

The United States Army Versus Long Hair: The Trials of Colonel Thomas Butler, 1801-1805

ON JULY 1, 1805, a military tribunal convened in New Orleans to try Colonel Thomas Butler, a distinguished veteran of the Revolution, for disobedience to orders and mutinous conduct. This was Butler's second trial in little more than eighteen months for refusing to cut his hair. As in recent times, the army high command found itself in conflict with its subordinates over what constituted acceptable hair length. In 1805, however, the victim was not a rebellious antiwar youth but rather a conservative Federalist officer who was one of the senior men in the field. Moreover, the army itself was not in a position of upholding a time-honored tradition, but rather of abolishing one in favor of a new policy initiated in the name of reason and efficiency.*

In the course of western civilization, men have often worn long hair, whether as a matter of convenience or as an expression of some trait such as virility or independence. After a Puritan reaction to the practice in the seventeenth century, long hair came back into fashion in the eighteenth. Spreading from Europe to America, the style had won wide acceptance by the time of the Revolution. While in the lower and middle classes the hair was allowed to hang naturally or was tied back with a piece of leather or twine, in the upper classes it was customarily worn in a braided queue and dressed with wax and powder on a daily basis. The style was by no means universal, for there was still some opposition to long hair—from clergymen who thought it violated Old Testament precepts and from others who considered it impractical or vain.¹

* The author would like to thank Jerry Martin of the University of Colorado for his comments on an earlier version of this essay.

¹ Henry L. Seaver, "Hair and Holiness," *Proceedings of the Massachusetts Historical Society*, LXVIII (1944), 3-20; Joyce Asser, *Historic Hairdressing* (London, 1966), *passim*; William

Long hair came under periodic attack in military circles as well. Opponents of the style complained that officers spent too much time dressing their hair and wasted army flour and tallow in the process. They said that long hair detracted from the neatness, cleanliness, and uniformity of the troops, that it attracted lice, took too long to dry, and that it posed a hazard to good health too. In Europe short hair had won the endorsement of a number of military leaders, including Gustavus Adolphus, Charles XII, and Count Maurice de Saxe, and during the American Revolution the style was introduced among British troops by Generals William Howe and John Burgoyne. There was some sentiment in favor of adopting the style in the American army, but little came of it. George Washington favored short hair on his men, if not their officers, but stopped short of ordering it, doubtless to avoid causing resentment. As a result, the matter was left in the hands of regimental officers, and while some, like Charles Cotesworth Pinckney and Alexander Spotswood, sheared their troops, most took no action or left it to the discretion of their company commanders.²

With the end of the American Revolution, controversy over hair length subsided, only to emerge again with the French Revolution. Regarding queues as a badge of aristocracy, the French army adopted short hair in the early 1790s, and democratic disciples on both sides of the Atlantic followed the example. As the decade advanced, short hair became increasingly popular in America, although Federalists everywhere resisted the innovation. The American army, which was dominated by old-school Federalists, also fought the change. Except for a few company commanders,

and Mary Quarterly, 3rd Ser., XXVIII (1971), 649-651; John A. Krout and Dixon Ryan Fox, *The Completion of Independence, 1790-1830* (New York, 1944), 34; Thomas R. Hay and M. R. Werner, *The Admirable Trumpeter: A Biography of General James Wilkinson* (Garden City, 1941), 228.

² Benjamin Rush to Anthony Wayne, Sept. 29, 1776, *William and Mary Quarterly*, XXVIII (1971), 650-651; James Wilkinson to Henry Dearborn, Nov. 9, 1804, and C. C. Pinckney to Wilkinson, Oct. 10, 1804, War Department Records, Letters Received: Registered Series, M221 (microfilm), National Archives, reel 2 (W-361); Alexander Spotswood to Wilkinson, Nov. 17, 1804, *Washington National Intelligencer*, Mar. 1, 1805; "Col. Butler's Defence," *New Orleans Louisiana Gazette*, Jan. 3-7, 1806.

most officers continued to wear their hair long, and to allow their troops to do the same. At the end of the decade, former Secretary of the Treasury Alexander Hamilton, who served as Inspector General of the army during the Quasi-War with France, issued an order regulating the cut of the hair, but far from outlawing the queue, he merely set its maximum length at a rather generous ten inches.³

With the accession of Thomas Jefferson to the presidency, however, a new policy was adopted. The man behind the change was Brigadier General James Wilkinson, the commanding general of the American army. A Spanish pensioner and inveterate western intriguer, Wilkinson was a man of considerable talent but devoted most of his energy to schemes designed to fill his purse or advance his reputation. Contemporaries were not ignorant of the seamier side of Wilkinson's character, of his penchant for intrigue and his appetite for booty. John Randolph, for one, claimed the brigadier was the only man he knew "who was from the bark to the very core a villain," and others shared this view.⁴ But as much as they despised him, Wilkinson's enemies were never able to topple him from power. Although repeatedly investigated by Congress and examined by army boards and military courts, the general always managed to land on his feet. His survival was due not only to a remarkable ability to cover his tracks, but also to an unerring capacity to cultivate those who could best advance his fortunes. One enemy described him as "a time-serving, superannuated coxcomb; equally the fawning flatterer of Adams and Jefferson," a characterization that did justice to the brigadier's ability to cultivate his superiors.⁵ Utilizing this faculty during the Revolution, Wilkinson had been brevetted a brigadier general before his twenty-first birthday. Although resigning under a cloud, he had rejoined the army in the early 1790s, and, after the death of Anthony Wayne

³ See Wilkinson to Henry Burbeck, June 1, 1803, and to Henry Dearborn, Nov. 9, 1804, War Department Records, Letters Received: Registered Series, M221, reel 2 (W-361); Hay and Werner, *Admirable Trumpeter*, 228; Asa B. Gardner, "The Uniforms of the American Army," *Magazine of American History*, I (1877), 489-490.

⁴ Randolph to Joseph H. Nicholson, June 25, 1807, in Henry Adams, *John Randolph* (Boston and New York, 1882), 221.

⁵ Hay and Werner, *Admirable Trumpeter*, 232.

in 1796, he had succeeded to the senior command in the field, a position he held almost continuously until 1812.⁶

When the government changed hands in 1801, Wilkinson was careful to establish his devotion to the new administration. On April 30, less than two months after the Republicans took office, he issued an order on the advice of Lieutenant Colonel John Hamtramck that prohibited long hair. "For the accommodation, comfort & health of the Troops," Wilkinson's order read, "the hair is to be crop[p]ed without exception & the General will give the example."⁷ Three months later, Wilkinson complemented this order with one on facial hair. "Whiskers & short hair illy accord," decreed the brigadier's order of July 29; "they will not therefore be permitted to extend lower than the bottom of the Ear."⁸ Although the new rules were issued ostensibly for nonpolitical reasons, Wilkinson could not have chosen a more appropriate means to establish his republican credentials. The new regulations quickly won the approval and support of the administration, which was committed to substituting the rule of efficiency and reason for that of waste and tradition. The hair decree in particular appealed to Republican leaders because, as an obvious slap at aristocratic forms, it served notice on the Federalist army that a new regime had come to power in Washington.⁹

The whisker order caused barely a ripple in the service because beards had long been unfashionable. The hair decree, on the other hand, was quickly dubbed the "roundhead order" and caused a vigorous backlash among officers and men alike, many of whom considered it "a French innovation." At Fort Mifflin near Philadelphia, the order was greeted with loathing and disgust that bordered on mutiny. Regarded as "imperious and arbitrary," the regulation was obeyed but only with "chagrin and silent indigna-

⁶ Wilkinson's own rather disjointed account of his life can be found in his *Memoirs of General Wilkinson* (Washington, 1810), and *Memoirs of My Own Times* (Philadelphia, 1816). The standard biographies are James R. Jacobs, *Tarnished Warrior: Major-General James Wilkinson* (New York, 1938), and Hay and Werner, *Admirable Trumpeter*.

⁷ Wilkinson's order of Apr. 30, 1801, War Department Records, General Wilkinson's Order Book, M654 (microfilm), National Archives, reel 3.

⁸ Wilkinson's order of July 29, 1801, *ibid.*

⁹ Jacobs, *Tarnished Warrior*, 199-200; Jacobs, *The Beginnings of the U.S. Army, 1783-1812* (Princeton, 1947), 261-262; Hay and Werner, *Admirable Trumpeter*, 228-229.

tion."¹⁰ At Fort Adams in Newport, Rhode Island, the order also caused bitter resentment. Post commander William McRea, baffled by the new regulation, said he had never seen an order obeyed with greater reluctance.¹¹ Even Colonel Hamtramck apparently had second thoughts. When the order was issued, Hamtramck and his men duly cut their locks, but eighteen months later the colonel decided to let his hair grow and to let his men do the same. Whether he had concluded that the new rule was an infringement on personal right or was motivated by other considerations (such as the need for greater warmth at his post in Detroit) is unclear. Whatever his reasons, there is no doubt that he countermanded Wilkinson's order.¹²

Colonel Thomas Butler was still another officer who found the new regulation abhorrent. Butler had won considerable recognition for his exploits on the battlefield as well as off, and by 1803 had risen to a position second only to Wilkinson's in the army chain of command. Born in 1754 of a well-to-do Irish family in Pennsylvania, he had served with his four brothers in the officer corps of the Pennsylvania Line during the American Revolution. Involved in almost every major campaign in the Middle States, he was commended by both Washington and Wayne for heroism under fire. Retiring to the family estate near Carlisle after the war, he took the field again in 1791 to participate in Arthur St. Clair's ill-fated western campaign. Twice wounded during the campaign, he was carried from the field by one of his brothers while another lay dying of multiple wounds. In 1794 he was charged with the command of Fort Fayette in Pittsburgh, and his name did much to deter the Whiskey Rebels from making an assault on the post. Three years later he was dispatched to Tennessee to clear squatters from Indian lands. Although at first his mission caused considerable resentment, he soon won the settlers' respect and admiration, and by 1801 had

¹⁰ Hay and Werner, *Admirable Trumpeter*, 229.

¹¹ McRea to Henry Burbeck, July 30, 1801, cited in Gardner, "Uniforms of the American Army," 491-492.

¹² "Col. Butler's Defence," *Louisiana Gazette*, Jan. 7, 1806; James Brown's Trial Notes, July 2, 1805, Brown Papers, Library of Congress; Benson J. Lossing, *The Pictorial Field-Book of the War of 1812* (New York, 1868), 56n. Hamtramck died before Wilkinson could ask him to explain himself.

become one of the most popular men in the state despite his attachment to Federalism.¹³

Butler was deeply wedded to his locks and could see no reason for cutting them. Accordingly, when Wilkinson passed through Tennessee in the summer of 1801, the colonel asked for an exemption from the new regulation. Wilkinson granted the request, ostensibly "in consideration of [Butler's] infirm health" but in reality because he respected the officer's reputation and influence.¹⁴ Butler enjoyed the exemption until May of 1803, when it was suddenly withdrawn. Wilkinson later claimed that he took this action because of Butler's improved health as well as the "licentious conversations" that had ensued from the exemption. There is little doubt that the brigadier also wanted to punish the colonel for what he considered errant behavior. Although Butler had been ordered to Fort Adams on the lower Mississippi the year before, he had tarried in the north to complete his duties in Tennessee and to visit family and friends in Pennsylvania.¹⁵

Despite the annulment of the exemption, Butler still refused to cut his locks, telling Wilkinson that he considered his hair "the gift of nature, and an appendage to [his] person, of course not falling within the purview of an order."¹⁶ Consequently, at the end of May, Wilkinson ordered him court-martialed, not only for disobeying the hair order, but also for neglecting his duties at Fort Adams.¹⁷

Since the trial did not take place until the end of 1803, the two

¹³ "Colonel Butler," reprinted from *Pittsburgh Gazette* in *Frederick-Town Herald*, Oct. 1, 1803; "Biographical Sketch of Colonel Thomas Butler," *Louisiana Gazette*, Sept. 27, 1805; John Blair Linn, "The Butler Family of the Pennsylvania Line," *Pennsylvania Magazine of History and Biography*, VII (1883), 1-6; "Thomas Butler, Jr.," *National Cyclopaedia of American Biography*, VIII, 84-85; "Thomas Butler," *Appleton's Cyclopaedia of American Biography*, I, 480-481. Some authorities put Butler's birthdate at 1748, when his parents were still in Ireland.

¹⁴ Wilkinson's order of Aug. 2, 1801, War Department Records, General Wilkinson's Order Book, M654, reel 3; "Col. Butler's Defence," *Louisiana Gazette*, Jan. 3, 1806.

¹⁵ Wilkinson to Henry Dearborn, Nov. 9, 1804, War Department Records, Letters Received: Registered Series, M221, reel 2 (W-361); Wilkinson's order of Feb. 1, 1804, War Department Records, General Wilkinson's Order Book, M654, reel 3.

¹⁶ "Col. Butler's Defence," *Louisiana Gazette*, Jan. 3, 1806.

¹⁷ Wilkinson's order of May 25, 1803, War Department Records, General Wilkinson's Order Book, M654, reel 3.

principals had six months to marshal support for their respective positions. Butler, for his part, enlisted the aid of Andrew Jackson, an intimate family friend and already a power in Tennessee politics as well as a major general in the state militia. Writing to the President, Jackson attacked the new hair regulation as "approaching too near the Despotism of a [Suvárov] and better calculated, for the dark regions of the East, than for enlightened America." "The feelings of the militia are alive upon the occasion," Jackson said, "as it is well known, that when in the field they are subject to the same orders, and liable to the same pains for disobedience."¹⁸ After consulting with Secretary of War Henry Dearborn, Jefferson advised Jackson that the emphasis at the trial would be placed on Butler's failure to proceed to Fort Adams rather than his refusal to cut his hair.¹⁹ Meanwhile, Wilkinson had written to Colonel Henry Burbeck, the man he chose to preside at the trial, in order to put his own case forward. Arguing that hair was part of the uniform and historically had been subject to regulation, Wilkinson defended short hair "not only on the ground of uniformity, (which we could never before attain) but in point of neatness, cleanliness, health, comfort, and economy of time and pay."²⁰

Butler's trial took place in Frederick, Maryland, from November 21 to December 6, 1803. As counsel, the colonel employed John Hanson Thomas, a Maryland Federalist who was well connected politically and socially.²¹ In his defense Butler argued that hair length was a personal matter not subject to military regulation and that his delay in taking charge at Fort Adams had been unavoidable.²² His defense won the sympathy of his fellow officers, for, while they found him guilty of disobeying the hair order, they acquitted him of the other charge. Moreover, citing "his long & faithful

¹⁸ Jackson to Jefferson, Aug. 7, 1803, in John Spencer Bassett, ed., *Correspondence of Andrew Jackson* (Washington, 1926-1933), I, 67. The man Jackson referred to was Alexander Suvárov, a Russian field marshal known for his stern discipline. The reference was apt because Suvárov also favored short hair.

¹⁹ Jefferson to Jackson, Sept. 19, 1803, Andrew Jackson Papers (microfilm), Library of Congress, reel 3.

²⁰ Wilkinson to Burbeck, June 1, 1803, War Department Records, Letters Received: Registered Series, M221, reel 2 (W-361).

²¹ Nashville *Tennessee Gazette*, Feb. 8, 1804.

²² See Butler's "Defence," *Herald*, Mar. 24, 1804.

services, and his General character as an officer," they sentenced him merely to be reprimanded in general orders.²³

Wilkinson, who had expected a much harsher verdict, was furious. In New Orleans when he received the court's proceedings, he waited several weeks before officially reviewing them and an additional two months before promulgating his opinion. Although in the end he confirmed the verdict, he did so only grudgingly. In a lengthy analysis of the case, he asserted that the court's findings were "irreconcilable to his ideas of justice & of duty." Addressing himself to what he called the "misguided sympathies of the publick," he said, "we have seen much pains taken, & great art employed, to prevent the current of Justice, to vindicate an act of insubordination, & to exculpate a military offender, at the expense of every delicate regard for character, & even of truth itself." Especially angered over Butler's acquittal of the neglect charge, Wilkinson warned that the "misapplication of mercy in military life" could only undermine discipline and encourage vice.²⁴

If the court's decision angered Wilkinson, it offered little solace to Butler, for, however light the sentence, he was still convicted and thus still under an injunction to cut his hair. In early 1804 he wrote to Jefferson to ask that the decision be set aside, but the President refused to intercede. Several months later he directed a letter to Dearborn, announcing that he was still unwilling to cut his hair and asking for protection against further harassment. Dearborn, however, turned the letter over to Wilkinson, who issued a curt general order prohibiting military personnel from directing complaints about the service to anyone but the commanding general.²⁵

Unable to secure relief from the administration, Butler turned to Jackson for advice. Although under orders to leave for New Orleans,

²³ The proceedings of the trial are summarized in Wilkinson's order of Feb. 1, 1804, in War Department Records, General Wilkinson's Order Book, M654, reel 3. This order can also be found in *National Intelligencer*, June 4, 1804, and (with a Federalist commentary) in *Herald*, June 2, 1804.

²⁴ Wilkinson's order of Feb. 1, 1804, War Department Records, General Wilkinson's Order Book, M654, reel 3.

²⁵ Butler to Dearborn, Feb. 23, 1804, Butler to Jefferson, Mar. 8, 1804, and Dearborn to Butler, Mar. 14, 1804, *Herald*, Mar. 24, 1804; Wilkinson's order of June 23, 1804, War Department Records, General Wilkinson's Order Book, M654, reel 3; Wilkinson to Butler, July 9, 1804, War Department Records, Letters Received: Registered Series, M221, reel 2 (W-285); "Col. Butler's Defence," *Louisiana Gazette*, Jan. 3, 1806.

the colonel was reluctant to make the long trip, knowing that he would probably be court-martialed again, and that a favorable verdict was unlikely in a city where Wilkinson enjoyed special influence. Jackson, however, advised his friend to make the trip anyway, confident that the administration would ultimately intervene on his behalf. "It cannot be Possible," Jackson wrote, "that the President would hazard so much, as to countenance such an order, and should he deviate so much from that republican charector, that I think him so Justly entitled to, I have full confidence, that Congress will take it up and consign the order and the Genl to that merited contempt and silent oblivion that the base ought to meat under a Government like ours. . . ." ²⁶

Butler departed for New Orleans in the late summer of 1804, arriving in the city and assuming his command in October.²⁷ As expected, he received a letter from Wilkinson shortly thereafter placing him under arrest. The issue was more serious than it had been in 1803, for this time he was charged with "Wilful, obstinate and continued disobedience" to the hair order, and with "Mutinous Conduct" for appearing publicly in command of the troops at New Orleans, thereby "giving an example of disrespect and contempt to the orders and authority of the commanding General."²⁸

With the trial set for the middle of 1805, the principals once again sought to publicize their cause. In Tennessee, Jackson circulated a petition on Butler's behalf. Presented to Congress in early 1805, the memorial was a forceful and eloquent defense of Butler's position. The hair regulation, said the memorial, was "an illegal and arbitrary mandate" which could drive the best men from the service. Although well aware of the need for subordination and discipline in the army, the remonstrants said they did not believe it was the duty of freemen to obey an order "unsanctioned by law, without meaning, without utility, capricious and absurd, irrelative to the duties of a soldier, degrading to a man, and destructive of that pride which constitutes the soul of an army." If "this despotic

²⁶ Jackson to Butler, Aug. 25, 1804, Bassett, *Correspondence of Jackson*, I, 106.

²⁷ Butler to Jackson, Oct. 15, 1804, Andrew Jackson Papers (microfilm), Library of Congress, reel 71; "Col. Butler's Defence," *Louisiana Gazette*, Jan. 3, 1806.

²⁸ Wilkinson's order of Sept. 20, 1805, War Department Records, General Wilkinson's Order Book, M654, reel 3.

abuse of power" were tolerated, where would it end? "Shall your militia, when called out in defence of their country, partake of the humiliation? Shall they be compelled to sustain a mutilation to humour the caprice of an individual?" The memorialists hoped that Congress would never let this happen, but instead would intercede to provide for Butler's immediate relief. Although the petition was signed by seventy-five of Tennessee's most respected citizens, Congress was more irritated than impressed by the appeal and took no action.²⁹

While Butler's friends were putting his case before Congress, Wilkinson was also busy. Even before ordering Butler's second arrest, he had written to a number of Revolutionary War veterans on the legality of the hair regulation, securing favorable responses from Alexander Spotswood of Virginia, Charles Cotesworth Pinckney of South Carolina, and William North and William S. Smith of New York.³⁰ Wilkinson also kept the administration apprised of his views. In a letter to Dearborn in July of 1804, he said that Butler's behavior seemed to have for its object "the distraction of the public service, rather than the maintenance of any Personal right." The case, he said, was an extreme one and required prompt and exemplary punishment.³¹ In a more lengthy communication the following November, Wilkinson outlined his case in detail and complained that Butler's friends were making vicious attacks on his character. Much effort had been expended, he said, to confound the rights of soldiers and civilians, and "the sympathies of the ignorant, the credulous, and unwary, have been inlisted on the side of sedition, while heavy charges of obloquy have been leveled at me, for barely doing my duty." Military tribunals were untrustworthy, Wilkinson

²⁹ Jackson, *et al.*, to Jefferson [December 1804], Jefferson Papers, Library of Congress; Remonstrance and Petition of Sundry Citizens and Officers of the Militia in Tennessee [December 1804], *American State Papers: Military Affairs*, I, 173-174; *Annals of Congress*, 8 Cong., 2 Sess., 47. For a fuller analysis of the petition, see D. R. Hickey, "Andrew Jackson and the Army Haircut: Individual Rights vs. Military Discipline," *Tennessee Historical Quarterly*, XXXV (1976), 365-375.

³⁰ Pinckney to Wilkinson, Oct. 10, 1804, North to Wilkinson, Oct. 25, 1804, and Smith to Wilkinson, Oct. 25, 1804, War Department Records, Letters Received: Registered Series, M221, reel 2 (W-361); Spotswood to Wilkinson, Nov. 17, 1804, *National Intelligencer*, Mar. 1, 1805.

³¹ Wilkinson to Dearborn, July 6, 1804, War Department Records, Letters Received: Registered Series, M221, reel 2.

added, because they were given to "caprice, prejudice, & ignorance." Therefore, the administration would be best advised to take matters into its own hands and dismiss Butler from the service.³²

The administration preferred not to intervene, but its tacit approval was all Wilkinson really needed. Although stationed in St. Louis during the trial, Wilkinson still exercised considerable influence in his former New Orleans habitat and was able to orchestrate the proceedings from afar.³³ In selecting the officers who were to serve as judges on the court, he was careful to choose men who were likely to favor his cause.³⁴ Moreover, he received unexpected assistance when the designated presiding judge failed to show up, and Butler, who was growing impatient, concurred in the substitution of Lieutenant Colonel Constant Freeman, a man who was said to be "one of the most obnoxious member[s] in the Detail."³⁵ By virtue of his power to select the judge advocate, Wilkinson assured himself of another ally. For this post he chose James Brown, the recently-appointed United States district attorney in New Orleans and a man who had been on friendly terms with Wilkinson since his Kentucky days in the early 1790s.³⁶ The timing of the trial probably worked to Wilkinson's advantage as well. The proceedings took place in July of 1805, a time when New Orleans was "intolerably hot" and was exposed to "the ravages of that dreadful malady"—yellow fever. Three of the judges became ill during the proceedings, and the others were clearly anxious to expedite matters in order to get away.³⁷

The trial opened with Judge Advocate Brown reading various documents to show that Butler had taken command of the troops in New Orleans without cutting his hair. Before Brown had finished,

³² Wilkinson to Dearborn, Nov. 9, 1804, *ibid.* (W-361).

³³ See Wilkinson to James Brown, Mar. 15, 25, 31, 1805, and to Thomas Hunt, Mar. 31, 1805, Brown Papers.

³⁴ Butler to Jackson, June 9, July 15, and Aug. 26, 1805, "Col. Butler and Gen. Wilkinson's 'Roundhead Order,'" *Pennsylvania Magazine of History and Biography*, XVII (1893), 507-509.

³⁵ James Brown to Wilkinson, July 20, 1805, War Department Records, Letters Received: Registered Series, M221, reel 2 (W-491); Butler to Jackson, July 8 and Aug. 26, 1805, "Col. Butler and Gen. Wilkinson's 'Roundhead Order,'" 507-509.

³⁶ Brown had a brother in Kentucky who had participated in Wilkinson's early Spanish intrigues. Melvin J. White, "James Brown," and Ellis M. Coulter, "John Brown," *Dictionary of American Biography*, II, 126, 130-131.

³⁷ Brown to Wilkinson, July 20, 1805, War Department Records, Letters Received: Registered Series, M221, reel 2 (W-491).

Butler interrupted to concede the point, and with this the prosecution rested its case.³⁸ Butler then launched his defense with a rather lengthy and discursive speech. Citing precedent, military opinion, and the articles of war, he argued that the hair order was illegal and that he was duty-bound to disobey it. Asserting that Wilkinson had no authority to "strip his subordinates of their personal and natural rights," Butler argued that it was the duty of the court to find him innocent. He hoped it would never be contended that one who joins the service "puts himself out of the protection of the laws" and surrenders "his honor, his conscience, his moral principle, his private and personal rights" to his superior officer.³⁹

After Butler had completed his presentation, the judge advocate delivered a rebuttal, citing various opinions supplied by Wilkinson to prove the legality of the hair regulation. Brown later said that the court considered his rebuttal decisive but allowed Butler the courtesy of a rejoinder. The colonel's reply did him little good for the court found him guilty on both counts—disobedience of orders and mutinous conduct—and sentenced him to be suspended from all command, pay, and emoluments for the space of a year.⁴⁰

The sentence was a harsh one, but Wilkinson was still unsatisfied. Again he delayed reviewing the proceedings while urging the administration to dismiss Butler from the service.⁴¹ When he finally did confirm the verdict on September 20, 1805, he did so only "with extreme reluctance."⁴² The sentence was never carried out, however, for Butler had gone to his grave two weeks earlier, a victim of a broken career and yellow fever. Defiant to the last, he told friends shortly before his death that he wanted his queue displayed at his funeral. "Bore a hole through the bottom of my coffin right under my head," he asked, "and let my queue hang through it, that the d——d old rascal [Wilkinson] may see that, even when dead, I refuse to obey his orders."⁴³ Whether or not this

³⁸ *Ibid.*

³⁹ "Col. Butler's Defence," *Louisiana Gazette*, Jan. 3-7, 1806.

⁴⁰ Brown to Wilkinson, July 20, 1805, War Department Records, Letters Received: Registered Series, M221, reel 2 (W-491); Wilkinson's order of Sept. 20, 1805, War Department Records, General Wilkinson's Order Book, M654, reel 3.

⁴¹ Wilkinson to Dearborn, Sept. 9, 1805, War Department Records, Letters Received: Registered Series, M221, reel 2.

⁴² Wilkinson to Dearborn, Sept. 21, 1805, *ibid.*

⁴³ Hay and Werner, *Admirable Trumpeter*, 233.

request was honored is unknown, but there is little doubt that Butler went to his maker with his cherished queue intact.

With Butler's death Wilkinson at last had achieved his aim of ridding the service of the defiant colonel. As was so often the case, the brigadier had outmaneuvered his enemies while at the same time enhancing his own position. Butler's friends, however, did not soon forget the incident. A year and a half later when the Secretary of War insinuated that Jackson was involved in the Burr conspiracy, the Tennessean wrote a stinging retort, accusing Dearborn and Wilkinson of being the real conspirators for driving honest men like Butler from the service in order to give free reign to their designs.⁴⁴ Although Jackson did not know the whole story, there was much truth in his charge.

The Butler affair was more than a renewal of the age-old conflict between personal right and military discipline, for it was also part of the story of the decline of the army in the years before the War of 1812.⁴⁵ When the Republicans took office in 1801, they inherited a relatively efficient army that Hamilton had spent thousands of hours organizing in the late 1790s. By dismissing competent officers and appointing ne'er-do-wells in their stead, by showing a reckless disregard for custom and tradition, the Republicans did much to undermine the army's morale and fighting capability. By 1810 the state of the service had become such a public scandal that Republican Nathaniel Macon could wonder aloud whether the country might not be better off with no army at all.⁴⁶ Jeffersonian policies might have been harmless in a more peaceful era, but such was not the case in the early nineteenth century. After suffering for a decade under Republican rule, the army was ill-prepared for the War of 1812, and it took two years of lost battles and unsuccessful campaigns before morale was recaptured and an effective fighting force was once again forged.

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⁴⁴ See drafts of letter from Jackson to Dearborn, Mar. 17, 1807, Bassett, *Correspondence of Jackson*, I, 172-178.

⁴⁵ For more on the decline of the army, see Jacobs, *U.S. Army*, and Winfield Scott, *Memoirs of Lieut.-General Scott* (New York, 1864).

⁴⁶ Speech of Nathaniel Macon, *Annals of Congress*, 11 Cong., 2 Sess., 1863. For similar sentiments, see speech of Samuel W. Dana, *ibid.*, 1876-1877.