

Crime and Punishment at Fort Scott

Think

1. Do you have any rules in your classroom?
2. Why do we have rules?
3. What is the purpose of punishment?
4. What would the army be like with no discipline?



Discipline

“Discipline has everything to do with success...”No man ever made a great captain who did not control his men with the most mathematical certainty”
(The Military Handbook & Soldier’s Manual of Information)

Discipline in any army unit in the 1800’s was strictly enforced. It was the officers’ responsibility to train and discipline the enlisted men. Enlisted men had to recognize the division between him and the officers, if he crosses the line the enlisted man was punished. Soldiers would act out for many reasons: boredom, felt like they were being treated like a common worker, forced to live in cramp areas on the outskirts of civilization. Sometimes rivalries amongst the men would develop until the smallest act could set one soldier against another. It was the officer’s responsibility to enforce the rules. Alcohol abuse was a very large problem in the military. By 1830’s whiskey was no longer apart of the soldier’s daily rations but soldiers would get whiskey from a nearby settlement.

Usually after pay day (once a month) problems would increase after the men acquired alcohol.



Punishments

Soldiers were punished for minor and major infractions. Some infractions at Fort Scott include:

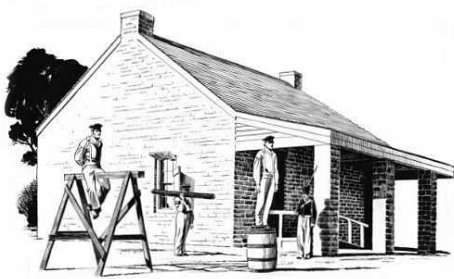
- Sleeping while on duty
- Absence without permission
- Desertion (running away)
- Swearing
- Drunkenness on duty
- Stealing
- Fighting
- Gambling
- Failure to salute,
- Failure to follow orders
- Disrespecting an officer

Punishment had to be swift and harsh to try to discourage the soldiers as well as other soldiers from committing the same crime. The cruelty of the punishments depended on how the cruelty of the commanding officer.

Some punishments at Fort Scott include:

- Forfeit of pay
- Hard labor with ball and chain
- Imprisonment
- Solitary confinement with only bread and water
- Reduction in rank
- Fine
- Bucking and gagging- arms bound around knees with a stick between the arms and knees, while a gag in his mouth
- Spread eagle
- Standing on a barrel with a sign that read "I stand for _____"
- Confinement in a choke box

- Sitting on a wooden horse
- Hard labor with ball and chain
- Whipping (50 lashes)
- Ear cropped
- Being ducked in water
- Marching with weights in a circle
- Wooling-officer would grab an enlisted man ears and shake him



Desertion

The worst crime you could commit was desertion. To desert means to run away from the army before your enlistment was up. The average for desertion in the US army in the 1840's was around 20%. There are many reasons soldiers deserted including:

- Soldiers wanted a fresh start
- Boredom
- Work was hard
- Low pay
- Harsh punishments
- Poor housing
- Bad food
- Other opportunities to make money
- Men thought of being a soldier like a job and could abandon it like any other

*At Fort Scott it was slightly less, not because work condition were better but more likely there was less places for the deserters to run off to.

Punishments for desertion include:

- Confined to a "black hole"-prison cell with no windows

- Whippings
- Branded with a 'd' for deserter
- Execution (on rare occasions)
- "Drumming out" ceremony which included:
 - Head shave, stripped of military insignia and marched off the post and sent out to find their way home



Court Martial

Soldiers who broke the rules were tried in a military court call a court martial. There are two types of court marital: The first type is called a Garrison or Regimental Court Martial, where 3 officers fill the role of judges and minor cases are tried and the judges are allowed to hand out minor sentences (one month without pay, imprisonment for one month, etc.)

*Most of these trials dealt with drunkenness or some other crime involving whiskey

The second type is the General Court Martial, where 5-11 officers fill the role of judges and the more serious crimes are tried. The man on trial is given an advocate to act on his behalf but the accused cannot speak in his defense. The accused can only speak through the advocate but can appeal in writing to the court. The enlisted man is assumed guilty ever before the trial starts and most of the time they were convicted of their crimes. The enlisted men on trial were held in the guardhouse. If officers were accused of a crime they were place under house arrest and allowed to live in their quarters. Only the commanding officer could place officers under arrest except on rare occasions: Article 27

The Conditions of the Jail Cells were made very uncomfortable on purpose. The lacked windows and were cold, damp, and stuffy. The prisoners were provided no bedding. Conditions were kept poorly so soldiers would not exchange hard labor for confinement in the guardhouse

Guard Duty

Places where guards would be posted around Fort Scott were: the guardhouse, quartermaster storage, and the magazine building where the black powder was stored. Guard duty was never welcome for most soldiers. The soldiers were on guard duty for a 24-hour period. The guards would be on duty for two hours and then off for 4 hours. The guards were able to sleep on a hard wood platform but had to stay fully dressed. All soldiers were expected to take their turn. The guards would be relieved in the morning after the new guards were inspected and reviewed. The soldier whose appearance along with his musket was the neatest/cleanest would be excused from guard duty.



Questions

1. Why do you think rules were strictly enforced at Fort Scott?
2. What activity led to many of the discipline problems?
3. Which one of the infractions listed do you think was the worst to commit? Why?
4. Many of the punishments were performed in public. Why do you think that's the case?
5. Why did soldiers desert?
6. Why do you think deserters were dealt with so harshly?
7. What are two differences between a special and general court martial?
8. Who play the role of judge in a court martial?
9. How were accused enlisted men and officers treated differently?
10. Who is the only person who can place an officer under arrest?

11. Why did they keep conditions in the cells so uncomfortable?
12. Why do you think the soldiers disliked guard duty so much?

Court Martial Proceedings

A. Charge against Private Hugh Dougherty: "did violently assault and strike Corporal Evans"

Found: Guilty

Sentence: "be confined at hard labor with ball and chain...for a period of 4 months and forfeit all pay and allowances which may be due him for the same period."

General Court Martial 1844

B. Charge against Private Charles Gotlib: "did have in possession, within the living quarters of Company C...spirituous liquors"

Found: "Guilty"

Sentence: "be confined at hard labor for two months, and be fined 14 dollars"

General Court Martial, 1843

C. Charges against Private Thomas Fraser: "did absent himself from Fort Scott, Missouri, on the evening of the 3rd day of July, 1843, and did remain absent until the morning of the 5th day of July 1843". Charge Two: "did desert whilst a prisoner...and did remain absent

until brought back by a command sent in pursuit of him...thirty dollars paid for his apprehension"

Found: Guilty

Sentence: "to receive fifty lashes on his bare back, well laid with a raw hide, forfeit all pay and allowances which may be due him, except just debts due the sutler and laundress, make good the thirty dollars paid for his apprehension, and serve six months in charge of the guard at hard labor without pay

General Court Martial, 1843

D. Article of War 87

"No person shall be sentenced to death but by the concurrence of two-thirds of the members of a general court-martial...nor shall more than fifty lashes be inflicted on any offender..."

1. After reading sources A-C do you feel the sentences fit the crime? Why or Why not?
2. What do sources A-C tell you about Army discipline?
3. What does source D limit?

1841 Army General Regulations

Article IX

"The first object of an officer, entrusted with the command of troops, is the maintenance of a system of discipline..."

Article X

"Commanding officers of regiments are responsible for the instruction and discipline of their regiments"...his immediate reprehension of any conduct likely to interrupt the harmony of the corps..."the commanding officer is equally responsible for the maintenance of discipline and subordination in his regiment, whether on parade, at the mess, or in any other situation

Article XI

"Captains or commanders of Companies [are] attack the high responsibility, of the instruction, good order, efficiency and discipline of their appropriate commands..."

Article XIII

"...It is of essential importance to the service that station and respectability of non-commission officer be upheld...It is therefore recommended and enjoined upon all officers, to be cautious in reproving non-commission officers in the presence or hearing of privates, lest their authority and respectability be weakened in the eyes of their inferiors...non commissioned officers, in no case, be sent to the guard-room and mixed with privates during confinement..."

"...it is also their duty, at all times, to observe the conduct of privates, and to report immediately to the proper authority every breach of the general regulations of the service, or of the particular orders of the post."

Article XXX

"Every soldier who deserts the service, shall forfeit all the pay, clothing, allowances, which may be due at the time of his desertion"

"A reward of thirty dollars will be paid to any person who shall apprehend and deliver a deserter..."

Article XLII

"None but commanding officers have power to place officers under arrest, except for offenses expressly designated in the 27th Article of War"

**Note-the 27th Article of War allows any officer to arrest another officer until the proper superior officer arrives at the scene or is made aware of the situation.*

"Officers are not to be put in arrest for light and trifling offenses. For those, an expression of disapprobation by the commanding officer will, in most cases, answer every purpose necessary for the maintenance of discipline"

Questions

1. What common theme does Articles 9 through 11 express?
2. According to Article XIII, why shouldn't officers reprimand non commissioned officers in public?

3. Why do you think the Army did not want privates and non commissioned officers in the guardhouse together?
4. What crime does Article XXX cover?
5. Who has the power to arrest officers?
6. How were officers disciplined according to Article XLII? Why do you think the officers were treated this way?