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Author(s): Donald R. Hickey

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# Andrew Jackson and the Army Haircut: Individual Rights vs. Military Discipline

By DONALD R. HICKEY

Andrew Jackson is usually depicted as a stern military disciplinarian because of his record during the War of 1812. In his campaigns against the Creeks in the Southwest and the British at New Orleans, Jackson was forced to rely mainly on militia and volunteers, a class of troops notorious for its unreliability and independence. On more than one occasion he had to threaten large bodies of troops with cannon shot or musket ball to prevent them from deserting. One citizen soldier under his command was court-martialed and shot for insolently refusing to obey an order. Six others met the same fate because they thought their tour of duty had ended and departed prematurely from camp. Jackson himself occasionally disobeyed orders, but it was largely his ability to impose discipline that enabled him to win the laurels he did.<sup>1</sup>

Before the war, however, Jackson's position on the issue of obedience to orders was more flexible if only because his command experience was so limited. He served briefly as a volunteer at the end of the Revolution, and after his removal to Tennessee he occasionally skirmished with Indians, but always his role was that of the common soldier or irregular. Even after he became a major general in the Tennessee militia in 1802, his duties were largely organizational. Three times in the next decade the federal government ordered him to prepare his division for service, but in each case the crisis passed without any fighting.<sup>2</sup> With so little command experience, Jackson was inclined to take an indulgent view on the need for military discipline.

Jackson probably went as far as he ever did in defending a soldier who disobeyed a superior in 1804. The soldier was Colonel

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<sup>1</sup> For Jackson's wartime experiences, see James Parton, *Life of Andrew Jackson*, 3 vols. (New York, 1860), I, 360-626, II, 11-321; John Spencer Bassett, *The Life of Andrew Jackson*, 2nd ed. (New York, 1931), 77-231; Marquis James, *Andrew Jackson: The Border Captain* (Indianapolis, 1933) 149-286. Parton gives the fullest account of Hickory's disciplinary problems, dealing with the trials and execution of the militiamen in I, 504-512, and II, 277-300.

<sup>2</sup> Bassett, *Jackson*, 76-77.

Thomas Butler, an officer who was second only to General James Wilkinson in the chain of command of the Jeffersonian army. A member of an accomplished Pennsylvania military family, Butler had served with distinction in the Revolution and in Arthur St. Clair's western campaign in 1791. In 1797 he was transferred to Tennessee, where he was charged with negotiating treaties and preventing squatters from encroaching on Indian lands. His brother Edward owned a farm near Nashville, and the two siblings struck up a warm friendship with Jackson, whose own plantation was nearby.<sup>3</sup> When Edward died in 1803, Jackson became the guardian of his children, and after Thomas's death two years later, Jackson looked after his offspring too. Indeed, one of the colonel's sons married a niece of Jackson's wife and served as the Tennessean's adjutant general during the War of 1812.<sup>4</sup>

Thomas Butler was a Federalist and wore his hair tied back in a braided queue as was the custom among conservatives of that day.<sup>5</sup> His hair style brought him into conflict with General Wilkinson, who in 1801 ordered all officers and men in the army to wear their hair short.<sup>6</sup> Butler refused to part with his locks. As one Federalist wag put it: "Trimming not with the times, he declined to trim his war-worn locks, down to that laconic standard which a dull fancy suggested and which caprice prescribed."<sup>7</sup> Wilkinson responded by ordering Butler courtmartialled, not only for disobeying the "roundhead" order (as the hair decree was dubbed), but also for neglect of duty because he had tarried in Tennessee and Pennsylvania after being ordered to Fort Adams on the lower Mississippi.<sup>8</sup>

When Jackson learned of his friend's arrest, he wrote a protest

<sup>3</sup> "Biographical Sketch of Colonel Thomas Butler," in New Orleans *Louisiana Gazette*, September 27, 1805; John Blair Linn, "The Butler Family of the Pennsylvania Line," in *Pennsylvania Magazine of History and Biography*, VII, No. 1 (1883), 1-6; "Thomas Butler, Jr.," in *National Cyclopaedia of American Biography*, VIII, 84-85; "Thomas Butler," in *Appleton's Cyclopaedia of American Biography*, I, 480-81.

<sup>4</sup> James, *Jackson*, 139, 144, 216.

<sup>5</sup> Jackson himself wore a queue in the 1790's and may have retained it after the turn of the century. See Parton, *Jackson*, I, 196.

<sup>6</sup> Wilkinson's order of April 30, 1801, in War Department Records, General Wilkinson's Order Book, M654 (microfilm), National Archives, reel 3.

<sup>7</sup> "Colonel Butler," reprinted from *Pittsburgh Gazette* in *Frederick-Town Herald*, October 1, 1803.

<sup>8</sup> Wilkinson's orders of May 25, 1803, and February 1, 1804, in War Department Records, General Wilkinson's Order Book, M654 (microfilm), National Archives, reel 3.

to President Thomas Jefferson. The hair cutting order, he said, was novel and despotic and the persecution of Butler unwarranted. The people of Middle Tennessee were concerned, he added, because they regarded Butler highly and feared that as members of the militia they would be exposed to the same order if called into service.<sup>9</sup> Upon receipt of this letter, Jefferson consulted with his Secretary of War and advised Jackson that the emphasis at Butler's trial would be placed on his failure to proceed promptly to Fort Adams rather than his refusal to cut his hair.<sup>10</sup>

Despite the President's assurances, the military tribunal acquitted Butler of the neglect charge only to convict him of disobeying the hair order and sentence him to a reprimand.<sup>11</sup> Butler was subsequently ordered to New Orleans. He was reluctant to go, however, because he was still unwilling to cut his hair and would face the prospect of another arrest. Jackson encouraged him to make the trip, confident that officials in Washington would ultimately intervene on his behalf. The hair order, he said, was "a wanton act of Despotism" and would surely be viewed as such by the administration and Congress. "[A]s soon as you are on your march," he promised, "I will have a remonstrance signed by all the respectable citizens of this District, forwarded to the president."<sup>12</sup> Duly heeding his friend's advice, Butler departed for New Orleans, arriving in October of 1804. The following month he received notice of his re-arrest. This time he was charged with willful, obstinate, and continued disobedience to the hair order, and with mutinous conduct for appearing publicly in command of his troops with his hair uncut.<sup>13</sup>

Even before learning of Butler's second arrest, Jackson had begun to implement the promise he had made the previous summer. The result was the following petition, originally published in the *American State Papers* under the descriptive heading "Disobedience

<sup>9</sup> Jackson to Jefferson, August 7, 1803, in John Spencer Bassett (ed.), *Correspondence of Andrew Jackson*, 6 vols. (Washington, 1926-1933), I, 67-68.

<sup>10</sup> Jefferson to Jackson, September 19, 1803, in Andrew Jackson Papers, (microfilm), Library of Congress, reel 3.

<sup>11</sup> See Wilkinson's order of February 1, 1804, in War Department Records, General Wilkinson's Order Book, M654 (microfilm), National Archives, reel 3.

<sup>12</sup> Jackson to Butler, August 25, 1804, in Bassett, in *Correspondence of Jackson*, I, 105-106.

<sup>13</sup> See Wilkinson's order of September 20, 1805, in War Department Records, General Wilkinson's Order Book, M654 (microfilm), National Archives, reel 3.

of Orders Justified on the Ground of Illegality.”<sup>14</sup> Although undated, the document was sent to the President in December of 1804.<sup>15</sup> Jackson probably wrote the petition, although the refined diction and grammar suggest that someone else drew up the final draft. The document was apparently composed in two stages, since the final paragraph alluding to Butler’s second arrest seems to be an afterthought added when news of it reached Tennessee.<sup>16</sup> With Jackson’s name at the top of the list, the petition was signed by seventy-five individuals, most of whom lived in the Nashville area. The list reads like a Who’s Who of Middle Tennessee and attests to Butler’s reputation as well as Jackson’s influence in the area.

The petitioners opened their appeal with a summary of Butler’s first trial and conviction. They said they were prompted to express their views because of their lengthy acquaintance with Butler and their desire to resist oppression. Butler had served his country with honor in numerous battles, and during his command in Tennessee his official conduct had been above reproach. Never before had he been accused of disobeying orders; only now was he roused to take a stand by an order that was unjustified by law, reason, or tradition.

In a stinging rebuke of Wilkinson, the memorialists expressed fear that his regulations would drive the best and bravest men from the army and thus destroy its effectiveness. Although well aware of the need for subordination and discipline in the army, the remonstrants contended that it was not the duty of a freeman to obey an order “unsanctioned by law, without meaning, without utility, capricious and absurd, irrelative to the duties of a soldier, degrading to a man, and destructive of that pride which constitutes the soul of an army.”

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<sup>14</sup> *American State Papers: Documents, Legislative and Executive, of the Congress of the United States. Class V: Military Affairs*, 7 vols. (Washington, 1832-1861), I, 173-74. There is a manuscript copy of the petition in the Thomas Jefferson Papers, Library of Congress, folios 27170-27176. Although obviously copied in haste, this version gives a more accurate list of the petitioners and attacks Wilkinson with somewhat greater force. Apparently the administration toned down the criticism before submitting the document to Congress.

<sup>15</sup> The covering letter was dated December, 1804, and was signed by Jackson, James Winchester, Edward Douglass, and William Hall. See *Calendar of Correspondence of Thomas Jefferson*, 3 vols. (Washington, 1894-1903), II, 316.

<sup>16</sup> Butler notified Jackson of his arrest (probably by express) in a letter dated November 20, 1804. See *Andrew Jackson Papers* (microfilm), Library of Congress, reel 71.

The memorialists expressed concern that if "this despotic abuse of power" were tolerated, the militia would be subjected to the same "humiliation" and "mutilation" when called into service. They asked Congress to establish army regulations to prevent such abuses of power and to provide for Butler's relief from further persecution.

The petition was an eloquent and forceful plea, as much an attack on Wilkinson as a defense of Butler. In response to the memorial, the commanding general published a series of documents presenting his own views and those of several Revolutionary War veterans who believed the hair regulation to be legal. In a preface to these documents, Wilkinson said: "A respectable band of meritorious unreflecting militia officers, merchants, judges and attorneys of the state of Tennessee, have recently volunteered a coup de main on ground which they had not reconnoitred, and against works whose strength they did not understand; to repel this unkind and unprovoked attack of many against one, the following exhibits are offered to the public without comment."<sup>17</sup> Although Wilkinson's public posture was one of tolerant amusement, his private letters show that he deeply and bitterly resented the criticism.<sup>18</sup>

The petition, however, had little impact on Butler's case. The administration sided with Wilkinson, and although the memorial was addressed to both houses of Congress, Jefferson chose to submit it only to the Senate. Apparently more irritated than impressed by the appeal, the upper chamber gave it little consideration. Only by a vote of 16-15 was the Senate willing to refer it to committee, and once committed it was quickly forgotten.<sup>19</sup> With neither the administration nor Congress willing to intervene, Butler was left to the mercies of Wilkinson's military court. The tribunal convened in July of 1805, convicted Butler on all counts, and sentenced him to be suspended from all command, pay, and emoluments for a year.<sup>20</sup> Before the sentence could be carried out,

<sup>17</sup> Washington *National Intelligencer*, March 1, 1805.

<sup>18</sup> Wilkinson to Henry Dearborn, November 9, 1804, and September 21, 1805, in War Department Records, Letters Received: Registered Series, M221 (microfilm), National Archives, reel 2.

<sup>19</sup> *Annals of Congress*, 8 Cong., 2 sess., 47. On the question of referral, Federalists voted 6-2 and Republicans 10-13. The two Tennessee Senators, William Cocke and Joseph Anderson, voted with the majority.

<sup>20</sup> See Wilkinson's order of September 20, 1805, in War Department Records, General Wilkinson's Order Book, M654 (microfilm), National Archives, reel 3.

however, Butler died, a victim not only of yellow fever but also of a broken career.

The Butler affair was an important episode in Jackson's life. It marked the beginning of his disillusionment with the administration and its military policies, a disenchantment that grew with the Burr conspiracy and the government's pacifism in the face of European encroachments on American rights.<sup>21</sup> The incident is also significant because it shows a Jackson quite different from the man who emerged from the War of 1812 with a reputation as a firm disciplinarian. The Jackson of 1804 was inclined to take a more indulgent view of a soldier who disobeyed an order that he deemed unreasonable or illegal. As a defense of an individual's rights while in military service, the petition reveals a Jackson generally unknown to history.

#### No. 54

#### DISOBEDIENCE OF ORDERS JUSTIFIED ON THE GROUND OF ILLEGALITY.

COMMUNICATED TO THE SENATE, JANUARY 30, 1805.

*To the Honorable the Senate and House of Representatives of the United States. The remonstrance and petition of sundry citizens and officers of the militia in the State of Tennessee.*

Your remonstrants, having those respectful feelings for your honorable body, which citizens ought to possess, and which those bearing commissions in the militia ought ever to cherish, beg leave to represent—

That they have, with much concern, seen a veteran and meritorious officer in the army of the United States arrested for imaginary crimes, compelled to travel a distance of fifteen hundred miles to stand his trial, and that trial then postponed for several months, contrary not only to the rules and articles of war, but also to those natural rules of justice, to the benefit of which every member of society is entitled.<sup>22</sup>

That the only *crime* of which he was found guilty, and the only one perhaps of which any serious expectation of convicting him was ever entertained, was a refusal to *crop his hair*, in conformity to an order which he conceived to be illegal, and which your remonstrants conceive to have been an arbitrary and useless exertion of authority; that, in the execution of the sentence of the

<sup>21</sup> See Jackson to Dearborn, March 17, 1807, in Bassett, *Correspondence of Jackson*, I, 172-78; James, *Jackson*, 123-24, 141.

<sup>22</sup> Butler had to travel from his post on the lower Mississippi to Frederick, Maryland, to stand trial.

court martial, which subjected him to a reprimand from the commanding General, your remonstrants have been able to discover, not the calmness and dignity to be expected from a person invested with so high an office, but a disposition to passion and invective, well calculated to make impressions unfavorable to the military character of the accused, and foreboding a renewal of persecution.<sup>23</sup>

Your remonstrants have been prompted to an expression of these feelings, not only from a disposition to resist oppression from whatsoever quarter it may come, even if directed against the most humble and obscure member of the community, but also from a long acquaintance with the person injured in this instance, a knowledge of his virtue and integrity as a man, and his bravery and fidelity as a soldier. During a command of several years at a post where not only the greatest firmness and the strictest attention to discipline were necessary, but also the discharge of his duty in enforcing obedience to the laws had an almost unavoidable tendency to create numerous and implacable enemies; in this situation, the true state of which was but little known beyond the bounds of this State, we have seen him not only cause the laws to be respected and obeyed, but also, by the humanity and delicacy of his conduct, conciliate the esteem of the offenders, and cause those to refrain through affection, whom fear alone had been found insufficient to restrain.<sup>24</sup> In other situations also, in all of which no glory or reputation in the view of the world could be acquired, and where no reward awaited him beyond the approbation of his own conscience, we have ever seen him patient, persevering, industrious, and obedient to all orders, which were in any way directed to the promotion of the public good. In fine, we declare that in the whole of his official conduct, which has fallen under our inspection, we have seen much commanding our approbation, and deserving our imitation, but nothing which, in our opinion, even malice itself could censure.

Your remonstrants further beg leave to call to the recollection of your honorable body, that the accused, Colonel Butler, entered into the service of his country early in the revolutionary war, during the whole of which depressing and perilous period he stood the firm and active officer—after its close, his desire to serve his country continued. The defeat at the site of Fort Recovery, which witnessed the death of General Butler, left his brother among the

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<sup>23</sup> In his official statement confirming the verdict of the trial, Wilkinson had said the proceedings were "irreconcilable to his ideas of justice & of duty." In a long and vigorous argument, he claimed the court had been "deluded" and "beguiled" and had been too lenient with Butler. See Wilkinson's order of February 1, 1804, in War Department Records, General Wilkinson's Order Book, M654 (microfilm), National Archives, reel 3.

<sup>24</sup> Butler's principal task had been to keep white settlers off Indian lands, a task that inevitably had caused some resentment.

wounded.<sup>25</sup> Search the history of the American army, you will often find the name of Butler; but where was it marked with disgrace? Was he ever accused of disobedience? Never, until the case occurred to which we now call your attention. When roused by the signal of danger, he was first at his post, and the first to refuse submission to indignity. The pride of a veteran of twenty-six years' service was roused by the order for cropping his venerable grey hairs, an order unsanctioned either by law, reason, or the usages of the army.

Your remonstrants further represent, that, possessing the principles of freemen, they shudder at the idea of being compelled to obey an illegal and arbitrary mandate—that, possessing the feelings of men, they can never passively stoop to such degradation. While the delegated powers of the Union are generally circumscribed by barriers, which they must not overleap, how long must it be regretted, that our fellow-citizens of the army are subject to an authority absolute and arbitrary. How much is it to be feared, that the uncontrolled power of a commander<sup>26</sup> of your army shall, by the force of a general order, drive from your service the most experienced and most useful officers; oppress the bravest and most virtuous men; pursue with unrelenting persecution, under pretexts the most frivolous, those who have fought your battles, and spilled their blood in your defence; and finally degrade the military character of your army, by illegal and unnecessary orders, unmerited censures, malicious arrests, and reprimands, cruel if not ridiculous.

Your remonstrants are well aware of the necessity of discipline and subordination in an army; but they cannot conceive it the duty of a freeman to obey an order unsanctioned by law, without meaning, without utility, capricious and absurd, irrelative to the duties of a soldier, degrading to a man, and destructive of that pride which constitutes the soul of an army.

If this despotic abuse of power is tolerated, when shall it cease? Shall your militia, when called out in defence of their country, partake of the humiliation? Shall they be compelled to sustain a mutilation to humour the caprice of an individual? Must they submit to a mark to render them unlike their fellow citizens? They hope not; and that when their country requires the calling out a military force from the body of its citizens, it will not be shackled with such humiliating conditions as to render it ineffectual.

Under the impressions excited by the transaction which has called forth an expression of these sentiments, your petitioners hope, with due submission and respect, that your honorable body will ordain and establish such articles and rules for the future

<sup>25</sup> Fort Recovery was built in northwestern Ohio on the spot where Indians had defeated St. Clair's army in 1791. General Richard Butler was killed in the battle while Thomas Butler was twice wounded.

<sup>26</sup> The manuscript copy of the petition says "the" commander, meaning Wilkinson.

regulation of the army, as will prevent abuses of power, and preserve from indignity and insult those who devote their lives to the service of their country.

Your remonstrants beg leave further to represent, that Colonel Thomas Butler, of the United States Army, is the character that has been thus illegally and improperly dealt with, and in consequence thereof, the feelings of your remonstrants have been raised to make that representation of facts which they have now done; and they also beg leave to represent, that the order alluded to in this remonstrance, is radically illegal and despotic, that the cause which gave to it birth is trifling, and unworthy the attention of a great General belonging to the United States army, and, therefore, as republicans, we feel ourselves justified and emboldened in bringing to the view of your honorable body his particular situation.

We, your remonstrants, further and lastly beg leave to make known to your honorable body, the second arrest of Colonel Thomas Butler, of the United States Army, for the simple crime of *not cropping his hair*, during his late command at New Orleans; and hope your honorable body will not only render such general relief as the nature of our Government requires, in its present peculiar state of good order and tranquility, but that you will specifically relieve this worthy, aged, and respectable officer, Colonel Butler, from persecution.<sup>37</sup>

Andrew Jackson, Major General,  
 Shadrach Nye, Adjutant,  
 Charles Donoho,  
 James C. Wilson,  
 W. J. Anderson,<sup>38</sup> Aid-de-camp to Major General,  
 Daniel Smith,  
 J. Whiteside, Attorney General,  
 Henry Bradford, Major,  
 William Trigg, junr.  
 G. O. Blackmore,<sup>39</sup> Brigade Major,  
 James Cryer, Justice of the Peace,  
 Hinchey Pettway, Merchant,  
 Thomas Mitchell,  
 James Desha, Merchant,  
 Robert B. Mitchel,  
 B. Seawell,<sup>40</sup> Attorney at Law and Colonel,  
 Nathaniel W. Williams, Attorney at Law,  
 Robert Whyte, Attorney at Law,

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<sup>37</sup> The manuscript copy is more explicit, asking Congress to relieve Butler "from the persecution & despotism of Gen.<sup>l</sup> James Wilkinson." The names of the remonstrants are not included in the index to this volume.

<sup>38</sup> William P. Anderson.

<sup>39</sup> George D. Blackmore.

<sup>40</sup> Probably B. Lowell

John H. Bauen,<sup>81</sup> Attorney at Law,  
 J. Wharton, Attorney at Law,  
 J. Hutchings, Merchant,  
 H. G. Burton, Attorney at Law,  
 Josephus H. Coun,<sup>82</sup> Merchant,  
 Thomas Master, Major,  
 James Mannell,<sup>83</sup> Senator,  
 Griswald Latimer, Captain,  
 Demey More, Major,  
 William Gwin, Captain,  
 Joseph T. Williams, Major,  
 Isaac Lane, Captain,  
 Archibald Marlin, Magistrate,  
 J. C. Hamelton,<sup>84</sup> Attorney at Law,  
 David Shelby, Clerk S. C.  
 Thos. Stuart, Attorney for West Tennessee dist.  
 William W. Roose,<sup>85</sup> Colonel,  
 Isham T. Davis, Captain,  
 William Montgomery, Justice of the Peace,  
 J. Winchester, Brigadier General 4th Brigade,  
 Edward Douglass, Lieut. Colonel, Sumner county,  
 William Hall,  
 Stockley Donelson, Colonel,  
 Thomas Harney,  
 Robert Hays, Colonel,  
 Robert Purdy, late Captain United States Army,  
 Jno. Dickinson, Attorney at Law,  
 Jno. Anderson, Merchant,  
 Samuel Finney,  
 John Gordon, Captain,  
 Joseph Hays, Doctor,  
 Thomas A. Claiborne, formerly of the Army of the United  
 States,  
 A. Foster, Merchant,  
 John McNairy, Judge, &c.  
 William Tait, Merchant,  
 Deaderich<sup>86</sup> & Tatum, Merchants, Nashville,  
 Stephen Cantrell,  
 James Tatum, Lieut. 3d N. C. R. late Revolutionary Army,  
 J. Childress, jun. Marshal,  
 King, Carson, & King, Merchants, Nashville,  
 Tho. Dillahunty, J. P.

<sup>81</sup> John H. Bowen.

<sup>82</sup> Josephus H. Conn.

<sup>83</sup> Probably James Maxwell.

<sup>84</sup> John C. Hamilton.

<sup>85</sup> Probably William Moore.

<sup>86</sup> Deaderick.

Moses Fisk,  
Roger B. Sappington, Physician of Nashville,  
Beal Bossley,<sup>77</sup>  
William Lytle,  
John Childress,  
Wm. Black,  
Jos. Erwin,  
Tho. Thopson,<sup>78</sup>  
William Russell,  
R. C. Foster, Member of the Legislature,  
Robert and William Searcy, Merchants,  
Tho. Cruteher,<sup>79</sup> Treasurer, Mero District,  
James Hennen, M. D.  
J. H. Parker,  
Jos. Colman,  
Ho. Tatieur, late Captain in the Revolutionary army of the  
United States.

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<sup>77</sup> Beale Bosley.

<sup>78</sup> Probably Thomas Hopson.

<sup>79</sup> Thomas Crutcher.