

# "INDUCED BY CERTAIN HANDBILLS:" AN INQUIRY INTO THE MOTIVATIONS OF HESSIAN DESERTER, SERGEANT-MAJOR NICOLAUS FERDINAND WESTPHAL

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## From the Mouth of Thomas Jefferson

On 24 February 1791, the then Secretary of State Thomas Jefferson formally petitioned the 2<sup>nd</sup> Continental Congress on behalf of a Hessian deserter by the name of Sergeant-Major Nicolaus Ferdinand Westphal. In the Congressional annals, Congress contextualized his petition as "praying [for] a gratuity of lands and other advantages promised by the late Congress to those who would quit the British service, in consideration of his having left that service, and joined the American Army, during the late war."<sup>1</sup> Jefferson further emboldened the formal petition of 24 February, considering Westphal's injured and "indigent state."<sup>2</sup> Jefferson likely learned of Westphal's petition and his narrative of desertion from the Speaker of the House Friedrich Augustus Konrad Mühlenberg, an acquaintance to the Westphal family.<sup>3</sup> Westphal and his family turned to their limited social connections that led them to Jefferson who entreated Congress for the lofty promises made within American broadsides.<sup>4</sup>

As a persuasive, legal document, Jefferson torqued Westphal's case and especially his narrative of desertion to set a strong legal precedent so that Congress would bestow the land and money promised to Hessian deserters in American broadsides, which were translated into the German tongue and disseminated into Hessian encampments by American operatives.<sup>5</sup> Congress heard Westphal's case on 15 March 1792, and resolved in concordance with all terms in Jefferson's petition, likely fulfilling Westphal's substantial settlement with money borrowed from France.<sup>6</sup> In his report, Jefferson denotes that when Westphal defected he became, "a Citizen of these States," imbuing him with certain rights and holding Congress accountable for its revolutionary promises to the Hessian.<sup>7</sup> Additionally, Jefferson felt a responsibility toward the Hessians himself. Many deserted as a direct result of the promises within American broadsides for which Jefferson was largely responsible.<sup>8</sup> In Westphal's case, nonetheless, Jefferson seemed determined to honor at least the pragmatic promises of land and money made in the broadsides.

Jefferson explained, in further detail, the rewards Congress guaranteed not just to Westphal but to all other Hessian deserters during the Revolution, regardless of their familiarity with America's propagandistic promises. Jefferson plainly believed that the American legislative body, then comprised of many of the same individuals who governed during America's Revolution, owed Westphal. The broadside titled "In Congress the 27<sup>th</sup> of August 1776" granted that any "foreign soldier" who defected would receive "100 acres of unappropriated lands."<sup>9</sup> Moreover, with congressional approval, and under the guidance of American officers and operatives, Jefferson created a hierarchy of monetary rewards for Hessian officers, based on "the numbers [of soldiers] they should bring over."<sup>10</sup> In Westphal's case, Jefferson calculated Westphal's compensation considering that he served as a Sergeant-Major, the

highest non-commissioned rank in the Hessian army, and successfully brought five other conscripted soldiers to desert.<sup>11</sup> Through Jefferson's accounting, Congress owed Westphal "proportional" compensation for the successful desertion of those five men from his picquet.<sup>12</sup>

The persuasive language within the two primary broadsides, titled "Im Congreß den 14<sup>ten</sup> August 1776" and the English language draft of the second broadside dated 27 August 1776, both contextualize Hessian desertion drastically differently.<sup>13</sup> Using the legal language set by the broadsides, Jefferson reasoned that a "soldier withdrawn from an enemy saves the necessity and consequently the expenses of raising one on our part."<sup>14</sup> He added the sums of the two resolutions to an amount of £56.14 multiplied by the five 'decommissioned' Hessian soldiers.<sup>15</sup> By paying Westphal, in at least this single case, Congress upheld the numerous and lofty promises made during the Revolution to Hessian deserters. Jefferson estimated that, other than the acreage, Congress owed Westphal the grand sum of £336.84, that included an incurred 6% interest since the date of his capitulation to the American command at Stillwater, New York, on 17 August 1777.<sup>16</sup>

Jefferson's involvement in Westphal's case, coupled with the evidence of radical American rhetoric within the revolutionary broadsides, resulted in Westphal's vindication. Both the Speaker of the House and the Secretary of State petitioned on behalf of Westphal, and that spoke volumes to the legal strength of Westphal's narrative of desertion, a narrative fueled by rhetorically driven broadsides. The potency of the rhetoric-sewn promises portrayed in American broadsides, from a time of radical revolution, showed that a young nation and its founders continually struggled to honor their word. Jefferson harbored a moral obligation to Westphal due to his involvement in the propaganda campaigns to subvert the Hessians, broadsides that incited Westphal and his picquet's desertion, and resulted in the deaths or recapture of seven Hessians in Westphal's picquet.<sup>17</sup> The concise structure of Westphal's desertion narrative as outlined by Jefferson, further provides evidence for the effect of American broadsides targeted towards the Hessians. In order to fully understand the reasons and rationality for Westphal's legal claims, it remains vital to understand Westphal's act of desertion itself.

## The Lofty Promises of Liberty Delivered in Tobacco Wrappings

The intricate rhetoric in American broadsides that emboldened Hessians like Westphal to desert originated from a vast propaganda campaign sanctioned by the Continental Congress, as early as 1775.<sup>18</sup> Before the Hessians' arrival on Long Island, New York, and the surrounding ports in the Summer of 1776, intelligences of the treaties between the German principalities and

England already reached Congress, that sparked numerous plans to incite mass Hessian desertions through the dissemination of propaganda and counterintelligence.<sup>19</sup> Benjamin Franklin and Thomas Jefferson, under the sanction of Congressional President John Hancock and the congressional body, in some part or wholly, composed concise German-language broadsides directed towards the Hessian soldiery, and printed by Franklin's presses in Philadelphia.<sup>20</sup> In Hessian encampments, often ethnic German-American operatives, disguised as merchants or camp-followers, sowed the seeds of desertion among the soldiery by covertly, and freely distributing tobacco wrapped in the broadside leaflets.<sup>21</sup>

In the oppressive heat of early August 1777, along the war-ravaged Hudson River Valley, Hessisch<sup>22</sup> Sergeant-Major Nicolaus Ferdinand Westphal sat and ate with his picquet amidst dimming sunlight. Surrounding Westphal's command, the dilapidated log walls of Fort Edward stood in defiance to fiercely looming American rebel opposition along the valley.<sup>23</sup> Westphal predictably lamented the increasingly difficult conditions of his continued military service with his fellow soldiers, half a world away from their German homeland. Westphal,

a native of the Electorate of Hanover, enlisted in the expansive armies of Hesse-Kassel as a young man, with little other prospects of sustained employment or merited promotion. Through his loyal and continued military service, Westphal rose to the highest non-commissioned rank of Sergeant-Major.<sup>24</sup> Now a man of middle-age, Westphal surely failed to imagine that his lengthy military service would drag him to quench a rebellion in the far-flung frontier of the Hudson River Valley.

Westphal's picquet frequently engaged the American rebels amongst colonial settlements, surrounding the numerous disrepaired forts that lined the river, many of which remained from the long-passed wilderness campaigns of the Seven Years' War.<sup>25</sup> While in North America, the Hessians served under their hierarchy of officers and generals, but also under the will and command of the British forces. During the commencement of the Saratoga Campaign, late in the summer of 1777, Westphal and the Hessians in his picquet experienced meager rations, habitual marches, and frequent skirmishes while in service to the British.

Despite the Hessian's duty-bound, military servitude with the British, Westphal and his men read American broadsides that promised both land and money for officers who led men to desertion.<sup>26</sup> Both broadsides justified a morally righteous American independence, religious freedoms, and promised bounties of land in the American frontier.<sup>27</sup> During their service in the Revolution, Westphal and his men saw an innate beauty and freedom to the American countryside and its people, many of whom hailed from their German homeland and settled in the "Dutch Country" of Pennsylvania.<sup>28</sup> On 8 August 1777, Westphal led his picquet of twelve men silently away from Fort Edward southward along the Hudson River.<sup>29</sup> During the approximately thirty-mile trek, Westphal lost seven of his men.<sup>30</sup> On 17 August, Westphal and his five tattered Hessian soldiers trudged into the American encampments at Stillwater, New York, and capitulated.<sup>31</sup>

Jefferson claimed that Westphal and his picquet received the American leaflets either during their prolonged encampment at Fort Edward or elsewhere during their armed service in the wildernesses of New York.<sup>32</sup> Westphal read the contents of the leaflets to his men, away from the prying eyes of other British or Hessian officers. The lofty promises of free "100 acres of unappropriated land" and other intricate rhetoric within the American broadsides nonetheless weighed heavily on the duty-bound minds of Westphal and his men.<sup>33</sup> The broadsides projected an appeal through ethos in the forms of lands and money, appealing to Hessians' "unalienable laws of good nature" and furthermore promised "peace, liberty, property, [and] mild government" free from monarchical rule.<sup>34</sup> Jefferson and other American operatives portrayed the causes of the Revolution as morally just, directly translating the cause of American liberty in order to incite Hessian desertions.<sup>35</sup>

In addition to the enticing promise of "unappropriated lands," one hundred acres for a non-commissioned officer like Westphal, or any other common soldier, as well as, "further rewards [...] [for any] officer [that] shall bring with them a number of their foreign soldiers," the leaflets attempted to persuasively and culturally translate the lofty promises of American liberty into the German tongue.<sup>36</sup> Despite Jefferson and the propagand-

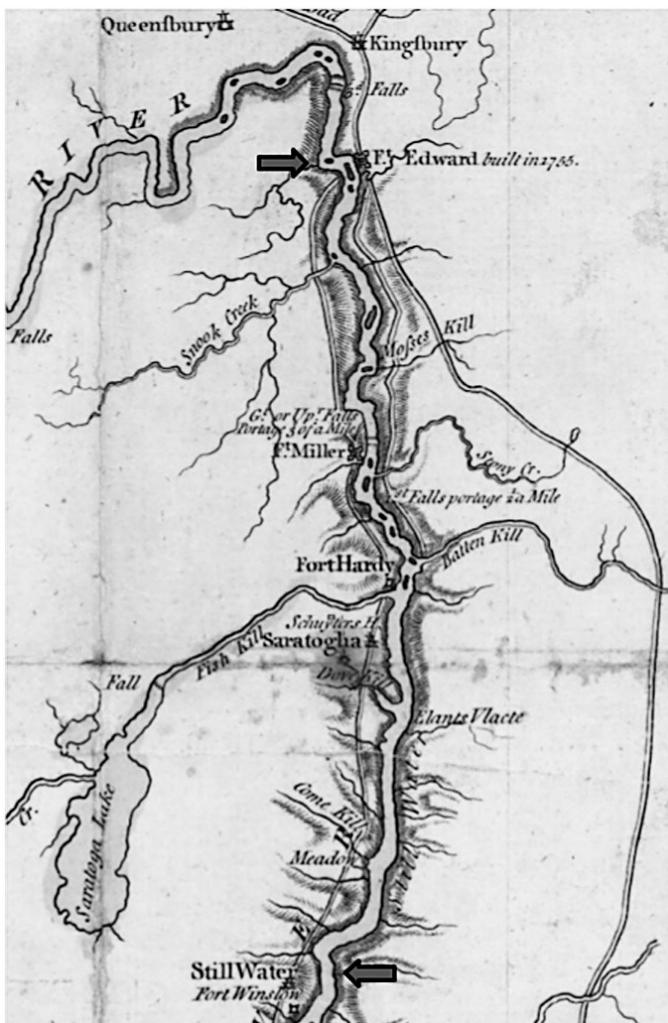


Figure 1. A map of the Hudson River Valley published in London in 1777 by Wm. Faden. The above arrows marcate the journey Westphal and his men undertook.

dist's efforts, the exact numbers of Hessians persuaded through broadsides remains unknown. The broadsides certainly appealed to Westphal and his distaste for his current military service, a discontentment fueled by revolutionary American rhetoric.

### Melding into the "Dutch Country"

After Westphal and the surviving Hessians' capitulation at Stillwater, they accompanied Continental forces to Philadelphia. However, the circumstances of Westphal's arrival in Philadelphia, too, proved unfortunate.<sup>37</sup> Mere days after the Hessians' arrival in September 1777, General Cornwallis and his combined British and Hessian armies fought and defeated the Continental Army at the battles of Brandywine and Germantown, which temporarily ceded Philadelphia to the British. Fortunately, Westphal eluded identification or recapture by the British or Hessians by melding into the "Dutch Country" around him. Westphal evaded the ensuing Revolution, seeking work and companionship, far-removed from its transcontinental military campaigns.<sup>38</sup>

After the Revolution, Westphal stayed in Philadelphia and married an ethnic German woman, likely born in Pennsylvania, by the name of Sara Löber, and together they raised three girls and two boys.<sup>39</sup> Westphal and his growing family lived somewhere around Philadelphia's Harbor District.<sup>40</sup> Evidently, Westphal practiced Lutheranism and attended the Old Zion Lutheran Church located near his home in Philadelphia, led by Pastor Dr. Heinrich Melchior Mühlenberg.<sup>41</sup> Through Westphal's religious affiliations, he shared a socially-vital acquaintance with the prominent Mühlenberg family, including the then Speaker of the House Friedrich Mühlenberg.<sup>42</sup>

While living in Philadelphia, Westphal suffered a debilitating injury some years after the Revolution, and according to Jefferson, Westphal was "by an accident, disabled permanently from labour, and is, with his wife and [five children], in a [...] helpless condition."<sup>43</sup> Westphal, as an act of desperation, sent "his wife and two children," at the time, to recover his property in his German home of Lehmerden, along the river Diemel, and near the Electorate of Hanover's border with Kassel.<sup>44</sup> News of his desertion reached the principality's state administration who openly confiscated deserters' property. The Landgraf of Hessen proclaimed in 1784 that all Hessian deserters in America "shall their property be expropriated."<sup>45</sup> Westphal, with seemingly no prospects of employment, and shrinking funds for his wife and five children, turned to the hopeful promises outlined in American broadsides; broadsides that led him to his life in Philadelphia. As a result of Jefferson's petition on Westphal's behalf, Congress heard Westphal's case on 15 March 1792.<sup>46</sup> In the immediate years after the Revolution, Congress suffered a lack of resources. Still, Congress awarded Westphal the above compensation. Despite Westphal's legal victory, he never received his bounty from the federal government.

### A Deserter's Legal Precedent

Sadly, Westphal likely died on the same day that Congress approved his petition, on 15 March 1792, though his family received the money and land deeds

promised to him by the broadsides and bargained for him by Jefferson and Mühlenberg.<sup>47</sup> On 6 April 1792, then President George Washington wrote to the Secretary of the Treasury Alexander Hamilton on behalf of the Westphal family citing that "in virtue of the last clause of "an Act for the relief of certain Widows, Orphans, Invalids & other persons," you will cause to be paid to Nicholas Ferdinand Westfall."<sup>48</sup> The record of Westphal's settlement of £336.84 sits in Congress's 1793 expenditure report under the name of Sara Westphal, as a result of the above Congressional act.<sup>49</sup> The settlement likely sustained Westphal's family after his untimely death at the age of fifty-one.<sup>50</sup> Westphal remains the only recorded Hessian officer who succeeded in his petition to Congress for the bounties stated in their Revolutionary broadsides. Later, other Hessian deserters and their widows petitioned Congress and state legislatures for the 100 "unappropriated" acres promised in the broadsides.<sup>51</sup> Evidence suggests that a number of individuals succeeded in such claims, including the widow of Hessian deserter Friedrich Conrad Stein in 1828.<sup>52</sup>



Figure 2. Portrait, Friedrich Stein, *Der Alte Stein*. *The Hessians of Lewis Miller*, p. 56.



Figure 3. Friedrich Augustus Mühlenberg. Collection of the U.S. House of Representatives.

Sergeant Major Nicholas Ferdinand Westphal's petition and its ensuing congressional case serves as a contextualized example for the success and recognition of radical political rhetoric that the founders published in the form of German-language broadsides. Westphal's status as a Hessian officer and his relationship, if only on paper, to American founders including Thomas Jefferson, Friedrich Mühlenberg and George Washington, solidified the survival of his claim and his historical legacy.<sup>53</sup> Congress garnered limited funds for the compensation of Continental soldiers and deserters alike but, due to Jefferson and Mühlenberg's petitions and President Washington's letter to the Secretary of the Treasury, American founders rewarded Westphal.<sup>54</sup> Westphal betrayed his repressive military service through desertion, and in doing so, he portrayed a new-found loyalty to his adoptive homeland in America. The strength of the rhetoric within America's broadsides changed the life trajectory of not just Westphal but the lives of numerous Hessians.

#### Author's Biography

Raised in Charlotte N.C., Dylan Mask majors in history and German language studies at Guilford College. Since attending historical reenactments as a child, the history of the American Revolution always captivated him. During his history seminar course, he wrote about and researched the effects of American broadsides on Hessian desertion. Dylan hopes to continue his research

of Hessian deserters in the form of a senior thesis, attend graduate school for history, and later become a professor of American history.

#### Notes

<sup>1</sup> "Jefferson's Report on the Petition of a Hessian Deserter, 24 February 1792," *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Jefferson/01-19-02-0075>. [Original source: *The Papers of Thomas Jefferson*, vol. 19, 24 January–31 March 1791, ed. Julian P. Boyd. Princeton: Princeton University Press, 1974, pp. 326–328]. Accessed 3 March 2020.

<sup>2</sup> Jefferson's Report.

<sup>3</sup> Ancestry.com. *Pennsylvania, Wills and Probate Records, 1683-1993* [database on-line]. Provo, UT, USA: Pennsylvania, City of Philadelphia, administration files; Author: Philadelphia (Pennsylvania). Register of Wills; Probate Place: Philadelphia, Pennsylvania.

<sup>4</sup> Broadside: Broadside is defined best as published propaganda designed to persuade its readers.

<sup>5</sup> Berger, Carl. *Broadsides and Bayonets: The Propaganda War of the American Revolution*. San Francisco: Papamoa Press, 2017. Accessed January 24, 2019. ProQuest E-book Central.

<sup>6</sup> "Enclosure: [Expenditures], 15 December 1793," *Founders Online*, National Archives, version of January 18, 2019, <https://founders.archives.gov/documents/Hamilton/01-15-02-0395-0004>. [Original source: *The Papers of Alexander Hamilton*, vol. 15, June 1793–January 1794, ed. Harold C. Syrett. New York: Columbia University Press, 1969, pp. 498–545.]

<sup>7</sup> Jefferson's Report.

<sup>8</sup> Butterfield, Lyman H. "Psychological Warfare in 1776: The Jefferson-Franklin Plan to Cause Hessian Desertions." *Proceedings of the American Philosophical Society* 94, no. 3 (1950): 233–41. <http://www.jstor.org/stable/3143556>.

<sup>9</sup> Continental Congress, Draft of Resolution to Recruit British Officers and Soldiers into Continental Army. August 27th, 1776. Manuscript, Mixed Material. <https://www.loc.gov/item/mtjbib000193/>.

<sup>10</sup> Jefferson's Report.

<sup>11</sup> Jefferson's Report.

<sup>12</sup> Picquet: picquet or picket, refers to a single soldier or a small, organized unit of soldiers, often used to describe military scouts.

<sup>13</sup> Draft of Resolution.

<sup>14</sup> Jefferson's Report.

<sup>15</sup> Jefferson's Report.

<sup>16</sup> Jefferson's Report.

<sup>17</sup> Jefferson's Report.

<sup>18</sup> Berger.

<sup>19</sup> Berger.

<sup>20</sup> Butterfield, 239.

<sup>21</sup> Butterfield, 240–243.

<sup>22</sup> Hessisch: Hessisch is a German language distinction meaning, hailing from the principality of Hesse-Kassel.

<sup>23</sup> Jefferson's Report.

<sup>24</sup> Jefferson's Report.

<sup>25</sup> Butterfield, 234–237.

- <sup>26</sup> Draft of Resolution.
- <sup>27</sup> "In Congress, the 14th of August 1776." Philadelphia, 1777, translated by Dylan Mask.
- <sup>28</sup> Stievermann, Jan and Oliver Scheiding. *A Peculiar Mixture: German-Language Cultures and Identities in Eighteenth Century North America*. University Park, PA: Pennsylvania University Press, 2013.
- <sup>29</sup> Jefferson's Report.
- <sup>30</sup> Jefferson's Report.
- <sup>31</sup> Jefferson's Report.
- <sup>32</sup> Jefferson's Report.
- <sup>33</sup> Draft of Resolution.
- <sup>34</sup> Draft of Resolution.
- <sup>35</sup> Butterfield, 235-241.
- <sup>36</sup> Draft of Resolution.
- <sup>37</sup> Jefferson's Report.
- <sup>38</sup> Ancestry.com (Pennsylvania).
- <sup>39</sup> Jefferson's Report.
- <sup>40</sup> Historical Society of Pennsylvania; Philadelphia, Pennsylvania; *Historic Pennsylvania Church and Town Records*. Ancestry.com. *Pennsylvania and New Jersey, Church and Town Records, 1669-2013* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.
- <sup>41</sup> Ancestry.com. *Pennsylvania and New Jersey, Church and Town Records, 1669-2013* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2011.
- <sup>42</sup> Ancestry.com (Pennsylvania).
- <sup>43</sup> Jefferson's Report.
- <sup>44</sup> Historical Society of Pennsylvania.
- <sup>45</sup> Schwalm, Leslie J, et al. *Johannes Schwalm: The Hessian*. Precision Printers, Millville PA, 1976, 44-45.
- <sup>46</sup> Jefferson's Report.
- <sup>47</sup> Historical Society of Pennsylvania.
- <sup>48</sup> "From George Washington to Alexander Hamilton, 6 April 1792," *Founders Online*, National Archives, accessed September 29, 2019, <https://founders.archives.gov/documents/Washington/05-10-02-0127>. [Original source: *The Papers of George Washington*, Presidential Series, vol. 10, 1 March 1792–15 August 1792, ed. Robert F. Haggard and Mark A. Mastromarino. Charlottesville: University of Virginia Press, 2002, pp. 222–223.]
- <sup>49</sup> Congressional Expenditure Report.
- <sup>50</sup> Historical Society of Pennsylvania.
- <sup>51</sup> Jefferson's Report.
- <sup>52</sup> Miles, Lion G. and Lewis Miller. *The Hessians of Lewis Miller*. Lyndhurst OH: Johannes Schwalm Historical Association, 1983, 54-55.
- <sup>53</sup> George Washington Letter.
- <sup>54</sup> Jefferson's Report.