

Duties of Citizenship

Few Civil War issues were as complex, confusing, and fear-inducing in immigrant communities as the federal draft implemented in the wake of the 1862 Militia Act. The Militia Act, which passed on the same day that President Lincoln authorized the St. Croix negotiations, enabled the president to call state militia into the service of the United States for up to nine months and implement a draft if individual states could not fill their quotas with volunteers. The act also requested the states' enrollment of all male citizens between eighteen and forty-five years of age, if need be, and enabled the military to employ African-American laborers.¹

The Militia Act thus vastly expanded the pool of potential recruits for the United States military and, in Steven Hahn's words, "marked an enormous shift in policy."² At a time when "martial manhood and citizenship went hand in glove," the Lincoln administration's policy reignited long-standing discussions over who was eligible to enjoy the rights of

¹ Thomas C. Mackey, ed., *A Documentary History of the Civil War Era: Legislative Achievements*, vol. 1 (Knoxville: University of Tennessee Press, 2012), 93–97. See also Roy P. Basler, *Collected Works of Abraham Lincoln*, vol. 3 (New Brunswick, NJ: Rutgers University Press, 1953), 296–297. See as well James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 491–494. James W. Geary, *We Need Men: The Union Draft in the Civil War* (DeKalb: Northern Illinois University Press, 1991), 28.

² Hahn, *A Nation without Borders: The United States and Its World in an Age of Civil Wars, 1830–1910* (New York: Viking, 2016), 253–254. Importantly, by removing the word "white" from the "free able-bodied white male citizens" written in the 1792 Militia Act, the 1862 Militia Act laid the foundation for expanding military service to "persons of African descent."

American citizenship and who, in turn, should carry out the duties associated with such citizenship.³

Consequently, high-level policy discussions over colonization, military service, and homesteading in Washington, DC, aimed at expanding the white population, pool of military recruits, and the nation's territory (the basis for American Empire), had important implications for Scandinavian immigrants' perceptions of citizenship. By the summer of 1862, two questions took on increased significance within the Scandinavian-American community: Who belonged within the borders of the United States? And what rights and duties were associated with belonging?

On August 4, the War Department ordered 300,000 militia men to "be immediately called into service," and assigned state quotas based on population count.⁴ As letters from anxious Danish-born immigrants started to flow to his office, it became clear to Waldemar Raaslöff (who had temporarily moved his legation base to Long Branch, New Jersey, to enjoy the soothing "sea, air, and bath") that there was no escaping the Militia Act's consequences.⁵

"The introduction of forced conscription will have an effect on filling the army ranks," Raaslöff wrote home on August 12; "[the spending] will be increased considerably by the employment of thousands of negroes, fugitive slaves who are de facto emancipated." And, added Raaslöff, there was now real concern that the ranks would be filled by his countrymen.⁶

In a "private and confidential" letter, Raaslöff wrote to Frederick William Seward, the son and assistant of the secretary of state, on August 14 to ask if the US government was planning on issuing general instruction for the exemption of foreigners drafted into military service for the Union forces. "I have had a great many applications from Danish Consuls and Danish subjects," Raaslöff wrote, "and although no drafting has yet taken place, the apprehensions of my countrymen do not appear altogether groundless."⁷

³ Ibid.

⁴ 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), 291–292, 333–335.

⁵ Waldemar Raaslöff, "Private and Confidential. Mansion near Long Branch N. J. August 14th. 1862," in *William Henry Seward Papers. Microform Edition* (University of Rochester, Department of Rare Books, Special Collections and Preservation, 1862).

⁶ W. Raaslöff, "Ligation Danois, New York a 12 Aout 1862," in *Collection 0002. Udenrigsministeriet. 1848–1972. Depecher. Washington 1861–62 mm. Box 155* (Copenhagen: Rigsarkivet, 1862).

⁷ Raaslöff, "Private and Confidential. Mansion near Long Branch N. J. August 14th. 1862."

Even though Frederick Seward assured the Danish diplomat, in a letter dated August 17, that the War Department's regulations for a potential draft emphasized "drafting only of citizens of the U.S. not of aliens," Raaslöff's suspicion was not unfounded.⁸ Categories such as "citizens of the U.S." and "aliens" were complex. The underlying problem was the fact that American citizenship by 1862 was only loosely defined. In Christian Samito's words, "the rights and privileges one enjoyed depended on a complicated network of factors, including whether one was a naturalized or native-born citizen, where one lived, and one's race, slave status, gender, political office, job, position within a family, and membership in different associations."⁹ Even Attorney General Edward Bates, writing in November 1862, had to admit that he could not find the "exact meaning" or the "constituent elements" of citizenship anywhere.¹⁰

Moreover, the War Department's call for 300,000 militia men now made it necessary for the government to reconcile notions of citizenship duties at the state, federal, and international levels to avoid widespread resistance to, and diplomatic fall-out from, a possible draft in the fall of 1862. The issue of defining citizenship duties was critical to ensure a fair draft for both native- and foreign-born men living within the Union; since diplomatic issues fell within William Seward's purview, the State Department, building on the War Department's directives, played a critical role in establishing parameters for citizenship in relation to foreign governments both publicly and behind the scenes in the fall of 1862.¹¹

In its work to define American citizenship, the Lincoln administration could draw on a few general guidelines such as the ones established by the Naturalization Act of 1790, which in Linda Kerber's words was "generous in requiring only two years of residency, proof of 'good character,' and an oath to 'support the constitution of the United States'" but included only "free white persons."¹² Still, the 1790 Act served as inspiration for subsequent

⁸ F. W. Seward, "Monday Aug 17 1862," *ibid.*

⁹ 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.

¹⁰ See also Edward Bates, *Opinion of Attorney General Bates on Citizenship* (Government Printing Office, 1862), 3–4.

¹¹ Stephen Kantrowitz, *More Than Freedom: Fighting for Black Citizenship in a White Republic, 1829–1889* (New York: Penguin Press, 2012), 35–36.

¹² Linda K. Kerber, "The Meanings of Citizenship," *Journal of American History* 84, no. 3 (1997): 841. See also William J. Novak, "The Legal Transformation of Citizenship in Nineteenth-Century America," in *The Democratic Experiment: New Directions in*

naturalization acts and state constitutions on the question of citizenship (even if individual states tweaked the wording slightly).

Hence, diplomatic tension revolving around the definition of citizenship ran high in the fall of 1862. In the span of a few months, the US Department of State was forced to investigate close to 1,000 cases, from mainly British and German subjects, of alleged wrongful enlistment. At the local level, ethnic groups, not least Scandinavian immigrants, developed draft resistance strategies to avoid military service.¹³ For two reasons, foreign-born residents' concern with the 1862 draft was concentrated in Wisconsin. First, according to the 1860 census, 36 percent of Wisconsin residents were born outside American borders (and the number even higher for draft-eligible men), which was a significantly greater proportion than in other states struggling to field enough volunteers.¹⁴ More Norwegian, Swedish, and Danish immigrants lived in Wisconsin (23,265) than in any other state in the Union, and Scandinavian Wisconsin residents therefore far outweighed countrymen in other states such as Ohio, Indiana, Maryland, and Pennsylvania that had to resort to drafting in the fall of 1862.¹⁵

Second, in Wisconsin, there was significant confusion and tension regarding draft regulations, quotas, and enrollment of foreign-born residents that was exacerbated by the difficulty of procuring volunteers during harvest season. Thus, Wisconsin quickly became the Scandinavian epicenter around which questions of American citizenship, as it related to the duty of federally mandated military service, revolved. All five Scandinavian cases challenging

American Political History, edited by Meg Jacobs, William J. Novak, and Julian E. Zelizer (Princeton, NJ: Princeton University Press, 2003), 89–91.

¹³ Together with two American researchers, Michael J. Douma and Robert O. Faith, I have gone over all 1,040 cases of alleged wrongful conscription (often due to claims of “alienage”). See Michael J. Douma, Anders Bo Rasmussen, and Robert O. Faith, “The Impressment of Foreign-Born Soldiers in the Union Army,” *Journal of American Ethnic History* 38, no. 3 (2019). The process and the results of these investigations can be brought together through an examination of the State Department’s “Case Files on Drafted Aliens,” which concretely reveals the American government’s position on citizenship in the fall of 1862 and the geographic distribution of draft complaints.

¹⁴ Some Wisconsin counties, such as Ozaukee in the eastern part of the state (54 percent of its 15,682 residents were foreign-born, according to the 1860 census), had an even higher share of foreign-born residents. For comparative purposes, other states that struggled to fill their military quotas in 1862 include Pennsylvania with 15 percent foreign-born, Ohio with 14 percent, and Maryland with 13 percent. Kennedy, *Population of the United States in 1860*, 215, 398, 439, 544.

¹⁵ *Ibid.* Combined only 1,663 Scandinavian immigrants lived in Ohio, Indiana, Maryland, and Pennsylvania combined, according to the 1860 census.

conscription that made it to William Seward's desk in the fall of 1862 originated from Wisconsin.

Even though these five cases from Scandinavian-born individuals constitute only 1.1 percent of the State Department's "Case Files on Drafted Aliens" from Wisconsin during the Civil War, the relatively small number masks the consequences of the draft at the community level. A close reading of selected medical exemption records, census data, diary entries, letters, and newspaper articles reveals widespread draft anxiety and myriad strategies in the Scandinavian immigrant communities aimed at avoiding military service. Moreover, this examination also shows that draft resistance in Wisconsin cut across otherwise deep political and ethnic divisions and further demonstrates that immigrants actively used the vagueness of citizenship definitions to obtain draft exemptions.¹⁶

While it is certainly true that the Republican-leaning secular Scandinavian newspapers *Emigranten* and *Hemlandet* supported the Lincoln administration's expansion of citizenship duties, many, if not most, of the Scandinavian immigrants who had not volunteered for military service in 1861 resisted the militia draft even if they were active supporters of the Republican Party. Flight from enrollment officers (at times across state borders), dubious attempts at securing medical exemptions, and mutual aid societies organized to hire non-Scandinavian substitutes were just some of the attempts made by Scandinavian-born residents in Wisconsin to escape the draft.¹⁷

After Abraham Lincoln's July 1 call for 300,000 volunteer troops for three-year service, there was some confusion in Wisconsin about the state's exact quota. Since Wisconsin had raised more troops than required in

¹⁶ See, for example, McPherson, *Battle Cry of Freedom: The Civil War Era*, 493; Tyler Anbinder, "Which Poor Man's Fight? Immigrants and the Federal Conscription of 1863," *Civil War History* 52, no. 4 (2006): 352. Peter Sørensen Vig, *Danske i Krig i Og for Amerika [Danes Fighting in and for America]* (Omaha, NE: Axel E. Andersen, 1979), 185–197. The story of draft resistance has been almost completely absent in Scandinavian ethnic Civil War historiography, though Vig does briefly acknowledge that several settler families had their "sons flee either to Denmark or Canada until the war was over," and Johannes Wist notes in passing that "it is evident from a quite lively newspaper discussion that many of our countrymen do everything possible to avoid military service." See Johannes B. Wist, ed. *Norsk-Amerikanernes Festskrift* (Decorah: The Symra Company, 1914, 33). See also Waldemar Ager, *Oberst Heg Og Hans Gutter [Colonel Heg and His Boys]*, 223–261.

¹⁷ Close to 80 percent of foreign-born residents' cases claiming military exemption on the grounds of "alienage" occurred between October 1862 and January 1863 at the height of controversy over the fall draft. See, for example, Peter Kotvis, "State of Wisconsin. County of Milwaukee," 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).

previous calls, state Adjutant General Augustus Gaylord operated from the assumption that Wisconsin should raise six regiments, roughly the equivalent of 6,000 men.¹⁸ Yet, when the War Department called for an additional 300,000 troops on August 4 (and assigned Wisconsin a quota of an additional 11,904 men), Wisconsin's German-born governor Edward Salomon quickly realized that trouble was looming. Throughout the month of August, Salomon communicated almost frantically with Secretary of War Stanton to buy time for additional volunteering and gain clarity regarding draft procedures. At the same time, Wisconsin residents, especially foreign-born men, organized community meetings, filled ethnic newspapers with draft-related articles, and when possible got in touch with local consulates.¹⁹

On August 9, the War Department issued regulations for "the enrollment of and draft of 300,000 militia" to specify how actual draft proceedings were to be conducted and thereby made fears of forced military service even more concrete across the Union. State governors were now directed to appoint officials who could enroll all able-bodied men between eighteen and forty-five by recording their "name, age, and occupation," as well as any information that might exempt them from duty.²⁰

Consequently, on August 10, Gaylord sent out instructions to local sheriffs and tasked them with collecting enrollment information statewide to ensure that everyone eligible for military service was registered for the potential upcoming draft. Adding up all previous calls for troops, on August 11 Gaylord calculated that Wisconsin still needed to raise 18,150 troops through volunteering and – if need be – a statewide draft.²¹

Knowing that resistance to a draft would be substantial, Governor Salomon wrote Secretary of War Stanton on August 11, 1862, pleading

¹⁸ August Gaylord, *Annual Report of the Adjutant General of the State of Wisconsin for the Year 1862* (Madison: Atwood & Rublee, State Printers, 1863), 76. See also McPherson, *Battle Cry of Freedom: The Civil War Era*, 492.

¹⁹ 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), 333–335.

²⁰ *Ibid.* When the Enrollment Act of 1863 passed, the country, according to Ella Lonn, was divided "into enrollment districts, corresponding roughly to the Congressional districts; each of these was headed by a provost marshal, and in turn were under a provost-marshal-general at the head of a separate bureau in the War Department. All male citizens, and all male aliens who had declared on oath their intention of becoming citizens, who were physically fit and between the ages of twenty and forty-five must be enrolled and were liable to be drafted for the service of three years." See Ella Lonn, *Foreigners in the Union Army and Navy* (Baton Rouge: Louisiana State University Press, 1951), 440–441.

²¹ 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*, 291.

to have the deadline for volunteering extended past August 15, so as to not “check the spirit among the loyal people of this State.”²² Additionally, Salomon assured the secretary of war that Wisconsinites were determined “to fill all by volunteering, if they can be allowed to do so by giving them time enough . . . To cut off volunteering in this State when it takes ten days to reach the most distant portions is unfair and unjust, and our people so feel it.”²³

The following day, August 12, 1862, Salomon wrote again expressing concern that “one-half of the able-bodied men between eighteen and forty-five years in this State are foreign-born.”²⁴ Salomon’s letter claimed that the foreign-born had all “declared their intention to become citizens of the United States” and were eligible to vote. Perhaps out of necessity, this led the governor to reveal a more expansive understanding of citizenship when he concluded that “great injustice will be done to our State if they are exempt. Cannot those who are not willing to subject themselves to draft be ordered to leave the country?”²⁵

Stanton’s prompt answer made clear that “foreigners 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.”²⁶

Stanton’s indirect clarification of what constituted American citizenship – voting but not a declaration of intent to become a citizen – was so important that Salomon immediately ordered it “published for the information of the people of the state.”²⁷

Meanwhile, Secretary of State Seward initially took a less encompassing approach to draft eligibility. As previously noted, Seward’s State Department answered Raaslöff on August 17 that the draft only included “citizens of the U.S. not of aliens,” and the Secretary of State personally reiterated this position in a response to the British legation on August 20, which was later published, when he wrote that “none but citizens are liable to military duty in the country”; he added, “This Department has never regarded an alien who may have merely declared his intention to become a citizen, as entitled to a passport.”²⁸

²² Ibid., 357. ²³ Ibid. ²⁴ Ibid., 369. ²⁵ Ibid. ²⁶ Ibid.

²⁷ Gaylord, *Annual Report of the Adjutant General of the State of Wisconsin for the Year 1862*, 78–79.

²⁸ Seward, “Monday Aug 17 1862.” See also “Aliens and the Draft,” *New York Times*, August 25, 1862.

Perhaps not surprisingly, many immigrants at the community level were confused by the ambiguity between Seward's statement that "none but citizens" were liable to military service and the War Department's position that "foreigners who have voted at our elections are regarded as having exercised a franchise that subjects them to military duty."²⁹

On September 1, 1862, *Emigranten* printed Secretary of State William Seward's letter from August 20, 1862, in an attempt to assure Scandinavian readers that only immigrants who had become citizens were subject to the draft. Yet, Seward's letter translated into Norwegian was prefaced by an editorial comment, likely from *Emigranten's* editor, Carl Fredrik Solberg, that it would be "reprehensible" for anyone eligible to vote to shun military service. "When we have a citizen's rights we should also recognize a citizen's duties," the editor lectured.³⁰

As such, *Emigranten's* position supported Stanton's view that anybody who had voted was liable for the draft, and the newspaper writer actually expanded on Stanton's definition with his editorial call to have anyone enjoying the *right* to vote should recognize their *duty* to serve in the American military. According to *Emigranten*, such a position seemed both "fair and right," and the resolution of the confusion surrounding draft eligibility now depended on "whether the Secretary of State or the Secretary of War shall be obeyed."³¹

The secretary of state indirectly answered *Emigranten's* question on September 5, 1862, in a response to an inquiry from Indiana Governor Oliver P. Morton. Seward's response demonstrated he had reconciled his position with that of Stanton's August 12 directive to Salomon. Though Seward initially proclaimed that "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," the secretary of state ended his letter by underscoring the connection between voting and draft eligibility (which would conveniently also expand the pool of potential militia recruits):

It is proper to state, however, 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

²⁹ Gaylord, *Annual Report of the Adjutant General of the State of Wisconsin for the Year 1862*, 78–79.

³⁰ "Udskrivningen [the Conscription]," *Emigranten* September 1, 1862. See also editorial comments in *Emigranten* August 11, 1862; August 18, 1862.

³¹ *Ibid.*

perform military service. It is understood, moreover, that foreign governments acquiesce in this construction of the law. It is hoped that under this construction your militia force will not be sensibly reduced.³²

Thus by September, when a handful of states were preparing for a draft, the State Department's position was that any foreign-born resident within the United States who had voted was eligible for military service. The state most severely affected by this expansion of draft eligibility was Wisconsin. While Stanton, in response to Salomon's pleas, agreed to extend the deadline for accepting volunteers (September 1 for old regiments being replenished with new volunteers, and August 22 for entirely new regiments), the chronological cut-off points left Wisconsin with too little time to fill the state quota due to logistical and practical problems.³³

Because of the difficulty of attaining accurate draft rolls in a timely fashion, a frustrated Governor Salomon wrote to Stanton on August 26 with first a question and, as he frequently did, then a demand for a quick reply: "What course shall I take where in a township no man will serve as enrolling officer and the people refuse to give their names and abandon their houses when an officer comes to enroll them? Answer." The somewhat exasperated reply came back from Stanton the next day: "In the case supposed in your telegram of yesterday afternoon I do not know anything better than to 'let them slide.'"³⁴

The sheriffs and their deputies tasked with collecting accurate enrollment regularly had to travel on bad roads to remote locations and at times encountered resistance in ethnic communities to such a degree that Adjutant General Gaylord in his annual report had to admit that the initial draft rolls were "too incomplete to be relied upon as furnishing accurate and trustworthy data, and they were, with few exceptions, returned to the sheriffs for correction."³⁵

³² John Bassett Moore, *A Digest of International Law*, vol. 4 (Washington, DC: Government Printing Office, 1906), 52–54.

³³ 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, 380–381.

³⁴ *Ibid.*, 471–477.

³⁵ Charles E. Estabrook, ed., *Annual Reports of the Adjutant General of the State of Wisconsin for the Years 1860, 1861, 1862, 1863, 1864* (Madison, WI: Democrat Printing Co., State Printers, 1912), 98, 162–163. Governor Salomon reiterated to Secretary of War Stanton that he needed more time "as it takes several days to spread the news through the state." See 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, 387.

Additionally, evidence of medical examinations that raised questions in terms of both quality and ethics started to trickle into Gaylord's office.³⁶ Though the theme of duty to "our adopted country" was frequently found in *Emigranten*, actual practice in the medical examiners' offices revealed that the Scandinavian martial enthusiasm was not what it appeared in the newspaper pages.

In Dane County, where the state capital Madison was located, *Emigranten* on August 18 proudly reported that the "Norwegian" town of Vermont had procured thirteen volunteers out of the settlement contingent of eighteen allegedly "almost all Norwegian," and the nearby "Norwegian town Pleasant Springs" held a meeting on August 14 where it was decided to spur volunteer enlistment by providing a bounty of \$50.³⁷ In the same issue, *Emigranten* relayed reporting from the *Toronto Globe* that Toronto was being overrun by people (the editor did not offer specifics on ethnicity) fleeing conscription while foreigners specifically were reported leaving Baltimore to avoid the draft. Additionally, the Scandinavian editor singled out Irish "secessionists" in Missouri and chastised them for claiming to be subjects of Great Britain in order to avoid military service.³⁸

Yet the Scandinavian recruitment success reported by *Emigranten* masked draft resistance even within Dane County where the newspaper was published (see Figure 7.1). As the American state apparatus suddenly reached tangibly into the Scandinavian communities and demanded that the rights associated with citizenship also be accompanied by acknowledgement of duties, otherwise seemingly able-bodied Scandinavians started showing up at their local draft and medical examiners' offices seeking exemptions by late August.

In Dane County, more than 75 percent of the 1,014 exemptions granted were issued as medical exemptions between August 24 and September 11, 1862, by examining surgeon John Favill. As it turned out, Dane County's rate of 1,014 exemptions out of 7,466 draft enrollees, which translated to

³⁶ By December 10, the Wisconsin adjutant general sent out a general order citing "gross injustice" done "by the manner in which the surgical examination of the militia from Manitowoc county" had been conducted. But even more importantly, many Wisconsin men were able to purge themselves from the draft rolls by gaining medical exemptions even before the draft was eventually held on November 10. See Estabrook, *Annual Reports of the Adjutant General of the State of Wisconsin for the Years 1860, 1861, 1862, 1863, 1864*, 98, 162–163.

³⁷ "Indkaldelsen Af De 600,000 Mand [The Call for the 600,000 Men]," *Emigranten*, August 18, 1862.

³⁸ *Ibid.*



FIGURE 7.1 “Udskrivningen i Wisconsin” (The Conscription in Wisconsin) reads the far-right column headline of *Emigranten* on November 14, 1863, testifying to the draft’s enduring importance for the newspaper’s readership. Courtesy of Vesterheim Norwegian-American Museum Archives.

a 14 percent exemption rate, was actually below the state average, while Brown County (29 percent), Manitowoc County (35 percent), and Ozaukee County (50 percent), among others, pulled up the statewide average.³⁹

However, even in a county like Dane with relatively few draft exemptions, Scandinavians in towns like Perry and Springdale seem to have been disproportionately successful in gaining medical exemptions. According to the 1860 census, 169 men in the town of Springdale 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 (even

³⁹ See, for example, John Favill, “Certificate of Disability,” in *County Clerk. Civil War Draft Records, 1862. Dane Series 42. Box 1* (Wisconsin Historical Society, 1862). See also Estabrook, *Annual Reports of the Adjutant General of the State of Wisconsin for the Years 1860, 1861, 1862, 1863, 1864*, 220–230. Out of 127,894 men enrolled by the sheriffs, 28,012 – or 22 percent – were exempted from the draft in 1862. The War Department’s August 9 instructions had stipulated that certain professions (e.g. telegraph operators, locomotive engineers, and mailmen) were exempted from the draft.

when recorded with spelling errors) such as Arne Anderson, Thore Oleson, and Peter Arnison, as well as the names matching specific census information regarding nationality, 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,” and so on after being examined by Favill.⁴⁰ In Perry, 80 percent of the 137 draft-eligible men were Norwegian-born, but at least fourteen out of the sixteen medical exemptions granted (88 percent) seem to have been given to Norwegians. In other words, Norwegians likely made up a larger share than their numbers warranted of medical exemptions granted to draft-eligible men from towns like Springdale and Perry. And the Scandinavian pattern of seeking draft exemption in Wisconsin was not limited to Dane County.

On September 15, 1862, *Emigranten* – after first decrying the disgrace of people “prostituting” themselves by dressing up as women to slip over the border to Canada – published an anonymous letter from a reader in the southern part of Wisconsin who claimed to have seen first-hand the Scandinavian reluctance regarding military service. “I fear that a great deal of the draft-eligible Norwegians, at least the ones around Janesville and Beloit,” would try to escape the draft, the correspondent noted. Norwegians usually considered “strong and energetic” were now trying to dodge the draft by actively seeking medical exemptions. “I thought of sending you a list over such patriots, but the meetings [medical examinations] are not yet over, and I am also afraid that the list would have been quite long.”⁴¹

The correspondent’s use of “Norwegians” instead of “Americans” highlights the ambiguity surrounding citizenship and national allegiance. Following *Emigranten*’s editorial position, which perhaps was not entirely coincidental, the anonymous letter here argued for Norwegians serving in the military even if they were not fully naturalized citizens.⁴²

⁴⁰ Kennedy, *Population of the United States in 1860*, 534. See also Favill, “Certificate of Disability.”

⁴¹ “Udskrivningen [The Conscription],” *Emigranten*, September 15, 1862.

⁴² John A. Johnson, “Madison June 1st 1861,” in *John A. Johnson Papers. P691. Box 1* (Norwegian-American Historical Association, 1861). As Johnson’s 1861 letter on working behind the scenes at *Emigranten* suggests, some anonymous letters in the ethnic press may have been solicited – at least, that seems to have been the case later. In a study of the later Scandinavian-American press’s role in policy discussions after 1890, Jørn Brøndal found that the “large proportion of anonymous letters might suggest” fabrication on the editors’ part. See Jørn Brøndal, *Ethnic Leadership and Midwestern Politics: Scandinavian Americans and the Progressive Movement in Wisconsin, 1890–1914* (Chicago, IL:

In Brown County, where 49 percent of the population according to the 1860 census was foreign-born, Scandinavians in New Denmark established a mutual aid society demarcated along ethnic lines to allow drafted countrymen to hire substitutes.⁴³ On August 30, 1862, the Scandinavian inhabitants met 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 and wanted to be a member. What was left unsaid in the meeting minutes, but what the meeting’s secretary Fritz Rasmussen made clear in his diary (and later through his and his community members’ actions), was that many residents were prepared to hire substitutes, feign invalidity, or invoke ambiguous citizenship status to avoid conscription.⁴⁴ “Draft fear,” Rasmussen noted, was the principal topic of conversation.⁴⁵

The New Denmark residents’ worst fears were realized when Wisconsin proved unable to fill the federally mandated military quota. On October 27, 1862, *Emigranten* reported that, out of twenty-eight Wisconsin counties, the northeastern part of the state would be comparatively hard hit. Brown County, for example, was to provide 155 men (out of 1,324 subject to the draft), Ozaukee County 529 men (out of 1,229 subject to the draft), and Washington County 807 men (out of 2,282 subject to the draft).⁴⁶ All told, the state of Wisconsin was going to draft 4,131 men, with the qualification

University of Illinois Press, 2004), 212–215. On the topic of draft resistance, *Emigranten* in March 1863 also published an article with the heading “Norwegian Deserters” and named names based on an announcement from General Pope with both a carrot and a stick toward the end of the article. “As announced last week, the President will exempt all the deserters who voluntarily report by their Regiment or nearest military post before April 1 for all punishment other than loss of pay for the time they have been away, whereas anyone who has not reported will be punished as deserters. See “Norske Deserterede [Norwegian Deserters],” *Emigranten*, March 23, 1863.

⁴³ Kennedy, *Population of the United States in 1860*, 526–43. Brown County in 1860 was home to 2,244 men between the ages of fifteen and forty and 5,817 foreign-born men and women out of a total county population of 11,795 (49 percent).

⁴⁴ Fritz W. Rasmussen, “Forhandlinger [Negotiations, August 30, 1862],” in *Fritz Rasmussen Papers. Additions, Genealogy notes. Green Bay Mss 4. Box 9, Folder 7* (Wisconsin Historical Society, 1862). See also Vig, *Danske i Krig i Og for Amerika [Danes Fighting in and for America]*, 275.

⁴⁵ Rasmussen, “The 12. Friday [September].” See also “The 20. Saturday [September],” in *Fritz William Rasmussen Papers. Diaries, 1857–1876* (Wisconsin Historical Society, 1862).

⁴⁶ “Drafting in Wisconsin,” *Emigranten*, October 27, 1862. See also Kennedy, *Population of the United States in 1860*, 527–534. See as well Estabrook, *Annual Reports of the Adjutant General of the State of Wisconsin for the Years 1860, 1861, 1862, 1863, 1864, 190, 230*.

that “returns from Milwaukee” were yet incomplete and the adjutant general had not received all information from Dunn, Kewaunee, Rock, and Shananaw County (the quotas for these counties were to “be announced when complete”).⁴⁷ Despite the laborious attempts to get draft rolls right and ensure transparency in the process, the statewide draft when it was implemented on November 10, 1862, was, in Gaylord’s words, met with such “stubborn” and in some cases “armed resistance” in eastern Wisconsin that Governor Salomon had to intervene.⁴⁸

The Draft Commissioner [in Ozaukee County] was violently assaulted, escaping with his life only by flight, and the records were destroyed. But the authors of this had kindled a flame, which soon outran their control, and an infuriated mob ran riot through the town; old personal differences were made the occasion of attack; houses, with their contents, were demolished, and the wrecks of once happy homes, now stand through the village of Port Washington, as a sad memento of lawless violence.⁴⁹

Following the November 10 riots, Governor Salomon wrote to the state’s appointed provost marshal, Walter D. McIndoe, and authorized him to “proceed immediately to Port Washington with a sufficient military force to enforce the draft, and arrest the leaders and aiders and abettors in the riotous proceedings.”⁵⁰ Ozaukee County’s many German and Luxembourg residents were primarily involved in agriculture, and the area had a “low enlistment rate” along with strong support for the Democratic Party – a connection that *Emigranten*, in its November 17 issue, did not fail to point out. *Emigranten* laid the blame for the insurrection squarely at the feet of a seemingly unholy trinity of Catholicism, German-born immigrants, and the Democratic Party, which in combination produced what was reported as “gross violence.”⁵¹

⁴⁷ Gaylord, *Annual Report of the Adjutant General of the State of Wisconsin for the Year 1862*, 96–97. In the end, the draft in Milwaukee and Kewaunee County was postponed to November 19 and “the earliest practicable moment” for the two counties respectively. Eventually Milwaukee County was assigned a quota of 728 men.

⁴⁸ Deborah Beaumont Martin, *History of Brown County, Wisconsin: Past and Present* (Chicago, IL: S. J. Clarke Publishing Company, 1913), 204–205. See also “Udskrivningen Af Værnepligtige i Wisconsin – Optøier i Milwaukee, Ozaukee Og Washington Countier [The Conscription of Draftees in Wisconsin – Riots in Milwaukee, Ozaukee and Washington Counties],” *Emigranten*, November 17, 1862.

⁴⁹ Estabrook, *Annual Reports of the Adjutant General of the State of Wisconsin for the Years 1860, 1861, 1862, 1863, 1864*, 163.

⁵⁰ Edward Salomon, “Nov. 11, 62,” in *Letters Madison 1862. Volume 5. Series 33 of Governors Correspondence General, 1838–1926* (Wisconsin Historical Society, 1862). See also Lawrence Larsen, “Draft Riot in Wisconsin, 1862,” *Civil War History* 7, no. 4 (1961): 421–423.

⁵¹ “Udskrivningen Af Værnepligtige i Wisconsin – Optøier i Milwaukee, Ozaukee Og Washington Countier [The Conscription of Draftees in Wisconsin – Riots in

The German-speaking immigrants' actions in Ozaukee County were described as conducted by "a furious mob" that, in addition to assaulting the draft commissioner and much else, had broken into a Masonic lodge. "The Free Masons is a society that the German-Catholic clergy most definitely is opposed to," noted *Emigranten* with a thinly veiled reference to the nativist movement of the 1850s.⁵²

Moreover, detailing a revolt in Milwaukee's 9th Ward and once again using religion to partially explain disorderly deeds, *Emigranten* noted that a large crowd of Germans "strongly influenced by the pro-slavery catholic paper Milwaukee 'Seebote'" were largely responsible for the unrest.⁵³

Events unfolded less violently in Brown County as the larger towns of Green Bay, De Pere, and Fort Howard, according to a later historical account, had filled their quotas ahead of November 10.⁵⁴ The draft burden therefore fell on the smaller communities with fewer resources to organize widespread resistance, but violence – or threats thereof – simmered just below the surface. Foreign-born men "who had come to the United States to escape the military conscription laws enforced in Germany, France and other countries and were not yet long enough in America to understand or sympathize with the Union" voiced their discontent loudly, and Belgian immigrants in Green Bay and Scott "refused to comply with the governor's order."⁵⁵

Milwaukee, Ozaukee and Washington Counties].” See also “Udskrivningen i Wisconsin [the Conscription in Wisconsin],” *Emigranten*, September 24, 1862. Later historical accounts agreed with *Emigranten*'s assessment of ethnicity. See for example Mischa Honeck, “Men of Principle: Gender and the German American War for the Union,” *Journal of the Civil War Era* 5, no. 1 (2015): 56–57.

⁵² “Udskrivningen Af Værnepligtige i Wisconsin – Optøier i Milwaukee, Ozaukee Og Washington Countier [The Conscription of Draftees in Wisconsin – Riots in Milwaukee, Ozaukee and Washington Counties].” See also “Udskrivningen i Wisconsin [The Conscription in Wisconsin].” *Emigranten*'s reference to the Freemasonry harkened back to the role the society played in the anti-immigrant and anti-Catholic Know-Nothing movement in the middle of the 1850s. See for example McPherson, *Battle Cry of Freedom: The Civil War Era*, 130–144.

⁵³ “Udskrivningen Af Værnepligtige i Wisconsin – Optøier i Milwaukee, Ozaukee Og Washington Countier [the Conscription of Draftees in Wisconsin – Riots in Milwaukee, Ozaukee and Washington Counties].”

⁵⁴ Martin, *History of Brown County, Wisconsin: Past and Present*, 204.

⁵⁵ Martin, *History of Brown County, Wisconsin: Past and Present*, 204–05. Also Fritz W. Rasmussen, “Den 10de Mandag [November],” in *Fritz William Rasmussen Papers. Diaries, 1856–1876. Green Bay Mss 4. Box 8* (Wisconsin Historical Society, 1862).

The resistance was slightly more muted in the Scandinavian immigrant communities, but the amount of time and space devoted to draft issues in *Emigranten* testified to the importance of the forced military service in the minds of the paper's subscribers. To Norwegian, Swedish, and Danish immigrants, it was not only the concrete fear of being drafted that took its toll mentally, and for some physically; it was also the amount of time spent planning for the draft, which had economic consequences. In New Denmark, the frequent meetings held in the "Scandinavian War Aid Association" drained the time and energy from the association's secretary's farm work, to such an extent that he skipped an important meeting on November 14 just the day after rumors of the draft results had started circulating in town.⁵⁶

On Thursday November 13, Rasmussen had learned from a community member that "they had finally begun drawing for the draft" and that five members "were chosen – unfortunately – from the Scandinavian Association," while another four were drafted without being members of the association. All told, nine men were drafted from New Denmark on top of the sixteen volunteers the community had already furnished "out of 69 able-bodied men," or, as Rasmussen noted, "between every second and every third."⁵⁷

Rasmussen's numbers were off by one compared to the adjutant general's office (twenty-four out of sixty-eight able-bodied men in the official tabulation), but with a quota of nine draftees out of sixty-eight men (13 percent), New Denmark in November was harder hit by the draft than the county in general (where 155 out of 1,814 men, or 9 percent, of the able-bodied men were drafted).⁵⁸

The reality of military service in the short term, however, proved less severe for county's communities. Out of 155 men drafted from Brown

⁵⁶ Fritz W. Rasmussen, "Den 22. Løverdag [November]," in *Fritz William Rasmussen Papers. Diaries, 1856–1876. Green Bay Mss 4. Box 8* (Wisconsin Historical Society, 1862).

⁵⁷ "Den 13. Torsdag [November]," in *Fritz William Rasmussen Papers. Diaries, 1856–1876. Green Bay Mss 4. Box 8* (Wisconsin Historical Society, 1862). See also Adjutant General, "County Draft Book No. 1. 1862–1863," in *Adjutant General. Draftee Substitutes (ca. 1861–1865), Camp Washburn. Series 1137. Box 7* (Wisconsin Historical Society, 1862).

⁵⁸ Daniel M. Whitney, "List of Persons Liable to Military Duty in the Town of New Denmark," in *Wisconsin. Adjutant General. Draft Records, 1862–1865. Series 1137. Reel 1* (Wisconsin Historical Society, 1862). When factoring in earlier volunteers, New Denmark and the greater Brown County eventually, however, ended up with the same share on paper – more than one third of the draft eligible population – called up for military service after November 10.

County, forty-four did not report and another forty-four were discharged, leaving just sixty-seven men mustered in by the time the adjutant general gave his annual report in 1863. Gaylord, in the case of Washington County, explained the fact that “few drafted men” had reported by noting the lack of transportation to Camp Washburn in Milwaukee where they, along with draftees from Brown and other nearby counties, eventually were to report.⁵⁹ While poor infrastructure and lack of transportation definitely played a role in towns like New Denmark, the underwhelming number of recruits at Camp Washburn was also explained by the continued unwillingness to accept the draft.

In addition, foreign-born residents within American borders from the fall of 1862 and forward recognized the importance of their citizenship status. In Brown County, the district to which New Denmark belonged, only eight “declarations of intention” to become a citizen were taken out in 1863. In comparison, 177 Brown County declarations of intention survive from 1860, sixty-nine from 1861, and twenty-five from 1862.⁶⁰ According to the 1860 census, Brown County numbered 6,148 men, 2,302 of them between the approximate military age of twenty and fifty years; and of the eight declarations taken out in 1863, five (two Danes, one Dutchman, one German, and one Irishman) were born between 1814 and 1818, thereby making them older than forty-five years and consequently ineligible for the 1862 draft.

At the local level, only one draftee from New Denmark ended up in the army as a consequence of the 1862 draft, while the remaining eight employed different strategies for initially avoiding military service. Out of the nine foreign-born men drafted from New Denmark, four were Danes, two Norwegians, two Irish and one from France. Five of the nine could use funds from their membership in the “Scandinavian War Aid Association” to defray the costs of hiring a substitute, but the non-Scandinavian members of the town had to look for other measures. In desperation, thirty-year-old Dennis Devan’s Irish-born wife threatened the local sheriff with violence when he came around to deliver the draft results:

[The sheriff] was most excited and dreadfully flustered as he well knew what it meant to come around to people with such messages, as he said, “not very pleasant

⁵⁹ August Gaylord, “Document N: Annual Report of Adjutant General Gaylord for 1863,” in *Message of the Governor of Wisconsin, Together with the Annual Reports of the Officers of the State, for the Year A.D. 1863* (Madison: William J. Park, State Printer, Harding’s Block, 1864), 1074. Also Estabrook, *Annual Reports of the Adjutant General of the State of Wisconsin for the Years 1860, 1861, 1862, 1863, 1864, 163, 211*.

⁶⁰ Kennedy, *Population of the United States in 1860*, 526–27. Also *Wisconsin, County Naturalization Records, 1807–1992, Images*.

news.” Dennis Devan’s wife had met him in the door with a pitchfork and a “don’t come in here.”⁶¹

Devan eventually got exempted, though it is difficult to ascertain the exact reason why in the surviving records, but it is likely that he received a medical exemption, through either real or feigned injury, or was able to fight the authorities’ enrollment information in other ways. Medical exemption, as we have seen, or the ability to convince the enrollment officers that the draft rolls contained wrongful information were strategies regularly employed by drafted men in the community. Underlining the ethnic differences that guided life in New Denmark, Fritz Rasmussen in a April 11, 1863, diary entry noted about Devan’s wife that she was “the only Irish wife I have thus far met who can converse just somewhat decently,” and reiterated his perception of Irish men as being (too)heavy drinkers, which he thought impacted their ability to be productive farm laborers.⁶²

In rural communities, age likely had an effect on medical exemptions, due to cumulative bodily wear and tear, but age could also be a factor in and of itself as the draft-eligible age was set between eighteen and forty-five. Mads Rasmussen, for example, who was listed as being forty-four years old on the draft rolls made up in August 1862, seemingly found a different (and cheaper) solution to avoiding military service than hiring a substitute when he, according to a later document, “got out of [the draft] by getting old in a Hurry.”⁶³ What that likely meant was that Rasmussen, who was a member of the Scandinavian War Aid Association, went to Green Bay, which was an initial county rendezvous point, and acted even older than his age (he was born in 1820) at the medical examination, which eventually earned him an exemption.⁶⁴

At least two other New Denmark draftees succeeded in having a substitute accepted by the military authorities, and one of them was Fritz Rasmussen’s brother-in-law, Celius Christiansen. Christiansen, who

⁶¹ Fritz W. Rasmussen, “Den 20. Torsdag [November],” in *Fritz William Rasmussen Papers. Diaries, 1856–1876. Green Bay Mss 4. Box 8* (Wisconsin Historical Society, 1862).

⁶² Fritz W. Rasmussen, “Den 11 Löverdag [April],” in *Fritz William Rasmussen Papers. Diaries, 1856–1876. Green Bay Mss 4. Box 8* (Wisconsin Historical Society, 1863).

⁶³ R. C. Johnsen, “New Denmark 3/8 Ad 1882 [March 8th],” in *Civil War Mother’s Pension. Application 258778* (National Archives, 1882). See also Rasmussen, “Record! Of Scandinavians, Who Have Been Settled and Lived in the Town of New Denmark.”

⁶⁴ On Mads Rasmussen getting exempted in Green Bay (the reason for exemption is not stated though), see “Consolidated Lists of Civil War Draft Registrations, 1863–1865,” in *Records of the Provost Marshal General’s Bureau (Civil War), Record Group 110. NM-65, entry 172* (Washington, DC: National Archives, 1863), 314.

married Fritz Rasmussen's sister Inger in 1857, was also a member of the Scandinavian War Aid Society and therefore had approximately \$70 in mutual aid that he could parlay into finding a substitute instead of risking his life in the military.⁶⁵ Thus, as soon as it was rumored that Christiansen had been drafted, he anxiously started searching for a substitute and was able to convince the recently married twenty-three-year-old August Hauer to enlist in his place in exchange for \$170.⁶⁶

Yet, in these discussions over substitutes as well as in the creation of the Scandinavian War Aid Association, Old World notions of ethnicity seemingly complicated New World notions of citizenship duties. When August Hauer, who was born in Schleswig (one of the duchies that had rebelled against Danish rule in 1848), told his father, Hans, that he had enlisted as a substitute for Celius Christiansen, the family patriarch – who according to Fritz Rasmussen was “a mortal enemy of anything Danish” – angrily attempted to change his son's mind and make him go back on the promise to be a substitute.⁶⁷ Interestingly, Hans Hauer had lived among Danish people most of his life: four of his children were born in Denmark prior to the 1848 revolution, but the next four were born in the United States between 1852 and 1862. Importantly, however, Hans Hauer's actions may well also have been shaped by the fact that his son Johan (a little brother of August) had died from disease in the service of the Union Army on February 15, 1862.⁶⁸

Christiansen had previously served in the Danish military, which likely made claims for medical exemption less plausible, and he had voted in an

⁶⁵ Celius Christiansen, *En Pioneers Historie (Erindringer Fra Krigen Mellem Nord- Og Sydstatene)* [*A Pioneer's Story: Memoirs from the War between North and South*] (Aalborg: Eget forlag, 1909), 41.

⁶⁶ Ibid. In his memoirs, Christiansen wrote: “My name was among the ones drawn and this caused sorrow and worry to an extent that only the ones who have tried it actually understand. I had wife and kids and a relatively good farm that I was now forced to leave.” See also Rasmussen, “Record! Of Scandinavians, Who Have Been Settled and Lived in the Town of New Denmark.”

⁶⁷ “Den 17. Mandag [November].” See also Vig, *Danske i Krig i Og for Amerika* [*Danes Fighting in and for America*], 275.

⁶⁸ Rasmussen, “Record! Of Scandinavians, Who Have Been Settled and Lived in the Town of New Denmark,” 36–60. Hauer in all likelihood was among the 40 percent of residents within Danish borders that identified as German after Norway was incorporated into the Swedish kingdom in 1814. See Rasmus Glenthøj, “Pan-Scandinavism and the Threshold Principle?,” in *A History of the European Restorations: Governments, States and Monarchy*, edited by Michael Broers and Ambrogio Caiani, pp. 245–255 (London: Bloomsbury Academic, 2019). For information about Johan Hauer, see Peter Sørensen Vig, *Danske i Amerika* [*Danes in America*], vol. 1, (Minneapolis, MN: C. Rasmussen Company, 1907), 356.

American election as early as 1854, which made exemption due to “alienage” unlikely.⁶⁹ Despite this initial setback, Christiansen continued the negotiations with August Hauer and eventually secured him as a substitute. Yet, even if an accord was mutually agreed to, there was no guarantee that the substitute would be accepted by the American authorities; and thus, on top of the expense of paying the substitute, draftees incurred the added expenses (not least in terms of laboring hours lost) associated with travelling to Green Bay or Milwaukee to report for military duty.⁷⁰ As Fritz Rasmussen complained in his diary, “that is of course the universal rule: that the poor man can not thrive, who must bear the expenses, but that the rich man grows fat on the crumbs stolen from the poor one.”⁷¹

The only New Denmark resident that served as a result of the first draft was Hans Gundersen from Norway, who had declared his intent to become a naturalized citizen on March 30, 1861, less than two weeks before the Civil War’s outbreak. Gundersen’s forced war service led to fierce debates in the Association in late November, as Gundersen had not signed on to the original pact.

Being single with neither wife nor children, Gundersen in August volunteered to support the Scandinavian War Aid Association with a pledge of a dollar every month. Yet, one dollar was only half of the monthly fee, which made him “neither a half nor full member,” according to Fritz Rasmussen.⁷² Yet when Gundersen’s name was drawn up, he requested support from the Association, which the members reluctantly agreed to provide, perhaps underscoring a sense of ethnic obligation.⁷³

⁶⁹ Christiansen, *En Pioneers Historie (Erindringer Fra Krigen Mellem Nord- Og Sydstatene)* [A Pioneer’s Story: Memoirs from the War between North and South], 15.

⁷⁰ Though writing about Massachusetts before the Civil War, Christopher Clark’s point that “the aspiration for household ‘independence’ relied on the necessity of exchanging goods and labor with neighbors and kin” applied to Scandinavians in New Denmark as well during the Civil War. Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780–1860* (Ithaca, NY: Cornell University Press, 1990), 38. See also Fritz W. Rasmussen, “The 8th Monday [December],” in *Fritz William Rasmussen Papers. Diaries, 1856–1876. Green Bay Mss 4. Box 8* (Wisconsin Historical Society, 1862).

⁷¹ “The 8th Monday [December].” In order to make it to Green Bay in time, Hauer had to borrow Rasmussen’s sleigh while another New Denmark resident drove all through the night to make it in time. In his diary Rasmussen added, “The Order for transportation to the camp of rendezvous, had namely come so precipitately, that sufficient time was hardly given them to send for their substitutes; a considerable expense for the poor Conscripts, to be forced to bring their substitutes to Milwaukee instead: that they might as well have been excused [accepted] at Green Bay.”

⁷² Rasmussen, “Den 22. Lørdag [November].” ⁷³ Ibid.

The meetings in the Scandinavian War Aid Association continued well after the draft, and in late November it was resolved that the secretary, Fritz Rasmussen, should publish information about the Association's proceedings in the local *Green Bay Advocate*. "Dear Sir," Rasmussen wrote on November 24, 1862, in a letter that underscored his reluctance to serve in the United States military despite his support for the Republican Party:

I take this opportunity to ask the favor individually of you, as well as in [sic] behalf of quite a large proportion of the settlers of the town, to give these lines a publication in your paper – if for nothing else – to show the neighbors that we have not all left the country to avoid the trouble and travail of the land, but are here yet, able to give a hand at reefing the canvass if the storm should be still stronger should we be commanded to do so, for all our – I was going to say patriotic (?) men have gone long before this. We had lately, grown somewhat callous to the subject of drafting, which at first, was only imagined as *possible*. Although, among the weaker part of our members, it created considerable sensation: but they being descendants of . . . war-faring people . . . mustered courage enough to manage looking the monster straight in the eyes, and adopt measures to alleviate the curse somewhat.⁷⁴

With the help of the War Aid Association, questionable medical exemptions, and related efforts, most Scandinavians in New Denmark avoided military service in the first draft. For several others, however, the draft was a potential tragedy. French-born Peter Kiefer had to leave "a young wife and six small kids all under the age of seven," and Fritz Rasmussen's neighbor, Knud, asked him to write a will stipulating that he wanted to leave all his earthly possessions to his wife.⁷⁵ When the draft finally got underway in Keewaunee County, Rasmussen noted that twenty-six people had been drafted in the town of Franklin, and that several, who were "in very dire straits," had "small children."⁷⁶ That these were not singular incidents was supported by Gaylord's annual report, in which he noted that "peculiar hardship" had occurred in cases where "large families, from whom one or more had previously volunteered, were deprived of their only remaining support of the family."⁷⁷

⁷⁴ F. W. Rasmussen, "Aid to Families of Drafted Men," *Green Bay Advocate*, November 27, 1862.

⁷⁵ Fritz W. Rasmussen, "Den 24. Mandag [November]," in *Fritz William Rasmussen Papers. Diaries, 1856–1876. Green Bay Mss 4. Box 8* (Wisconsin Historical Society, 1862).

⁷⁶ "Den 29. Løverdag [November]," in *Fritz William Rasmussen Papers. Diaries, 1856–1876. Green Bay Mss 4. Box 8* (1862).

⁷⁷ Gaylord, *Annual Report of the Adjutant General of the State of Wisconsin for the Year 1862*, 55.

Although draft resistance was most pronounced in the eastern part of Wisconsin, a handful of Scandinavians in Racine, Kenosha, and Dane County, along with hundreds of German and Irish immigrants, tested the nature of American citizenship by taking their claims of alienage all the way to the State Department.

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 he was denied exemption, along with his countryman Helge Hanson, for having already taken out naturalization papers and voted.⁷⁸ As it turned out, Hanson was drafted in November and, not willing to accept the local draft commissioner's ruling, on December 12, 1862, with the help of his father, took his case to a local attorney who forwarded it to the State Department.⁷⁹

On February 27, 1863, Hanson was notified that his exemption request had to be submitted through more official channels (either a local consul or the state executive), but on March 18 the Norwegian-born Wisconsin resident 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" was unearthed.⁸⁰

The wording of the State Department's answer to Ole Hanson was revealing. Not only was voting deemed a factor in draft eligibility, but it was also clearly stated that having declared one's "intention to become a citizen" was as well.⁸¹ In other words, between August 17, 1862, when Frederick Seward assured Raaslöf that the American government's draft only included citizens, and March 18, 1863, when Hanson was finally released from military service, the State Department had expanded draft eligibility to include both voting and intent, in essence broadening the

⁷⁸ Levi B. Vilas, "Wednesday Augt. 27th 1862," in *County Clerk. Civil War Draft Records, 1862. Dane Series 42. Box 1* (Wisconsin Historical Society, 1862). See also "Monday Sept. 1st 1862," in *County Clerk. Civil War Draft Records, 1862. Dane Series 42. Box 1* (Wisconsin Historical Society, 1862).

⁷⁹ 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).

⁸⁰ 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).

⁸¹ *Ibid.*

federal government's definition of American citizenship and thereby increasing the pool of recruits.⁸²

Since Ohio, Indiana, Maryland, and Pennsylvania drafted before Wisconsin, the State Department received alienage claims as early as August and September 1862, which soon kept the secretary of state so busy that Ella Lonn later marveled that "Seward had time to attend to any of the other duties incident to the secretaryship of state."⁸³

By the time the draft rolled around in Wisconsin on November 10, Seward was working hard to clarify the draft procedure and that same day attempted the following explanation in a letter to France's envoy, Henry Mercier:⁸⁴

This is a complex government, consisting of State governments, within their sphere independent of the federal government; the federal government, its sphere, independent of the State governments. Collisions between them cannot be prevented by executive action. They must, however, be reconciled when they have occurred. The government calls on the States to furnish troops by draft of the militia. The States determine for themselves who constitute the militia, and they make the draft. They respectively provide for ascertaining who are liable to the draft and who are exempt from it, and they have State commissioners to hear, try, and determine such cases. Those commissioners render accounts of their doings to the governors of the States, and act with entire independence of the federal government, and are in no way responsible to them. If the governor of a State errs, and subjects to military duty a person who is entitled to exemption of the ground of alienage, a question is thus raised between the United States and the nation which is entitled to protect the complainant. This department then receives and promptly and effectually decides the case. It would indeed be very agreeable to communicate in advance to representatives of the foreign powers the principles upon which the department would proceed in such cases. But, on the other hand, it must be allowed there are few subjects more productive of conflicting legislation and adjudication than that of alienage. It seems, therefore, to be prudent to refrain from anticipating merely what speculative questions involve, and to confine the action of the government to those cases which, being practically brought before it, must necessarily receive its solution.⁸⁵

⁸² For a broader discussion of citizenship and the status of foreign-born residents within the Union in relation to the draft, see Douma, Rasmussen, and Faith, "The Impressment of Foreign-Born Soldiers in the Union Army."

⁸³ Lonn, *Foreigners in the Union Army and Navy*, 469–471.

⁸⁴ George W. Childs, ed. *The National Almanac and Annual Record for the Year 1863* (Philadelphia: George W. Childs, 1863), 82.

⁸⁵ *Papers Relating to Foreign Affairs Accompanying the Annual Message of the President to the First Session of the Thirty-Eight Congress*, Part II (Washington, DC: Government Printing Office, 1864), 744–745. See also Douma, Rasmussen, and Faith. "The Impressment of Foreign-Born Soldiers in the Union Army," 83–84.

Underscoring the confusion that reigned in immigrant communities (and the measures some were willing to take to avoid military service), Milwaukee's Prussian-born consul Adolph Rosenthal wrote to William Seward on November 24 with a long list of residents born within the German states who claimed to be exempt from service. The arguments forwarded by Rosenthal can in many ways be seen as a microcosm of the citizenship issues that the State Department based their decisions on in order to avoid diplomatic incidents of transnational consequence. Additionally, while patterns in the State Department's decision-making did emerge, it is also evident from Seward's letter to Mercier that the United States government attempted to retain some leeway in its handling of cases. Ultimately the burden of proof therefore fell on the immigrant claiming alienage, and if the paperwork was not sufficient then a military discharge was no guarantee.

At the one end of the spectrum, Rosenthal presented cases that were "such that the right to claim exemption is unquestionable" and pointed to thirteen foreign-born residents, "being subjects of foreign powers" as well as "having taken no steps to become citizens of the United States nor exercised any rights as such," as clear-cut examples.⁸⁶

In the next paragraph followed the description of eleven subjects who "ceased to be subjects of their former sovereign, but have likewise not declared their intention to become citizens of the United States," and – one step further removed from being a subject of foreign power – six applications from individuals who "who it seems have ceased to be subject of their former sovereign and have declared their intention, to become citizens of the United States, but have not become such."⁸⁷ Rosenthal also submitted three cases of German immigrants who seemed to have moved closer to American citizenship. Despite having made affidavits that they were "still subjects of their homegovernments [sic]," these three immigrants had "declared their intention to become citizens of America" and had voted.⁸⁸ Finally, the German consul submitted two applications on behalf of Andreas Sollar and Franz Wolfram, who had "ceased to be subjects of their former sovereigns" and had "declared their intention and voted" but had "not become citizens of the United States."⁸⁹

⁸⁶ 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).

⁸⁷ *Ibid.* ⁸⁸ *Ibid.*

⁸⁹ *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." See, for example, Hanson, "Madison, Wisconsin, December 12th, 1862."

This, in other words, was the continuum on which issues of forced military service and citizenship existed, in the eyes of a foreign consul; from having made no declaration of intent to naturalize and exercised no rights of American citizenship to having declared intent and voted but not finalized the process of naturalization. Highlighting the case-by-case decision-making outlined by Seward in his letter to Mercier, ten out of the initial thirteen cases in which Rosenthal deemed “the right to claim exemption” unquestionable resulted in discharge from the military.⁹⁰ At the other end of what one might call the “citizenship continuum,” both Sollar and Wolfgram, who had declared their intention and voted, were denied discharge.⁹¹

Apart from the Dane County case of Ole Hanson, a small handful of successful Danish exemption cases from Kenosha and Racine County, all arguing for exemption based on alienage and supported by claims of not having voted or taken out papers intending to become American citizens, survive in the State Department records. Those cases, decided in late 1862 and early 1863, all resulted in discharge.⁹²

Given the fact that Norwegians were much more numerous than Swedes and Danes in Wisconsin, it is perhaps surprising that only Ole Hanson’s case made it all the way to the State Department in 1862, but a few explanations can be offered. Ella Lonn points out that the Swedish foreign minister saw little reason for granting Swedish and Norwegian nationals protection that they had voluntarily renounced by emigrating.⁹³

Thus, the low number of high-level Swedish and Norwegian cases (only two out of the 436 Wisconsin cases that survive in the State Department archives) 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.⁹⁴ The Danish representative

⁹⁰ Rosenthal, “To His Excellency William H. Seward.” ⁹¹ *Ibid.*

⁹² See, for example, Geo P. Hansen. “Vice Consulate for Denmark. Chicago Dec 12 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 5* (National Archives at College Park, 1862). See as well Hendrik Schmidt. “State of Wisconsin. Racine Co,” 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 5* (National Archives at College Park, 1862). Additionally, Paul Quigley has found that the United States government, early in the war, usually granted “foreign subjects” exemptions to maintain good relations with European powers. See Paul Quigley, “Civil War Conscription and the International Boundaries of Citizenship,” *Journal of the Civil War Era* 4, no. 3 (2014): 378.

⁹³ Lonn, *Foreigners in the Union Army and Navy*, 469–477.

⁹⁴ See Hanson, “Madison, Wisconsin, December 12th, 1862.”

Raaslöff, who had developed close personal relationships to top American politicians early in the war and actively sought to have draft regulations clarified in August of 1862, helps explain why the four Danish cases taken to the State Department in 1862 resulted in exemption.⁹⁵

Additionally, Scandinavian settlements patterns in rural areas, shaped by Norwegian, Swedish, and Danish immigrants mostly finding agricultural work, likely contributed to the relatively few Scandinavian “alien-age” cases in comparison to the prevalence of cases from the area around Milwaukee, which was heavily populated by German immigrants and well represented by German consuls.⁹⁶ Living in rural Wisconsin, it was practically and economically difficult for Scandinavian immigrants to travel to Chicago, where the closest Scandinavian consuls at this time were located.⁹⁷

In sum, the draft had much larger ramifications at the community level than what can be gleaned from the diplomatic correspondence and official draft rolls that are often used to gauge the level of draft resistance.⁹⁸ While 1,042 cases of alleged wrongfully forced military service survive in the State Department’s records, including at least two Norwegians and five Danes, it is on the ground level, in the medical exemption offices, in the community meetings, and in the homes visited by enrollment officers that the real ramifications of the federally mandated draft must be sought. As

⁹⁵ W. Raaslöff, “Danish Legation. P.t. New York November 5th 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 Raaslöff’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): 311-342.

⁹⁶ Torben Grøngaard Jeppesen, *Danske i USA 1850-2000, 131-135*. See also Alison Clark Efford, *German Immigrants, Race, and Citizenship in the Civil War Era* (Washington, DC: Cambridge University Press, 2013), 10.

⁹⁷ Geo P. Hansen, “Vice Consulate for Denmark. Chicago Dec 12 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 5* (National Archives at College Park, 1862). On December 12, 1862, the Danish vice-consul in Chicago, George P. Hansen, wrote to the legation in Washington, DC, about two cases of wrongful enlistment but alluded to several other; he also praised a local Wisconsin colonel for allowing the Danish subjects furlough “in all cases . . . to visit this city to consult me.” For the geographical location of Danish consuls and vice-consuls, see Childs, *The National Almanac and Annual Record for the Year 1863*, 84-85.

⁹⁸ See for example, Quigley, “Civil War Conscription and the International Boundaries of Citizenship”; Anbinder, “Which Poor Man’s Fight? Immigrants and the Federal Conscription of 1863.”

demonstrated here, the draft impacted and complicated the labor relations that had previously characterized a small town like New Denmark by sending more than one out of three draft-eligible males to war between 1862 and 1865, and it challenged these foreign-born men who had come to the United States to enjoy the fruits of American citizen rights to grapple with the consequences of American citizenship duties. The Scandinavian immigrants' eagerness to participate in American democracy (and through the process of voting to further their own economic interests) left them unable to claim "alienage," and they thus had to resort to other ways of getting exempted from the draft rolls. Norwegian-born immigrants in some localities were quite successful in acquiring medical exemptions, while the Scandinavians in New Denmark initially were able to defer military service through mutual aid that allowed for the hiring of substitutes and likely also medical exemptions.

Yet, the draft, as James McPherson has pointed out, presented the potential for "an enormous expansion of federal power at the expense of the states," and by denying claims of "alienage" throughout the fall of 1862 to foreign-born residents who had either voted or declared their intent to become naturalized citizens, the State Department did expand the meaning of American citizenship before the legislative process caught up on March 3, 1863 with the Federal Conscription Act that by law expanded draft eligibility to "persons of foreign birth who shall have declared on oath their intention to become citizens."⁹⁹

Thus, with a congressional legislative stroke, immigrants who had declared their intention to become citizens unambiguously became legally subject to military duty. As it turned out, the Federal Conscription Act and the related acts that followed would within the next two years have tremendous impact on communities like New Denmark and further reduce Scandinavian immigrants' incentive to naturalize or even emigrate in the first place.

To Scandinavian-born community members, these draft laws challenged American ideas of liberty and equality, since the state now coerced prospective citizens into the military and undermined opportunities for economic equality by putting a greater burden on less affluent immigrants than was the case for rich people.

⁹⁹ Mackey, *A Documentary History of the Civil War Era: Legislative Achievements*, 129–138.