

# The Demographics of the 1863 New York City Draft Riots

BY KATE FEIGHERY



CHARGE OF THE POLICE AT THE TRIBUNE OFFICE.

**Illustration:**  
Drawing depicts police charging rioters outside offices of the New-York Tribune in 1863 during reactions to enforcement of the “Enrollment” or conscription act passed in March of that year. Frequently, published images of rioters reflected mid-nineteenth century stereotypes about the appearances and behaviors of Irish people. Courtesy of Library of Congress.

One hundred and fifty years ago, in July 1863, the Civil War raged on, leaving thousands of soldiers dead or wounded. The Union army desperately needed men, leading the federal government to pass the nation’s first conscription act.<sup>1</sup> There was an intense negative reaction throughout the nation, but nowhere more violently than in New York City. The city, with its growing immigrant population, had extreme class discrepancies which the draft exacerbated, resulting in four days of conflict. Following the first day of the draft, rioting tore the city apart. The *New York Times* commented:

*No period in the history of the city will be more memorable than the riot week. It will not be forgotten by this generation, and the stories of it will be transmitted to the generation that follows us. The whole world seems to have listened to the tales of horror, blood and arson—to the tales of our humiliation and shame.<sup>2</sup>*

The 1863 draft riots remain, to this date, the “largest single incident of civil disorder in the history of the United States.”<sup>3</sup> Although the intensi-

ty of the riot is not in dispute, a reexamination of the historical record gives a new picture of the rioters, and shows the importance of questioning what is often accepted as historical fact.

Several specifics about the execution of the draft help clarify why violence erupted on such a scale. The draft included a policy that allowed a person to purchase an exemption for themselves for \$300. Advertisements at the time, like this one from the *New York Times*, offered assistance in “obtaining and furnishing substitutes,” proudly announcing that they had “during the past three weeks... furnished to individuals, agents, and corporations nearly eighteen-thousand substitutes.”<sup>4</sup> For the working class, \$300 was as much or more than one year’s salary, making them far more vulnerable. This could explain why “hostility... was combined with an animus against well-dressed gentleman and the houses of wealthy Republicans,”<sup>5</sup> or those who could, most likely, afford a substitute.

The timing of the start of the draft was such that it allowed city residents a full day to simmer over the injustice.<sup>6</sup> The first names

were read on Saturday, July 11, and published in Sunday's papers. Sunday, July 12, was, as a contemporary newspaper described it, "a day of leisure, [with] thousands of Workingmen pondering upon the draft of Saturday."<sup>7</sup>

Others recognized the danger of the timing:

*To have the list of twelve hundred names that had been drawn read over and commented on all day by men who enlivened their discussion with copious draughts of bad whiskey, especially when most of those drawn were laboring men or poor mechanics, was like applying fire to gunpowder.*<sup>8</sup>

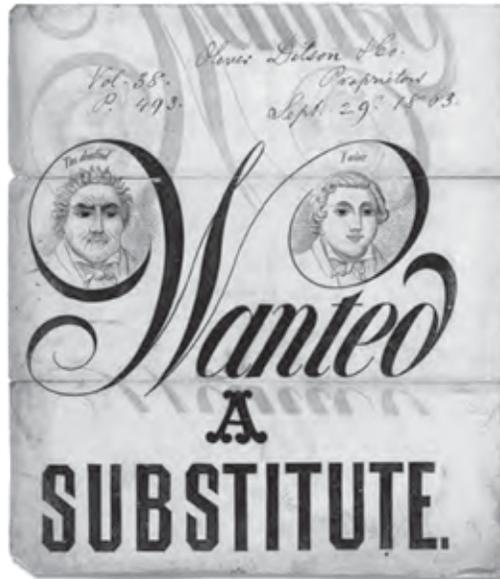
Additionally, the week of the draft riots was extremely hot, described as so humid that it felt "as if you had washed yourself in molasses and water," potentially also affecting the volatility of the mob,<sup>9</sup> as violence rates tend to go up with the rise in temperature.<sup>10</sup>

#### A PLACE IN HISTORY

The size and duration of the riots ensured them a place in popular memory and the historical record. But, looking back from 150 years later, the accuracy of the some aspects of the record can be questioned. Reports from contemporary sources on the death toll vary widely. Some sources cited thousands of people killed, while others less than 100. One especially inflammatory account recorded the total number of dead "as high as those of some of the important battles of the Revolution and the Civil War... Conservative estimates placed the total at two thousand killed."<sup>11</sup> The official number of people killed, while impossible to verify today, was reported as 105.<sup>12</sup>

Another seemingly exaggerated aspect is the number of participants. If contemporary reports are believed, there were tens of thousands of rioters. By one account, "it took between twenty and twenty-five minutes for [the mob] to pass a single point,"<sup>13</sup> and the mob grew larger as the week went on. A report on Tuesday's events stated,

*There is no question that the rioting yesterday was engaged in by vastly larger numbers than on Monday, and the*



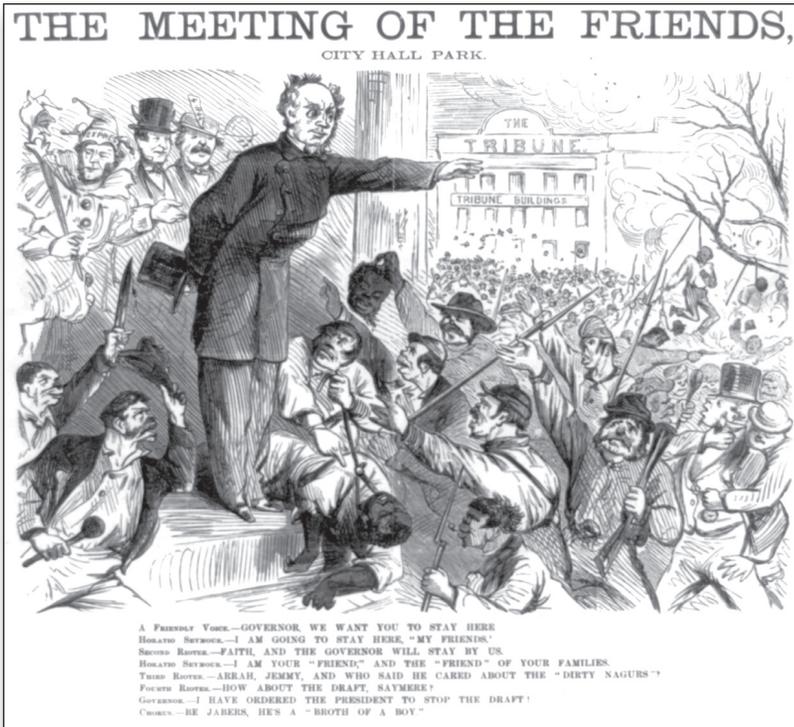
*spectators of the disorderly scenes were increased also by many thousands. This may be accounted for by the fact that all the large manufacturing establishments were closed, labor at the docks and at the ship-yards was suspended, and every branch of business was arrested, leaving thousands of persons at liberty to participate in the excesses.*<sup>14</sup>

Even if the number of people participating had grown, by all reports the mob was split into different groups throughout the city. It is also impossible to judge who were actual participants; while the number of people on the streets may have been large, "the vast majority were spectators... Most of the gangs or mobs were far smaller, numbering between twenty and fifty people."<sup>15</sup> The case of Theodore Osterstock, accused of stealing four-hundred pairs of boots from a shoe store in Greenwich Street, is a telling example. Some wealthy families in the neighborhood hired a private watchman for protection, and he was on his rounds when he saw a mob of two to three thousand people breaking into a drugstore and shoe store. The shoe store owner lost over \$3,000 worth of merchandise, including the shoes Osterstock was accused of stealing. The testimony of the watchman was the basis of the case against Osterstock. However, others, including the shoe store owner, told the court

#### Illustration:

*An illustrated sheet music cover portrays inequities under the conscription act. The act allowed drafted men to purchase an exemption or to purchase services of a "substitute" to replace their own service. Unfairness of the act to the less wealthy is reflected in this illustration. Courtesy of Library of Congress.*

*Kate Feighery is the Archival Manager at the Archives of the Archdiocese of New York. She received her B.A. in Sociology and American Studies from Ursinus College in 2006, her M.A. in Irish and Irish-American Studies in 2010, and her Advanced Certificate in Archival Studies, in 2012, both from NYU. ©2013. Published with permission of Kate Feighery.*



that Osterstock was the owner of a nearby beer saloon. The owner was certain that Osterstock was not part of mob, and was only trying to protect his own property. Additional testimony from a nearby hotel owner claimed that Osterstock had been in his hotel after the mob had left the area, and he had nothing on his person, let alone four-hundred pairs of boots.<sup>16</sup> If cases like Osterstock's could be so confusing, is it possible that other information about the riots, including accounts of who was doing the rioting, could also have been exaggerated?

#### AN IRISH MOB?

A longstanding narrative about the riot was that it was made up of mostly Irish immigrants, which makes sense on some level, as many working-class Irish were disproportionately affected by the draft. Due to the dispensation clause, the draft "was taking practically the whole number of soldiers called for out of the laboring classes. A great proportion of these being Irish, it naturally became an Irish question, and eventually an Irish riot."<sup>17</sup> On the other hand, New Yorkers were prejudiced toward both the Irish and the working class, and were quick to jump to conclusions based

on these prejudices. This association between Irish and violence in New Yorker's minds can be traced to the notorious Five Points neighborhood, where many Famine-era Irish immigrants lived, in the heart of the "Bloody" Sixth Ward. Charles Dickens painted the Five Points as an area characterized by "hideous tenements which take their name from robbery and murder: all that is loathsome, drooping, and decayed is here."<sup>18</sup> With a reputation as an Irish neighborhood, descriptions like this reinforced negative images of the Irish, and made them easy scapegoats. When the riots began, New Yorkers were quick to connect the Irish to the "gangs, swarming from their holes at the first indication of trouble, that formed the organized nuclei around which the rioters rallied."<sup>19</sup> However, contrary to this perception, by 1863 many groups, both religious and governmental, had made efforts to clean up the Five Points neighborhood, and to disassociate the area with violence. Additionally, many Irish immigrants and working class residents had begun to move out of the area due to its bad reputation, and the fact that jobs and lower rents could be found elsewhere in the city.

Despite this, as word of the riots spread, many assumed that Five Points Irish were active participants in, if not the entire driving force behind the riots. In his book *The Great Riots of New York* J. T. Headly claimed: "The news of the uprising and destruction of property, as it spread through those portions of the city where the low Irish dwelt, stirred up all the inmates, and they came thronging forth, till there were incipient mobs on almost every corner."<sup>20</sup> And as quickly as fingers pointed at the Irish, other immigrant groups received praise for avoiding the violence of the riots: "It should be here remarked to the credit of the German population...that they had no sympathy with the rioters...No better title to American citizenship than this could be shown."<sup>21</sup>

This was and remains speculation, as there was no record kept of who, exactly, participated in the riots, and any modern attempt to create a record would be impossible. Adrian Cook, in *The Armies of the Streets: The New York City*

**Illustration:**  
Depiction of New York Governor Horatio Seymour speaking in 1863 to a crowd during the riots. Seymour was a prominent Democrat who opposed the conscription practices under Lincoln's administration. His attempts to restore order by speaking with rioters were characterized by Republican opponents as sympathetic to the South—if not treasonous. Again, negative stereotypes of the Irish appear in the drawing. Courtesy of Library of Congress.

*Draft Riots of 1863*, attempted to determine as much as is possible using police, district attorney, medical, military, and coroner records. Using Cook's lists as a starting point, some of the assumptions about the riots that have survived through history can be more closely examined. Were the Irish really the only ones participating in the mob violence?

#### THE EVIDENCE

Using Cook's appendix of those classified as "arrested," or people who were known to have participated, the 1860 and 1870 federal censuses can be used to glean further demographic information for nearly twenty-five percent of his list (eighty-nine people).<sup>22</sup> This sample can be used to make determinations about the larger group and attempt to authenticate the accuracy of the historical record, specifically in light of the ethnicity, residences, and motivations of the rioters themselves. By far, the majority of those arrested were of Irish ancestry, verifying many contemporary accounts. Of the sample, fifty-seven percent were born in Ireland. Native New Yorkers made up twenty-four percent, although many of these had one or both parents born in Ireland. However, this was not solely an Irish riot—it also included residents from a number of different American states, including Delaware, Pennsylvania, and Massachusetts, as well as other countries such as Germany, Britain, Canada, and Belgium. Given the ethnic composition of New York City at the time, the breakdown of the rioters is a true representation of the city's working class demographics. At the 1860 Federal Census, the Irish were the single largest foreign born group in the city, with over eighty thousand more people than those from Germany, the next largest.<sup>23</sup>

As discussed above, much historical lore describes "...gangsters and other criminals pour[ing] out of the Five Points and other slum districts [to] beg[i]n looting and burning,"<sup>24</sup> but was this really the case? Most of the mob violence and other incidents took place much further uptown, closer to the draft office where the first names were called. If the rioters were from Five Points, after the initial destruc-

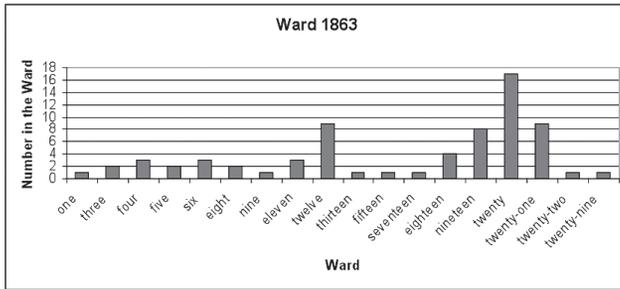
tion of the office, which by all accounts occurred Monday morning, why would the mob continue to travel uptown? Unless they were never from the Five Points to begin with.

#### MAP ONE: RESIDENTIAL ADDRESSES, 1863<sup>25</sup>



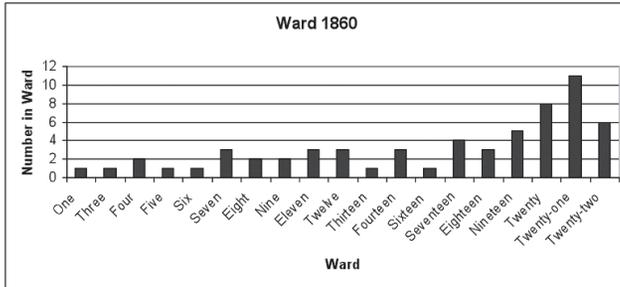
The residential information provided in the district attorney records increases the sample to 129 people. From this, a residential breakdown could be plotted (Map 1).<sup>26</sup> Although a popular picture was "both men and women march[ing] out of the dives and slum centers of the lower half of the island,"<sup>27</sup> the information found does not support this. Instead, it appears that residents of midtown and what was then upper Manhattan were as active, if not even more so, than their downtown neighbors. As the map shows, the residences of the rioters were tightly grouped in midtown Manhattan, close to where much of the destruction and violence took place. Of the sample, only three people hailed from the Sixth Ward (Graph 1). The majority of those arrested were from the Twelfth (all of Manhattan north of Eighty-sixth Street), Nineteenth (Fortieth Street, from the East River to Sixth Avenue, and north to Eighty-sixth Street), and Twentieth (Fortieth Street from Sixth Avenue to the Hudson River, and again north to Eighty-sixth Street) Wards,<sup>28</sup> or, in other words, nowhere near the "Bloody" Sixth Ward's Five Points.

GRAPH 1



But if, as many believed, the Sixth Ward was the breeding ground for gang violence, perhaps these people who lived uptown in 1863 had recently moved up from the Sixth Ward? For those rioters who can be found on the 1860 census (Graph 2), only one person resides in the Sixth Ward, however, the Twentieth, Twenty-First (Twenty-sixth Street from the East River to Sixth Avenue, north to Fortieth Street), and Twenty-Second (Twenty-sixth Street from Sixth Avenue west to the Hudson River, and again north to Fortieth Street) Wards were all heavily represented.<sup>29</sup>

GRAPH 2



The extent of the property looted and stolen, and why that happened, could also be reexamined. It is fact that the mob, while burning houses, also looted private homes and stores, with over one-hundred buildings burned,<sup>30</sup> but to what extent was the majority of the mob participating in the thievery? Contemporary reports note that “elegant furniture and silver plate were borne away by the crowd...while jewelry stores...were plundered.”<sup>31</sup> In reality, or, at least according to indictment records, the items taken were of a much lesser quality than “gold and brooches.”<sup>32</sup> Two examples indicative of the type of cases that came up before the district attorney tell us more about the motiva-

**Illustration:**  
*A street scene in the Five Points section published in 1873. By the early 1860s efforts to improve living conditions and control crime in the area were underway, but depictions of the section and its inhabitants at that time were still negative. Courtesy of New York Public Library.*



tions of the rioters than some more inflammatory accounts. Mary Kennedy, mother of four, was accused of stealing one dress and two pencils from a private home.<sup>33</sup> Patrick Coleman stole four coats, six shirts, six overalls, four pairs of pants, and five jackets from the Brooks Brothers store looted by the mob. He stated that he saw the property lying on the street, so he took it home to give to his wife. Witnesses wrote to the court supporting this, stating there were piles of property lying forgotten on the streets.<sup>34</sup> Whether or not Coleman was a part of the mob that forced down the doors can't be determined, but the total value of all the items was less than eighty dollars, far different from the “silver plate” described above, and these were the cases that went so far as to be indicted. The choice of clothing over more luxury goods may also indicate that these were more crimes of opportunity by poor people than ones with more malicious intent.

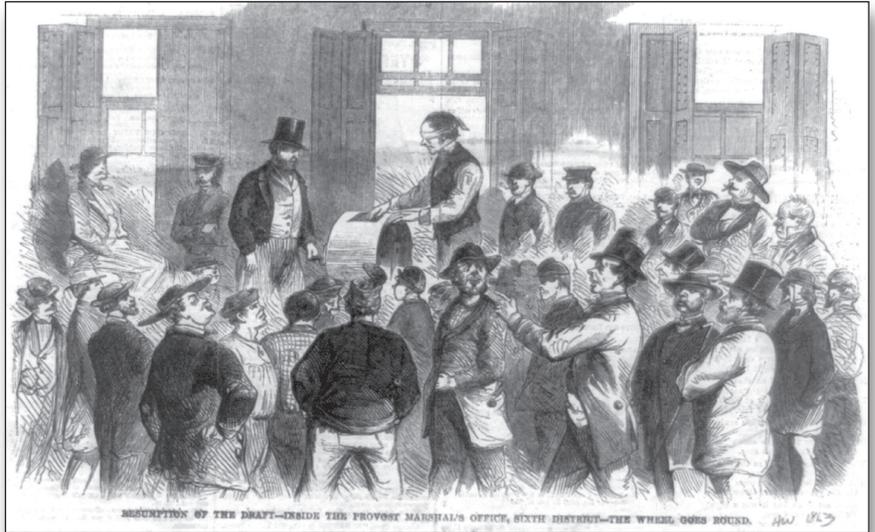
This was widely believed to be a working man's riot, as the \$300 exemption clause was a major impetus behind the violence. If one had the \$300 to buy a substitution, there would not be any reason participate in the protests. The occupation claimed by the highest number of the rioters was that of laborer, which was, at the time, a fairly broad category that could mean anything from skilled to unskilled labor, from someone hired for the day to someone with steady employment. However, some people provided more specific job descriptions to expand the picture of the participants. Mixed with the factory workers, laborers, housewives, and washer women were

more skilled working-class occupations such as glass cutters, harness makers, and coach makers, as well as more middle class occupations, such as dentist and gunsmith. There were also business owners, like hostlers and storekeepers. As shown in the case of Theodore Osterstock above, perhaps some of these were arrested and falsely accused while attempting to keep their businesses safe. But perhaps some of them, although technically out of the working class, still did not have the \$300 to buy an exemption.

Another important demographic question in regards to the rioters is age: how old were the rioters? Under normal circumstances, the majority of men, and most of the women, of working age would have been at work, and not able to take part. However, the Saturday draft and Sunday off lent a level of planning to this riot that hadn't been seen before. According to Iver Bernstein,

*The draft riots began Monday morning not at the hour of the draft but at the hour of work. Between six and seven o'clock, four hours before the Ninth District draft selection was scheduled to begin, employees of the city's railroads, machine shops, and shipyards, iron foundry workers, laborers for an uptown street contractor and "hundreds of others employed in the building and street improvements" failed to appear at their jobs.<sup>35</sup>*

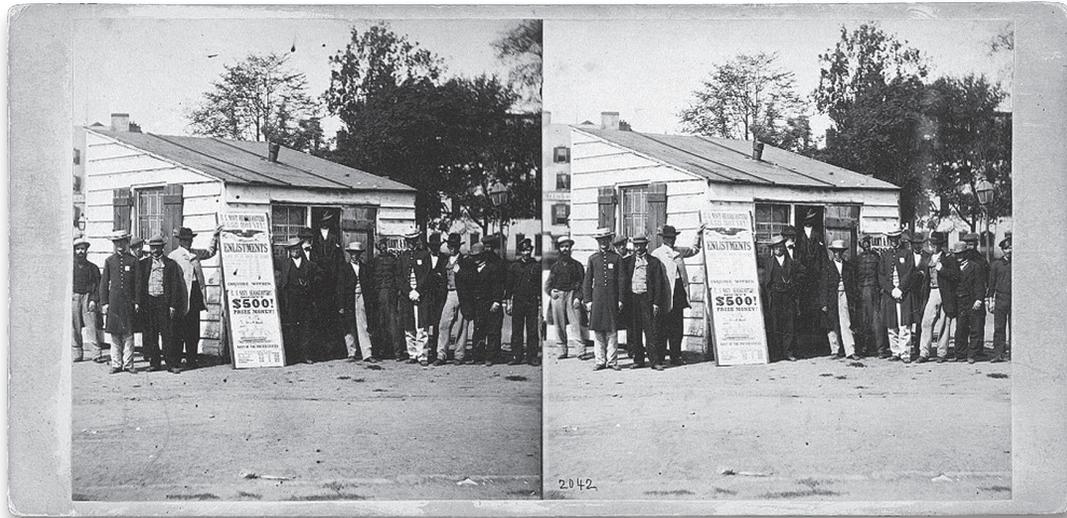
From the data available, the majority of the rioters were between twenty-one and thirty, a group less likely to either have parents monitoring them, or be married with a family to support. Most importantly, this group was the demographic most vulnerable to the draft. Older people, more likely to have dependent families, were less represented in the breakdown. The information provided by the sample is different than that offered by one historical account, which claimed that "...three-fourths of those who have been engaged in violence have been boys and young men under twenty years of age, and



not at all subject to the Conscription."<sup>36</sup> However, other accounts, more in line with the findings, have men of working age leading the riot. The closing of factories, shops, and other places of employment throughout the city during the days of the riot allowed for a different demographic of people to take part in the riots than would have been available on any other day.<sup>37</sup>

What does all of this demographic information show? One of the most striking takeaways is the vast quantity of unknown variables that influence the true story of the draft riots. Much of the contemporary information comes from either the police or upper class, neither of which would sympathize with the rioters. Any information that can be drawn from sources such as George Templeton Strong's diaries or J. T. Headley's account of the riot has to be read with the knowledge that these were people who would not understand the desperation that can come from knowing you don't have \$300 to purchase yourself a substitute for the draft, knowing that you may very likely be the sole support for a family. Furthermore, there are no surviving written accounts of the days of the draft riots from any riot participant, so it is impossible to know their thoughts and motivations. The closest we can come is to read the statements made to the courts at their indictment, but even these have to be read carefully, considering the circumstances. Any conclusions drawn about the draft riots today are tentative at best.

**Illustration:** Drawing from Harper's Weekly in 1863 represents the resumption, on August 19, of selecting men's names for the draft. The selection was completed by month's end without incident. In the drawing there is an absence of ethnic stereotypes, except for representation of one figure in the foreground who is apparently being instructed to leave the proceeding. Courtesy of Library of Congress.



**Photo:**  
Men outside a Civil War recruiting office, where there are cash bounties for enlistment in the Union military. The Union need for more men led to passage of the 1863 Enrollment Act which called for conscription. Male citizens, and male immigrants registered for citizenship, between ages twenty and forty-five were required to enroll. Courtesy of Library of Congress.

With that being said, however, the demographic portrait outlined above is very informative. While much of what was found concurs with the information provided by contemporary sources, there were some facts that are at odds, particularly the residential information. The fact that the rioters were not coming from the Five Points and other Lower East Side tenements, but were actually residents of the neighborhoods in which the rioting took place is an important distinction to note. Although, most likely, no one will ever be able to discover a completely unbiased account, distinctions like this are an important place to start. If any information here opens a dialogue on the historical record, or provides a new lens through which to view the events of that time, it can help to reexamine the predictable historical narrative. The majority of rioters were probably not violent, or even bad, people, simply people who got caught up in larger events. Even contemporary accounts from the time admit “it would seem from the facts that those who started the movement had no idea at the outset of proceeding to the length that they did. They simply desired to break up the draft...”<sup>38</sup>

## References

1860 Federal Census. United States of America, Bureau of the Census. *Eighth Census of the United States, 1860*. Washington, D.C.: National Archives and Records Administration, 1860.

1870 Federal Census. United States of America, Bureau of the Census. *Ninth Census of the United States, 1870*. Washington, D.C.: National Archives and Records Administration, 1870.

Craig A. Anderson. “Heat and Violence.” *Current Directions in Psychological Science*, Vol. 10, No. 1, February 2001.

Herbert Asbury. *The Gangs of New York: An Informal History of the Underworld*. New York: Vintage, 1928.

Iver Bernstein. *The New York City Draft Riots: Their Significance for American Society and Politics in the Age of the Civil War*. New York: Oxford University Press, 1990.

Edwin G. Burrows and Mike Wallace. *Gotham: A History of New York City to 1898*. New York: Oxford University Press, 1999.

Adrian Cook. *The Armies of the Streets: The New York City Draft Riots of 1863*. Lexington, KY: University Press of Kentucky, 1974.

Charles Dickens. *American Notes for General Circulation*. London: Chapman and Hall, 1863.

“Display Ad 1—No Title. *The New York Times*. 7 Aug. 1863, 5.

J. T. Headley. *The Great Riots of New York, 1712 to 1873. Including a Full and Complete Account of the Four Days’ Draft Riot of 1863*. New York: E. B. Treat, 1873.

“Manhattan Ward Boundaries,” *Brooklyn Genealogy Information Page*, <http://www.bklyn-genealogy-info.com/Ward/1864.Man.html>. Accessed 1 May 2009.

“New Publications: The Draft Riots in New York, by David M. Barnes”. *The New York Times*. 23 October 1868.

New York City Department of Records. *New York County District Attorney Indictment Records, 1790–1938*. MN 5420, Roll 120.

“The Reign of the Rabble: Continuation of the Riot--The Mob Increased in Numbers.” *The New York Times*. 15 July 1863, 1.

Barnet Schecter. *The Devil's Own Work: The Civil War Draft Riots and the Fight to Reconstruct America*. New York: Walker & Company, 2005.

## Endnotes

- 1 Burrows and Wallace, *Gotham*, p. 887.
- 2 “New Publications,” *The New York Times*, October 23, 1863, p. 8.
- 3 Burrows and Wallace, *Gotham*, p. 895.
- 4 “Advertisement, Draft Insurance Association,” *The New York Times*, August 7, 1863, p. 5.
- 5 Bernstein, *The New York City Draft Riots*, p. 21.
- 6 Burrows and Wallace, *Gotham*, p. 888.
- 7 Bernstein, *The New York City Draft Riots*, p. 17.
- 8 Headley, *The Great Riots of New York*, p. 149.
- 9 Burrows and Wallace, *Gotham*, p. 889.
- 10 Anderson, “Heat and Violence.”
- 11 Asbury, *The Gangs of New York*, p. 154.
- 12 Schecter, *The Devil's Own Work*, p. 218.
- 13 Headley, *The Great Riots of New York*, p. 153.
- 14 “The Reign of the Rabble,” *The New York Times*, July 15, 1863, p.1.
- 15 Schecter, *The Devil's Own Work*, p. 252
- 16 New York County District Attorney Indictment Records, MN 5420, Roll #120.
- 17 Headley, *The Great Riots of New York*, p. 149.
- 18 Dickens, *American Notes*, 62.
- 19 Asbury, *The Gangs of New York*, p. 111.
- 20 Headley, *The Great Riots of New York*, p. 165.
- 21 Headley, *The Great Riots of New York*, p. 246.
- 22 An appendix which gives the full information from which any demographic analysis in this article is drawn is available by request from the author. The information in this appendix was compiled using the 1860 and 1870 Federal Census as well as District Attorney Indictment Records from the City of New York, July-October 1863. Cook's list includes everyone that was arrested over the course of the riots; Municipal Archives only retains information on actual indictments. Since the majority of the charges against those arrested were dropped, it is not possible to gain information for these people. Every effort was made to track down census information for those not indicted, but many names were so commonplace that it was impossible.
- 23 “Population,” *Eighth Census of the United States, 1860*, p. 609.
- 24 Asbury, *The Gangs of New York*, p. 113.
- 25 This map was created using information from the District Attorney Indictment Records of the City of New York, plotted onto Google Maps.
- 26 The information was only plotted for those who gave their exact address.
- 27 Asbury, *The Gangs of New York*, p. 115.
- 28 “Manhattan Ward Boundaries,” *Brooklyn Genealogy Information Page*.
- 29 “Manhattan Ward Boundaries,” *Brooklyn Genealogy Information Page*.
- 30 Schecter, *The Devil's Own Work*, p. 250
- 31 Headley, *The Great Riots of New York*, p. 169.
- 32 Bernstein, *The New York City Draft Riots*, p. 20.
- 33 New York County District Attorney Indictment Records, MN 5420, Roll #120.
- 34 New York County District Attorney Indictment Records, MN 5420, Roll #120.
- 35 Bernstein, *The New York City Draft Riots*, p. 18.
- 36 Asbury, *The Gangs of New York*, p.109.
- 37 This discussion of the sample of the rioters only deals with a snippet of the information that could be found. The appendix lists the full 1860 and 1870 Federal Census and 1863 Indictment information for all of the rioters on whom information was available.
- 38 Headley, *The Great Riots of New York*, p. 145.