

Underage Enlistment in the United States and the Confederacy



In August 1864, General Ulysses S. Grant penned a letter to Representative Elihu Washburne in which he suggested that the Confederacy's mobilization of its young and aged signaled that the rebellion was in its final throes. "The Rebels have now in their ranks their last man," he wrote. "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." Intended for public consumption and liberally quoted in the press, Grant's letter aimed to bolster Union morale at a politically crucial moment. But the document's influence outlasted the election, seeding a claim that grew into conventional wisdom by the late nineteenth century: the notion that the Confederacy had mobilized a much higher percentage of underage boys and youths than the United States.

✘ Figure 1: This satirical cartoon echoed Grant's claim that the Confederate army had "robbed alike the cradle and grave." In fact, the Confederacy never conscripted those below age eighteen for regular 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](#).

It is easy to understand why such a narrative took hold. The Confederacy did, after all, resort to far-reaching measures to address its population disadvantage. In April 1862 it adopted a policy of universal conscription, and in February 1864 it lowered the age of mandatory service from eighteen to seventeen. Additionally, some Confederate states enrolled boys as young as sixteen for service in state-controlled units. In contrast, the United States Congress passed a law in February 1862 barring the enlistment of youths below age eighteen, except as musicians, and the draft that it enacted in March 1863 applied only to men ages twenty to forty-five. The supposition that the Confederacy employed young soldiers more willingly and extensively than the United States has been reinforced by historical scholarship based on military records. For instance, in his classic studies of Civil War soldiers (*The Life of Johnny Reb* and *The Life of Billy Yank*), Bell Irvin Wiley used such sources to conclude that enlistees below age eighteen made up around 5 percent of the Confederate army, but just 1.6 percent of Union army.

A more critical approach to military records, however, reveals a very different picture. While it remains difficult to calculate the percentage of underage Confederate soldiers, it is possible to arrive at a reasonably accurate estimate in the U.S. case, and the results are eye-opening. Our book, [*Of Age: Boy Soldiers and Military Power in the Civil War Era*](#), shows that around ten percent of Union soldiers—some 200,000 enlistees—were below age eighteen when they joined the army. In other words, Union military records conceal an epidemic of lying. Although many Confederate boys also gave false ages, they were less likely to do so, because the Confederacy never legally banned underage youths from enlisting, provided they had parental consent, and because minimum age limits were less likely to be enforced.

Historians have not only underestimated the sheer number of underage soldiers who fought for the Union, they have also overlooked the significance of the legal, political, and administrative battles these youths provoked. U.S. officials fought tooth and nail to retain underage enlistees. By late 1861, the War Department was routinely blocking parents' attempts to recover minor sons, informing them that their requests were at odds with "the interests of the service." In February 1862, the same law that barred the military from accepting youths below age eighteen decreed that whatever age an enlistee swore to upon enlistment would be considered "conclusive." Designed to stem the tide of parents petitioning for the release of underage sons, the practical implications of this stipulation were stunning: minors now had the ability to make themselves "of age" simply by swearing a false oath. Then, in September 1863, the Lincoln administration suspended habeas corpus across the nation, preventing state and local judges from hearing cases that alleged wrongful detention by the military. This meant that both paths for recovering underage enlistees—the administrative and the judicial—were now closed.

Convinced that the federal government surely did not intend to bar parents from promptly recovering underage sons, some political figures proposed alternative means for dealing with such cases, only to be stymied. For instance, the New

Hampshire Governor Joseph A. Gilmore wrote to Secretary of War Edwin Stanton in November 1863, requesting that the military commander who oversaw his state's volunteers be authorized to discharge underage youths, provided they repaid any bounty money they had received. But Stanton denied the request, insisting that such cases, "if there be any, should be reported, with evidence and facts," to a federal office—that of the newly created Provost Marshal General. Even U.S. congressmen, who were answerable to local constituents and often heard directly from distraught parents, hesitated to take steps that might deprive the Union army of manpower. Although Congress enacted laws in 1864 and 1865 to stiffen penalties on lax and corrupt recruiters, such measures applied only to those who signed up boys below age sixteen, not the legal minimum of eighteen.

As the United States tightened its vise on underage enlistees, the Confederate response to youth enlistment remained inconsistent. Many thousands of boys and youths entered the ranks, but Confederate leaders at the highest levels repeatedly railed against underage enlistment, warning that it would be foolhardy to "grind the seed corn"—a line of argument rarely if ever advanced by Union politicians. On the whole, Confederate parents had more success than their Union counterparts in recovering underage sons. And while the Confederacy did ultimately lower its conscription age, the seventeen-year-olds were placed in junior reserve units in their home states, which typically entailed less onerous and dangerous duties than service in the Confederate army. Even near the war's bitter end, when the government accepted the once-unthinkable notion of arming slaves, Confederate leaders declined to conscript boys below eighteen into the regular army.



Figure 2: Although boys under the age of eighteen were not conscripted into the Confederate army, many thousands of such youths nevertheless volunteered and served in the ranks. [Unidentified Young Soldier in a Confederate Uniform], between 1861-1865, [Library of Congress](#).



Figure 3: The third Confederate conscription act, passed in February 1864, lowered the age of conscription to seventeen but stipulated that youths would serve in state-controlled reserve units until they turned eighteen. Sergeant William Jenkins enlisted in Company K of the 1st Regiment North Carolina Junior Reserves in July 1864. Unknown Photographer, "Sergeant William Jenkins," *Tar Heel Faces*, accessed March 22, 2023, <https://tarheelfaces.omeka.net/items/show/71>.



Figure 4: The U.S. Congress in February 1862 set eighteen as the minimum age for joining in the Union army as a combatant. This law did little, however, to stem the flood of underage enlistment: around half of Union enlistees who claimed to be eighteen were actually younger. Boys could legally enlist as musicians from the age of twelve. Unidentified Young Drummer Boy in Union Uniform, between 1861-1865. [photograph]. Liljenquist Family

Collection. [Library of Congress](#).

These differences speak to the broader significance that underage enlistment held for each side. Due to the comprehensive nature of Confederate conscription, civilians' appeals for the release of soldiers were more likely to focus on absent husbands and fathers—adult male providers—than underage sons. As a result, in the Confederacy, the issue of minority enlistment did not become a conduit for broader disputes over the centralization of power. But in the U.S., underage enlistees were often at the heart of such debates, as contests over their fate compelled the federal government to expand its reach. It was in the face of massive parental resistance that the U.S. Congress rewrote militia laws, extending federal control over military forces, and that Lincoln suspended habeas corpus, defanging the ability of state courts to check military abuses.

Even in the realm of popular culture, boy soldiers and drummer boys assumed greater importance in the United States than the Confederacy. Unionists embraced the generic boy soldier or drummer—youthful, incorruptible, and forward looking—as the personification of the nation. Often represented as the “Spirit of the North,” this figure echoed an artistic tradition dating back to the French Revolution that associated child soldiers with revolution and republican governance. Such a symbol was ill suited to represent the kind of nation that the leaders of the Confederacy hoped to build—one that prized hierarchy, tradition, and bloodline over youthful ardor. To be sure, Confederates celebrated particularly heroic youths as evidence of their people's unconquerable spirit, but they did not envision boy soldiers and drummer boys as the embodiment of the nation.



Figure 5: A patriotic envelope featuring a boy dressed in a Zouave uniform who embodies the “Spirit of the North.” Ephemera, Civil War Envelopes Collection, Box 1. Courtesy, American Antiquarian Society.



Figure 6: Sheet music by P.S. Gilmore, “The Spirit of the North,” Boston: Henry Tolman & Co., 1863. This piece was dedicated to the Tremont Zouaves, a juvenile military company that performed in Boston at various events in the early 1860s. Although members of the Tremont Zouaves were not part of the Union army, this image envisions military service in their future, portraying them with swords and bayonets in a military camp. [Levy Sheet Music Collection, Johns Hopkins Sheridan Libraries and University Museums](#).



Figure 7: This lithograph—designed for patriotic Americans to hang on their walls—portrayed a young drummer boy as the embodiment Union heroism and self-sacrifice. As he rallies the troops, faintly visible behind him in the background, he remains oblivious to the incoming cannonball that will shortly land at his feet and take his life. While the Confederacy celebrated young soldiers who performed heroic acts, it did not represent its cause in a similar manner. *The Last Call* (Boston: Bufford's Print Publishing House, ca.

1861-1865). Courtesy, American Antiquarian Society.

In the late nineteenth century, however, celebrations of Confederate “boy heroes” overwrote the earlier ambivalence toward youth enlistment. This partly reflected the nationwide embrace of a new model of boyhood—one that rejected Victorian sentimentalism in favor of rugged masculinity and martial virtues. At the same time, the construction of the Confederate boy hero was also a regionally distinctive development—one that proved central to the Lost Cause mythology created by former Confederates and their sympathizers. Rewriting the war’s history and casting white southerners as victims, adherents of the Lost Cause repeatedly stressed their side’s population disadvantage: even the mobilization of young boys and old men, the argument went, could not stave off a more numerous and remorseless enemy.

Those who lionized Confederate boy heroes often played fast and loose with the facts when it came to actual ages. Susan R. Hull’s *Boy Soldiers of the Confederacy*, published in 1905, was advertised as featuring youths who “bled and suffered that the South might be triumphant,” some mere “babies who left their cradles to shoulder muskets.” Yet many of the “boys” she profiled had enlisted after turning eighteen. Similarly, the veritable cult that emerged around Tennessean Sam Davis exaggerated his youth. An accused spy, Davis had calmly faced the gallows rather than naming names, reputedly declaring, “I would rather die a thousand deaths than betray a friend or be false to duty.” In 1906, the United Daughters of the Confederacy erected a marble statue commemorating this “Boy Hero of the Confederacy” in Pulaski, Tennessee, where he had been executed. Three years later, a bronze statue of Davis was unveiled on the statehouse grounds in Nashville. Both monuments portray a soldier who appears to be in his mid-teens; the Pulaski version in particular depicts a boy whose soft facial features are offset by his determined stance. The real Sam Davis, however, was eighteen when he enlisted and had turned twenty-one by time he was put to death.



Figure 8: Dedication of the monument to Sam Davis, “Boy Hero of the Confederacy,” outside the Tennessee State Capitol in Nashville on April 29, 1909. Davis was in fact age twenty-one when executed as a spy. The site of protests in 2017, this monument remains in place. See page for author, public domain, via [Wikimedia Commons](#).

Confederate apologists similarly burnished into legend the Virginia Military Institute (VMI) cadets who fought at the Battle of New Market, skirting the fact that the cadets’ ages ranged from fifteen to twenty-five. Of the ten who died, six were eighteen or older, meaning they were old enough to be conscripted. Most of these youths had been sent to VMI by parents who hoped to prevent or delay their sons’ enlistment in the Confederate army—a strategy not lost on the cadets themselves. Jacqueline B. Stanard, who died in the Battle of New Market at the age of nineteen, had earlier inquired of his sister, “Do you not candidly think I ought to be in the Army. I am over 18. I think I have been

very obedient in remaining here as long as I have.” To his mother, he wrote imploringly, “Remember I will be 19 on the 27th of this month and ought to be ashamed of myself to be here. . . . You should be more firm and patriotic and want me to be in the army, but this is an unnatural feeling for an affectionate Mother like yourself.” Though celebrated as “mere boys” who were ordered into the fray only due to sheer necessity, many of the New Market cadets were military-age youths who until then had been shielded from hardships that their same-age peers were enduring.



Figure 9: “J. Beverley Stanard, VMI cadet mortally wounded at the Battle of New Market, as he looked in 1863,” [VMI Archives Photographs Collection](#). Stanard had earlier tried to convince his mother to allow him to leave the academy and join Robert E. Lee’s men in the field. Having reached the age of eighteen, he argued that he ought to be “ashamed” to remain at the Institute. See his letters home in the [Jacqueline Beverley Standard Papers](#), VMI Letters, Diaries, and Manuscripts Collection, VMI Archives.

Such inconvenient details, however, did not stop white southerners from embellishing stories about boy heroes in the late nineteenth century. Lost Cause mythologists insisted that Confederates had been willing to sacrifice everything for their independence, including their boys. Evidence of the power of this narrative appears in the most unlikely of sources—U.S. Grant’s memoirs, written in 1884-85. Here, Grant mistakenly asserted that, beginning in 1864, the Confederacy had required “boys from fourteen to eighteen” to serve in the junior reserves (and men “from forty-five to sixty” in the senior reserves). Grant had no doubt observed many boys and old men performing military service for the Confederacy, especially in the war’s final year—a social reality that he had highlighted in his 1864 letter to Washburne for political purposes. But by the time he wrote his memoir some twenty years later, he appears to have swallowed his own line about “cradles and graves.”



Figure 10: Even after the war, portraits of Ulysses S. Grant and his family typically depicted his sons in uniform. Note the drum placed at the feet of the eldest, Fred Grant, perhaps implying participation in the conflict. Age eleven at the war’s outset, Fred did not serve as a drummer and never officially enlisted. But he did [accompany](#) his father for much of the war and endured some harrowing experiences, most notably during the Vicksburg campaign. *General Grant and his Family*, hand-colored lithograph on paper, A.L. Weise & Co., 1866, [National Portrait Gallery, Smithsonian Institution](#).

As a nation, we are still trying to see through the fog of Lost Cause ideology that for so long shaped not just regional but national histories of the Civil War and its aftermath. Part of this historical excavation requires us to dispel myths about boy soldiers, allowing for a more accurate view of both sides’ attitudes, policies, and practices toward underage enlistment. Such a

reassessment paves the way for a clearer understanding of the surprisingly pivotal role that conflicts over underage soldiers played in shaping larger disputes concerning the organization and oversight of U.S. military forces. As the federal government contended with clamoring parents, it laid the legal groundwork for a modern army that could operate unencumbered by the constraints on centralized military power that the nation's founders had seen fit to impose.

Further reading

We elaborate on these arguments in [*Of Age: Boy Soldiers and Military Power in the Civil War Era*](#) (New York: Oxford University Press, 2023). Although there are many popular books on boy soldiers, the subject has drawn relatively little scholarly attention. Exceptions include Edmund Drago, *Confederate Phoenix: Rebel Children and Their Families in South Carolina* (New York: Fordham University Press, 2008); and Kathleen Shaw, "'Johnny Has Gone for a Soldier': Youth Enlistment in a Northern County," *Pennsylvania Magazine of History* 135, no. 4 (October 2001): 419-46. Mark E. Neely Jr. addresses the legal aspects of underage enlistment in "Legalities in Wartime: The Myth of the Writ of Habeas Corpus," in *The War Worth Fighting: Abraham Lincoln's Presidency and Civil War America*, ed. Stephen D. Engle (Gainesville: University of Florida Press, 2015), 110-26. James G. Mendez, *A Great Sacrifice: Northern Black Soldiers, Their Families, and the Experience of Civil War* (New York: Fordham University Press, 2019), 121-29, discusses cases in which Black parents sought the discharge of underage sons. On the VMI cadets, see Sarah Kay Bierle, *Call out the Cadets: The Battle of New Market* (El Dorado, CA: Savas Beatie, 2019); and Charles R. Knight, *Valley Thunder: The Battle of New Market and the Opening of the Shenandoah Valley Campaign, May 1864* (El Dorado, CA: Savas Beatie, 2010). On Sam Davis, see, Edward John Harcourt, "'The Boys Will Have to Fight the Battles Without Me': The Making of Sam David, 'Boy Hero of the Confederacy,'" *Southern Cultures* 12, no. 3 (Fall 2006): 29-54.

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