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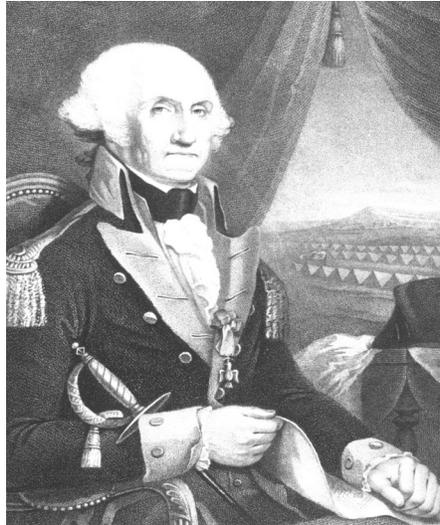
### *Our history: Discipline and Punishment in the Army of the American Revolution*

While commanders in today's Army often pursue an Article 15 or a court-martial as a means to enforce discipline within their ranks, commanders in George Washington's Continental Army had many more tools at their disposal to impose good order. In the Continental Army discipline and punishment were severe---and swift---since the *Rules and Regulations of the Continental Army* enacted by Congress in November 1775 provided that a punishment could be imposed either by court-martial or "by order of the commanding officer."

Plundering, drunkenness, and desertion were the most common offenses in the Army during the Revolution, and flogging was the punishment ordinarily imposed. The trumpeter in a regiment was usually chosen to wield the cat-o'-nine tails; a whip consisting of nine knotted thongs or cords (usually made of leather but occasionally rope) fastened to a short piece of leather (or rope) used as a handle. The offending Soldier was usually tied to a post (with his hands and arms over his head) and then flogged on his back. The intent of flogging was to lacerate the offender's skin and induce intense pain. The number of lashes ordered depended on the seriousness of the offense. If the offense was particularly serious, salt could be ordered to be rubbed into the wounds as a part of the sentence.

General Washington was an ardent supporter of flogging. After the Continental Congress initially authorized a maximum of 39 lashes "to be laid on publicly with vigor" for offenses, Washington thought this number was insufficient to maintain discipline. Consequently, he persuaded lawmakers to increase the maximum number of lashes to 100.

Other punishments approved by Washington for use in the Continental Army included branding, the wooden horse, the picket, and running the gauntlet. Branding entailed burning a "D" (for desertion) on an offender's



hand or cheek. A sentence to the "wooden horse" involved placing a Soldier on a narrow-edged wooden board supported by four legs, akin to a carpenter's saw-horse, with his hands tied behind his back and his feet tied together to keep from being thrown. After a short period of time, the pain was excruciating.

The "picket" was another form of punishment for minor offenses. A long post with a hook at the top was driven into the ground and the offending Soldier was forced to stand on a stool while one of his wrists was tied to the hook at the top of the post. Then, another small post with a flat top was set in the ground at the base of the long post, and the Soldier was forced to place the heel of one foot on that smaller post. The stool was then taken away, with the result that the Soldier was left in an uncomfortable position that soon became painful.

"Running the gauntlet" was reserved for offenses like theft that *directly affected* fellow Soldiers. The first means of imposing the "running" was for Soldiers carrying switches to form two lines. The offender, naked to the waist, marched through the line, where he was beaten by his fellow Soldiers. To ensure that the offender did not move too quickly through the gauntlet, he was forced to walk behind a sergeant with a reversed sharpened pole. A second way of organizing the "running" was to tie the offender to a wagon wheel and allow each man in

the regiment to pass by and strike the offender with a cat-o'-nine tails.

In the Continental Army, the death penalty was initially specifically authorized only for giving up the "watchword" to unauthorized persons and for compelling a commander to give up a fortification. But the offenses of "corresponding with the enemy," "mutiny," "desertion," "striking a superior officer," "misbehavior before the enemy," and "abandoning a post entrusted to one's care" were also added to the capital offense list.

Capital punishment could be swiftly imposed. Mutineers and those evidencing cowardice were summarily shot, usually in front of a large group of Soldiers to impress upon others the seriousness of the crime. On January 22, 1781, General Washington ordered General Robert Howe to quell a mutiny in a Continental Army unit. According to Washington's written instructions, Howe was "to compel the mutineers to unconditional submission ... [and] instantly execute a few of the most active and incendiary leaders." Five days later, Howe reported back to Washington that "two of the principal actors were executed on the spot, the rest pardoned." Howe added that "the spirit of the mutiny" had completely subsided and the surviving mutineers were genuinely repentant. Today, the Uniform Code of Military Justice (UCMJ) still permits the death penalty for desertion, mutiny, misbehavior before the enemy and other similar offenses "*in time of war.*"

Over time, many of the punishment options available to General Washington were rescinded. Congress outlawed branding and many other harsh punishments after the Revolution, although flogging remained a permissible punishment in the Army until 1812. Flogging, however, did not disappear in the military entirely until 1850 when, over intense protests, Congress abolished flogging in the Navy.

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