

Rocks & Shoals

ORDER AND DISCIPLINE
IN THE OLD NAVY 1800-1861

—————*James E. Valle*—————

Chapter I

Ships & Men of the Old Navy

No discussion of discipline in the navy during the early and middle years of the nineteenth century would be intelligible without some preliminary examination of the general form and character of the service. In many ways the Old Navy was a singular military organization characterized by smallness, scattered deployment, and peculiar values and ethos. The Civil War Navy, while representing a dramatic departure from these basic characteristics, was still firmly rooted in the past, especially with respect to its most prominent and influential leaders. It is noteworthy that after the Civil War the navy soon reverted to prewar practice, so that general conditions first established in the early-nineteenth century lasted until the age of Alfred Thayer Mahan and Theodore Roosevelt.

The Federal Navy had its origins in the old Continental Navy, which was organized by the Continental Congress to fight the Revolutionary War and completely disbanded when the Treaty of Paris was concluded in 1783. After the Constitution had been ratified and put into operation, the new Republic waited six years before authorizing the construction of a small fleet of frigates which would form the basis of the first national naval squadron. By 1798 the ships and men of the Federal Navy were in action against the French in the Caribbean, and since that time there has always been a fleet in being under the Stars and Stripes.

The Federal Navy fluctuated greatly in size and prestige. After proving its usefulness in protecting trade and commerce under President John Adams, it was employed by Thomas Jefferson against the Barbary pirates, and shortly thereafter greatly contracted for economic and ideological reasons. During the War of 1812, it expanded and won its first real fame in a series of single-ship duels and squadron actions on the northern Lakes. Indeed, Congress and the public were so pleased with its performance that in 1816 the first comprehensive building program designed to create a "balanced" fleet was undertaken. By 1819 the euphoria had worn off, and the navy entered a cycle of atrophy and neglect that lasted until a modest program of naval expansion was undertaken in the 1850s. Thus, between 1820 and the

advent of the Civil War, it passed through a long, desolate era during which there was little significant technological development or combat action. The tedium was barely broken by various exploratory voyages and by the war with Mexico, 1846-1848, which was predominantly an army operation.¹

This state of affairs was temporarily set aside by the Civil War, which caused the navy to expand dramatically and to branch out into the unaccustomed role of pioneering new technology in the fields of steam propulsion, armor, and ordnance. These developments gave the U.S. Navy the largest and perhaps the most modern fleet in the world for a short period in the middle 1860s; but, when peace came, the old pattern of decay and decline repeated itself, and by the end of the 1870s it had reached its absolute nadir in size and technology relative to the fleets of the other naval powers.²

Smallness and neglect, which were the normal conditions of the Old Navy, were further aggravated by the role and mission assigned to it. No real attempt was made to create a battle fleet or maintain a concentration of forces. Instead, the ships were sent out to "show the flag" and protect American seaborne trade and property on a variety of foreign stations.

First organized during the Barbary Wars, the Mediterranean Squadron was put on a permanent footing in 1815. It was usually the largest U.S. naval detachment abroad and the choicest duty station. Increasing concern with hemispheric affairs resulted in the formation of two more squadrons in 1821: the West India Squadron, which grew out of a force organized in 1816 to hunt pirates, and the Pacific Squadron, which upheld American interests from Chile to Oregon and among the islands of the western Pacific. In 1826 the formation of the Brazil Squadron completed American efforts to encircle Latin America and assure its shipping some protection along the vital Cape Horn route.

These four squadrons sufficed to meet American naval requirements until 1835, when increasing trade and commerce with the Orient stimulated the organization of the East India Squadron, which was eventually designated the Asiatic Fleet. The deployment of the African Squadron in 1843 completed the roster of foreign stations covered by the Old Navy.³ In addition to these regular assignments, the navy detailed individual ships or small squadrons to undertake specific tasks, such as the transporting of diplomats to posts abroad and the exploration of unknown or uncharted areas. Occasionally, a punitive expedition was sent out against such diverse and exotic foes as the pepper pirates of Quallah Battoo and the Kru people of Little Bereby in the Bight of Benin. Interestingly, little thought was given to the

defense of the eastern seaboard of the United States, although a Home Squadron was constituted on paper in 1841. This squadron carried the principal responsibility for blockading the east coast of Mexico during the war of 1846.⁴

This widely dispersed, piecemeal deployment of the Old Navy, especially after 1815, created something of an image and identity crisis in the service. Since a large part of it was always away on distant stations, it did not have much visibility at home and consequently attracted few recruits and very little economic support. The war service of the navy prior to 1816 had created a combat tradition that overemphasized single-ship actions, with the result that there was little sense of strategic mission and virtually no concept of fleet action to be found among the navy's senior officers. Squadron evolutions were rarely held, squadron efficiency was low, and individual cruising was the rule, much time being taken up merely in going to or departing from foreign stations.⁵ Duty under these conditions was stultifying, lackluster, and boring. It consisted mainly of assisting merchant vessels in trouble and helping to expand American commerce.⁶

Throughout the nineteenth century, this scattered and uncoordinated collection of squadrons was administered by a singularly rudimentary Navy Department. In 1820, for example, the civilian personnel of the Department consisted of less than ten people, including the messenger boy whose salary was one dollar per day. The secretary of the navy was on a somewhat more exalted level, since he drew about six thousand dollars per year, in return for which he administered a total budget for all naval expenditures that amounted to less than six million dollars annually.⁷ By 1846 the staff of the department had grown to a strength of twenty-five men, including messengers and copy clerks, and there were six bureau chiefs, of whom Gideon Welles, chief of the Bureau of Provisions and Clothing, was the only civilian.⁸ There was no assistant secretary and no legal officer of any kind.

Although small, the Navy Department defied the principles of Parkinson's Law. It was a byword for inefficiency. Commander Samuel Francis Du Pont called it "the most rickety and stupid of all the Federal Departments."⁹ Its main weakness lay in the senior bureau chiefs, most of whom were superannuated commodores clinging like barnacles to their departmental posts because there were few other positions ashore for men too enfeebled to go to sea, and there was no provision to retire officers on anything like an adequate pension. Thus, the bureau chiefs were men long past their prime, totally unfitted by temperament or inclination to work with the secretaries or the Congress, and positively reactionary in their attitude towards all professional matters.¹⁰ Under their dead hands, the navy languished, unable

to break the cycle of conservatism and decay that old age and lack of vigor imposed on it.

Technological and intellectual stagnation took its toll of the officer corps as well as of the Department. Life afloat was physically exhausting, drab, claustrophobic, and offered little opportunity for personal development or initiative. Added to these stresses and strains were the vicissitudes of truly chaotic systems of allotments, appointments, and promotions.

The exact personnel strength of the navy was never precisely fixed by Congress, although in practical terms manpower was limited by the amount of money appropriated to meet the payroll. Appointments and promotions were determined entirely by the president and his secretary of the navy, and the political needs of the administration in power were the primary consideration. In 1829, the lame-duck administration of John Quincy Adams paid off some political debts by appointing fifty midshipmen, a move that the incoming Jacksonians saw as an attempt to cheat them of "spoils."¹¹ Consequently, the following year saw the appointment of only ten midshipmen. Nor had President Adams neglected the higher ranks. From 1818 to 1824, under President Monroe, only one captain was added to the navy; but in 1825, Adams created nine new captaincies in much the same manner as a medieval pope might expand the college of cardinals. Lieutenancies were dispensed with similar lack of consistency. In 1836, crusty old Andrew Jackson signed commissions for only five new lieutenants; but in 1837, his successor, Martin Van Buren, promoted forty-nine men to that coveted post.

Needless to say, scant attention was ever paid to the actual requirements of the navy or to the numerical ratios that should have existed between the various grades of officers. The system was rife with absurdities and unfairness. In 1842 Congress stepped in after John Tyler's administration had treated itself to a particularly wild binge of appointments that increased the size of the officer corps by 20 percent in a single year. Maximum strengths were established for all grades of officers, and this effectively "froze" the size of the navy. The cycle of stagnation alternating with periods of intense movement became instead unrelieved stagnation.¹² After 1842 the only avenue to advancement and promotion was attrition; and, since few naval officers retired, that meant waiting for the oldest men to die and create vacancies so that everyone could move slowly and painfully up the navy list, one notch at a time.

Two other factors worked to slow the pace of promotions. These were the relatively small number of officers in the senior grades and the few steps that existed on the ladder of promotion. In 1824 the navy

had only 24 captains, 29 masters commandant, 172 lieutenants, 69 passed midshipmen, and 310 midshipmen, for a total of 225 commissioned line officers, and 379 warrant officers, exclusive of staff personnel.¹³ The transition from warrant rank to commissioned status was a slow process symbolized by the existence of the rather nebulous grade of "passed midshipman." A passed midshipman was a midshipman who had passed his lieutenant's examination but could not assume that rank because no vacancy existed. In fact, six or seven years might elapse before a berth became available. Both John Rodgers and David Dixon Porter spent seven years in this grade.

Problems arising from the smallness of the navy were further complicated by the inbred nature of the officer corps. Although most appointments were by virtue of political influence and patronage, naval careers tended to run in families, and intermarriage between naval families created a tight web of social and kinship ties that often transcended professional considerations in shaping the lives of naval officers. A brief summation of the career of David Dixon Porter serves as an excellent example. His first sea duty as a midshipman in 1829 was in the *Constellation*, the same ship that his father, David Porter, had served in as one of Truxtun's midshipmen thirty years earlier. David Dixon's first captain, Alexander Wadsworth, and his first commodore, James Biddle, had both sat on the court-martial that tried his father on charges of disobedience of orders and insubordination in the Fajardo Affair.¹⁴ In 1834, Passed Midshipman Porter found himself serving under the command of another enemy of his father, Commodore James Barron, commandant of the Philadelphia Navy Yard, who was president of the court that tried old Commodore Porter.

David Dixon Porter seems to have handled these awkward situations well. At any rate, he moved up the ladder of promotion at a pace that could be considered normal in the Old Navy. He was commissioned a lieutenant in 1841 and spent the next twenty years in this grade. In 1861 he was still a lieutenant, but by 1865 he had become a vice admiral.¹⁵ As a naval hero of the Civil War, he was never called upon to retire and he dominated the post-Civil War Navy until his death. His style in his later years was dictatorial and autocratic, and he was a relentless foe of technological progress.

Clearly, service in the officer corps of the navy was dismaying and frustrating. Thirty-year-old midshipmen, gray-haired lieutenants, and elderly commodores stuck to it out of a grim and uncompromising sense of duty and patriotism. Their feelings of resentment and abuse festered deep within them, however; and they were too often vented in jealousy and rancorous feuds that gave rise to a good deal of indisci-

If the officer corps was poorly organized and contained many structural defects, at least it had the satisfaction of knowing that it constituted the permanent, hard-core cadre of the regular navy. Enlisted men had no such assurance. The average seaman of the Old Navy entered the service by signing on in a warship for the duration of a commission, normally a three-year cruise on a foreign station. This meant that in reality he belonged to the ship rather than to the navy. At the end of a typical cruise, the whole crew was "paid off" and left the ship and the service entirely, even if less than three years had elapsed. The relationship of a naval seaman to his ship resembled that of a merchant seaman to his ship, except that the naval man was ruled by the Articles of War rather than by shipping articles and he signed on for a commission rather than for a voyage.

Under these circumstances there could be no such thing as a corps of career enlisted men, although a few petty officers signed up for commission after commission, and some seamen alternated between merchant and naval service. A typical warship's crew, such as that of the frigate *Congress* on the Brazil Station in 1844, consisted of five hundred men averaging twenty-five years of age. According to Chaplain Charles S. Stewart, one-tenth of the crew were criminals or fugitives from the law and the rest "honest hearted" sailors or inexperienced landsmen. There were twenty-four boys aged between ten and fifteen years and fourteen officers.¹⁶ From other sources we can surmise that there were probably around fifty blacks or other "colored" seamen and that at least one-third of the crew was not of American citizenship.

Once enlisted on board an American naval vessel, the typical recruit found himself confronting a singularly harsh and forbidding environment. He faced a collection of aristocratic officers whose ideas of leadership revolved almost exclusively around the code of iron discipline embodied in the Articles of War, an equally narrow-minded group of petty officers sporting short, thick rope "colts," or "starters," and a devious, hard-bitten band of veteran "topmen" or "sheet anchormen" who formed a society that excluded or ridiculed the newcomer.¹⁷ It was the special delight of these grizzled, old hardcases to lure the younger men into self-destructive vices while withholding from them whatever knowledge and skills they possessed.¹⁸ It took a determined landsman to surmount such a crushing environment and become a useful sailor.

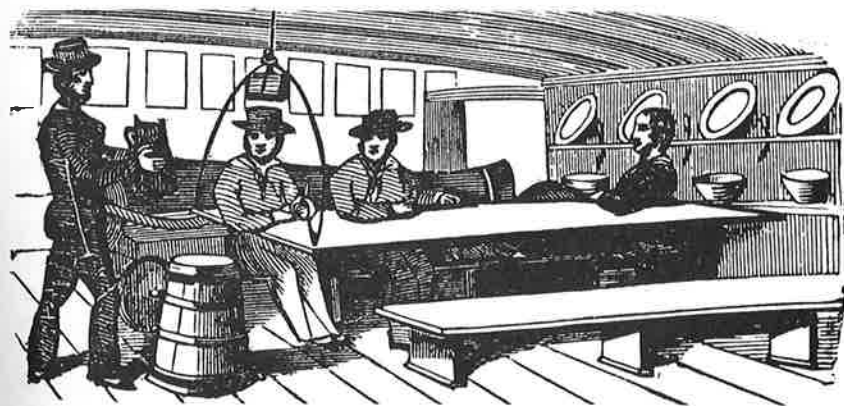
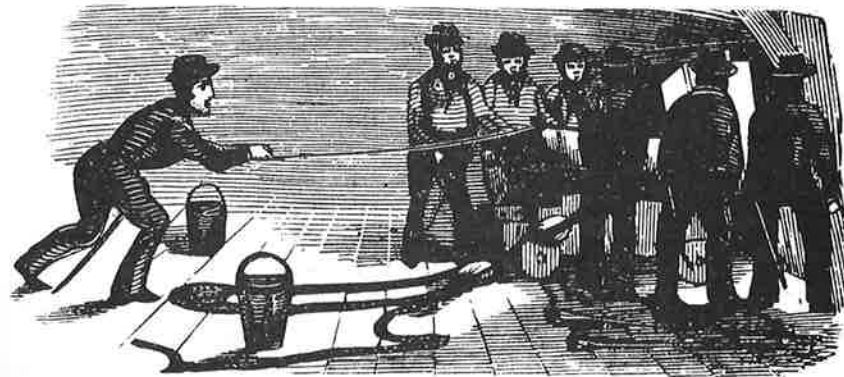
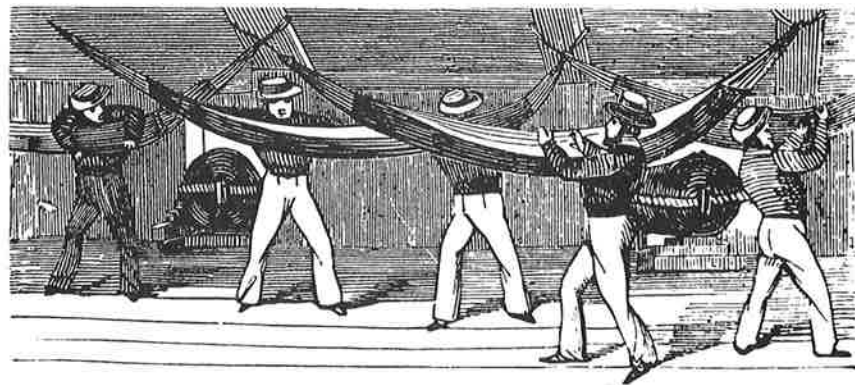
Morale among the enlisted men in most naval ships was poor, but the conditions of service life in the nineteenth century rendered this state of affairs unimportant in practical terms. A warship's crew was extremely large in relation to her tonnage because of the tremendous amount of manpower required to work the guns. Half a thousand men

typically manned a forty-four-gun frigate that could be sailed by one-tenth of that number. The men who did sail the ship, the artisan petty officers, topmen, and prime seamen, were the only members of the crew who had really significant jobs to perform under normal conditions. The others—ordinary seamen, landsmen, “waisters,” “holders,” and marines—were kept occupied with unskilled and trivial work, endlessly holystoning decks and polishing brightwork or, in the case of marines, drilling, while liberal use of the cat-o’-nine-tails and the bosun’s starter enforced outward conformity to the rules and customs of the service.

A rough equilibrium between sullen defiance and conformity seems to have been the norm in naval ships. The men performed their tasks with an outward show of willingness. Slackness and inefficiency were scarcely detectable with so many hands to do the work. Fear of swift corporal punishment ensured deference to authority, while rebellion took passive rather than active forms. The men got drunk whenever possible, made shambles of their meager liberties on shore, and deserted in droves. By modern standards, deserters were hunted only half-heartedly and quickly replaced, often by foreigners who spoke little English and were themselves deserters from some other navy or from some merchant vessel.

Nineteenth-century naval ships could be manned this way because of their relatively low order of technological complexity, but American naval officers often worried about how such crews would stand the test of battle. It was beyond the mental horizons of anybody in the naval establishment of that day to engage in systematic or rational thinking concerning questions of morale; indeed, it would hardly have occurred to them to even attempt to do so. Still, a modest effort was made to keep up the spirits of the prime seamen, the “topmen” who formed the elite of a sailing man-of-war’s crew. They were much less closely supervised and often exempted from the more galling pinpricks of regulation and discipline that were imposed on their less fortunate shipmates of the spar and gun decks.¹⁰

Although few efforts were made by the officers of an American man-of-war to sponsor activities that might improve crew morale, the men themselves occasionally provided their own diversions, usually in the form of amateur theatricals. These consisted of skits, playlets, songs, and other amusements put on by the crew subject to the approval of the commanding officer. Many officers looked upon these events with disapproval. Captain John A. Dahlgren, for example, condemned the Seaman’s Amateur Theatre organized at Port Mahon in 1845 in terms that most discipline-conscious officers could readily subscribe to:



These three vignettes of sailor life in the Old Navy depict something of the spartan existence that most man-of-war-men led in the first half of the nineteenth century. Normally, only the topmen worked aloft. The rest of the crew, landsmen, holders, waisters, and the like, were kept occupied with an endless round of gun drills and spit and polish work about the decks. (*The Kedge Anchor*, collection of the Nimitz Library)

My belief is that any association in a military body is likely to mar discipline. Therefore, I object to [seaman's theatricals]. It matters little whether the object be good or bad. The law is sufficient to insure order, religion, and morality, each being provided for in separate clauses. . . .²⁰

In point of fact, Dahlgren may have had good reason to take this attitude. Any theatrical production that the crews did put on was likely to lampoon the officers, not excluding the lordly commodore himself, either mercilessly or subtly; and the resulting hilarity completely overwhelmed the normal spirit of iron discipline, if only for a few hours.²¹ Seen in the context of the distrust the officers harbored for the enlisted men, theatricals were the only opportunity the sailors had to return the compliment.

For the enlisted men *did* hold many of their officers in contempt. Equally despised were the midshipmen, especially those not yet "passed," who covered up their lack of knowledge and general unsuitability as leaders by indulging in petty tyranny and callous disregard for the feelings and comfort of their men. Such officers were labeled "rose water sailors" and cordially detested.²² Mutual distrust bred an atmosphere aboard many American men-of-war that was more appropriate to a penal institution, with the seamen treated as convicts and the officers cast in the role of guards. Indeed, the navy's greatest disciplinary problems were, on the subjudicial level, alcoholism, and on the judicial level, desertion. Both offenses can be interpreted as a form of escape. The desertion rate was particularly significant. It averaged around 10 percent per year throughout the nineteenth century. In the year 1880, there were 1,000 desertions out of a total strength of 8,500 men.²³

Rarely was the pressure eased. A theatrical might be held once or twice during a three-year cruise, at the captain's discretion, and some ships had a tradition of allowing the crews to "skylark" and indulge in rough horseplay during the dogwatches on uneventful passages. When this occurred, the rules governing conduct on deck were not enforced, the captain and commodore retired decorously to their cabins, and some of the more vigorous junior officers even joined in the fun. When the watch ended, so did the skylarking, and the officers signaled the end by resuming their habitual stiff and formal demeanor. "Shipping their quarterdeck faces again" the old seamen called it.²⁴ Another source of relief available to the men until 1862 was the serving out of a ration of rum or whiskey twice daily.

The regimen of duty and discipline imposed on the enlisted men has been described by one authority on the history of the Old Navy as the strictest and most oppressive in force in any nineteenth-century

fleet.²⁵ This state of affairs, coupled with the fact that promotions into the officer corps from the enlisted ranks were practically unknown in the American service, made it difficult for the navy to attract and hold native-born American seamen. The Old Navy thus became the repository of so many foreign-born sailors that both officers and congressmen were alarmed. David Dixon Porter once summed up the situation thus:

As fine a body of Germans, Huns, Norsemen, Gauls, Chinese, and other outside barbarians as one could wish to see, softened down by time and civilization. . . .²⁶

Crews turned over at a rate of almost 60 percent per year; and as late as 1888, less than half the men were native-born. Few even of those men whom the navy had taken special pains to train and indoctrinate in the apprenticeship programs set up in 1875 stayed in the service for long.²⁷ The normal distrust of enlisted men as a class was magnified considerably when foreign recruits were considered. In his annual report to Congress in 1828, Secretary of the Navy John Branch complained that the foreign seamen were:

a distinct class of people from those useful citizens who have sought protection under our institutions, and made our country their home. Very few of them have their interest located here, or are bound to us by one of all the ties which connect a man with his country. They produce a large proportion of the offences and insubordination of which we have to complain. . . .²⁸

It was primarily these men whom the officers had in mind when they worried about the fighting qualities of their crews.

Unfortunately, the fears of the officers and the charges of Secretary Branch are hard to substantiate. Although laws were passed from time to time limiting the number of foreigners who could be shipped on board naval vessels, they were often evaded through the use of fraudulent certificates of citizenship which could be purchased for as little as fifty cents.²⁹ Because of this practice and also because American officers followed the old British practice of assigning "purser's names," often Anglicized versions of their proper names, to foreign seamen, it is impossible to estimate the proportion of foreigners in the navy.³⁰ It is also impossible, by combing court-martial records and punishment lists, to arrive at an accurate percentage of foreigners subjected to disciplinary sanctions. Certainly almost no obviously foreign names can be seen in the Judge Advocate Generals' Records for the years 1800-1868.

The role and status of Negro enlisted men in the Old Navy presents a similar problem. The shipping of black crewmen was just as unpop-

ular with the Navy Department as the enlisting of foreigners. Orders issued by the Navy Department during the Quasi-War with France flatly forbade the enlisting of Negroes,³¹ but there seems never to have been a time when there were not at least a few on board.³² The War of 1812 caused the blanket restriction to be lifted, and by 1816 one out of every seven sailors on board the frigate *Java* was black. In 1818 regulations were adopted forbidding the use of slaves in navy yards, and in 1839 it was provided that "free blacks and other colored persons were to be [enlisted] only with the consent of the station commander." Still later, Commodore Isaac Chauncey, acting in his capacity as a naval commissioner, issued a circular limiting black enlistments to 5 percent of the total because of frequent complaints about the number of blacks and other colored persons in the navy.³³ Chauncey's quota could not be maintained, however; and in 1842 the complement of the frigate *Brandywine* contained forty blacks, or about 10 percent of the total. The highest percentage of blacks to be found in U.S. naval vessels was encountered towards the end of the Civil War, when approximately one-quarter of all enlisted men were of that race.³⁴

A few of the blacks in the navy were slaves. William McNally, a naval critic of the 1830s, charged that slaves were serving as crewmen in the *Java* and in various Southern navy yards and that their masters were drawing their pay.³⁵ On the African Station the navy frequently hired Kroomen, a tribe of seafaring West Africans, to replace men who died or deserted on that coast, but they were usually discharged before their ships returned to the United States to pay off.³⁶ Presumably other blacks who were not of American origin were also recruited on the West India and Brazil stations.

Once the blacks were aboard ship, the Old Navy treated them and everybody else with a fine impartiality that was dictated by extremely close and crowded conditions and the monotonous unison labor that was required to run a sailing man-of-war. Pay, privileges, and promotions were scanty at best, but what existed was shared out equally among all hands.³⁷ This policy of equal treatment lasted until 1862, when large numbers of "contrabands" entered the navy, and all attempts to enforce some sort of racial quota were abandoned. Secretary of the Navy Gideon Welles issued new regulations restricting blacks to the rating of "boys" and instituting segregation in living quarters. Later he amended his restrictions so that blacks could hold a variety of ratings, including ordinary seaman, fireman, and coal-heaver; but he stipulated that a black who transferred from one ship to another would lose any rating he held above that of a landsman.³⁸ By the end of the Civil War, a few ships were manned entirely by blacks, many

ships were experiencing racial tensions, and a few race riots had occurred.

The behavior and treatment of blacks in the Old Navy is hard to determine. Naval logs and records of courts-martial do not note the race of persons tried and punished, except incidentally, in the transcripts of the proceedings. Therefore, there is no way to compile statistics as to whether or not blacks were court-martialed, flogged, or confined more frequently than whites. An 1843 memorandum to Congress does call attention to the fact that black seamen were automatically confined to jail when their ships visited Southern ports.³⁹ In *White Jacket*, Herman Melville describes how one black crewman, the slave of the purser, was exempted from nearly all disciplinary action and was even excused from witnessing punishments meted out to the rest of the crew.⁴⁰ Apparently, the rationale for this was that since he was a slave, disciplining him was exclusively the prerogative of his master. In 1855 Secretary of the Navy James C. Dobbin ruled that when a slave deserted his ship or station, his wages would not be paid to his master but forfeited to the navy. This was in line with the regulation that held that the wages of free men who deserted were not to be paid to relatives or dependents.⁴¹

In his studies of Negro military personnel during the Civil War, Benjamin Quarles states that the navy's treatment of black enlisted men was, in general, better than that of the army, with segregation and discrimination at a minimum.⁴² It appears that he was unable to find any significant examples of undue harshness towards blacks on the part of the naval justice system. He also notes that four black seamen received the navy's Medal of Honor for conspicuous bravery in action. If institutional racism was minimal in the navy, the transcripts of some courts-martial and courts of inquiry indicate that individual naval officers did display the prejudicial attitudes typical of the nineteenth century. Some blacks and mulattoes were employed in such menial jobs as sick-berth attendants and wardroom servants, and there seems to have been a feeling among a certain class of officer that they could be slapped, kicked, or otherwise cuffed around in a manner not sanctioned by the Articles of War for the punishment of seamen and marines.⁴³

Besides foreigners and blacks, there was one other group of men who represented a special class within the Old Navy—the marines. Marines were present aboard American warships from the earliest days of the Continental Navy. During the era of the sailing navy, the complement of marines on board a given ship was roughly in the ratio of one to a gun, so that a forty-four-gun frigate would carry approxi-

mately fifty marines. They did guard duty, furnished landing parties, stood watches, and lent a hand with hoisting and trimming sails. In battle they manned the tops as snipers. In recognition of the fact that the marines constituted something of a police force and were frequently posted as sentries over naval enlisted men under confinement and awaiting courts-martial, they were the only noncommissioned personnel permitted to go armed on board ship at all times.⁴⁴

Relations between the marines and naval men varied from ship to ship, and in some they were tense and strained. Marines were subjected to a discipline fully as harsh and uncompromising as naval discipline, but they had the added burden of having to maintain a dress uniform and to participate in close-order drill. In fact, man for man, the marines were probably more prone to cause disciplinary problems than were the navy's enlisted men because they were all riflemen and other ranks whose function was purely military. They had none of the artisan petty officers and strikers who constituted a significant percentage of the navy's enlisted strength. It is a well-recognized fact that skilled men cause less trouble than unskilled ones. Indeed, even among the contemporary services, the Marine Corps has a much higher rate of disciplinary offenses than the navy on a man-for-man basis, precisely because so much of its manpower is made up of unskilled combatants.⁴⁵

Enforcement of marine discipline was in the hands of the officer corps of the navy and its justice system when marines stationed aboard ship were accused of offenses. For this reason, the trials and punishments of marine officers and enlisted men are an integral part of the navy's records and statistics on courts-martial and courts of inquiry. Marines sailed and fought under the same Articles of War as naval men, committed essentially the same misdeeds, and were punished in the same ways.

When Richard Rush sailed for England in 1817 in the ship of the line *Franklin* to take up his post as minister to the Court of St. James, he was impressed by the excellent discipline and quiet efficiency of the crew. The marines presented a complete contrast. In conversation with Commodore Charles Stewart, the *Franklin's* commanding officer, Rush learned that it was customary to keep well-trained and disciplined marines at home for ceremonial purposes and to send the raw recruits to sea. It took a great deal of effort, Stewart declared, within the confines of a ship to instill discipline in and teach close-order drill to men who had been only a few days in service before reporting aboard and who were, at best, the dregs of society.⁴⁶ However much this generalization may or may not have applied to the marines afloat, the corps is certainly well represented on the punishment rolls and in the records

of courts-martial. Nineteen percent of all cases in the judge advocate general's records index for the years 1800 to 1861 involve marines. They also account for 30 percent of all death sentences handed down by naval courts. (See Table III, Chapter V.)

Commodore Stewart questioned the usefulness of the contingent of raw and untrained marines on board the *Franklin*, but the general feeling in the navy was that they were essential to the good order and safety of any major warship. Many of the officers of the Old Navy were extremely conscious of the danger of mutiny and, according to Melville, put much reliance on the antipathy that usually existed between the sailors and the "leathernecks." These officers assumed that a mutiny or insurrection among the sailors would be put down by the marines, who would have few scruples about treating the sailors with complete ruthlessness. By the same token, any disturbance among the marines could be quickly dealt with by arming the sailors. To Melville, this represented a classic case of divide and rule.⁴⁷ Needless to say, such calculations indicate a very jaundiced view of the enlisted men of both services.

The navy, burdened as it was with its aura of suspicion and mistrust, was deeply in need of reforms of all sorts during the early-nineteenth century. In keeping with the spirit of institutional reform movements that characterized nineteenth-century America, the navy sought to put its house in order in a variety of ways. The most compelling and dramatic stimulus to naval reform was the publication in 1850 of Herman Melville's semidocumentary novel, *White Jacket*, a work that did for the navy what Richard H. Dana's *Two Years Before the Mast*, published ten years earlier, did for the merchant marine.⁴⁸

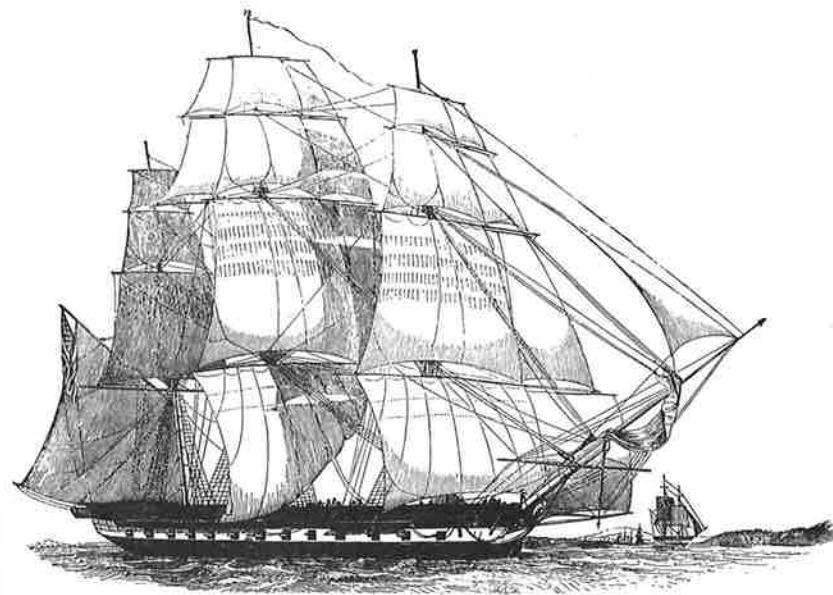
Prodded by Congress and an unfavorable climate of public opinion, the navy concentrated its reform efforts in four major areas: the inculcation of Christian religiosity, the creation of a career enlisted corps through indoctrination and an apprenticeship program, the establishment of a more humane disciplinary system, and the abolition of the rum ration.⁴⁹ These efforts were all pushed forward in an intermittent and haphazard way; and, with the exception of the abolition of flogging in 1850 and the discontinuance of the spirit ration in 1862, none of them made much of a difference in the lives of the seamen. The teetotalist, prayerful navy of the post-Civil War era, even with its "colts" and cats-o'-nine-tails permanently laid aside, was still a hard and remote service that could never attract enough free-born, native Americans to man its tiny squadrons of far-flung ships.

The officer corps needed reforming fully as much as the enlisted men did, but efforts to procure improvements were even more futile on the

quarterdeck than on the berth deck. Being a more articulate body of men and more permanently engrafted onto the navy, the officers had to be consulted before any changes relevant to their condition could be made. Naturally, the most influential of all the officers were those highest on the seniority list, the powerful, conservative, and often elderly commodores, who threw their not inconsiderable weight into the balance against any reforms or changes suggested from outside the service or by the lower ranks. As is often the case in military organizations, it was the junior officers who were most interested in promoting equitable and progressive personnel practices. Denied a hearing within the navy itself, they occasionally went outside channels and published anonymous exposés, formed semisecret cliques of like-minded individuals, and conspired with sympathetic politicians to bypass their stubbornly conservative superiors.

And the senior officers *were* stubborn. A healthy sense of professionalism and a decent spirit of subordination to the Navy Department were characteristics conspicuously lacking in the Old Navy. The Quasi-War with France and the War of 1812 had yielded a crop of overwhelmingly proud and egotistical young commodores pathologically preoccupied with personal "honor" and incapable of sacrificing private considerations for the good of the service.⁵⁰ In 1815 they were youthful and energetic, at the apex of their careers, and subsequently became more and more embedded in the generally declining peacetime navy, unable to advance in rank and unwilling to retire. Isaac Hull, Charles Stewart, Thomas ap Catesby Jones, Jesse Duncan Elliott, and others like them were still to be found on the navy list twenty, thirty, even forty years after the great age of fighting sail that had made their fortunes. Indeed, Charles Stewart was a force to be reckoned with as late as 1862, when he was retired in his dotage so that younger men could become the navy's first admirals.

It was against these crusty old curmudgeons, who had themselves been molded by the imperious commodores of the early Federal Navy, Thomas Truxtun, Edward Preble, and John Rodgers, that the reform-minded juniors struggled, many of them growing old themselves in the process. A good example of their efforts was the campaign waged by Lieutenant Matthew Fontaine Maury in the *Southern Literary Messenger* under the pseudonym "Harry Bluff." Maury's articles, entitled "Scraps from the Lucky Bag," touched on many aspects of naval life, but his main concern was the lack of educational opportunities for young officers and the stubborn resistance to technological progress that pervaded the navy. One article was devoted to graft, inefficiency, and incompetence in the navy yards and the antiquated methods em-



As a typically long-lived and well-travelled frigate of the Old Navy, the *United States* figures prominently in the annals of disciplinary records and lore. In the years immediately following the War of 1812, she was the reputed "hell ship" of the Fleet. Decades later she wore the broad pennant of Commodore Thomas ap Catesby Jones during one of his most notorious escapades. Finally, she was immortalized by Herman Melville as his fictional frigate *Neversink* in the documentary novel *White Jacket*. (*The Kedge Anchor*, collection of the Nimitz Library)

ployed by the Board of Naval Commissioners in procuring ships and materiel for the Navy.⁵¹ Maury was protected from the wrath of his superiors by sympathetic friends in Congress and continued to write articles under the name of "Union Jack" after his identity as Harry Bluff was uncovered.⁵²

Another reform-minded officer was Samuel F. Du Pont. He became active in the movement for naval reform as the result of a controversy he entered into with old Commodore Isaac Hull during a cruise in the Mediterranean in 1838 and 1839. Hull was commander in chief of the Mediterranean Squadron, flying his broad pennant in the ship of the line *Ohio*. Du Pont sailed as a lieutenant in the *Ohio*, joining her in Boston and remaining with her while she cruised about on the commodore's various errands. Hull had permission to take his wife and sister-in-law to Europe in his flagship. On station, the ladies remained on board in permanent residence against regulations and in

defiance of the secretary of the navy's request that they be lodged ashore. To make room for them, Commodore Hull arranged through his flag captain to have all the ship's lieutenants removed from their quarters on the gun deck and berthed on the orlop deck, which was below the waterline and thus exceedingly unhealthy as well as uncomfortable and inconvenient.⁵³

Du Pont and several of the other lieutenants, who protested vigorously against this state of affairs, were dismissed from the flagship and sent home by Hull on the pretext that they had shown him disrespect by refusing to make a social call on him and his wife. Once home, the lieutenants told their story and escaped official censure. They were returned to the squadron to resume their duties armed with another directive from the secretary that Mrs. Hull and her sister should be put ashore. Hull ignored these instructions and distributed the unwelcome lieutenants among the smaller ships of his squadron, refusing to bring any of them back to the flagship.⁵⁴

After this drawn battle, Du Pont became a member of the clique of reform-minded officers that included Matthew Calbraith Perry, Alexander Slidell Mackenzie, and others. Their efforts to curb the power of dictatorial superiors and retire the more obviously unfit culminated in the convening of the Naval Efficiency Board of 1855, but the practical effect of their activities was slight. Some of Du Pont's frustration with the higher echelons of the navy's command was expressed in his letters. Once he described four successive secretaries of the navy in the most unflattering terms, citing the "gross ignorance of old Branch; the contemptible meanness of old Woodbury; the honest imbecility of Dickerson; and the dog-in-office bearing of Paulding."⁵⁵

Rent by factionalism between junior and senior officers, the Old Navy was further bedeviled by a bitter, damaging feud between staff and line officers. One of the main causes of this quarrel was that the civilian community accorded higher social status to the staff officers, possessed as they were of valuable skills in medicine, accounting, engineering, and construction, than it did to ordinary line officers. Within the navy, however, staff men were looked upon as socially inferior to the "fighting" officers of the line. They were denied access to the rank structure that gave the line officers their place within the military hierarchy and had their own seniority lists separate from those of line. Even more importantly, line officers resented the fact that staff men were paid out of the funds that Congress allocated for officer pay. Thus, every staff officer on the payroll meant that less money was available to compensate line officers, give them raises, or increase their numbers.⁵⁶

Perhaps most damaging to good relations was the regrettable propensity of staff officers to criticize the service in public. For every line officer who timidly offered a mild criticism under an assumed name, there were several surgeons or chaplains lecturing, pamphleteering, or writing articles about conditions in the navy.⁵⁷ Staff men seemed to have a freedom that line officers could only dream about, and their revelations further damaged the already low reputation of the service. Like so many other problems, the staff-line controversy was never significantly ameliorated in the Old Navy and festered on until 1898, when staff men were finally given positive rank and engineers were amalgamated with the line.⁵⁸

Only a powerful and traumatic experience could furnish the impetus for the kind of reforms that the officer corps needed to put the navy on a sound managerial footing, and the Civil War served that purpose admirably. Faced with the abrupt loss of most of its Southern officers, the prospect of some extremely tough campaigning, a tremendous expansion, and a technological revolution, the navy had no choice but to shoulder aside the forces of reaction and set its house in order. Consequently, the years 1861 and 1862 saw the most concerted effective naval reform ever experienced by the service. Everything was thoroughly overhauled—promotions policy, retirement, the Navy Department, the navy yards, procurement, and command arrangements in the squadrons and fleets. Even the sacred Articles of War were reissued with some minor modifications.

Although it was unfortunate that the navy had to wait until the Civil War to undertake these reforms, it must be remembered that Old Navy was not really very different from other military organizations of that day. The nineteenth century was preeminently an age of discipline and authoritarian methods of command. None of the other services was "humane" by contemporary standards, and none was run along the lines of modern managerial science. The army's garrison life and disciplinary traditions were so harsh, in fact, that they were held up by at least one commentator as a model for the treatment of recalcitrant slaves on Southern plantations!⁵⁹ Only the French Navy, under the influence of the Revolution, ever experimented with an innovative disciplinary code, but the results were dismal indeed and soon abandoned.

Personnel administration also was universally characterized by callous disregard of the rights and feelings of individuals. If the U.S. Navy had no provisions for honorable retirement, for promotion based on merit, for equitable treatment of subordinates, or for the preservation of good morale, neither did the services of any other nation.

But in a few areas, the Old Navy was seriously deficient, even by the standards of its time. The attainment of significant achievement in peaceful pursuits by naval officers went almost entirely unrecognized. At the very peak of his career as an oceanographer and cartographer, Matthew Fontaine Maury held the rank, emoluments, and privileges of a mere lieutenant and was all but ignored by his own service. British officers and statesmen, calling on him to pay their respects, were appalled at such indifference. Indeed, during the years 1855 to 1857, Maury was obliged to fight a furious battle simply to be allowed to remain in the navy after the Efficiency Board decided that he was unfit for sea duty on account of an accident that left him with a permanent limp.⁶⁰ Adulation, rewards, and recognition went only to those who had distinguished themselves in combat, a dismaying prospect in a service where combats were few and far between. This approach was unnecessarily narrow and uncompromising even for that day and age.

Unusual narrowness was exhibited in another area. Although nineteenth-century military tradition stressed to a high degree the aristocratic nature of commissioned rank, only in the navy of republican America could one find an almost complete absence of officers promoted from the ranks. Entry to commissioned status was held so closely and dispensed so narrowly that there was practically no way a talented petty officer or warrant officer, other than a midshipman, could attain it. Oddly enough, the unsuitability of many of the "young gentlemen" who were able to land midshipmen's berths in the Old Navy was a well-known scandal both in and out of the service.

Finally, the American navy was particularly backward in its arrangements for senior officers. The cutting-off of the rank structure above the grade of captain was done in the name of noble republican sentiments, but its effect on the service was awkward and debilitating. Few other navies were hobbled with such a rudimentary and inadequate command arrangement. The "commodores" fought each other tenaciously for every scrap of professional advantage, every nuance of status, every shred of deference. Their jealousies, feuds, and bickerings caused the Navy Department and the secretaries endless misery.

Perhaps no navy was strong in the area of morale and personnel administration in the nineteenth century. Without a doubt, however, the U.S. Navy was among the most backward and poorly organized of them all.

Chapter II

Disciplinary Tradition of the Old Navy

When the Civil War ended in 1865, the U.S. Navy was a relatively young service, less than a century old, even if one dates its origins back to the Continental Navy of 1775. Despite its youthfulness, however, it had a tradition of discipline and a system of military law that extended back to antiquity.

In the Ancient World, the best-known and most enduring codification of military law was the *Magistri Militum*, the law of the legions of Imperial Rome. This code, which doubtless drew on customs and traditions as old as warfare itself, recognized distinctions between civil and military law that have endured to our own time. It was based on the simple proposition that "soldiers should fear their own officers more than the enemy."¹ It recognized the principle that military law is intended mainly to take into account the good of the service, not the good of the individual or of society in general. It denied to military men certain fundamental individual rights enjoyed by civilians. The most important of these was the right of an accused person to have his case reviewed by a disinterested tribunal. All tribunals under martial law are interested in the good of the service. The ultimate purpose of military law is not to guarantee any person any particular rights, or due process of law, or set procedures, or even to ensure fundamental justice, but to maintain military discipline.²

Only in recent times has the United States, through the Uniform Code of Military Justice (UCMJ), sought to alter the separateness of military law from civil law and to supply military personnel with the same basic rights as their civilian counterparts. The Uniform Code of Military Justice attempts to separate responsibility for the maintenance of discipline from the responsibility that goes with the exercising of command. It also seeks to make military law more concerned with individual justice and more compatible with the constitutional principles that govern society in general.³

The movement that eventually resulted in the adoption of the Uniform Code of Military Justice and the repudiation of Roman principles