Washington and the Whiskey Insurrection

There have been many instances of domestic disorder since the Whiskey Insurrection in 1794. However, none better illustrates the concern of the first citizen of the land for all his people. Washington was determined that the law should be obeyed. He was equally determined that those charged with the task of suppressing the insurrection should not, in their zeal be instruments of oppression.

When, in 1786, Washington was giving advice about the proper method to overcome Shays' Rebellion, his tone was very belligerent. Of the "present tumults" in Massachusetts, he wrote, "know precisely what the insurgents aim at. If they have real grievances, redress them if possible; or acknowledge the justice of them, and your inability to do it in the present moment. If they have not, employ the force of government against them at once. . . . Let the reins of government then be braced and held with a steady hand, and every violation of the constitution reprehended."¹ As President of the United States, Washington's ultimate aim was in every sense consistent with the policy here recommended. His procedure for overcoming resistance, however, far from being one of sudden suppression, was one of reasonable, though firm, patience and moderation. Witness his role during the Whiskey Insurrection.

The excise tax, a part of Hamilton's financial program, aroused opposition in many parts of the country. In Pennsylvania, where resistance was most formidable, the lower house of the legislature, at the time Congress was debating the measure, passed resolutions condemning the "collection of revenue by means of excise."²

²Pennsylvania Archives, second series, IV. 19. For years, the State had been attempting, with little success, to collect an excise tax on liquors. It was not, in fact, until after the passage of the federal law that the State act was repealed. See Leland D. Baldwin, Whiskey Rebels, pp. 56–60, 77, 78.
To the people in the four western counties of the State, a tax on liquors was especially distasteful. The cost of shipping their farm produce in freight wagons to the eastern cities was prohibitive, and, as a consequence, their only recourse was to reduce their grains to a more portable form. The excise was, to them, simply a tax on their livelihood, another element of cost to reduce what was already an exceedingly small margin of profit. Furthermore, since the tax was upon the process of distilling rather than upon the retailer or consumer, the people believed the government was discriminating against them to the benefit of those in the east who were better able to pay.

It was to the principle of the tax as well as to its size that objection was made. As one petitioner expressed it, “why we should be made subject to a duty for drinking our grain more than eating it, seems a matter of astonishment to every reflecting mind.” Why also, the argument went, should they meekly accept the imposition of a tax from a government that, after all, had done very little for them. The inhabitants of the western area were dissatisfied with the manner in which the frontier wars had been conducted. In addition, they claimed that “the General Government had been inattentive to the execution of the treaty of peace respecting the western posts, and remiss in asserting the claim to the navigation of the Mississippi.”

Opposition to the new law first gained public attention as a result of protest meetings in the summer of 1791 at Brownsville, Washington, and Pittsburgh. In September, Robert Johnson, the collector for Washington and Allegheny counties was tarred and feathered. At Washington, in August of the following year, the revenue office in the house of William Faulkner was forced open, “the excise notice was torn down and the sign of the President’s head . . . was filled

8 By the act of March 3, 1791 (I Stat. L., 199), the yearly duty amounted to sixty cents for every gallon of capacity of a private still. The act of May 8, 1792 (I Stat. L., 267), reduced the tax to fifty-four cents or an option of seven cents on every gallon produced. This amount was equal to one-quarter of the retail price in the West but only one-eighth of the selling price in the East. “Thus the ad valorem rate of the tax was highest in the region where specie for tax payments was scarce.” Solon J. Buck and Elizabeth H. Buck, The Planting of Civilization in Western Pennsylvania, p. 467.


with bullet holes, the rioters saying that that was the man who had signed the excise act." Of greater importance, so far as public opinion was concerned, was a second conference at Pittsburgh, August 21, 1792, when a group of men from various parts of the four counties drew up a report strongly condemning the excise and, in effect promising complete ostracism to anyone accepting the office of collector.

This action took place just three days after Hamilton had written to Washington allaying the fears of the latter about certain complaints against the government. During July, the President, on a trip from Philadelphia to his home at Mount Vernon, had made inquiries concerning “the sentiments which are entertained of public measures.” He listed the complaints and wrote Hamilton asking for his “ideas upon the discontents here enumerated.” One of the criticisms the President had encountered was that the nation had been compelled “even to resort to an excise law, of odious character with the people, partial in its operation, unproductive, unless enforced by arbitrary and vexatious means, and committing the authority of the government in parts where resistance is most probable and coercion least practicable.” Hamilton replied that opposition had developed in some parts of North and South Carolina, Kentucky, and the four western counties of Pennsylvania, but that “as to the idea of a war upon the citizens to collect the impost duties, it can only be regarded as a figure of rhetoric.”

This reassuring letter had hardly arrived when news of the Pittsburgh meeting coupled with reports, from the supervisors, of discontent in North and South Carolina, made necessary some action by the government. Washington wrote that if there were “clear and unequivocal” evidence of opposition to the law, he would “exert all the legal powers with which the executive is invested to check so daring and unwarrantable a spirit.” Attorney General Edmund Randolph advised, however, that there was insufficient evidence to prosecute the offenders. Upon the recommendation of Hamilton, and drafted by him, Washington took official notice of the opposi-

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8 Baldwin, op. cit., 85.
10 Washington, Writings (Ford, ed.), XII. 148.
12 To Hamilton, September 7, 1792. Writings (Ford, ed.), XII. 182.
tion by issuing the Proclamation of September 15, 1792. Its contents are well summarized in one paragraph.

... now, therefore, I, George Washington, President of the United States, do by these presents most earnestly admonish and exhort all persons whom it may concern to refrain and desist from all unlawful combinations and proceedings whatsoever, having for object or tending to obstruct the operation of the laws aforesaid; inasmuch as all lawful ways and means will be strictly put in execution for bringing to justice the infractors thereof, and securing obedience thereto.12

That Washington was at least considering the ultimate use of troops is indicated in his letter to Hamilton the day after he signed the proclamation.

I have no doubt but that the Proclamation will undergo many strictures; and as the effect proposed may not be answered by it, it will be necessary to look forward in time to ulterior arrangements. And here not only the constitution and laws must strictly govern, but the employing of the regular troops avoided, if it be possible to effect order without their aid; otherwise there would be a cry at once, "The cat is let out; we now see for what purpose an army was raised." Yet if no other means will effectually answer, and the constitution and laws will authorize these, they must be used as the dernier resort.13

Hamilton replied that he thought the proclamation would "answer a very valuable purpose. ... I do not despair," he continued, "that with a proper countenance, the ordinary course of legal coercion will be found adequate."14

Washington was not one to sidestep the problem of enforcement merely by disregarding the law. On the contrary, he directed the Attorney General to attend the circuit court in order to see that the proceedings against those indicted for opposing the excise laws were "conducted in a manner to which no exception can be taken with propriety: and for the further purpose, also, of giving to this measure of Government a more solemn and serious aspect."15 To impress

12 Although dated September 15, the proclamation was not issued until September 29. In the meantime it was dispatched to Monticello for the signature of Thomas Jefferson, Secretary of State. It is worth noting that this first proclamation was sent not only to the governor of Pennsylvania but also to the governors of North and South Carolina.

13 J. D. Richardson, Messages and Papers of the Presidents (1896), I. 125.

14 Writings (Ford, ed.), XII. 187.

15 Hamilton, Works, IV. 315.

10 October 1, 1792. The Writings of George Washington from the Original Manuscript Sources, 1745–1799 (John C. Fitzpatrick, ed.), XXXII. 171–172. Through the courtesy of Mrs. Arthur Claggett at the Library of Congress, the writer had access to
the inhabitants of the western counties with the authority of the government, he also directed that hereafter all indictments be served in person by the federal marshal of the Pennsylvania district. 16

For a time the enforcement problem was practically forgotten. Hamilton, apparently had prophesied correctly. During the remainder of 1792 and all of 1793, comparatively few instances of opposition were manifest. But in the spring of 1794 attacks on the collectors of Westmoreland and Fayette counties gave notice of renewed opposition on a much wider scale. Once again, public attention was focused on the excise.

The agitation of the newly formed Democratic societies, the selection of collectors, some of whom did not command popular respect, and the approach of the time (June) when the law specified that stills were to be entered, were contributing factors to the period of crisis. The immediate cause of the insurrection was none of these but an effort to bring into court those who had not entered their stills in 1793. To the inhabitants west of the mountains, a most aggravating provision of the law was the requirement for appearance in a federal court, the nearest one of which was in Philadelphia. The time and expense involved in transportation, and the costs incident to the litigation itself, seemed an unbearable burden. Objection was so rife that the law was eased by the act of June 5, 1794, which provided that the judicial courts of the states might take cognizance of suits arising out of the excise law. 17 In the meantime, writs commanding appearance at Philadelphia had been issued under the old law, although not served until a month after the new law was in effect. 18

It was the attempt to serve these court processes by United States Marshal David Lenox, in company with General John Neville, the local excise inspector, that brought on the famous attack on Neville’s Bower Hill home, July 17, 1794. This was the most violent disturbance of the insurrection. At the inspector’s request a small de-

16 November 24, 1792. Ibid., 236.
attachment of regular troops from the garrison at Pittsburgh had come to his aid but they were compelled to surrender by the much larger attacking body, a considerable number of whom were Pennsylvania militiamen. The leader of the militia, Major James McFarlane, who had fought in the Revolution, was killed in the conflict. Neville's house and the buildings on his estate were burned.19

The incident at Bower Hill aroused great public excitement. The mail from Pittsburgh was robbed to determine the feelings of certain prominent Pittsburghers toward the excise. Numerous meetings occurred, culminating in the great gathering August 12, at Braddock's field, eight miles from Pittsburgh. Estimates of the number there ranged from fifteen hundred to seven thousand. Despite agitation by the more radical element for a demonstration of their power, sane counsel prevailed and, instead of the feared attack on the fort at Pittsburgh and the sacking of the town, the assembly dispersed after an orderly march through the city.

The attack on Neville's home stirred the President to action. With no precedent to guide him, and presumably not wishing to antagonize the State government by any hasty step, Washington took the eminently sane course of calling a conference of the high officials of both governments. On the first Saturday in August, Washington and his Cabinet met with Governor Thomas Mifflin, the Chief Justice, the Secretary of the Commonwealth, and the Attorney General. The minutes of the meeting are incomplete, but it is apparent that the officials of the State were reluctant to initiate military measures. As a result, no cooperative plan of action was formulated.20

The results of the meeting were very disappointing to the President. All hopes for action by the State disappeared three days later when Governor Mifflin wrote that in his opinion the "incompetency of the judicial power of Pennsylvania has not been sufficiently ascertained. . . . It would be improper in me," he continued, "to employ the military power of the state while its judicial authority is competent to punish the offenders." However, the Governor did give the

19 The prominent part played by the militia was due to their having gathered nearby for a military meeting to draft men for service against the Indians. Pennsylvania Archives, second series, IV. 11.
20 Ibid., 144–146.
President his “full and unequivocal assurance that whatever requisition you may make, whatever duty you may impose in pursuance of your constitutional and legal powers, will on my part, be promptly undertaken and faithfully discharged.”

Undecided as to the most advisable course to pursue, the President again asked Hamilton for his opinion. In contrast to his previous position, Hamilton now urged force, “an imposing one, such if practicable, as will deter from opposition, save the effusion of the blood of citizens, and serve the object to be accomplished.” He feared there might be nine thousand men in arms with the possibility of a larger number if augmented from the neighboring counties of Virginia. “To be prepared for the worst,” he thought that twelve thousand militia should prepare to march. Washington called out 12,950 men, an action which indicates, in striking fashion, the great influence of his secretary.

Some time before conferring with the State officials, Washington had turned over to Associate Justice James Wilson the evidence which had been collected showing resistance to the laws. On August 4, Wilson certified to the President that the “laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of Judicial proceedings or by the powers vested in the Marshal of that district.” This was the go ahead signal for the President since, according to the law of May 2, 1792, he could not call forth the militia until notification by “an associate justice or the district judge” of the failure by judicial proceedings to halt obstructions to the laws of the United States.

Three days after the issuance of Judge Wilson’s certificate, a second proclamation was published. The first, issued two years before, had merely exhorted obedience to the laws. The second was decidedly different in tone. This time force was to be used. The President stated why, in his opinion, force was necessary, and the law under which he was acting. In accordance with that law, he called on the insurgents “on or before the first day of September

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21 Ibid., 104–109.
22 Hamilton, Works, IV. 575.
23 Pennsylvania Archives, second series, IV. 82–83.
24 1 Stat. L., 264.
next, to disperse and retire peaceably to their respective abodes.”

The proclamation was sent to Governor Mifflin and in an accompanying letter Henry Knox, Secretary of War, stated that the President “has directed me to request your Excellency forthwith to issue your orders for organizing and holding in readiness to march at a moment’s warning, a Corps of the Militia of Pennsylvania, amounting to Five thousand two hundred non commissioned officers and privates, with a due proportion of commissioned officers, . . . armed and equipped as completely as possible, with the articles in possession of the State of Pennsylvania, or of the individuals who shall compose the corps.” To this force were to be added 2,100 from New Jersey, 2,350 from Maryland, and 3,300 from Virginia. This letter brought an instant response from the Governor who issued orders to Adjutant General Josiah Harmar, to call into service the number of men requested by the President.

While preparing to use force, Washington decided to send three commissioners into the western counties “to make one more experiment of a conciliatory appeal to the reason, virtue, and patriotism” of the insurrectionists. To this end, he appointed James Ross, United States Senator from Pennsylvania, Jasper Yeates, Associate Justice of the Pennsylvania Supreme Court, and William Bradford, Attorney General of the United States. They were instructed to grant concessions even to the waiving of duties of former years “if they will fairly comply for the present year.” To give added weight to the necessity of negotiating a settlement, the commissioners were authorized to say that “orders have already issued for the proper militia to hold themselves in readiness, and that everything is prepared for their movement.”

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26 Ibid., 122.
27 Ibid., 129.
28 Randolph to Mifflin, August 7, 1794. Ibid., 121. This act of the President, according to Hugh H. Brackenridge, “saved the country from a civil war. It gave the government a strength which nothing could resist. It silenced, at once, all clamour from below, and divided the people here. The reasonableness of the propositions, left the refractory without excuse; and brought forth the force of government with a warmth of heart, unchecked by an idea that all conciliatory means had not been tried.” See Hugh H. Brackenridge, Incidents of the Insurrection in the Western Parts of Pennsylvania in the Year 1794, II. 83.
29 Pennsylvania Archives, second series, IV. 139.
The commission, in company with two representatives of Governor Mifflin, held several meetings with delegates from the western counties during the last week of August and the first days of September. Provision was made for a popular referendum on the question of submission but the vigorous, even violent, activity of the opposition at several of the polling places brought results deemed unsatisfactory by the commission. They reported to Washington that “some more competent force is necessary to cause the laws to be duly executed, and to ensure to the officers and well disposed citizens that protection which it is the duty of Government to afford.” 80

While the commissioners were preparing to go west, the President suffered a period of great anxiety. He called a Cabinet meeting for August 9, to discuss the insurrection. Inspector Neville and Marshal Lenox were in the capital and Washington directed Randolph to bring the two officials to the meeting. 81 Three days later the President issued instructions to re-enforce the garrison at Pittsburgh from the post at Fort Franklin. 82 Influenced no doubt by reports of the march on Pittsburgh, Washington held up the pay for the army under General Wayne because of the hazards of sending it through districts that were “in open rebellion.” 83

In the meantime, preparations were afoot to get the troops organized and in readiness to assemble. 84 Governors Richard Howell of New Jersey, Henry Lee of Virginia, and Thomas Lee of Maryland, experienced relatively little difficulty in raising the required number of troops. Governor Mifflin had acted immediately on the President's request, but he delayed for almost three weeks any effort at a follow up of his orders. On August 27, the Governor wrote to General Harmar for a report on the success of the draft but that officer had also been guilty of delay and in turn had to write his brigade inspectors for a report. 85 One month after his

80 Ibid., 358.
81 Washington, Writings (Fitzpatrick, ed.), XXXIII. 462.
82 Ibid., 468.
83 To Hamilton, August 21. Ibid., 471–472.
84 Randolph wrote a strong letter to the President in which he pointed out the hazards to be encountered in calling out the militia, and advising further delay. For the letter see Francis Wharton, State Trials of the United States, pp. 156–159.
85 Pennsylvania Archives, second series, IV. 209.
original order, Governor Mifflin wrote to the Adjutant General expressing his great mortification, upon examining the latter's report, at the "indisposition in some of the brigades" to comply with the call. Almost frantically he called for a renewed effort to fill the State's quota, if not with the supposedly organized militia, then with "voluntary enrolments of any well disposed citizens." To give added force to the drive, the Governor went into a number of counties and spoke to the militia officers. He demanded an "immediate declaration of their determination to act at this crisis or a resignation of their Commissions." Speed on the part of the State officials was imperative, since, on the same day that the Governor issued a schedule of the days he planned to meet the militia officers, a message came from the President, via Hamilton, asking the Governor to assemble the State's quota immediately. Carlisle was given as the place of general rendezvous. By draft, and by acceptance of volunteers, the filling of the quota was speeded. On September 17, instructions were issued by General Harmar to proceed toward Carlisle, where the Pennsylvanians were to meet the New Jersey troops.

While the troops were moving westward, and the day after he had received the report of the United States commissioners, Washington issued a third proclamation directed at the insurrectionists. Declaring that "a force which according to every reasonable expectation is adequate to the exigency" was even then "already in motion to the scene of disaffection," he warned against giving aid or comfort to the insurgenst and directed that all offenders be brought under the "cognizance of the law."
In his diary Washington records that "from the Report of the Commissioners . . . and from other circumstances" he determined to go to the places appointed for the rendezvous of the troops. In company with his private secretary and with Hamilton, who had requested permission to "go out upon the expedition against the insurgents," Washington left Philadelphia the last day of September and arrived at Carlisle on October 4. The crowds in the street were silent as Washington passed through the town but when he later reviewed the Pennsylvania troops, one soldier thought the "spectacle was grand, interesting, and affecting—every man, as he passed along, poured forth his wishes for the preservation of this most valuable of their fellow citizens."

During his stay at Carlisle, Washington talked with two special representatives of the western area, Congressman William Findley of Westmoreland County, and David Reddick of Washington County. They had been selected to make a final effort to stop the coming of the troops. He told them that since the "greatest part of the expence had already been incurred," he intended to go on "in order to convince them [the insurgents] that the government could, and would enforce obedience to the laws not suffering them to be insulted with impunity." To Edmund Randolph he wrote, "I believe they are scared."

Washington did not assume command of the troops but for some days assisted Governor Mifflin in "Organizing the several detachments, which had come in from different Counties . . . in a very disjointed and loose manner." He did, however, determine the rank of the officers. Governor Lee of Virginia was to be first in command, "if I do not go out myself," with Governors Mifflin and

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41 The Diaries of George Washington, IV. 209.
44 The townships had elected representatives, the so-called Committee of Safety, to meet at Parkinson's Ferry (now Monongahela City), on October 2. This committee selected delegates Findley and Reddick to meet with Washington. For the conferences between the President and the delegates, see William Findley, History of the Insurrection in the Four Western Counties of Pennsylvania, p. 178 ff.
46 Washington, Writings (Ford, ed.), XII. 473.
47 The Diaries of George Washington, IV. 212.
Howell in second and third positions, and Major Generals Daniel Morgan or William Irvine in fourth position.\(^4^8\)

The President's greatest service during his stay at Carlisle was to instill in the minds of the soldiers a much needed sense of responsibility for their conduct. Many of the troops had been persuaded to join the expedition by the oratorical efforts of state militia officers.\(^4^9\) Once aroused, and with little training for the task required of them, some were anxious for a little blood-letting. On the march to Carlisle, two persons had meet death at the hands of the troops, and there had been numerous instances of damage to the property and dignity of the citizenry. "Those among themselves who had reasoned in favour of the subjection of the military to the civil law," records William Findley, who was in the encampment at Carlisle for some days, "or suggested that those who killed a citizen in cool blood should answer to the proper courts, and that the army were only employed to aid the Judiciary in the exercise of its proper functions, and not to usurp or exercise those functions themselves, were in as much danger, and equally the objects of threats, as the whisky men, and in fact were called so."\(^5^0\) Washington labored constantly to remove this spirit from the minds of the soldiers.\(^5^1\) He told delegates Findley and Reddick that the "great object" in his practice of mixing and conversing daily with the officers "was to impress the army with a proper sense of the importance of submitting to the laws, and that unless they did so, the last resort of a republican government would be defeated."\(^5^2\) He also informed the delegates that his intended visit to other divisions of the army was for the same purpose.

\(^4^8\) Ibid., 217.
\(^4^9\) "Trifling incidents were magnified into crimes, and the most orderly citizens were characterized as offenders." Findley, op. cit., 160.
\(^5^0\) Ibid., 143.
\(^5^1\) "After the President had convinced the army, by his discourses, of the propriety, and enforced by his authority the necessity of the subordination of the military to the civil power, and after he had given an unequivocal testimony of his sincerity by obliging those who killed the two men, to enter recognizance with bail, so standing their trial at court, no more accidents of the kind happened." Ibid., 144.
\(^5^2\) "The President was happily successful in reducing the licentious part of the army to subordination to the laws, and in inspiring the people in the western counties with such a measure of confidence, as prevented any conduct on their part, that could give the army any just cause of irritation." Ibid., 189.
At first the President was undecided how far he should accompany the troops but after the western delegates had reported that opposition to the laws had almost completely disappeared, he seemed inclined to the belief that there was no necessity of his going farther west than Bedford and that a return to Philadelphia for the meeting of Congress would be the wiser procedure. On October 12, Washington left Carlisle, arriving at Bedford a week later. During his brief stay he wrote both a personal letter and, through Hamilton, general orders to Lee instructing him as to the conduct of the army. In the letter he made one “special recommendation.”

It is this, that every officer and soldier will constantly bear in mind that he comes to support the laws, and that it would be peculiarly unbecoming in him to be in any way the infractory of them. That the essential principles of a free government confine the province of the military when called forth on such occasions, to these two objects:

1st. To combat and subdue all who may be found in arms in opposition to the national will and authority.

2d. To aid and support the civil magistrates in bringing offenders to justice. The dispensation of justice belongs to the civil magistrate, and let it ever be our pride and our glory to leave the sacred deposit there unviolated.53

In the general orders were stated the specific reasons for calling forth the militia, namely, “to suppress combinations which exist in some of the western counties of Pennsylvania” and to “cause the laws to be executed.” 54 He then added that the function of the military, in addition to overcoming armed opposition was “to countenance and support the civil officers in the means of executing the laws.” Upon arriving within the insurgent country, General Lee was to take care that “those persons in arms, if any, whom you may make prisoners . . . are to be delivered up to the civil magistrate”; and to “make such dispensations as shall appear proper . . . to aid the civil officers in the execution of their respective duties.” To aid the judicial process, the district judge and the district attorney were to accompany the army. General Lee was to instruct the latter to cause those arrested for capital offenses to be brought to the Philadelphia jail for safe keeping. Prosecutions for indictable offenses

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53 Pennsylvania Archives, second series, IV. 418–419.
54 At Carlisle Washington had been worried by the rumor that the troops were being taken west “to employ them against the British posts or against the savages.” To quiet the rumor, Governor Mifflin was directed to announce, in Washington’s name, that the sole object was to suppress the insurrection. Ibid., 405.
were to be handled in United States courts; for penalties on delin-
quents, in the courts of Pennsylvania.  

Washington suggested that Lee publish a proclamation “inviting all good citizens, friends of the Constitution and laws, to join the standard of the United States.” The proclamation was issued and the President’s suggestion was put into concrete form through the requirement of an oath of allegiance to the Constitution. Much to Lee’s chagrin, the local magistrates “assumed the privilege of annexing fees” for administering the oath. Lee quickly ordered the discontinuance of the fee extracting practice.

In spite of the President’s instructions to Lee that the troops were at all times to maintain a “scrupulous regard” for the “rights of persons and property,” there were occasions when the order was ignored by some of the inferior officers. The most serious mistreatment of the western inhabitants occurred on “the dismal night,” November 13, the date set for a general roundup of all suspects. Witnesses as well as suspects suffered indignities and exposure. Many were later dismissed for want of sufficient evidence, but twenty of those arrested were marched under guard to Philadelphia. Some were released on bail, others languished in prison for months. The difficulty of securing witnesses from the west proved insurmountable and not one of the twenty was found guilty. Some of those who escaped the general roundup later surrendered to stand trial.

By the time the troops arrived, all resistance to the laws had ceased. Since the approaching winter would make the problems of transportation and supply even more difficult, orders were given by General Lee to begin the homeward journey. The roundup of suspects took place on November 13; the order for the immediate return of the troops was given four days later.

Anticipating the army’s brief stay Washington had already given

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55 Ibid., 412-413.
56 Ibid., 412.
57 Ibid., 445. The instructions of Washington contemplated no such action. Congressman Findley pointed out that “Lee must have known that a magistrate had no authority to administer an oath, that the law did not prescribe,” op. cit., 322.
58 Baldwin, Whiskey Rebels, pp. 244-247.
Hamilton instructions about the homeward journey. Frequent complaints had reached the President concerning the conduct of the army on the westward march. "In some places," he informed the Secretary, "I was told they did not leave a plate, a spoon, a glass or a knife; and this owing, in a great measure, as I was informed, to their being left without officers. At most if not all the encampments I found the fences in a manner burnt up." Apparently, the Pennsylvania troops were most remiss in their conduct for Hamilton was instructed to impress upon Governor Mifflin the necessity of preventing any recurrence of such conduct. The President insisted that all the governors give the officers "pointed orders" to remain with the troops throughout the trip.

Washington had previously instructed General Lee to arrange for an adequate force to remain in the western counties to "suppress by their presence, the spirit of riot and opposition to the laws." No sooner had Lee reached the disturbed area than he began "to engage a competent corps to be stationed in the country." Technically there was no authority to recruit troops for the winter service. The act of May 2, 1792, provided that in the event the President called out the militia when Congress was not in session, their period of service should expire thirty days after the commencement of Congress. In his message of November 19, Washington pointed out this fact and suggested that Congress enact legislation which would enable him to station a force in the Monongahela country. Ten days later Congress had passed, and the President had approved, an act to station as many as twenty-five hundred men, if necessary, in the four western counties. By this time, however, a large part of the army was on its way homeward and it was impossible, as well as unnecessary, to recruit such a large number. Strangely enough,

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61 Ibid., 483.
62 Pennsylvania Archives, second series, IV. 414.
64 I Stat. L., 264.
66 I Stat. L., 403. Major General Daniel Morgan was placed in command.
67 Probably about one thousand men remained during the winter. See *The Writings of Albert Gallatin* (Henry Adams, ed.), III. 35. Brackenridge states that eight hundred of the militia that crossed the mountains remained with Morgan, and that in addi-
a portion of those on duty were recruited from the very inhabitants against whom the larger body had marched but a few weeks before.  

Acting under instructions from the President, General Lee issued a pardon to all but certain groups before he returned to the East. On July 10, 1795, Washington, by proclamation, enlarged the scope of the pardon to include everyone concerned in the insurrection excepting only those who were indicted or convicted of any offense against the United States. The grand jury had indicted several of the prisoners for high treason. In the trials before the circuit court, the jury brought in a verdict of guilty in but two instances and in only one of those was the question of what constituted treason argued at any length. Did the crime of the insurgents meet with the first constitutional definition of treason, namely, levying war against the government? In his charge to the jury, Justice Patterson said that the object of the insurrection “was to suppress the excise offices, and to prevent the execution of an act of Congress, by force and intimidation. ... It is usurpation of the authority of government; it is high treason by levying of war. It [the object of the insurrection] was of a general nature, and of national concern.” Washington pardoned the two persons sentenced to death when he learned, through petitioners, that one of the prisoners was a “simpleton” and the other “insane.”

The President’s message to Congress of November 19, 1794, was concerned chiefly with the insurrection. He strongly condemned the “self created societies” which were, to his mind, largely responsible for the lack of respect toward the government. Once more he
reviewed the events leading up to the calling of the troops. He stated that because of uncertainty as to the number of militia necessary to quell the insurrection, he “put into motion fifteen thousand men, as being an army, which, according to all human calculation, would be prompt and adequate in every view, and might perhaps, by rendering resistance desperate, prevent the diffusion of blood.”

The success of the expedition was, to Washington, a demonstration of national strength and unity. This feeling was expressed not only in his message to Congress but more especially in his private correspondence. In a letter to Edmund Pendleton he expressed regret at the expense involved but, he continued,

I trust no money could have been more advantageously expended, both as it respects the internal peace and welfare of this country, and the impression it will make on others. The spirit with which the militia turned out in support of the Constitution and the laws of our country, at the same time that it does them immortal honor, is the most conclusive refutation, that could have been made to the assertions of Lord Sheffield, that, without the protection of Great Britain, we should be unable to govern ourselves, and would soon be involved in confusion. They will see, that republicanism is not the phantom of a deluded imagination. On the contrary, that, under no form of government, will laws be better supported, liberty and property better secured, or happiness be more effectually dispensed to mankind.

The record of the Whiskey Insurrection gives abundant evidence of Washington’s scrupulous regard for the law. Few exceptions stand out. One, a minor item, was General Lee’s recruitment of troops for the winter period without congressional authorization. This was obviously done in a quiet manner and on a small scale, else it would have been unnecessary to complete the recruitment from the militia of the western counties. Another, was the unauthorized oath of allegiance upon which General Lee insisted. Of much greater importance was the questionable, and in some instances brutal, roundup of suspects on “the dreadful night.” However, in

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74 “The insurrection in the western counties of this state . . . may be considered as the first ripe fruit of the Democratic Societies. . . . I hope and trust this will work their own curse. . . .” Letter to Burgess Ball, September 25, 1794. Writings (Ford, ed.), XII. 464. Letters of similar tone were written to General Henry Lee and Major General Daniel Morgan. Ibid., 453, 469. For a refutation of this view, see William Miller, “The Democratic Societies and the Whiskey Insurrection,” The Pennsylvania Magazine of History and Biography, LXII (July, 1938), 324-329.
75 Writings (Ford, ed.), XIII. 33-34.
view of Washington's specific instructions regarding the protection of the rights of citizens, it is impossible to place the blame for this regrettable incident on the shoulders of the President. At no time was there any suggestion of martial law. The President made quite clear his wish that the military arm was to support, not to supplant, the civil arm. For an attorney and a judge to accompany the army was certainly a novel procedure but one which is not unreasonable in view of their duties. They did not try offenders and pronounce sentence; their function was to effect legal arrests and to serve process on persons suspected of evading the law.

Whether or not troops were necessary has always been a debatable question. Upon the information reaching Washington concerning the state of affairs in the western counties, even William Findley admits that "I do not conclude that it was improper in the President to order the army to advance into the country." From the standpoint of actual violence, however, it is an interesting, though misleading, fact that the militia killed twice as many men on their way to the disturbed area as were killed in the most outstanding instance of opposition to federal officials. Certainly there was no necessity for such a large number of troops. But, as Washington explained to the western delegates, he hoped to effect a double victory by the use of the army. This was the first instance of violent opposition to the law. Everywhere anxious eyes were turned to see whether the new government's power was adequate to meet this challenge to its authority. If an insurrection existed, and if troops were to be sent, there must needs be a sufficient force to guarantee complete success. The President also felt that such a demonstration of national power would not only quiet the symptoms of discontent, which had appeared in other parts of the country, but would convince foreign governments that this nation was capable of defending itself.

There can be little doubt that Washington set up an excellent series of guideposts for later presidents, faced with internal disturbances, to follow. His patience over a considerable period of law violation, his attempts at conciliation and peaceful settlement, his

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76 Findley, op. cit., 310.
77 Findley, op. cit., 180ff.
efforts to enlist the co-operation of state officials, and his especial concern for the protection of the civil rights of the citizenry, all contribute to make Washington's role in the Whiskey Insurrection one deserving of commendation.

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