

GEORGE WASHINGTON AND THE ESTABLISHMENT OF CIVIL-
MILITARY RELATIONS IN RELATION TO THE
DECLARATION OF INDEPENDENCE

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General Studies

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ABSTRACT

GEORGE WASHINGTON AND THE ESTABLISHMENT OF CIVIL-MILITARY RELATIONS IN RELATION TO THE DECLARATION OF INDEPENDENCE, by Major Adam T. Schultz, 122 pages.

This thesis examines General George Washington and the establishment of American civil-military relations with respect to the principles of the Declaration of Independence to emphasize Washington's struggle to balance military necessities with the supremacy of law and government by consent. When Washington assumed command of Continental Forces, he faced a unique situation where the army he led curtailed the individual liberties of his soldiers in order to preserve the liberties of the American people. The professional army Washington requested also appears inconsistent with the revolutionary beliefs of colonial Americans who viewed a standing army as a threat to liberty. Despite the appearance of inconsistencies with revolutionary ideals, Washington upheld the principles of the Declaration and maintained military subordination to civil authorities throughout the war. During the first year of the war, Washington established precedents in civil-military relations that maintained military subordination to the Continental Congress and upheld the principles of supremacy of law and government by consent of the people.

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CHAPTER 1

FOUNDATIONS OF THE DECLARATION

On 2 July 1776, the Second Continental Congress voted to separate from Great Britain. Two days later Congress ratified the Declaration of Independence, which announced the separation from Great Britain and presented their justification to the world. The Declaration was not a stand-alone document, but the culmination of a series of colonial petitions for redress of grievances that began with the Stamp Act in 1765. The Declaration provided a proclamation of universal rights and detailed colonial constitutional grievances against King George III and the British Parliament. The colonists based the perception of their rights on the idea of natural rights, the English constitution, and the colonial charters, and justified their separation on the continued violation of these rights.¹ When the colonies separated from Great Britain, the Continental Congress and George Washington, who assumed command of the Continental Army a year before the Declaration, became responsible for defending the rights of Americans and upholding the principles espoused in the Declaration.

When Washington assumed command of the Army, the colonies were engaged in armed resistance to restore their rights within the British Empire. A conflict centered on rights required Washington to manage the Army, which colonists viewed as a threat to liberty, without violating the rights Congress charged him to defend. His position as Commander in Chief required him to balance military necessity with revolutionary ideals and the principles espoused in the Declaration. Revolutionary ideals focused on

¹ Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (Garden City, NY: Doubleday and Company, 1978), 60-63.

individual liberty, while the principles of the Declaration centered on the supremacy of law and government by consent. Many colonists, to include Washington, anticipated a short conflict and reconciliation with Great Britain. Washington was unaware, when he assumed command, that his actions would establish traditions for a new nation. However, when the colonies separated from Great Britain, Washington had established precedents in civil-military relations that supported the Declaration's principles of supremacy of law and government by consent of the people.

Understanding Washington's precedents in relation to the principles of the Declaration requires an understanding of the history behind the principles. These principles were rooted in over 1,300 years of English history. Colonial Americans were very familiar with this history. They viewed their rights and liberties as an English birthright originating with the ancient Saxons and viewed much of subsequent English history as a struggle to preserve these ancient freedoms against the arbitrary rule of kings.² A closer examination of this history, or the colonial perception of this history, sheds light on the Continental Congress's intention in the Declaration and identifies the principles that guided Washington and American leaders in their fight for independence.

The English history of liberties began with the ancient Saxons who immigrated to England in the fifth century, replacing Roman imperialism. Over several centuries, the colonists believed, the Saxons established systems and forms of government that supported individual rights and liberties. Central to Saxon government was the concept of rule by consent of the people and the execution of laws made only by themselves. The

² Trevor Colbourn, *The Lamp of Experience: Whig History and the Intellectual Origins of the American Revolution* (Indianapolis, IN: Liberty Fund, 1998), 30-37.

people exercised government by consent through an elective assembly known as the Witenagemot. The Witenagemot was the dominant body of Saxon government, one designed to protect the rights of the people. Its members served one-year terms, the annual terms designed as a safeguard against abuse of power. In addition to establishing laws, the Witenagemot elected their king. The king was thus bound by the assembly and exercised only those powers granted him by the representatives of the people. The Witenagemot prevented the temptation to arbitrary rule by kings and maintained the authority to replace any king who became tyrannical. In this Saxon model, the separation of legislative and executive powers provided a safeguard against corruption and tyranny.³ This system also limited the king's control of the military. No standing army existed in this system. The military consisted of militia controlled, until time of war, by the Witenagemot. The king could not exercise control of the military without the consent of the assembly. This system placed the military subordinate to civil authorities and prevented the king from abusing his power through military force.⁴

Colonial Americans held a largely idealized view of the Saxons as a society comprised of freemen fiercely jealous of their liberties. The Saxon people lived in a largely agrarian society and enjoyed a land title system allodial in nature. Ownership of land did not require any form of obligation or service to the monarch as opposed to the feudal system later introduced by the Normans. Saxons, the colonists believed, enjoyed the right to trial by jury of peers, and lived under a system of laws created by themselves or their elected representatives. The colonists also believed the Saxons to be a good and

³ Colbourn, 30-37.

⁴ Ibid., 97.

virtuous people, living in a society of trust and deeply committed to their liberties. They designed their government to uphold the rights of the people and faithfully fulfill this obligation. Though the colonial view of this society was largely based on Whig idealistic interpretations, Americans nonetheless based their principles of good government on their idealized perception of Saxon society.⁵ They believed the people of this society existed in harmony and liberty for centuries until the introduction of Norman rule.

In 1066, William the Conqueror, Duke of Normandy, invaded England, defeated the Saxon militia in the battle of Hastings, and undid the Saxon system forever, or so thought the colonists. In reality, little changed in the life of the average Saxon immediately following the Norman Conquest. Structured feudalism did emerge at this time as William I parceled out English land to his subordinates, but the people continued to enjoy relative local freedom in contrast with the lot of serfs on the European continent.⁶ What significantly emerged as a result of Norman kings was the Magna Charta. King John, who arbitrarily imprisoned barons and extorted money to fund his wars, signed this document at Runnymede in 1215. Although the majority of the document involved only landowners, the fundamental principle of this document was the supremacy of law. No person, not even the king, was above the law. If the king should violate the law and infringe upon the rights of the people, it was the right of the barons and the people to take his powers. It is this principle that forms the foundation for the

⁵ Colbourn, 33-38. The Whig Party, in colonial times, believed in the idea that the monarch was subject to law and Parliament. Whig writers generally interpreted history to support their beliefs.

⁶ Russell Kirk, *The Roots of American Order* (Wilmington, DE: ISI Books, 2003), 180-181.

Declaration of Independence.⁷ Colonial Americans viewed the Magna Charta as an attempt to return to Saxon principles and used it to justify their right to be taxed only through representatives.⁸ The Magna Charta guided the English monarchy through the medieval period, formed the basis of the English constitution, and set a precedent for a series of political revolutions that culminated in the Glorious Revolution of 1688.

By the seventeenth century, the English monarchy had transitioned from the Normans, through several houses, to the Stuarts who ruled England, Wales, Scotland, and Ireland. Though the religious, economic, and political upheaval of the time contributed to the English settlement of America, more important to the principles of the Declaration were political events within England itself. Charles I, son of James I and second of the Stuart kings, found himself at odds with Parliament in his attempt to raise money in support of military actions on the continent. To gain the desired funding, Charles I resorted to taxation without Parliament's consent, martial law, quartering of troops, and imprisonment without warrant. In the eyes of Parliament, Charles I had exceeded his legal authority and used the military to enforce arbitrary law. In response, Parliament forced Charles to accept the Petition of Right in 1628 as an acknowledgement that his actions were unlawful and a promise that he would correct his actions. Colonists later used the Petition of Right as precedent for their petitions for redress of grievances and the Declaration itself.⁹ Charles's acquiescence to parliamentary authority was short lived and civil war ensued a decade later ultimately leading to his execution by act of Parliament in

⁷ Kirk, 194-195.

⁸ Colbourn, 44, 78, 91.

⁹ Kirk, 260.

1649. The subsequent government of Oliver Cromwell, though he viewed himself as the defender of the people, did not uphold their rights and continued the abuse of power with the aid of a standing army.¹⁰ Under Cromwell, Britain became a sort of “military oligarchy” whose leader consolidated more power than Charles I.¹¹ Cromwell’s rule, and his abuse of power through military force, reinforced the eighteenth century colonial preference of militia and aversion to standing armies. Upon Cromwell’s death, the English government collapsed for lack of strong leadership. Many of the English people supported the return of the Stuarts to the throne, including some who helped depose his father, and in 1660, Charles II was crowned king.¹²

The second reign of Stuarts was no better than the first. Colonial Americans viewed the reign of Charles II as one of arbitrary power, immorality, and lack of virtue. The latter qualities permeated through the court and corruption increased. His successor, and brother, James II was even more arbitrary and added to this an attempt to re-introduce Catholicism, an institution perceived by Protestants as corrupt since the rule of Henry VIII.¹³ The powerful Protestant Whig families and Parliament aligned against James II. In 1688, they invited William of Orange and Queen Mary, the daughter of James II, to claim the throne of England. This bloodless replacement of monarchs became known as the Glorious Revolution.¹⁴

¹⁰ Colbourn, 97-98.

¹¹ Kirk, 264.

¹² Ibid., 264-266.

¹³ Colbourn, 54-56.

¹⁴ Kirk, 282.

In 1689, following the coronation of William and Mary, the first Parliament convened under their new monarchs. This Parliament drafted a Bill of Rights that outlined the rights of the people and defined the powers of the king. William and Mary accepted this Bill of Rights and entered a contractual agreement with Parliament and the people. The Glorious Revolution was not a revolution in the sense that it altered the English way of life. In fact, hardly any social institutions within Britain changed. In the eyes of the Whigs, James II was the revolutionary who attempted to assert powers he did not possess. When Parliament and the Whigs deposed James II, they believed that they prevented a revolution, fulfilled the English constitution, and upheld the rights of the people. The Bill of Rights was perhaps the only revolutionary aspect of the Glorious Revolution in that it established the supremacy of Parliament over the monarch, a new idea at the time.¹⁵

The 1689 Bill of Rights was a practical document as opposed to a theoretical treatise on the rights of man. It reaffirmed the rights of Englishmen as precedents of law and was the culmination of over four centuries of English constitutional development. The Parliament designed this document to limit the power of the monarch. The authors of the Bill of Rights accused James II of undermining the laws and liberties of England, suspending laws without the consent of Parliament, collecting money without Parliament's permission, maintaining an army without Parliament's approval, quartering soldiers illegally, and cruel and unusual punishment amongst other grievances. The Bill of Rights declared any infringement of the monarchy upon these rights illegal and implied that Parliament had the authority to depose the king if he violated these rights.

¹⁵ Kirk, 293-296.

William and Mary accepted this Bill of Rights and were bound by it. This document restricted the arbitrary rule of kings, limited the king's ability to abuse his power through military force, and transitioned power in England from the monarch to Parliament.¹⁶

The lessons and events from England's turbulent seventeenth century had a significant impact on America and future American leaders. The Glorious Revolution prompted upheaval in the colonies as well. Colonial governments dissolved and in some cases committees of colonists assumed control of the government. The king and colonies established new charters and the colonies formed new governments in accordance with these charters.¹⁷ A rapid expansion of the colonial population occurred after 1689 and subsequent generations of Americans assumed the rights enumerated in the Bill of Rights as their own.¹⁸ Many of these Americans viewed the Glorious Revolution in England as the restoration of the ancient Saxon system including the right to tax only through representation. William's and Mary's efforts to restore this system, however, were lacking. William maintained an army, which conflicted with the idea of a Saxon-style militia and the fear of standing armies, but was necessary during the Nine Years' War. William also appeared more concerned with power than with aligning his government under constitutional principles. Pensioners and corruption entered the ministry. Parliament did little to prevent corruption and did not restore the Saxon tradition of

¹⁶ Kirk, 296-298.

¹⁷ Wills, 53-54.

¹⁸ Kirk, 299.

annual elections. The Bill of Rights, unfortunately, produced a limited restoration of original principles.¹⁹

Despite the limited restoration of principles, Americans learned many valuable lessons from seventeenth century English history. They learned that a king who violated the law and the liberties of the people is no longer legitimate and may be deposed.²⁰ Colonists also learned that deposing monarchs could lead to even more arbitrary government.²¹ The abuse of power and enforcement of arbitrary law with the aid of the military taught the colonists to fear standing armies as a tyrant's instrument of oppression.²² They learned the king had a contractual obligation to govern justly. If the king broke his contract, he became the rebel against law and the established order of society.²³ The events of the seventeenth century also served to reaffirm the colonial belief that English history was a history of liberty and that the English people fiercely guarded their liberties from tyranny.²⁴

Colonial leaders were familiar with English history from the ancient Saxons through the Glorious Revolution. They read history and viewed its study as practical, useful, and necessary.²⁵ Wealthier colonists owned private libraries that contained

¹⁹ Colbourn, 58-59, 92.

²⁰ *Ibid.*, 74-75, 105, 107.

²¹ Kirk, 267.

²² Colbourn, 64, 96-98, 137.

²³ *Ibid.*, 80-81.

²⁴ *Ibid.*, 36, 74-75, 138-139, 191.

²⁵ *Ibid.*, 5-6.

hundreds, if not thousands of books dominated by the topics of history and law. Those leaders who had yet to acquire vast private libraries had access to authors such as Thomas Gordon, Obadiah Hulme, and Catherine Macaulay. A significant number of average Americans also had access to historical works as over sixty subscription libraries existed in the colonies by 1776.²⁶ With access to books, colonists were well informed of English history, the law, and the rights of Englishmen.²⁷

History and law, topics the colonists viewed as inseparable, were the predominant fields of study in America at the time. Every catalogue of private, academic, and subscription libraries as well as catalogues of booksellers shows a preponderance of historical works.²⁸ New England colonists without ready access to these books could learn their history during Sunday sermons where preachers often cited the works of Tacitus, John Locke, Algernon Sidney, Lord John Somers, Paul de Rapin Thoyas, and Sir Edmund Coke amongst others.²⁹ The favorite historians of the colonists were often Whig historians who tended to idealize the ancient Saxon society and attribute the modern authority of Parliament to ancient Saxon traditions.³⁰

In reality, the Saxons had lived in a society dominated by an order of warriors who lived off the produce of their subordinate peasants. These peasants provided service to their lords in a manner similar to, but not as rigid as the system introduced by the

²⁶ Colbourn, 11-18.

²⁷ Ibid., 191.

²⁸ Ibid., 24.

²⁹ Ibid., 72.

³⁰ Ibid., 7.

Normans. The Saxon assembly was not open to all classes. It was limited to the gentry and independent free-holders of an aristocratic style society tied to land ownership. The local freedoms and liberties Saxon citizens experienced were largely due to the lack of a centralized government rather than a government designed to uphold their rights.³¹ Nonetheless, colonists idealized a utopian Saxon society that was democratic in nature, upheld the rights of its citizens through representative government, and produced the greatest amount of liberty for its people. The colonists saw themselves as descendants of the Saxons both in ancestry and through legal tradition.³² As political events unfolded in the eighteenth century, Americans questioned England's capacity to restore the ancient Saxon laws and traditions. Many believed America was the last chance to save their English and ancient liberties.³³

This view of history and law shaped American views on government and their political relationship with England. Americans held a firm belief in the supremacy of law over governing institutions. Both the king and parliament derived their authority from law, and were subject to it. Acts of either branch outside the bounds of law were illegal and did not need to be followed.³⁴ The king had a contractual agreement with the people he governed. Infringement upon the rights of the people or abuse of the authority granted him meant the king had abdicated his powers and the people owed him no allegiance.³⁵ In

³¹ Kirk, 179-181; Colbourn, 240-241.

³² Colbourn, 238-239, 30-37.

³³ Ibid., 47, 139-140, 179.

³⁴ Ibid., 150.

³⁵ Ibid., 80-81, 105, 115.

such cases, the people had the right to reclaim the powers they granted the king. People, however, tended to forgive transient abuses of power, but would not tolerate repeated offenses. Many colonists thought that “passive obedience to an established government,” as opposed to active consent, was foolish.³⁶ Thus, Americans believed they were under no obligation to obey acts of either the king or Parliament that violated the law.

The colonies, from the American perspective, were not under the legal authority of the British Parliament. In the chartered colonies and the proprietary colonies (Pennsylvania, Delaware, and Maryland), legal authority flowed directly from the king to the established colonial government. It did not flow through Parliament.³⁷ The king was seen as the chief magistrate for each British state or colony, but had no authority to place one state under the legislative authority of another.³⁸ A precedent for this belief existed with the examples of Wales, Scotland, and Ireland. Once brought under the authority of the English king, the people of each of these states were not subject to the authority of the English Parliament until specific legal action brought them into the English realm. No such legal action affected the colonies and, though they maintained allegiance to the English king, they were not under the authority of the English Parliament. The colonists saw themselves as separate realms, their colonial legislatures on equal standing with the

³⁶ John Adams, “Novanglus; or, A History of the Dispute with America, from Its Origin, in 1754, to the Present Time,” in *The Revolutionary Writings of John Adams*, ed. C. Bradley Thompson (Indianapolis, IN: Liberty Fund, 2000), 152-153.

³⁷ Colin Bonwick, *The American Revolution* (Charlottesville: University Press of Virginia, 1991), 44.

³⁸ *Ibid.*, 81.

English Parliament for purposes of internal legislation.³⁹ The idea of one king presiding over the legislatures of several states and colonies was America's predominant view of the empire by 1765.⁴⁰ In practice, under the "salutary neglect" period of 1720 to 1750, the colonies had been self-governing societies with local governing bodies to provide order and limited contact with the British government.⁴¹

Though colonial legislatures were separate from the authority of the British Parliament, the people themselves retained the rights and obligations of Englishmen. The colonists emigrated from England under charters from the crown. They did not forfeit their rights or obligations as Englishmen during the voyage. Colonists settled in America primarily at their own expense, and enjoyed the same rights as Englishmen.⁴² Americans in the mid-eighteenth century considered themselves on equal footing with Englishmen living in Great Britain and found inconceivable the notion that they did not possess the rights or obligations of Englishmen.⁴³ Fundamental to these rights was the belief that the English were subject only to the laws to which they consented through representation and that they could be taxed only by their elected representatives.⁴⁴

³⁹ Colbourn, 113-114, 185.

⁴⁰ Wills, 81.

⁴¹ Robert Middlekauff, *The Glorious Revolution: The American Revolution, 1763-1789* (New York: Oxford University Press, 1982), 26.

⁴² Colbourn, 146.

⁴³ Benjamin Franklin to Governor Shirley, 18 December 1754, in Andrew Allison, W. Cleon Skousen, and Richard Maxfield, *The Real Benjamin Franklin* (Malta, ID: National Center for Constitutional Studies, 2009), 102-103.

⁴⁴ Colbourn, 66, 78, 90, 165.

One of the first proposals to violate these rights came in December 1754 from Royal Governor William Shirley of Massachusetts. At the time, both England and the colonies searched for ways to protect the colonies because decentralized local militias appeared inadequate to prevent French aggression. At the Albany Congress in the fall of 1754, Benjamin Franklin proposed a plan of union for the colonies. His plan called for a crown appointed president-general and a grand council of representatives from each colony. Though the Congress unanimously approved an amended version of the Franklin's plan, it was rejected by the British Board of Trade and the colonial assemblies. The Board of Trade thought the plan too democratic, while the colonies believed it vested too much power in a central government.⁴⁵

Following Franklin's failed plan of union, Shirley proposed to establish a colonial governing body composed of crown appointed representatives. He also proposed that Parliament tax the colonies to raise revenue for their defense. Leaders on both sides of the Atlantic rejected this proposal and Benjamin Franklin's published objection was widely read and accepted in the colonies. In a series of three letters to Shirley, Franklin asserted colonial rights as Englishmen, denied Parliament's authority to tax the colonies, and strongly objected to a form of government that excluded representation of the people. Colonial leaders used these principles again in subsequent struggles to maintain their rights as Englishmen.⁴⁶

A decade later, Parliament raised the issue of its authority to tax the colonies in the form of the Sugar Act. Following the Seven Years War, King George III decided to

⁴⁵ Allison et al., 99-100.

⁴⁶ Ibid., 100-103.

maintain a standing army in America to protect the colonies from Indian incursions on the frontier, though his reasons for maintaining this army included gaining political support from regimental commanders who also sat in Parliament. Even though Parliament had a long history of opposing standing armies, they approved the army in America with little debate. To pay for this protection George Grenville, the king's first minister, pushed the Revenue Act of 1764 through Parliament, imposing duties on imported molasses and providing the means to enforce these duties.⁴⁷ Import duties as a regulation of trade were not new to the colonies. Duties on molasses existed in the colonies since 1733, but colonists raised little concern because it was not a direct tax and duties were easily avoided through smuggling and payments to customs officials. The Sugar Act, however, enforced the duties on molasses and came at a time of economic recession in the colonies as they adjusted to a post-war economy. Most colonial arguments against the tax centered on its economic impact, but colonial rights were not lost in the debate. All nine colonies who submitted petitions against the act at least implied an abuse of power. New York and South Carolina forcefully denied Parliament's authority to tax the colonies.⁴⁸

On the heels of the Sugar Act came the Stamp Act in 1765, which taxed certain paper products in the colonies to include newspapers and legal documents. As opposed to the Sugar Act, the Stamp Act was a direct tax on the colonial people. Parliament could not justify it as a regulation of trade. Before Parliament debated the bill, they invited the colonies to submit any objections they had to the bill for consideration. Though most of

⁴⁷ Middlekauff, 51-52.

⁴⁸ *Ibid.*, 62-68.

the colonies submitted objections, Parliament refused to receive them. They passed the Stamp Act despite strong arguments from parliamentary members, such as Colonel Isaac Barre, against Parliament's authority to tax the colonies. In objections to the Stamp Act, colonists shifted their arguments from an economic to a constitutional nature.⁴⁹ The tax directly affected lawyers and newspapermen who were well placed to voice their opposition. They saw the Stamp Act as an innovation on the part of Parliament, attempting to exert authority over the colonies where none existed. From their point of view, Parliament's attempt to directly tax colonists was a clear violation of their rights as Englishmen because the colonies did not consent to this tax through representation. Those opposed to the act used history to justify their position. They cited the Magna Charta and the Glorious Revolution in their objections against Parliament's authority to directly tax the colonies.⁵⁰

The legislature of Virginia passed a series of resolutions refuting the authority of Parliament to tax the colonies. These resolutions circulated widely throughout the colonies and emboldened America's defense of their liberties. A Stamp Act Congress met in New York in October 1765 with representation from all colonies, save Virginia, North Carolina, and Georgia, whose governors prevented them from attending. The Congress petitioned the king and Parliament to repeal the Stamp Act based on their right to be taxed only through their own representatives. The three absent colonies submitted individual petitions with similar language. In addition to petitions, the colonies also

⁴⁹ Middlekauff, 76-83.

⁵⁰ Colbourn, 105-110.

implemented a non-importation agreement that soon caused English merchants to call for a repeal of the Stamp Act. Parliament soon repealed the Stamp Act.⁵¹

Though the Sugar Act and the Stamp Act met with failure, the British Parliament did not abandon their supposed authority or designs to tax the American colonies. During Parliament's debate to repeal the Stamp Act, Prime Minister William Pitt firmly asserted that Parliament had no right to directly tax the colonies without representation. Despite these arguments based on constitutional grounds, Parliament cited economic reasons, rather than constitutional reasons, for the Stamp Act repeal. Along with the repeal of the Stamp Act, Parliament passed the Declaratory Act of 1766 claiming "that the parliament had, and of right ought to have, power to bind the colonies, in all cases whatsoever."⁵² Enthused with their victory over the Stamp Act, colonists saw this assertion as a paper tiger designed to save the honor of Parliament. They did not believe Parliament would attempt to exercise this authority, and the Declaratory Act went largely ignored in the colonies.⁵³

Parliament, however, intended to tax the colonies to fund the British forces securing the American frontier. Only a year after the Stamp Act repeal, Chancellor of the Exchequer Charles Townshend introduced, and Parliament passed, The Revenue Act of 1767. This act imposed import duties on glass, paper, paint pigments, and tea. The bill

⁵¹ David Ramsay, *The History of the American Revolution* (1789; repr., Bedford, MA: Applewood, 2009), 59-68.

⁵² *Ibid.*, 73-74.

⁵³ *Ibid.*, 74.

combined these duties with limitations on colonial manufacturing and trade.⁵⁴ These measures were in line with the British mercantilism concept that heavily regulated trade in order to eliminate a trade deficit. The revenue, in part, paid for colonial defense, but Townshend also designated revenue toward the salaries of colonial judges and other officials. These officials previously relied on colonial assemblies for their salary and the change undermined colonial control of these officials.⁵⁵ Though this act did not directly tax the colonists, the Stamp Act crisis had heightened colonial sensitivities toward any Parliamentary attempt at raising revenue from the colonies. They viewed this act as a step toward direct taxation and the end of American liberty.⁵⁶

Since the Revenue Act imposed import duties rather than direct taxes, colonists debated whether these acts infringed upon their constitutional rights. In this debate, John Dickinson's "Letters from a Farmer in Pennsylvania" proved influential. They persuaded many in the colonies to view this act as unconstitutional. Dickinson differentiated the Townshend import duties from Parliament's authority to regulate commerce, authority to which the colonists consented. He acknowledged that incidental duties were necessary to regulate trade, but denied Parliament's authority to impose duties for the primary purpose of raising revenue in the colonies.⁵⁷ Dickinson's "Letters from a Farmer in Pennsylvania" recounted the history of English constitutional rights and drew parallels between colonial objections to the Townshend duties and Parliament's own historical

⁵⁴ Ramsay, 76-77.

⁵⁵ Bonwick, 74.

⁵⁶ Ramsay, 77.

⁵⁷ Middlekauff, 153-155.

struggles against arbitrary rule.⁵⁸ Colonial reaction to the Revenue Act of 1767 was similar to that of 1765 with petitions to the king and calls for non-importation agreements.⁵⁹

Tensions between colonists and crown officials were particularly high in Boston, home to the Board of Customs that enforced the Townshend duties. Bostonians often threatened and intimidated customs officials. Once a mob beat several officials after British sailors seized John Hancock's ship, *Liberty*, on a procedural technicality previously unenforced in the colonies. Governor Francis Bernard refused to request British soldiers to maintain order without approval from the council, but customs officials had no such limitations. In October 1768, two British regiments landed in Boston to restore order and assist enforcement of import duties and trade regulations. The soldiers arrived in Boston without the approval of the council and acted under authority from Great Britain, outside the control of colonial elected representatives. Their presence highlighted fears of a standing army throughout Massachusetts, especially amongst those who believed the soldiers enforced an unconstitutional law.⁶⁰ Within Boston, tensions continued to rise. On 5 March 1770, in what became known as the Boston Massacre, frightened British soldiers fired into an angry violent mob and killed five citizens.⁶¹

Before this event, colonial petitions and protests, combined with lower than expected revenue, led Parliament to question the effectiveness of the Townshend duties.

⁵⁸ Colbourn, 135-136.

⁵⁹ Ramsay, 78.

⁶⁰ Middlekauff, 167-176.

⁶¹ *Ibid.*, 204-206.

On the same day of the Boston Massacre, Parliament repealed the Townshend duties, except the tax on tea. The repeal of all duties would legitimize claims against Parliament's authority to tax the colonies. Though the tax on tea was miniscule, many colonies refused to allow the tea to enter their ports. Accepting the tea and paying the duties was equivalent to accepting Parliament's authority over the colonies. It would undermine colonial assertions that they could be taxed only through representation and establish a precedent for future Parliamentary taxation. Rather than allow this precedent, a few Bostonians, disguised as Indians, threw the tea into Boston harbor.⁶²

Parliament reacted to the Boston Tea Party with a series of acts known as the Coercive Acts in England and the Intolerable Acts in America. These acts closed the port of Boston to all ocean-going vessels, restructured the colonial government with greater royal control, allowed royal officials accused of capital crimes to be tried outside the colony, and allowed the crown to quarter soldiers inside private homes without the consent of the owners. Coinciding with these acts, the military assumed authority over civil and elected leaders when General Thomas Gage replaced Thomas Hutchinson as governor of Massachusetts.⁶³

The Intolerable Acts were a clear violation of the colonists' right to government by consent. These acts altered the Massachusetts form of government. They took power from the people's elected representatives and gave it to military officials appointed by the crown. These changes subverted civil authority with military rule and conflicted with the charted established between Massachusetts and the king. Parliament had no authority,

⁶² Ramsay, 93-100.

⁶³ Middlekauff, 229-232.

either through law or precedent, to alter a colonial charter with the king.⁶⁴ The acts also circumvented the colonial judicial system by denying the right, in certain cases, to trial by a jury of peers. Parliament also increased the size of its standing army in Boston and forced its citizens to provide private property to house this army. Though Parliament historically viewed a standing army as an instrument of oppression, they used it in Boston to enforce laws on colonists who viewed them as unconstitutional and arbitrary.

Other colonies supported Boston in principle, but not necessarily in the destruction of the tea. Many colonists saw the infringement of Boston's rights as a threat to their own. Concerned with Parliament's actions, the colonies appointed delegates to attend the First Continental Congress in the fall of 1774. Georgia was the only colony without a delegation because they feared the loss of British assistance in their current troubles with the Creek Indians. At this time Georgia chose military assistance from Great Britain over principle.⁶⁵ In preparation for this congress, Thomas Jefferson drafted a series of proposals for consideration as instructions to the Virginia delegation. Though Virginia's representatives did not adopt the proposals, a few representatives published them as "A Summary View of the Rights of British America." Jefferson's pamphlet traced the history of English liberties from the ancient Saxons to the present political unrest. It asserted colonial rights as Englishmen that centered on the right to government through consent of the people and accused Parliament of arbitrary rule by assuming powers the people did not give it. It also argued that Parliament had no jurisdiction over colonial legislatures. Jefferson also described a history of abuse and the exercise of

⁶⁴ Middlekauff, 230.

⁶⁵ *Ibid.*, 233-234.

arbitrary power toward the colonies dating from the Stuarts through the current issues with Parliament. “Summary View” achieved wide distribution and acceptance from colonists, including many delegates to the first Continental Congress.⁶⁶

The main purpose of the First Continental Congress was to petition the king for redress of grievances and coordinate a non-importation agreement. Petitions to the king were the common, legal means for legislatures or the people to express their grievances. Grievances specifically referred to the infringement of a constitutional right. They were not used to raise issues with common law or complain of poor treatment. Colonial leaders met to petition the king on constitutional grounds. The Congress first drafted a Bill of Rights reminiscent of the English Bill of Rights of 1689. Congress based their Bill of Rights on natural law, the English Constitution, and colonial charters. When they drafted the bill, delegates took great care to justify their rights on solid legal grounds as opposed to the philosophy of human rights. This document was important because the delegates from different colonies agreed on a common list of their rights as Englishmen and it served as a basis for their petition for redress of grievances.⁶⁷ In the 1774 Bill of Rights and petition to the king, the Continental Congress asserted their right to government and taxation only through consent. They denied the authority of Parliament to legislate on their behalf and listed specific instances where Parliament had overstepped their bounds.⁶⁸

⁶⁶ Colbourn, 196-203.

⁶⁷ Wills, 55-61.

⁶⁸ The Colonial Williamsburg Foundation, “Declaration and Resolves of the First Continental Congress,” 1774, accessed 29 January 2015, <http://www.history.org/almanack/life/politics/resolves.cfm>.

Neither Parliament nor King George III agreed with Congress's assessment of their rights. In early 1775, Parliament responded to the colonial petition. They declared the colonies in a state of rebellion, dissolved colonial legislatures, and passed legislation to coerce the colonies into compliance. Parliament closed fisheries to all colonial ships except New York and North Carolina, and sent reinforcements of troops and ships to America. As a conciliatory measure, Parliament passed Lord Frederick North's proposal to cease taxation on any colony that supported British civil and military government. Parliament would not, however, cede its right to tax and legislate for the colonies.⁶⁹

By the time the Second Continental Congress convened in May 1775, Massachusetts initiated armed opposition at Lexington and Concord in response to the British Army's attempt to confiscate arms and ammunition. In an atmosphere of colonial preparation for armed conflict and a rejected petition for redress of grievances, the Congress both sought reconciliation and realized the need to prepare for armed resistance. Led by John Dickinson of Pennsylvania, Congress passed the Olive Branch Petition and a series of documents designed to explain the legitimacy of colonial resistance. They also appointed George Washington as Commander in Chief of Continental Forces.⁷⁰ The Olive Branch Petition clearly stated the colonies' desire for reconciliation with the crown on constitutional terms. The final clause of the document included a proposal for the King's ministers to draft some form of charter with the colonies, along the lines of Magna Charta, which legally defined colonial relationships

⁶⁹ The Colonial Williamsburg Foundation, "Declaration and Resolves of the First Continental Congress," 263-264.

⁷⁰ *Ibid.*, 313-314.

with the King and Parliament.⁷¹ Other documents produced by Congress included the Declaration of the Causes and Necessity for Taking Up Arms and a colonial rejection of Lord North's conciliatory proposals. These documents reiterated the colonists' assertion of their right of government and taxation only through consent of their own representatives, refuted Parliament's authority over the colonies, and stated their desire for reconciliation. These documents arrived in England in September 1775. The ministry and Parliament refused an answer to the colonies. King George III refused even to receive the petition.⁷²

Though no official acknowledgement came to Congress's second petition, both King George III and Parliament responded in terms unfavorable to the colonists. During a speech to Parliament in October 1775, King George III accused the colonies of proclaiming loyalty to the crown while "preparing for a general revolt," and claimed "that their rebellious war was manifestly carried on for the purpose of establishing an independent empire."⁷³ Many colonial leaders, however, truly desired reconciliation under constitutional principles and were offended that the king himself would charge them with "duplicity."⁷⁴ Moreover, the colonists did not see themselves in a state of revolt. Their petitions did not attempt to invent new freedoms or forms of government, but sought only to preserve historic laws and liberties. Colonists saw similarities between their cause and the Glorious Revolution, where England replaced its monarch in order to

⁷¹ Ramsay, 213.

⁷² Middlekauff, 313-315.

⁷³ Ramsay, 214.

⁷⁴ *Ibid.*, 213-214.

restore the ancient principles of government by consent.⁷⁵ Following King George's speech, Parliament passed the American Prohibitory Act, which barred all trade with the colonies and allowed Great Britain to seize all ships caught trading with the colonies. By February 1776, the Second Continental Congress had received word of King George's speech, his refusal to receive their petition, and the Prohibitory Act. There appeared little possibility of reconciliation with Great Britain under constitutional terms and public opinion began to shift toward independence.

In May 1776, John Adams proposed a resolution in Congress that set conditions for American independence from Great Britain. The resolution recommended to the colonies that "where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."⁷⁶ With the publication of this resolution, many colonies began the process of drafting new colonial constitutions and establishing governments independent of British authority.⁷⁷ Public opinion continued to trend toward independence and on 2 July 1776, the Second Continental Congress voted to officially separate from Great Britain. For two days following the vote for independence, Congress debated and edited the draft document that would announce the separation to the world. On 4 July 1776, Congress ratified the Declaration of Independence.

⁷⁵ Wills, 52-53.

⁷⁶ Danielle Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (New York: Liveright Publishing Corporation, 2014), 63.

⁷⁷ *Ibid.*, 62-63.

When Congress passed the Declaration, they did not assert new principles or liberties. The principles of the Declaration were rooted in the long history of English liberties and previously published by the Continental Congress. The “certain inalienable rights” mentioned in the Preamble referenced the detailed list of rights published in the Bill of Rights in 1774.⁷⁸ In fact, all the principles contained in the Declaration are found in this Bill of Rights.⁷⁹ Like the Bill of Rights, the Declaration focused on the law and constitution. Colonial leaders were careful to justify the separation with Great Britain on legal terms as opposed to theoretical rights. Most of the Congressional debate over the content of the Declaration centered on the list of grievances. The majority of alterations to the original draft also occurred in this section. In the two major rebuttals to the Declaration published in Great Britain, the vast majority of objections concerned the list of twenty-seven grievances against the King.⁸⁰ Through this list of grievances, the delegates repeatedly emphasized the principles of the supremacy of law and government by consent through representation.

Although the list of grievances was the focal point of the Declaration, the authors of the Declaration arrive at these principles through the Preamble. Rights originated with the Creator who gave them to individuals. Individuals combined to create governments in order to protect their rights and ensure the happiness of society. A government’s only

⁷⁸ Wills, 90.

⁷⁹ Ibid.

⁸⁰ Ibid., 63-66.

authority is through consent of the people who established the government.⁸¹ In colonial history, the people codified this authority in a charter or legal document that defined the powers of the government and became law. This law was supreme and the people were not bound by any act of a government that violated this law. Colonists viewed any attempt by a government to enforce such acts as tyranny.

Americans perceived English history as a struggle to maintain these principles. With the separation from Great Britain, Congress and Washington assumed responsibility to defend these principles and the rights of the people. In command of all Continental Forces for over a year before the Declaration, Washington had the difficult task to defend the principles of the Declaration through military force. To defeat the British Army he needed authority to manage, equip, and command an army, but to uphold the principles of the Declaration he needed to remain subordinate to the elected representatives of the people. Throughout the war, Washington balanced military necessity with the requirement of civilian control. His actions supported the principles of supremacy of law and government by consent.

⁸¹ *The Declaration of Independence–The Constitution of the United States* (Washington, DC: The Heritage Foundation, 2010), 6.

CHAPTER 2

GEORGE WASHINGTON'S EXPERIENCE PRIOR TO THE DECLARATION

Before Washington assumed command of the Continental Army, his life included a wide variety of experiences and responsibilities. These included surveying, land speculation, military command, farming, and politics. From a young age, Washington held leadership positions that provided experience with human nature and military affairs. He learned politics as an elected representative and economics through the management of his farms and property. It was these experiences that shaped Washington's understanding of people, the military, and civil government and influenced his actions in relation to the principles of the Declaration of Independence during his command of the Continental Army.

George Washington was born on 22 February 1732 at Pope's Creek Farm, Virginia.⁸² His father, like his grandfather and great grandfather, was an upper-middle class tobacco farmer. The Washingtons descended from mid-level gentry in England. Lawrence Washington, the last of George's ancestors to live solely in England, was a clergyman, a professor, and a royalist during the English Civil War. Lawrence's son, John, was the first Washington to arrive in America in 1656. John originally planned a temporary stay in America in order to increase his tobacco trading business in London, but decided to remain permanently. He married Anne Pope, who owned 700 acres of land in Virginia, began his own tobacco farm, and established the Washington "family

⁸² Washington was officially born on 11 February under the old calendar system. In 1752, a new calendar system was established, shifting the dates eleven days forward.

business” for the next four generations.⁸³ In addition to tobacco growing, the Washington men traded in land and held honorable positions within in the community. All three generations of Washingtons before George served as Justice of the Peace. George’s grandfather also served in the House of Burgesses.⁸⁴ It was into this heritage of respectable tobacco farmers and land speculators that George Washington was born in 1732.

Relatively little is known of Washington’s childhood. George was the first of five children born to his father’s second wife, Mary Ball. George also had two older siblings who survived into adulthood; brothers Lawrence and Augustine, known as Austin, who attended school in England during much of George’s childhood. Always striving to improve his family’s circumstances, George’s father, Augustine or Gus, moved his family twice before George turned seven. The first move brought the family to a 2,500-acre tract of uncultivated land called Epsewasson, on the banks of the Potomac River. George’s half-brother Lawrence later renamed this property Mount Vernon. Three years later, the family moved again to Ferry Farm, near Fredericksburg, on the banks of the Rappahannock River. This second move allowed Gus to more closely supervise his increasing partnership in iron production at the nearby Principio Iron Works.⁸⁵ It is likely that George received some education from a hired tutor during his childhood. There is

⁸³ Martin H. Quitt, “The English Cleric and the Virginia Adventurer,” in *George Washington Reconsidered*, ed. Don Higginbotham (Charlottesville: The University Press of Virginia, 2001), 16-27.

⁸⁴ Douglas Southall Freeman, *Washington* (abr. ver., New York: Touchstone, 1995), 2-4.

⁸⁵ *Ibid.*, 3-6.

also evidence to suggest that George attended school in Fredericksburg for a brief period. Despite the lack of formal education, George read many books. Some of his informal studies included arithmetic, geography, climatology, astronomy, and history.⁸⁶ Apart from his studies, George probably enjoyed fishing, swimming, and boating in the Rappahannock. George also would have explored Fredericksburg, likely the first town he had seen during his early years.⁸⁷ While living at Ferry Farm, George's father died in April 1743. George was only eleven years old. Upon his father's death, George inherited the Ferry Farm along with another tract of land and three lots in Fredericksburg. Though Gus did not rise to the level of the wealthy planters, he left each of children enough property to make a living.⁸⁸

After the death of his father, Washington turned to his half-brother Lawrence as the male role model in his life. George continued to live primarily with his mother at Ferry Farm, but he often visited Lawrence, now settled at Mount Vernon. Washington's mother was self-centered and overbearing, creating an atmosphere at Ferry Farm that likely fostered his desire to leave home and visit Lawrence.⁸⁹ While visiting Mount Vernon, Lawrence's relationship with Washington was almost *in loco parentis*. Conversations at Mount Vernon inevitably turned to land patents, farm management, and

⁸⁶ Allison et al., 8-9.

⁸⁷ James T. Flexner, *George Washington: The Forge of Experience (1732-1775)* (Boston, MA: Little, Brown and Company, 1965), 15.

⁸⁸ Freeman, 8.

⁸⁹ Flexner, *Forge of Experience*, 19-20.

the recent war with Spain.⁹⁰ Lawrence himself was a veteran of the war with Spain. In 1740, Lawrence received a commission as a captain in the so-called American Regiment raised for King George's War. For the duration of the war, the entire regiment was made a part of the British Army and its officers received royal commissions.⁹¹ Although Lawrence spent most of his time aboard ship, the stories he relayed to young George no doubt had a great impact on the latter's propensity toward the military.

Perhaps Lawrence's greater contribution to George's future was introducing George to the Fairfax family. In 1743, only a few months after Augustine's death, Lawrence married Anne Fairfax, daughter of Colonel William Fairfax. William was the cousin and agent of Lord Thomas Fairfax, proprietor of nearly five million acres in northern Virginia. The Fairfax family lived a few miles north of Mount Vernon along the Potomac River, and George frequented the Fairfax estate during his teens and early twenties. The Fairfax family introduced George to the elite society of Virginia.⁹² His start in land speculation and the beginning of his military career were owed either directly or indirectly to his relationship with the Fairfaxes.

As George entered his teenage years, he explored career opportunities with the advice of Lawrence and the influence of the Fairfaxes. In 1746, an opportunity arose for Washington to become a midshipman in the Royal Navy. Lawrence advised George to accept this position and Colonel Fairfax offered to use his influence to secure George's

⁹⁰ Freeman, 9-10.

⁹¹ Don Higginbotham, *George Washington and the American Military Tradition* (Athens: The University of Georgia Press, 1985), 20.

⁹² Freeman, 9-16.

commission. Mary Washington, however, had the final word and would not permit George to become a sailor.⁹³ In 1747, with his military career on hold, George turned to surveying. Using his father's surveying tools, George began work as an assistant surveyor for Lord Fairfax. By age eighteen, George had earned a commission as surveyor from the College of William and Mary and began leading his own surveying teams. During his surveying excursions, George began land speculation in the Shenandoah Valley.⁹⁴

While George's business in surveying and land speculation increased, Lawrence's health deteriorated. For years, Lawrence suffered from a disease of the lungs, most likely tuberculosis. In an attempt to improve his condition, in 1751 Lawrence traveled to the island of Barbados accompanied by George. During their stay at the island, George and Lawrence secured lodging with Captain Crofton, commander of Fort James. George toured Fort James and commented on the island defenses in his journal with the eye of a military engineer. Although he learned about military defenses at Barbados, his most important experience on the island was his battle with smallpox. George survived with minimal scarring and became immune to the dreaded disease that later plagued the Continental Army. Unlike George, Lawrence did not recover from his illness. A few months after arriving in Barbados, Lawrence set sail for Bermuda in search of a better climate while George returned to Virginia. Bermuda offered no relief for Lawrence and he returned to Mount Vernon in order to put his estate in order. On 26 July 1752, George's brother and mentor passed. George was twenty years old.⁹⁵

⁹³ Allison et al., 14.

⁹⁴ Freeman, 18-27.

⁹⁵ Ibid., 28-31.

Lawrence's death created a vacancy in the adjutancy of the Virginia militia and provided George the opportunity for service in the military. In June 1752, while Lawrence wrote his will, George petitioned Lieutenant Governor Robert Dinwiddie for one of four adjutancy positions. Colonel Fairfax used his influence to assure Dinwiddie that George was capable of fulfilling the responsibilities of adjutant. Dinwiddie agreed with Colonel Fairfax's assessment and commissioned George as a major and adjutant in the Virginia militia.⁹⁶

In 1753, while Washington continued his surveying and adjutancy duties, French soldiers constructed Fort Presque Isle in the disputed Ohio Territory, near present day Erie, Pennsylvania. When word reached Washington that Dinwiddie intended to send a message to the French demanding that they evacuate the fort, Washington rode to Williamsburg and volunteered to deliver this message. In late October, Washington departed on his 400-mile journey to Fort Presque Isle with Dinwiddie's letter in hand. Along the way, he hired Christopher Gist as his guide, along with men to assist with horses and baggage. Near the forks of the Allegheny and Monongahela Rivers, Washington met with the Seneca chief, Half King, who agreed to accompany Washington to protest further French incursion. When Washington reached Fort Presque Isle, the French commandant, Jacques Le Gardeur de Saint-Pierre, received Washington respectfully, but made it clear that the French had no intention of leaving the Ohio Territory. Saint-Pierre delayed his response to Dinwiddie's letter for two days while the French attempted to persuade Half King to support their cause. When all attempts to

⁹⁶ Joseph J. Ellis, *His Excellency: George Washington* (New York: Vintage Books, 2004), 10-12.

influence the Seneca chief failed, Saint-Pierre provided Washington his sealed response to Dinwiddie's letter. Washington left Fort Presque Isle with Half King on 16 December.⁹⁷

Snow and ice delayed Washington's party on their return to Virginia. Eager to deliver his message, Washington separated from his group and traveled on foot with Gist. During their journey, they encountered a seemingly friendly Indian who offered to serve as their guide. While trudging through the snow, the unnamed man suddenly turned and fired at the two Americans from close range. Miraculously unharmed, Washington and Gist quickly subdued their assailant who attempted to reload behind a nearby tree. Against Gist's advice, Washington spared the life of the Indian who had tried to kill the two travelers only moments before. This was Washington's first documented experience with weapons fired in his direction and the first of several near-miss instances where Washington survived hostile fire unscathed. In addition to the lone Indian attack, Washington survived the bitter cold and a near drowning in the icy Allegheny River before delivering Saint-Pierre's response to Dinwiddie on 16 January 1754.⁹⁸

After receiving Washington's verbal report, Dinwiddie asked Washington to submit a written report of his journey and meetings with the French and Half King. Washington hurriedly compiled the notes from his journal and submitted his report, which Dinwiddie published as *The Journal of Major George Washington*. The journal was soon reprinted in London, earning Washington some degree of attention on both

⁹⁷ Allison et al., 25-29.

⁹⁸ Flexner, *Forge of Experience*, 73-75.

sides of the Atlantic.⁹⁹ Though Washington became the symbol of resistance to French intrusion, his newfound fame was not without detractors. Washington was closely connected to investors in the Ohio Company, such as Dinwiddie, who held a financial stake in the disputed territory. Some claimed Washington exaggerated his report to promote the interest of Ohio Company shareholders. In his report, however, Washington did not attempt hide statements by Half King that were damaging to the Ohio Company. Aside from this controversy, most Virginians, to include the tidewater elite, were not concerned with the distant Ohio Valley. Only through political negotiating, was Dinwiddie able to persuade the House of Burgesses to approve funding for 300 men to secure the Ohio Territory.¹⁰⁰

As one of the few Virginians with experience in the frontier, Washington was mentioned as a potential commander for this small force. However, in a letter to Richard Corbin, a member of the Virginia Council, Washington wrote that command was “a charge too great for my youth and inexperience,” but offered to serve as second in command where he could learn “under a killed commander or man of sense.”¹⁰¹ Dinwiddie chose Joshua Fry, a former mathematics professor at the College of William and Mary, as commander. On 20 March 1754, Washington received the appointment as second in command and a promotion to the rank of lieutenant colonel. Along with the letter containing his commission, Washington received orders from Dinwiddie to move

⁹⁹ Allison et al., 32.

¹⁰⁰ Flexner, *Forge of Experience*, 78-81.

¹⁰¹ *Ibid.*, 81.

immediately to the Ohio territory with whatever soldiers he had. Colonel Fry would follow with the remainder of the 300 men as soon as possible.¹⁰²

Recruiting was slow and many of those who volunteered to serve came poorly clothed and equipped, but by April, Washington left with 159 men and a few cannon to join the advance party assigned to construct a stronghold at the forks of the Ohio River. As Washington neared his destination, he met the advance party returning from the forks to Virginia. One thousand French and Indians had captured the stronghold, renamed it Fort Duquesne, and allowed the Virginians to return home. Though he faced a numerically superior force, Washington decided to press on, in part, to show resolve to Half King and their Indian allies. On 28 May, after joining Half King several miles south of Fort Duquesne, Washington and Half King's combined force surrounded a group of thirty-two French soldiers. A brief skirmish followed of which Washington wrote his brother Jack, "I heard the bullets whistle, and, believe me, there is something charming in the sound."¹⁰³ Washington's men killed or wounded ten Frenchmen and the remainder surrendered.¹⁰⁴

Among the wounded was the French commander, Joseph Coulon de Villiers, sieur de Jumonville. Jumonville tried to explain, in French, that he was on a diplomatic mission, similar to Washington's mission the previous year. As Washington attempted to understand the situation through interpreters, an Indian named Tanacharison, who spoke

¹⁰² Freeman, 49.

¹⁰³ James Flexner, *Washington: The Indispensable Man* (New York: Back Bay Books, 1974), 16.

¹⁰⁴ *Ibid.*, 15-16.

fluent French, killed Jumonville with his hatchet. Other Indians quickly descended on the wounded French, killing and scalping them all. With the engagement at what became known as Jumonville Glen, Washington, and the soldiers he commanded, fired the first shots of the French and Indian War.¹⁰⁵

With a superior French force still encamped at Fort Duquesne, Washington fell back with his contingent of men to await the arrival of Fry and the remainder of his forces. Fry, however, never arrived. On 31 May 1754, Fry died from injuries sustained after falling from his horse. Though young and inexperienced, Washington was promoted to colonel and placed in command of the Virginia militia. The remainder of Fry's men arrived at Washington's position in Great Meadows, aptly named Fort Necessity, and prepared to defend against the French. On 3 July, approximately 700 French and Indian soldiers entered Great Meadows. In a torrential rain, the French attacked the fort from the surrounding hillsides.¹⁰⁶ More than a third of Washington's force lay dead or wounded as the French fired into the fort "from every little rising, tree, stump, stone, and bush."¹⁰⁷ As darkness fell, the French requested a parley. Rather than allow the French to examine the condition of his defenses, an officer from Fort Necessity rode out of the camp to receive written proposed terms of surrender. Captain Jacob van Braam, a Dutchman who spoke broken English and Washington's only unharmed French speaking officer, translated the scribbled French handwriting. The terms of surrender seemed generous. Washington and his men would be allowed to return to Virginia with their weapons and their colors under

¹⁰⁵ Ellis, 13-14.

¹⁰⁶ Allison et al., 38-39.

¹⁰⁷ Washington's Biographical Memoranda, October 1786, in Allison et al., 39.

promise that they would not return to the Ohio territory for one year. Also included in the terms of surrender was a clause referring to the assassination of Mr. Jumonville. Van Braam translated the French word as either “killing,” “death,” or “loss.”¹⁰⁸ Although Washington claimed he did not know the word assassination was in the French document, his signature acknowledged his responsibility for murdering a French emissary. With the terms of capitulation signed, Washington marched the remainder of his defeated force out of Fort Necessity toward Virginia on 4 July 1754.¹⁰⁹

At the age of twenty-two, Washington’s first experience in military command met with near disaster. Washington’s attack on Jumonville had far-reaching diplomatic effects with the British and French crowns. The defeat at Fort Necessity not only cost the lives of nearly 100 Virginians, but a large number of Indians soon switched their allegiance to the French. In British diplomatic channels, Washington’s actions confirmed established opinions that colonial officers were inexperienced and undependable. Despite these failures, many in Virginia considered Washington a hero. Virginia newspapers carried Washington’s “I heard the bullets whistle” quote along with a greatly exaggerated report that Washington’s men had killed nearly 300 in the fight for Fort Necessity.¹¹⁰ Virginians seemed less concerned with the affairs of Europe and more concerned that Washington acted bravely, though perhaps not wisely, in the face of a superior force. At least in

¹⁰⁸ Freeman, 61.

¹⁰⁹ Ibid., 60-62.

¹¹⁰ Ibid., 63. The French reported two killed and seventeen wounded.

Virginia, Washington's reputation remained intact following the defeat at Fort Necessity.¹¹¹

Influenced by Colonel Fairfax and Dinwiddie, the House of Burgesses voted to recognize Washington and his men for their bravery against the French. The House of Burgesses, however, did not vote new taxes to maintain the militia regiment. The regiment disbanded into separate companies, leaving Washington to serve at the reduced rank of captain. Rather than accept this lower rank, which he viewed as a personal insult, he resigned his commission in November 1754.¹¹²

Though Washington desired to serve in the military, there appeared no other immediate prospects to continue his military service. His thoughts turned instead to planting and he leased Mount Vernon from Lawrence's widow, who had remarried and no longer used the property. Only two months after beginning work as a tobacco planter, word reached Mount Vernon that Major General Edward Braddock and two British regiments had arrived in Virginia with orders to retake Fort Duquesne.¹¹³ Washington took the opportunity to introduce himself to Braddock through a letter congratulating Braddock on his arrival in America. Though he did not directly solicit an appointment in Braddock's army, word of Washington's desire to serve reached Braddock and his aide-de-camp, Captain Robert Orme. In March 1755, Orme wrote Washington and offered him a position on Braddock's staff. Orme's letter also addressed Washington's concern with rank, assuring him that, as part of Braddock's staff, "all inconveniences of that kind

¹¹¹ Flexner, *Forge of Experience*, 106-109.

¹¹² Ellis, 18.

¹¹³ Flexner, *Forge of Experience*, 114-115.

will be obviated.”¹¹⁴ Having invested money in the farming operations at Mount Vernon, Washington waited until he met Braddock in person before he agreed to serve Braddock as a volunteer. He decided to risk financial losses in tobacco farming in order to gain “a small degree of knowledge in the military art.”¹¹⁵

Washington joined Braddock in May 1755 as the two British regiments, with a small number of Indian allies, prepared for their campaign to recapture Fort Duquesne. During these preparations, Washington witnessed the challenge of hiring wagons and procuring provisions from the colonists, a problem Washington experienced throughout the Revolutionary War. Washington quickly earned the trust of Braddock. At one point Braddock handed Washington several blank commissions for the rank of ensign, and authorized Washington to fill in the names of the men he judged competent for that rank.¹¹⁶ While Braddock continued preparations, Washington closely studied the daily operations of this professional army. He transcribed Braddock’s daily orders in a small notebook for future study and no doubt learned much through conversation with his peers on Braddock’s staff.¹¹⁷

In June, when Braddock’s Army began to move, progress was slow. At the head of the column, British engineers cut and leveled a road through the wilderness for the wagons and artillery, which limited movement to less than five miles per day. Eager to

¹¹⁴ Robert Orme to George Washington, 2 March 1755, in Freeman, 72.

¹¹⁵ Flexner, *Forge of Experience*, 115-117.

¹¹⁶ Freeman, 74-76.

¹¹⁷ Higginbotham, *George Washington and the American Military Tradition*, 14-15.

move forward quickly, Braddock sought Washington's advice. Washington proposed a plan, which Braddock adopted, to divide the column into two units. The lead unit of 1,500 men with packhorses marched ahead, while the second column with wagons followed the slower pace of the engineers. At this time, the bloody flux entered the camp, and Washington was not immune. When Braddock left with the lead column, Washington remained bedridden in camp.¹¹⁸

Washington's desire to be part of the action did not allow him to remain in bed for long. Soon he considered himself well enough to travel in the back of a wagon and made his way to Braddock's forward camp, only twelve miles from Fort Duquesne. By 9 July his fever had subsided. Though still sick, he placed cushions on his saddle, mounted his horse, and rode with the soldiers across the Monongahela River. Shortly after crossing the river, the woods surrounding the British column erupted with gunfire as the French and their Indian allies attacked the British column. Mounted British officers were often their preferred target. Braddock was soon wounded and off his horse. Leaderless, the lead ranks of the British began to flee in complete disorder. The Virginian rangers, familiar with frontier fighting, were the only unit to attempt to maneuver on the enemy. The chain of command disintegrated. Braddock and all his aides, except Washington, were killed or wounded. Washington took charge and led the remnants of the British column back across the Monongahela.¹¹⁹ During the engagement, two of Washington's horses were shot from under him, his hat was shot off his head, and bullets riddled his coat. Shortly

¹¹⁸ Freeman, 77-79.

¹¹⁹ Ibid., 81-85.

after the battle, he wrote that “the miraculous care of Providence” protected him “beyond all human expectation.”¹²⁰

Washington’s reputation as a military leader increased after Braddock’s defeat. While the British soldiers, in Washington’s view, “behaved with more cowardice than it is possible to conceive,” the colonial volunteer managed to organize the withdrawal.¹²¹ Word of Washington’s bravery at the Monongahela spread though Pennsylvania where Benjamin Franklin and others spoke highly of Washington. “Your name is more talked of in Pennsylvania,” wrote Christopher Gist, “than any other person in the Army, and everybody seems willing to venture under your command.”¹²² While increasing his own reputation, Washington’s actions reinforced the long held belief in America that militia, fighting for their families, were superior to British troops who fought for pay. Many colonists also believed that colonial woodsmen, experienced in fighting in the wilderness, could defeat the British who were trained only for European-style warfare. This belief was, in part, aided by contemporary Whig writers who glorified the militia and distrusted standing armies.¹²³ The Virginians who behaved with bravery during Braddock’s defeat, however, were not militia. They were two recruited companies of Virginian soldiers,

¹²⁰ George Washington to John Augustine Washington, 18 July 1755, in Allison et al., 47.

¹²¹ George Washington to Mary Ball Washington, 18 July 1775, in Allison et al., 45.

¹²² Christopher Gist to George Washington, 15 October 1755, in Allison et al., 50.

¹²³ Higginbotham, *American Military Tradition*, 10-13.

dubbed “Rangers” by Braddock because he employed them to screen his main body of troops.¹²⁴

Regardless, Braddock’s defeat and the subsequent withdrawal of British forces left Virginia’s frontier defenseless. The House of Burgesses voted to raise a 1,000-man regiment plus 200 rangers. Dinwiddie selected Washington to command the new regiment and on 14 August 1755, he commissioned the twenty-three year old as colonel and “Commander in Chief of all forces now raised in the defense of His Majesty’s Colony.”¹²⁵ With his commission, Washington received authority to select his own officers and purchase his own supplies. In practice, Washington recruited his own soldiers and summoned the militia as well. The authority granted Washington in the administration of the Virginia militia proved a valuable experience for an officer who would one day lead the Continental Army.¹²⁶

Washington entered these new responsibilities wholeheartedly. Advised by Colonel Fairfax, he sought a greater understanding of military affairs through books. He read Caesar’s *Commentaries*, *A Panegyrick to the Memory of Frederick, Late Duke of Schomberg*, and Humphrey Bland’s *Treatise of Military Discipline*. The later title was known as the “Bible of the British Army.”¹²⁷ A few years after assuming command,

¹²⁴ Franklin Thayer Nichols, “The Organization of Braddock’s Army,” *The William and Mary Quarterly* 2 (1947): 130-133, accessed 19 May 2015, <http://www.jstor.org>.

¹²⁵ Governor Robert Dinwiddie to George Washington, 14 August 1755, in Flexner, *Forge of Experience*, 138.

¹²⁶ Flexner, *Forge of Experience*, 137-138.

¹²⁷ Higginbotham, *American Military Tradition*, 14-15.

Washington asked his officers to follow his example, encouraging them “to devote some part of [their] leisure hours to the study of [their] profession.”¹²⁸ In addition to studying military works, Washington worked hard to make his regiment proficient, competent, and of the highest quality. He implemented a “train the trainer” program where every post sent a non-commissioned officer and two enlisted soldiers to his headquarters in Winchester where they received instruction on British drill and tactics. These men then returned to their posts to train their fellow soldiers.¹²⁹ While teaching European style drill, Washington also stressed the importance of woodland warfare. His ability to train his men in both styles of warfare was evident in 1757 when he detached two companies to support the British in South Carolina. The British officers there were surprised to find the colonial soldiers well dressed, well disciplined, and capable of fighting in both European-style formations and backcountry tactics. In three years, Washington took undisciplined individuals and turned them into a regiment that earned the praise of the British commander, Brigadier General John Forbes, and other British officers.¹³⁰

Throughout the war, Washington tried to obtain regular British commissions for himself and his officers, and wanted his entire regiment to become part of the British Army. This idea was not new. His brother Lawrence received a regular British commission during the Cartagena campaign when the entire American regiment became

¹²⁸ General instructions to all the captains of companies, 29 July 1757, in Allison et al., 57.

¹²⁹ Higginbotham, *American Military Tradition*, 19.

¹³⁰ *Ibid.*, 31-32.

part of the British regular army.¹³¹ Washington's first attempt to obtain a regular commission came in the fall of 1755 following a series of disputes with Maryland Captain John Dagworthy. Dagworthy had obtained his commission from London, asserted that he out ranked Washington, and gave orders to Washington's troops who shared the same fort. On behalf of Washington and his officers, Dinwiddie petitioned Governor William Shirley of Massachusetts, Braddock's replacement. When Shirley refused to provide brevet commissions, Washington traveled over 1,000 miles to personally meet with Shirley. Shirley did not issue the requested commissions, but he did resolve the Dagworthy dispute in Washington's favor.¹³² In January 1757, Washington again requested regular commissions. By this time, Washington believed his regiment had proven themselves effective and proficient soldiers. Washington traveled to Philadelphia and met with John Campbell, Earl of Loudoun and commander of British forces in America, to request regular commissions for his officers and for his entire regiment to become part of the royal service. Not only did Loudoun, ignore this request, he temporarily disbanded the regiment and sent two Virginia companies to fight in South Carolina.¹³³ By 1758, when Brigadier General John Forbes began preparations to recapture Fort Duquesne, Washington had "long conquered such expectations" of receiving a regular British commission.¹³⁴ Easing Washington's concerns over rank was a new British policy that stated colonial officers would command all regulars of

¹³¹ Freeman, 6-7.

¹³² Flexner, *Forge of Experience*, 143-147.

¹³³ Ellis, 30.

¹³⁴ Flexner, *Forge of Experience*, 194.

subordinate rank. Still proud of his military service, Washington wrote Lieutenant Colonel Thomas Gage, a fellow survivor of Braddock's defeat, requesting an introduction with Forbes. Though he did not request preferment, Washington wanted to distinguish himself "from the common run of provincial officers."¹³⁵ He enjoyed military life and worked hard throughout the war to distinguish himself and his regiment as professional soldiers.

As colonel of the Virginia Regiment, Washington commanded both militia and Virginian soldiers. He developed impressions of each that he carried with him through his command of the Continental Army. Washington did not share the optimistic view of militia held by Whig writers. Washington was often frustrated by the conduct of the militia, whom he deemed "obstinate, self-willed, perverse, [and] of little or no service to the people."¹³⁶ When summoned, the militia generally arrived poorly clothed and poorly equipped. Some militiamen simply did not come. In one instance in 1757, 100 men were summoned from Culpeper County. Only "seventy-odd arrived" and of those only "twenty-five were tolerably armed."¹³⁷ In general, those who did arrive rarely served past the exact number of days required, regardless of the enemy situation, and counted their travel days as service. While serving their time, the militia was often insubordinate and continually complained. Though the Virginia Assembly passed legislation that provided

¹³⁵ Flexner, *Forge of Experience*, 194.

¹³⁶ George Washington to Governor Dinwiddie, 9 November 1756, in John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources: 1745-1799* (Washington, DC: U.S. Government Printing Office, 1931), 1:493.

¹³⁷ George Washington to Governor Dinwiddie, 27 May 1757, in Higginbotham, *American Military Tradition*, 24.

Washington legal authority to discipline soldiers in the Virginia Regiment, the law did not apply to the militia. Washington understood that, without authorization from civil authorities, he had little recourse to punish poor behavior.¹³⁸

Once, in 1756, Washington confined a militiamen in a guardhouse for disciplinary reasons. Fellow militiamen not only freed the man from the guardhouse, but destroyed the building in defiance.¹³⁹ The short terms of service, lack of equipment, and resistance to military discipline combined to make the militia next to useless in the eyes of Washington. Experience taught him that the spirit of volunteerism and expression of public virtue amongst the militia were not reliable during war.¹⁴⁰ With these experiences, it is no wonder that Washington did not adopt the idealistic view of militia held by many colonial leaders. Throughout his military career, he maintained a lower, more realistic, opinion of militia than his civilian contemporaries. His experience during the French and Indian War taught him that regular soldiers, trained and disciplined, must form the core of American forces.

The soldiers Washington trained into the disciplined Virginia Regiment were largely comprised of the lower orders of society. The French and Indian War was not popular in Virginia. In order to provide forces and maintain support from the voting public, the Virginia Assembly passed draft laws that either exempted or contained loopholes for the wealthier Virginians who could vote. These exemptions, combined with

¹³⁸ George Washington to Governor Dinwiddie, 27 May 1757, in Higginbotham, *American Military Tradition*, 23-25.

¹³⁹ Flexner, *Forge of Experience*, 152.

¹⁴⁰ Ellis, 27.

a society of freeholders who were reluctant to submit to military discipline, left Washington with soldiers who were generally from the lower orders of society and recent immigrants to Virginia. For these reasons, enlistment rates were low and Washington rarely reached his authorized strength of men.¹⁴¹ Excessive drinking, gambling, profanity, fighting, and desertion were also problems Washington faced as a young colonel. To correct this undesirable behavior, he instructed his officers to administer specific amounts of lashings for the various offenses; deserters were to be “hanged without mercy.”¹⁴² These forms of punishments were authorized by Virginian authorities and common in contemporary European armies.

This strict military code was in keeping with the British discipline Washington learned under Braddock, and with most European armies of the time. The eighteenth century European army generally obtained their soldiers from the lowest orders of society. Its officers were aristocrats, often young and without formal military training. In this age, before the concept of nationalism took hold in Europe, soldiers lacked unity and a common sense of purpose when fighting the wars of kings. The remedy European commanders used was strict, iron handed discipline.¹⁴³ Though Washington enjoyed a greater level of trust in small unit leaders than contemporary European commanders did, discipline was very important. Not only was it, in Washington’s words, “the soul of the army” that “procure[d] success to the weak, and esteem to all,” it was discipline that

¹⁴¹ Higginbotham, *American Military Tradition*, 26-27.

¹⁴² Allison et al., 57.

¹⁴³ Robert Roswell Palmer, “Frederick the Great, Guibert, Bulow: From Dynastic to National War,” in *Makers of Modern Strategy: From Machiavelli to the Nuclear Age*, ed, Peter Paret (Princeton, NJ: Princeton University Press, 1986), 93.

differentiated his regiment from the militia, and differentiated himself from the average colonial officer.¹⁴⁴ While enforcing this strict discipline, as one of Washington's soldiers wrote, he maintained an "easy, polite behavior," which "gained not only the regard but affection of both officers and soldiers."¹⁴⁵

As the highest-ranking officer in Virginia, Washington was not only responsible for the discipline of his troops, but for managing relations with civilians on the frontier. He depended on civilians to support the war effort, but was often frustrated by a lack of assistance from the people he was assigned to protect. Some of the frontier settlers refused, and many subsistence farmers were unable, to work or assist the Virginia Regiment with needed supplies.¹⁴⁶ Though Washington was hesitant to impress horses or wagons for service, he did so when he thought their immediate service was necessary to Virginia's defense. In October 1755, Washington impressed a horse and a few wagons in Winchester to counter a party of Indians threatening the town. Although the inhabitants threatened to "blow out [his] Brains," Washington's actions were justified by his instructions from the governor, which authorized him to impress supplies when needed.¹⁴⁷ Though frustrated with inconsistent support, Washington cared about the people and military relations with civilians. In April 1756, after witnessing the continued suffering of the frontier inhabitants, Washington wrote Dinwiddie; "I would be a willing

¹⁴⁴ General Instructions to All the Captains of Companies, 29 July 1757, in Fitzpatrick, 2:114.

¹⁴⁵ Flexner, *Forge of Experience*, 159.

¹⁴⁶ Allison et al., 56.

¹⁴⁷ George Washington to Governor Dinwiddie, 11 October 1755, in Fitzpatrick, 1:200-201.

offering, and die by inches to save a people!’”¹⁴⁸ In his orders, Washington indicated his officers’ top priority should be building and maintaining relations with the people. Not only was this proper behavior, the Virginia Regiment depended on the people for support as well.¹⁴⁹

While training his troops and interacting with the local populace, Washington maintained communication and relationships with Virginia’s civilian officials. The majority of his communication was with Dinwiddie and House Speaker, and Treasurer, John Robinson. At the beginning of his military career, Dinwiddie was like a mentor to Washington. As the war continued, however, their relationship deteriorated after Washington’s repeated requests for supplies, pay, and recruits went unfulfilled.¹⁵⁰ A significant event in Washington’s relations with civil authorities occurred in November 1756. Following an inspection of all his forts along the Virginia frontier, Washington wrote both Dinwiddie and Robinson concerning his findings. He described the poor condition of the frontier and the unpreparedness of his forts manned by militia. He then provided suggestions to improve the situation. In polite language, Washington essentially blamed conditions on Virginia’s officials who failed to provide sufficient regular troops, neglected to pass laws governing the militia, and mismanaged relations with the

¹⁴⁸ George Washington to Governor Dinwiddie, 22 April 1756, in Fitzpatrick, 1:325.

¹⁴⁹ Higginbotham, *American Military Tradition*, 17.

¹⁵⁰ *Ibid.*, 34.

Indians.¹⁵¹ Virginian officials viewed this letter as if Washington wrote to them as subordinates rather than superiors. Instead of adopting the recommendations in Washington's letter, the governor and council took much of the campaign's management into their own hands. They ordered the evacuation of many of the frontier forts and the reinforcement of Fort Cumberland, nearly the opposite of Washington's recommendations.¹⁵² Clearly frustrated, Washington ordered the frontier forts closed with instructions for the commanders to "assure the Settlement" that this "unavoidable step, was taken without [his] concurrence and knowledge."¹⁵³ Washington obeyed his orders, but did so in a manner that distanced himself from civil authorities.

In this, and other instances during the war, Washington wrote Robinson in an attempt to change orders or obtain more materiel support from Dinwiddie. Though Dinwiddie was his direct superior, Washington maintained open communication with Robinson, who controlled the colony's finances and held influence with the governor. The dual communication channels were justifiable, but Washington often cast Dinwiddie's character in a poor light in his letters to Robinson.¹⁵⁴ With the impending arrival of John Campbell, Earl of Loudoun, to take command of forces in America, Washington took his complaints one step further. He wrote to Loudoun detailing a long

¹⁵¹ George Washington to Governor Dinwiddie, 9 November 1756, in Fitzpatrick, 1:492-507; George Washington to John Robinson, 9 November 1756, in Fitzpatrick, 1:492-507.

¹⁵² Flexner, *Forge of Experience*, 165-167.

¹⁵³ George Washington to Captain William Bronaugh, 17 December 1756, in Fitzpatrick, 1:521.

¹⁵⁴ Higginbotham, *American Military Experience*, 34-35.

list of grievances that included inadequate laws on the part of the Assembly and ambiguous orders from the governor.¹⁵⁵ Despite their differences, Dinwiddie remained a supporter of Washington, once describing Washington as a man of “great merit” and recommending that Loudoun “promote him in the British establishment.”¹⁵⁶ In 1757, as Dinwiddie ended his career and prepared to return to England, Washington and Dinwiddie reached some form of reconciliation through letters. Washington desired to see Dinwiddie in person one last time to “settle some accounts,” but Dinwiddie refused, writing, “You have no accounts that I know of to settle with me.”¹⁵⁷

Though some of Washington’s complaints on civil authority bordered on insubordination, in practice he adhered to the principle of civil control over the military. Law was important to Washington. He worked with the Assembly to pass laws regulating the Virginia Regiment before administering strict punishment. While the lack of laws governing the militia frustrated Washington and prevented him from maintaining discipline, he stayed within his bounds as a military commander.¹⁵⁸ He dutifully obeyed orders from Dinwiddie, even when he strongly disagreed, and obtained Dinwiddie’s permission before communicating outside the chain of command.¹⁵⁹ Washington learned much from his experience with civil authority during the Seven Years War. The young

¹⁵⁵ George Washington to The Earl of Loudoun, [January] 1757, in Fitzpatrick, 2:6-19.

¹⁵⁶ Governor Dinwiddie to Major General Abercrombie, 28 May 1756, in Fitzpatrick, 1:387.

¹⁵⁷ Flexner, *Forge of Experience*, 181-183.

¹⁵⁸ *Ibid.*, 139.

¹⁵⁹ *Ibid.*, 145, 166.

commander of the Virginia Regiment who frequently complained of his civilian superiors became the commander of the Continental Army whose strict adherence to, and respect for, civil authority became one of his greatest contributions to American civil-military relations.¹⁶⁰

While mending his relationship with Dinwiddie, Washington experienced a series of illnesses that forced him to return to Mount Vernon in November 1757. As he recovered at home, word of Brigadier General John Forbes' planned expedition to Fort Duquesne spread through Virginia. To support this effort, the Assembly voted to raise 2,000 men for the expedition and use the militia to guard the remaining frontier forts. By March 1758, Washington was well enough to travel to Williamsburg for medical advice. Recovering quickly, he returned to his regiment in April to gather supplies and prepare for Forbes' expedition.¹⁶¹ As with Braddock, Forbes listened to advice from the young colonel. Washington advocated the use of hunting clothes instead of the bright red British uniforms. He also developed new tactics for the British soldiers based on his experience with the Virginia Regiment, which allowed the British to respond quickly if attacked in the woods. Eager to avoid another Braddock disaster, Forbes adopted many of Washington's suggestions, thus acknowledging that Washington's Virginians were the professional soldiers at woodland warfare. What Forbes did not adopt was Washington's insistence on using the old Braddock road as his army's route to Fort Duquesne. A road to the Ohio Valley would be of great economic benefit to whichever colony possessed it. Both Virginia and Pennsylvania lobbied for the road to traverse their territory. The road

¹⁶⁰ Higginbotham, *American Military Tradition*, 37.

¹⁶¹ Flexner, *Forge of Experience*, 184-194.

was a major point of contention for Washington and the Virginia leaders. Washington repeatedly attempted to persuade Forbes to use Braddock's old route through Virginia. When Forbes decided on a road through Pennsylvania, Washington suggested Forbes was duped by Pennsylvania petitions and predicted failure of the entire expedition.¹⁶²

Though Washington continued to complain about the choice of roads, his later advice shows that military expedience superseded economic interest in his judgment concerning the road. Forbes proposed the idea of reopening the Braddock road as a feint. Though a reopened road provided economic benefit to Virginia, Washington advised against this move, citing the logistical difficulties of the operation. As the expedition entered the winter months, Forbes decided to divide his forces and create a light division to move quickly to Fort Duquesne. Forbes chose Washington to lead this division of 2,500 men, the only colonial to lead such an element, and temporarily promoted Washington to brigadier general for this one maneuver. As the columns approached Fort Duquesne, scouts reported large columns of smoke rising from the fort. The French evacuated the fort and burned the buildings to the ground. Since 1754, Washington yearned to reclaim Fort Duquesne, later renamed Fort Pitt, which was key to security along the frontier. On Christmas Day 1758, he stood amongst its burnt buildings, an anticlimactic ending to a goal he worked to so long to achieve.¹⁶³

Washington resigned his commission following Forbes' expedition despite pleas from the officers and soldiers of his regiment that he remains for one more year. Washington's election to the House of Burgesses, pending marriage to Martha Dandridge

¹⁶² Ellis, 31-34.

¹⁶³ Flexner, *Forge of Experience*, 213-219.

Custis, and recent health issues contributed to his decision to resign. When Washington left, officers of the Virginia Regiment lamented “the loss of such an excellent commander, such a sincere friend, and so affable a companion!”¹⁶⁴ In just over three years, Washington took a group of military novices and transformed them into a unit proficient in both European and American frontier tactics. He instilled discipline in his troops that earned the praise of professional British officers and distinguished himself as an able and competent commander.

Leading soldiers was not the only experience Washington took from his years of service. He travelled overland to Philadelphia, New York, Boston, and Annapolis when it was still rare to leave one’s own colony. He conferred, in person and through writing, with the governors of several colonies. The Braddock and Forbes expeditions taught him the importance of unity and cooperation with sister colonies and gave him an appreciation for European military order and discipline. Perhaps most importantly, he experience the difficulties in maintaining relations with civil authorities in a resource constrained environment. Though he did not always exhibit the maturity expected of a commander in chief, Washington obeyed the orders of civil authorities and worked closely with them to develop regulations, recruit men, and obtain supplies for his regiment. By the age of twenty-six, Washington had gained a wealth of experience in leadership, human behavior, logistics, and relationships that he carried with him through his command of the Continental Army. Interestingly, it seems the only experience Washington did not gain from his command of the Virginia Regiment was tactical command of a large-scale battle.

¹⁶⁴ Flexner, *Forge of Experience*, 222.

With these experiences behind him, Washington entered a new phase of his life. On 6 January 1759, only two weeks after standing amid the wreckage of Fort Duquesne, Washington married Martha. Martha brought with her two children from a previous marriage and over 18,000 acres land, one of the most valuable estates in the colony. The addition of Martha's wealth propelled Washington financially into the higher orders of Virginian society, though his military service had already gained him esteem within Virginia's ruling class. Along with his transition from bachelorhood to married life, Washington transitioned from military leader to elected representative when he entered the House of Burgesses. After serving in his first session in the House of Burgesses, Washington moved his new family to the recently enlarged and renovated Mount Vernon in the spring of 1759. There he began his new life as a tobacco farmer.

As the manager of Mount Vernon, Washington applied himself with the same energy and dedication that sustained him during the French and Indian War. He woke early each morning for a ride on horseback to his farms adjoining Mount Vernon, inspecting operations, and providing detailed instructions to overseers. The operation of Mount Vernon resembled that of a military organization. There was a clear chain of command from the workmen to mid-level managers, a small staff, and finally the commander of Mount Vernon.¹⁶⁵ In 1761, Washington inherited Mount Vernon following the death of Lawrence's widow.¹⁶⁶ He continued to enlarge the estate by purchasing adjoining properties when they became available. During his initial years as a planter, he read extensively in agricultural books and manuals, but also ordered books on

¹⁶⁵ Flexner, *The Indispensable Man*, 47-49.

¹⁶⁶ Flexner, *Forge of Experience*, 234.

military affairs.¹⁶⁷ With the knowledge from books on agriculture in England, Washington conducted several controlled experiments to see what techniques worked best in Virginia. Washington needed to diversify crops in his northern plantations because the soil was ill suited for raising tobacco. He experimented with different plants, soils, and fertilizers to determine which combinations produced the best, and most profitable, crops.¹⁶⁸

To sell his tobacco, Washington engaged the London merchant, Robert Cary and Company. Washington, like all the large tobacco farmers in Virginia, sold tobacco and purchased goods through a consignment system with merchants in London. In this system, the planter owned the tobacco until final sale in the English market. The merchant supervised the tobacco shipment and waited for the best prices before selling the crop. These English merchants also acted as bankers who extended credit on future sales and shipments of tobacco. In addition to these services, the merchants purchased and shipped English goods ordered by the Virginia planters. Goods ordered through the consignment system ranged from farm equipment and construction material to fashionable clothes and other luxury items.¹⁶⁹ This system heavily favored the English merchant who controlled when he sold the tobacco, which goods he purchased at what prices, and the amount of credit he extended. The planter had little recourse if he felt

¹⁶⁷ Allison et al., 89.

¹⁶⁸ Flexner, *The Indispensable Man*, 47.

¹⁶⁹ Bruce A. Ragsdale, "George Washington, the British Tobacco Trade, and Economic Opportunity in Pre-Revolutionary Virginia," in *George Washington Reconsidered*, ed. Don Higginbotham (Charlottesville: The University Press of Virginia, 2001), 70-71.

cheated other than to switch merchants, but this was often difficult because the planter was usually in the merchant's debt.¹⁷⁰

In the early 1760s, Washington relied almost exclusively on the consignment trade while the price of tobacco fell. In 1764, he found himself in debt to the tune of 1,800 pounds, due in part to large purchases of land and slaves. This debt, as well as the flaws of the consignment system, caused Washington to seek other means of income. He speculated in western lands, a practice he started as a teenager and continued throughout his life, but also added wheat as a cash crop and opened a fishery along the Potomac. He continued to trade tobacco with Robert Cary, but started selling at local markets. Local markets offered higher prices, but not the personal service or selection of English goods offered by the London merchants. The poor soil conditions for growing tobacco in northern Virginia helped Washington realize the disadvantage of relying on a single crop, exported to a single country, within a system that encouraged debt. He diversified revenue at Mount Vernon and sought a diversification of the Virginia economy, one that was less dependent on English goods and relied more on local manufactures.¹⁷¹

The introduction of the Stamp Act in 1765 furthered Washington's goal of economic independence and changed American relations with England. It is uncertain whether Washington remained in Williamsburg long enough to vote on the Virginia Resolves proposed by Patrick Henry. Of the 116 Burgesses, seventy-six had already left

¹⁷⁰ Flexner, *The Indispensable Man*, 44.

¹⁷¹ Ragsdale, 83-84.

for home when Henry took the floor near the end of the session.¹⁷² With or without hearing Henry's speech, Washington believed the Stamp Act was as an "unconstitutional method of Taxation," but he was more concerned with the act's economic consequences.¹⁷³ He noted that America's "whole Substance [did] already in a manner flow to Great Britain" and that any revenue taken from the colonists would surely affect British merchants.¹⁷⁴ Within the colonies, he predicted the Stamp Act would "introduce frugality, and be a necessary stimulation to [colonial] Industry."¹⁷⁵ His prediction proved true, especially at Mount Vernon. He ordered equipment to manufacture hemp and flax into cloth for use on his farms and began milling flour on his property. Washington stopped all tobacco planting at his Mount Vernon farms after the harvest of 1765. He grew a variety of crops for sale at local markets and the West Indies. In the later 1760s, Washington started collecting rent from tenants in cash rather than tobacco, encouraging them to diversify as well. In his own way, Washington sought economic independence from Great Britain long before the notion of American independence.¹⁷⁶

In the House of Burgesses, Washington was primarily concerned with veterans' issues and local issues such as regulations for raising hogs that protected clean well water. Thus, with no pressing local concerns, he did not attend the House of Burgesses

¹⁷² Freeman, *Washington*, 156-159. Douglas Freeman believed it unlikely that Washington attended during Henry's speech.

¹⁷³ George Washington to Francis Dandridge, 20 September 1765, in Fitzpatrick, 2:425.

¹⁷⁴ *Ibid.*, 426.

¹⁷⁵ *Ibid.*, 425-426.

¹⁷⁶ Ragsdale, 84-85.

session for initial debates on the new Townshend import duties, even though he knew the agenda.¹⁷⁷ In 1769, however, Washington transitioned from a representative primarily concerned with local affairs to a recognized leader in opposition to the Townshend Acts. His thoughts shifted from economic to political and directed his attentions toward the “lordly Masters in Great Britain” who were “satisfied with nothing less than the depreciation of American freedom.”¹⁷⁸ He cited economics, in the form of a non-importation agreement, as a means to “maintain the liberty which [they had] derived from [their] Ancestors.”¹⁷⁹ Washington was also the first to mention the use of “a-ms [arms] in defense of so valuable a blessing” as liberty, though he believed they “should be the last resource.”¹⁸⁰ His reading habits changed as well. Washington added more works on history and government to his library and ordered John Dickinson’s pamphlet *Letters from a Farmer in Pennsylvania*.¹⁸¹

Washington worked closely with his neighbor George Mason to develop a non-importation agreement for Virginia. With concerns that now extended beyond Fairfax County, Washington attended the 1769 House of Burgesses session, and brought with him the proposed non-importation agreement. The Burgesses’ voted to petition the king for redress of their violated rights in their first resolution of the session. The new governor, Lord Botetourt, immediately dissolved the assembly. Undeterred, the

¹⁷⁷ Flexner, *Forge of Experience*, 311.

¹⁷⁸ George Washington to George Mason, 5 April 1769, in Fitzpatrick, 2:500.

¹⁷⁹ *Ibid.*, 501.

¹⁸⁰ *Ibid.*, 500-501.

¹⁸¹ Allison et al., 89; Flexner, *Forge of Experience*, 314.

Burgesses moved across the street to Raleigh Tavern, where Washington presented the non-importation agreement. The unofficial assembly adopted the measure with almost no changes. Washington's introduction of the non-importation agreement was the beginning of his rise as a prominent leader in the Revolutionary cause.¹⁸² The non-importation agreement proved difficult to enforce throughout the colony, but Washington was determined to abide by its regulations. Following the summer session, Washington visited several nearby estates to enlist support for the non-importation association. His annual order to England reflected the stipulations of the non-importation agreement, and he informed Robert Cary of his intent to follow the agreement "religiously."¹⁸³

When Parliament repealed the Townshend Acts, save the duty on tea, many colonial leaders, including Washington, believed the crisis had passed. His thoughts turned again to farming operations. After Virginia ended their non-importation agreement, Washington's annual order with Cary more than tripled in cost. He ordered clothes and luxury items for his family, but most of the order consisted of items necessary to run the farms. Though he increased his in-house manufacturers, Washington, like all Virginia planters, still relied heavily on non-luxury English goods. However, Washington was determined to further reduce his commercial dependence on England. He built a new mill to grind flour, increased wheat production, and increased fishery operations that provided income outside of English trade.¹⁸⁴

¹⁸² Flexner, *Forge of Experience*, 313-314.

¹⁸³ Allison et al., 102-103.

¹⁸⁴ Ragsdale, 82-83.

Events in Massachusetts soon caused Washington to turn his attention, once again, from the farm to politics. The Boston Tea Party and subsequent Intolerable Acts spread alarm throughout the colonies. Washington learned of the Intolerable Acts while attending the House of Burgesses session in May 1774. He voted with other Burgesses to set aside “a day of fasting, humiliation, and prayer” so they might avoid the “destruction [of their] civil rights and the evils of civil war.”¹⁸⁵ At the mention of civil war, the governor, Lord Dumore, immediately dissolved the assembly. The Burgesses once again crossed the street to the Raleigh Tavern and continued their debate on the Intolerable Acts. This extralegal assembly passed a resolution that recommended each colony send delegates to the First Continental Congress. The Burgesses also passed a resolution that called for each Virginia county to hold a meeting to discuss their current grievances with Parliament.¹⁸⁶

In July, Washington presided over the Fairfax County meeting of both freeholders and inhabitants. During this meeting, George Mason presented, and the attendees passed, the Fairfax Resolutions. These resolutions clearly articulated their view of the limits of Parliament’s authority and the “fundamental principle” that the people can be “governed by no laws to which they have not given their consent, by representatives freely chosen by themselves.”¹⁸⁷ The Fairfax Resolves also called for a reduction of imports and a stop to all exports, which Washington deemed unfair. While the colonies accused Parliament

¹⁸⁵ Proceedings, 24 May 1774, in Allison et al., 105.

¹⁸⁶ Ibid., 104-106.

¹⁸⁷ Fairfax County Resolves, 18 July 1774, in Allison et al., 110.

of “injustice, [they] should be just [them]selves.”¹⁸⁸ He noted that many colonists owed a considerable debt to English merchants and to refuse payment by ceasing exports would be unjust.¹⁸⁹ Aside from the non-export provision, Washington strongly supported the Fairfax Resolutions and non-importation agreement. The colonists had “already petitioned his Majesty in as humble and dutiful [a] manner as subjects could do,” but with unfavorable results.¹⁹⁰ Washington believed that economic pressure must accompany the petitions.¹⁹¹

The same meeting that passed the Fairfax Resolutions appointed Washington as a delegate to Williamsburg for a second session of the House of Burgesses. In Williamsburg, the Virginia representatives considered several county proposals, but the Fairfax Resolutions were the most influential. The Burgesses adopted a resolution similar to the Fairfax Resolutions and elected seven delegates to attend the Continental Congress. Washington received the third highest votes, earning more than the noted orator Patrick Henry.¹⁹² His election as a delegate signified a significant change from the Washington who did not attend the debates on the Townshend Acts to the Washington who was engaged and influential in continental affairs.

Washington’s language in letters also changed significantly from his account of the Stamp Act, which focused on economic disadvantages. In 1774, his words leaned

¹⁸⁸ George Washington to Bryan Fairfax, 4 July 1774, in Fitzpatrick, 3:229,

¹⁸⁹ Ibid.

¹⁹⁰ George Washington to Bryan Fairfax, 20 July 1774, in Fitzpatrick, 3:231.

¹⁹¹ Ibid.

¹⁹² Flexner, *Forge of Experience*, 322.

much more towards political theory, observing that the British “government is pursuing a regular plan at the expense of law and justice to overthrow our constitutional rights.”¹⁹³

He believed “that the cause of Boston . . . now is and ever will be considered the cause of America,” though he did not “approve of their conduct in destroying the tea.”¹⁹⁴

Parliament’s authority to impose duties on tea was the central issue between the colonies and Great Britain. Concerning this, Washington wrote his friend Bryan Fairfax: “Is it against paying the duty of three pence per pound on tea because burthensome? No, it is the right only, we have all along disputed. The Parliament of Great Britain has no more right to put their hands into my pocket, without my consent, than I have to put my hands into yours for money.”¹⁹⁵ It is clear through his writing that Washington firmly espoused the principles of the supremacy of law and government by consent through representation. He recognized the ambiguity of the law concerning Parliament’s relationship with the colonies. Though Washington was not sure “where the line between Great Britain and the colonies should be drawn” by law, he believed “that one ought to be drawn, and our rights clearly ascertained.”¹⁹⁶ What he was sure of was that Parliament’s current course of action was “repugnant to every principle of natural justice.”¹⁹⁷

¹⁹³ George Washington to Bryan Fairfax, 20 July 1774, in Fitzpatrick, 3:231.

¹⁹⁴ George Washington to George William Fairfax, 10 June 1774, in Fitzpatrick, 3:224.

¹⁹⁵ George Washington to Bryan Fairfax, 20 July 1774, in Fitzpatrick, 3:231, 233.

¹⁹⁶ George Washington to Bryan Fairfax, 24 August 1774, in Fitzpatrick, 3:242.

¹⁹⁷ *Ibid.*, 3:240.

With these views on Parliament and colonial rights, Washington traveled to Philadelphia for the First Continental Congress in September 1774. At the Congress, Washington maintained his custom of speaking little in debate and received no committee appointments. John Adams did not consider him an important delegate and Silas Deane noted him as one “who speaks very modestly in a cool but determined style and accent.”¹⁹⁸ Outside of Congress, Washington purchased several political pamphlets, which circulated throughout the city. He often dined and socialized with prominent leaders of his sister colonies, where he gained a broader perspective on America’s struggle with Great Britain. Inside Congress, Washington quietly opposed the measure to petition the King for redress of grievances. Like many others, he believed it would have no effect. After much debate, the measure passed and Congress sent its petition along with the colonial Bill of Rights.¹⁹⁹ Through his observation during debates, political pamphlets, and private conversations, Washington saw the potential for armed resistance if “the ministry [was] determined to push matters to extremity.”²⁰⁰ However, like those who advocated liberty, Washington desired “that peace and tranquility, upon constitutional grounds, may be restored.”²⁰¹ Before he left Philadelphia, Washington ordered new epaulets and a sash for his military uniform. He also ordered Thomas

¹⁹⁸ Flexner, *Forge of Experience*, 324.

¹⁹⁹ Allison et al., 113-114.

²⁰⁰ George Washington to Captain Robert Mackenzie, 9 October 1774, in Fitzpatrick, 3:246.

²⁰¹ *Ibid.*

Webb's *A Military Treatise on the Appointments of the Army*, and asked about musket prices. He sincerely hoped to avoid armed resistance, but would be prepared if it came.²⁰²

Soon after the First Continental Congress, the political landscape in Virginia changed. Preparations for war replaced political debate in importance. Militia companies formed throughout the colony and no less than five petitioned Washington to lead them.²⁰³ Washington worked again with his close friend George Mason, this time to establish a military association in Fairfax County. In the first months of 1775, Washington rode several times to Alexandria to train the association's militia.²⁰⁴ Mason's original proposal for the association included provisions that officers be elected on a yearly basis and that they rotate between officer and enlisted status. His proposal included an exemption for Washington, who would remain the commander. Washington viewed this proposal as ridiculous. Although the rotation of officers provided a safeguard against corruption and abuse of power, it limited officers' ability to gain experience, maintain order, and instill discipline within the force. Washington's experience in the French and Indian War taught him the necessity of discipline and the disadvantages of elected military leaders. The proposal was not adopted.²⁰⁵

In March 1775, the Virginia representatives met in Richmond to discuss the results of the First Continental Congress and to elect delegates for the second. At this convention, Washington listened to Patrick Henry's "give me liberty or give me death"

²⁰² Ellis, 65.

²⁰³ *Ibid.*, 66.

²⁰⁴ Allison et al., 116.

²⁰⁵ Ellis, 66-67.

speech and was appointed, with Henry, to recommend defensive measures for Virginia.²⁰⁶ When time came to vote for delegates to the Second Continental Congress, Washington received 106 of the 108 votes. Only Peyton Randolph, the long-standing speaker, received more.²⁰⁷

By the time Washington left for the Second Continental Congress in May 1775, the news of Lexington and Concord had spread throughout America. It was evident, as he neared Philadelphia that sentiment toward war had changed in other colonies as well. Five hundred horsemen rode out from Philadelphia to escort Washington's carriage. As the procession approached the city, a musical band and companies of soldiers with weapons joined the group as they paraded through the streets. No other delegate received any such welcome to the Second Continental Congress.²⁰⁸ Soon after Congress convened, the delegates selected Washington to chair committees on the defense of New York and the supply of munitions and military stores. In addition to these chairs, Washington served on all committees related to military affairs. The delegates also asked Washington to create guidelines for the regulation of an American army.²⁰⁹ Washington clearly saw the colonies were headed for war. He purchased five more books on military affairs while in Philadelphia. To his friend George William Fairfax, now living in England, Washington wrote: "Unhappy it is though to reflect, that a Brother's Sword has been

²⁰⁶ Allison et al., 116-117.

²⁰⁷ Ellis, 66.

²⁰⁸ Flexner, *Forge of Experience*, 331.

²⁰⁹ Allison et al., 120.

sheathed in a Brother's breast, and that, the once happy and peaceful plains of America are either to be drenched with Blood, or Inhabited by Slaves."²¹⁰

In Congress, pressure mounted from the New England delegates to appoint a commander to coordinate the growing number of militia units in the northern colonies. Several candidates appeared ready to assume command. Artemas Ward and Charles Lee were both likely candidates. Ward already commanded in Massachusetts. Lee probably had more military experience than any other colonial and actively sought the position. Washington, however, made no moves to secure the position. Some delegates, such as John Hancock, believed the Continental commander should come from New England, since most of the fighting was in that region.²¹¹ Most delegates, however, recognized that America's fight was as much, if not more, political than military. Many delegates still believed reconciliation with Great Britain was possible and knew that the conduct of the colonies' commander had far-reaching consequences in these relations. America needed a commander who was wise both militarily and politically. One who could balance military operations with Congress's political objectives. The delegates needed a commander they could trust to remain subordinate to civil authority and lead the army without undermining the principles they espoused. Lastly, they needed a man who could unite the colonies and transition the current resistance from a New England struggle to an

²¹⁰ George Washington to George William Fairfax, 31 May 1775, in Fitzpatrick, 3:292. In this context, the term "slave" refers to any people bound by laws to which they did not consent. See Adams, 163.

²¹¹ Flexner, *Forge of Experience*, 328-335.

American cause. On 15 June 1775, the delegates unanimously chose George Washington as “General and Commander in chief of the army of the United Colonies.”²¹²

Washington absented himself from Congressional debates on who would command the Continental Army. He returned to Congress on 16 June to accept his commission. In his short acceptance speech, Washington told Congress that he felt “great distress from a consciousness that [his] abilities and Military experience” were not “equal to the extensive and important Trust.”²¹³ He went on to assure them that he would give his full effort in support of the “glorious cause,” but reminded the delegates that he did “not think [himself] equal to the Command [he was] honored with.”²¹⁴ Closing his remarks, Washington offered to serve without a salary, asking only a reimbursement of his expenses.²¹⁵

In hindsight, these comments from the Revolution’s greatest leader may appear to be a required show of modesty from a man who endeavored to lead the cause of the people. It is much more likely that Washington’s comments were a sincere assessment of his abilities and an attempt to protect his reputation, which he alone risked, should the military fail. Washington undoubtedly recognized the enormity of his responsibilities as commander in chief. He knew the difficulties that lay ahead in organizing and training an army of independent-minded men. He experienced first-hand the difficulties in

²¹² George Washington’s Commission, 19 June 1775, in Fitzpatrick, vol. 3 insert between pages 292-293.

²¹³ Acceptance of Appointment as General and Commander in Chief, 16 June 1775, in Fitzpatrick, 3:292.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*, 292-393.

logistically supporting an army in America and working with civil leadership. He knew these difficulties would increase exponentially as he led and coordinated with men from not one, but thirteen separate colonies. Added to these difficulties was the fact that Washington fought for an idealistic cause. He was no longer fighting for territory, as he had in the French and Indian War. As the leader of an ideological movement, he was tasked to use military force to defend the idea of freedom and support the rule of law. His actions, particularly interactions with citizens and civil authorities, carried consequences that reached much further than the battlefield. With these responsibilities, Washington pledged himself to the cause of American liberty a full year before America declared independence from Great Britain.

CHAPTER 3
GEORGE WASHINGTON AND CIVIL MILITARY
RELATIONS PRIOR TO THE DECLARATION

Washington remained in Philadelphia for only a week following his appointment as commander in chief. During this time, he concluded the most pressing matters in former committees and received further guidance from Congress concerning his duties in the new Continental Army. Washington took time to write Martha on 18 June. In this letter, he again stressed that the trust Congress placed in him was beyond his experience and capabilities.²¹⁶ Though he expressed concern over leaving Martha unexpectedly, he was confident in the protection of Providence and that he would return home safely in the fall. As a precaution, however, Washington drafted his will and enclosed it in the letter.²¹⁷ Letters soon followed to Jack Custis, John Augustine Washington, and the Captains of Several Independent Companies in Virginia; informing them all of the “honor [he] neither sought after, nor desired.”²¹⁸

During his week of preparation in Philadelphia, Washington received two sets of broad instructions from Congress, which created the foundation for the military’s relationship to civil authority. On 17 June, Congress officially published Washington’s

²¹⁶ George Washington to Martha Washington, 18 June 1775, in Fitzpatrick, 3:294.

²¹⁷ *Ibid.*, 3:294-295.

²¹⁸ George Washington to John Augustine Washington, 20 June 1775, in Fitzpatrick, 3:299; George Washington to John Parke Custis, 19 June 1775, in Fitzpatrick, 3:295; George Washington to The Captains of Several Independent Companies in Virginia, 20 June 1775, in Fitzpatrick, 3:298.

commission, which vested him with “full power and authority to act as [he] shall think for the good and welfare of the service.”²¹⁹ Within his commission, Congress instructed Washington “to be careful in executing the great trust reposed in [him], by causing strict discipline and order” within the army.²²⁰ Congress also established military subordination through Washington’s commission, ordering him “punctually to observe and follow such orders and directions” sent from Congress or a congressional committee.²²¹ While requiring subordination to civil authority, Congress unanimously pledged to “maintain and assist him, and adhere to him . . . with their lives and fortunes” in the defense of American liberty.²²²

Three days later, Washington received a second set of instructions from Congress concerning his authority and responsibility as commander in chief. In these instructions, Congress gave Washington authority to recruit soldiers and temporarily appoint brevet officers at the rank of colonel and below (the Provincial Assemblies retained the right to permanently appoint officers in these ranks). Congress also gave Washington responsibility “to victual at the continental expence [sic] all such volunteers as have joined or shall join the united Army.”²²³ Again, Congress provided Washington broad powers to use his “best circumspection and (advising with [his] council of war) to order

²¹⁹ Worthington Chauncey Ford, ed., *Journals of the Continental Congress 1774-1789* (Washington, DC: U.S. Government Printing Office, 1905), 2:96.

²²⁰ *Ibid.*

²²¹ *Ibid.*

²²² *Ibid.*, 97.

²²³ *Ibid.*, 100-101.

and dispose of the said Army . . . as may be most advantageous,” but instructed Washington to ensure “that the liberties of America receive no detriment.”²²⁴ These instructions codified, in writing, the relationship between civil leaders and the military, but gave Washington wide latitude to act under the authority of Congress. Washington’s actions after he assumed command would define, in practice, how the military interacted with elected leaders and used its power under their broad authorities.

With his commission and instructions in hand, Washington left Philadelphia for Boston on 23 June 1775. Accompanying Washington was his secretary Joseph Reed, aide-de-camp Thomas Mifflin, and newly commissioned Major Generals Charles Lee and Philip Schuyler. The group of Continental officers arrived in New York on 25 June, the same day that Royal Governor, and staunch loyalist, William Tryon returned from England. Provincial officials greeted Washington in the divided city amidst huzzahs from supporters of the resistance.²²⁵ The New York Provincial Assembly addressed Washington and expressed joy at his appointment, but added their hope that when the colonies reconciled with the “Mother Country,” Washington would “cheerfully resign the important deposit committed into [his] hands, and re-assume the character of [their] worthiest citizen.”²²⁶

The Assembly’s address reflected a general colonial fear of standing armies. While the Assembly approved of Washington’s appointment, they expressed concern that he might use his position to gain power and influence over the elected government of the

²²⁴ Ford, 2:101.

²²⁵ Freeman, 225-226.

²²⁶ Ramsay, 1:220.

people. Washington directly addressed the Assembly's concerns in his reply and assured them that: "when we assumed the Soldier, we did not lay aside the Citizen."²²⁷

Washington's concept of the citizen-soldier in this reply insinuated a temporary army comprised of citizens defending the liberties of their country. These citizens would relinquish their temporary military powers and return to their private lives once the conflict ended.

While in New York, Washington received, and opened, an express letter addressed to the President of Congress, which contained a detailed account of the 17 June battle at Breed's Hill and noted the shortage of powder in the American camp. With this latest news from Boston, and concern over the shortage of powder, Washington's party departed for Boston the following day. Schuyler remained at New York in command of American forces in that colony.²²⁸

On his way to Boston, Washington received praise and honors everywhere he stopped along the road. Large groups of private citizens came out to escort the general and his party. A committee from the Massachusetts Provincial Assembly ventured 100 miles from Boston to meet Washington and conduct him to the army camped near Cambridge. Upon his arrival in Watertown on 2 July, the gathered Assembly addressed Washington. The Assembly expressed gratitude in their address, but warned Washington that the troops around Boston were disorganized and undisciplined.²²⁹ In his response,

²²⁷ George Washington to the New York Legislature, 26 June 1775, in Fitzpatrick, 3:305.

²²⁸ Freeman, 226-227.

²²⁹ *Ibid.*, 227-228.

Washington noted the expressions of virtue and public spirit from the Massachusetts men and believed that “the activity and zeal of the officers, and the docility and obedience of the men” would soon correct any lack of experience or discipline.²³⁰ On 3 July, the twenty-first anniversary of the surrender of Fort Mifflin, Washington entered the camp at Cambridge and assumed command of the Continental Army. It was a date that Washington remembered with gratitude to Providence for protecting him during the French attack.²³¹ After twenty-one years, Washington was no longer in command of a small force of Virginians fighting a foreign military for control of territory. In 1775, he assumed command of thousands of men from several different colonies fighting their mother country for the idea of American liberties.

Shortly before Washington entered the Cambridge camp, *Lloyd’s Evening Post and British Chronicle* in London reported, “the Rage Militaire, as the French call a passion for arms, has taken possession of the whole Continent.”²³² American enthusiasm toward armed resistance was near its zenith when Washington assumed command of Continental Forces. This enthusiasm led many colonial militias to learn, in varying degrees of proficiency, the essentials of discipline and Prussian drill. Americans viewed the more intricate maneuvers as unnecessary show, which they did not attempt to learn. They recognized the inferiority of militia discipline and drill compared to the British

²³⁰ Answer to an Address of the Massachusetts Legislature, 4 July 1775, in Fitzpatrick, 3:307.

²³¹ George Washington to Colonel Adam Stephen, 20 July 1776, in Fitzpatrick, 5:313.

²³² *Lloyd’s Evening Post and British Chronicle*, 28-30 June 1775, in Charles Royster, *A Revolutionary People at War: The Continental Army and American Character, 1775-1783* (Chapel Hill: The University of North Carolina Press, 1979), 25.

regulars, but strongly believed that their native courage and virtue, which they believed superior to British soldiers, compensated for any deficiencies in drill and discipline. The recent battles of Concord and Breed's Hill seemed to confirm the American belief that courage and patriotism counterbalanced British discipline in the field. Added to their courage was faith that God gave them both freedom and the zeal to defend liberty.²³³

Along with courage, a strong sense of individualism pervaded the American camp. Though the demographics of the army changed as the war continued, the majority of men camped around Boston in 1775 were farmers and shopkeepers. They were accustomed to thinking for themselves and making their own decisions without orders from a superior.²³⁴ Most officers and soldiers had no experience with the military. Though many spent some time drilling in small units on the village green, they did not know their duties and responsibilities within an army. The ideas of military unity, subordination, and discipline were foreign to them.²³⁵ Individualism and inexperience were also visible in the staff departments when Washington arrived at Cambridge. Each department and system was decentralized by colony. At this early stage of the war, there was no coordination between colonies, which often led to waste and delays. Under these conditions, contemporary author David Ramsay wrote: "to form one uniform mass of these discordant materials, and to subject the licentiousness of independent freemen to the control of military discipline, was a delicate and difficult business."²³⁶

²³³ *Lloyd's Evening Post and British Chronicle*, 26-28.

²³⁴ Ramsey, 1:223.

²³⁵ *Ibid.*, 233-234.

²³⁶ *Ibid.*, 223.

The individualism of the soldiers camped around Boston stemmed from a liberal American society.²³⁷ Classic liberalism emphasizes the rights of the individual in relation to the state. It is more concerned with protecting the rights of individuals than with protecting the state from external threats.²³⁸ Liberalism tends to value reason and morality, and opposes restraints on individual liberty. In contrast, the military required individuals to subordinate themselves to the commands of their superiors.²³⁹ Within this liberal society, revolutionary citizens admired individual soldiers in combat who fought for freedom and defended their homes. Newspapers depicted mothers, wives, and young ladies sending their men to fight the British or to die trying. Like the *rage militaire* that spurred men to surround the city of Boston, public support for armed resistance was also near its peak in the summer of 1775.²⁴⁰

However, within this spirit of resistance remained a deep seeded distrust of standing armies. Though revolutionaries viewed individual soldiers as heroes, they were wary of an officer corps that might subvert their system of self-government. Americans' suspicion of a standing army revolved less around the possibility of a military dictatorship than around power, patronage, and corruption that often accompanied

²³⁷ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: The Belknap Press of Harvard University Press, 2000), 90. The terms liberal and conservative have changed since the eighteenth century. Liberalism, as used here, emphasizes individualism, reason, and morality and opposes infringements on individual liberty, even at the expense of the state. Conservatism, in contrast, expresses the belief that people are generally selfish and need to be subordinate to the group.

²³⁸ Huntington, 149.

²³⁹ *Ibid.*, 90.

²⁴⁰ Royster, 30-36.

standing armies. It was not lost on many Americans that they created an army to defend themselves from perceived military oppression. They realized that all people, to include Americans, were susceptible to corruption and had no intention of allowing corruption to permeate their own army. Enthusiasm for resistance did not diminish vigilance against the threat of a standing army.²⁴¹

Many Americans held both views toward the military in 1775; support for the fight against Great Britain, and an aversion toward the fighting institution. In peacetime, Americans avoided a conflict between these beliefs by relying on the militia. The militia included nearly every able-bodied male between the ages of sixteen and sixty, with some exemptions. They were ordinary civilians who served temporarily, when needed, in defense of their homes and family and returned to their homes when their term of service expired. Americans believed the militia supported liberty by reducing the need for a permanent military institution. For this reason, Americans preferred the militia to a standing army in 1775. Most recognized the need for a standing army, but they believed that the militia could supply the greater share of manpower to resist the British and restore American liberties.²⁴²

Delegates in Congress shared the belief that a standing army was necessary, but dangerous. When Congress commissioned Washington as Commander in Chief, they adopted the military forces formed in defense of the colonies and soon raised companies from Pennsylvania, Maryland, and Virginia to give the army in New England a continental flavor. It approaches irony that Congress created an army, which they viewed

²⁴¹ Royster, 35-37.

²⁴² Ibid., 36-39.

as a threat to liberty, in order to defend their liberties, but their actions were in line with moderate Whig theorists who believed that an army under strict civilian control was consistent with the rule of law and constitutional freedoms.²⁴³ The institution of the military itself did not violate the principle of the supremacy of law, but Congress viewed a standing army as a threat to liberty because of the historical example of rulers who abused their powers with the aid of a standing army.

To mitigate this threat, Congress emplaced controls on Washington and the Army. Washington's instructions clearly identified Congress as the source of the Army's authority and required Washington to "observe and follow such orders and directions" as he would receive from Congress.²⁴⁴ This short clause embedded in Washington's commission was significant. It stipulated that the military remain subordinate to civil leaders. The principles of the revolution, later expressed in the Declaration, asserted that the people were subject only to laws to which they consented through representation. Congress was the representative body and, though an extra-legal organization in 1775, believed it derived its authority from the people. Washington had no authority to act outside the confines of congressional resolutions and orders. If Washington failed to obey orders or acted outside of congressional resolutions, he would subvert the authority of the people's representatives and undermine the principles of the revolution.

To further limit the power of the military, Congress retained the authority to appoint and promote all general officers. This ensured the Army's senior leaders looked

²⁴³ Allan R. Millett, Peter Maslowski, and William B. Feis, eds., *For the Common Defense: A Military History of the United States from 1607-2012* (New York: Free Press, 2012), 50-54.

²⁴⁴ Ford, 2:96.

to civil authority rather than military leadership for advancement and preferment. Congress also made itself the primary source of money and other supplies, which forced the military to remain dependent on civil authority for its resources.²⁴⁵ With these controls, delegates also maintained a watchful eye on the conduct of the Army. As the representative body that created the military, Congress had a responsibility to ensure military leaders adhered to Congressional resolutions and did not abuse its power. John Adams, in particular, considered himself a “faithful spy” on military activities and encouraged others to do the same.²⁴⁶

Though concerned about a standing army and committed to its success, military affairs were not Congress’s only concern in the summer of 1775. In addition to military affairs, Congress was busy with the Olive Branch Petition to the King, a letter to the inhabitants of Great Britain, relations with Canada and the Indians, colonial trade, and a response to Lord North’s reconciliation proposal.²⁴⁷ Like Washington, most delegates believed armed resistance would soon end in reconciliation with Great Britain. The temporary view of the military combined with Congress’s lack of experience led to shortsighted systems that provisioned and regulated the army. Throughout 1775, and much of 1776, Congress relied on temporary ad-hoc committees to oversee military issues. The nature of these committees meant that Congress reacted to, rather than

²⁴⁵ Millett, Maslowski, and Feis, 50-54.

²⁴⁶ John Adams to William Tudor, 23 July 1775, in Higginbotham, *George Washington and the American Military Tradition*, 50.

²⁴⁷ Petition to the King, 8 July 1775, in Ford, 2:158-62; The Twelve United Colonies, by their Delegates in Congress, to the Inhabitants of Great Britain, 8 July 1775, in Ford, 2:163-70; Canadian and Indian Affairs, in Ford, 2:173-83; Report on Lord North’s Motion, 31 July 1775, in Ford, 2:224-234.

forecasted, issues that arose within the Army. When Washington assumed command there was no long-term plan to man and sustain the army or even a recognition that such a plan could be needed.²⁴⁸

It was in this atmosphere of enthusiasm for resistance combined with individualism and a general lack of military experience, that Washington assumed command of Continental Forces on 3 July 1775. Upon arrival in camp, he faced several challenges in managing a Continental Army. Washington had to unite the military efforts of the several colonies. The army encamped around Boston was actually four separate armies from the respective colonies of Massachusetts, Rhode Island, Connecticut, and New Hampshire. Each had their own commander, officer corps, supply system, and regulations. Uniting the colonies was historically difficult, as evidenced by Franklin's failed plan of union in 1754. Washington experienced these difficulties in the French and Indian War, where a lack of coordination and inter-colony rivalries hampered military efforts during the Forbes expedition. Washington also faced the challenge of overcoming the idealistic view of the militia and the belief that native courage could counter the disciplined drill of the British military. A third challenge for Washington was to avoid disputes between the army and the citizens. Historic disputes between American citizens and wartime armies included impressment, quartering, theft, recruiting, and the treatment of militia. All these controversies eroded public support for the military.²⁴⁹ Washington had faced all of these issues, to some degree, as commander of the Virginia Regiment. In

²⁴⁸ E. Wayne Carp, *To Starve the Army at Pleasure: Continental Army Administration and American Political Culture 1775-1783* (Chapel Hill: University of North Carolina Press, 1984), 22-23.

²⁴⁹ Higginbotham, *Military Tradition*, 48-49.

1775, he faced these challenges on a much larger scale as commander of all forces raised in defense of the American colonies.

Washington immediately addressed the issues of unity and discipline. In general orders, he informed the soldiers around Boston that they were under the authority of the Continental Congress and called the Troops of the United Provinces of North America.²⁵⁰ Washington urged the men to set aside colonial distinctions “so that one and the same Spirit may animate the whole” toward the cause of protecting American liberties.²⁵¹ Washington appealed to the honor of the troops when he instructed them to observe exact discipline and subordination. He told the soldiers that a lack of discipline and subordination would “end in shameful disappointment and disgrace.”²⁵² More importantly, Washington informed the soldiers they were subordinate to Congress and that the military must adhere to the instructions of the elected representatives. He explicitly required the army to follow Congress’s Articles of War, which was a precursor to today’s Uniform Code of Military Justice, and required that all officers and soldiers to attend church services “to implore the blessings of heaven.”²⁵³ After addressing discipline, unity, and the relation to civil authorities, Washington established regulations for cleanliness and camp sanitation, firing weapons, desertion, and prisoners.²⁵⁴

²⁵⁰ General Orders, 4 July 1775, in Fitzpatrick, 3:309.

²⁵¹ *Ibid.*

²⁵² *Ibid.*

²⁵³ *Ibid.*

²⁵⁴ *Ibid.*, 309-310.

With these general orders, Washington began the process of training and organizing the army. Washington had read and admired European military authors since assuming command of the Virginia Regiment, and, in many ways, Washington tried to imitate the contemporary British model. The British army, like most European armies, consisted primarily of two social classes: the aristocracy who officered the army, and the peasants or dregs of society that formed the rank and file. European rulers took great care to protect the middle class from war because they were the producers and artisans of the society. Consequently, European soldiers were generally ignorant and had no moral commitment or loyalty to their nation. Discipline was necessarily harsh in order to motivate soldiers to perform when they had no ideological or social reason to fight. European armies fought limited, dynastic wars for interests of the state and ruling class. They were incapable of fighting national wars because the leaders could not rely on the support of the people. The composition of the rank and file in European armies often led to high desertion rates. European military leaders were concerned as much with preserving the army as they were fighting battles. European armies generally did not exploit victories due to concerns about expense and a fear of potential defeat. To accommodate soldiers, commanders generally limited campaigns to fair weather months. During winter months, conventional European armies occupied winter quarters that provided a reasonable level of morale and comfort to soldiers.²⁵⁵

Although Washington desired a conventional army, he did not train or employ the army exactly as the British and often deviated from European doctrine. Washington realized that his army was different from the European model. It was comprised of

²⁵⁵ Middlekauff, 297-300.

freemen who valued the American cause and operated in a country of freemen who loved liberty and distrusted a standing army. Whenever possible, Washington kept his forces out of cities to protect private property and reduce the burden on citizens for housing and sustaining soldiers. He did not attempt to limit the war to a few men from the upper class and the dregs of society, although later in the war most soldiers came from the lower orders of society. Washington used militia as well as regular Continental Forces and often appealed to political and moral principles to motivate both. However, before the Continental Army could master the precise drill and discipline of a European army, Washington first had to focus on the very basics of military life. He had to train his soldiers in simple tasks, such as obeying orders, staying in camp, and remaining at their post until relieved. Both officers and soldiers had to learn their roles and responsibilities and learn to abide by the Army's regulations.²⁵⁶

The regulations in Congress's Articles of War were not significantly different from Massachusetts regulations in place prior to Washington's arrival in camp. However, Washington was quick to comply with the orders of Congress and vigorously enforced their regulations for the military. A significant change was evident within a few weeks of Washington's arrival. Members of the Massachusetts clergy praised the new army, though they historically detested armies because they bred immorality and vice.²⁵⁷ Reverend William Gordon, a frequent visitor to camp, noted the dramatic improvement in order and discipline within the army. He wrote, "before, there was little emulation among the officers; and the soldiers were lazy, disorderly, and dirty. The freedom to which the

²⁵⁶ Middlekauf, 301-302.

²⁵⁷ Higginbotham, *Military Tradition*, 52.

New Englanders have always been accustomed, makes them impatient of control [; but now] every officer and private begins to know his place and duty.”²⁵⁸

Regimental Chaplain William Emerson approved of the:

great overturning in the camp as to order and regularity . . . New orders from his Excellency are read to the respective regiments every morning following prayers. The strictest government is taking place, and great distinction is made between officers and soldiers. Everyone is made to know his place and to keep it, or be tied up and receive . . . thirty or forty according to his crime.²⁵⁹ Thousands are at work every day from four until eleven o’clock in the morning. It is surprising how much work has been done.²⁶⁰

Washington paid particular attention to discipline within the officer corps.

Enforcing discipline in the officer corps was important. It not only enabled military efficiency, it deterred corruption within the leadership of the army. Washington’s enforcement of regulations also demonstrated that officers and soldiers were equally bound by Congress’s regulations. No man was above the law. In August, Washington wrote that he had “made a pretty good slam among . . . officers.”²⁶¹ He cashiered officers for cowardice, leaving their post, and fraudulent drawing of pay and provisions.²⁶² Though Washington required strict discipline, he treated others with respect and created an atmosphere that fostered improvement within the army. Henry Knox noted that

²⁵⁸ Higginbotham, *Military Tradition*, 53.

²⁵⁹ Ford, 119. Article 51 of Congress’s Articles of War limited the number of lashes to thirty-nine, which was one less than the lashes authorized by Jewish law in Deuteronomy 25:3.

²⁶⁰ Reverend William Emerson to his wife, 17 July 1775, in Allison et al., 137-138.

²⁶¹ George Washington to Richard Henry Lee, 29 August 1775, in Fitzpatrick, 3:451.

²⁶² *Ibid.*

Washington filled those around him “with vast ease and dignity, and dispens[ed] happiness around him.”²⁶³

Washington also consulted with and advised the Continental Congress on the effort to improve the officer corps. Some Congressional commissions caused issues with seniority among brigadier generals. Congress made John Thomas of Massachusetts junior to William Heath and Seth Pomeroy. Thomas was senior to both men in the Massachusetts militia and many from that colony considered Thomas one of the most able commanders. The Massachusetts legislature urged Washington to change the commissions in favor of Thomas, but Washington deferred to Congress. He did not presume the authority to change general officer seniority. Unlike in the French and Indian War, Washington could not appoint his own officers. Congress reserved the right to appoint and promote general officers. General officer appointments, like Washington’s, were partially based on political considerations. Congress apportioned general officer positions to colonies based on the number of troops they provided to the Continental Army. Washington informed Congress of the dispute and recommended that Thomas be made the senior brigadier. While Congress had exclusive right to promote general officers, Washington expressed his opinion on this issue as it pertained to military matters. Congress acted on Washington’s suggestion and adjusted Thomas’s seniority to avoid divisions within the officer corps.²⁶⁴

Washington disagreed with officer appointments based on one’s colony of origin, which heavily favored New England men. He believed such appointments were unwise

²⁶³ Henry Knox to Lucy Knox, 9 July 1775, in Fitzpatrick, 3:147.

²⁶⁴ Higginbotham, *Military Tradition*, 55-57.

because they inhibited the spirit and initiative of officers from colonies outside of New England. Washington suggested that Congress make all officers Continental, thus removing colonial distinction, and promote them based solely on merit.²⁶⁵ Washington advised Congress from his perspective as a military commander, but yielded to the judgement of the civil leaders. In this instance, Congress declined Washington's proposal. They believed the political strife and potential jealousies created by such a system would outweigh any benefit of officer appointments based on merit alone.²⁶⁶

Washington also advised Congress on the appointment of a Commissary General for the Continental Army. Congress created the position in June, but had to name an individual to fill the vacancy. In a letter to John Hancock, Washington recommended that Congress appoint Colonel Joseph Trumbull to the position. Trumbull had already distinguished himself performing similar duties in the Connecticut militia. In the same letter, Washington asked Congress to fill the positions of Quartermaster General, Commissary of Musters, and Commissary of Artillery.²⁶⁷ Although Congress authorized Washington to temporarily fill positions of colonel and below, he refrained from exercising this authority and allowed Congress to approve or disapprove his recommendations. This tactic allowed Washington to advise Congress on appointments within his authority, but avoided embarrassment if Congress rejected his recommendation.

²⁶⁵ George Washington to Richard Henry Lee, 29 August 1775, in Fitzpatrick, 3:451.

²⁶⁶ Higginbotham, *Military Tradition*, 56.

²⁶⁷ George Washington to The President of Congress, 10 July 1775, in Fitzpatrick, 3:324.

After nearly two months under Washington's leadership, the Continental Army, as Washington biographer John C. Freeman wrote: "if it was not yet good, it was less bad by far than it was at the beginning of July."²⁶⁸ The improvement in discipline and organization within the army around Boston allowed Washington to expand his efforts beyond simply containing the British Army. Washington held a Council of War in which he invited Massachusetts lawmakers and delegates of the Continental Congress who were on vacation. After considering input from both civil and military leadership, Washington decided to arm private vessels to disrupt British supply lines, support the invasion of Canada with troops from Cambridge, and attack Boston. Under orders from Congress, Schuyler and Brigadier General Richard Montgomery were already planning to attack Quebec with 1,700 men along a route through Fort Ticonderoga and Montreal. Washington chose Colonel Benedict Arnold to lead 1,100 men, including three rifle companies, through Maine to support the attack on Quebec.

On 11 September, the day Arnold left for Quebec, Washington called another Council of War to discuss his plan to attack Boston. Washington's generals disapproved of the plan. They noted the strength of British defenses on Boston neck, but also cited the current political climate. The generals wished to wait for King George III's response to the Olive Branch Petition and the Lord Mayor of London's Humble Address, Remonstrance, and Petition. This address requested that the King dismiss his current ministers and dissolve Parliament in order to establish an administration more friendly to the British constitution. Washington's generals thought that, even if the King rejected the

²⁶⁸ Freeman, 236.

Olive Branch Petition he would respond favorably to the Lord Mayor and that the conflict may soon end in reconciliation.²⁶⁹

With American plans to attack Boston on hold, the siege continued without major action from either side. The British experienced their own supply shortages in the fall of 1775. They had been effectively cut off from mainland supplies since April. The blockade of Boston limited their provisions to military transport ships, which were slow to arrive in port.²⁷⁰ Washington ordered the army to construct barracks for winter quarters outside the nearby towns and villages to reduce the army's impact on the population, but more pressing matters soon consumed Washington's thoughts. Enlistments for most of the soldiers around Boston expired by the end of the year, and many Connecticut and Rhode Island enlistments expired on 1 December. Without a plan to recruit and sustain the army, it would dissolve at the end of the year. Washington deemed the magnitude of this issue beyond his authority as Commander in Chief and requested guidance and decisions from Congress concerning recruiting, pay, and provisions.²⁷¹ Rather than complain or assign blame, as he sometimes did during the French and Indian War, Washington respectfully informed Congress of his situation and worked closely with civil authorities to solve the army's problems.

Congress quickly appointed a committee, consisting of Benjamin Franklin, Thomas Lynch, and Benjamin Harrison, to meet with Washington and his generals at

²⁶⁹ Freeman, 236-238.

²⁷⁰ Ramsay, 259.

²⁷¹ George Washington to The President of Congress, 21 September 1775, in Fitzpatrick, 3:506-511.

Cambridge to discuss the Army of 1776. Before their arrival in October, Washington and his generals prepared recommendations on personnel strength, pay, and provisions to sustain the army through the winter months. The committee approved Washington's proposal of a minimum strength of 20,372 men for the new army. To fill these numbers, the council and committee decided to encourage men already in camp to re-enlist and ask individual officers to recruit men for their own units. If these measures failed, Washington would summon the militia to maintain defensive lines until enough men joined the army.²⁷²

Washington and officers soon began re-enlisting soldiers for the new army. Washington appealed to the soldiers and asked each man "to do what his Honour, his personal Liberty, the Welfare of his country, and the Safety of his Family so loudly demand[ed] of him."²⁷³ He also appealed to their pocket book, noting that the new authorized pay for soldiers was higher than the pay of private soldiers in any previous war.²⁷⁴ However, the spirit that brought many men to camp in the summer of 1775 had faded. Many men found the realities of a soldier's life much different from their original expectations. They found that military life was more than risking life in short engagements and that it required a degree of personal sacrifice unknown to them before they entered camp.²⁷⁵ The army required men to voluntarily submit themselves to military discipline, which appeared contrary to liberal ideals, in order to defend the

²⁷² Freeman, 242.

²⁷³ General Orders, 31 October 1775, in Fitzpatrick, 4:56-57.

²⁷⁴ Ibid.

²⁷⁵ Ramsay, 1:258.

liberties of the public at large. Enthusiasm for the American cause did not keep many men in the ranks past their enlistment dates. Difficulties in recruiting caused some issues with revolutionary thinking because much of their definition of an army of free men was based on volunteerism and individual responsibility for the public welfare.²⁷⁶

By the end of November, only 3,500 men had volunteered to serve in the Army of 1776 and many of these men re-enlisted only with the promise of a furlough to visit their families. Reluctance to re-enlist was understandable. In addition to the difficulty of reconciling the defense of liberty with the need of military subordination, many men had not seen their families in several months and lacked adequate winter clothing. Still, low enlistment rates frustrated Washington. He thought the importance of the cause would engage men to re-enlist, but found many unwilling to join the army of 1776. In a private letter, he described a lack of public spirit and a want of virtue within the army. Of the Connecticut troops, in particular, Washington wrote, “such a dirty, mercenary spirit pervades the whole, that I should not be at all surprised at any disaster that may happen.”²⁷⁷

It appears the officers of the Connecticut regiments informed Washington that the men were willing to stay until 1 January, but as December neared, Washington learned that many wished to leave camp on 1 December. To ensure support from civil authorities, Washington invited a delegation from the Massachusetts Legislature to attend a Council of War. The council resolved to summon Minutemen and militia from Massachusetts and New Hampshire in order to replace the departing Connecticut men on the lines.

²⁷⁶ Royster, 63, 50.

²⁷⁷ George Washington to Joseph Reed, 28 November 1775, in Fitzpatrick, 4:124.

Washington requested and ordered the Connecticut men to remain on the lines until 10 December when the militia was to arrive in camp.²⁷⁸ Despite Washington's orders, many of the Connecticut men left camp with their arms and ammunition on 1 December. Washington wrote that he used "threats, persuasion, and the Activity of the People of the Country" to bring most of the men back to camp.²⁷⁹ Washington kept the men on the lines until 10 December, and allowed them to leave as the replacement militiamen arrived in camp. Washington released the final Connecticut units on 12 December, after all the requested militia reported for duty.²⁸⁰

During this event, Washington's actions fell in a gray area in relation to the supremacy of law. He exceeded the contractual agreement of the Connecticut men by keeping them in camp past their enlistment terms. However, Washington believed the men reneged on a verbal agreement to remain on the lines until replacements arrived. He also deemed the Connecticut men's behavior disgraceful and wrote that he was deceived by assurances that the men would remain until the militia arrived.²⁸¹ Throughout this ordeal, Washington consistently consulted and informed civil authorities regarding his actions toward the Connecticut men. He garnered support from civil authorities and was careful not to antagonize local officials. Though Washington kept men past their

²⁷⁸ George Washington to Governor Jonathan Trumbull, 2 December 1775, in Fitzpatrick, 4:137.

²⁷⁹ George Washington to The President of Congress, 4 December 1775, in Fitzpatrick, 4:142.

²⁸⁰ George Washington to The President of Congress, 11 December 1775, in Fitzpatrick, 4:156-157.

²⁸¹ George Washington to The President of Congress, 4 December 1775, in Fitzpatrick, 4:142.

enlistment dates, there was no claim from civil authorities that Washington abused his power. Instead, New England leaders were embarrassed by the feeble re-enlistment rates and the gap created in the army's defenses. Upset by the conduct of the Connecticut soldiers, the Massachusetts and New Hampshire militias arrived in camp promptly and in large numbers to replace the departing men.²⁸²

The New Year brought a new army, which Washington described in his first general orders of the year as "entirely Continental."²⁸³ He cited the importance of the cause of liberty to impress the necessity of discipline and subordination on the new army. With the beginning of the new year, Washington chose to pardon all offenses of 1775 and ordered that all soldiers be immediately released from the guardhouses.²⁸⁴ Though the Army of 1776 was new, it still faced the old problems of manpower and equipment shortages. Returns from 1 January counted 8,212 enlisted men, of which 5,582 were present and fit for duty. Washington doubted he could fill the army through voluntary enlistments, but had to advise Congress on a new policy.²⁸⁵ Shortages continued through the first months of 1776. Washington lamented that he had less than half the army on paper and noted that those present had neither sufficient weapons nor clothing. He described the army's situation as so bad that he concealed the facts from his own officers.²⁸⁶

²⁸² Higginbotham, *Military Tradition*, 61.

²⁸³ General Orders, 1 January 1776, in Fitzpatrick, 4:202.

²⁸⁴ *Ibid.*

²⁸⁵ Freeman, 252.

²⁸⁶ George Washington to Joseph Reed, 10 February 1776, in Fitzpatrick, 4:319.

Washington first broached the subject of long-term enlistments and bounties to Congress in February, though that body had defeated a proposal to issue bounties only weeks before. In his letter to Congress, Washington asked “pardon for intruding an opinion, not only unasked, but in some measure repugnant to [Congress’s] Resolves.”²⁸⁷ He continued to provide a clear argument for bounties and long-term enlistments, which he believed would both increase the quality of troops and reduce expense to the government. Throughout this letter, Washington informed and requested of Congress, but made no demands. He was aware that his proposal for bounties challenged the ideal of virtuous men volunteering to defend their country and that long-term enlistments were unwelcome because they increased the power of the military. Though his proposal challenged revolutionary ideals, they did not challenge the principle of the supremacy of law. Washington advised Congress on measures he thought would improve the military, but made no suggestion that might undermine Congressional control. Mindful of Congress’s concerns, Washington concluded his letter assuring Congress that he had no other intention than what he thought “necessary to advance the public weal.”²⁸⁸

Washington’s proposal highlighted a conflict between ideals and military necessity that caused intense debate in Congress. Objections to his proposal included a fear that long-term enlistments would lead to men serving under officers from other colonies and that Provincial Assemblies might lose control over the appointment of officers. Some doubted that men would enlist for the duration of the war and Roger

²⁸⁷ George Washington to The President of Congress, 9 February 1776, in Fitzpatrick, 4:315.

²⁸⁸ *Ibid.*, 315-318.

Sherman of Connecticut went so far as to say, “long enlistment is slavery.”²⁸⁹ Congress was slow to act on Washington’s proposal, but by the spring, some men enlisted for terms of two or three years. Congress approved bounties in June and by September 1776 offered bounties and land grants to men who enlisted for the duration of the war.²⁹⁰

Despite low numbers of men and munitions in February, Washington was determined to attack Boston before British reinforcements arrived in the spring. On 16 February, Washington submitted a plan of attack to his Council of War. His plan called for troops to cross the frozen channel on foot with limited artillery support. Although Henry Knox returned from Fort Ticonderoga with fifty-two cannons, the Continental Army did not possess enough powder for a prolonged bombardment before the attack. Every general at the Council of War rejected Washington’s plan. Instead, they recommended occupation of Dorchester Heights in hope that Major General William Howe, who replaced Gage in October, would attack against a fortified position.²⁹¹

Washington and his commanders crafted detailed plans to occupy and fortify the heights. Continental troops would erect pre-made fascines and chandeliers on top of the frozen ground and emplace cannons behind these works. Washington expected the British to attack the heights and assigned 4,000 soldiers to attack Boston by boat once the British assault force departed the town in sufficient numbers. Washington called militia from the local area to backfill the assaulting troops on the defensive lines. On the night of 4 March 1776, 3,000 Continental troops occupied the heights and constructed fortifications while

²⁸⁹ Higginbotham, *Military Tradition*, 150.

²⁹⁰ *Ibid.*, 61.

²⁹¹ Freeman, 254-255.

American artillery bombarded British positions. Though British commanders were aware of American activity on the heights, they were astonished to see how much work the Americans completed in one night. British engineers estimated that the Americans employed 15,000 to 20,000 men to construct the positions. The British initiated movement to attack the new American positions, but an abrupt storm forced the soldiers to return to the city. Washington's plan to attack the city of Boston never materialized.²⁹² By 7 March, soldiers had improved the fortifications on Dorchester and there was no indication of a British attack. Washington released the militia whom he asked to serve only a few days. The men behaved superbly in the occupation and Washington praised their conduct in General Orders and in his detailed report to Congress.²⁹³

Even before the Americans occupied Dorchester, word reached Washington that the British intended to leave Boston. After American guns overlooked Boston Harbor, activity within the city clearly indicated British plans to evacuate the city. On the night of 16 March, Continental Forces emplaced cannons on Nook's Hill, closer to the city of Boston and within easy range of the harbor. When the sun rose on the seventeenth, British soldiers crowded the wharves in Boston, hastily boarding ships to depart the city. By the end of the day, the British were gone, leaving cannon and military stores on the wharves.²⁹⁴

²⁹² James Thomas Flexner, *George Washington in the American Revolution (1775-1783)* (Boston, MA: Little, Brown and Company, 1968), 72-77.

²⁹³ Freeman, 257-258.

²⁹⁴ *Ibid.*, 260-261.

Washington entered the city on 18 March, the day after 500 men from Major General Artemas Ward's division first entered the town. He did not enter Boston as a conqueror at the head of his troops. Washington instead chose to attend church services at the meeting house in Cambridge while American Forces occupied the town.²⁹⁵ When he entered Boston, as contemporary author David Ramsay wrote: "he was received with marks of approbation more flattering than the pomps of a triumph."²⁹⁶ During the siege of Boston, Washington, a Virginian, earned the trust of New Englanders with the potentially dangerous institution of an army. His conduct of the army gave Congress and Provincial Governments no reason to suspect any threat to American liberties. Though untested in battle, Washington's leadership of the army received commendations in regards to civil-military relations from elected leaders who were in position to judge his performance. Toward the soldiers, contemporary author Hezekiah Niles wrote that Washington had been moderate, but strictly enforced discipline. He treated them as freemen rather than European mercenaries.²⁹⁷

More important than his treatment of soldiers, Washington upheld the supremacy of law and maintained a subordinate and cooperative relationship with civil authorities. The Massachusetts Legislature and the Selectmen of Boston addressed Washington separately and both proclaimed the highest praises for his achievements and respect for civil institutions. His efforts exceeded expectations in balancing American liberal ideals and principles with military necessity and he became a moral rallying point for the

²⁹⁵ Higginbotham, *Military Tradition*, 67.

²⁹⁶ Ramsay, 1:264.

²⁹⁷ Higginbotham, *Military Tradition*, 67.

cause.²⁹⁸ Washington acknowledged the gratitude of the Massachusetts officials. In his response, Washington was particularly appreciative that they recognized his relationship with civil authorities. “Your acknowledgement of my attention to the civil constitution of this colony,” Washington wrote, “demands my grateful thanks. A regard to every Provincial institution, where not incompatible with the common interest, I hold a principle of duty and of policy, and it shall ever form a part of my conduct.”²⁹⁹

Washington also demonstrated his close relationship with civil authorities through his correspondence. During the nine months Washington camped in Cambridge, he wrote fifty-one letters to the President of Congress, thirty-four to the Massachusetts Legislature, forty to Governor Jonathan Trumbull of Connecticut, and thirty to Governor Nicholas Cooke of Rhode Island. Though there were sometimes disagreements, there were never communication barriers between Washington and elected leaders.³⁰⁰

Washington remained in Boston for two weeks to prepare defenses, should the British return, and arrange logistics for the army’s movement to New York. He left Boston on 4 April, following regiments already dispatched for the defense of New York. Howe’s next move was still uncertain, but New York was his logical destination. The city was easily defended by British naval superiority and it provided access to the Hudson River. British control of that river could sever communication lines between New England and the rest of the colonies. Washington forecasted the move to New York

²⁹⁸ Freeman, 263-264.

²⁹⁹ Answer to an Address from the Massachusetts Legislature, [March 1775], in Fitzpatrick, 4:441.

³⁰⁰ Higginbotham, *Military Tradition*, 64.

before the British evacuated Boston, but many colonies, and many more seaport towns, firmly believed the British would soon land on their shores. Requests for support from the Continental Army flooded Washington's desk.³⁰¹ Washington successfully fended off their requests for troops and asserted that the Continental Congress, not the provincial assemblies, had jurisdiction over the Continental Army. While denying troops, he carefully respected the colonies' control over their own militia. He maintained relations with colonial governments that allowed him to request supplies and equipment for the Continental Army.³⁰²

Washington arrived in New York on 13 April after meeting with Rhode Island Governor Nicholas Cooke during his trip from Boston. Twice in April, Congress ordered Washington to dispatch troops to support operations in Canada. Washington, also eager to defend the northern approach to the Hudson, promptly complied with these orders. By the end of April Washington had 8,300 men fit for duty in the defense of New York. Along with the difficulties in defending a city surrounded by water, a new set of disciplinary issues arose when the army arrived in New York City. The soldiers were no longer camped in the countryside of a Puritan dominated society. New York provided these men more exposure to amenities and to women who were generally excluded from the Cambridge camp. Venereal disease became a problem in some units. There were also issues with desertion and some instances of drunkenness. Concerned about his soldiers'

³⁰¹ Ramsay, 294-295.

³⁰² Higginbotham, *Military Tradition*, 63.

conduct toward the citizens, Washington issued General Orders to protect private property within the city.³⁰³

As Washington transitioned his army from Boston to New York, a popular sentiment toward independence gained noticeable momentum. In the early months of 1776, colonists learned that the king declared the colonies in open rebellion and that Parliament outlawed all trade with the colonies in the Prohibitory Act. These actions left little room for reconciliation under favorable terms, but the public was not yet in favor of independence. Coinciding with this news from Great Britain, Thomas Paine anonymously published *Common Sense* in Philadelphia. By April, presses in every major American city reprinted the pamphlet and over 100,000 copies circulated on the continent. Debates between independence and reconciliation frequently appeared in newspapers across America.³⁰⁴ Washington acknowledged the change in early April in a letter to Joseph Reed. Although he knew the people would “come reluctantly into the idea of independence,” he believed *Common Sense* was “working a powerful change . . . in the minds of many men.”³⁰⁵

In the spring of 1776, Washington privately supported independence, but he left the debate to Congress and to the people. He made no public statements concerning independence.³⁰⁶ Through his silence on this issue, Washington set an important precedent in civil-military relations. Washington advised Congress on military matters,

³⁰³ Freeman, 266-269.

³⁰⁴ Middlekauff, 316-320.

³⁰⁵ George Washington to Joseph Reed, 1 April 1776, in Fitzpatrick, 4:455.

³⁰⁶ Flexner, *American Revolution*, 93.

but refrained from offering his opinion on political issues. Though separation from Great Britain indirectly affected the military, it was neither Washington's responsibility nor within his authority to decide on independence. His interjection into political debate would not directly undermine the rule of law, but would set a dangerous precedent of military interference on issues solely the responsibility of the people and their elected representatives.

As public opinion shifted more toward independence, some Provincial Assemblies provided new instructions to their delegates in Congress. By the end of April, delegates from Georgia, South Carolina, and North Carolina received instructions that allowed them to vote for independence. Rhode Island declared its own independence during the first week of May. On 10 May, Congress voted to recommend that each colony establish its own government.³⁰⁷

Within this political atmosphere, Congress summoned Washington to Philadelphia to discuss the condition of the army and military operations. While meeting with a temporary committee on 24 to 25 May, Washington briefed the delegates on the current state of the army. He also recommended reinforcing the army in Canada, but not at the expense of the defense of New York. Washington again proposed that Congress grant a bounty for men who enlisted for a period of years or for the duration of the war. Opposition to the idea of bounties had declined since February, but Congress was still unwilling to authorize them. Their strong apprehension of standing armies still led them to rely primarily on militia and short-term enlistments.³⁰⁸

³⁰⁷ Middlekauff, 322-324.

³⁰⁸ Freeman, 271-272.

After meeting with Washington, Congress resolved to call 13,800 militia from the colonies of New York, Connecticut, and New Jersey to defend New York until 1 December. Congress also created the flying camp, composed of 10,000 men from Pennsylvania, Maryland, and Delaware. They designated the “flying camp” to defend the middle colonies, but also to support Washington’s main army if necessary. Concerning Canada, Congress voted to raise 6,000 militia to support operations and authorized Washington to hire up to 2,000 Indians.³⁰⁹

Following his meetings with Congress, Washington did not hold an optimistic view of military readiness. In a letter to his brother, Washington predicted “a very bloody Summer of it at New York and Canada,” and noted that the army was inadequately provisioned with both men and arms to fight in either theater.³¹⁰ Washington also seemed discouraged by many delegates’ reluctance to move toward independence, but only expressed his thoughts on this matter in private letters. While Washington was in Philadelphia, the Virginia delegation received instructions to propose independence, but he observed, “the representation of whole Provinces, are still feeding themselves upon the dainty food of reconciliation.”³¹¹

Washington left Philadelphia for New York on 4 June, waiting only to receive copies of Congress’s recent resolves concerning the army. In New York, Washington continued to organize and prepare the defenses of the city, but also reminded Congress of

³⁰⁹ Flexner, *American Revolution*, 94.

³¹⁰ George Washington to John Augustine Washington, 31 May 1776, in Fitzpatrick, 5:93.

³¹¹ *Ibid.*, 5:92.

his proposed reforms for the military establishment. Shortly after returning to headquarters, he reminded John Hancock of the request for bounties.³¹² A week later, Washington re-engaged Congress on the creation of a “War Office,” which Washington believed necessary for effective communication and cooperation with Congress.³¹³ Washington’s persistent, but respectful requests proved successful. By the end of June, both recommendations were approved. Congress established The Board of War and Ordnance, and named John Adams as chairman. This board provided the first dedicated, and permanent, Congressional committee to oversee and assist military operations.³¹⁴ On 26 June, Congress also approved a ten-dollar bounty for men willing to enlist in the Continental Army for a period of three years.³¹⁵

By the end of June, the British fleet arrived within sight of New York City and the American defenses. Washington issued General Orders that called all men to remain near their posts and strongly appealed to the ideas of defending liberty and country to encourage the men. Expecting an immediate attack, Washington told his soldiers that soon their actions would likely decide the fate of freedom in America. For the sake of posterity, he told them that the future of unborn generations of Americans depended on their courage and conduct in the ensuing battle. His final encouragement reminded the soldiers that:

³¹² George Washington to The President of Congress, 8 June 1776, in Fitzpatrick, 5:109.

³¹³ George Washington to The President of Congress, 13 June 1776, in Fitzpatrick, 5:128.

³¹⁴ Carp, 29-30.

³¹⁵ Royster, 64.

the Eyes of all our Countrymen are now upon us, and we shall have their blessings, and praises, if happily we are the instruments of saving them from the Tyranny meditated against them. Let us therefore animate and encourage each other, and shew the whole world, that a Freeman contending for LIBERTY on his own ground is superior to any slavish mercenary on earth.³¹⁶

Washington's call upon the courage of his army was anti-climactic. Instead of attacking the American positions, Howe landed his fleet on Staten Island. There was no indication of an immediate attack and the Continental Army had more time to prepare its defenses.³¹⁷

Word of America's separation from Great Britain reached New York on 9 July. At six o'clock that evening the Continental Regiments formed and listened as officers read the Declaration in its entirety. Of the army's reaction, Washington wrote: "the measure seemed to have their most hearty assent; the Expressions and behavior both of Officers and men testifying their warmest approbation of [the Declaration]."³¹⁸ Across the country, citizens celebrated with bonfires and tolling of church bells. In Georgia, patriots burned King George III in effigy. In New York, men (with the help of some soldiers) tore down the statue of the king, broke it, and sent the pieces to Connecticut where they were made into bullets. The people of Boston tore down every image of the king they could find and burned them amidst celebrations.³¹⁹

³¹⁶ General Orders, 2 July 1776, in Fitzpatrick, 5:211-212.

³¹⁷ Flexner, *American Revolution*, 95.

³¹⁸ George Washington to The President of Congress, 10 July 1776, in Fitzpatrick, 5:247.

³¹⁹ Allison et al., 174.

During Washington's first year in command, armed resistance to restore the rights of Englishmen transformed into a war for independence. After Congress declared independence, Washington wrote that "now the peace and safety of [their] Country depends (under God) solely on the success of our arms."³²⁰ Without fighting a major battle, Washington laid the foundation for success not only by organizing and disciplining the army, but also by establishing solid precedents in civil-military relations. Washington advised Congress on military matters and respected their decisions, even when they differed from his own opinion. He advised only on military issues, a precedent that allowed the people and their representatives to debate political issues without undue influence from the military. Washington remained within the bounds of Congressional resolutions and did not assume arbitrary powers outside his limits. He consistently consulted Congress or involved provincial leaders whenever unsure of his authorities. His adherence to civil control of the military upheld the principles of the Declaration and established trust from a people who historically feared a standing army. Rather than garnering power for his command, Washington consistently increased the power of Congress by deferring to it in both large and small matters.³²¹ Though unaware when he assumed command, Washington established precedents and traditions for a new nation that guided civil-military relations for generations.

³²⁰ General Orders, 9 July 1776, in Fitzpatrick, 5:245.

³²¹ Higginbotham, *Military Tradition*, 62.

CHAPTER 4

CONCLUSION

The Declaration of Independence was the culmination of the colonies' struggle to preserve their rights as Englishmen within the British Empire. It asserted the principles of the supremacy of law and that the people were bound only by laws to which they consented. America justified the separation from Great Britain by citing a continued violation of these principles. These principles were the foundation of what colonists called the rights of Englishmen. They traced the history of English rights from an idealistic view of the ancient Saxons and viewed much of England's subsequent history as a struggle to preserve these rights. Two landmarks in this struggle were the Magna Charta and the Glorious Revolution. The Magna Charta declared the supremacy of law and stated that not even the king was above the law. The Glorious Revolution, through the English Bill of Rights, reaffirmed the supremacy of law. This Revolution also placed the authority of Parliament, the elected representatives, over the authority of the king.

Following the Glorious Revolution, the colonies developed into self-governing societies during the period of salutary neglect. They relied heavily on their representative bodies and local Royal Governors for internal order with minimal influence from Parliament. The colonies received their charters directly from the king and viewed their legislatures on equal footing with Parliament, but consented to Parliament's authority to regulate trade within the empire. Colonial conflict with Parliament arose soon after the French and Indian War when Parliament attempted to raise revenue from the colonies in order to pay for the standing army assigned to colonial defense. Parliament had no legal authority to tax the colonies internally, as in the Stamp Act, and many colonists believed

the Townshend import duties exceeded Parliament's authority to regulate trade. Law was very important to colonial leaders. They believed Parliament violated the principle of law through consent of the people. In their petitions for redress of grievances, colonial leaders were careful to ensure their arguments had a solid legal foundation. When the Second Continental Congress declared independence, they cited natural law and individual rights, but focused their justification on law and the king's continued violation of the law.

Parliament enforced the Townshend Acts, and subsequent punitive acts, with a standing army. Colonists long feared a standing army in time of peace, which they viewed as a threat to liberty. Historically, both the inhabitants of Great Britain and the colonies were adverse to standing armies. They listed Charles I and Oliver Cromwell as leaders who abused their legal authority with the use of a standing army. A standing army provided rulers a means to enforce arbitrary law outside the consent of the people. Following the Townshend Acts, many colonists believed Parliament justified their fear of a standing army when Parliament used the military to enforce acts the colonists deemed illegal and arbitrary.

Because they distrusted a standing army, colonists preferred to use the militia for internal defense. Comprised of citizens who returned to their homes after the conflict, the militia was believed less likely to abuse its temporary power. Americans also believed that militia, who possessed native courage and defended their homes and family, were superior to European soldiers who fought for pay. Their propensity toward militia was further supported by the idea that, in a country of freemen, the citizens were responsible for defense of their country. These beliefs were important ideals of the Revolution, but

not principles of the Declaration. They supported the principles of the Declaration by providing safeguards against abuse of power and arbitrary law.

Washington's relationship with the principles of the Declaration began during the French and Indian War. As Commander in Chief of Virginian Forces, Washington reported directly to civil authorities. At the beginning of the war, he worked with civil authorities to create laws and regulations to govern the militia and the regular Virginia soldiers. He was conscious of the principle of supremacy of law and noted that, without laws governing the army, he had little authority to discipline his troops. Though conscious of the rule of law, Washington's immaturity strained relationships with civil authorities. After repeated requests for additional supplies and manpower (both were difficult to obtain during the relatively unpopular war), Washington openly criticized his immediate superior, the governor. At other times, he blamed civil authorities for the lack of discipline and lack of supplies at his frontier outposts. Despite strained relationships, Washington respected the rule of law and obeyed orders from civil authorities, though he did not always maintain a professional attitude in their execution.

Following the French and Indian War, Washington focused his efforts on farming and land speculation. He was elected to the House of Burgesses, but did not always attend sessions. Washington was more concerned with local issues in northern Virginia than with greater issues external to the colony. During the Stamp Act crisis, he did not attend the House of Burgesses when they voted to petition the king for redress of grievances. In private letters, he was more concerned with the Stamp Act's economic impact than with legal issues related to Parliament's authority to enforce such an act. Washington's transition from local to continental politics began in 1768 while working

with his neighbor, George Mason, on a non-importation agreement. Washington became a recognized leader in the resistance to Parliament after he introduced and advocated this agreement in the House of Burgesses. Rhetoric in Washington's letters also changed as the colonies moved closer to armed resistance. He wrote of the importance of principle over economics and based his arguments on law and the constitution. By 1774, it is clear that Washington firmly espoused the principles of the Declaration before it was written and before he assumed command of the Continental Army.

Underlying the principles of the Declaration were the liberal ideals of the Revolution. The ideals centered on personal freedom and individual liberty. They provided the ideological foundation on which revolutionaries based their concept of English rights and the principles of the Declarations. Within these ideals, the people received their rights from God. They vested the government with a portion of these rights to ensure the happiness of society and the protection of individual liberty. The government had no rights other than those granted by the people and no authority to assume powers not given through consent of the people. The people codified this consent in the form of a charter or compact. Under a compact, the people authorized the government, through representation, to create law and provided limits to this authority. This was the foundation for the principles of the Declaration, which stressed that no man was above the law and that law came only from the people or their elected representatives

As Commander in Chief of the Continental Army, Washington held an unelected position within the fledgling continental government. He was not a representative of the people. In keeping with the principles of the Declaration, Washington had no authority to act or use force outside the bounds of Congressional resolutions. Though an extralegal

body at the time, Congressional delegates received their authority, and their instructions, from the elected representatives of the individual colonies. Congress gave Washington his commission and his authority to act. They provided limitations on Washington's authority and freedom to act within those limitations. Subordination of the military to civil authorities was, in effect, subordination to the law. Disobedience to Congressional orders or actions outside his limitations would place Washington above the law and violate the fundamental principles of the Declaration. The importance of the subordination of military to civil authorities cannot be stressed enough. If Washington were to gain military victory but disregard Congressional authority, he would delegitimize his position and place the entire cause in jeopardy.

As Commander in Chief, Washington operated within the confines of both the ideals of the revolution and the principles of the Declaration. American soldiers prized their liberty and were accustomed to thinking for themselves, but order and discipline within the army required that soldiers followed regulations and obeyed the orders of superior officers. Service in the nascent Continental Army required that soldiers temporarily suspend their individual liberties to defend the rights of others. Soldiers consented to the rules and regulations of the army when they voluntarily enlisted. Washington enforced strict military discipline on these soldiers, but treated them as freemen. He called upon the ideas of the cause, God, family, and country to motivate the soldiers and enjoin them to abide by orders and regulations. The concept of using values to motivate soldiers was foreign in contemporary European armies. Though Washington, with authorization from Congress, used lashes and other forms of punishment common in European armies, contemporaries described his discipline as moderate.

During the first year of the war, before the Declaration and while Americans remained colonists within the British Empire, Washington established precedents in civil-military relations that upheld the principles of the Declaration. From the beginning of his command, Washington promptly executed the orders of Congress and required that his soldiers comply with Congressional articles of war. He was careful to act within the limits of his authority and consistently deferred to Congress when he was uncertain of these limits. By deferring to Congress, Washington increased the power of Congress over the military rather than garner power for his own command. Washington communicated frequently with both provincial and continental civil leaders. He informed them of the state of military affairs, consulted on strategy, and requested rather than demanded support when in need. He often advised and recommended on issues that pertained to the military and respected the decisions of Congress when they differed from his own opinion. Though Washington developed strong sentiments toward independence, he never advised Congress nor made public statements on political issues outside his purview as Commander in Chief. Washington had matured significantly since he commanded the Virginia Regiment during the French and Indian War. In both conflicts, he faced similar differences in opinion and frustrations over provisions and recruiting, but during his first year of command, Washington maintained a respectful subordinate relationship with civil authorities. His experience as a legislator and personal relationships with members of Congress contributed to his patience and understanding. Through these relationships and interaction with Congress, Washington established firm precedents of military subordination to law and the representatives of the people. These precedents supported

the principles of the Declaration and guided the military's conduct in its efforts to protect the rights of the people.

Precedents in civil-military relations that comply with the principles of the Declaration are one of the longest lasting traditions established by Washington during the first year of the Revolutionary War. They are also one of his greatest achievements during his tenure as Commander in Chief and laid the foundation for current civil-military relations. Many precedents that Washington established in 1775 still exist today. The military remains subordinate to elected officials. Military leaders advise civil authorities only on military affairs, but generally refrain from public political statements. Though disagreements arise, military leaders respect the authority of civil leadership and obey the orders of the President and Congress. Congressional authority to appoint and promote generals also exists today.

The knowledge and understanding of the history of civil-military relations in light of the principles of the Declaration is essential to understanding why our current traditions exist. With this understanding, it is more likely military leaders will uphold the traditions and underlying principles of civil-military relations. Without this understanding, it is easier to deviate from traditions and principles for temporary convenience. This history explains why the military is subordinate to civil authority and why military actions outside the authority of elected representatives violate the fundamental principles that helped define America. This knowledge, with examples from Washington's experience, can guide military leaders when differences in opinion or perceived lack of support strain relations with elected representatives.

Understanding the principles of the Declaration is also important for military leaders should, in future generations, the elected representatives act outside the authority of the people and order the military to enforce arbitrary law. Such an event is inconceivable today because of America's long history of respecting the principles of the Declaration. However, no society is immune to the tendency toward corruption and abuse of power. A solid knowledge and understanding of the principles that created America and the history of civil-military relations will help ensure that the nation George Washington worked to create remains free for future generations.

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