

The Stuff of Legion: A Study of the Background and Careers of the Officers of the Legion of the United States

Evan Stark

Evan Stark is a senior at Washington University in St. Louis studying History, Archaeology, and Operations and Supply Chain Management. He wrote this paper in the spring of 2015 for the history seminar: The Founding Fathers' Government in an Electronic Age, taught by Professor Peter Kastor. Evan became interested in the Legion of the United States and the early U.S. Army as a research assistant working on a Professor Kastor's "Creating a Federal Government" project. He wishes to thank Professor Kastor for his guidance.

Ensign William Pitt Gassaway was exceptional only in death. From a Maryland family of Revolutionary War veterans, Gassaway began his own military career in 1792 as an ensign in the Legion of the United States. The Legion of the United States, officially formed on September 4, 1792, was a radical reorganization of the U.S. Army in response to General St. Clair's disastrous campaign against Native American tribes in the Ohio Valley in 1791. Following St. Clair's defeat, President George Washington and Secretary of War Henry Knox turned to fellow Revolutionary War veteran Anthony Wayne to command a new force modeled after both the Roman Legion and the Continental Army. In his study of the development of the U.S. Army officer corps, William Skelton explained that Wayne's goal "was to instill the qualities of the Continental Army at its most effective stage – its discipline, spirit, and tactical proficiency" in his new Legion.¹ Although the Legion still was prone to the challenges and shortfalls of the early U.S. Army, Wayne was able to field a capable and successful force. Both the Legion's victory at the Battle of Fallen Timbers and the Treaty of Greenville symbolize the Legion's eventual success in the West. Unfortunately, Ensign Gassaway would live to see none of that. Killed by a bullet to his chest, Gassaway was only one of 140 ensigns who served in the Legion, of which almost a third would eventually die while in service. However, Gassaway, killed during a duel with Lieutenant Daniel Jennifer, holds the distinction of being the only Legion officer killed intentionally by a fellow Legion officer. The consequences of Gassaway's death, and the underlying tensions his death reveals, demonstrate that the Legion was comprised of officers who were fundamentally human. In order to better understand the Legion, this project seeks to understand not only who served as Legion officers, but also how Legion service shaped the careers of these officers who, in turn, shaped the legacy of the Legion.

This project emphasizes the use of quantitative analysis, in tandem with traditional qualitative historic sources, to develop a new military history

¹ William B. Skelton, *An American Profession of Arms: The Army Officer Corps, 1784-1861*, Modern War Studies (Lawrence, Kan: University Press of Kansas, 1992), 92.

of the Legion's officer corps. While military histories traditionally focus on the biographies of important officers and chronologies of significant battles, this project investigates the overarching characteristics of the Legion's officer corps in order to understand the Legion as a unique military institution and how its officers shaped the Legion, the U.S. Army and the United States. In many respects, this project is modeled after Christopher McKee's *A Gentlemanly and Honorable Profession: The Creation of the U.S. Naval Officer Corps, 1794-1815*. McKee, in justifying his decision to embrace a numerical study of the U.S. Navy, explains that "if a book about them [naval officers] is to be more than an atomistic series of vignettes, pattern must be discovered. That pattern can best be detected by using the tool of numbers." A quantitative analysis, unlike the typical qualitative histories that often focus on the extraordinary, rather than the ordinary, can reveal how national institutions in the early years of the United States formed and how they operated.² Using the variety of historic demographic and career information available in Francis Bernard Heitman's *Historical Register and Dictionary of the United States Army*, this project builds a mathematical critique of many of Skelton's claims about the early American Army officer corps, and the Legion officer corps in particular.³

There are certainly Legion officers whose own individual contribution to their Army and their nation, both during the Legion and long afterwards, deserve their own detailed studies. From Lewis and Clark to President William Henry Harrison, the impact of the Legion on their respective endeavors is certainly intriguing. However, this project primarily focuses on the Legion's officers as a mostly anonymous group whose characteristics, from demographics to promotion patterns, speak louder than the story of a few more famous men. The officers of the Legion of the United States played a crucial role in not only the establishment of American military supremacy along the western frontier in the late 1790s, but also in the shaping the United States Army as an essential national institution within the early republic. Collectively, the Legion's officer corps directly influenced the U.S. Army from the post-Revolutionary young republic through the late 1840s. This is their collective biography.

During the eight-year period from 1789 to 1796, Congress approved 325 officer commissions, mostly to men who would either later serve in the

²Christopher McKee, *A Gentlemanly and Honorable Profession: The Creation of the U.S. Naval Officer Corps, 1794-1815*, 1st edition (Annapolis, Md: Naval Institute Press, 1991), xv.

³Francis Bernard Heitman, *Historical Register and Dictionary of the United States Army: From Its Organization, September 29, 1789, to March 2, 1903* (U.S. Government Printing Office, 1903), 3-1069.

Legion or who were appointed directly to the Legion.⁴ Overall, during that eight-year period, 224 appointments, nearly 69%, were approved for men who served in the Legion. Accordingly, 31% of commissions went to non-Legion officers (officers who would never serve as officers in the Legion). The average Legion officer, much like William Gassaway, received his commission in 1792. However, the largest percentage of Legion officers received their commissions in 1791, with a smaller spike in commissions in 1794. Furthermore, 16% of all commissions during this period went to members of the Society of the Cincinnati. Society members constituted 42% of all appointments in 1789, 1790 and 1791, with most Society commissions approved in 1791.⁵ This suggests that George Washington, Secretary Knox, and Congress, in the years leading up to the Legion, sought officers who had both prior military experience and strong institutional ties to the Continental Army. For non-Legion officers, their commissions followed a slightly different pattern. Rather than 1791, 1794 was both the average and most common year for non-Legion officers to receive their commission. With over 54% of non-Legion commissions occurring after 1793, the increase in non-Legion commissions coincided with both the creation of the Corps of Artillerists and Engineers in 1794 and with preparations for potential hostilities with Britain.⁶ With Congressional priorities shifting by the late 1790s, Legion appointments declined precipitously after 1793, while non-Legion appointments held relatively steady until the end of the period.

The men who received Legion officer commissions represented a distribution of regional demographics that reflected not only national population trends, but also a distribution that was in line with the Army's previous recruitment strategies for military service along the western frontier. In the spring of 1791, violence between Americans and Native Americans along the western Pennsylvanian frontier had become such an issue that Knox believed it merited an additional federal military response. Knox wrote Washington on March 14, 1791, expressing his belief, along with that of

⁴ This time-frame reflects not only the Legion's existence (1792-1796), but also the first commissions granted by a Congress after the ratification of the Constitution. For all statistics not explicitly cited, calculations were made using data made available in:

Francis Bernard Heitman, *Historical Register and Dictionary of the United States Army: From Its Organization, September 29, 1789, to March 2, 1903* (Washington: U.S. Government Printing Office, 1903), 3-1069.; Bryce Metcalf, *Original Members and Other Officers Eligible to the Society of the Cincinnati, 1783-1938* (Strasburg, VA, Shenandoah publishing house, 1938). ; Peter Kastor, *Creating a Federal Government Project* (St. Louis: Washington University in St. Louis).

⁵ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

⁶ Skelton, *An American Profession of Arms*, 93-95., Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

Major General Arthur St. Clair and Brigadier General Richard Butler, that “raising the levies [troops]...appears to Major General St. Clair, Brigadier General Butler and myself to be proper”.⁷ By the time Knox wrote Washington again on the 27th of March, it appears that not only did Washington approve of Knox’s plan to raise a new military force, but that the groundwork for recruitment was set. Knox wrote that “arrangements are made and in operation for recruiting the two battalions of Levies to be raised in this State [Pennsylvania], and the prospects are good, One company of the Levies is also recruiting in New Jersey...[and] in the territory south of the Ohio”.⁸ While Knox seemed pleased with the speed at which the Army was able to begin recruiting, he warned “that the Wyandots and Delawares will join in the war against us, and that appearances indicated a general indian [sic] War”.⁹ Knox’s concern about escalating conflict resulted in a War Department recruitment strategy that attempted to reach not only large portions of the population, but that also sought out recruits from states who would be more predisposed to serve.

For the levies of 1791, recruitment drives were held primarily in the Mid-Atlantic and in the Northeast. The primary centers for these recruitment drives were Springfield, Massachusetts; Bennington, Vermont; Albany, New York; Christiana, Delaware; Middletown, Connecticut; Trenton, New Jersey, and Baltimore, Fredericktown, Chestertown, and Hagerstown, Maryland. In addition, six stations were established in Pennsylvania including in Philadelphia, Lancaster, and Reading and seven were instituted in Virginia in cities such as Richmond and Fredericksburg.¹⁰ The focus on recruiting in Virginia and Pennsylvania suggests the Army believed it had a better chance of recruiting men who came from states that were most directly affected by the tensions along the frontier. Furthermore, recruitment was handled primarily by Revolutionary War veterans who were sent to their home states to capitalize on their own political networks. Some recruiters, such as John Pratt and Daniel Bissell, would later serve as officers in the Legion.¹¹ By May 30, 1791, Knox informed Washington that “the raising of the Levies, in New Jersey, this State [Pennsylvania], Maryland and Virginia has in general succeeded so well, that I conceived it unnecessary to have recourse to drafting

⁷ Henry Knox to George Washington, 14 March 1791, in *The Papers of George Washington Digital Edition*, Theodore J. Crackel, ed., (Charlottesville: University of Virginia Press, Rotunda, 2008).

⁸ Henry Knox to George Washington, 27 March 1791, *The Papers of George Washington Digital Edition*.

⁹ *Ibid.*

¹⁰ Alan D. Gaff, *Bayonets in the Wilderness: Anthony Wayne’s Legion in the Old Northwest*, Campaigns and Commanders, v. 4 (Norman: University of Oklahoma Press, 2004), 33.

¹¹ *Ibid.*, 38–43.

the Militia”, however, “the recruiting...in New Hampshire, Massachusetts and Rhode Island, contrary to all expectations has not succeeded [sic]”.¹² While the Northeast had been expected to be a bastion of support, states in the Mid-Atlantic had exceeded their recruitment expectations. Thus, the levies of 1791 were heavily reliant on support from Mid-Atlantic states and those states in close proximity to the frontier. By January, 1792, the shortcomings of the levies had forced the Pennsylvania governor to request from Knox additional militia at the federal government’s expense.¹³ The failure of the levies helped precipitate the creation of the Legion in 1792 and the Legion’s ranks strongly resembled the levies’ composition.

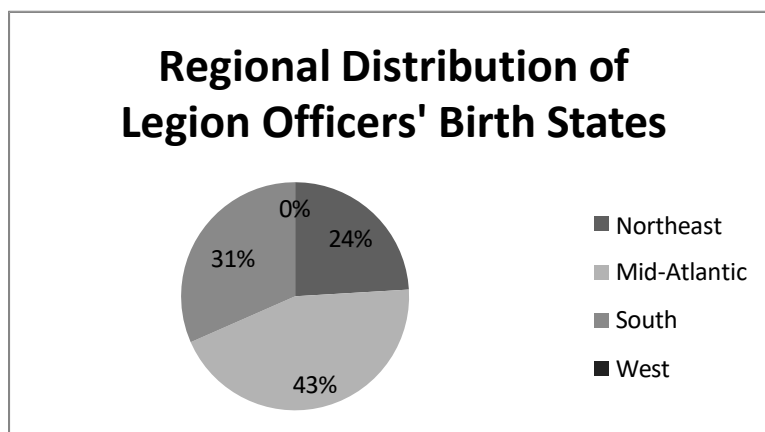
The regional demographics of the Legion of the United States mirrored that of the 1791 levies. In that respect, William Gassaway was, once again, incredibly ordinary. While Gassaway was one of only eight Legion officers from Maryland, the Mid-Atlantic states (New York, New Jersey, Delaware, Pennsylvania, and Maryland) were home to 96 Legion officers or 43% of the entire Legion officer corp. Pennsylvania alone contributed 38 officers, representing 17% of all Legion officers, which exceeded the total number of officers from all Northeastern states combined. The Northeast (Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire) produced 32 officers, with the largest contingent, 14 officers, coming from Massachusetts and the smallest, one officer, from Rhode Island. Southern contributions to the Legion officer corps were dominated by Virginia’s 37 officers, along with a combined five officers from North Carolina, South Carolina and Georgia. Between Pennsylvania and Virginia, the two states produced 33% of Legion officers. Overall, the regional distribution of the Legion Officer corps was approximately 24% from Northeast, 43% from the Mid-Atlantic, and 31% from the South. When compared to national population distributions from the 1790 Census, the Legion’s composition had a lower percentage of officers from Northeast (24% vs. 29%) and the West (0% vs. 2%). The Legion had higher percentages from the Mid-Atlantic and South (43% vs. 38% and 28% vs. 31%, respectively). Despite the discrepancies between the Legion and the Census, the Legion generally reflected national demographics. Furthermore, non-Legion officers also tended to mirror the national population with 41% and 26% coming from the Mid-Atlantic and South, respectively. However, the Northeast accounted for only 15% of Non-Legion officers, compared to its relative 29% of the population.¹⁴ Therefore, Legion and Army appointments generally reflected

¹² Henry Knox to George Washington, 30 May 1791, *The Papers of George Washington Digital Edition*.

¹³ Henry Knox to George Washington, 2 January 1792, *The Papers of George Washington Digital Edition*.

¹⁴ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

the nation's regional distribution with the exception of the Northeast. While it appears that Knox, Washington, and Congress sought to build an officer corps that reflected the nation, the low representation from the Northeast may be the result of not only indifference to the campaigns out west, but also that the officer corps was not an attractive career path for men from the Northeast.¹⁵



Regardless of regional background, for many Legion officers their commission in the Legion was the start of their military careers. Among Skelton's critiques of the early U.S. Army, including the Legion, was that its lack of experienced and qualified officers hampered effectiveness¹⁶. There is no denying that the officers of the Legion were highly inexperienced when they received their commissions. Nearly 50% of Legion officers began their Army careers after 1791. By 1792, 27% of the Legion's officer corps had yet to begin their overall military service. However, by the end of 1794, less than three percent of officers had yet to start their military careers. Furthermore, the Legion was not without officers with prior military experience. Some 24% of Legion officers started their careers before 1789. Of those, 45 officers, or 21% of Legion officers, had served during the American Revolution. Almost all of these former Revolutionary War veterans were members of the Society of the Cincinnati.¹⁷ The Legion's commanding officer, General Wayne, was,

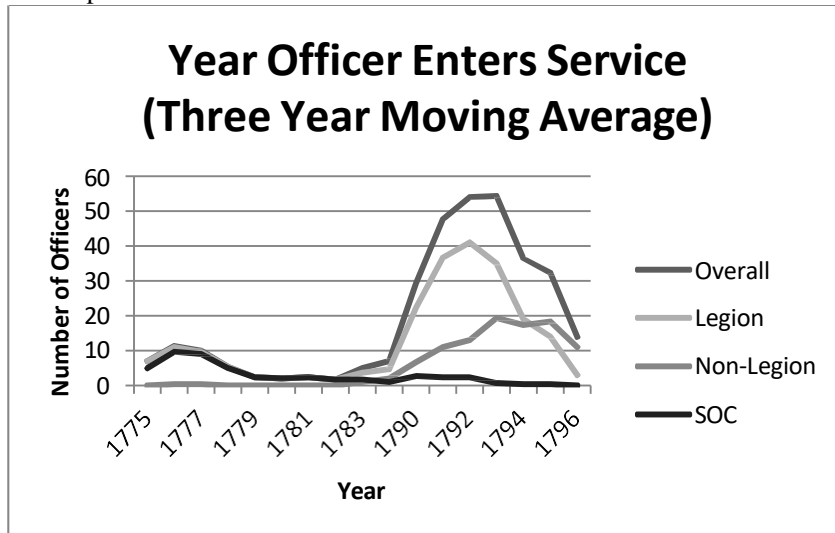
¹⁵ Henry Knox to George Washington, 30 May 1791, *The Papers of George Washington Digital Edition*.

Knox mentions in his letter to Washington that some of the objections to levies recruitment in New England were due to disagreements over the appropriate level of pay offered by War Department.

¹⁶ Skelton, *An American Profession of Arms*, 34.

¹⁷ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

himself, a member of the Society. Skelton claims that the Legion was an attempt to recreate the atmosphere and institutional machinery of the Continental Army.¹⁸ If so, Wayne’s officer corps would have not only included 45 fellow Revolutionary War veterans, but also a large percentage of new, inexperienced, impressionable officers, that could be more easily fashioned into a new Continental Army-inspired force. For non-Legion officers, the most common starting year for their careers was 1794, while for Legion officers the most common year was 1791. Furthermore, more than 99% of non-Legion officers began serving after 1783, with a majority of those officers starting their Army careers after 1793. Thus, in relative terms, when compared to their contemporaries across the overall Army during this period, Legion officers had more military experience than their non-Legion counterparts.¹⁹



In addition to claiming that the early U.S. Army officer corps was generally inexperienced, Skelton argues that the corps was weakened by high officer turnover. Skelton claims that “a long-term commitment...is central to any definition of professionalism...yet for the thirty years following the Revolution, the most important characteristic of the army officer corps was the instability of its membership”.²⁰ As a result, the officer corps was unable to improve because of the persistent drain of knowledge and experience out of the corps. Furthermore, since military service was not the primary career of the officers in the corps, the Army failed to develop a sense of cohesion and

¹⁸ Skelton, *An American Profession of Arms*, 92.

¹⁹ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

²⁰ Skelton, *An American Profession of Arms*, 34.

commitment to military life. Ultimately, Skelton claims that this cycle of fluctuation would not end until after the War of 1812.²¹

The issue of officer turnover brings to the forefront two interrelated statistics. The first is the length/duration of an officer's years in service. The second is the cause for the end of an officer's service, which can be analyzed categorically, and then by percentage. With regard to this project, the question of officer turnover becomes not only if officers from this time served for relatively short periods and what caused them to end their service, but also whether or not Legion officers were more likely to serve longer than non-Legion officers and why did their service in both the Legion and the Army end? Furthermore, the length of an officer's service, and the cause for its end, had potential repercussions on that officer's career trajectory (for example, ability to get promoted etc.). How these three broad concepts, duration of service, cause for end of service, and career trajectory, interrelate is key to understanding the legacy of the Legion well into the 19th Century.

While tragic and most likely unnecessary, William Gassaway's death at the hands of Lieutenant Jenifer relegated him, and his one year of total military service, to the lowly status of below average with regard to duration of service. Overall, officers who received a commission from 1789 through 1796 served on average 8.8 years. 39% of officers served longer than average, with an average final departure year of 1801. It is worth noting that 1801 is five years after the last officer received his commission during the period from 1789 through 1796. However, the most frequent duration of service was two years. This suggests, even though the number of officers who served two years represented only 12% of corps, that there was a consistent flow of officers leaving the corps for a variety of reasons. However, more than half of all officers served for five years or more. Skelton uses a minimum service of 20 years to qualify as a "lifetime career commitment" to the officer corps.²² Since 10.7% of officers served for longer than twenty years, there was a contingent of officers who made a career out of their military service, including 10 officers who served for longer than 30 years. With a career range of 44.83 years, officers commissioned during this period did not lack a commitment to service, but rather a lack of consistency in their circumstances²³.

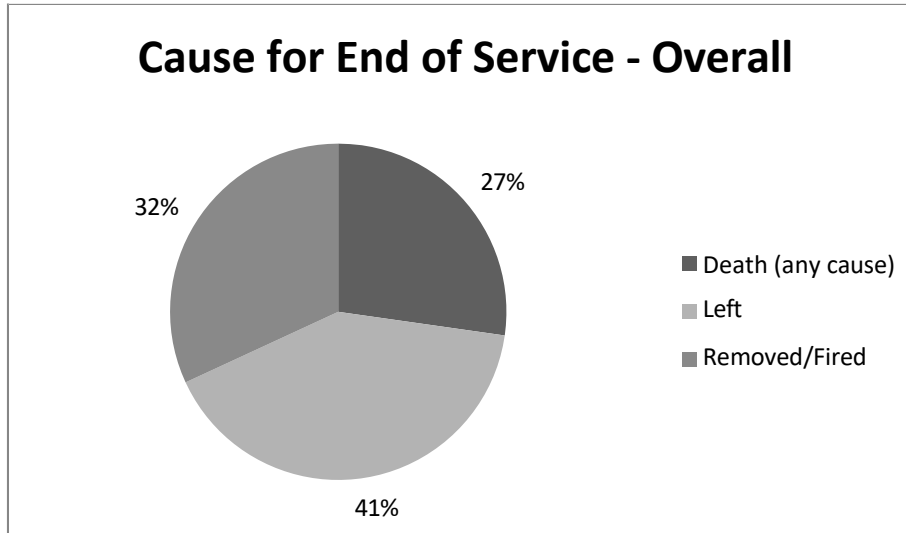
The lack of consistency in the career length of Army officers is further illustrated by the nature of what caused officers to end their careers. William Gassaway was not unique in the general circumstances of his exit from service. While dueling was not a leading cause of death, death was among the leading causes for the end of an officer's service. Overall, 27.2%

²¹ Skelton, *An American Profession of Arms*, 34,110.

²² *Ibid.*, 35..

²³ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

of officers commissioned during this period would die while serving in the U.S. Army. Less than five percent were killed in action. When all forms of violent death are taken together (killed in action, killed in a duel, and suicide), they add up to roughly six percent of all officers. Thus, whether through disease, injury, or accident, an officer had a significant chance of simply dropping dead. The poor conditions of the camps along the western frontier were well known and, despite General Wayne's attempts to make his camp at Legionville a "first-rate" camp, without the benefits of modern medicine, maintaining a stable officer corps was a challenge.²⁴ Furthermore, almost a third of all officers, 32%, were removed from the Army. Whether through dismissal or honorable discharges, the Army itself was responsible for the end of many officers' careers. Given the limitations of this project, it would be nearly impossible to verify whether these dismissals were warranted. However, between death and discharge, nearly 60% of officers did not make the final determination to end their service. The 41% of officers that did resign suggests that the U.S. Army as an institution was far from harmonious and faced retention challenges. However, since almost 60% of officers did not dictate the terms of their end of service, the high officer turnover that Skelton takes issue with reflects more the unpredictable nature of life in the Army than it does the officers' individual commitment to serve.



Legion officers tended to serve longer than the average officer, yet they still faced similar circumstances when their careers came to a close. The average Legion officer served 9.8 years, with over 80% serving longer than the most common duration of two years. Over a quarter of Legion officers would

²⁴ Gaff, *Bayonets in the Wilderness*, 99–102.

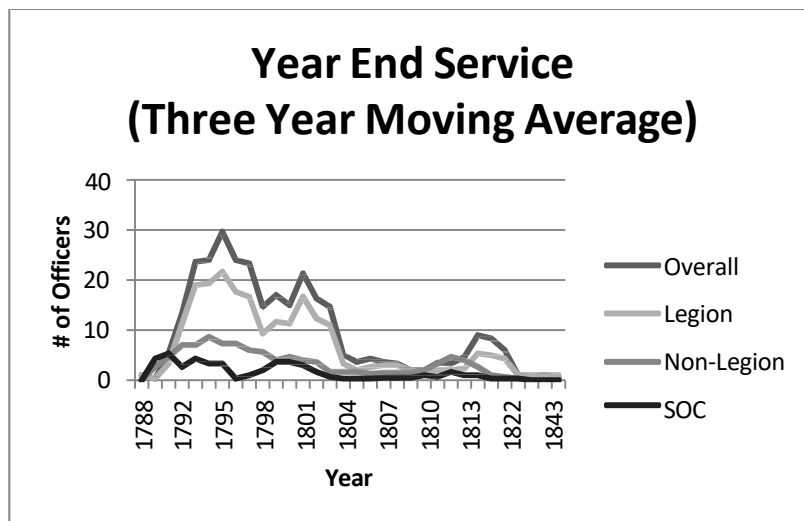
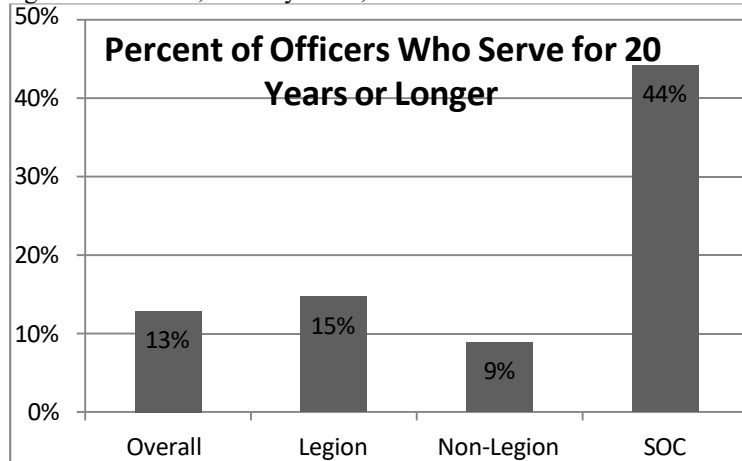
serve 13 years or more and 15% would serve 20 years or longer. The average year of departure for a Legion officer was 1799, with some 42% serving beyond then. By the opening of the War of 1812, 10% of Legion officers remained in the U.S. Army. Major General Hugh Brady was the last Legion officer to leave service, in 1848. Legion officers also faced similar circumstances as the officer corps overall at the end of their careers. Death, removal and resignation accounted for 26.7%, 33% and 39.8% respectively for the ends of Legion officer careers. With respect to the end of the officers' Legion careers, death accounted for 11%, dismissal 12%, and resignation 22.5%. The largest factor in the end of the Legion officers' Legion careers was the end of the Legion itself. 66% percent of Legion officers were still in the Legion when it ended in 1796 and 42% of them had served all four years from 1792 through 1796. Over 57% of all Legion officers elected to continue their service after the Legion and were transferred to other units.²⁵ The Legion officers' tendency to continue service had significant implications for their careers when compared to their contemporaries and Legion officers continued to be a presence in the U.S. Army through the Mexican War.

Unlike Legion officers, who mirrored the overall trends for their length of service, non-legion officers and officers who were members of the Society of the Cincinnati represented opposite sides of the spectrum with regards to duration of service. Non-Legion officers served an average of 6.6 years, while Society of the Cincinnati members served for an average of 18 years. The most frequent career length for non-Legion officers was two years and the most frequent Society of the Cincinnati career was 17 years. The large discrepancy between these two groups can be largely attributed to their circumstances. With more than half of non-Legion officers beginning their careers after 1793, and given that the largest percentage of non-Legion officers would leave in 1796 with no non-Legion officer serving beyond 1825, it is not surprising that non-Legion officers had shorter average careers than either Legion officers or Society members. The average year of end of service for non-Legion officers was 1801. Furthermore, many of the Society members who received their commissions during this period were veterans of the Revolution, which provided them with as much as 14 years of service prior to becoming an officer between 1789 and 1796. The average Society member officer left service in 1794. With regard to the end of their careers, non-Legion officers faced almost the same average proportional causes for their end of service as the overall corps. Meanwhile, Society members had the lowest resignation percentage of any group, 31%, and the highest percentage of officers from this period who died while in service.²⁶ With regard to

²⁵ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

²⁶ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

Legion officers, non-Legion officers and Society of the Cincinnati members, all three groups were subject to relatively similar proportional reasons for the end of their service. Although there was some difference in the average duration of service between Legion officers and non-Legion officers, each group of officers had a significant portion of their respective officers serve beyond the end of the Legion. As such, the question arises if Legion service was a help or a hindrance to an officer's career trajectory. The data suggests being a Legion officer was, in many cases, beneficial to an officer's career.



Empirically, officers who served in the Legion generally promoted faster and held a larger percentage of officer positions in the Army over the course of their careers when compared to their non-Legion counterparts. In terms of rate of promotion, Legion ensigns took an additional six months to be promoted to lieutenant when compared to non-Legion ensigns. However, Legion ensigns took only 5.8 years to reach captain. Comparatively, non-Legion ensigns took 10.333 years to reach captain. Non-Legion officers did take less time than their Legion counterparts in being promoted by captain to major (6.6 years vs. 9.7 years), but Legion officers promoted from major to colonel in over a third less time (10.5 years vs. 15.75 years). Legion officers also took six less months to promote from colonel to brigadier general. Non-Legion officers tended to promote faster from colonel to any general rank, but in terms of the overall number of generals, the Legion was disproportionately represented. Although the Legion represented 69% of all officer commissions from 1789 through 1796, 80% of brigadier generals, 80% of major generals, 80% of lieutenant colonels, 79% of majors, 76% of captains and 92% of ensigns who were commissioned during this period were at one point Legion officers. The only ranks where Legion officers were represented at or below their over 69% proportional representation were colonel and surgeon mate with 64% and 52%, respectively.²⁷ Legion officers enjoyed a larger representation in the ranks of the officer corps than their sheer numbers would suggest. Therefore, it is possible that Legion service may have given an officer the experience necessary for promotion. However, experience gained in the Legion cannot be considered the only reason why these officers were promoted. Politics, in addition to Legion service, also helped shape the career paths of the Legion's officers.

The issues of rank and promotion were as much a question of experience and capability as they were a question of politics. One of Skelton's critiques of the early U.S. Army officer corps was the lack of a clear boundary between civilian life and the officer corps. In the early United States, the blurred lines between the military and civilian sphere often led to officers engaging in, for example, lucrative land speculation as private citizens while holding federal commissions. For Skelton, political concerns, ranging from economics to partisan politics, robbed the officer corps of the ability to focus solely on military affairs.²⁸ Therefore, the previously discussed statistical analysis of Legion officers' career paths overlooks the political and bureaucratic factors that may have also affected these officers' careers outside of Legion service alone. For the Legion, political concerns involving all three branches of government (legislative, judicial and executive) often interfered with the course of Legion officers' careers.

²⁷ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

²⁸ Skelton, *An American Profession of Arms*, 72–86.

Even before the Legion was created, and throughout the Legion's existence, Secretary Knox grappled with Congressional restrictions for officers dismissed from the service in 1787. These restrictions complicated the process of promotion within the Legion. In an effort to contain the political fallout from reducing the size of the officer corps in 1787, Congress promised that officers who were dismissed due to Army downsizing in 1787 would assume their previously held rank if they ever chose to return to service. In March, 1791, Knox wrote to Washington expressing his frustration at his predicament. The Army followed a linear promotion system in which vacancies of a rank were filled by the most senior officer of the next lowest rank. In order to convince these older pre-1787 officers to accept commissions for service on the frontier, Knox would have to guarantee, as per Congress's rule, that these officers would retain their old rank and become the senior officers at that rank. This had the potential to upset new officers appointed to the same rank as these older officers, because it would stifle the newer officers' own chances at promotion. Congress's rule was "to prevent them [the older officers] being superceded [sic] in their respective grades by new appointments of old officers of the late war", and never foresaw the situation that Knox faced. Congress had made a promise that was intended to preserve older officers' ranks relative to each other, but did not account for the influx of new officers that Knox needed. Knox proposed instead that Washington authorize a new regimental promotion system that allowed an officer to "always obtain the promotion arising from their own service".²⁹ Although a well-intentioned compromise designed to allow for older officers to retain their old rank, while providing a means by which to justify promoting newer officers, Knox's plan resulted in organizational confusion. On several occasions, Knox informed Washington of disputes between officers over supposedly illegal promotions. In March 1792, several older officers considered resigning after a younger officer was "brought in, over their heads" and Knox warned that these resignations "will affect every officer" and posed a threat to the structural stability of the Army.³⁰ Some circumstances even warranted Washington to intervene personally. On February 19, 1793, Washington rejected the claims of five former Revolutionary War veterans that they had improperly been passed over for promotion back in 1791³¹. Their claims were designed to undermine the authority of newly promoted, less senior, officers in the second sublegion, who had only been appointed to

²⁹ Henry Knox to George Washington, 1 March 1791, *The Papers of George Washington Digital Edition*.

³⁰ Henry Knox to George Washington, 2 March 1791, *The Papers of George Washington Digital Edition*.

³¹ George Washington to Henry Knox, 19 February 1793, *The Papers of George Washington Digital Edition*.

their positions in 1792 and were not in the Army in 1791.³² The Army's and Legion's inability to facilitate orderly and predictable promotions, and the internal struggle that accompanied some promotions, required an unnecessary expenditure of time and effort at the expense of overall cohesion.

In the death of William Gassaway, tensions between the Army and the courts played a role in determining the course of the career of his killer, Lieutenant Daniel Jenifer. General Wayne's dispute with Pennsylvanian courts over jurisdiction in the death of Gassaway was emblematic of several other disputes that had seen Legion soldiers arrested and imprisoned by Pennsylvanian authorities. Dueling was illegal in Pennsylvania and Gassaway's family wanted Jenifer punished as "a murderer and assassin" by the courts of Pennsylvania because his offense was a capital crime in that state.³³ Wayne viewed the circumstances of Gassaway's death as the result of an internal dispute between officers that fell within his purview. Writing to Knox on April 29, 1793, Wayne reiterated that between Gassaway and Jenifer "it was agreed that they should stand back at a given distance, first advance and fire...Ensign Gassaway fell".³⁴ Framing the incident as an orderly and unfortunate accident, rather than murder, Wayne sought political cover from Knox. When Gassaway's family insisted on prosecution, Wayne sent Jenifer to Fort Washington, down the Ohio River, and outside the jurisdiction of Pennsylvanian courts. Wayne later dismissed Jenifer after a court martial for a separate incident of slander. Wayne never held Jenifer officially responsible for Gassaway's death. Rather, Wayne, in his dismissal of Jenifer wrote "Military Discipline is the Soul of all Armies", reinforcing his desire to keep the fate of his officers out of the hands of civilian courts.³⁵

The last source of political interference in the career of Legion officers was from the executive branch itself, in particular the Jefferson Administration. In July, 1801 Meriwether Lewis, of future Lewis and Clark fame, and a former ensign in the Legion, received the assignment to examine the officer register and offer his remarks. Although his review was completed under the auspices of a planned reduction of the officer corps, Lewis's categories of remarks suggest that the driving force of the review was politics. With categories like, "Republican", "Political apathy", "Opposed to the Administration, otherwise respectable officers" and "most violently to do [oppose the Administration] and still active in its vilification", it appears that

³² Henry Knox to George Washington, 18 February 1793, *The Papers of George Washington Digital Edition*.

³³ Gaff, *Bayonets in the Wilderness*, 99–102.

³⁴ Anthony Wayne to Henry Knox, 29 April 1793, in *Papers of the War Department 1784 to 1800* (Fairfax: Roy Rosenzweig Center for History and New Media, George Mason University).

³⁵ Gaff, *Bayonets in the Wilderness*, 134–135.

the register was being reviewed for political opponents.³⁶ Skelton argues that the Army was a bastion of Federalist support and, for Thomas Jefferson, vocal Federalist officers would be a threat to Jefferson's control of the military³⁷. Of the eight officers who fell under the category of violently opposing the Jefferson Administration, seven were Legion officers. An additional two Legion officers were listed as "unworthy of the commission they bear."³⁸ Of these nine officers, which included notable figures such as Thomas Cushing and Richard Sparks, a third would leave the Army by 1802.³⁹ The influence of politics in those officers' departure cannot be overlooked and reinforces Skelton's assertion that the Legion lacked the professional wherewithal to remove itself from political concerns.

In addition to the questions of promotion and rank, the Legion's legacy can also be investigated through its officers' contributions in later conflicts, particularly the War of 1812. Skelton makes a point of highlighting the War of 1812 as a necessary infusion of new officers who brought with them a desire to professionalize the officer corps.⁴⁰ Surprisingly, 10% of Legion officers remained in service throughout the War of 1812. Additionally, eight of the 22 Legion officers who had previously left the Army and would later return, returned during the War of 1812. Legion officers in the War of 1812 include Generals Hugh Brady, Daniel Bissell, Ferdinand Claiborne, and Thomas Cushing. Additionally, two of the Legion officers who left in 1802, after being reviewed unfavorably in Lewis's report to Jefferson, reentered service during the War of 1812.⁴¹ Finally, Brady's service continued through 1848 and the Mexican American War. For nearly six decades, Legion officers remained present in the U.S. Army.

Furthermore, while this paper has focused primarily on the unexceptional William Pitt Gassaway and his equally anonymous contemporaries, there were plenty of rather exceptional men who served in the

³⁶ Meriwether Lewis to John Newman, 24 July 1801, in *The Papers of Thomas Jefferson Digital Edition*, Barbara B. Oberg and J. Jefferson Looney, ed., (Charlottesville: University of Virginia Press, Rotunda, 2008). ; "War Department, July 24, 1801, List of Army Officers", *The Thomas Jefferson Papers Series 1. General Correspondence. 1651-1827*(Washington: The Library of Congress), image 268-280, retrieved April 2015, from The Library of Congress, <http://memory.loc.gov/cgi-bin/ampage?collId=mtj1&fileName=mtj1page024.db&recNum=267>

³⁷ Skelton, *An American Profession of Arms*, 72.

³⁸ Meriwether Lewis to John Newman, 24 July 1801, *The Papers of Thomas Jefferson Digital Edition*.

³⁹ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

⁴⁰ Skelton, *An American Profession of Arms*, 110.

⁴¹ Calculations derived from Heitman, *Historical Register and Dictionary of the United States Army*.

Legion and went on to have successful and noteworthy careers. As previously mentioned, Meriwether Lewis became an iconic figure in the famous Lewis and Clark expedition. His future expedition partner William Clark, also served in the Legion. Zebulon Pike, who also led an expedition out west, served as a captain in the Legion. Future president William Henry Harrison started his Army career as an 18 year-old Lieutenant in first sublegion of the Legion and fought at the Battle of Fallen Timbers.⁴² Whether or not these men were successful because of their Legion service cannot be truly answered. However, the Legion formed a common denominator among some men who went on to become historic figures beyond the scope of the Legion.

The 224 men who served as officers in Wayne's Legion of the United States were the lasting legacy of both the Legion's successes and of its shortcomings. These officers were generally drawn from Mid-Atlantic states with large portions coming from Pennsylvania and Virginia. Additionally, for most Legion officers, their service in the Legion was the start of their military careers. Although the Legion did suffer from the Army's overall tendency to bleed officers, Legion officers tended to serve longer than their non-Legion counterparts. Furthermore, the consistent outflow of officers from the Legion and Army was not necessarily a reflection of their willingness to serve. While a considerable percentage did resign, the preponderance of death and removal cannot be overlooked. Additionally, Legion service is correlated to both faster promotion and to holding high rank in the U.S. Army over the course of a Legion officer's career. The Legion was also not immune to the challenges facing the Army's officer corps as it gradually transitioned to a professional force. In particular, the role of politics in the administration of the Legion highlighted that the Legion's officers were not insulated from the politics of the civilian sphere. However, some Legion officers did manage to have highly successful and notable careers both inside and outside of the military. The career trajectory of Legion officers through American history up until the years after the Mexican-American War illustrate that the Legion was a common experience that helped shape the lives of men who went on to shape their country.

⁴² Gaff, *Bayonets in the Wilderness*, 66–67.