

1975

The Ghost of Cromwell – Republican Revolution without Military Dictatorship: The American Constitutional Experience, 1775-1800

Stephen M. Millett

Follow this and additional works at: <https://ecommons.udayton.edu/udr>



Part of the [History Commons](#), and the [Philosophy Commons](#)

Recommended Citation

Millett, Stephen M. (1975) "The Ghost of Cromwell – Republican Revolution without Military Dictatorship: The American Constitutional Experience, 1775-1800," *University of Dayton Review*. Vol. 12: No. 3, Article 2. Available at: <https://ecommons.udayton.edu/udr/vol12/iss3/2>

This Article is brought to you for free and open access by eCommons. It has been accepted for inclusion in University of Dayton Review by an authorized editor of eCommons. For more information, please contact mschlangen1@udayton.edu, ecommons@udayton.edu.

The Ghost of Cromwell — Republican Revolution Without Military Dictatorship: The American Constitutional Experience, 1775-1800

Stephen M. Millett

Lieutenant General Oliver Cromwell met with the House of Commons in a stormy session on April 20, 1653. Enraged by their obstinacy, he harangued the Commons with violent language. "Perhaps you think that this is not Parliamentary language; I confess it is not; neither are you to expect any such from me," he concluded defiantly. "You are no Parliament, I say you are no Parliament. I will put an end to your sitting."¹ At his command, his troops entered the hall and pulled the Speaker off his chair. Cromwell had forcibly terminated the Long Parliament, which had governed for the Puritan revolution since the commencement of the English civil war eleven years before. Now the army created by that Parliament turned on its parent body and destroyed it. Cromwell had initiated military dictatorship in order to culminate the republican revolution.

This incident had not been the first or the last time the Puritan army had interfered with parliamentary rule. But it dramatized the fundamental political dilemma of the English civil war: how to successfully wage war for a republican cause against established authority without creating a powerful standing army, which might become a political Frankenstein's monster. Military dictatorship proved to be just as repugnant to republican values and interests as absolute monarchy.

The abhorrence of a standing army became a major theme in English constitutional history from 1628 to 1689. The eventual institutionalized restrictions on the army by Parliament constituted a major achievement in the development of English political liberties. The issue of a standing army arose again in the English colonies of North America a century later. The American revolutionaries were faced with that same dilemma as had the Parliamentarians. While the Continental army under General George Washington never posed the same political threats as the New Model Army under Cromwell, Americans continued to fear standing armies, even after 1783 when none existed. It became a major issue in the Constitution of 1787, the Bill of Rights, and the policies of the Federalist administrations from 1789 to 1801.

The purpose of this paper is to survey the early history of American apprehensions of military power, and how those apprehensions became institutionalized in the

American system of civil authority over the military establishment. Because of the influence of British history, this paper will briefly recount the experiences of the English civil war in order to relate those experiences with the issues involved in the American Revolution. It further attempts to shed light on the character of American constitutional checks on military policy in the formative era of our republic, and how the Americans solved the historical dilemma of how to achieve permanent gains of republican revolution without resorting to military dictatorship—the “Ghost of Cromwell.”

The English Experience, 1628-1701

The domestic political use of a standing army by the Crown had been one cause of Parliamentary protest as early as the 1620's. With the growing schism between the Stuarts and the House of Commons over political values, taxation, religion, and foreign policy, the Commons greatly feared that the Crown would use military force to impose its policies against the recalcitrant Parliament—what the reformers feared as “might over right.” The Petition of Right passed by Commons in 1628 enumerated its grievances against the forced quartering of soldiers in private homes and the martial law imposed upon subjects otherwise entitled to common law. Short of funds because Parliament refused to appropriate them to execute royal policies it opposed, the King continued to assert his prerogative in military affairs from 1629 to 1640 when he ruled without Parliament. The new Parliament that convened in 1640 was determined to reduce the King's military edge in the emerging constitutional crisis. Indeed, Charles I did use his troops to enter Commons on January 4, 1642, when he attempted to arrest five members for treason. The sixteenth point in the Nineteen Propositions of the Commons of June 2, 1642, demanded “that the extraordinary guards and military forces now attending Your Majesty may be removed and discharged; and that for the future you will raise no such guards or extraordinary forces, but according to the law, in case of actual rebellion or invasion.”²

When Charles raised the royal standard at Nottingham on August 22, 1642, the Parliamentarians began to raise an army on their own authority. A new army, called the “Ironsides,” was carefully recruited for political loyalty and religious convictions, sternly disciplined, and superbly led. The emerging leader of the new army was a Member of Parliament from Cambridge, Oliver Cromwell, who was commissioned a Lieutenant General by Parliament in 1644. Cromwell, however, was too political to be just a military tactician, and too brilliant strategically to be merely a shire politician: his political acumen, military genius, and Puritan zealotry combined to make him the most powerful man in England.

The Parliamentarians were well aware of the possible military threats to civilian government, but they feared the professional armies of the monarchy more than their own citizens' army. In 1513, the Florentine scholar Niccolo Machiavelli had written that “a republic which has its own citizen army is far less likely to be subjugated by one of its own citizens than a republic whose forces are not its own.”³ Machiavelli

had rightly warned of the political dangers of mercenaries and professional soldiers, but he had underestimated the threat of a popular army without political restraints. Parliament was cautious enough that in April 1645 it passed the Self-Denying Ordinance, which forbade an MP to hold a military command. Yet Parliament continued to commission Cromwell for four- to six-month intervals until July, 1646. In the meanwhile, Cromwell was a principal architect of the New Model Army.⁴

With the defeat of the cavaliers in the field, and with the King in its custody, Parliament acted to dissolve the New Model Army without payment or arrears or pensions in February 1647. The army mutinied. Cromwell was among four MP's sent to negotiate with the army, but faced with a definitive choice of affections, Cromwell threw his lot with the army at its rendezvous at Newmarket. The army occupied London on August 6th, putting the conservative MP's to flight. Parliament continued to meet, but now under the careful scrutiny of the generals.⁵

The political power of the army increased even more after Cromwell's defeat of the Scots at Preston in August, 1648. Four months later the army, led by Col. Thomas Pride, occupied the Commons and purged 96 Presbyterians. The remnant "Rump Parliament" subsequently created a Council of State with Cromwell as its head. Cromwell's position became impregnable after further military successes over the Irish and the Scots. In 1653 he personally dissolved Parliament, as already recounted, and became the Lord Protector. Behind him stood a standing army of 30,000. Two years later, he divided England into eleven military districts with each governed by a major general in command of both the regular army and local militia. The Puritan army interfered at all levels of society, resulting in an intensive popular hatred of a standing army, whether royal or Cromwellian. Such was the status of the republical revolution when Cromwell died in 1659.⁶

It was another general, George Monck, who ended the Protectorate by force in 1660 and paved the way for the restoration of the Stuart monarchy. As part of the political settlement, Charles II pledged to pay the soldiers arrears and drastically reduced the army's size. The monarchy retained the power of command of all military and naval forces, their internal government, and authority to raise forces, but Parliament reserved the power to appropriate funds for armies and the power to impeach the King's ministers who might try to usurp Parliament's prerogatives. This division of powers was viewed as a satisfactory solution to the political problems of a standing army. Charles II did not try to disrupt this compromise, but James II gathered an army of 20,000 men under predominantly Catholic officers. The Glorious Revolution of 1688 was bloodless, yet Parliament designed a more stringent protection against standing armies. The Bill of Rights in 1689 declared that "the raising or keeping of a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against the law." It further provided for the right of subjects to bear arms independently of the army. Likewise, in the same year, Parliament passed the first annual Mutiny Act, which again delineated the military authority of the Crown and Parliament. The Act of Settlement in 1701 further institutionalized this executive-legislative balance of military authority.⁷

The American Colonial Experience

The problems of defense in the North American colonies were entirely different from those of the European nations; so too were military tactics and organization. Yet the political and constitutional problems of military forces remained the same for the colonies as in England. The experience of the English civil war had taught the colonists the dangers of a professional army, but their own experiences were just as vivid and reinforced the conclusions about the undesirability of standing armies drawn from English history.

From the very beginning of the colonial adventure, the primary responsibility for defense rested upon the colonists themselves. Professional soldiers of fortune, like Captain John Smith of Virginia and Miles Standish of Plymouth, taught the settlers how to organize themselves in order to fight hostile Indians. The citizens' armies became the first colonial militias. The militias became effective bodies in combating the Indians at their own level of warfare—surprise attacks, ambushes, and wilderness battles.⁸

The colonial militias were as safe politically as they were militarily effective against Indian tribes. Frontiersmen owned their own weapons and willingly cooperated within the militia organization as a matter of self-interest. Officers were elected by the men. While the governors had authority to call the militias up for service, and direct them as the commander-in-chief, the colonial legislatures alone could appropriate funds for the militias. Indeed, the colonial assemblies exercised more control over the armed forces in the New World than Parliament did over the army in England at this same time.⁹

The French and Indian War changed the military requirements for colonial defense, and precipitated a political controversy over military affairs between London and the colonial governments. There were frequent clashes between the Crown-appointed governors and the colonial assemblies, and between British career army officers and the elected militia officers. While the militias were effective defensively, they were typically useless offensively: militiamen fought for their own homes, and they feared leaving their homes defenseless while they campaigned in far-off frontiers. The burden of offensive operations against the French fell to the regular army. As a consequence of the war, British officials strongly recommended that a standing force of British regulars be kept in the colonies after the peace of 1763.¹⁰

Parliament provided for an English imperial army of 40,000 after 1763, including a force of 15 regiments (6,000 troops) to be stationed along the Allegheny frontier. The rationale was to protect the colonies from the Indians and Spanish, but actually it provided a buffer force to protect Indians and colonists from each other. Parliament, burdened by the debts of the Seven Years War, was determined to make the colonists pay for this garrison: hence, the Sugar Act of 1764 and the Stamp Act of 1765. The colonists, confident of their own militia to continue their own defense, bitterly resented both the British army and the taxes to pay for it. The ensuing

political crisis between colonists and London eventually escalated to open rebellion in 1775.¹¹

The colonists had much to fear from the new British standing army in their midst. In 1765, Parliament passed a Quartering Act, which provided for the quartering of British troops in public hostelries if the colonial assemblies failed to fund proper barracks for them. In 1774, it legislated that British troops could be quartered in private homes—a provision that would have been unconstitutional in England. These were measures designed to coerce the colonial assemblies to fund the billeting of the standing army. The colonists were justifiably outraged. Not only did a standing army threaten their civil liberties, but the English taxes endangered their commercial interests, and enforcement of Parliament's acts infringed their rights under the common law. From 1768 to 1772, the British army shifted from the frontier to the settled portions of the coast. This seemed to indicate that the army now considered the colonists a greater threat to the peace than the Indians. By 1775, there were 3,500 British troops stationed in Boston. The "Boston Massacre" of 1770 had been just one dramatic incident among several violent clashes between colonists and British regulars before 1775.¹²

The British army, which became the means for London to enforce its colonial policy, became one of the major causes of the American Revolution. The ninth article of the Declaration and Resolves of the First Continental Congress in October 1774 proclaimed that "the keeping of a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against the law." On July 6, 1775, three months after the battles of Lexington and Concord, the Second Continental Congress listed the forced quartering of troops, the army's campaign to Concord, and rumors of British agitation of the Indians as reasons for outbreak of the Revolution. Among the 27 grievances against the Crown enumerated by Thomas Jefferson a year later in the Declaration of Independence were, "He has kept among us, in times of peace, Standing Armies without the Consent of our legislature," "He has affected to render the military independent of and superior to the Civil Power," "For quartering large bodies of armed troops among us," and "He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation."¹³

Civil Control of the Army, 1775-1787

Much historical criticism has fallen on the Continental Congress for its poor record of supplying desperately needed logistical, financial, and political support for the Continental Army. This criticism is partly unfair considering the very tenuous political authority of the Congress during the Revolution. Until the ratification of the Articles of Confederation in 1781, it existed merely on an *ad hoc* constitutional basis. Even after the Articles were ratified, the powers of Congress were narrowly circumvented by the states, which were exceedingly jealous of their own sovereignty.

It was always difficult for Congress to raise adequate funds from the states to field General Washington's army. And then there was the constant fear by both Congress and the states that the army would become too strong politically—the ghost of Cromwell.

Congress held the authority to raise armies, legislate rules to govern them, appoint generals, and appropriate provisions for forces in the field. General Washington's responsibility was to win the war with what was given to him by Congress and the states. One point of conflict was the merits of militia as opposed to a large regular army. Washington insisted that he could not wage a comprehensive war against British regulars with just state militias. As a militia colonel in the French and Indian War, he knew well from prior experience the inadequacy of Militias. He hoped that by 1776 he could command a regular army of 20,000 men, modeled on the European armies, which would be accountable to Congress alone. Yet during the disastrous Long Island Campaign in the summer of 1776, he had only 9,000 Continentals and 14,000 militia. All of his worst fears were quickly realized when the British and Hessians routed his forces at Brooklyn and drove him across the Hudson. On September 24, 1776, Washington had written to Congress that "To place any dependence upon militia is assuredly resting upon a broken staff . . . The jealousy of a standing army, and the evils to be apprehended from one, are remote, and . . . not at all to be dreaded; but the consequence of wanting one . . . is certain and inevitable ruin." Neither Congress nor the states ever raised an army that was satisfactory to Washington in quality or quantity. By October 1, 1778, Washington still commanded only 18,472 men, and had only half of that around New York City three years later.¹⁴

The Continental Congress tried to keep a tight rein on the army in order to avoid the fate of the English Parliament in the 1640's. From 1775 to 1780, it formed six committees to oversee military operations. On the whole, these committees operated as a cooperative liaison between the army and Congress rather than a political yoke on the generals. Washington was fortunate to deal with such competent committeemen as John Adams, Roger Sherman, and James Wilson. There were times when the committees became entangled in the political intrigues of high command in the army, but they never challenged Washington's ultimate authority in the field nor interfered with strategy planning. Finally in 1781 Congress created a War Department, headed by General Benjamin Lincoln, who cooperated very successfully with Washington.¹⁵

Congress never lost its apprehensions about the potential political power of the army, or its suspicions of Washington's non-existent dictatorial ambitions. On the whole, Washington's political values and military objectives were in harmony with those of Congress, which was an important difference from Cromwell's relationship with Parliament. Congress knew it could not emasculate the army for political reasons and still expect military victories. Once, it did delegate virtual dictatorial powers to Washington in all military affairs (not political) from December 1776 to May 1777 while the army wintered at Morristown. Washington realized the political nature of his command, and he never challenged the basic belief in the civil control of the military, even in a revolutionary war for national survival.¹⁶

Washington was frequently near despair over the poor provisions made by Congress and the states for his army. "Could I have foreseen what I have, and am likely to experience," he wrote in November 1775, "no consideration upon earth should have induced me to accept this command. . . ."¹⁷ He blamed much of his problem with recruitment, enlistment, and supplies with Congress' fear of a standing army. He lamented to one delegate, "We should all be considered, Congress and army, as one people, embarked in one cause in one interest; acting on the same principle, and to the same end."¹⁸

The major friction between Congress and the army was financial: pay, arrears, pensions, terms of enlistment, and re-enlistment bounties. There had been a meeting of Pennsylvania troops at Morristown on New Year's Day, 1781, on this issue. Some five-sixths of the men were honorably discharged; but a mutiny of three New Jersey regiments at Pompton was not as peacefully settled—three mutineers were executed. There was growing discontent among officers over pay and pension during the autumn of 1782 which would erupt into an ugly incident in March 1783.¹⁹

With the jubilant news of the Peace of Paris in the early spring of 1783, the officers of the Continental Army were distressed that Congress might disband the army without settling their financial grievances. Angry circulars passed among the officers camped at Newburgh, New York, that advocated that the army use direct pressure against Congress. Impetus for this idea came from Philadelphia, especially from Alexander Hamilton, former aide-de-camp of General Washington and now the New York delegate to Congress. Hamilton believed that military pressure might push Congress to assuming more political power against the states, especially in matters of taxation and debt funding. Washington, however, informed Hamilton that he resolutely refused to lead the army against Congress for fear of precipitating a civil war. The unrest at Newburgh was not unlike the mutiny of the New Model Army at Newmarket in February 1647, and there was indeed much fear in Philadelphia of a military *coup d'état*.²⁰

Washington met with his officers at Newburgh on March 15. He urged them to be patient a little longer with Congress. "You will, by the dignity of your conduct," he advised them, "afford occasion for posterity to say, speaking of the glorious example you have exhibited to mankind, 'had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining'." He then tried to read a message from a Virginia delegate, but he fumbled through the words. He paused to reach for his spectacles, commenting, "Gentlemen, you must pardon me. I have grown gray in your service and now find myself going blind." Washington's eloquence had won as brilliant a victory over the mutiny as he had over the Hessians at Trenton.²¹

On April 9, 1783, Washington submitted a report, "Sentiments on a Peace Establishment," to a Congressional committee chaired by Hamilton. He rejected the idea of a large standing army in peacetime, but he also warned that there should be a regular force of 2,631 for continued defense. The day before, he had sent a circular

letter to the state governors urging better cooperation in political affairs, especially in standardizing the militias in constant preparation for national defense. Congress, having finally satisfied the army with pay, reduced the size of the army to 80 officers and men. The states were no more anxious to follow Washington's sound advice than Congress. When Congress called upon four states to furnish 700 militiamen for one-year terms of national service, only Pennsylvania responded with its quota of 260 men.²²

It became clearly evident that Congress was impotent to deal with many national problems in the 1780's. It failed to provide for national security, just as it was inadequate to regulate commerce and raise revenue by taxation. One of the principal objectives of the Philadelphia convention in 1787 was to find a constitutional formula that would allow the national government to provide adequate military defenses without risking military dictatorship.

The Constitutional Debate, 1787-1789

The Framers were virtually unanimous in their abhorrence of a standing army, yet they realized their obligation to provide for an adequate defense. Their formula to solve this dilemma was relatively simple, and took little debate in contrast to other problems (such as election of the President, slavery, and representation). Much of the formula resulted from both the English heritage and the colonial experience. The bicameral legislature would have the power to declare war, raise and govern armed forces, appropriate all funds for the army and navy for no more than two years at a time, and provide for the calling up of the state militias for national service. The states would maintain their authority over the militia while in state service, but would surrender command over them when called into national service. The President would be the Commander-in-Chief of all armed forces. This would assure unified command, civil control over the professional military officers, and synchronize military strategy, diplomatic policy, and political priorities at the highest level.²³

The major point of debate at the convention on military powers concerned the degree of federal control over the state militias. On August 18, 1787, James Madison first proposed to the Constitutional Convention that the national government regulate the state militias, which would be the backbone of national defense, since a standing army was undesirable. The question was referred to the Committee of Eleven, which reported three days later what became the final proposal. Congress would be authorized "to provide for organizing, arming, and disciplining the militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the authority of training the militia according to the disciplines prescribed by Congress."²⁴ Madison and Rufus King explained that "organizing" meant proportioning the officers and men; "arming" did not mean furnishing the actual arms, but merely standardize kind, size, caliber, and distribution; and "disciplining" meant standard drill manuals rather than penalties and courts martial. Madison argued that ". . . the

greatest danger to liberty is from large standing armies. It is best to prevent them, by an effectual provision for a good militia." The clause passed on August 23.²⁵

Yet some delegates wanted to go further and urged that there should be an expressed prohibition on standing armies written into the Constitution. Elbridge Gerry and Luther Martin moved such a proposal, but they failed to carry it. Later Gerry argued that military appropriations should be every year, not just every two years, but Roger Sherman answered that that was unrealistic since a term of Congress was just two years. The Framers apparently presumed that Congress would provide merely a skeleton army in peacetime, and rely on the militias for defense until a large national army could be raised after a declaration of war. By this means, the country would not be burdened or endangered by a standing army in peacetime, yet Congress would still have the power to create a large regular army if it deemed it necessary for national survival. Colonel George Mason moved on September 14 to add these words to the above quoted militia clause: "And that the liberties of the people may be better secured against the danger of standing armies in time of peace." Governor Randolph seconded it, and Madison spoke for it, but the convention rejected it 9 states to 2, presumably because the majority deemed it unnecessary.²⁶

The issue of standing armies emerged as one of the major friction points between the Antifederalists and Federalists. Gerry, who had refused to sign the Constitution, argued against its ratification, partly because it had no guarantee against standing armies.²⁷ Richard Henry Lee warned that "I see so many men in America fond of a standing army, and especially among those who probably will have a large share in administering the federal government; it is evident to me that we shall have a large standing army as soon as the monies to support them can be possibly found."²⁸ A New York essayist recalled that "The same army, that in Britain, vindicated the liberties of that people from the encroachments and despotism of a tyrant king, assisted Cromwell, their General, in wresting from the people that liberty they had so early earned."²⁹ And Patrick Henry vigorously protested that the Constitution had provided no check on Congressional power to field a standing army against the states.³⁰

The Federalists were quick to respond that the Constitution would prevent the need for standing armies, which they said they deplored as much as the Antifederalists. Noah Webster commented that the hatred of standing armies was so deeply ingrained in American society that there was no need for the Constitution to address that fear.³¹ James Wilson of Pennsylvania and James Iredell of North Carolina both argued the necessity of a small regular army for national defense. Iredell asked, "What sort of a government would that be which, upon the most certain intelligence that hostilities were meditated against it, could take no method for its defense till after a formal declaration of war, or the enemy's standard was actually fixed upon the shore?"³² Alexander Coutee Hanson concluded that "In fine, I consider this grand objection [to standing armies] as a mere pretext for terrifying you, like children, with spectres and hobgoblins."³³

The issue was important enough that Hamilton and Madison wrote six articles on the subject. In *Federalist No. 24*, Hamilton pointed out that there had been no ban on standing armies in the Articles of Confederation or in the constitutions or charters of eleven states. He asserted that there were more safeguards against them in the Constitution than in either the Articles or the state constitutions, because of the legislative powers to raise armies and appropriate funds for them every other year, "a precaution which upon a clearer view of it will appear to be a great and real security against military establishments without evident necessity."³⁴

Hamilton further argued the need for a small regular army in peacetime in order for defense. A formal ban on standing armies would leave the nation helpless against surprise attacks by Indians or the British or Spanish, he warned. Both Hamilton and Madison stressed that internal conflicts among the states and military impotence—problems, they asserted, which would be handled under the Constitution—were much greater dangers to American liberties than the theoretical dangers of a standing army.³⁵

Hamilton also answered the charges that the President would be too strong with his power as Commander-in-Chief. He pointed out that the President had far less military power than either the King of England or the Governor of New York. He argued that in time of war, there must be one supreme commander in charge of all operations; that the President's powers "would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy . . ."³⁶ Any executive threats to the national liberties would be checked by the powers of Congress, where the popular will would govern. "The idea of restraining the legislative authority," he concluded, "in the means of providing for the national defense is one of those refinements which owe their origin to a zeal for liberty more ardent than enlightened."³⁷

The fear of a standing army, however, was so prevalent that several state conventions ratified the Constitution with recommended amendments on military questions. In Pennsylvania, the convention minority voted to recommend to Congress unofficial amendments to prohibit standing armies, to guarantee the individual's right to bear arms and the civil control over the military, and to forbid the state militia to leave the state without the state's permission. After Maryland voted for formal ratification, a committee in Annapolis proposed thirteen amendments, which included that no soldier serve for more than four years in the army unless in wartime, no soldier be quartered in private homes, and the militia would not be subject to martial law unless during war or rebellion. The majority of the committee rejected an amendment proposal that would have required a two-thirds vote of both Houses of Congress to raise a standing army. Similar proposals were submitted by the ratifying conventions in New Hampshire, Virginia, New York, and North Carolina.³⁸

Five states had proposed amendments that would guarantee the right to bear arms; five states also offered amendments prohibiting the quartering of soldiers in private homes. Both of these fears had a long history in the colonies; the latter had appeared

in the Declaration of Independence. Both of these provisions had appeared in the English Bill of Rights of 1689. These two amendments were duly drafted by the first Congress and ratified as the Second and Third Amendments of the Bill of Rights.³⁹

The Federalist Administrations, 1789-1801

The popular distaste for a standing army never disappeared after 1787, but most Americans seemed to have accepted the constitutional formula that would provide defense without a large regular army that would be a political danger. There was little real apprehension of the powers of the Presidency, since George Washington would occupy that office for the first eight years. He had never abandoned his disdain of monarchy or military dictatorship, and he showed no more ambition for total power as President as he had as the ranking General during the Revolution. It seemed perfectly natural that as President he would act as the Commander-in-Chief. Since Congress usually sat for less than 24 months out of 48 months of an administration, the President was expected to exercise emergency military powers in the case of invasion or great national emergency. Furthermore, Congress raised little fear of a standing army. For political and ideological reasons, it had no intention of raising a military monster. Congress would not appropriate funds for a large regular force unless there was a real reason for it, and then it would keep a sharp watch over it, just as the Continental Congress had over the army during the Revolution. Nor did Congress show any desire to take the militias out of state authority. The constitutional system of federalism, separate branches of government, and checks and balances showed every sign of being a satisfactory one.

Congress created the first four cabinet offices in 1789, of which one was War. Washington's first Secretary of War was his close comrade, General Henry Knox, who had held the comparable position under the Articles of Confederation. By 1801, the War Department numbered 80 men (slightly larger than the Treasury and far less than the 903 under the Postmaster General). The first War Department appropriation was \$663,000, or about 15% of total government expenditures. During Washington's two administrations (1789-1797), the military budget fluctuated between \$1.1 million to \$2.6 million. The army in 1789 numbered 718. Its peak size reached 3,813 officers and men five years later. In this period, Washington authorized only one major military operation: General "Mad Anthony" Wayne's campaign against the Indians in Ohio in 1794. In 1792 Congress passed the first Militia Act to provide for the President to call up the state militias in times of emergency, but it greatly disappointed Washington because it left much control of the militias to the states. On paper, the thirteen state militias comprised over 1,000 infantry regiments with a total strength of nearly 650,000 officers and men. Called into the national service, this huge home army might supply an adequate emergency defense against foreign invasion. But as an offensive force, the militias were sadly inadequate even against the Indian tribes, as the military disasters in the Ohio Valley during the early 1790's proved.⁴⁰

The one great crisis that again evoked the public fear of a standing army was the

Quasi-War with France under the presidency of John Adams. Following the XYZ scandal in Paris, war hysteria spread across the United States in May 1798. National leaders fanned the war fever by warning of an imminent invasion by the French and a French-inspired slave revolt in the South. From March to June, Congress passed some 20 laws to put the country on a war footing. It provided the regular army of 3,500 to be raised to 10,000, a "provisional army" of 50,000 to be raised after full-scale war erupted, and 80,000 militia to be called up by the President. By 1800, the military budget had grown to over \$2.5 million and the naval budget to nearly \$3.5 million.⁴¹

The diplomatic crisis itself was steeped in domestic partisan politics, and so indeed was the subsequent military policy. Many Federalists viewed the new army as a conservative bulwark against "American Jacobinism," and hoped it would be used against Jefferson's Republicans as well as the French. The Republicans were far more apprehensive of a Federalist army than they were of the distant French, and they resurrected the bogey of the political dangers of a standing army, especially if the army were commanded by a zealous Federalist. Jefferson denounced the war scare itself as "the reign of witches."

The bitterest political battle over the army was not between Federalists and Republicans, but between President Adams and Alexander Hamilton. For field commander of the new army, Adams nominated the sixty-five-year-old Washington. The retired general begrudgingly accepted, with the conditions that he would not take field command unless there were an actual French invasion and that he choose his own second in command, the Inspector General, who would have real command of the army in his absence. Washington insisted that the Inspector General be Hamilton, whom Adams denounced as "the most restless, impatient, artful, indefatigable, and unprincipled intriguer in the United States, if not the world." In September 1798 the President finally yielded, and bemoaned to Washington, "You crammed Hamilton down my throat."⁴³

Washington and Hamilton personally screened all perspective higher officers for the army. They rejected the services of leading Republican politicians for purely partisan political reasons. One Republican rejected for the rank of Brigadier General was Aaron Burr. While Adams blamed Hamilton for rejecting Burr, Hamilton believed at the time that he might be able to exploit his old political enemy from New York as a general in his army. It was Washington who refused Burr because he distrusted Burr's character. Adams observed that he could not understand Washington's objections to Burr when he had so adamantly insisted on having Hamilton.⁴⁴

The "Provisional Army" might have been a serious threat to the infant American democracy, but it was not. Hamilton had great ambitions and political power in his own right, but he shied away from the idea of a military *coup d'etat*. There was one moment in June 1799 when he did propose a *coup d'etat* by the cabinet in Philadelphia while Adams was at his home in Braintree, Massachusetts, but the President let it be known that he had no intentions of retiring prematurely or resigning his office.⁴⁵

Then fortuitous events in Europe eliminated the possibility of a French expedition to America and eased Franco-American tensions. Lord Nelson defeated the French fleet at the mouth of the Nile which isolated Napoleon's army in Egypt. In 1799 Napoleon staged a *coup d'état* in France, ending the radical reign in Paris. And the black revolt in Haiti eliminated the use of that former colony as a French base of operations in the New World. While the undeclared war raged at sea, Hamilton's army was left without an enemy to fight on the land.

Hamilton had had great ambitions for a campaign against the Spanish in Louisiana, Florida, and Latin America. Washington, however, restrained him by refusing to authorize any offensive operations until after a formal declaration of war against France and Spain. Meanwhile, Adams, who had lost much of his bellicose attitude when he was forced to appoint Hamilton as Inspector General, decided to negotiate a detente with the French. In February 1799, the President nominated William Vans Murray as the new American peace commissioner to France. Murray with two other commissioners succeeded in ending the crisis by negotiating the Convention of 1800.⁴⁶

Rather than a political bludgeon, the army became a political liability for the Federalists. The schism between Adams and Hamilton split the Federalist Party into two camps in 1799. The increased taxes imposed by Congress to finance the enlarged army outraged Federalists and Republicans alike. Furthermore, the Federalist enforcement of the Sedition Act against Republican newspaper editors critical of the army only further publicized the popular contempt for the army. Two editors were found guilty of seditious libel for characterizing the "provisional army" as an odious "standing army." One of those editors had published a letter denouncing the army as "a band of disorganized, unprincipled and abandoned characters, a burden, a pest, and a terror to the citizens who are taxed for their support."⁴⁷

Adams, who had always preferred the Navy over the Army, was anxious to dismantle Hamilton's army as soon as possible. In February 1800, Congress suspended further enlistments of troops, and a month later it resolved to dissolve the Provisional Army by June 15, 1800. But this time Hamilton had grown weary of his command. He had tackled too many details, which had exhausted his energies, and he had despaired at the incompetency of the Secretary of War (who was his own man). He had been further bereaved with the sudden death of Washington on December 14, 1799. Hamilton was ready to abandon his military dreams and return to New York politics in 1800, and he officially resigned his commission on July 2, 1800. In a letter to a young officer, he concluded that "It is very certain that the military career in this country offers too few inducements."⁴⁸

The army had no direct political influence on the presidential election of 1800. With the Federalists divided and generally ridiculed, the Republicans won the White House as well as both houses of Congress. Ironically, it was Hamilton who was instrumental in making his old rival Jefferson the President when Jefferson and Burr tied in the electoral college and the old Federalist-dominated House had to choose between them. If Hamilton feared Jefferson, at least he had some respect for his

dignity; he held nothing but contempt for Aaron Burr, who would kill Hamilton in a duel three years later. Jefferson was quick to reduce the size of the army further (from 4,051 in 1801 to 2,486 by 1803), and institutionalized a long-held policy of skeleton regular forces in peacetime.

Conclusions

The American abhorrence of a standing army had two historical origins: the English experience in the 17th century, and the colonial experience of the 17th and 18th centuries. The former had shown the dangers of unlimited military powers by both the executive and legislative arms of government. It had further demonstrated the hazards of a large army at odds with Parliament which had resulted in the military dictatorship of Cromwell. The colonial experience had taught the value of militias as the first line of defense and, further taught the odious consequences of a standing army outside of the control of the colonial assemblies. The British garrison of the 1760's and 1770's had been one of the causes of the American Revolution, and the American people never lost their fear of a standing army, even if it was one of its own.

The Constitution of 1787 provided a political formula to achieve national security without creating a dangerously large regular army. Rather than destroying military power by prohibiting a standing army, the Constitution designed to divide military authority between the President and Congress, and between the national government and the states. Congress held the powers to declare war, raise and regulate the armed forces, appropriate all funds for them, and provide for the national service of the militias. The President had the powers of military command, but only over such forces as Congress created. The Chief Executive also had nearly total powers of diplomacy, with the Senate acting as a negative voice by its advice and consent on treaties and approval of appointments of ambassadors. The states continued their control over their militias, except when they were called up by the President according to laws passed by Congress in times of national emergency.

The system worked remarkably well for a hundred-fifty years. During times of peace (1800-1812, 1815-1846, 1848-1861, 1865-1898, 1900-1917, 1919-1940), Congress authorized only a token regular army. Congress would not increase the army until after it declared war, and then it would rapidly demobilize the armed forces after the end of armed hostilities. Such was the constitutional style of American military policy.⁴⁹ There was little fear of the President as Commander-in-Chief since he had so little to work with in peacetime, although President Polk demonstrated in 1846 that the office had sufficient real power to execute its own foreign and military policy regardless of Congress.

The great debate over the enlarged powers of the Presidency in foreign affairs and military policy in our own times has arisen because Congress continually authorized after 1950 what it had never done before: a large, permanent military force. The reason for this policy was simple: in the tense atmosphere of the Cold War and the

advent of nuclear weapons, there was a virtual consensus that this country had to have a permanent defense establishment to an extraordinary degree. While there has never yet occurred a serious threat of a military *coup d'état* against the civil government, there has been great anxiety about the Presidential power to commit troops abroad without the expressed consent of Congress. It is the responsibility of our generation to make our own political compromises within the Constitution to deal with the problems of standing armies.

NOTES

1. Quoted by C. H. Firth, *Oliver Cromwell and the Rule of the Puritans in England* (London, 1935), p. 323.
2. Carl Stephenson and Frederick George Marcham, eds. *Sources of English Constitutional History* (New York, 1937), pp 451-52; quote on p 490. Also see Sir David Lindsay Keir, *The Constitutional History of Modern Britain Since 1485* (New York, 1967), pp 191-92, and Theodore F. T. Plucknett, *Laswell-Langmead's English Constitutional History* (Boston, 1960), pp 368-73, 409-12.
3. Niccolo Machiavelli, *The Prince* (Baltimore, 1966), p. 79. Machiavelli wrote extensively on military matters in *The Prince* (1513), *Discourses on Titus Levy* (1517), and *The Art of War* (1520), which constituted the principal authority on political aspects of military power for centuries.
4. Christopher Hill, *God's Englishman. Oliver Cromwell and the English Revolution* (New York, 1970), pp 64-81.
5. *Ibid.*, pp 85-99.
6. *Ibid.*, pp 100-77; Keir, *Constitutional History*, pp 222-27; Plucknett, *Taswell-Langmead's English Constitutional History*, pp 416-19; F. W. Maitland, *Constitutional History of England* (Cambridge, England, 1965), pp 293-95.
7. Stephenson and Marcham, eds. *Sources of English Constitutional History*, pp 541, 599-605; Keir, *Constitutional History*, pp 235-36; Maitland, *Constitutional History*, 326-28; Plucknett, *Taswell-Langmead's English Constitutional History*, pp 440-51, 596-97, 673-78.
8. Daniel J. Boorstein, *The Americans: The Colonial Experience* (New York, 1964), pp 345-57.
9. Don Higginbotham, *War of American Independence. Military Attitudes, Policies, and Practice, 1763-1789* (New York, 1971), pp 17-18.
10. Boorstein, *Colonial Experience*, pp 358-70; Higginbotham, *War of American Independence*, pp 10-12, 18-23, 52; Russell F. Weigley, *History of the United States Army* (New York, 1967), pp 4-16, 27-28.
11. Keir, *Constitutional History*, pp 305, 358; Higginbotham, *War of American Independence*, pp 41-46.
12. Higginbotham, *War of American Independence*, pp 41-46.
13. Henry Steele Commager, ed. *Documents of American History*, 2 vols. (New York, 1958) I, 83, 92-95, 101-102.
14. Higginbotham, *War of American Independence*, pp 91-94, 205-206, 390. Weigley, *History of the United States Army*, pp 33-38; Washington to the Continental Congress in Saul K. Padover, ed., *The Washington Papers* (New York, 1955), p 125.

15. Higginbotham, *War of American Independence*, pp 213-22; Weigley, *History of the United States Army*, pp 45-49; Charles C. Thach, Jr., *Creation of the Presidency, 1775-1789* (Baltimore, 1922), pp 58-77.
16. Higginbotham, *War of American Independence*, pp 207-11.
17. Washington to Joseph Reed, Nov. 28, 1775, in Padover, *The Washington Papers*, p 129.
18. Washington to John Banister, April 21, 1778, in Padover, *Washington Papers*, pp 166-67; also see letter to Fielding Lewis, July 6, 1780, pp 186-87.
19. Higginbotham, *War of American Independence*, pp 403-411.
20. Douglas Southall Freeman, *George Washington*, 6 vols. (1948-54), VI, 431; Broadus Mitchell, *Alexander Hamilton, Youth to Maturity, 1775-1788* (New York, 1957), pp 295-304.
21. Freeman, *Washington*, VI, 433-36; Padover, *Washington Papers*, pp 198-203, 253-57.
22. Weigley, *History of the United States Army*, pp 79-82; Higginbotham, *War of American Revolution*, pp 441-47; Padover, *Washington Papers*, pp 204-14.
23. Constitution of the United States, Article I, Section 8, and Article II, Section 2. See Bernard Donahoe and Marshall Smelser, "The Congressional Power to Raise Armies: The Constitutional and Ratifying Conventions, 1787-1788," *Review of Politics*, 33 (1971), pp 202-211; Charles A. Lofgren, "War-Making Under the Constitution. The Original Meaning," 81, *Yale Law Review* 672 (1972); Raoul Berger, "War-Making by the President," 121 *University of Pennsylvania Law Review* 29 (1972), pp 36-54.
24. Constitution, Art. I, Sec. 8, Clause 16.
25. Charles C. Tansill, ed. *Documents Illustrative of the Formation of the Union of American States* (Washington, 1927), pp 569-71, 581, 599-601, 603.
26. *Ibid.*, pp 568, 666, 725-26.
27. Paul L. Ford, ed., *Pamphlets on the Constitution of the United States During Its Discussion by the People, 1787-1788* (Brooklyn, 1888), pp 10-11.
28. *Ibid.*, p 304.
29. Morton Borden, ed., *The Antifederalist Papers* (East Lansing, 1965), p 66.
30. Jonathan Elliott, ed. *Debates in the Several State Conventions on the Adoption of the Federal Constitution*, 4 vols. (New York, 1888), III, 52, 386, 410-12.
31. Ford, *Pamphlets*, pp 51-52, 56-57.
32. *Ibid.*, pp 364-65.
33. *Ibid.*, p 235.
34. Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, edited by Clinton Rossiter (New York, 1961), pp 157-62; quote on p 158.
35. Federalist Nos 8, 25, 26, 41; *Ibid.*, pp 66-71, 162-67, 168-74, 257-60.
36. Federalist No. 69, *ibid.*, p 418; also see Federalist No. 74, p 447.
37. Federalist, No. 29, *ibid.*, p 168.
38. Edward Dumbauld, *The Bill of Rights and What It Means Today* (Norman, 1957), pp 10-30.
39. For greater detail, see Irving Brant, *The Bill of Rights. Its Origin and Meaning* (New York, 1965); and Robert Rutland, *Birth of the Bill of Rights, 1776-1791* (Chapel Hill, 1955).
40. Leonard D. White, *The Federalists: A Study in Administrative History* (New York, 1948), pp 78, 145-47, 150, 177, 397; *Historical Statistics of the United States* (Washington, 1961), pp 719, 737; Walter Millis, *Arms and Men* (New York, 1958), p 46.

41. Alexander DeConde, *The Quasi-War* (New York, 1966), pp 84-96; *Historical Statistics*, p 719.
42. DeConde, *Quasi-War*, pp 85-86; John C. Miller, *Alexander Hamilton and the Growth of the New Nation* (New York, pp 467-69; Fawn M. Brodie, *Thomas Jefferson. An Intimate History* (New York, 1974), pp 308-312; Stephen D. Kurtz, *Presidency of John Adams* (Philadelphia, 1957), pp 308-17, 322, 356.
43. Miller, *Hamilton*, pp 475-77; quote on p 477; Page Smith, *John Adams*, 2 vols. (Garden City, 1962), II, 972-74, 982-93.
44. Miller, *Hamilton*, pp 479-80; Kurtz, *Adams*, pp 327-30.
45. Miller, *Hamilton*, pp 500-501.
46. Miller, *Hamilton*, pp 493-503; Broadus Mitchell, *Alexander Hamilton. The National Adventure, 1788-1804* (New York, 1962), pp 433-65; DeConde, *Quasi-War*, pp 142-80, 223-58.
47. James Morton Smith, *Freedom's Letters. The Alien and Sedition Laws and American Civil Liberties* (Ithaca, 1956), pp 307-28, 375-82; quote on p 379; Miller, *Hamilton*, 504-505; Kurtz *Adams*, pp 308-11, 330-32, 361-66.
48. Miller, *Hamilton*, pp 481-82, 492 (quote on p 508); Mitchell, *Hamilton*, pp 465-66; Smith, *Adams*, II, pp 972-73, 1010.
49. Several eminent commentators in the 19th century pointed out the constitutional and political hazards of keeping a large regular army during peacetime. See Joseph Story, *Commentaries on the Constitution*, 3 vols (Boston, 1833) III, pp 59-95; and Alexis deTocqueville, *Democracy in America* [1835], edited by Richard D. Heffner (New York, 1956), pp 274-83.

