The Life and Soul of an Army: Discipline and Professionalism in George Washington’s Continental Army, 1775-1776

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Dedication

To my Grandparents,

especially my Grandmother Margaret Sigler,

Who never got to experience Higher Education.
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Introduction

The Continental Army eagerly awaited the arrival of January 1, 1776. The new year marked the end of enlistments for many of the men in the army, who tired of a war that had grown stagnant. The Siege of Boston had been locked in stalemate since the arrival of General George Washington in the previous July and men grew restless with the inactivity. The body of the army was not alone in their anticipation of the new year. Washington eagerly awaited the arrival of large guns from the captured Fort Ticonderoga, which he hoped could break the stalemate. He had sent the young Colonel Henry Knox to retrieve the cannons in November and he had yet to return from the difficult venture. But what Washington most desired from the new year was a fresh start.¹

Just as people today mark the new year as a possible new beginning so did the Continental Army commander in chief. Washington’s arrival on July 3, 1775, was far from the ceremonial and magnificent event depicted by later artists. What Washington found when he took command on that early July day more resembled a well-armed mob than an army. The Boston army had lacked almost any sense of order, as men frequently exercised their own will, absenting themselves as they pleased or discharging firearms for entertainment. Further worsening the situation was the abundance of spiritous liquors and a strong revolutionary fever.² The men had a purpose and the fuel to strengthen their resolve, but they had little order, which made controlling such a force near impossible.

Washington sought to address the issue of order and discipline with the arrival of the new year and fresh troops. In his orders for the day, the general proclaimed the

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commencement of a new army on January 1, 1776. In these orders, he urged his men to
strive for order, regularity, and discipline, proclaiming these qualities as “the life and soul
of an army.” Through discipline and subordination, the army could become “formidable
to our enemies, honorable in ourselves, and respected in the world.” Washington believed
that victory could only be achieved through strong discipline, which meant the
professionalization of the army, a constant goal of the general throughout the early years
of the war. The January 1 General Orders were one of these many early efforts by
Washington to instill the character and discipline of professionalism in the young
Continental Army. ³

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From the inception of the army, the Continental Congress had envisioned a force
capable of resisting their British adversary, and this desire necessitated some
professionalism. However, many members of Congress and wider society were distrustful
of professional standing armies, viewing them as the makers of tyrants and enforcers of
kings. ⁴ But necessity demanded an army, and in an attempt to assuage both this need and
their personal beliefs, the colonists created this army by drawing heavily from existing
British military tradition, namely the 1765 Articles of War, and their own revolutionary
idealistm. The colonists also selected a man to command this force and instill their
military vision, George Washington. However, Washington entered into the service with
his own previous military experience and beliefs, interpreting the immediate need as far
greater than the revolutionary idealism. To Washington, the professionalization of the

⁴ Charles Royster, A Revolutionary People at War: The Continental Army and American Character, 1775-
Continental Army was far more important than the emerging egalitarian values of the cause. Defeating the British required discipline, and discipline meant professionalism.\(^5\)

The historiography of the Continental Army regards the Valley Forge experience, the army’s time in camp during the winter of 1777 and 1778, as the point of origin for professionalization. With the army static in camp for several months, they could train and reform under the supervision of the newly arrived Friedrich Wilhelm von Steuben, who brought with him European training and professionalism to the Continental Army. Many works reflect this belief, with Valley Forge holding its own unique literature and frequently appearing as a topic in popular histories.\(^6\) This belief is a fairly logical step, as no one can deny the vast difference of the army when they left their winter encampment in 1778. However, this is a narrow historical analysis of the Revolutionary War and the Continental Army. For almost three years before Valley Forge, Washington and his general officers were working to establish European professionalism through training, discipline, and systemic reform.\(^7\)

To understand the professionalization of the Continental Army, we must first have an understanding of eighteenth-century military discipline. Discipline and professionalism are inseparable ideas in an eighteenth-century army, and it is no

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\(^6\) The most recent addition to this popular literature is the work of Bob Drury and Tom Clavin, who seized on popularity of the Hamilton musical to produce a work that overly glorified the Valley Forge experience and claimed much of the army’s later success was due to the work of several individuals, notably Alexander Hamilton, John Laurens, and Baron Von Steuben. Bob Drury and Tom Clavin, *Valley Forge* (New York: Simon & Schuster, 2018); for more examples on the prominence of Valley Forge, See John Buchanan, *The Road to Valley Forge: How Washington Built the Army That Won the Revolution* (New Jersey: John Wiley and Sons Inc., 2004); and Harry Emerson Wildes, *Valley Forge* (New York: MacMillan, 1938).

\(^7\) Part of the issue with Valley Forge has been the mythologizing. For an excellent work on this, see Wayne Bodle, *The Valley Forge Winter: Civilians and Soldiers in War* (Pennsylvania: Pennsylvania State University Press, 2002).
coincidence that the forces often considered the finest and most professional also had the strongest and most brutal discipline. Much of the era held Prussia as the gold standard for an army, with their relentless drill and draconian discipline admired and replicated throughout all of Europe.\textsuperscript{8} Militaries reinforced European societal structure through their harsh corporal punishment and insistent respect for social hierarchy. Furthermore, from a tactical standpoint, many believed in the necessity for harsh discipline due to the linear structure and constant maneuvering characteristic of the eighteenth-century battlefield.\textsuperscript{9} The Continental Army entered into this complicated system with their own revolutionary idealism, and the two concepts were bound to clash.

The literature regarding the Continental Army’s experience is a small but growing historiography, with topics ranging from administration to the social origins of the troops. All of these works at some point must discuss discipline, a constant influence in the everyday lives of officers and enlisted men throughout the war. This thesis intends to build on this existing literature, specifically John Ruddimann’s \textit{Becoming Men of Some Consequence} and Harry M. Ward’s \textit{George Washington’s Enforcers}, through the careful examination of the disciplinary evolution of the Continental Army during 1775 and 1776. Furthermore, through the study of Continental Army discipline, we can also see the daily struggles encountered by the common soldier and his superior officers. Charles Patrick Neimeyer best exemplifies this approach in his work, \textit{America Goes to War}, where he examines the constant repression and resistance conducted by officers and enlisted men throughout the war. The circumstances and structures placed on common soldiers


\textsuperscript{9} Duffy, \textit{Military Experience in the Age of Reason}, 96-104.
frequently determined their actions and behavior in everyday life, which further influenced administrative policy for the army.\textsuperscript{10}

Just as with European armies, discipline and professionalism were directly related in the Continental Army. Contrary to the accounts of popular history and the historical consensus, the professionalization of the Continental Army began long before the encampment at Valley Forge. In reality, professionalization was a slow process, and not something that was completed over a few months during the winter of 1777 and 1778, but rather over several years. General Washington’s arrival at army headquarters in Cambridge Massachusetts in July 1775 started this long process. Furthermore, Washington’s own past experience and personal beliefs were the driving force for professionalization, with many of the army’s disciplinary and administrative changes originating from the general’s insistence. As the war progressed, discipline became more severe and the social and military hierarchy more determined as Washington and his generals laid the groundwork for professionalism throughout the first two years of the conflict. At most, Valley Forge was the climax of this multiyear effort, not the mere beginning of this process.

This essay will primarily examine the published general courts martial of the main army under Washington’s command, as they detail the gradual increase in severity and

\textsuperscript{10}Ruddiman’s work explores the coming of age of young Continental soldiers during the war. Part of this story naturally involves a discussion on dealing with hardship and harsh discipline. Meanwhile, Ward studies the administration and implementation of punishment in the Continental Army throughout the War. John A. Ruddiman, \textit{Becoming Men of Some Consequence: Youth and Military Service in the Revolutionary War} (Charlottesville & London: University of Virginia Press, 2014); Harry M. Ward, \textit{George Washington Enforcers: Policing the Continental Army} (Carbondale: Southern Illinois University Press, 2006). Neimeyer’s work is a classic example of mid 1990s social history, as he is primarily concerned with the social origins of soldiers. However, the later portions of his work transition to an exploration of social interaction and the severe discipline. Charles Patrick Neimeyer, \textit{America Goes to War: A Social History of the Continental Army} (New York and London: New York University Press, 1996). For more excellent works on these topics, see Royster, \textit{A Revolutionary People at War}; and Cox, \textit{A Proper Sense of Honor}. 
movement towards European professionalism. These courts martial also emphasize the
developing social hierarchy and the widening differentiation between officers and
enlisted men. Furthermore, the main army was by far the largest part of the Continental
Army during the early years of the war and would remain so until the very end, and
therefore provides the best overall sample of army administration. Although there were
undoubtedly many regimental courts martial throughout the war, these records are of
varying quality and frequently carried lighter punishments, such as fines and reprimands.
General courts martial more accurately depict the reality of eighteenth-century military
corporal punishment and were a constant occurrence in the Continental army during 1775
and 1776. Furthermore, general courts martial, and the execution and publication of their
punishments, were the primary means for instilling discipline and acceptable conduct in
the men of the army.
Chapter I

Washington’s Arrival and Initial Professionalization

“It is with Indignation and Shame, the General observes, that notwithstanding the repeated Orders which have been given to prevent the firing of Guns, in and about Camp; that it is daily and hourly practiced” - General Orders, August 4, 1775

Washington had many initial challenges once he took command of the Continental Army. The most obvious challenge manifested in his adversary. At the time of the American Revolution the British Army was one of the finest and most disciplined military forces in the world. The British advantage, however, was slightly negated by the superior numbers and position of the Continental Army around Boston. The Siege of Boston had been underway for some time and Washington’s arrival coincided with the beginning of a long stalemate. The Continentals had the British surrounded in the city, with their only form of escape being evacuation by the British Navy. However, the Continentals could not force an evacuation due to a lack of heavy cannon capable of bombarding the city and Boston Harbor. Despite several skirmishes and daily harassments throughout the remainder of 1775, the Siege of Boston remained a rather quiet affair, allowing the leadership of the Continental Army consistent time to address a number of disciplinary issues.

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From this point, Washington and his general officers now undertook a multi-year effort to try and create an army of some consequence out of the men they were provided. July and August of 1775 began the initial of professionalization process, as Washington sought to rid the army of widespread disobedience and instill an understanding of military life in the ranks. Furthermore, Washington used these months to acclimate the army to European style military discipline, namely corporal punishment and repress minor disciplinary problems, such as drunkenness or simple disobedience. Washington also urged strict adherence to the military hierarchy, which became a growing theme as the war continued. The first two months of Washington’s command display his professionalization impulse, as he wasted no time setting the army on a course towards martial competence.

I. The Articles of War and Corporal Punishment

For the administration and governing of the army, Washington and his staff officers relied upon the Continental Articles of War. These articles were ratified by the Congress in Philadelphia on June 30, 1775, ten days after Washington had left to assume his command and therefore did not take immediate effect upon his arrival. However, at this time the army around Boston were governed by the very similar Massachusetts Articles of War and would continue under these rules until mid-August. Both these documents were vitally important as they specified the rules and regulations for the army, outlining proper conduct for good soldiers and officers. For Washington, the articles were the cornerstone for establishing discipline, as they not only plainly stated the rules for the troops, but also provided the guidelines for how he should administer control in the army.

In this regard, the Articles of War drew significant influence from past British military regulations and established European martial tradition. Therefore, despite widespread fear in those days of standing militaries, the Continental Army quickly took on the trappings and structure of a professional army.

Furthering this professional appearance, the Articles of War notably established the use of courts martial for enforcing order and discipline. Like contemporary European armies, these courts martial are broken into two categories, regimental and general. Regimental courts martial were the most common in European armies as they only tried the trivial and minor offenses of enlisted men. General courts martial were rarer in European armies. They were intended for serious and capital crimes, such as desertion, mutiny, and cowardice. Furthermore, officers could only be tried by general courts martial due to the composition of the court, the status of the accused, and the nature of the offenses. Although the articles laid out the structures for these courts martial, circumstance often dictated how they were applied. The Continental Army held general courts martial incessantly, with a court sitting almost every week. Furthermore, trials that would have been conducted through regimental courts martial were frequently elevated to the general level. All of this can be attributed to the Continental Army’s inexperience and the strong effort by Washington and his staff officers to establish order. Therefore, extra lengths were regularly taken by the courts to make a statement on the seriousness and need of discipline.

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If a soldier committed a crime outlined by the articles, there were a range of possible punishments he could receive. For enlisted men, most minor crimes warranted fines, docking of pay, or a reduction in rank. Officers could receive all of the previously mentioned punishments for minor offenses as well as public reprimands from a superior officer.\textsuperscript{10} However, corporal and capital punishment ruled eighteenth century militaries and could be applied to any possible offense. Corporal punishment was unique to the ranks and usually took the form of lashes. The 1775 Continental Articles of War did not stray from this military tradition and allowed a maximum of thirty-nine lashes for enlisted men and non-commissioned officers. For the eighteenth-century this was a progressive sum, as the British Army did not technically have a maximum number of allowed lashes, but usually adhered to the soft cap of two thousand.\textsuperscript{11} The Continental Congress hoped that the punishment of thirty-nine lashes would be enough to deter disciplinary infractions while also providing some ideological separation from their British adversary. Officers, however, were not subjected to corporal punishments and were instead given stronger versions of the previously mentioned sentences, with public reprimands and fines being the most common. In more extreme circumstances, an officer could be cashiered, essentially a dishonorable discharge and an extreme wound to one’s pride and honor.\textsuperscript{12} The allowable punishments raise an important distinction between officers and enlisted men. Aside from capital punishment, which was rare in the Continental Army, officers and enlisted men received strikingly different penalties. Enlisted men were subjected to physical punishments while officers received more


symbolic sentences and this distinction was common in contemporary European armies and lasted throughout the war in the Continental Army.

II. Washington’s Arrival and Addressing Disorder

When he arrived at Cambridge, Massachusetts, on July 2, Washington saw a scene of chaos, with order and regularity essentially nonexistent throughout the ranks. Furthermore, the exact composition of the individual regiments in the army remained unknown. Washington also received conflicting reports on the logistical situation of the army. The spread of epidemics also threatened the army at this early stage as many troops were already taken ill. In an effort to quickly remedy these problems, Washington issued his first General Orders on July 4, 1775, requesting exact returns for supplies and provisions for all forces surrounding Boston. The following day he added to his request, asking for the exact number of men in the army. Washington also impressed upon the officers and the enlisted men to strive for order and discipline. He encouraged officers to “pay diligent attention, to keep their men neat and clean,” as the leadership believed the widespread uncleanliness of the army had contributed to the number of illnesses. The General hoped that by addressing these issues quickly he could start to establish a routine and sense of order within the army. After addressing these small but immediate matters, Washington quickly moved his attention towards more widespread instances of insubordination.

Several widespread problems were the main reasons for disciplinary infractions and a lack of order. Drunkenness, absenting oneself, and discharging firearms were prominently discussed in the General Orders and the correspondence of army leadership.

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during the initial months of Washington’s command. These three issues are generally more concerned with how to behave as a soldier, and their discouragement promoted order and regularity in the army. Furthermore, by the Continental Articles of War, they were generally regarded as minor offenses, and except for extreme cases were tried by regimental courts martial. Except for drunkenness, their issues that are almost entirely unique to the young Continental Army and would have been rarely experienced by similar European Armies. They reflected a new and untrained army and Washington sought to eliminate these problems first as they were not only detrimental to the Army’s existence and success but also stood as a barrier for the creation of a professional military.

Alcohol had an interesting relationship with all eighteenth-century militaries. Soldiers were normally given alcoholic drinks before a battle to calm their nerves and strengthen their resolve. Victories were also accompanied by the presence of alcohol as a means of celebration. Most armies and navies even had a daily ration of a spirit, wine, or beer. Modern historians often view this ration as an extra supplement for daily hydration, as alcohol was a much safer beverage than water and more widely available than other non-alcoholic substitutes. Furthermore, alcohol consumption held a historic and special position within the cultural and social structures of the nations of Europe and their respective colonies. Drinking alcohol was a facet of everyday life and was so widespread and frequent, that by 1770 the average white man drank the equivalent of at least seven shots of rum a day. The average household frequently distilled and brewed their own beverages for consumption. Many historians have even theorized that the ideas that lead

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to the American Revolution had their origin in the rooms of taverns and inns while men drank and conversed.\textsuperscript{18} Given this special relationship and how prominently alcohol factored into society, it is not surprising that drinking and drunkenness would have such a powerful hold on the militaries of Europe, institutions already prone to vice.

Despite all of alcohol’s uses, the substances abundance in military life created a giant dilemma for military leadership. Alcohol was fundamentally a detrimental substance for maintaining order and discipline, as the large quantities invariably lead to drunkenness. All eighteenth-century militaries had to contend with alcoholism, making it one of the least unique disciplinary problems Washington and the Continental Army faced.\textsuperscript{19} In fact, the British Army continuously dealt with horrendous problems of drunkenness, with one historian describing British soldiers as “habitual drunkards.”\textsuperscript{20}

Upon Washington’s arrival on July 3 the army sat woefully undersupplied in war fighting equipment, but they did have an abundant supply of ales, ciders and spiritous liquors. A British Navy surgeon who walked and observed the Continental Army lines and camps reckoned that the average American soldier consumed a liter of alcohol a day.\textsuperscript{21} Despite the scene, the Continental Congress and General Washington seemed to have anticipated problems with drunkenness and alcohol, probably due to past experience and the widespread knowledge of the issue in the British army. The Continental Articles of War strictly forbad drunkenness. Article 20 expressly addresses the issue, with commissioned officers found drunk suffering the punishment of being cashiered. For the

same crime, non-commissioned officers and enlisted men would suffer punishment decided by a regimental court martial, usually in the form of a fine or in more extreme cases, lashes.\textsuperscript{22} The Massachusetts Articles of War, which ruled the army when Washington took command, had similar provisions for drunkenness.\textsuperscript{23}

Despite these formal orders, drunkenness remained a widespread issue. In fact, drunkenness was so common that Washington and his staff officers found it very difficult to police. Men could escape stern punishment because of the huge numbers of offenders. The army could not possibly prosecute and punish every single man found or accused of drunkenness, making the threat of punishment less frightening as the odds of getting caught were low. Furthermore, the leadership of the army were perplexed by how soldiers continued to obtain alcohol despite fixed rations having been set by the Quarter Master General. At the suggestion of Brigadier General Nathaniel Greene, the Massachusetts Provincial Congress commissioned a court of inquiry to examine the continued problem. The court quickly found that numerous sutlers, tavern-keepers, and innholders were the culprits for the constant supply of excess alcohol.\textsuperscript{24} On July 11, 1775, General Washington, at the suggestion of the court, quickly made the sale or provision of alcohol to non-commissioned officers or enlisted men illegal. Innholders, tavern-keepers, and sutlers now faced the possibility of fines or lose of license, and in extreme cases could be court martialed by the Army.\textsuperscript{25} Through this decision Washington and his staff negated the difficulty of numbers posed by their troops and attacked the heart of the problem by eliminating the supply of alcohol. This decision appears to have slowed the

\textsuperscript{23} General Orders, 4 July 1775, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{24} William Lincoln ed., \textit{The Journals of Each Provincial Congress of Massachusetts in 1774 and 1775} (Boston: Dutton and Wentworth, Printers to the State, 1838), 461, 475, 590-91.
\textsuperscript{25} General Orders, 11 July 1775, \textit{The Papers of George Washington Digital Edition}. 
supply of surplus alcohol, markedly lowering widespread instances of drunkenness by mid-august. However, in a society as obsessed with imbibing as colonial America, the leadership had to have known they could not fully eliminate the drunkenness from the army but only hope to bring it under a measure of control.

At its core, absenting oneself is similar to desertion with the offender’s return the primary difference. Absenting oneself took many forms within the Continental Army and proved a consistent problem during Washington’s initial months in command. An enlisted man or officer quitting his post took the most basic form. This entailed simply leaving their given task for any number of reasons. Enlisted men usually quit their post for more trivial purposes such as plain boredom, but also for sleep, eating, and drinking.\footnote{General Orders, 11 July 1775, \textit{The Papers of George Washington Digital Edition.}} However, officers quitting their post, which troubled Washington greatly, seem to have had an air of elitism or entitlement, believing the task of guard duty beneath them.

Furthermore, many officers held a troubling belief that as officers they had the privilege to excuse themselves from certain given task.\footnote{General Orders, 1 August 1775, \textit{The Papers of George Washington Digital Edition.}} In this case not only did Washington have to institute discipline within his officer core but a cultural change as well. Another common form of absenting oneself was to take leave without permission. Even before Washington arrived, army commanders had been flooded with furlough request, and these only increased after the General’s arrival. Men appear to have grown tired of waiting for permission and simply left for their homes for a short time, returning to the army a few days later.\footnote{General Orders, 18 July 1775, \textit{The Papers of George Washington Digital Edition.}}

Washington quickly established rules for granting furloughs in his July 4 General Orders. Individual companies could not grant furloughs to more than two men at a time.
Furthermore, men on furlough had to be prepared to return to the army at a moment’s notice. Strict punishments were also instituted for men leaving their posts or taking leave without permission. Interestingly, these cases have no common trend with how the accused could be tried, appearing in both regimental and general courts martial throughout much of 1775. However, cases that appear in general courts martial usually had an accompanying charge, such as drunkenness or abusive behavior. Washington also encouraged his army to not take furloughs or abandon their posts, stressing the importance and nobility of their cause and the necessity of every man’s presence to ensure success. The July 18 General Orders have a powerful exhortation against requests for furloughs, stating, “Brave Men, who are engaged in the noble Cause of Liberty; should never think of removing from their Camp, while the Enemy is in sight, and anxious to take every Advantage, any Indiscretion on our side may give them.”

Unlike drunkenness, which took some time to curtail, absenting oneself on a widespread level quickly dissipated and became a more standard case by case issue. The threat of severe punishment for such a crime appears to have taken hold of the army at this early stage. Furthermore, this threat was aided by an early example. On July 6 an enlisted man named William Patten was charged with “leaving his post while on guard duty.” His trial did not conclude until July 10, by which time he accrued several extra charges, namely “threatening and abusing a number of individuals” while held prisoner. For his crime Mr. Patten received one of the major disciplinary outliers of the war, sentenced to ride the wooden horse for fifteen minutes. The use of the wooden horse was

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not forbidden by the Continental Articles of War, but it did not appear in the section outlining permitted punishments. Remarkably, Washington, a consistent rule follower, approved the sentence. The wooden horse was an incredibly painful and potentially injurious punishment and had no other recorded use throughout 1775. The wooden horse consisted of a single sharp rail supported by four legs. The prisoner was seated on the rail with his hands tied behind his back and weights applied to his feet for the approved length of time. As with most punishments in the Continental Army, the sentence was performed at the head of the regiment and in sight of much of the army, adding another layer of deterrence for men absenting themselves.

Officers did not escape the spectacle of punishment for their continued instances of absenting themselves. On August 16, Captain Eleazer Lindsey received the sentence for his court martial. Captain Lindsey had absented himself from his post, which was later attacked and captured by the enemy. The court found Captain Lindsey guilty and had him cashiered from the army. To add to this injurious sentence of being cashiered, Captain Lindsey was also rendered incapable of future service, meaning he could not serve as an officer in the Continental Army ever again. Although enlisted men appear to have been discouraged by the display of William Patten’s punishment, officers were not as deterred by Captain Lindsey’s sentence. Officers continued to abandon their posts throughout much of the year on a level equal to that of enlisted men. For officers, the threat of being cashiered or fined seems to not have carried the same weight as the physical punishments applied to enlisted men. However, as is the case with many of these widespread issues, after August absenting oneself no longer plagued the army as a

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common problem and became more of a singular issue. Washington stopped routinely issuing orders to deter men from quitting their posts or taking leave of the army, suggesting he and his staff had mostly eliminated the difficulty.

The discharging of firearms for entertainment offers one of the more humorous disciplinary problems for the modern historian. For reasons unknown, throughout the day Continental soldiers routinely left camp and fired their guns.\textsuperscript{35} The soldiers were not shooting for defense, as Washington permitted such an act in his General Orders given on July 4.\textsuperscript{36} Furthermore, Washington would not be irritated if his men were taking action against British attacks. Therefore, the men must have been shooting their guns for entertainment as the only other permitted excuse to fire guns would have been during drilling and training, but the army could not afford such exercises as they had precious little shot and powder.

Although the modern reader may find these instances of casual gunfire humorous, General Washington and his staff did not. Washington’s anger stemmed from the previously mentioned lack of war fighting supplies. The army had been short on supplies of shot and powder well before Washington arrived. In a letter sent after the Battle of Bunker Hill to the Rhode Island Committee of Safety, Brigadier General Nathaniel Greene addressed the lack of shot and powder. The Rhode Island forces under Greene only had eleven casks of powder and four hundred weight of shot left after the battle. Greene remarked in the letter, “our stocks are far too low for our critical situation.”\textsuperscript{37}

Furthermore, Washington himself knew before his arrival that the army lacked adequate supplies of powder. On 25 June while enroot to the army, Washington wrote to John Hancock, President of the Continental Congress, stressing the need for powder and encouraging the congress to use all means necessary to procure powder and shot.\(^{38}\) However, despite these consistent requests, powder remained in lacking stock throughout 1775. Eighteenth century armies had a ferocious appetite for black powder, with a single cannon consuming several pounds of the substance with every shot.\(^{39}\) The Continental Army was no different and the consistent waste of powder by the enlisted men of the army only made the situation worse.

The alarm and confusion caused by the frequent gunfire further supported Washington’s anger over the waste of precious supplies. From the conclusion of the Battle of Bunker Hill, the leadership of the Continental Army feared a counter attack by the British forces in Boston.\(^{40}\) Anytime a soldier fired a gun near the camp, the whole army would enter into state of alarm and prepare for an oncoming fight. Not only did this act cause unnecessary disturbance and disorder, but Washington also feared that soldiers would become too accustomed to the false alarms, unable to distinguish between real or fake.\(^{41}\)

When Washington took command, he appears to have known that the problem of shooting guns for sport existed within the army. His July 4 General Orders, which laid out many of the rules for establishing order, prohibited the firing of cannon and small arms unless necessary for defense or for the fulfillment of a given order. However,

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soldiers within the army apparently gave this order little merit and continued to fire guns frequently during the day. Given the continued insubordination, Washington again addressed the issue in the July 26 General Orders. After restating the previous order, Washington further commanded that all officers and troops detached for guard duty be alert and diligent in apprehending all transgressors. However, despite the leaderships continued effort the problem of firing guns continued into the next month.42

On August 4, Washington addressed the issue for the last time. The subject comprised the entirety of the General Order’s for that day, opening with a bitter critique of the army’s behavior and waste. Washington finally put structures into place that dramatically eliminated the problem. Men were no longer permitted to pass the out guards, the guards on the edge of the camp, unless they had a written order and showed the notice to the officer of the out guards. If a soldier did not have a written order and attempted to pass, Washington instructed the out guards to treat him as a common enemy and fire upon the offender as such. Washington instructed the commanding officers of each regiment to make these orders known to all their men, as no plea of ignorance would be tolerated. Furthermore, the commanding officers of every company were instructed to examine the ammunition of every man in their charge twice a day. Any soldier whose supply of ammunition was found lacking from the previous roll call would be arrested and confined to the quarter guard to await trial by a regimental court martial.43

Not only did Washington’s August 4 orders stop almost all instances of casual gunfire, they also contributed to lowering instances of drunkenness and men absenting themselves. The August 4 General Orders essentially made it impossible for a man to

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leave camp without permission, as they suffered the prospect of being shot if they did otherwise. On the surface the casual gunfire appears as a rather trivial matter but in actuality was a major issue for the leadership of the Army. The August 4 orders were a radical move for establishing stability, as they took the generally minor offense of shooting guns and made it possibly punishable by death without a trial. Furthermore, Washington probably unknowingly addressed the two other widespread problems plaguing his army at this time. If men did not have the freedom to leave without permission, they obviously could not absent themselves. In the same premise, men could not easily obtain alcohol if they could not take leave of the camp. By confining the soldiers of the army to camp, Washington actually started to establish order.

The first two months of Washington’s command were pivotal for establishing working order and routine in the army. Furthermore, Washington seems to have set the groundwork for creating a level of fear within his army, a major point of eighteenth-century military life.\(^4^4\) Eighteenth-century armies were ruled by an element of fear, with the idea that harsh punishments deterred bad behavior and promoted order and regularity.\(^4^5\) William Patten’s time on the wooden horse served as an early spectacle for deterring misbehavior in the Continental Army. The allowed maximum thirty-nine lashes, although paling in comparison to the British Army punishments, also helped deter poor behavior.\(^4^6\) Letters from Continental soldiers in the later years of the war allude to a fear of punishment that undoubtedly began during Washington’s initial months in command.\(^4^7\)

These initial months also display several key features that informed Washington’s later decisions. Men had already begun to plead ignorance to the given orders as an excuse for their misbehavior. Although the leadership of the army always discredited this excuse, they did seem to tolerate it for much of the year, especially during these early months. Why the leadership accepted this excuse is unknown. Probably because of the relative youth of the army, but more likely as a means to discourage desertion and mutiny. Washington wanted that desired element of fear, but he did not want to scare his army away and discourage re-enlistment. At times, Washington could be incredibly lenient and merciful to men convicted in a court martial, and this leniency actually increased as the year came to an end. Given this reality, certain General Orders took time to ensure that men were made aware of specific issues. The infamous August 4 General Orders discussed above provides a clear example of Washington taking time to ensure that his men knew that ignorance would not be tolerated for the offense of casually shooting their firearms, marking a clear precursor to the ideas that would later inspire the use of Orderly Books.

After Washington’s first two months in command the disciplinary situation slightly stabilized within the Continental Army. Issues of widespread insubordination no longer plagued the army on the same scale as they had during July and August of 1775. However, disciplinary infractions were far from being absent in the Continental Army. Several new offenses took form during July and August and only grew throughout the remainder of 1775. More extreme and singular cases became the norm of the constant courts martial that characterize the autumn of 1775. Not surprising given the stratified world of eighteenth-century social classes, these new cases were often reflective of the
individual soldier’s rank, with officers and enlisted men committing vastly different offenses.
Chapter II

Enlisted Men and the Disciplinary Trinity

“To attempt to introduce discipline and subordination into a new army must always be a work of much difficulty, but where the principals of democracy so universally prevail, where so great an equality and so thorough a levelling spirit predominates, either no discipline can be established, or he who attempts it must become odious and detestable.” - Joseph Reed

The triumvirate of justice, terror, and mercy ruled the common soldier in the eighteenth-century. Justice and terror were delivered through courts martial and their ensuing punishments, while the occasional pardon allowed the possibility of mercy. Furthermore, this entire system would be on display throughout the whole disciplinary process. The sentencing, the actual punishment, and the granting of mercy were all completed in front of as much of the army as possible. The strict structures and hierarchy of military life were enforced through this harsh disciplinary system. The purpose of this system was the creation of unwavering obedience, the backbone of an eighteenth-century field army. Steadfast obedience not only facilitated the foundation of a deadly battlefield army, but also maintained order and discipline while in camp. Washington sought to fashion this European model of discipline in the Continental Army throughout the latter half of 1775 and the entirety of 1776.

Washington had to fully incorporate this hierarchy and harsh discipline in an army founded on the ideals of liberty and equality. Although common soldiers enlisted

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1 Joseph Reed to Mrs. Reed, 11 October 1776, The Life and Correspondence of Joseph Reed, Vol. 1, Ed. William B. Reed (Philadelphia: Lindsay and Blakiston, 1847), 242-34.
3 Caroline Cox, A Proper Sense of Honor: Service and Sacrifice in George Washington’s Army (Chapel Hill: The University of North Carolina Press, 2004), 74-86.
knowing they were temporarily sacrificing their personal civil rights, balancing the revolutionary idealism with the need for discipline still became a constant struggle for the army throughout the war. The Continental Congress recognized these conflicting needs almost immediately, and through the Articles of War and the use of short enlistments, tried to uphold the ideals of the revolution while also supporting an army capable of resisting the British. However, the flaws of this arrangement quickly became apparent through the circumstances the army encountered. In the end, the discipline of the Continental Army during these two years was an idealistic experiment whose failure slowly awakened Americans to the reality of the long struggle they faced. The situation had grown so poor by the summer of 1776 that Congress elected to abandon their 1775 Articles of War, adopting a new and harsher version that September.

1775 and 1776 not only highlight the imperfect early disciplinary system, but also the flawed administration and philosophical backing of the Continental Army. Americans entered the war far too confident in their own military prowess. Few individuals fully comprehended the difficult situation they faced, believing the war would be short because of their innate martial skill and the zeal for their cause. However, revolutionary zeal and the capability of the militia routinely failed in the face of a disciplined bayonet charge by British and Hessian regulars. Furthermore, support and belief in the ideals of the revolution did not breed good soldiers. The rage militaire of 1775 only swelled the ranks of the Continental Army but never inspired good behavior. Furthermore, the excitement for the war had begun to fade by the summer of 1776, making it even harder to keep the

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army intact. By the end of the difficult campaign season of 1776, many finally recognized
the necessity of a large standing professional army for victory.

There were at least 344 general courts martial from the time Washington took
command to the end of 1776, with 261 trials involving enlisted men.\textsuperscript{5} Common soldiers
committed a wide range of offenses during these two years with several notable
characteristics. Ever present in the early days of Washington’s command is an expected
element of resistance or lethargy to the newly established order and discipline.\textsuperscript{6} This
resistance coupled with a pervasive ignorance within the army, whether it was not
knowing the given general orders or just simple inexperience with military life.

Washington found that the Articles of War and many other orders and regulations were
never fully relayed to his troops, who frequently plead ignorance when questioned.\textsuperscript{7} The
relative youth of the army also contributed to the disciplinary difficulties, with the
average age of enlisted men remaining well below 25 years old throughout the war. Not
only does this point to consistent turnover within the ranks but also the lack of life
experience for many common soldiers. The war had a far reach, and for many of the men
this was their first experience to a world beyond their own small towns.\textsuperscript{8} However, the
constant inactivity of the Continental Army posed the greatest threat to discipline,
showing the truth in the old adage, “idle hands are the devil’s workshop.” As one
historian has observed, soldiers “are drawn irresistibly towards whatever will do them the

\textsuperscript{5} General courts martial were usually well recorded but not every court martial was reported to General
Washington or appeared in the General Orders. Therefore, the number given is the closest estimate based
on exhaustive research and the official public record.

\textsuperscript{6} Neimeyer, America Goes to War, 130-48; Fred W. Anderson, “The Hinge of the Revolution: George
20-48.

\textsuperscript{7} John A. Ruddiman, “‘A record in the hands of thousands’: Power and Negotiation in the Orderly Books

\textsuperscript{8} John A. Ruddiman, Becoming Men of Some Consequence: Youth and Military Service in the
most harm,” and these temptations were only increased during times of idleness.\(^9\)

Furthermore, enlisted men, unlike officers, were rarely tried for battlefield misconduct, with most of their infractions originating while in camp during times of inactivity or after combat.

The offenses tried in general courts martial during 1775 and 1776 vary greatly but tell us much about the daily life, unprofessionalism, and inexperience of the enlisted men. Soldiering has always brought out the more primitive and barbaric behaviors in men and this quickly proved true for the Continental Army.\(^10\) Furthermore, military life could be difficult, and enlisted men frequently sought some kind of escape or improvement from their daily trials. Given these realities it is not surprising that enlisted men were most commonly tried for theft, insubordination, and desertion or mutiny. Enlisted men were also creative with their infractions, with some combination of offenses frequently appearing in trials.\(^11\)

I. Stealing and Looting

The first courts martial Washington convened upon his arrival involved multiple cases of theft. Although the outcomes of these trials were never revealed in later General Orders, their mere existence does point to the overarching issue of stealing within the army.\(^12\) Furthermore, stealing frequently appeared alongside trials involving multiple other offenses, such as insubordination, desertion, and most notably, drunkenness. Instances of plundering also plagued the army at times, especially once the cold of winter


\(^10\) Royster, *A Revolutionary People at War*, 54-60.


arrived. Supply difficulties constantly afflicted the army throughout the war and soldiers sought to remedy this situation by ravaging the surrounding countryside wherever they made camp.\textsuperscript{13} Although theft and plundering did not factor into the general courts martial as regularly as insubordination or desertion, the two issues were constant problems for army leadership, and usually increased bad behavior and feelings of disunion.

Most instances of theft in 1775 generally involved enlisted men trying to acquire some kind of good, such as food, alcohol, clothing, or firewood.\textsuperscript{14} Such was the case of James M’Daniel, who stands out amongst his peers due to his bold attempt to obtain a quart of rum. Instead of simply stealing the rum from the quarter master, M’Daniel thought it best to forge an order of General Putnam’s to acquire the alcohol. Once his ruse was discovered he then proceeded to insult Colonel Gridley with “abusive language.” M’Daniel was charged with attempted theft, insubordination, and insulting a superior officer. When his trial concluded on July 29, M’Daniel received twenty lashes for his crime, a rather lenient sentence for such a complex offense but punishments were not yet standardized throughout the army and courts martial were more forgiving at this time.\textsuperscript{15} However, the same court on the same day sentenced James Foster of Colonel Nixon’s Regiment to receive the full thirty-nine lashes and endure a month’s fatigue for robbing Doctor Foster.\textsuperscript{16} A mere twenty days later on August 18, another court martial would sentence John Conner of Colonel Doolittle’s regiment to suffer the maximum lashes for the simple act of “stealing a cheese.”\textsuperscript{17}

\textsuperscript{14} Royster, \textit{A Revolutionary People at War}, 71-76; Ruddiman, \textit{Becoming Men of Some Consequence}, 96-97.
\textsuperscript{15} General Orders, 29 July 1775, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{16} General Orders, 29 July 1775, \textit{The Papers of George Washington Digital Edition}; There is no indication that James Foster and Dr. Foster were of relation but given the interconnectedness of New England communities and the composition of the Army in July 1775, the possibility cannot be ruled out.
\textsuperscript{17} General Orders, 18 August 1775, \textit{The Papers of George Washington Digital Edition}.
The disparity between the sentences could be due to a change in the composition of the sitting courts. Also, the fact that James M’Daniel was ultimately unsuccessful in completing his crime certainly factored into the decisions of the courts. However, a lack of overall disciplinary standardization probably more greatly informed the decision of the individual rulings. At the time of the M’Daniel and Foster trials, Washington and his staff were in the throes of establishing working order in the army and the situation had not improved much by John Conner’s court-martial. The Continental Articles of War had not yet been fully instituted, and the Massachusetts Articles were only being loosely followed. Regardless, both sets of articles could be vague with how they designated punishments, and ultimately, the officers sitting on the court had the final say with all trial verdicts. However, these three cases are most indicative of the start of a lasting trend in the Continental Army. Historians have long recognized that many of the field officers in the army found the Articles of War too lenient, and improvised punishments to increase the terror they caused. This improvisation led to many inconsistencies with sentenced punishments.

When possible, Washington had to approve the ruling of every general court martial, he also had the power to change any specified judgement. That said, he only once remitted the sentenced punishment for stealing during 1775, and that was only because the individual in question, one Michael Berry, had been confined for around a month. Furthermore, Washington never increased the court’s ruling for any case involving

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stealing. However, unlike most other early disciplinary infractions, Washington took a hard line on stealing, giving the crime little to no tolerance. This belief was undoubtedly reinforced by the simple fact that stealing was a crime in civilian life and not something unique to the army. What’s more, the other generals supported a harsher response for individuals convicted of stealing and added the issue to a list of problems that need stronger set punishments.\textsuperscript{22} The leadership of the Continental Army clearly saw stealing as detrimental crime to the army’s cohesion and existence. Furthermore, in late October a conference held at General Washington’s Cambridge headquarters decided to amend the Continental Articles of War, increasing the severity of punishment for multiple offences. Stealing did not escape these alterations, with all soldiers and non-commissioned officers convicted of theft before a regimental court martial receiving a punishment of at least fifteen lashes.\textsuperscript{23}

Instances of stealing rapidly declined throughout the remainder of 1775, with most cases warranting a general court martial happening in July and August. Furthermore, by the October amendments, the Articles of War were being more closely followed, which negated most cases involving stealing to the level of a regimental Court Martial. In fact, from October 1 to the breaking of the Siege of Boston on March 10, 1776, only seven general courts martial involved stealing alone, and men involved in four of these trials were actually acquitted. Increased activity also had to contribute to this decrease in stealing. Much of the army’s enlistments ended on December 31, giving Washington and the officers of the army a much greater problem to handle than simple theft. The ending of enlistments also offered motivation for good behavior, as common

\textsuperscript{22} Council of War, 8 October 1775, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{23} Minutes of the Conference, 18-24 October 1775, \textit{The Papers of George Washington Digital Edition}.
soldiers did not want to suffer a court martial when they would be back at their homes at the start of the new year. Furthermore, once Henry Knox arrived back at Boston with the guns from Fort Ticonderoga, a great deal of work ensued to prepare for the breaking of the siege and gave the men actual combat to look forward to after months of inactivity.24

The Continental Army’s move from Boston to New York had to offer a sense of deja-vu for Washington and his generals. Problems that had at the very least been under control were seemingly resurrected with fresh vigor by the presence of the new and larger environment. New York City offered all the same temptations and vices as Boston, but in larger quantities. Additionally, the army Washington took to New York differed greatly from the Boston army of 1775. Many of the troops were fresh recruits, whose enlistments had begun with the start of the new year, and therefore, lacked the disciplinary experience of the now departed troops of 1775. However, these men did have several months of experience around Boston and were led by commanders who had seen this situation before. The higher officers of the Continental Army entered New York City slightly better equipped to tackle disciplinary issues than they had been at Boston in the summer of 1775.

By the time the Army arrived in New York City, the use of orderly books had been standard practice for several months. Problems with guaranteeing that orders were issued and followed plagued the Continental Army during the summer and fall of 1775, and Washington devised a simple remedy for this issue. Orderly books were a simple tool, recording all given and received orders, and were not uncommon in the professional armies of Europe.25 Washington even kept an orderly book during his service in the

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24 Royster, A Revolutionary People at War, 58-66.
French and Indian War. However, in a European army they were intended more for record keeping and not for enforcing order and ensuring proper administration, their primary task in the Continental Army. With the massive turnover of troops occurring on January 1, 1776, Washington used this opportunity to institute the mandatory use of orderly books for the army. In his General Orders of the day, Washington said, “that not only every regiment, but every Company, do keep an Orderly book, to which frequent recourse is to be had . . . that all Orders which are necessary to be communicated to the Men, be regularly read, and carefully explained to them.”  

Washington hoped that the orderly books would alleviate some of the inexperience of the army while also eliminating the plea of ignorance. With the orderly books, someone would be responsible for a plea of ignorance, officer or enlisted man. Orderly books would also make the prosecution of all offenses easier, as the subject of the infraction would be in formal writing.  

The combination of the orderly books and the increased activity from Knox’s return quickly proved helpful for the maintenance of good discipline, but only temporarily. As previously mentioned, the army soon moved to New York City and all the problems associated with idleness resumed in earnest. But the orderly books did hinder any plea of ignorance from the men of the new army, a trend particularly highlighted by crimes like disorderly conduct and insubordination. The existence of orderly books also helped with the prosecution and deterrence of stealing and looting.  

There were only seventeen general courts martial involving stealing after the army’s arrival in New York. This small number of cases can be partly attributed to the use of the

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orderly books and Washington’s frequent and consistent warnings against the crime. Additionally, the new army more closely followed the court martial structure established in 1775 by the Articles of War and the numerous conferences. This meant cases involving stealing would normally be tried by regimental courts martial since the Articles of War normally considered theft a minor offense. The trials that did make it to general courts martial were either appeals from regimental cases or were more serious offenses.

On August 11, Hugh Cahaggan and Richard Keif were tried and convicted by a general court martial for, “stealing a Coat and several Firelocks from Captain Dickson’s Company.” The General Orders announcing the sentence described Cahaggan as a “transient person,” meaning he was undoubtedly a civilian. Regardless of his non-military status, Cahaggan received the same sentence as Keif, thirty-nine lashes. Not only did Cahaggan receive the same sentence as his military accomplice, but his actual punishment received much greater fanfare. Washington ordered a drummer from each regiment of General Wadworth’s Brigade to attend the performance of Cahaggan’s sentence. Once the lashes had been laid, Cahaggan was turned out of camp, with orders for his arrest if ever found in camp again. Washington probably intended this scene to discourage any further nefarious collusion between civilians and soldiers. Furthermore, Cahaggan and Keif had probably intended to sell their stolen items, which amounted to defrauding the Continental Army, an act army leadership granted little mercy.

The Cahaggan and Keif case demonstrated several notable trends that developed throughout the year. In 1775, stealing could receive varying punishments, from fines to lashes, but only four cases received the maximum punishment of thirty-nine lashes, and

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30 Sale of stolen property was a common issue in the army and frequently lead to infighting; Ruddiman, *Becoming Men of Some Consequence*, 94-99.
one case was pardoned. However, by August of 1776 thirty-nine lashes was no longer the extreme punishment for the Continental Army and had instead become the standard for almost all crimes involving enlisted men tried by general courts martial. All enlisted men who were found guilty of stealing during 1776 were punished with thirty-nine lashes. Furthermore, all but one of the seventeen stealing trials occurred during or after August. As most historians of the war know, the Continental Army held a precarious position at this time. William Howe and his much larger British Army had arrived from Halifax in late June and started landing troops on Staten Island shortly after on July 2. By mid-August, the British Force numbered over 400 ships and around 32,000 men, vastly superior to the Continental Army. This show of force sowed the seeds of chaos and made the situation ripe for stealing. Cahaggan and Keif were caught in the middle of this August turmoil, and were the first of multiple thefts to follow.

The September 11 General Orders listed the verdicts for William Arnold, Samuel Clark, and Daniel Donovel who were all tried for, “plundering the House lately occupied by Lord Stirling.” General William Alexander, commonly referred to as Lord Stirling, had been captured by the British and Hessians during the Battle of Long Island on August 27. A few days later Washington received news that men of the Army and possibly some civilians had ransacked the captured General’s well-furnished home. On August 31, Washington ordered the plunderers, “to restore to the Quarter Master General, what they have taken, in failure whereof they will certainly be hanged.” Despite this stern order several men apparently dithered on their returns and were apprehended on September 4. The next day Washington ordered a Court Martial, demanding they first try the

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“scoundrels” who pillaged Lord Stirling’s home. In the end, the court only found Donovel guilty and adjudged him to receive thirty-nine lashes. Washington probably would have like to execute Donovel as his original threat declared, but instead confirmed the sentence of the court.

Clearly, the commander in chief saw stealing as a serious offense, especially when it slighted the honor of a gentleman and a man who was being hailed as a hero. The significance of Washington’s ordering of the court to try the trio of plunderers first is revealed when one considers the other offenses later tried by the same court. The September 11 General Orders included the sentences for Sargent Peter Richards, tried for “abusing and striking Captain Gibbs,” and Private John Christy, tried for desertion. Both of these crimes were serious offenses, but the protection of Lord Stirling’s belongings took precedent. However, as previously stated, only a few courts martial were the result of a singular offense, as the matter of insubordination also factored into Washington’s decision. From August until the end of the year, stealing primarily took the form of plundering or looting. Washington incessantly demanded the stop of plundering, discussing the issue no less than seven times during the month of September and many more times before and after in his General Orders. Therefore, men who plundered or looted were not just committing the crime of stealing, but were also disobeying a direct order.

The affair regarding Lord Stirling’s personal belongings and the Cahaggan and Keif case both illustrate a major problem encountered by the Continental Army that was

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35 The robbery of Lord Stirling was an affront to the military hierarchy. For more on the status of Officers, see Duffy, Military Experience in the Age of Reason, 35-53.
entirely foreign to their British counterparts. The Continentals were constantly surrounded and amongst the civilian populace of the colonies. The British Army of the time not only had a distinct ideological separation from civilians but also a physical separation, as most troops were stationed far from the home islands.\textsuperscript{37} Furthermore, many Americans held negative perceptions of standing armies, even if it was their own. Interactions between civilians and soldiers increased throughout the war, with plundering and destruction of private property normally at the center of these exchanges.\textsuperscript{38} Soldiers were distrusted by the populace for their increasingly bad behavior, but many soldiers’ actions against civilians were the result of a lack of civil support, especially with matters pertaining to supplies.\textsuperscript{39} Washington had to somehow manage an army surrounded by a distrustful people who would not support and provide for his troops, while also deterring his own men from taking retribution against the very people they were defending.\textsuperscript{40} These early instances in New York and Boston were just the beginning of a growing problem for the Continental Army that persisted throughout the entire war.

\textbf{II. Insubordination and Disorderly Conduct}

Disorderly conduct and insubordination were inherently similar offenses and frequently coupled each other to courts martial, but a distinction did exist. Disorderly conduct characterizes a soldier’s poor behavior, such as drunkenness or sleeping as sentry. Assaults, rioting, and disrespectful or profane speech were other common examples of disorderly conduct within the Continental Army. Insubordination, an incredibly broad but necessary category, was commonly the simple disobedience of

\textsuperscript{37} There existed a distinction between subjects and citizens.
\textsuperscript{38} Ruddiman, \textit{Becoming Men of Some Consequence}, 91-99
\textsuperscript{39} For extensive discourse on the supply situation of the army and a lack of non-military support, see Carp, \textit{To Starve the Army at Pleasure}; James A. Huston, \textit{Logistics of Liberty: American Services of Supply in the Revolutionary War and After} (Newark and London: University of Delaware Press, 1991).
\textsuperscript{40} Neimeyer, \textit{America Goes to War}, 134-36.
orders, but also vaguely included affronts to the military hierarchy, such as insulting an officer. The ambiguity lends itself to frequent and clear overlaps. For instance, assaulting or cursing at an officer could be characterized as both disorderly conduct and insubordination, as the offense is openly bad behavior and an affront to army hierarchy. Furthermore, Washington frequently issued orders forbidding certain behaviors, such as the cases with drunkenness and discharging firearms. The Articles of War also outlawed certain behaviors, further reinforcing the connection between disorderly conduct and insubordination. Due to numerous preventive orders and the Articles of War, almost all instances of disorderly conduct were insubordination, and as such, this essay will hereafter exclusively refer to these cases as insubordination.

Historians have long recognized the regularity of insubordination within the Continental Army, which has become an increasingly popular study because of the rapid rise of social history. Much of the historical writing concerned with order and discipline has concentrated on insubordination, although desertion and mutiny still garner most historical attention. This concentration is due to the readily available examples of resistance to oppressive rule, a point made all the more interesting by the reason for the Continental Army’s existence, to fight for liberty. At the beginning of the war, the Continental Congress tried to balance harsh discipline with revolutionary idealism by creating the first Continental Articles of War, which were progressive documents for the time they were written. However, the progression of the war and the worsening behavior of common soldiers forced the Congress to write new and harsher articles.

41 Cox, *A Proper Sense of Honor*, 74-88  
43 This decision is further influenced by the desire to avoid confusion and uphold the distinction between officer and enlisted men. Officers were frequently tried for the crime of “Behavior unbecoming an officer,” essentially disorderly conduct but only applied to officers.  
Insubordination was part of the disciplinary triumvirate that helped force this change. The resistance and behavior of enlisted men dictated the disciplinary policy of the Continental Army, more so than in comparable European armies.

Punishments of 1775 carried a general theme of leniency and patience, especially compared to 1776. The war had just started, and the ranks were filled with inexperienced young men and boys.\(^45\) Washington worked to establish discipline in the early months of the war while also trying to instill a knowledge of procedures of military life in the enlisted men. Although desirous of a quick fix, Washington understood that the short enlistments and the lack of experience meant he could not immediately use a firm hand. Furthermore, the behavior of common soldiers actually worsened as the war progressed, much of this due to their environment and circumstances.\(^46\) Therefore, Washington did not need to immediately apply a firm hand to the army. He and the Congress seem to have hoped to slowly coax the army towards professionalism while remaining mostly benevolent, thereby upholding their idealism and opposition to tyranny.

The majority of insubordination cases of 1775 are indicative of this early leniency. The sentence for James M’Daniel, the man tried for, “forging an Order of General Putnam’s . . . and for abusive Language to Col. Gridley,” is an early example of insubordination receiving a lighter penalty.\(^47\) M’Daniel attempted to impersonate a general and insulted a superior officer, two actions that were major affronts to the military hierarchy and extremely disrespectful to an officer’s honor. Any man in the British Army attempting a similar crime would have undoubtedly been brutally lashed.\(^48\)

\(^{45}\) Ruddiman, *Becoming Men of Some Consequence*, 6-8
But M’Daniel was a lucky member of the early army, and only received 20 lashes. Two other beneficiaries of the early war mercy were soldiers John Davidson and Thomas Knolton. The two young soldiers were sentenced on November 21 to receive fifteen lashes for quitting their posts. However, Washington accepted the courts recommendation to grant the two soldiers mercy due to their youth and inexperience.\textsuperscript{49} Furthermore, the lack of numerous general courts martial points to the greater patience on the part of the army leadership. The General Orders only list sixteen general courts martial involving insubordination by enlisted men, and three of these cases were later demoted to regimental courts martial. Regimental courts martial tried the most frequent instances of insubordination during 1775, such as profane language, drunkenness, and discharging firearms. Regimental courts martial also had stricter set maximums for punishments as outlined by the Articles of War, and rarely exceeded anything greater than fifteen or twenty lashes, with fines being their common penalties.\textsuperscript{50} Despite widespread acts of insubordination by enlisted men, the officers of the army rarely sought to address the problems in general courts martial, instead electing to follow the regulations set forth by the Articles of War, a trend that did not last in 1776.

As 1775 drew to a close, courts martial actually became more infrequent and an outbreak of “good” behavior took hold of the army. The ending of enlistments for almost the entire army contributed the most to this outbreak of decent behavior, as the army drastically shrank during the month of December. Furthermore, with the enlistments ending, Washington and his generals did not seem nearly as concerned with the discipline of men who would shortly be departing the service. Recruitment of replacement troops

\textsuperscript{49} General Orders, 29 November 1776, \textit{The Papers of George Washington Digital Edition}.

The turnover of the new year also came with the creation of a new army. Although Washington took several steps to ensure better administration and order within this new army, insubordination and other disciplinary problems persisted. Just as the move to New York had provided opportunities for stealing, the city and the conflict which consumed it created a perfect stage for insubordination to thrive. The untested troops of the Continental Army would soon face the skilled and deadly British and Hessian regulars, who created great strife in the young army with their mere presence. But even before the British arrival, instances of insubordination were common. Just as in Boston, the vices of the city could not be ignored, and frequently drew the attention of enlisted men. Washington and the officers of the Continental Army tried to keep order and focus the men’s efforts towards the war and not the pursuit of wealth, alcohol, and women.

Throughout 1776, general courts martial began issuing gradually harsher punishments, with acts of insubordination excellently displaying this increase in severity. Courts martial began almost immediately with army’s arrival in New York City. The offenses were the usual suspects, drunkenness, quitting one’s post, profane language, and striking and insulting officers. Starting in late April, these trials quickly became commonplace, even more regular than the courts martial of the previous fall. This regularity can be partly attributed to the frequency of infractions by enlisted men, but
Washington’s growing impatience with discipline also contributed to the routine of the courts martial. The leadership of the Continental Army foresaw the difficulty of defending New York, with General Charles Lee declaring the situation hopeless. But Washington wanted to make a firm stand, and he correctly believed the British would attack at New York. Because of this impending reality, the leadership of the army seem to have worked for a quick fix for the growing poor behavior in their army. This attempted suppression of poor discipline caused punishments to increase in severity at a rapid rate. For instance, on April 20, Lawrence Ferguson was sentenced to twenty lashes for, “striking Lieutenant Johnston.” Less than a month later, a court sentenced Frederick Roach to thirty-nine lashes for the similar crime of, “Insulting and striking Captain Hull.” Obviously, the increased rank of the victim factored into the court’s decision, but a precedent had been established, especially in Washington’s stern mind.

The Commander and Chief expected future trials regarding insults to an officer to receive severe punishments and made his feelings on the matter known to the army in the General Orders on May 29. The orders of the day delivered the verdict for enlisted man Joseph Lent, tried for, “Disobedience of orders, and striking his commanding Officer, Ensign Young, when in the execution of his duty.” The court ordered Lent confined for five days on bread and water. Washington immediately disapproved the sentence, finding the punishment wholly inadequate. The general further stated that he hoped, “future General Courts martial more particular, and severe on the heinous crime, of a Soldier’s striking, or attempting to strike his officer, or disobey his commands.” The generals strict warning had immediate, if not unfair, effect. Regardless of the crimes severity, very

52 Stephenson, *Patriot Battles*, 230-32
few general courts martial resulted in a lesser punishment after the May 29 warning, establishing thirty-nine lashes as the new normal. In one swift stroke, Washington eliminated the leniency of 1775 from the Continental Army.

The army’s arrival in New York also brought the resumption of several issues that had previously been under some control.\textsuperscript{56} Drunkenness and discharging firearms once more became regular points of discussion in Washington’s General Orders. The reappearance of drunkenness is not surprising as New York offered fresh supplies of alcohol. Furthermore, the increased talk of a declaration of independence and the greater intermingling of soldiers and civilians also had to contribute to drunkenness and rowdy behavior. Discharging firearms reappeared with the arrival and landing of the British, particularly once combat resumed. The discharging of firearms has been historically attributed to boredom, but the fear and nervousness associated with a British attack also contributed to the unauthorized firing of guns.\textsuperscript{57}

Drunkenness appeared more frequently in the general courts martial of 1776 than it had in the previous year. Army leadership’s stern suppression of drunkenness partially assisted with this increase in trials. Furthermore, just as in 1775, men were rarely tried by a general court martial for drunkenness alone, with a separate offense or modifier usually accompanying the issue to trial, such as “being drunk on their posts.”\textsuperscript{58} There were only eight general courts martial concerning drunkenness among enlisted men, and all eight of these trials received a guilty verdict and the punishment of thirty-nine lashes. Moreover, these trials appeared throughout the summer and fall, not singularly concentrated within a

\textsuperscript{56} Resumption is a bit of a misnomer, as the problems really never ceased but were not plaguing the army as much as they had been when Washington took command. Their decline may have been due to Washington’s pointed attacks on the offenses and a decline in the available supplies of shot and alcohol.  
\textsuperscript{57} Royster, \textit{A Revolutionary People at War}, 59-60.  
\textsuperscript{58} General Orders, 16 August 1776, \textit{The Papers of George Washington Digital Edition}. 

These widespread appearances mirror the patterns of drunkenness in 1775, also pointing to the commonality of the issue. Furthermore, just as with other instances of insubordination, drunkenness was dealt with by a firm hand, receiving the maximum corporal punishment.

After army leadership squelched the initial outbreak of sporadic gunfire in 1775 the issue lay dormant for some time. The dormancy was possibly due to the stern and swift response by the generals of the army, but more likely the result of increased activity and a lack of shot and powder. However, once the army arrived in New York City the problem slowly resumed, becoming much more regular once the British arrived and started landing troops. Boredom undoubtedly influenced the sporadic gunfire, but in 1776 anxiety probably played a greater role. The most notable instance of discharging firearms began during August and September, by which time the Continental Army had suffered several major defeats. Further British attacks were constantly warned against by Washington and other generals, adding to the constant anxiety. Whatever the motivation, sporadic gunfire returned much to Washington’s anger. Washington addressed the issues several times in his General Orders, mostly during September and October. He first tried preventive measures, such as officers tracking the ammunition issued to their men and daily firearm inspections. However, as the battlefield defeats increased, and the problem persisted Washington lost his patience. On November 1, Washington ordered that any man caught firing his gun without permission be whipped ten lashes immediately on the

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59 Rioting was a phenomenon during May and June 1776. The constant talk of a declaration of independence enflamed the spirits of the masses, leading to several anti-British and anti-Loyalist riots. These demonstrations regularly drew in soldiers as well, causing several courts martial and other General Orders to address the issue.

60 Shot supplies were so low by the end of the Siege of Boston that pikes were a common weapon in the army. General Orders, 3 March 1776, *The Papers of George Washington Digital Edition*.


Whether this order was fully carried out remains unknown, as chaos quickly erupted with the capture of Forts Washington and Lee, making survival much more important than discipline.

The insubordination of 1775 and 1776 illustrates the rapid increase of harsh discipline in the ranks of the army. As behavior became progressively worse amongst the common soldiers, so, too, did the corresponding punishments for their crimes. Ultimately these punishments reached the maximum thirty-nine lashes, leaving the leadership of the army few disciplinary options. Improvisation quickly followed, which ironically further stripped men of their already reduced civil rights through actions such as immediate punishment and the denial of a trial. The fast climb to the maximum punishment also led to ineffectiveness. Men received the same penalty for drunkenness as they did for striking an officer. This realization did little to deter bad behavior and probably contributed to its increase. Washington would say in a later letter that thirty-nine lashes was not enough, as most men could easily tolerate the punishment and would gladly endure a second helping for a bottle of rum.

III. Desertion and Mutiny

Desertion and mutiny hold a significant place within the historiography of the Continental Army. When most historians consider the discipline of the army, desertion quickly comes to mind followed shortly by mutiny. Despite the early enthusiasm brought on by war fever and revolutionary rhetoric, the common soldiers of the young army rapidly grew tired of the monotony and rigor of military life. Initially when Washington took command the offenses were essentially nonexistent, but as the Siege of Boston

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dragged on and summer turned to autumn, men began to turn away from the army. Desertion, and to a lesser degree mutiny, were probably the most common disciplinary crimes in an eighteenth-century army. Furthermore, they were capital crimes in most armies, tried exclusively by general courts martial and therefore capable of receiving the death penalty.\footnote{Duffy, Military Experience in the Age of Enlightenment, 96-104.} Given the frequency and seriousness of desertion and mutiny, some of the best kept disciplinary records involve the trials of soldiers accused of such infractions.

Before continuing, the difference between desertion and mutiny should be explained. Desertion involved a soldier simply leaving the army without permission or intent to return. Mutiny was a much more complicated offense and usually involved a criminal conspiracy to overthrow or openly oppose a lawful authority. Mutiny frequently coincided with an intent to desert, especially in the navies of the world. Furthermore, whereas desertion could be a singular act, mutiny almost always involved a collective of disenfranchised soldiers or sailors.\footnote{Frey, British Soldier in America, 72-80; Royster, A Revolutionary People at War, 140-42.} In the case of the Continental Army, desertion was the much more common of the two offenses, but instances of mutiny did occur, especially in the fledgling revolutionary naval forces, which fell under army leadership early in the war.

Enlisted men chose to desert for numerous reasons throughout the war. Dissatisfaction with the service was a leading cause for desertion in all armies, but especially prevalent to the early American army. The revolutionary idealism clashed with the repression by the officers, leading many men to desert.\footnote{Neimeyer, America Goes to War. 136-40.} Fear of military life also led men to desert, as the inherent brutality and terror were too much for some men, who left the army as quick as possible. Small pox elevated these existing fears with its frequent
occurrence in and around the army, pushing more men to leave. Battlefield defeats and subsequent disillusionment caused many to flee the army, especially during the tumult of 1776. Furthermore, as the war progressed and the Continental Dollar essentially failed, soldiers began leaving due to economic concerns. The reasonings were broad, but dissatisfaction was at the heart of the individual soldiers’ decision to leave the army.

Only one trial involving desertion or mutiny took place before September 1775 and the court acquitted the individual involved. However, by mid-September the army began to experience several large outbreaks of mutinous behavior followed by desertion in October and November. The first instance occurred on 13 September, and ironically involved soldiers who are consistently portrayed in heroic and favorable light. Thirty-three riflemen of Colonel Thompson’s Battalion were charged with disobedience and mutinous behavior on 13 September. This was not the first nor would be the last time riflemen caused trouble within the Continental Army. Although excellent at harassing the enemy from range, riflemen proved horrible soldiers. They were the primary offenders of the previously discussed discharging of firearms, displaying their martial prowess with rifles whenever a chance permitted. Furthermore, the backcountry soldiers were notorious for their love of liquor. Above all else, riflemen were most guilty of desiring a good time and seemed to have taken to resisting martial discipline as well as they had to fighting Redcoats. It was this spirit of freedom that lead to the “mutiny” on 13 September. The soldiers made an attempt to release at least one of their number held in

67 Ruddiman, Becoming Men of Some Consequence, 126-29.
69 Royster, A Revolutionary People at War, 33-35.
the quarter guard for an unnamed crime.\textsuperscript{71} Apparently, this was not the first time the riflemen attempted such an action and were now formally put on trial. Compared to the Continental Army of 1776 and the British Army in general, the punishment received by the riflemen was laughable. Each man only received a fine of twenty shillings. The court also had John Leamon, who possibly instigated the mutiny, imprisoned for an additional six days.\textsuperscript{72}

Why the riflemen received such a lenient punishment is hard to answer. Washington expressed varying opinions on the riflemen present in his army. In his formal correspondence he spoke highly of the backcountry soldiers and in a letter to John Hancock he expressed his desire to put the riflemen to work on the enemy.\textsuperscript{73} However, privately in a letter to his brother Samuel, Washington remarked that, “some of them know no more of a Rifle than my horse.”\textsuperscript{74} Most likely the riflemen were the beneficiaries of being the first large mutiny experienced by the army and therefore received the previously mentioned grace for their inexperience. Furthermore, the mystique of the backcountry soldier had to factor into the decision of the court. Even in 1775, riflemen were viewed with reverence and granted freedoms and privileges not allowed to the average enlisted man.\textsuperscript{75}

The second major incident of mutiny that occurred did not actually involve the Continental Army. Upon Washington’s arrival at Boston he gathered a small force of ships, the beginning of the United States Navy, to harass the British Fleet and their

\textsuperscript{71} General Nathanael Greene to George Washington, 10 September 1776, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{72} General Orders, 13 September 1776, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{73} George Washington to John Hancock, 4-5 August 1775, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{74} George Washington to Samuel Washington, 30 September 1776, \textit{The Papers of George Washington Digital Edition}.
supply lines.76 At the time these ships fell under the command of the Continental Army and were therefore ruled by their rules and regulations.77 Of these ships was the Hannah, widely claimed as the founding vessel of the United States Navy. Ironically, Hannah also holds the distinction as the first ship to undergo a trial for mutiny. The mutiny occurred due to a dispute over a request to collect extra supplies from one of the Hannah’s captured prizes, the Unity.78 In truth, the Unity was not actually a prize, but a recaptured vessel owned by Continental Congressman John Langdon.79 Therefore, due to Washington’s express orders, the crew were only entitled to collect war supplies and nothing else of value and the ship would be returned to Langdon. This “theft” of their prize upset the crew who protested vigorously enough that their Captain, Nicholson Broughton, deemed their behavior as mutinous.

All thirty-five crewmen were tried by a special court martial convened at Gloucester. On 22 September, fourteen of the crewmen were sentenced to receive lashes while the remainder were only fined twenty shillings.80 Curiously, only a single man’s punishment was ever carried out, probably Joseph Seales, the spokesman for the crew during the mutiny and the first man arrested. Why the crewmen of the Hannah received mercy from their sentences is once again questionable. Like the riflemen, they probably received mercy for their overall inexperience with military discipline. Furthermore, the sincerity of the mutiny was called into question. The actions of the Hannah’s crew were

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78 For an interesting discussion on the question of when a ship is a legal prize, see Carl Ubbelohde, The Vice-Admiralty Courts and the American Revolution (Chapel Hill: The University of North Carolina, 1960).
closer to disobedience than mutiny, a fact that Washington and the Court apparently recognized. Not wanting to discourage men from service, a common theme during 1775, also had to have played a role in the decision to remit the sentences. However, why the punishments were not enforced can never really be answered.

Interestingly, there were very few trials in 1775 for desertion despite Washington’s frequent discussion of the topic in his correspondence. This is obvious evidence that the Continental Army had difficulty apprehending deserters. However, the lack of trials for desertions is more indicative of the general well-being of the army and its situation throughout December of 1775. Notwithstanding Washington’s frequent complaints, desertion did not plague the army during 1775 like it would in 1776 and much of the remainder of the war.\(^81\) Furthermore, compared to the later years of the war, the Boston army harbored massive food supplies, lessening the common sufferings of the soldiers.\(^82\) The army’s relative success also contributed to the lower desertions. In a true indictment of the idolized American fighting spirit, throughout the war colonists frequently despaired and fled whenever the army experienced defeat, with the opposite occurring during victories as men flocked to the army.\(^83\) Since the army had experienced neither victory or defeat, men did not despair and desert, but they were also not encouraged to stay. That said, the army did experience an increase in mutinous behavior and large-scale attempted desertions during November and December, probably due to

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\(^81\) By 1776, desertion convictions increased by 700 percent; Neimeyer, *America Goes to War*, 136.

\(^82\) In the General Orders on 8 August 1775, Washington set the new rations for the army at, “One pound of fresh beef, or \(\frac{3}{4}\) of a pound of Pork, or one pound of Salt Fish, per diem, One pound of Bread, or Flour per diem. Three pints of Peas, or Beans per Week, or Vegetables equivalent; at 5/s. per Bushel for Peas or Beans. One pint of milk per Man, per diem, when to be had. One half pint of Rice, or one pint of Indian meal per Man, per Week. One quart of Spruce Beer per man, per diem, or 9 Gallons of molasses per Company of 100 Men.” This extraordinary ration did not include all the possible supplements men could receive from the surrounding populace, inns, and taverns.

\(^83\) Royster, *A Revolutionary People at War*, 30-40; Ruddiman, *Becoming Men of Some Consequence*, 121-22.
the frigid New England winter and continuous difficulty gaining their pay.\textsuperscript{84} However, the approaching end of enlistments had the same effect on desertion as it had on insubordination and stealing, quelling many of these attempts. Some regiments did attempt to leave before their enlistments were up, such as several Connecticut regiments who tried to leave in late November. Although many of the attempting deserters were caught and returned by 2 December, they were not punished as their enlistments ended on 9 December, therefore no longer any use to the army and a waste of time and effort to discipline.\textsuperscript{85}

A striking aspect about the discipline of enlisted men during 1775 is the overall lack of consistent punishments. Trivial offenses such as stealing and sleeping on watch frequently received harsher penalties than the more serious crime of desertion. Extenuating circumstances frequently ruled the day with the Continental Army, and the fall of 1775 provides an early example of Washington and his generals being motivated by their current situation. Washington and the Congress clearly desired a disciplined and professional army, but they had to maintain morale to inspire men to stay. Eighteenth-century enlisted men experienced many miseries while on campaign, and for the Continental Army of 1775 the inaction coupled with the cold and lack of pay greatly discouraged their participation. Why add to their poor situation by enforcing strict corporal punishment? Washington’s own sentiments on this issue are varied, but his actions speak loudly. There were forty-eight trials for desertion or mutiny, but only five men ever received lashes. With the enlistments ending, Washington needed to somehow

\textsuperscript{84} Royster, \textit{A Revolutionary People at War}, 73-80.
\textsuperscript{85} Ruddiman, \textit{Becoming Men of Some Consequence}, 118-20.
convince men to stay as his army dissolved in front of him, and heavy floggings were
guaranteed to not encourage further service.

Desertion grew into a massive problem during the campaign season of 1776. As
with most previously discussed issues, desertions became more regular once the army
moved to New York City. Similar to insubordination, the repeated occurrence of
desertion led to the application of stronger punishments. Furthermore, collective
desertions also became more frequent, with groups of thirty to forty soldiers leaving the
army not uncommon.86 Mutiny also took new life in 1776, with the added and more
serious complication of sedition frequenting the offenses. The two problems became so
serious, that one historian has estimated that convictions of desertion increased by seven
hundred percent during 1776 when compared to the previous year.87

Multiple trials for desertion took place before the army left for New York City,
namely in January and February. Overall, the majority of these trials were not particularly
remarkable except for one regarding enlisted man Richard Thompson. Thompson was
court martialed for desertion and theft, receiving a guilty verdict for each. The court then
sentenced Thompson to receive thirty-nine lashes for each crime, for a total of seventy-
eight lashes.88 Thompson was also fined twenty-four shillings and eight pence, which the
court used as bounty money to pay his abductors. Washington approved the sentence
without question. This trial is remarkable for its severity and the use of a loophole in the
Articles of War. The Articles said nothing of a prisoner receiving separate punishments
for different offenses, which allowed the court to loosely interpret the rule on maximum

lashes. Furthermore, this may be the first instance of punishment exceeding the thirty-nine-lash limit, which to the army’s credit, happened infrequently.

Once the army arrived in New York desertions and mutinies steadily increased. Mutiny and disobedience were actually more common when the army first arrived as they took on new and undisciplined troops. Young Captain Alexander Hamilton apparently had problems with mutiny in his Company of New York Artillery, and with the arrival of the disciplinary machine that was the main army, sought to remedy this issue. The April 20 General orders delivered the verdict for four of Captain Hamilton’s men. The overall sentences were light, with the men receiving verbal reprimands from their captain and two men were fined. However, Washington added to the sentence, ordering Sargent James Henry and Matross John Mckenny, stripped and discharged from the company since they had not paid for their clothing. Hamilton’s company highlights the treatment of new units to the army, who at this time were gradually coaxed into the tradition of military discipline. Similar fresh companies and regiments also received lenient treatment, but only for a short time. By May 16, the tolerance had apparently disappeared, as a court martial sentenced Uriah Chamberlain, a member of Hamilton’s company, to thirty-nine lashes for desertion. This ruling also matches the general trend of the army’s gradual rise in harsh punishments. After this date, only nine of the seventy-seven desertion trials that happened during the remainder of the year received anything lower than thirty-nine lashes.

The Articles of War quickly constrained how courts martial could punish soldiers for deserting, and like insubordination the maximum number of lashes became the

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89 Most evidence points to this loophole rarely being used. Washington was notorious for following the rules and normally adhered to Congressional restrictions; Ward, George Washington’s Enforcers, 160-61.
common penalty. Furthermore, men felt they could risk receiving the punishment if it meant escape from army life or the possibility of facing the British.\textsuperscript{92} Despair more greatly influenced soldier’s decision to desert or mutiny during 1776 than the travails of everyday life. From July 1 to August 31, forty-four of the sixty-eight general courts martial were trials for desertion or mutiny. The arrival of the British and a spike in trials for desertion is probably no coincidence, especially since men began to rapidly leave the army in the following months after August.\textsuperscript{93}

Enlisted men soon found that deserting in numbers granted them considerable protection, as the army could not stop and apprehend every individual. One officer recounted that the flow of men from Manhattan was so severe that he had to post a guard at the northern tip of the island to slow the fleeing soldiers.\textsuperscript{94} As despair spread throughout the army, officers and enlisted men seemed less motivated to apprehend their fellow soldiers. Furthermore, with the military situation worsening, high officers could devote less time to controlling desertion, allowing massive numbers of men to easily slip away. Even if groups of men were caught, their numbers still offered some protection. On August 6, Washington was obliged to release six men accused of desertion from confinement due to inadequate evidence, given that these men were unlikely to indict themselves.\textsuperscript{95}

As the military situation declined and men continually left the army, Washington and his officers implemented their last possible disciplinary punishment, the death penalty. Soldiers were rarely executed during the first two years of the war, with the

\textsuperscript{92} Royster, \textit{A Revolutionary People at War}, 109-13.
\textsuperscript{93} Ruddiman, \textit{Becoming Men of Some Consequence}, 119-23;
\textsuperscript{94} Alexander Graydon, \textit{Memoirs of a Life, Chiefly Passed in Pennsylvania, within the Last Sixty Years} (Edinburgh: W. Blackwood, 1822), 172.
\textsuperscript{95} General Orders, 6 August 1776, \textit{The Papers of George Washington Digital Edition}. 
exact number varying depending on the source. The first death sentence published in Washington’s General Orders was the execution of Thomas Hickey, tried for sedition, mutiny, and the attempted assassination of Washington.\textsuperscript{96} Another death sentence did not occur until September 22, when Ebenezer Leffingwell was tried for “Cowardice and Misbehavior before the enemy . . . and presenting his firelock at his superior officer.”\textsuperscript{97} The officer in question was Colonel Joseph Reed, one of Washington’s personal secretaries. Reed had caught Leffingwell fleeing during the Battle of Harlem Heights and ordered him to return to action. The two men encountered each other a second time as Leffingwell again tried to flee. It was during this second encounter that the accused presented his firearm after Reed had struck him with his sword. During the trial, Reed stated that he encountered Leffingwell a third time, and said, “on his seeing me he fell to bellowing out, and I should have shot him, could I have got my Gun off.” Washington immediately approved the sentence but pardoned the man due to Reed’s request that he be spared. However, Washington said in his orders the following day, “that the next offender shall suffer death without mercy.”\textsuperscript{98}

There were two death sentences explicitly involving desertion, both appearing in October. James McCormick was sentenced to death for desertion and Mutiny on October 1.\textsuperscript{99} This was not McCormick’s first court martial for desertion, having appeared in a trial on August 6. The fact that McCormick was a double offender contributed the most to the court’s decision, although attempted mutiny certainly did not help his case.\textsuperscript{100} The final

\textsuperscript{96} The actual sentence in the General Orders read, tried for “Sedition and mutiny, and also of holding a treacherous correspondence with the enemy, for the most horrid and detestable purposes.” General Orders, 27 June 1776, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{97} General Orders, 22 September 1776, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{98} General Orders, 22 September 1776, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{99} General Orders, 1 October 1776, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{100} General William Heath to George Washington, 29 September 1776, \textit{The Papers of George Washington Digital Edition}.
published death sentence of 1776 occurred on October 31. Peter Buise had been caught deserting, and was near the enemy camp when apprehended, indicating an intent to join the British. Buise’s trial is remarkable for its speed, as he had only been captured on October 29 and the trial was completed in one day. Washington once again confirmed the sentence without question and ordered the execution to take place on November 1 at 11 o’clock.\textsuperscript{101} However, the execution was delayed twice due to the movements of the army and possibly never happened with the chaos of November 1776 taking hold of the army.\textsuperscript{102}

Desertion and mutiny further illustrate the army’s increase in harsh punishments, as courts martial began to rapidly issue the maximum punishment for the two offenses. Furthermore, desertion and mutiny highlight a consistent disciplinary problem for the continental army. There existed no median punishment for severe offenses. Guilty soldiers either received thirty-nine lashes or the death penalty. Washington saw the lash limit as far too lenient, but he also believed death too extreme for most crimes. He thought this especially for desertion, since the problem was so common. He could not execute every soldier caught and tried for desertion, as the Continental Army would quickly turn on their general and new recruits would be hard to find. Furthermore, this would mean the Continental Army would have a tyranny and terror far greater than their British counterparts, who although lashed soldiers brutally for deserting, rarely executed men for such an offense.\textsuperscript{103}

\textsuperscript{101} General Orders, 31 October 1776, \textit{The Papers of George Washington Digital Edition}.
IV. Reforming the Articles of War

On the night of September 25, George Washington sat down to write one of the most moving letters of the war. Beginning his letter addressed to John Hancock, the President of the Continental Congress, Washington said, “From the hours allotted to Sleep, I will borrow a few moments to convey my thoughts on sundry important matters to Congress.” What ensued was a powerful but calm diatribe against the military system established by the Continental Congress and a warning of the futility of the war effort if no changes were made. Washington first addressed the wretched pay of his officers and soldiers, reasoning that the army’s future existence relied on high compensation. The Congress had leaned on the revolutionary idealism and “the cause” to swell the ranks of the army and motivate soldiers to serve. Washington swiftly pointed out the folly of this philosophy, stating “When Men are irritated, & the Passions inflamed, they fly hastily, and cheerfully to Arms, but after the first emotions are over to expect . . . that they are influenced by any other principles than those of Interest, is to look for what never did, & I fear never will happen.” The lack of adequate pay further discouraged soldiers to serve for long enlistments, as the men were essentially promoting the ruination of themselves and their families due to want of finances. Washington urged the use of longer enlistments for common soldiers, preferably for the duration of the war, and for larger bounties and higher monthly pay to accompany this change. He reasoned that this would not only improve the fighting capabilities of the army because of increased consistency, but also save the Congress money by not having to create a new army every year.104

Washington next addressed the problem of militia and the strife they created within the army. The general famously declared, “To place any dependence upon Militia, is, assuredly, resting upon a broken staff.” Militia were never an appropriate answer for fighting British regulars, and contrary to the beliefs of many in the Congress and the colonies at large, American militia did not possess innate martial skill.105 These failings were spectacularly displayed on September 15 when the British landed at Kips Bay. The Connecticut militia tasked with holding the landing area fled in a wild panic as the British commenced their landing. To the militiamen’s credit, even hardened veterans would have struggled and possibly fled in the face of such an overwhelming onslaught. Regardless, the Connecticut militia demonstrated the inexperience and timidity that Washington and all his generals loathed.106

Militia also sowed discord within the army, as they were frequently better payed than their fully enlisted counterparts, inciting much jealousy. Militiamen additionally claimed that they did not fall under the Continental Articles of War and were instead governed by their own state regulations. This led to militiamen taking, “liberties which the Soldier is punished for,” further adding to the existing jealousies. Washington declared that these jealousies eventually led to dissatisfaction and ultimately mutiny amongst his enlisted ranks. Militia also siphoned off valuable supplies and money from the standing Continental Army, which further worsened the supply situation and the dissatisfaction of the enlisted men. Militia were indeed, a poor staff to lean on.107

Washington’s final point of emphasis within his letter was probably his most important, the revision of the Articles of War. Throughout the early paragraphs of his letter, the general made several passive aggressive remarks about the total inadequacies of the Articles of War. Washington, as he frequently lamented, decried the lack of strong discipline, remarking that the maximum thirty-nine lashes was not enough to instill order and regularity. He believed that the punishment was inadequate for most crimes encountered by the army, citing the frequency of desertion as an example. Furthermore, there existed no intermediary between thirty-nine lashes and the death penalty, an extreme oversight by the congress which further accentuated the need for reform. Washington once again, urged for the increase in lashes, probably hoping for a maximum of five-hundred, a desire he would champion in later years. Ultimately, the crux of Washington’s letter to Hancock was the pursuit of longer enlistments and stronger regulations, two things the Congress were already addressing.\(^{108}\)

Unbeknownst to Washington, the Continental Congress had been examining revisions to the Articles of War for some time and had actually come to a resolution by September 20. Most evidence points to this effort beginning with the arrival of a letter from Adjutant General Joseph Reed on July 29.\(^{109}\) Reed had written the letter on July 25, in which he detailed the abysmal nature of the army’s rules and regulations and requested changes at the behest of General Washington. However, even before this letter’s arrival, the Continental Congress had a sitting committee for the revision of the Articles of War, pointing to some earlier work on the issue. By late September that committee had completed their revisions and placed the new articles before the Congress for debate,
which concluded on September 20. The new Articles of War were almost an exact copy of the British Articles, although still slightly reserved.\footnote{110} Punishments were expanded and crimes more defined. Remarkably, the death penalty received the greatest expansion, and was assigned to many more offenses, with notable examples being desertion, mutiny, plundering, cowardice, and the unauthorized discharge of firearms.\footnote{111} The new Articles also raised the limit on lashes to one-hundred, partially fulfilling Washington’s request for an increase. However, the most notable and important change was the establishment of long enlistments. Men could now sign on for three years or the duration of war, with a corresponding bounty for each option.

The new Articles of War established an almost entirely new system for the governance and maintenance of the Continental Army. The 1776 Articles of War were a reaction to the difficulties of that campaign season, and although this resulted in greater oppression towards enlisted men, it highlights a unique and lasting trend of the Continental Army. Terror ruled enlisted men in European armies, often with little restraint. This could never be said in the Continental Army. Although the disciplinary trinity of justice, terror, and mercy greatly affected men under Washington’s command, collective agency limited its total application. The leadership in the army could not apply an overly oppressive hand, or the army would completely disintegrate, a fact that became clearer with each passing year.\footnote{112} While not always openly apparent, enlisted men frequently determined their treatment while in the army. The early lenient Articles of War and the strict adherence to revolutionary idealism ensured enlisted men in the Continental

\footnote{110} Ward, George Washington’s Enforcers, 154; Neimeyer, America Goes to War, 134-50  
\footnote{111} For the full account of specific penalties see Section 13 of the Articles of War, Ford et al., eds., Journals of the Continental Congress, 1774-1789, 5:797-800  
\footnote{112} Large scale mutinies became much more common in the later years of the war, with officers almost entirely powerless to stop them; Neimeyer, America Goes to War, 130-31.
Army always had greater civil liberties than their European contemporaries. Although Washington wanted the lash limit raised to five hundred, the early disciplinary missteps by the Continental Congress and the Army made this all but impossible.

The 1776 Articles of War also mark the first widespread recognition that adequate resistance required a standing professional army. Militia would still be heavily relied upon, but their failings were more widely recognized by many outside the military sphere. The battlefield defeats and camp troubles also emphasized the need for better training for the young army. Throughout the New York Campaign there were moments of sufficient resistance during several battles, but the army need consistency, not moments. Once again, the actions of enlisted men significantly influenced these decisions. The combination of better discipline and better training would help create a stronger fighting force.
Chapter III

Officers and the Struggle for Leadership

Throughout the early days of war, the Continental Army struggled to find a skilled, honorable, and consistent officer corps. The years 1775 and 1776 were probably the worst of this struggle, but even after this time the issue carried on. That is not to say that the Continental Army did not have some officers of exceptional quality. Wars have always been an excellent source of highlighting talented and ambitious individuals and the American Revolution proved no different. Furthermore, Washington also had a prodigious eye for locating capable people and elevating them to prominent positions. Such were the cases of Nathaniel Greene and Henry Knox. However, the lower officers, the ensigns, lieutenants, and captains, regularly lacked the skill and conduct of gentlemen and therefore good officers. They frequently partook in the benefits and status of their positions while neglecting their duty as leaders.¹ Eighteenth-century militaries were strictly hierarchical, and many believed that the conduct and leadership of officers would be reflected in common soldiers, inspiring good discipline and skill at arms.² Furthermore, officers were to take discipline into their own hands, ensuring that the articles of war were strictly adhered to by the troops under their command. However, the characteristics and skills of a good officers were absent in the nascent army.³

Compounding these problems were the handicaps placed on Washington, which limited his ability to choose or assign new officers. The only means he had for removing

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an officer was to have the individual cashiered, essentially a dishonorable discharge, and he still could not handpick replacements. The Continental Army has frequently been lauded for its merit-based promotions, but this system did not exist during the early stages of the war. Most officers were elected to their position, essentially a popularity contest, and these individuals frequently filled the other officer positions of their respective regiments through nepotism. Now admittedly, some of this nepotism happened by necessity, as almost the entire army around Boston came from the surrounding New England area, and therefore the talent pool was not very deep, which also added to the problem of allocating replacements. Regardless, because of these intricacies, Washington had to work with the officers that were in the army upon his arrival and deal with their many shortcomings.⁴

Through the first two years of the war, we see Washington and the Continental Congress striving to create a force of officers exceptionally similar to the European style. This effort encountered several ideological and physical barriers, both stemming from the demographics of the colonies. In a European army, the vast majority of officers came from the nobility. In fact, the army that Rochambeau brought to aid the Americans had a force of officers that were 85 percent nobles.⁵ The British Army, although slightly more egalitarian, was very similar to the French, with most officers being nobles. This distinction is important because it provides the primary motivation for service, honor and commitment to the king. Although personally most European nobles were probably seeking military service to advance their own status, honor was the ideological veil they presented publicly to justify their actions. The American Revolution holds multiple

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⁴ Royster, A Revolutionary People at War, 36-42.
examples of this honor bound service. Charles Cornwallis and the brothers Richard and William Howe all fought for the British during the war despite their public opposition to military intervention. They did so because of honor and support of the king, not for their own financial or political gain. The Americans barely had this systemic backing for their own officers, with the southern gentry being the closest people to an actual nobility. Furthermore, a majority of Continental Army officers came from the New England colonies, which were much more egalitarian societies than their southern neighbors. Although the ideas of a gentlemen class and honor existed in the colonies, they were not nearly as martially oriented as they were in Europe. Throughout the war the leadership of the army frequently tried to exploit the idea of honor to encourage committed service, but this proved troublesome for maintaining a core group of good officers. They lacked the structural and ideological commitment of most European nations, that being king and country.

Washington’s professionalization of the officer corps not only encountered the barrier of a lack of a large nobility, but also the revolutionary idealism and the standard inexperience. As previously stated, a European model army was entirely counter to the ideals of the revolution, as such a model reinforced monarchical and aristocratic power. Therefore, not only did Washington have to find a different motivator to encourage service, but he also had to work around the confines of the revolutionary idealism and the

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6 In fact, the Howe Brothers, and many other British generals, essentially ruined their political careers by serving in the war. Cornwallis was one of the few officers to end the Revolution in a better position than he started despite his many blunders, and this was mainly due to him being the first son of an earl. See Andrew Jackson O’Shaughnessy, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of the Empire* (New Haven & London: Yale University Press, 2013), 90-91, 250-51.


equalitarian nature of the Boston Army. Furthermore, Washington never intended or wanted his officers to be a temporary part of the army like the enlisted-men were in the early years of the war.\textsuperscript{10} The Commander in Chief desired long-lasting and committed service from the leaders in his army, as this led to stability, increased skill, and better discipline, all contributing to battlefield success. Washington wanted increased pay and land grants for officers, while also encouraging an early quasi nationalism by using the ideals of the revolution in place of a monarchical and aristocratic backing. The general thought that the improved pay as well as strong emphasis on gentlemanly conduct would inspire more men from privileged backgrounds to serve in the army.\textsuperscript{11}

Officers, not enlisted men, were the cause of the Continental Army’s far reaching ignorance, as many neglected to deliver orders, especially the daily general orders. Officers also did little to endear themselves to their men. Throughout 1775, defrauding of one’s company or regiment became a persistent and surprising problem, much to the anger of Washington and the cheated enlisted men. The young army also experienced a number of courts martials for cowardice and misbehavior before the enemy, which like desertion was considered a grievous act for an army. Officers also displayed acts similar to the insubordination of enlisted men, frequently termed, “conduct unbefitting an officer,” and this was by far their most common offense. Overall, the problems displayed by the officers of the army paints a very similar picture to that of the enlisted-men, a scene of inexperience and unprofessionalism.\textsuperscript{12}

\textsuperscript{10} Cox, \textit{A Proper Sense of Honor}, 42-46.
The conduct of officers changed significantly and improved overall during 1776. Courts martial for officers actually trended down over the first two years of the war, with forty-five trials in the last six months of 1775, and thirty-nine for the entirety of 1776. Unlike his earlier attempts with enlisted men, Washington’s efforts to train through the general orders actually took hold with some of the officer corps.\textsuperscript{13} Furthermore, requirements for becoming an officer became more stringent and were not left to the whims of the masses. Just as the general had urged reform to the Articles of War for improved discipline, so too did he advocate for the recruitment and improved conduct of officers. Although some problems still persisted throughout 1776, the officer corps professionalized much more rapidly than the rest of the army. This was mainly due to Washington, whose own beliefs and past experience demanded disciplined, courageous, and genteel officers.

I. The Character of an Officer and Gentleman: Poor Conduct and Fraud

Being an officer in an eighteenth-century army carried the expectation of behaving as a gentleman. The two ideas were inseparable and were actually codified by the 1765 British Articles of War.\textsuperscript{14} Because of this expectation, most non-combat offenses in the Continental Army were related to ungentlemanly behavior, such as profane language, disobedience of orders, or defrauding the army. Furthermore, most officers were just as inexperienced as the enlisted men they commanded, which led to them committing many similar mistakes. Not surprisingly, profanity flourished in the officer corps of the Continental Army and remained a consistent issue throughout the

\textsuperscript{13} Cox, \textit{A Proper Sense of Honor}, 41-44; John A. Ruddiman, “‘A record in the hands of thousands’: Power and Negotiation in the Orderly Books of the Continental Army,” \textit{The William and Mary Quarterly} 67, No. 4 (October 2010): 747-74.

\textsuperscript{14} Cox, \textit{A Proper Sense of Honor}, 21-22.
war.\textsuperscript{15} Defrauding a company or regiment by withholding pay or rations also plagued the army upon Washington’s arrival. However, the most common issues varied greatly, and were similar to the insubordination of enlisted men, based mostly on simple ignorance. Simply put, officers in the Boston Army were just not good at their job and they needed training and discipline. Many had little qualification and were serving mostly for their own gain, as evidenced by the widespread fraud. Furthermore, the qualities of a gentleman were lacking, especially in the low officers. To address these problems, Washington and his staff began a purge of the officer corps throughout the fall and winter of 1775, with an emphasis on encouraging gentlemanly behavior and status. Although cursing could never be fully eliminated, Washington still sought to address the issue and encourage better decorum by his officers, hoping that their conduct would inspire the enlisted men to follow their example. Defrauding and insubordination, however, were the more troublesome crimes, and the Commander and Chief worked towards their total elimination during these early months.

Profane language was a triable offense for all army ranks in the 1775 Articles of War, but few men made it to trial solely based on their cursing.\textsuperscript{16} Ensign Joshua Trafton was the first and only officer court martialed exclusively for profane language in 1775. The trial resulted from a verbal altercation with Trafton’s regimental commander, Colonel James Scammons. Remarkably, the incident actually took place while Scammons was under arrest for cowardice at Bunker Hill, providing an excellent example of the inescapable respect for military hierarchy. However, the court unanimously found Trafton not guilty and acquitted him of the charge on July 23.\textsuperscript{17} But this was not

\textsuperscript{15} Ruddiman, \textit{Becoming Men of Some Consequence}, 69-71.
\textsuperscript{17} General Orders, 23 July 1775, \textit{The Papers of George Washington Digital Edition}. 
Trafton’s last confrontation with Colonel Scammons. A little over a month later on
August 25, a different court found Trafton guilty of “offering to strike his Colonel, and
for disobedience of orders.” For Trafton’s sentence, the court ordered him confined to his
tent for only three days.\textsuperscript{18} Just like the common soldiers of 1775, some officers received
some leniency during these early months, Trafton being one such beneficiary. There was
only one other instance primarily concerned with cursing after Trafton’s trial. On August
9, a court martial fined Captain William Ballard for, “profane swearing and for abusing
his men.” Ballard was found guilty on two counts and ordered to pay four shillings for
each count.\textsuperscript{19}

After Ballard’s court martial, cursing became more of an outlier offense and was
rarely tried alone, usually appearing as an addition to a separate charge. Washington
abhorred cursing but appears to have found other issues more deserving of a court
martial. However, the general never missed an opportunity to admonition and individual
for their profanity throughout the war. Lieutenant Park Holland remembered how once at
the end of a formal dinner with Washington, a young officer forgot who he was dining
with and cursed. Washington preceded to silence the room and said, “gentleman, when I
invited you here it was my intention to have invited gentlemen only, I am sorry to add I
have been mistaken.” After the general’s immediate departure, the rebuked lieutenant
said he would rather have died than earned Washington’s ire.\textsuperscript{20} Washington also
addressed the constant profanity several times in his general orders in a similar manner to
how he approached the issue of drunkenness. However, Washington was enough of a

\textsuperscript{20} Ruddiman, Becoming Men of Some Consequence, 70-71.
realist to recognize that cursing was so common it was a waste of precious time to try and control the issue and send each instance to trial.

Insubordination in the officer corps underwent a progressive evolution over the first two years of the war. As discussed in the first chapter, during July and August of 1775, officers frequently committed similar offenses as enlisted men, such as absenting themselves or simple neglect of duty. These early issues were primarily based on simple ignorance, but as the war progressed and officers gained more military experience fewer instances of negligence or absenting oneself occurred. With this development, by the spring of 1776 most officer trials for insubordination were more concerned with the individual’s ungentlemanly conduct than the poor performance of their daily tasks.

Furthermore, the various iterations of the Articles of War all drew heavily from the 1765 British Articles, and included specific points for encouraging gentlemanly conduct by commissioned officers. The various articles made many offenses that could be termed as conduct unbefitting an officer triable by a general court martial, with cashiering as the normal sentence. This was one of the few instances where the early articles aligned with Washington’s personal beliefs and desires, fully supporting his early war efforts.

Although profanity could never be fully eliminated, Washington could eliminate other more detrimental behavioral problems.

The ungentlemanly conduct frequently took the form of lower officers insulting or questioning an order or decision by their superior. Normally, this was lieutenants and captains questioning their colonel, but squabbles between the lower ranks were also common. This trend slowly developed throughout the fall of 1775, with the first trial

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actually being Ensign Trafton’s confrontation with Colonel Scammons. There were five more similar trials throughout the remainder of the year, with the finest example occurring in November. A court convicted Lieutenants Amasa Soper and Avery Parker on November 15 for, “striking and abusing Lieutenants Hanshaw and Craig, and keeping Lieutenant Craig in the meeting house guard, all night.” The court judged that the two men had breached Article 46 of the Rules and Regulations for the Massachusetts Army and were immediately cashiered, with any future service forbidden.\(^22\) Article 46 was a verbatim holdover from the 1765 British Articles, and forbade conduct unbecoming an officer and a gentleman, with any man convicted of such an offense being cashiered.\(^23\) Cashiering was a powerful punishment for officers, as it shamed and wounded one’s honor while also diminishing later career prospects.\(^24\) Getting cashiered was a constant threat for officers during 1775, as any instance of poor conduct could be charged as a breach of Article 46.

Officer courts martial were incredibly rare during 1776 when compared to the rest of the army. There were only thirty-nine published officer courts martial, and roughly half were acquitted with honor.\(^25\) Washington’s slow training and encouragement of gentlemanly behavior appears to have taken hold with many of his new officers. However, there were several instances of notably poor behavior similar to the issues of 1775. On July 17, Colonel Rudolphus Ritzema was convicted by a general court martial for, "Poor Conduct and using disrespectful expressions of Brigadier General Lord

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\(^{23}\) Article 46 stated, “whatsoever commissioned officer shall be convicted before a general court martial, of behaving in a scandalous, infamous manner, such as is unbecoming an officer and a gentleman, shall be discharged from the service.” William Lincoln et al., eds., *The Journals of Each Provincial Congress of Massachusetts in 1774 and 1775* (Boston: Dutton and Wentworth, Printers to the State, 1838), 128-29.  
\(^{24}\)*Ruddiman, Becoming Men of Some Consequence*, 119-30.  
\(^{25}\) Nineteen total officer courts martial were acquitted during 1776.
Stirling.” This was the first major altercation between two high ranking officers, and due to Lord Stirling’s forgiveness, ended without major incident, at least for a while. When charges were initially brought against him, Ritzema requested his resignation, which Washington denied due to the critical situation that ensnared the army during July 1776. Ritzema’s discontent and wounded honor eventually led to his departure from the army sometime in November, after which he joined the British as a loyalist commander for the remainder of the war. The Ritzema trial is an outlier but does illustrate the importance of honor within the Continental Army. Despite the poor outcome, Washington probably would have liked his low officers to adhere to the same strict honor code as Colonel Ritzema, that way he could avoid situations like the offenses of Lieutenant John Riggs.

On June 5, a court convicted Riggs of what can best be summarized as gross misconduct, having assumed the character of a field officer and acting in subversion of military order. Riggs was immediately cashiered without question, but once again this trial was primarily an outlier. Overall most officers behaved much more admirably throughout 1776.

Throughout the latter half of 1775, officer courts martial regularly addressed the issue of defrauding colonial forces. In a matter that perplexed many Continental Army leaders, some officers repeatedly withheld rations and pay from their men to keep or sell for their own gain. Additionally, officers committed another similar form of fraud by using their men for labor on their personal farms. Of the forty-five officer trials of 1775, 26 The exact verdict read, “Counterfeiting, and assuming the character of a Field Officer, and under pretense of being Field Officer of the day, ordering out one of the principal Guards, in the army; imposing upon Capt. Sumner commanding the upper Barrack Guard; and behaving herein unbecoming the Character of an Officer, acting in subversion of military order.” General Orders, 5 June 1775, The Papers of George Washington Digital Edition.
27 Soldiers enlisted expecting varying forms of compensation, namely money, but also food and clothing. Officers withholding pay and rations from their men did not motivate enlistments or encourage men to reenlist. For more on enlisted men’s motivation for service, see Royster, A Revolutionary People at War, 58-61; Charles Patrick Neimeyer, America Goes to War: A Social History of the Continental Army (New
Defrauding offers an interesting mixture of different yet similar officer crimes. Fraud was simply a more complicated form of stealing and obviously a crime. However, the fact that a real gentleman would never steal added the element of ungentlemanly conduct to this crime and increased its severity. A man who committed fraud could not be called a true gentleman, and therefore proved himself unworthy of serving as an officer in the army.

The General Orders on August 2 delivered the first verdict for a trial involving fraud. Captain Oliver Parker was charged with, “defrauding his men of their advance pay, and by false returns, imposing upon the commissary, and drawing more rations than he had men in his company, and for selling the provisions he by that means obtained.” The court found Parker guilty and immediately cashiered him with all future service forbidden. As an added charge, Parker also forfeited all his pay from his time in the army.28 The Parker trial was a rather extreme example of fraud for the young Continental Army, with most courts martial not involving both the withholding of pay and rations. A more typical example of fraud was the trial of Captain Edward Crafts, charged with “defrauding his men, and abusive expressions to Major Gridley.” In this instance, the court actually acquitted Craft of fraud but convicted the captain of the second charge, therefore resulting in a severe public reprimand.29

Officers using Continental soldiers for labor on their personal farms rarely occurred as a form of fraud but was the subject of two separate trials. A court martial convicted Lieutenant Colonel Abijah Brown on October 7 of using the labor of two soldiers on his farm. Brown had not known that soldiers in the service could not be used

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for personal employ, even though he appears to have paid them with his own money. His ignorance caused the court to drop the charge of defrauding the Continent, but they still fined him four pounds for employing the soldiers. Washington and the general officers found the sentence too lenient, especially given Brown’s advanced rank, but did not alter the court’s sentence. Instead Washington issued a warning to the other officers of the army that a like offense would be met with sterner punishment, on which the general kept his word. On October 23, a court ordered Colonel David Brewer cashiered from the army for, “making a return to the Committee of Supplies, for a larger number of blankets, than were requisite for said regiment; and also, for taking the men from the public service, in the army, and employing them in his own private business, in Labor on his farm.”

Washington approved the sentence without question and possibly denied an appeal by Brewer for a second trial.

As with all officer offenses, fraud dramatically decreased during 1776, with only four trials, three of which were acquitted. This change was probably due in part to Washington’s purge of the officer corps, but also the massive turnover of men in the army and the new officers this event brought. These officers began their service within the new administrative format of the orderly books. As previously discussed, orderly books were important for instilling discipline in enlisted men, but they were more useful for assisting and ensuring officers completed their daily tasks. Although most instances of fraud were due to a pursuit of personal gain, some were the result of confusion on quantity of pay or ration to distribute to the men. Furthermore, the orderly books were an effective way to convey stern warnings to officers and encourage the pursuit of

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31 For the full charge brought against Brewer, see General Orders, 23 October 1775, *The Papers of George Washington Digital Edition.*
gentlemanly behavior. Washington frequently used orderly books to educate his officers and men, who lacked most basic military knowledge.\textsuperscript{33} Since officers were the first recipients of orders and were the privileged ranks, they seem to have benefited the most from these education efforts, hence their improved behavior in 1776.

The frequent fraud showed the cracks in the motivational rhetoric of revolutionary resolve. Washington personally could not understand how men engaged in so noble a cause could, “be so lost to all sense of honor as to defraud the public in so scandalous a manner.”\textsuperscript{34} The pillar of revolutionary idealism was already weakening in 1775 and showed the difficulty of being a Continental Army officer. Officers were not just expected to behave like gentlemen but to also have the look of gentlemen. This was especially true in European armies, where officers frequently went bankrupt trying to uphold their gentlemanly appearance.\textsuperscript{35} At this early stage in the war, Continental officers had to procure most of their own uniform. Additional costs were added just to simply maintain the appearance of a gentleman, such as personal affects and the purchasing of favors. These costs could heavily tax many men even early in the war, and probably contributed to the numerous attempts to gain extra money to compensate for their low pay.\textsuperscript{36} Junior officers rapidly came to the conclusion over the first two years of the war that revolutionary idealism was not worth being bankrupted and losing all future financial prospects.\textsuperscript{37} Washington and his generals quickly came to the conclusion that the Continental Congress had to improve the pay of their officers to ensure their lasting committed service and gentlemanly conduct.

\textsuperscript{33} Ruddiman, “A record in the hands of thousands,” 747-74.
\textsuperscript{34} General Orders, 8 August 1775, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{35} Duffy, \textit{Military Experience in the Age of Reason}, 38-40.
\textsuperscript{36} From the Committee of Second Lieutenants, 21 September 1775, \textit{The Papers of George Washington Digital Edition}.
II. The Bunker Hill Trials: Cowardice and Misbehavior before the Enemy

By the standards of eighteenth-century military law, no crime was more egregious than cowardice. The only comparable offense was misbehavior before the enemy, which frequently appeared alongside cowardice in courts martial. They were crimes unique to officers, as enlisted men were rarely if ever tried exclusively for cowardice. Eighteenth-century military doctrine dictated that officers display inspiring leadership. Therefore, it was an officer’s fault if his men were cowardice and unjustifiably retreated. Furthermore, an officer could be tried for cowardice for being reluctant to engage and not try the enemy.\(^{38}\) The most famous example of cowardice and misbehavior before the enemy in the Continental Army involved the actions of General Charles Lee at the Battle of Monmouth Courthouse in June of 1778.\(^{39}\) However, a far more interesting string of cowardice trials happened long before Lee’s misdeeds at Monmouth. They were what this essay will call the Bunker Hill trials, a dramatically overlooked instance of professionalization in the Continental Army. This group of courts martial were the most controversial and visible manifestation of George Washington’s purge of the officer corps in 1775.\(^{40}\)

Most historians view The Battle of Bunker Hill as an early loss for the revolutionaries. However, much of the rhetoric of the time actually depicted Bunker Hill as a sort of victory. Washington even referred to the battle as a victory in his early military correspondence.\(^{41}\) Truthfully, Bunker Hill was in many ways a victory. The

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untrained Americans had inflicted over 1000 casualties during the battle, the worst loses the British ever took during the war. Yet, the colonists still lost the ground at the end of the day and British occupied Charleston Peninsula, which became a major strategic problem during the siege of Boston. Furthermore, many patriot leaders believed that if some commanders had acted differently, the colonists could have carried the day. Washington seized upon this doubt to not only discourage weak combat leadership, but to also eliminate several poor or troublesome commanders from his army.

There were twelve trials involving cowardice or misbehavior from the time Washington took command to the end of the Siege of Boston. Of these twelve trials, nine were for the combat on Bunker Hill, and they occurred over the course of seven months. Washington’s arrival actually coincided with the conclusion of the first court martial. On July 7 Washington approved the cashing of Captain John Callender while also expressing his concern with the situation. The general issued a warning against cowardice, describing the offense as, “a crime of all others, the most infamous in a soldier, the most injurious to an army, and the last to be forgiven; inasmuch as it may, and often does happen, that the cowardice of a single officer may prove the destruction of the whole army.” Callender, an artillery officer, had been caught fleeing the action on Bunker Hill with his guns by Major General Israel Putnam. When Putnam questioned the officer as to why he was fleeing, Callender said he was out of shot, which the general soon discovered was a lie. Putnam ordered him to return to action which the captain resisted until threatened with immediate death by his furious general. Putnam blamed the defeat at Bunker Hill on the poor behavior of artillery officers, specifically Captain

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Callender. To George Washington, Putnam’s statement and Callender’s actions proved the second part of his proclamation about cowardice.\textsuperscript{43} Although unlikely that better artillery support would have swung the battle in the colonist’s favor, the Callender trial provided Washington with an excellent example of the detrimental effects of cowardice.

Shortly after the Callender trial, Washington wrote to John Hancock about the issue of cowardice at Bunker Hill and the increasing number of accusations being brought to him. In the letter, Washington acknowledged that the officers of the army had a rather poor outing during battle despite the exceptional performance of their men.\textsuperscript{44} The topic of poor officers remained a recurrent theme in Washington’s ensuing correspondence. In a letter to his cousin and estate manager Lund Washington, the general stated his firm belief that the enlisted men would “fight very well” if properly led and that the defeat at Bunker Hill was solely due to this lack of leadership.\textsuperscript{45} The general further articulated his feelings on the matter in a letter to his friend Richard Henry Lee. Washington expressed his displeasure with the officers from the New England colonies, finding these men ungentlemanly in conduct and lacking in courage.\textsuperscript{46} Although Washington frequently encouraged unity and the continental nature of the army, he had an extreme disdain for the New England colonies, describing the people of the region as “exceeding dirty and nasty.”\textsuperscript{47} This reality adds an interesting layer to Washington’s purge of the officer corps. There was obvious merit for cashiering some men for

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\textsuperscript{43} General Orders, 7 July 1775, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{44} George Washington to John Hancock, 21 July 1775, \textit{The Papers of George Washington Digital Edition}.
\textsuperscript{47} George Washington to Lund Washington, 20 August 1775.
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cowardice, but the general was also motivated by his personal disdain, making it unlikely for him to overturn or hear an appeal for a conviction of cowardice or misconduct.

The court martial of Major Scarborough Gridley, son Colonel Richard Gridley, displayed the personal and political background of the Bunker Hill trials. Major Gridley was not a particularly well-liked man by many in the army and had apparently caused significant discord. This troublemaking soon drew the ire of George Washington, who apparently did not care for the young major’s abrasive behavior.\textsuperscript{48} Gridley was court martialed for, “being deficient in his duty upon the 17th June last, the day of the Action upon Bunkers-hill.” The interesting circumstances surrounding Gridley call the validity of this charge into question, which is further enhanced by the trial’s verdict. The Court ordered Gridley cashiered from the army but did not render him incapable of future service due to his age and the confusion of the day.\textsuperscript{49} One could argue that the court’s rational for not eliminating the possibility of future service could have also been used to reverse their guilty verdict and not have Gridley cashiered. However, extenuating circumstances seem to have destined Major Gridley to a guilty verdict, regardless of evidence in his favor. The court martial of Major Gridley shows that similar to the issues of fraud, the Bunker Hill trials provided the general officers of the army the opportunity to not only firmly address a major issue, cowardice, but also eliminate troublesome individuals on shaky pretext.

Despite the numerous defeats of 1776, there were very few trials for officer misconduct or cowardice, at least not until the army had stabilized in the new year. The


circumstances had actually flipped from the previous year. Washington had lauded the
courage of the enlisted men at Bunker Hill while deploring the officers. In 1776, officers
performed much more admirably in combat while enlisted men actually digressed. One
such example of improvement was actually John Callender, the first man court marialed
for cowardice in the army, having reentered the service as a volunteer cadet shortly after
being cashiered. During the Battle of Long Island, Callender took command of his units’
battery after his superiors had been killed. The disgraced officer redeemed his honor by
continuing to fire his guns, despite being wounded himself, until he was eventually
captured. After being exchanged in 1777, Callender served in the army for the remainder
of the war as an officer, Washington having restored his captains commission.\footnote{General Orders, 7 July 1775, The Papers of George Washington Digital Edition; David T. Zabecki,
"From Cowardice to Courage" Military History, (May 2011), 68-75.}

Cowardice and misbehavior before the enemy reflected an individual’s
gentlemanly conduct by revealing his courage or lack thereof. Furthermore, battlefield
misconduct provided a simple and justifiable reason to purge less than desirable officers
from the army. These two facets are illustrative of Washington’s primary goal to promote
gentlemanly conduct and professionalism in his officer corps. Washington firmly
believed in the rigid class structures of the day and the classic European belief in
gentleman officers. When he arrived in July of 1775, he saw an army composed of
officers and men who were far too familiar with each other. He believed this was due to
the relative economic equality and egalitarian nature of the New England colonies. This
spirit of equality undermined discipline and authority, and the New England officers were
the embodiment of this problem. Furthermore, cowardice and misconduct at Bunker Hill
simply reinforced Washington’s belief that officers had to be gentlemen of some status.
and knowledge. Washington’s own selection as commander in chief was heavily influenced by his personal wealth and prestige. When he arrived in Cambridge, he set out to more strictly enforce the social barriers of the army, as this created good discipline and contributed to professionalism.\footnote{For more on the social distinctions and the conduct of officers, see Stephenson, \textit{Patriot Battles}, 63-65; Anderson, “The Hinge of the Revolution,” 20-48; and Kaplan, “Rank and Status among Massachusetts Continental Officers,” 323-326.}

Throughout the war the officers of the Continental Army progressively reflected Washington’s ideal of the gentleman soldier, ultimately resulting in the officer corps forming the Society of the Cincinnati. The general laid this groundwork during the first two years of the war, especially 1775. Although not all officers could afford the trappings of a wealthy gentleman, they certainly began to conduct themselves as such much more regularly. Furthermore, Washington constantly requested increased pay for his officers, requests for which the Continental Congress generally relented. Washington’s famous September 25 letter to John Hancock in which he called for greater repression of enlisted men, conversely advocated for increased pay for officers, claiming this would induce gentlemen and men of character to serve. Washington believed that they could not expect victory or continual success until, “the bulk of your Officers are composed of such persons as are actuated by principles of honor, and a spirit of enterprise.” With increased pay, Washington argued that his officers could afford to conduct themselves as gentlemen and not resort to “low and dirty arts” to compensate for their needs.\footnote{George Washington to John Hancock, 25 September 1776, \textit{The Papers of George Washington Digital Edition.}}

Many historians have remarked that for the Continental Army to succeed, they had to essentially turn their back on the ideals of the revolution. By the end of the war the army was much more similar in regulation and structure to their British counterpart than
most of the general public had probably anticipated. No other component of the army reflected this similarity quite like the officer corps, whose professionalization began the day Washington arrived in camp. Professionalization was a slow and drawn out process for most of the army except for the officers, who despite frequent reforms to their compensation, attained an acceptable level of honor and conduct early in the war.
Epilogue

The 1777 campaign season was, until the Battle of Saratoga, another year of defeat and hardship for the Continental Army. Despite starting the year on a high note with the victories at Trenton and Princeton, 1777 brought with it very little success, especially for the main army under Washington. This core had performed much more admirably in their two major actions, but still failed to achieve victory at Brandywine on September 11 and Germantown on October 4, which sealed the British capture of Philadelphia. Furthermore, the two major battlefield defeats highlighted the final major point necessary to professionalization, actual combat training.¹

From the start of the war, the Continental Army struggled with the finer arts of eighteenth-century warfare, namely the complex drill, parade, and maneuvering as a unit. Even officers with real previous military experience, like Generals Montgomery, Lee, and Gates, were not knowledgeable enough to effectively teach these skills to the army and firmly.² Furthermore, officers like Lee and Gates believed training was the duty of non-commissioned officers, a professional body of which the Continental Army did not have. Because of these shortcomings, the army had adopted a rather rudimentary training regimen for combat skills.³ However, the defeats of 1777 highlighted that army leadership finally had to address these issues. Furthermore, with the early end of the campaign season and the army entering camp, they had something they had not had in several years, plenty of time. Not since December of 1775 had the army had such an

² General Montgomery was killed at the Battle of Quebec, dramatically limiting his contribution.
extended period of inactivity. Previously, long bouts of inactivity had caused trouble, but this time the army had a task to keep them occupied and discipline was much stronger.\(^4\)

Although Friedrich Wilhelm von Steuben probably receives too much credit for the army’s professionalization, his work in training the enlisted men in the art of war was the necessary final step. Washington needed someone who could effectively teach the basics of drill and then expand upon these teachings, and who better than a former Prussian officer who had received personal instruction from the greatest military mind of the era, Frederick the Great. Steuben had committed his life to the military and served Prussia during the Seven Years War, but like many other young officers, found himself removed from the army with the post war downsizing. After this, Steuben served for a time on the court of a German count, but soon found himself again seeking employment. It was not long after this that he was introduced to Benjamin Franklin, who swiftly procured the Prussian officer a position in the Continental Army.\(^5\)

Steuben’s success was due to the groundwork laid over the previous years of the war. He arrived at a time when the military hierarchy had been firmly established and was only growing stronger. The Continental Congress had standardized discipline with their harshest Articles of War, which were never replaced throughout the remainder of the conflict. During 1775 and 1776, Washington worked to create the structures for producing a spirit of unwavering obedience, the backbone of an eighteenth-century military, a creation that von Steuben could easily take advantage due to the ample time allowed for training while at Valley Forge.

Conclusion

Professionalization was a slow process for the Continental Army that began in the earliest days of the war. The training at Valley Forge may have been the climax of this endeavor but was not the start. George Washington desired a professional army from the moment he took command, but circumstances dictated otherwise, and he began work towards this objective upon his arrival at camp. Eliminating the widespread disorder within the army and introducing the concepts of military life set the stage for addressing the larger systemic disciplinary problems in both the ranks and the officer corps.

Warfare in the eighteenth-century consisted of common soldiers standing in a line abreast and firing at a similar line across from them. One can easily see why it was difficult to convince soldiers to partake in such a system. Partially due to this reality, professionalization took the longest for the enlisted men, and realistically lasted throughout the entire war as new troubles developed. However, Washington and the Continental Congress addressed the major difficulties in the early years of 1775 and 1776 by reforming the Articles of War. The professionalization of the enlisted men relied on strengthening discipline by increasing the severity of punishments while also lengthening terms of enlistment. More severe punishments entailed higher allowable lash totals for corporal punishment, which peaked with the one-hundred lash limit imposed by the 1776 Articles of War. Washington advocated for further increases in the later years of the war, but Congress did not bend to these requests, making his early war improvements the most important. Furthermore, by the end of the 1776 campaign season, Congress finally recognized seriousness of their situation and the need for a consistent standing army,
adopting the use of longer enlistments.¹ By the time von Steuben arrived, his main tasks were to train enlisted men and reform the sanitary conditions in camp, which Washington had attempted numerous times before.

The officer corps professionalized faster than any other portion of the army. This was partially due to eighteenth-century military style and Washington’s own predisposed beliefs. Men who became officers entered the military sphere from a far greater position of prominence and were given much greater attention during the initial creation of army rules and regulations. Despite the idealism of the revolution, the Continental Congress and the commander in chief had no qualms about replicating the style of European officer corps, promoting classism, genteel behavior, and a sense of honor. Washington firmly believed in the differentiation of the ranks, which was barely recognized when he took command in July of 1775. However, by the end of 1776, the distinction was much clearer and only grew throughout the remainder of the war. Because these realities, officers encountered a much easier path to professionalism than their enlisted counterparts, with quality pay being the only real consistent hindrance, but this was a problem faced by the whole army.

The army’s professionalization contributed to much of the Americans’ later war success, as the British did not want to risk a major action with the newly adept Continental Army. The greater professionalism and skill of the army limited British military operations, with General Clinton’s army spending most of the war inactive in New York City.² Although Cornwallis had initial success in the south, once the situation

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¹ The fight over a standing army did not end with the Revolutionary War, continuing during the writing of the U.S. Constitution. For more on this issue, See Richard H. Kohn, Eagle and Sword: The Federalists and the Creation of the Military Establishment in America, 1783-1802 (New York: Free Press, 1975).

² Part of the British inactivity was due to an order from the British Council that troops in North America should engage in a maritime strategy, attack the south, and only engage in a decisive battle in the north if they were sure they could destroy Washington’s army. For more on this topic, see Andrew Jackson
deteriorated Clinton could not send him significant reinforcements and aid, as he needed an army capable of checking Washington. Furthermore, professionalism also helped draw France into the war, as the Americans’ improving martial skill over the first two years of combat showed their value as an ally. Washington only fought a few major battles with his new army, but both were successful, especially the Battle of Yorktown in the fall of 1781. However, the greatest contribution of professionalism, was as a check. With Washington’s army now professional, the British could not hope to soundly defeat them on the battlefield, especially with France’s entry into the war. Without even moving, the Continental Army hindered British military operations, with their mere presence providing a great threat.

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