outside the Confederacy were also still predominately agricultural at this time. Rather, the image of youth as carefully husbanded seed corn resonated because it tapped into the ruling class's longstanding fears of a population deficit and its wartime anxieties about perpetuating itself in a context of mass enlistment and rampant death. Present from the outset, these fears grew even more pronounced as schools and colleges shuttered and the war's human and material costs mounted.

The history of underage military service in the Confederacy, then, is murkier and in some respects even more contradictory than what occurred in the United States. The Union army officially barred youths under the age of eighteen, while refusing to release those who nonetheless found their way into service. In the Confederacy, requests to discharge minors met with

less uniform resistance, and political and military leaders repeatedly voiced their commitment to protecting youth from service in the regular forces. But this stance coexisted with—and was likely a reaction to—widespread disregard for age restrictions on the ground. These differences speak to the broader significance that underage enlistment held for each side. Parents came into the war holding similar beliefs about youth and military service, and they had similar clashes with officers and government officials and similar experiences appealing to local and state courts. But in the United States, minority enlistment came to be framed largely as a question of parental rights—one bound up with centralizing processes that enhanced the power of a federalized military, while diminishing the reach of state courts. The high stakes involved in these transformations help to explain why the US federal government was so intent on holding underage youths to service. In contrast, the Confederate army failed to tighten its vise over underage enlistees to the same degree as the Union army, meaning that legal battles over minority enlistment never acquired the same significance. As a result, debates over minority enlistment were less likely to become conduits for fundamental disputes over the centralization of power in the Confederacy than in the United States.

In the Confederate states, minority enlistment tended to be portrayed less as a legal issue, and more as a social phenomenon with distressing implications for the new nation's future. As the situation deteriorated in 1864 and 1865, some die-hard Confederates continued to insist that boys in uniform revealed the nation's indomitable spirit. But for the majority, young soldiers would ultimately come to signify something quite different: the shameful failure of Confederate leaders, and southern men more broadly, to achieve victory while protecting their women and children.

### **Youth Enlistment before the Conscription Act of April 1862**

In the early months of the war, newspapers across the Confederacy predicted a mass uprising of men, women, and children that would compensate for its smaller population. Some seemed almost eager for the coming devastation, breathlessly envisioning how even the youngest would abet the slaughter. After the seizure of Fort Sumter, the editor of Richmond's *Daily Dispatch* proclaimed that "every man and boy in the South" was prepared to march

to the border “to kill or be killed.” A few days later, the paper assured readers that the Confederacy held the upper hand, because the fighting would occur “on its own threshold,” with “every man, woman and boy” taking part.<sup>10</sup> Throughout May and June, the *Dispatch* urged men, women, and children not to rely wholly on state units, but to form themselves instead into “guerrilla bands” composed of anyone old enough to hold a weapon.<sup>11</sup> Striking a similarly fervent note, Alabama’s *Mobile Advertiser* exhorted all those capable of bearing arms to head “to the field” and form companies of “lancers, pikemen, swordmen, or knifemen” if rifles and shotguns were lacking.<sup>12</sup> Even an evangelical tract penned by “a Young Lady of Virginia” in 1861 insisted that God “counts none over military age, none unfit for service, who are willing to enlist.” Praising the “fair-haired boy” who “left his mother’s arms to rush to the battle-field,” she told readers that “the military age is from the cradle to the grave.”<sup>13</sup>

Actually, there was a more precise military age—one set by policy, not God. Like the US procedures from which it was derived, the Confederate *Regulations* ordered recruiters to accept “any free white male person” from age eighteen to thirty-five, with those below age twenty-one requiring the consent of a parent, guardian, or master.<sup>14</sup> Whether these requirements were heeded is another matter. There is little evidence that youths above age eighteen ever had to provide evidence of parental permission to enlist in the Confederate army, and there is plenty of evidence that companies regularly accepted youths below that age, with and without the consent of parents or guardians. Newspaper announcements concerning the raising of new companies and regiments often did not bother to include information on age limits, and stories in the press celebrated parents who allowed underage sons to enlist. In the spring of 1861, the *Dispatch* lauded a “Virginia Mother” who offered up her “beardless boy of 17 summer” and praised a “Patriotic Mechanic” who urged all his sons to join the army, including the youngest, then just fifteen years old.<sup>15</sup> One father, apparently worried that his consent would not suffice, requested “special dispensation” from the secretary of war to allow his sixteen-year-old son to enlist alongside him. The boy weighed 165 pounds, he boasted, and “rides like a Comanche and shoots as did the men of Misissippi when commanded by Jefferson Davis at Buena Vista.”<sup>16</sup> The relaxed approach to the age limits that existed early in the war only grew over time. “They were more, yes, much more particular at that [early] period than later,” recalled John Wickersham, who joined a locally raised company in Missouri in August 1861 at the age of fourteen or fifteen. “Any boy could

join the State troops, but to be a government soldier one must be over the age limit.”<sup>17</sup>

Indeed, most parents assumed that boys under eighteen would serve in home guard companies, not the Confederate army.<sup>18</sup> Unlike in the United States, where the vast majority of underage recruits enlisted in a federally controlled force, most youths in the rebelling states served in these state- or locally controlled units, a distinction scholarship on the Confederacy sometimes fails to make. Yet in a material and legal sense, the difference between these forms of service was typically vast. Those who joined state or local units usually remained at home with their families while not on active duty. They provided their own equipment and received neither food nor wages from the Confederate government, and they were not called on to operate beyond state borders. Although technically subject to army regulations while under arms, they did not face the harsh strictures of military discipline, since they served under men they knew and spent part of their time living as civilians. Most importantly, unlike the average Confederate private, those who joined local- or state-based units were often relatively safe. Performing roles like guarding infrastructure, keeping the peace, or catching deserters, many never saw combat.

Whereas youth in the United States formed similar companies, the assumption that Confederate boys would help to protect their communities from invasion lent more gravity to their efforts. Southern newspapers ran stories reporting on the establishment of juvenile units alongside the raising of Confederate companies or adult home guard units, signaling to readers how seriously they took boys' efforts. The *Richmond Daily Dispatch* reported in May 1861 that Danville, Virginia, had contributed 250 men to the Confederate army, while some fifty boys ages ten to twelve had formed a Young Guards unit that would soon elect its own officers.<sup>19</sup> A few weeks later, the paper noted that Roanoke boasted two home guard units—one consisting of men over fifty, the other of boys between the ages of twelve and eighteen.<sup>20</sup> “Let nobody criticise this thing of the boys forming themselves into military companies,” declared the *New Orleans Crescent* after praising the performances of two such companies in a street parade in May 1861. “They have the same feeling as grown-up soldiers, and if they can’t go to war now, they are preparing themselves to be capital soldiers when they get bigger.”<sup>21</sup>

Confederate commentators enthusiastically applauded boys' martial impulses and their organization of home guard units, but they expressed

alarm about the underaged making their way into the regular army.<sup>22</sup> President Jefferson Davis shared these concerns, especially when it came to youths privileged enough to be enrolled in secondary schools and colleges. In September 1861, a Mississippi newspaper claimed to “have it from good authority” that the president had ordered the discharge of some young volunteers whose parents wanted them to return to school. Davis had allegedly stated that the boys “ought never to have been mustered into the service” and pledged that he would “gladly” release any underage youth upon request. “Indeed,” the article continued, “he said that, by enlisting those below eighteen, we are grinding our seed corn.” This story of president’s intervention on behalf of distraught parents was reported by newspapers throughout the Confederacy, sometimes accompanied by editorials critiquing youth enlistment.<sup>23</sup> In October 1861, for instance, a North Carolina paper complained that the Confederacy had “too many youths in the army,” especially since there were plenty of men “over 20 years of age to fight our battles.” That same month, the *Richmond Enquirer* denounced the enlistment of boys under eighteen as “the very worst policy we can adopt,” since it would lead to the “suspension” of schools.<sup>24</sup>

In fact, many schools and colleges had by then already closed their doors. As early as July 1861, the *Fayetteville Weekly Observer* decried “the abandonment of our Schools” as “one of the most direful results of the war.”<sup>25</sup> Some schools and tutors tried to stay afloat by enrolling younger boys. A. C. Lindsey’s School in North Carolina, for instance, ran an advertisement explaining that “Many of our pupils have left for the war. It would be gratifying to have their places filled by those too young for soldiers.”<sup>26</sup> So widespread was the trend toward shuttering schools that the University of North Carolina—among southern universities, second in size only to the University of Virginia—issued a statement in August 1861 “to correct the erroneous impression” that classes had been suspended.<sup>27</sup> Although the university remained open throughout the war, it limped along with a mere fraction of the students it had previously enrolled. By the end of September 1861, the prewar enrollment of 450 had fallen to ninety-one, and by the time the war ended, only a dozen students remained. Similarly, the student body at the University of Virginia, which numbered around 600 students in 1860–1861, plummeted to sixty-six in 1861–1862 and reached its low point of forty-six students in 1862–1863.<sup>28</sup>

Among the University of Virginia students left behind was Robert E. Lee, Jr. As soon as the war began, the seventeen-year-old and his classmates had



formed two military companies and requested permission to be mustered into service—a request that the governor firmly denied. Soon thereafter, Rob sought his father's consent to enlist. As General Robert E. Lee related to his wife, he explained to their son that he could not “take boys from their schools and young men from their colleges and put them in the ranks at the beginning of a war, when they are not wanted and there were men enough for that purpose.”<sup>29</sup> Rob reluctantly finished out the year and returned to school in the fall.<sup>30</sup> But in September 1861, with his eighteenth birthday fast approaching, he appealed to his father again. This time, Lee equivocated. He preferred for Rob to continue with his studies, but since the boy was nearly of military age, he explained to his wife, “I am unable to judge for him, & he must decide for himself.” Rob, who found it “impossible” to go against the wishes of his imposing father, stayed in school until March 1862, when he finally left to enlist. By then, he was already eighteen, but Lee apparently still hoped to keep his son out of service, for he informed Rob—mistakenly, as it turned out—that college students would be granted exemptions under the conscription law that everyone knew was imminent.<sup>31</sup> “As I have done all in the matter that seems proper & right, I must now leave the rest in the hands of our merciful God,” he wrote to his wife.<sup>32</sup>

The phenomenon of underage enlistment exposed both the power and the limitations of patriarchy within a wartime context that valorized self-sacrifice and honor.<sup>33</sup> At first glance, elite southern fathers would seem to have been particularly well equipped to exert authority over young sons. Compared to their northern counterparts, white youths in the antebellum era remained more firmly under their fathers' control, just as wives remained more subject to their husbands' authority.<sup>34</sup> The persistence of a more undiluted form of patriarchal authority in white southern households helps to explain why the Confederate government proved so reluctant to undercut parents' legal claims to their children. Unlike its US equivalent, the Confederate War Department never decreed an end to further discharges on the grounds of minority, and some individual officers continued to release minors upon direct appeal. All of this suggests that Confederate fathers—or at least those with resources—ought to have been more successful in keeping underage sons out of the war. But if anything, the reverse held true: they appear to have been less able to resist the imploring of underage sons who wanted to enlist and less intent upon recovering those who already had. Confederate fathers might have the law on their side, but their authority tended to dissolve amid the pressure to display patriotism and uphold familial honor. This



reality constrained their ability to control their sons, even as it empowered underage youths to assert their autonomy.

As in the United States, Confederate fathers sometimes granted young sons' wishes to serve but insisted on determining the form that service would take. When fifteen-year-old Thomas Duncan of northern Mississippi enlisted in an infantry company at the war's outset, his father objected due to his youth and urged him to transfer to a cavalry company in which his older brother served. As Thomas recounted in his memoir, he reluctantly complied, because he was still "subject to parental rule." But when his former unit was called up first, he yearned to accompany his friends. Alert to this danger, Mr. Duncan "earnestly counseled" his son not to run off, warning him that "if I did not obey him I would not go to war at all." On the other hand, if he remained with the cavalry, Mr. Duncan promised that he would "offer no objection" to his son's service on the grounds of age, meaning that he would not attempt to reclaim him. This, according to Thomas, finally "settled my obedience to his will." Reflecting on these events from the vantage point of the 1920s, an era synonymous with youthful rebellion, the aged veteran felt compelled to explain, "Such things were different in those days than they are to-day. The average boy, however, high-spirited, was careful to heed a father's command."<sup>35</sup> Mr. Duncan, a wealthy merchant and enslaver who presided over a large family, no doubt exercised substantial power over his dependents. Nonetheless, perhaps because he did not want to risk his son's defiance, he chose to channel rather than squelch the boy's military fervor.

General Henry Wise, former governor of Virginia, also had to contend with an underage son who, though mindful of his filial duty, desperately wanted to enlist. Before he reached sixteen, John Wise had already written to his father more than once about the matter, pointing out that "many youths of my age were in the army." But the general sternly refused his requests. As the months passed, John grew "mannish and rebellious," much to the alarm of an older brother who feared that he would run off and enlist on his own. This brother wrote to their father and urged him to send John to the Virginia Military Institute (VMI), where he "would be under restraint, and receive instruction." Just as Mr. Duncan had negotiated with his son, so Wise accepted that he could no longer entirely suppress John's desire for some kind of military role. By arranging for him to enroll as a cadet at VMI, he tried to stave off a rebellion against his authority, appeasing his son's war fever while still keeping him out of the field.<sup>36</sup>



**Figure 8.1** John S. Wise (1846–1913) ultimately got a taste of war when he and fellow VMI cadets participated in the famous Battle of New Market on May 15, 1864. John's father later saw that he was given a cushy assignment as a drill master. John S. Wise, 2nd Lt. Confederate Reserves, 1865, VMI Archives Photographs Collection, Virginia Military Institute, Lexington, Virginia.

A few Confederate memoirists did run off to enlist, but even their narratives testify to the power of patriarchal authority in southern households. To a greater extent than their US counterparts, these authors reflected on the trepidation they felt defying their parents, especially their fathers. This likely points to factors that shaped the pool of veterans who left memoirs; these former Confederates tended to come from elite backgrounds

and had fathers who wielded considerable authority both within and outside their households. Yet it also suggests that Confederate youth had been less able to reap cultural and even psychological support from the widespread celebration of enterprising and independent lads, which by the 1850s had become so closely linked to free labor ideals. Confederate memoirists typically did not present the decision to enlist without consent as an act of plucky self-making. On the contrary, many described feeling unmoored by their defiance and relieved and empowered once consent was granted retroactively.

When John Wickersham of Missouri begged to be allowed to follow his older brothers to war, his father, a wealthy store owner, first tried to convince him that the idea was preposterous. He was “not yet fifteen,” Mr. Wickersham argued, and would likely be run out of the camp. Undeterred, John stole away from home that very night, lifting an old rifle that rested on a pair of mounted deer horns in the hallway. His father soon followed him to the camp. But instead of demanding John’s return, he bestowed upon him “the most beautiful little gun” the boy had “ever seen” and taught him how to load it. In his memoir, John portrays the consent that this gift implied as transformative: “Half an hour before I had been a runaway boy, but now I was a man going with my father’s blessing to defend my State, and in my arms was the rifle he had given me.”<sup>37</sup>

Parental consent also loomed large for James Dinkins of Canton, Mississippi. A student at the North Carolina Military Institute when the war began, James had followed his classmates into service at the age of sixteen, knowing full well that his parents would never have approved. After six months, he finally wrote home following a battle in which many of his comrades had been killed. His very wealthy father, at last apprised of his son’s whereabouts, traveled to visit him in camp, bringing in tow an enslaved “body servant” to care for James so long as he remained at war. In his memoir, James recalled feeling overcome with gratitude and relief. “Not a word was said about running away,” he wrote, “and no regrets were expressed.”<sup>38</sup> While James’s memoir is unusual even by Confederate standards in the degree to which the author depicts his younger self as emotionally dependent upon his family, it is worth underscoring the striking difference in tone from memoirs penned by Union veterans. That James’s father brought an older enslaved man to serve him may have represented an attempt to restore his son to elite status, since James had enlisted as a regular private. But it was also evidence that Mr. Dinkins doubted his son’s ability to care for himself amid the hardships of military service.



If Confederate parents found it difficult to deny sons who wanted to serve, they were also mindful of the judgment of their neighbors, including those who commanded the regiments their sons joined. Here, too, the question of regional differences can be overstated: families in the United States, especially in Republican-leaning areas, also felt considerable community pressure to show their patriotism by sending sons to war. But the case of sixteen-year-old George Boardman Battle of North Carolina, who followed an older brother into the service early in the war, is distinctively Confederate. In late July 1861, George sent his parents a sober letter after he witnessed the aftermath of battle for the first time. He described the ghoulish sights he had taken in—a death-blackened hand jutting out from the earth, worms consuming the face of a corpse. In response, his mother must have urged him to seek a discharge, for in his next letter home, George batted away the suggestion. He specifically refuted President Davis's recent and widely reported criticism of youth enlistment, which his mother may have referenced. "Concerning what Jeff Davis says, I don't think I shall take any notice of it at all," he wrote in October 1861. There were already "too many healthy young men skulking around home," and in any case, he could never endure "the disgrace of leaving the army because I was not eighteen years old." Shortly thereafter, George's parents learned that several men in their son's company had been killed and that a neighbor had managed to get his own underage son discharged. Taking matters into their own hands, they wrote to George's captain, J. S. Barnes, the son of a wealthy planter in their home county, asking for their son's release.<sup>39</sup>

Barnes's response, a study in equivocation, illustrates the social pressure that Confederate parents could face when attempting to assert their right to reclaim underage sons. The captain assured George's father that he was of course entitled to his son's discharge and would no doubt attain his objective if he appealed to the proper authorities at the War Department. But Barnes also communicated his disapproval, noting that he had understood Mr. Battle to have "fully and determinedly" consented to his son's enlistment for the duration of the war. He further pointed out that George wanted to remain with the company and had proven himself to be "a strong, athletic and good soldier." Barnes even enclosed a letter from George himself, who was plainly mortified by his parents' attempts to have him discharged. Insisting that "in size and strength" he was fully capable of performing military service, George appealed to his parents' patriotism, comparing the Confederate cause to the American Revolution. Besides, he added plaintively, "all the boys wish me to

stay.” Confronted with their son’s heartfelt pleading, and no doubt reluctant to alienate a respected member of their community, George’s parents chose not to press the case. It was a decision they had cause to regret seven months later, when he died from wounds sustained at the Battle of Seven Pines.<sup>40</sup>

Like these parents, many others who sought the return of underage sons first appealed to the boys’ military commanders, a strategy that generally proved more effective in the Confederacy than in the United States. When it failed, petitioners typically wrote to the War Department, President Davis, or their state governors.<sup>41</sup> Parents and guardians who had read or heard of Davis’s opposition to youth enlistment often assumed that they would be able to recover their sons without difficulty. Some very pointedly referenced the president’s statements or actions when presenting their case. One father, for instance, requested his son’s discharge so that he could “accomplish his Education,” since “[a]s you knows our countrys heighest good” lay in preparing the next generation.<sup>42</sup> Another, who complained to the secretary of war that a commanding officer had refused to release his sixteen-year-old son, even enclosed a newspaper clipping of an article entitled “Grinding Our Seed Corn” that quoted Davis’s pledge to discharge underage youths upon request.<sup>43</sup>

Such attempts to hold the administration to account were typically successful during the war’s first two years.<sup>44</sup> In fact, even when multiple factors seemed to militate against a youth’s discharge, Confederate authorities often opted to release him. Edward Strother enlisted in April 1861 at the age of fourteen, signing up along with an older brother, Corporal Edgar Ferneyhough, who at seventeen years old was himself underage. By August, Edgar was urging their father to have Edward discharged, first because he was ill, and once he recovered “jest to get him out & let him go to school while he is young.”<sup>45</sup> But it was Mrs. Ferneyhough rather than her husband who in September 1861 petitioned for the boy’s release on the grounds that he had enlisted without consent and was “unfit” for service. When Confederate officials contacted Strother’s captain, he objected to this assessment, arguing that the Edward was “a remarkably strong & abled-bodied man” who wanted to remain in service. He also pointed out that Mr. Ferneyhough had visited the camp and expressed “satisfaction at his [son’s] course,” and that the request for a discharge came solely from Strother’s mother, who acted “without the co-operation of his Father.”

Had Confederate authorities been so inclined, they could have pointed to numerous reasons to reject Mrs. Ferneyhough’s appeal: it came many months



after Strother's initial enlistment, there was strong evidence of at least implicit parental consent on the part of the father, and the commanding officer opposed the discharge. Yet the secretary of war overruled the officer and ordered Strother's release, stating that the boy was "entirely too young to be kept in the army without his mother's consent and must be discharged."<sup>46</sup> Recall that around this same time, the US War Department began to deny nearly all requests for discharge on the basis of minority. In contrast, the Confederate disapprobation of minority enlistment remained powerful enough to allow a mother's appeal to prevail over not only the desires of a Confederate officer, but possibly even those of her husband.<sup>47</sup>

By the spring of 1862, however, Union victories in Tennessee, combined with McClellan's mobilization of his enormous Army of the Potomac, led some observers to question the Confederacy's commitment to withholding youths from field service. In mid-March of 1862, Mary Boykin Chesnut listened as her husband, head of South Carolina's newly established Department of the Military, grumbled about being besieged with requests to exempt students from the conscription policy that their state was preparing to implement.<sup>48</sup> In her diary, she approvingly noted his pithy retort: "Wait until you have saved your country to make preachers and scholars." A few days later, Boykin Chesnut recorded her exasperation after reading yet another newspaper article condemning youth enlistment as "grinding the seed corn." "How about preserving land wherein to plant your corn?" she wrote. "You need boys, even women's broomsticks, when the foe is pulling down your snake fences." At this juncture, Boykin Chesnut took heart knowing that "the boys will go"—that they would spurn any and all attempts to shield them from service.<sup>49</sup> But if this vision of armed youths lifted spirits and inspired confidence in 1861 and 1862, it would evoke quite different sentiments before the fighting ceased.

### Conscription, Habeas Corpus, and the Courts

In March 1862, nearly a year had passed since the war began, and the Confederate government found itself at a crossroads. Many of the initial volunteers had signed up for terms of just twelve months, soon due to expire. Unable to risk a significant decline in manpower, President Jefferson Davis called for the conscription of all male citizens between the ages of eighteen and thirty-five. This was a radical move, given that the US federal



government had never drafted citizens, relying instead on a state-based militia system and volunteers. Reluctant to acknowledge the need for compulsion, Davis tried to spin the proposal as a way to streamline a needlessly complex system, maintaining that the public had exhibited “a spirit of resistance so resolute, and so self-sacrificing, that it requires rather to be regulated than to be stimulated.”<sup>50</sup> But no one was fooled. Conscription would prove deeply unpopular, even as it found grudging acceptance among those who had come to recognize its necessity.

In calling for a draft, Davis set clear parameters as to which men he believed should shoulder the burden of regular military service. Addressing Congress, he argued that it would be neither “wise” nor “judicious” for the Confederate army to accept those outside the age range of eighteen to thirty-five. “Youths under the age of 18 years require further instruction,” he stated, while “men of matured experience are needed for maintaining order and good government at home, and in supervising preparations for rendering efficient the armies in the field.” Davis envisioned both of these groups as “the proper reserve for home defence, ready to be called out in case of emergency, and to be kept in the field only while the emergency exists.” Although he later called for conscripting men up to the age of forty-five for field service, Davis never repudiated the notion that it would be foolish and counterproductive to require boys below eighteen to perform regular service.<sup>51</sup>

The Confederate Congress answered Davis’s call for a draft in April 1862, enacting legislation compelling males between eighteen and thirty-five to serve for three years. Whereas the United States placed the names of all eligible men on an enrollment list but called up only a select portion, the Confederate system was thoroughgoing. It not only conscripted the entire male population between certain ages, but also converted the terms of those already in service to continue for three years from their original date of enlistment. (Thus, enlistees who had signed up for one year in April 1861 had to serve an additional two years.) Healthy men could avoid service in one of two ways. If they held a job deemed essential to the war effort, they could claim an exemption based on their occupational status. Those without grounds for exemption could hire a substitute, but the prohibitively high cost of doing so meant that this option was available only to the prosperous.<sup>52</sup> Even then, finding a substitute was difficult, given that all white men between eighteen and thirty-five were either exempt or liable for service. This meant that substitutes could only be drawn from the small pool of “undomiciled foreigners” who had never declared their intention of becoming naturalized



citizens, or from those above or below military age, the latter requiring the approval of parent or guardian.<sup>53</sup>

As a result, conscription immediately created a market for underage male youths (and older men) to serve in another's stead. This was not what the Confederate Congress had intended. In fact, the original conscription law contained a provision designed to ensure that the Confederate army consisted only of men aged over eighteen and under thirty-five. But its wording left enough wiggle room to allow for willful misreading. The law also stated that current enlistees who were not of proper military age would be discharged after "ninety days, unless their places can be sooner supplied by other recruits not now in service." While this proviso seems clear enough, Confederate officials, anxious to retain manpower, engaged in tortuous arguments over its meaning. Did it imply that all soldiers younger than eighteen and older than thirty-five would be released, whether they wanted to remain in service or not? And did the ninety days refer to the date on which the act was passed, or to the date on which a volunteer's enlistment contract expired?<sup>54</sup> In June and July 1862, the army issued two general orders that sought to clarify matters by decreeing that those who had enlisted for a year or less would be discharged, while those who had signed on for longer terms of service would not. Attorney General Thomas H. Watts concurred with this reading of the law, but Secretary of War George Randolph protested that the military should instead adopt a uniform approach—one that would compel everyone outside the ages of eighteen and thirty-five to serve only for ninety days beyond their term of enlistment. In the end, the attorney general's position prevailed, but the key point is that both Watts and Randolph proposed to retain underage youths (and overage men) who had signed on for more than a year. In other words, neither official supported the law's most obvious meaning: that all such individuals should simply be discharged within ninety days.

In response to what could rightly have been considered a clear attempt by the military and the attorney general's office to thwart Congress's intent, the House in August 1862 considered a bill that would have released any soldier under the age of eighteen "on the application of himself, his parents, guardian, or next of kin, to the colonel of the regiment to which such soldier belongs," if satisfactory evidence of age was presented.<sup>55</sup> Ultimately, this measure was voted down, for the simple reason that the majority of congressmen rejected the notion that no one below eighteen should serve. Representative Jeremiah Clapp of Mississippi, for instance, wanted to retain enlistees who had presented written parental consent, while his fellow

statesman Otho Singleton opposed the discharge of underage youths who had enlisted as substitutes. John Crockett of Kentucky wanted boys from his state to be allowed to serve from the time they turned sixteen, so long as “proper authorities” judged them fit. For his part, Lucius Gartrell of Georgia argued that “disloyal persons” ought not be allowed to recover underage sons who had enlisted in the Confederate army. In short, the bill raised a series of contentious questions: What about the sanctity of written contracts, whether between a parent and the military, or between an underage enlistee and the principal who had paid him to serve? And did the government really want to ban everyone below eighteen from serving in the Confederate army? What about hearty Kentuckians “capable of performing military service” or underage sons of Unionist parents desperate to demonstrate their loyalty?<sup>56</sup> Concerned that discharging underage soldiers en masse would negatively affect the military, those who had hired them as substitutes, or the youths themselves, the Confederate Congress ultimately balked at approving such a blanket policy. By contrast, the US Congress never even considered legislation that would simply have discharged all underage enlistees.

As legislators debated how to parse the law and whether to pass a new one, parents anxious to recover their sons did not wait. On July 4, 1862, a man from New Bern, North Carolina, wrote to his son to convey the “good news” that he had a “right” to return home. “We have examined your age,” he reported, “and find you was born on the 18<sup>th</sup> of July 1844,” meaning he was still under the age of eighteen. “[C]onsequently, the conscript law won’t catch you,” the father continued, urging his son to “show the enclosed certificate of your age to your colonel.” Reflecting his understanding of the conscription law, he added, “They say they have [im]pressed all [enlisted men] over and under the conscript age for ninety days longer. When that is out, come home, for you have as good a right to come as any of the rest.”<sup>57</sup> Clearly believing that his son would greet the new law as welcome news, this father was likely addressing a youth who followed the familiar path of marching off to war with great enthusiasm, only to discover the reality of camp life far less alluring than his fantasies. If so, he was hardly alone. As the Confederacy’s enlistment policy tacitly acknowledged, war fever had burned itself out, and coercion was now required to fill the ranks.

While Confederate politicians debated the question of whether or when to release those outside the designated enlistment age, a group of almost a thousand soldiers below the age of eighteen and above the age of thirty-five petitioned Congress for their immediate release. Claiming that they had

enlisted under “the cherished principle of State sovereignty and individual free will,” the petitioners condemned the conscription law as an “imperious” measure that smacked of despotism.<sup>58</sup> They appealed for release not on the grounds that their age should render them exempt—they had volunteered, after all—but rather on what they regarded as their outrageous and illegal treatment by the central government. Once Congress had enacted the conscription law, they argued, the military was duty-bound to obey it, meaning that they should all be discharged. But this petition appears to have gone nowhere. As in the United States, when it came to the release of younger and older enlistees, the military was loath to implement the law, rightly fearing that it would lead to the loss of good soldiers. The Adjutant General’s Office finally clarified matters in August 1862 when it issued General Order No 57, mandating that “all soldiers under eighteen and over thirty-five years of age will be discharged at the expiration of the term for which they have engaged to serve.”<sup>59</sup>

Even as the Confederacy took steps to retain underage youths who had already enlisted, it also sought to prevent those who remained civilians from entering the military as substitutes: on September 8, 1862, an additional order appeared prohibiting the “reception of substitutes under eighteen years of age.”<sup>60</sup> An Arkansas newspaper applauded the decision as a kind of insurance policy that would guarantee that the Confederacy would not run out of sturdy soldiers down the road. “If we are to have a long war the boys are the hope and the dependence of the country,” the paper argued, “and the best care should be taken of them until they develop and grow into hardy manhood.”<sup>61</sup> In practice, however, the order against accepting substitutes below the age of eighteen was regularly ignored. Records from Halifax County, Virginia, for instance, indicate that many residents liable for conscription hired substitutes between the ages of fifteen and seventeen in 1862 and 1863.<sup>62</sup> And newspapers continued to run classified advertisements, such as one declaring that “a young man, just 16, healthy and well grown, having his father’s consent” would willingly serve as a substitute in a heavy artillery unit for \$3,500.<sup>63</sup>

Similarly, the Confederate War Department, unlike its US counterpart, never issued a blanket statement forbidding further discharges on the basis of minority.<sup>64</sup> Particular officers sometimes refused to release youths, but these were individual actions, not a reflection of top-down policymaking. Petitions from parents did face greater scrutiny after conscription was enacted, as Confederate officials increasingly looked for reasons to be able

to hold onto enlistees. Still, whether a parent or guardian had granted permission remained the critical factor in determining whether or not an appeal would succeed.<sup>65</sup> As late as October 1864, the secretary of war granted a mother's request for the discharge of her son who had run off and joined a Virginia cavalry unit, even though he had already served for nine months. Many years later, when this youth applied for a veteran's pension from the state of Virginia, questions arose about his discharge, leading him to relate his story in a single, breathless sentence: "I was 14 years old and runaway from home and went in the army and got sick and was sent to hospital at Petersburg and my brother found me there and informed my mother where I was and she got the Sectary of War to discharge me without my consent."<sup>66</sup> Whereas this Virginia mother succeeded in recovering her son because she had never consented to his enlistment, a Georgia minister who forthrightly admitted that a "misguided patriotism" had "induced" him to allow his seventeen-year-old son to join the army faced a brick wall when he tried to rectify his mistake. After the War Department informed him that his son could not be released, he appealed to Vice President Alexander Stephens, who regretfully confirmed that the military would discharge only those youths who had volunteered in defiance of their parents' or guardians' will. "I think it wrong," Stephens explained, adding that he had tried his "utmost" but could not convince Secretary of War Seddon to adopt a policy of releasing all youths under military age at their own request or that of parents or guardians. Incredibly, Stephens then advised this father to perjure himself before a justice of the peace by swearing that his son had enlisted without his consent, so strongly did he object to the Confederacy's stance on the issue.<sup>67</sup>

The only other option for parents of underage enlistees was to turn to the courts. Theoretically, the suspension of habeas corpus could have closed off this avenue of recourse, as it did in the United States after September 1863. But in the Confederacy, suspension of the writ was less consistently applied and comprehensively enforced. At first this was a point of pride: in Jefferson Davis's message to Congress in November 1861, the president favorably contrasted the Confederate states to the United States by pointing to Lincoln's (initially unilateral) suspension of habeas corpus. "Our people now look with contemptuous astonishment on those with whom they had been so recently associated," he proclaimed. "When they see a President making war without the assent of Congress, when they behold judges threatened because they maintain the writ of habeas corpus so sacred to freemen; when they see justice and law trampled under the armed heel of military

authority. . . they believe that there must be some radical incompatibility between such a people and themselves.”<sup>68</sup> Within a matter of months, though, these pronouncements rang hollow. After the Confederacy resorted to conscription, Davis felt compelled to ask Congress for the power he had so recently disparaged. In February 1862 and October 1862, legislators approved time-limited authorizations that allowed the president to suspend the writ “in such towns, cities, and military districts as shall, in his judgment, be in such danger of attack by the enemy.” But they declined to renew this authorization in February 1863. A full year passed before Congress, in response to Davis’s imploring, finally enacted a sweeping suspension act in February 1864. (That same month, the military’s acute need for manpower led to the passage of a new conscription law.) Then in November 1864, legislators once again denied the president’s request for an extension.<sup>69</sup> For much of the war, Davis thus lacked the critical power that Lincoln had seized early on and wielded with increasing effectiveness over time.

More important still is the fact that, even when the writ of habeas corpus was suspended, state judges throughout the Confederacy continued to review cases of alleged illegal detention by the military, including those involving enlisted minors.<sup>70</sup> While state judges in the United States sometimes sided with federal authorities during the war, arguing that they lacked jurisdiction to issue writs to those in federal custody, Confederate state judges were all but unanimous in defending their jurisdictional prerogatives. The supreme courts of North Carolina, Georgia, and Alabama all upheld states courts’ constitutional right to hear habeas cases in 1863, with only a single justice across all three cases dissenting. According to Winthrop Rutherford, these justices understood the ability to issue writs to conscription officers as a critical “procedural check” on potential abuses of federal power, viewing the habeas process as “the vehicle to ensure the integrity of state sovereignty amidst national military centralization.” In fact, Rutherford contends that the justices’ willingness to uphold the constitutionality of conscription was contingent upon their retention of this power.<sup>71</sup>

Disputes over access to the writ proved especially intractable in Georgia and North Carolina, the two states most resistant to the Confederate government’s efforts to centralize power. Even the Southern District Court of Georgia, a federal court, released all three cases of underage enlistment that came before it in August 1862.<sup>72</sup> In November 1862, the Georgia Supreme Court overturned a lower court decision and released a sixteen-year-old, arguing that he was “incapable of contracting” and that his widowed mother

was “entitled to his services.”<sup>73</sup> Likewise, the Georgia Supreme Court in 1863 unanimously ruled in *Mims v. Wimberly* that state judges had the authority to issue writs and rule on cases involving men held to service by the Confederate military.<sup>74</sup>

Conflict was similarly intense in North Carolina, where the white population was bitterly divided and resentment over federal conscription especially pronounced. North Carolinians feared that conscription would entirely destroy the state’s militia and thus leave the state unable to defend itself against the encroaching Union army or slave uprisings.<sup>75</sup> In January 1863, William H. C. Whiting, then commander of the military district of Wilmington, North Carolina, wrote to Governor Vance, complaining about the many writs of habeas corpus that obliged his officers “to bring . . . minors before courts in distant parts of the State.” Civilians had no cause to launch such legal proceedings, he argued, given that applications to military authorities were generally sufficient to secure an underage enlistee’s discharge. Whiting’s counterpart in Goldsboro, North Carolina, Major General S. G. French, seconded his request. If “parents show clearly that the enlistment was without their knowledge or consent and swear to the age,” he argued, underage soldiers were “always discharged,” for there was simply “no disposition on the part of the military authorities to prevent such discharges.” But Governor Vance appeared uninterested in sparing military officers the trouble and expense of a court appearance. Having publicly condemned Confederate authorities for trampling on civilian law on numerous occasions, he could hardly turn around and meddle with the judiciary’s functioning. “The writ of habeas corpus is the common right of every man,” Vance’s aide tersely replied to Whiting, “and he has neither the power or inclination to prevent the issuing of such process.”<sup>76</sup>

It is impossible to know how many boys and men managed to gain release from the Confederate army through the habeas process. But critics warned that discharges by the judiciary threatened to sap military strength. In December 1863, the Commandant of Conscripts for the Trans-Mississippi Department reported to his superior that some Texas judges had “seriously obstructed the execution of the laws of conscription” by discharging men willy-nilly, with potentially “disastrous” results. He warned that these judges, although few in number, had the “power to do much harm,” because people throughout the state knew of their propensities and appealed to them specifically.<sup>77</sup> That same month, an editorial in a North Carolina paper decried another pattern of abuse involving the writ, in which conscripts secretly

plotted with friendly or corrupt militia officers and then pursued writs from judges outside their home communities. Returning officers in habeas cases almost always defended the military's right to hold the soldier in question, but in these cases, the compromised militia officers backed up the men's stories, leading the judge, who lacked contravening evidence, to order them discharged. To address the situation, the writer argued that habeas cases involving the military should be referred "to the county whence they came," where their claims could be more easily checked.<sup>78</sup>

When Confederate officers condemned courts for depleting military strength, however, they rarely singled out claims of minority as particularly problematic in the same way that Union officers did. The sheer reach of conscription in the Confederacy left countless families in such desperate straits that when they made recourse to the courts, they more typically sought to recover husbands and fathers, not underage sons. As a result, the debate surrounding the uses and abuses of habeas corpus in the Confederacy focused primarily on adult men who sought to be released from service for reasons other than minority.<sup>79</sup>

On the ground, age limits might have been ignored more often than enforced, yet they had the support of Confederate leaders, including the president and vice president. The Confederacy never forbade discharges on account of minority, and southern courts continued to release minors throughout the conflict. But would these same policies hold in the face of the Confederacy's imminent collapse? Remarkably, given the desperate situation facing its armies in the war's last year, the answer is yes.

### **From the Conscription Act of February 1864 to the Confederacy's Defeat**

By the end of 1863, anxiety over dwindling Confederate manpower led to calls for a more robust approach to military mobilization. In December, under the guidance of Lieut. Gen. William J. Hardee, over two dozen high-ranking officers from the Army of Tennessee took the unprecedented step of publicly requesting changes to Confederate conscription policies. They wanted to place all white males between the ages of eighteen and fifty "able to perform any military duty" into service; either abolish or severely limit substitutions, exemptions, details, discharges, leaves, and furloughs; employ African Americans, both "bond and free," in non-combat positions



in the army; and enroll all boys aged fifteen to eighteen, along with men aged fifty to sixty, for potential service “at the discretion of the President.” While all twenty-nine signatories agreed on the dire need to increase the number of men in uniform, eight officers disclaimed the proposal to enroll boys and older men for potential service, believing that such individuals “would be of more service to the country at home.” In other words, the petitioners as a whole were sufficiently alarmed about the military situation to appeal directly to Congress, but they declined to support the immediate conscription of youths below eighteen for field service—leaving their deployment to the president’s discretion—and a significant minority opposed even enrolling such youths so that they might be summoned in case of emergency.<sup>80</sup>

President Davis also rejected the notion of expanding conscription to such an extent. So, too, did Congress, but not before considering similar proposals. Senator Louis Wigfall of Texas suggested drafting all white men between the ages of sixteen and sixty, leaving the particularities of their service to be determined the president, while Senator Albert Gallatin Brown of Mississippi called for a “levy en masse” of all white boys and men deemed capable of serving. Likewise, a bill put forward by the Senate Military Committee on December 14, 1863, would have drafted all men between the ages of sixteen and sixty, while stipulating that those under eighteen and over forty-five would serve in local defense units.<sup>81</sup> The press closely followed these debates, with the vast majority of editorialists arguing that military strength should be bolstered by other means. “Is not the obvious remedy to bring back the straggler, absentees, and deserters, and make them perform their duty?” asked the *Dispatch* on December 17.<sup>82</sup> Two weeks later, the paper proposed that the army instead replace white soldiers assigned to drive supply wagons with African Americans and able-bodied men assigned to non-combat positions with disabled soldiers, insisting, “The only effective military service that men outside the conscript age can render is in home organizations against raids.”<sup>83</sup> As Congress debated possible amendments to the bill in January 1864, yet more editorials appeared in the *Dispatch*. One proclaimed it “the height of folly” to “compel schoolboys and gray-headed men to take the places of stalwart deserters,” since it would be read as “a proclamation that the Confederacy is on its last legs and is compelled to play its last card.”<sup>84</sup> Another expressed support for retaining the “present limits,” warning that “Any other measure ought to be entitled, ‘An act for filling up Confederate hospitals and exterminating old men and boys.’”<sup>85</sup>

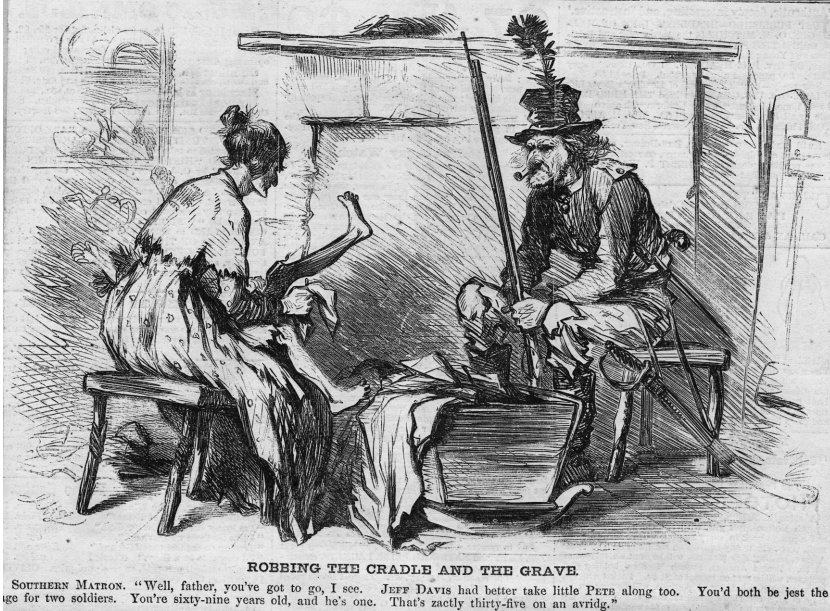
Public opposition to expanding the age of conscription is not hard to fathom. Communities already stripped of military aged men badly need to retain boys and older males to remain productive, and women who had lost so much increasingly balked at calls to sacrifice still more.<sup>86</sup> But something had to be done to reinforce the Confederate army. In early 1864, Congress passed several new laws designed to compel more men to serve on the frontlines, transforming the Confederacy into what one high-ranking clerk approvingly called “a military nation.”<sup>87</sup> In January, it banned the much-resented practice of substitution and made all principals—men who had previously hired substitutes—liable for conscription. The following month, legislators enacted a new military bill stipulating that all resident white males between the ages of seventeen and fifty “shall be in the military service of the Confederate States for the war.” Seventeen-year-olds and men between the ages of forty-five and fifty, however, would serve in reserve units in their home states, not in the Confederate army. In addition to creating this new reserve force, the law sharply limited classes of exemptions and allowed for the employment of 20,000 free and enslaved African Americans “for special work connected with the army.” Although this legislation did lower the age of conscription by a year, its “fundamental purpose” was not to extend the burden of field service to younger boys and older men, but rather “to release the able-bodied between 18 and 45 for action on the main battlefields.”<sup>88</sup>

Anecdotal reports, however, suggest that growing numbers of boys below age eighteen were finding their way into the Confederate army, often with the encouragement of military authorities and political leaders.<sup>89</sup> In January 1864, the *Nashville Daily Union* published a letter from a citizen who had observed “a large number of boys from fifteen to eighteen summers” among the prisoners and deserters recently brought into the city. “It would seem from this that Jeff has been compelled to grind his ‘seed corn,’” the writer lamented. “In a year more, he will have nothing to grind.”<sup>90</sup> The *Staunton Spectator* leveled similar criticism at General John D. Imboden, who responded to General Franz Sigel’s advance in the Shenandoah Valley in May 1864 by announcing that boys of seventeen and eighteen would be called up “immediately,” while men over forty-five would be summoned in case of “great emergency.” Appropriating Davis’s oft-used analogy, the paper concluded, “It would seem that the ‘seed corn’ of this section is to be sent immediately to the mill.”<sup>91</sup>

White southerners were not alone in observing an increasing number of underage youths in Confederate ranks. “The Rebels have now in their

ranks their last man,” General Grant famously wrote in August 1864 to Rep. Elihu Washburne. “The little boys and old men are guarding prisoners, guarding railroad bridges, and forming a good part of their garrisons for intrenched positions. A man lost by them cannot be replaced. They have robbed alike the cradle and grave to get their present force.”<sup>92</sup> Intended for public consumption, Grant’s letter was liberally quoted in both southern and northern newspapers; one scholar has claimed that it “became famous as a [Republican] campaign document” during the 1864 presidential election.<sup>93</sup> It also inspired numerous satirical representations of the Confederacy in the US press. Confronted with Grant’s devastating but clear-eyed appraisal, some Confederates doubled down, spinning the enlistment of old and young as a sign of unwavering patriotism rather than a portent of defeat. In September 1864, the *Richmond Examiner* predicted that, once the public fully grasped the situation that Atlanta faced under Sherman, there would be neither “men too old” nor “boys too young” to join the fray. “Let [Gen. Grant] see that the ‘cradle and the grave’ are not to be sneered.”<sup>94</sup> That same month, a company of militiamen in Jackson County, Florida, hastily organized to confront a Union incursion, thumbed their noses at northern critiques by declaring themselves the “Cradle and Grave Company.”<sup>95</sup>

The government’s contradictory impulses on the matter of youth enlistment can be glimpsed in the treatment of certain individuals scooped up by provost guards who scoured trains and city streets looking for those suspected of evading conscription or desertion. Richard Evans, a seventeen-year-old refugee, was arrested on such charges in Richmond in the fall of 1864.<sup>96</sup> He claimed that he had traveled to the capital to join a particular artillery battery in which some friends were serving, only to be apprehended before he could do so. Placed in the reserves due to his age, he petitioned to be transferred to the unit that he had originally hoped to join. Told that he needed parental consent, he got his father, a captain in the Confederate navy, to send a letter endorsing his request. Yet officials still hesitated, sending the matter up the chain of command all the way to secretary of war. Not only did Secretary Seddon reject this particular petition, he also decreed that “young men between the ages of 17 & 18 must not be transferred to the active service.” Only after a high-ranking War Department official interceded and sought a personal interview with Seddon did Richard attain his objective.<sup>97</sup> This case seems to exemplify the Confederacy’s profound ambivalence toward underage soldiers, especially during the last two years of the conflict. The desperate need for men meant that any civilian youth who looked like he



**Figure 8.2** Satirizing the Confederacy's desperate need to replenish their armies, a woman changing her baby's diaper addresses her wizened husband: "Well, father, you've got to go, I see. Jeff Davis had better take little Pete along too. You'd both be jest the age for two soldiers. You're sixty-nine, and he's one. That's zactly thirty-five on an avridg." During the last phase of the war, the Union press often claimed that the Confederate army had resorted to enlisting both the very aged and the very young. In fact, the Confederacy never conscripted those below age eighteen for field service. John McLenan, "Robbing the Cradle and the Grave," *Harper's Weekly*, December 17, 1864. GettDigital: Civil War Era Collection, Special Collections and College Archives, Gettysburg College, Gettysburg, Pennsylvania.

might plausibly have reached the age of conscription was liable to be seized and arrested.<sup>98</sup> But the desire to shield the young from frontline service apparently remained strong enough that Confederate officials refused to condone sending seventeen-year-olds into the field, no matter how badly the army needed them.<sup>99</sup>

Officials well understood the public opprobrium they faced if they attempted to fully mobilize youths below age eighteen because of what they heard from constituents. An irate mother who wrote to the governor of North Carolina in October 1864 related how two officers had recently

appeared at her home, unannounced and in a “drenching rain.” She claimed that they had proceeded to carry off her oldest child—“a lad just turned 16, small and undergrown for that age”—to have him enrolled “for the defence of our country.” This preliminary step toward her son’s conscription sent her into an emotional tailspin. “Sir, I would give up our last negro, last dollar, last foot of land for our country, and will cheerfully give up my sons and daughters too, if the duties required of them are commensurate with their strength of mind and body,” she wrote. “But it will break my heart to see my little children led off to corrupt camps to be ruined in morals and then marched to the battlefield to be mangled, slain, or put into a comfortless prison.” Begging the governor to place her son and his younger brother in clerkships or other positions that would exempt them from regular military service, she raged against the conscription of seventeen-year-olds—boys “too immature in mind, morals and body” to be taken from their homes. Although clearly an enslaver herself, and evidently a well-educated one, she laid the blame for the Confederacy’s failures squarely at the feet of the selfish “gentry.” They secured exemptions for themselves, she charged, while “leading off the little boys ‘to guard bridges,’ they say, but in fact to suffer and die in their stead.”<sup>100</sup>

This distraught mother was right to worry, especially as a resident of North Carolina, which created a particularly well-organized junior reserve composed of youths below the age of eighteen. For most of 1864, the reserve troops were in fact assigned to guard bridges and serve in other non-combat roles, but as she suspected, that had begun to change. In December, several battalions of junior reserves volunteered to board trains that carried them to fight in Virginia, even though they were not supposed to be sent beyond state lines. One man wrote to interrogate his son about “a report here that all you boys had volunteered to go to Petersburg or Richmond.” He demanded to know “if that is a fact,” adding sternly, “I wrote to you not to volunteer.”<sup>101</sup> This father clearly hoped to maintain a line between reserve and regular forces that the deteriorating military situation increasingly threatened to blur. Once these youth returned to North Carolina, having sustained losses before even reaching the battlefield, they would be sent to fight in a number of different battles up until the war’s end.<sup>102</sup>

In the face of impending defeat, even Jefferson Davis seemed to waver in his opposition to youth enlistment during the war’s final phase. In late 1864, he pinned his hopes on Lincoln’s defeat in the upcoming US election. A show of force at this critical juncture, he believed, could lead war-weary Unionists to elect Democrat George McClellan, who opposed emancipation

and was generally more sympathetic to Confederates. “Now is the good and accepted time for every man to rally to the standard of his country, and crush the invader upon her soil,” Davis exhorted an audience in Columbia, South Carolina, a month before the election. Though he did not explicitly encourage boys under seventeen to report for duty, he came close. Urging his fellow citizens to emulate the generation that had secured American independence, when boys “grew to manhood” amid the revolutionary struggle, he asked, “May not your country claim similar services from the youth of the present day?”<sup>103</sup> That Davis framed his appeal as a question rather than an assertion is telling, but he had undoubtedly traveled a long distance since 1861 and 1862, when he had so adamantly condemned the notion of “grinding the seed corn.”

If Confederate leaders wavered in their opposition to enlisting those below age eighteen for field service, they never reversed course. This fact stands in contrast to the debate over whether to arm the enslaved. Witnessing the Confederacy’s desperate plight, editors, politicians, and military leaders weighed the pros and cons of slave enlistment throughout 1864. In March 1865, Congress finally passed legislation to enlist enslaved men, though it stopped short of including emancipation as a reward for service.<sup>104</sup> In the end, the Confederacy’s leaders chose a policy destined to destroy the slave system they had gone to war to defend, but they declined to force more white youths into the ranks.

In early April 1865, after Richmond was hurriedly evacuated, President Davis took refuge at the estate of William T. Sutherlin in Danville, Virginia. Over the course of several days, while waiting impatiently for news of Lee’s forces, Davis and his host engaged in a series of wide-ranging conversations. At one point, according to Sutherlin, Davis confided to him, “I often discuss the matter in my own mind as to the propriety of taking boys and young men under serviceable age, whose enthusiasm might have been of service in the army.” Yet he had never been able to bring himself to promote such a policy, since the young represented “the chief hope of the country in the future.”<sup>105</sup>

It is hard to know how much to credit Sutherlin, given that he was recounting conversations that had occurred nearly thirty years earlier. Then again, Sutherlin would have known at the time that the Confederate president’s views, voiced as the country was collapsing, were of historic value. He likely retained vivid memories of those dramatic days and may even have written down what transpired. But whether accurate or not, the remarks that Sutherlin attributed to Davis ring true, because the president, like



other leading Confederates, clearly did feel conflicted on the issue of youth enlistment.

Only when the myth of the Lost Cause took root did memories of this ambivalence fade, as former Confederates told themselves that they had sacrificed everything to the war effort, including their young. In the late nineteenth century, many Americans would come to share the belief that the Confederate army included significantly more underage soldiers, and that those who enlisted in the Union army served primarily as drummer boys. For different reasons, this narrative appealed to both southerners and northerners. But it overwrote Confederate elites' profound uneasiness with youth enlistment and their refusal to fully exploit youths sixteen to eighteen years old, many of whom were already performing home guard and reserve duties in their respective states. At the very end, Confederate leaders were desperate enough to place arms in the hands of the enslaved, but even in the face of defeat, they were loath to force boys below military age into the field.

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As 1864 drew to a close, Mary Boykin Chesnut expressed her growing despair. "We have lost nearly all of our men," she wrote in her diary on November 28, "and we have no money, and it looks as if we had taught the Yankees how to fight since Manassas. Our best and bravest are under the sod; we shall have to wait til another generation grow up." Soon thereafter, a large Union force landed at Coosawhatchie in the southernmost part of South Carolina. "Our troops down there are raw militia, old men and boys never under fire before; some college cadets, in all a mere handful," she fretted. Back in early 1862, the military fervor of her state's white youths had reassured Boykin Chesnut that all would be well, however much the grownups squabbled over the details of governance. Now, she lamented that the country's fate had come to rest on such narrow shoulders, along with the stooped frames of old men.<sup>106</sup>

Less than a week after Boykin Chesnut recorded these diary entries, Abraham Lincoln would deliver his annual Message to Congress. With the uncertainty of the election behind him, the president adopted a determined, even cocksure tone when reflecting on the current status of the war. Although he allowed that it was "melancholy to reflect that the war has filled so many graves and carried mourning to so many hearts," Lincoln asserted that Americans could find "some relief" in the knowledge that, "compared with the surviving, the fallen have been so few." The "important fact" was that "we do not approach exhaustion in the most important branch of national



resources, that of living men.” Remarkably, after three and a half years of fighting, the United States boasted more men than when the war began: the country was “gaining strength,” the president reported, and could “if need be maintain the contest indefinitely.”<sup>107</sup>

These chilling assertions are difficult to reconcile with the dominant view of Lincoln as the humane consoler-in-chief, who even before the war’s end would speak of the need to “bind up the nation’s wounds.” How could he assert to a war-weary and grief-stricken people that the prolonged and bloody conflict had produced “so few” casualties? And why would he propose with such equanimity that the Union possessed the human resources to pursue the fight “indefinitely”? To modern ears, the passage conveys a startling callousness. But Lincoln’s words read differently if one assumes that they were not really addressed to the legislators seated before him, nor even to his loyal countrymen. Instead, he was speaking directly to the adversary, whose psychology he understood well. Playing upon white southerners’ longstanding fears of demographic decline, he was saying, in essence: Your recurring nightmare has come to pass. Our sheer numbers give us an advantage that you cannot possibly match. Even as you grow weaker, we grow stronger. It is time to give up the fight.

It was a boast well calculated to cause Confederates to despair, as southern families and communities reckoned with what seemed to Boykin Chesnut the loss of an entire generation of male youth. For decades preceding the war, southern elites had fretted over the rapidly expanding population in the non-slaveholding states and speculated about its political and social ramifications. Such concerns had helped to fuel the secession movement and the creation of the Confederacy. But even when independence still seemed within reach, Confederate leaders feared that the price that they would have to pay in young male lives would prove so high that their nation would be handicapped from its founding, drained of the human and social capital necessary for building a prosperous and well-governed society. After nearly four years, those fears seemed realized. Celebrated as evidence of Confederate unity and determination early in the war, the military service of the young reeked of desperation and impending social collapse by its end.