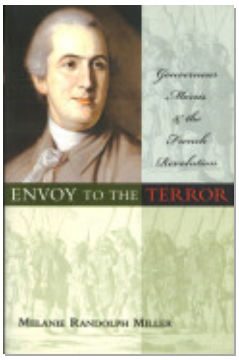
# Envoy to the Terror

Melanie R. Miller




Published by University of Nebraska Press

Miller, Melanie R.
Envoy to the Terror: Gouverneur Morris and the French Revolution.
University of Nebraska Press, 2011.
Project MUSE.muse.jhu.edu/book/41591.

## Chapter Twelve

# *The "Heart Burnings"*

### THE SHIPS

The outbreak of war between Britain and France immediately affected American shipping. The first news was good: the National Convention issued decrees "opening all the Ports of this Nation to our Vessels on equal Terms with our own," Morris wrote to Jefferson, on March 7, 1793.[1] He had received from the new Committee of Public Safety a "Kind of Assurance that they will do any Thing for the United States which I will point out but in Fact I know not any Thing which we ought to ask." The decrees contained, he believed, "all that we want."

This letter must have been cheering to Jefferson, for the opening of the French West Indies, along with the tremendous opportunities for neutral ships, were precisely the advantages he had long sought for the United States. Morris also told Jefferson it was unlikely Britain would threaten the West Indies (which could invoke the military provision of the American-French treaty of 1778) since that would be "to possess but the paring of [France's] Nails."[2]

But simultaneously with this good news, difficulties began to arise: French failure to distinguish friendly American from enemy British ships was the first problem to rear its head, and Pinckney was the first to confront it. In response to entreaties from merchants, he began to issue passports to American ships. Morris objected that ministers did not have such authority, and noted the potential for fraud.[3] The men sent copies of their debate to America, which arrived a few weeks after Washington's April 22 proclamation—though it omitted the word "neutrality" at Jefferson's behest, the proclamation plainly stated that the United States would remain neutral in the European conflict.[4] The French did not object, since neutrality meant that American ships could carry provisions to them. Moreover, although Genet arrived ready to negotiate a new treaty, he found the American government

no longer interested, having concluded, as Morris suggested, that "all the Advantages desir'd do already exist" and that the new decrees "have in some Measure set us free from our Engagements."[5]

On May 6, Washington determined that the 1778 treaty with France would remain in force and concurred with Jefferson that passports could be issued (but only in America) to American-owned foreign-built ships as well as American-built ships, a move that greatly expanded the available neutral fleet.[6] Yet passports, however legitimate, were soon disregarded by the belligerents, and American ships became the prey of both British and French privateers. Morris's papers contain, as he described them, "piles of letters" from the victims. What follows is a sampling of some of the cases.

## THE *LAURENCE*

In late March 1793, three American ships were seized by French privateers and brought into Le Havre, in direct violation of the 1778 treaty provision "free ships make free goods"; that is, if one party was neutral and the other at war, the neutral's ship cargoes, even if intended for the enemy, were immune from seizure unless the cargo was contraband. Morris privately thought the concept unworkable: "in Principle unfounded, [it] will in Practice be disregarded, and in its application to us cannot but prove injurious."[7] However, he defended it stoutly in his official capacity, and protested the capture to Lebrun. Two of the ships were released and went on their way.[8] The third ship, the *Laurence*, was not so lucky.

The *Laurence* (also called the *Laurens* by Morris) was owned by a group of Charleston businessmen and carried a very rich cargo—worth about 30,000 British pounds—of rice and indigo, consigned to a London firm. It was seized by the privateer *Sans Culottes* of Honfleur. According to the *Laurence*'s captain Thomas White, the crew was mistreated by the captors. In mid-April, a local admiralty court determined that the seizure had violated the 1778 treaty and ordered damages and restoration of the ship.[9] The captors appealed, and it is certain that their determination to keep this rich prize had a great deal to do with a decree issued by the National Convention three weeks later, made retroactive to the beginning of the war (Morris pointed out, and Lebrun privately conceded, that under standard rules of jurisprudence such a law could not be made retroactive.)[10]

The decree, Morris reported to Jefferson, authorized French ships to bring in neutral vessels loaded either with provisions intended for enemies' ports, or with merchandise belonging to enemies. The merchandise was declared "good prize," and provisions were to be paid for at the price

they would have received in the country of intended delivery.[11] Morris predicted correctly that France's enemies would follow suit, and that "in future the speculations of neutral commerce will, in fact, depend on the naval superiority of the belligerent powers."

The decree violated "free ships make free goods," and Morris promptly objected to Lebrun, who assured him that the Convention would be requested to make an exception for the United States.[12] That exception was decreed on May 23. Five days later, probably after money had changed hands, it was quietly repealed. Morris did not learn of the repeal immediately. In the meantime, Captain White wrote him a desperate letter from Le Havre:

> [S]ince [April 2] I have vainly waited for the determination of the ship Laurence and her cargo. The ship is still in the Basson laying like a Wrack for the want of attendance. . . . My crew have all deserted me except my officers. In this distressful situation I have but you to look up to for assistance . . . I will abide by your advice therefore I earnestly solicit your answer.[13]

Morris, ignorant of the Convention's turn-around, reassured White.[14] In mid-June, when he finally learned of the Convention's action, he again protested, and the American exemption was restored on July 1. The success was fleeting: in response to a petition from the *Sans Culottes*, it was revoked once more on July 27 and was not reinstated until the beginning of 1795.[15]

In the meantime, a new minister of foreign affairs, Deforgues, a close friend of Danton and Marat, was installed in late June 1793. "I seize with eagerness this occasion to assure you," he wrote to Morris with apparently unconscious irony, "that the change of the chief in the department of Foreign Affairs will, in no degree, influence the amicable dispositions, which have hitherto existed in your political relations with this department."[16] Morris answered this surprisingly ingratiating letter with equal cordiality, thanking him for the "friendly sentiments you do me the honor to express . . . The good will of the United States is by no means equivocal," he continued, "and my personal attachment to France is of long standing, and sincere."[17] Their relationship was at least superficially polite at all times; and American interests after October 1793 may have been helped by the return of Louis-Guillaume Otto, formerly French chargé in Philadelphia. Otto liked Americans and gave them credit for provisioning

Santo Domingo and France during the war. He had a critical opinion of Morris, perhaps due to Hamilton's influence, but once reinstalled in the foreign office, he was helpful.[18]

Nonetheless, the *Laurence* remained in dispute, and in London, the underwriters refused to pay the consignees, who besieged Pinckney with complaints. "[E]very time we complain of the conduct of the English," Morris protested to Deforgues, "they shut our mouths by this decree of the 27th of July."[19]

It was to no avail. "I wish I had good news to give you of the Laurens," Morris wrote the consignees, "but the magnitude of the Cargo has enabled the captors to do many things which for a small prize they would not have attempted." In late September 1793, Morris wrote them that the ship's papers confirmed their claims, and perhaps "Justice will at last be obtain'd."[20] Nothing happened, and on October 12, he presented another protest.

Deforgues, whose influence must have been very limited and whose internal memoranda showed that he privately agreed with Morris, nonetheless officially defended the situation. It was the fault of the British and their allies, he told Morris, whose "extreme rigor" in dealing with neutral vessels bound for France required, "by way of reprisal," that the republic do the same. The cargo of the *Laurence*, if American, required restoration, but he said he had "met with insurmountable obstacles, in the established laws, and in the opinion of the commercial tribunal of Havre."[21]

Morris responded moderately, saying only that he would render a "faithful account" to his government, persuaded "that, in considering them, liberal friendship will put in the balance the difficulties of a revolution, and of a war without example." In sending the correspondence to Jefferson, Morris noted that since Deforgues could not get the decree repealed, he was "driven to the necessity of excusing a step, which it is not possible to justify."[22]

As of early March 1794, the case was again before the Committee of Public Safety, and Deforgues hoped for a "speedy and satisfactory decision." Morris's papers contain no further mention of the *Laurence.*[23]

## The Little Cherub

On June 19, 1793 Morris had written his last letter to Lebrun; the Girondin minister was in a "state of arrestation" and would later join Brissot on the scaffold. Lebrun was by this time thoroughly tired of Morris and believed he was writing inflammatory dispatches to the American

government. On May 29, when the Montagnard noose was closing about his party in the Convention, he had taken time to write a letter instructing Genet to insinuate to the Americans that Morris "is a nothing here, with no contacts with the Republic's agents, and for a long time has lost the confidence of the government."[24]

Morris had just received a declaration from the American vessel the *Little Cherub*, which had carried French passengers evicted from Spain to safety at Le Havre. The ship had departed Le Havre with a passport from the executive council to go to Hamburg, but on the next night out it was boarded by the crew of the privateer *Le Vrai Patriote* and taken to Dunkirk. The captain declared to Morris that they had "made no resistance," but that one of the privateer's crew seized the *Cherub*'s second mate "by the collar, and without the slightest provocation blew his brains out."[25]

Despite the catastrophe in the Convention, the doomed Lebrun continued to perform his duties. In *his* last letter to Morris on June 21, he replied that the Committee of Public Safety had ordered that the murderer of the second mate should be punished and the captain indemnified. When Deforgues arrived, he promised to push for a decision and informed Morris on July 3 that the Convention had ordered that the captors be tried. Francis Coffyn, the American consul at Dunkirk, demurred at this, for he had urged extradition. Morris rebuked him:

> The prosecution of the murderer being as you have seen endorsed by the Convention it is of Course to be carried on by the public officers of this country and any interference on our Part would imply a Doubt which it is not decent to express and which moreover I do not entertain.[26]

As it turned out, Coffyn's misgivings were realized, though Morris was correct that a demand for extradition would have been unjustified as a legal matter. "The Conduct of the Government on the Occasion was perfectly proper," Morris wrote to Jefferson.[27] "The Person who committed the Murder has however been acquitted on the Testimony of his Companions in direct Contradiction to that of the American Master and Crew." He recommended Coffyn, who had "behav'd with much Sense Spirit and Industry" in the matter. " The Conduct of such Business is by no Means pleasant," he told Jefferson, "neither is it without some personal Danger for in the present Situation of this Country the Laws are but little respected and it would seem as if pompous Declarations of the Rights of

Man were reiterated only to render the daily Violation of them more shocking." Morris's comment was well founded; Coffyn was arrested in October in retaliation for his efforts on behalf of the *Little Cherub.*

Morris continued his protests, but the *Little Cherub* was not released until the following spring.[28]

## The Embargo at Bordeaux

In early June 1793, Bordeaux, which had strong ties to the fallen Girondins, declared its opposition to the National Convention. The rebellion continued throughout the summer, but by September the rebels had surrendered to the Montagnards. The central government interdicted shipments of flour into the city and prohibited vessels from carrying cargoes out of the port. In August, at least thirty-seven American ships were affected. Despite the city's capitulation in September, the representatives-on-mission demanded that the embargo be broadened to entirely prohibit the departure of vessels. By late November, Joseph Fenwick, the American consul, reported that ninety-two American ships were trapped. "It has at length produced the greatest distress," Morris told Jefferson. "The Crews have consumed their provisions. The merchants will be saddled with heavy loss and cost. I have made reiterated applications but the Situation of that City has prevented the *Comité de Salut Public* [Committee of Public Safety] from a direct interference."[29]

When the embargo was enacted, Morris was approached by a deputation of four captains sent by the ship owners, who asked Morris to appeal to Deforgues. Morris told them they might succeed but only "for a short period." The captains had "flattered themselves with immediate and ample Redress. It was my Duty to moderate their Expectations and to explain the Difficulties." They were disbelieving, because each public decree "breathes warm Attachment to the United States," raising their hopes of speedy relief, which the overwhelmed government, "omnipotent in some Cases is in others not merely feeble but enslaved," could not give. Given these circumstances, Morris told Jefferson, he was reduced to "the necessity of choosing between National and particular Interests. In preferring the former the latter become clamorous and I am sure I shall be represented as an idle and unprofitable public servant. To this inevitable evil I must submit," he continued, but he was concerned that in explaining these harsh facts to the complainants, "I have been obliged to state things which being repeated and misrepresented have produced a disagreable Effect in the minds of those, who are to decide on the Applications I make."[30]

This is precisely what happened. At their request, he wrote to Deforgues, stating their case without reproach.

> I do not pretend, Sir, to interfere in the internal concerns of the French Republic, and I am persuaded that the Convention has had weighty reasons . . . The result will nevertheless be, that this prohibition will seriously aggrieve the parties interested, and will put an end to the commerce between France and the United States, which was beginning to be brisk, and promised us fortunate results.[31]

He entreated Deforgues to see if American vessels could be exempted.

The letter, Morris reported to Jefferson, was too moderate for the captains, and "seemed to them rather an Abandonment of their Cause than the prosecution of the only Redress which appeared to me attainable." Deforgues forwarded the petition to the Committee of Public Safety.[32] Meanwhile, the captains decided to go directly to the Convention with a petition written by "a French hand," Morris continued.

> I learn that a favorable Reception was secured by repeating such parts of my Conversation, as might at once irritate the members of the *Comité de Salut Public* and justify the personal Application of American Citizens while their minister was on the Spot. A Decree was obtained and before it could be executed was repealed.[33]

The culprit may have been Thomas Paine, whom the captains also visited. He encouraged their distrust of Morris and told the committee that Morris had handled the matter of the Bordeaux ships with "negligence," and had angered the captains by telling them "that they had thrown themselves into the lion's mouth, and it was for them to get out of it as best they could."[34]

Morris may well have said something like this, for he could be blunt, and though they wouldn't have cared for this remark, it rang true. As he told Fenwick later,

> [T]hose who come to a Country torn by the Paroxisms of great Revolution must calculate on the Inconveniences attending such a State of Society. If they come in the Character of Spectators they must as in other Cases gratify their Curiosity at the Risques which attend it. If they come in the Character of Merchants they must set the probable

> Gain against the probable Loss and if they have made a bad Calculation, they must be content, and try new Plans.[35]

Thus, the embargo was not lifted and the ships remained in port; at the same time Morris's effectiveness was impaired because the committee put a black mark against him in its book. Morris was "very sorry" but unsurprised.

> Statesmen may see and deplore the pernicious Consequences of such Laws but the people will not readily understand that Regulations which appear to be calculated for their benefit must terminate in their great distress: and in a popular Government the Rulers are frequently obligated to act in obedience to the popular voice contrary to their own Judgment.[36]

Morris knew this was "but cold comfort to those who suffer . . . I know that the Language of flattering Hope would be much more agreeable. But," he warned, "I know also that Truth is more solid and wholesome food than Fancy, and therefore tho I shall continue my efforts for Relief I think it better for my Countrymen not to build any Expectations thereon."

Morris continued his protests without result, and sent copies to the captains. He told Captain Henry Johnson he was "truly distressed at the painful Situation you and others of my Countrymen are in," but his efforts were futile because the representatives-on-mission

> seem to be possessed of unlimited Authority and those who would incline to interfere at this Distance are told that they cannot be as well informed as their Brethren who are on the Spot. . . . No man feels more for this State of Things and its Consequences than I do. . . . God send us soon an End of all those Confusions in the way most agreable to his divine Providence and in the meantime grant us Patience to bear them.[37]

Morris was at his wits' end. "I am sure that all commerce between this country and America must soon terminate," he wrote Jefferson, "unless a more regular and orderly system shall take place."

> And, from what Mr Fenwick writes I suppose the public Servants will be criminated because France is without a regular Government. This

> to be sure is not very just but it is very natural. A Choleric man beats the Post, which he has struck his head against.[38]

While Morris ordinarily ignored criticism, it is evident that he was deeply pained by the knowledge that he would be charged with indifference or incompetence. He told Fenwick that the captains' conduct had been "used to my Prejudice here, and yet I shall continue to act in the same Manner. When all is over and cool Reflection takes place they will see that if I could not serve I have not deceived them." [39]

It is difficult to imagine what more Morris could have done. His papers establish that he was as diligent as Paine accused him of being negligent: he replied to all requests for help and acted on them promptly and repeatedly. The embargo had nothing to do with Morris or with America; it had to do with the political situation in France. As the war within and without grew increasingly desperate, Bordeaux and the other loci of insurrection had to be subdued.

As the year 1793 ended, Bordeaux remained closed. Morris heard from Captain John Gray, whose brig had been brought into port on December 13. He had been forbidden from selling his cargo of rice or giving it to his crew, "who are in a state of extreme suffering," Morris wrote to Deforgues, who promised yet again to do what he could. It was at about this time that the Danish chargé told Morris that he had been "*confidentially* informed" the embargo would be lifted in April.[40] Yet nothing was confirmed, and once again the shippers sent a deputation to Paris. Morris later described their visit to Jefferson:

> The day preceding their Arrival the Minister told me that everything should be settled to my Satisfaction in two or three days. The Deputation to whom I communicated this intelligence seemed very apprehensive lest their Claims for Damages should be referred to Persons on the spot, which I own appeared to me both fair and natural; but they assigned Reasons against it . . . and as they were determined to have everything adjusted in their own way, and were well convinced that their Representations must have the desired effect . . . I thought it best to leave the Business to their own management.[41]

Morris gave them another introduction to Deforgues, but they "came back much out of humor. They afterwards presented a petition to the Convention, which was referred to the Committee of Public Saftey, and there the

affair seems to have ended, for all their urgency to that Committee has not got them one inch forward."[42] Morris had urged against the threatening tone of their petition. "I must differ from your opinion," he told them, that the committee was answerable to the United States, "because I do not conceive that the Servants of one Country can be amenable to the Tribunals of another." He added that he presumed the government's action was "grounded on the Law and conformable to their sense of the Duties which it imposes."[43]

At the end of February, the deputation wrote to Morris, saying ungraciously that "we have lost all hope, and must finally call upon you" to demand the embargo be raised and compensation given.[44] Morris, of course, had been doing just this for the past six months. They added that they had determined to "abandon our vessels & property sooner rather than remain in this situation."

"[T]he day after I received their letter, I wrote to the Minister," he told Jefferson. In an unusually candid outburst, the normally uncomplaining Morris then admitted his helplessness to the secretary:

> Every post brings me piles of letters about it from all quarters, and I see no remedy. You have a copy of the Minister's Answer to my letter, holding out the Hope of a speedy Decision, but it may be very long before it can be obtained. And in the mean time, if I would give way to the Clamors of the injured parties, I ought to make demands very like a declaration of War.[45]

He had heard *nothing* from his government for five months and he was to hear nothing until sometime in June or July 1794, a gap of about nine months.[46] Such a hiatus in instructions is surely rare in American diplomatic history. The gap was approximately coextensive with the Terror, a time during which the need for support from his own government could not have been more critical. As he told Jefferson in the same letter:

> What am I to do in such Cases? It is impossible for me to guess the intentions of government and indeed Sir the Responsability is great and distressing. Our Countrymen here find that it is the easiest thing in the world to carry any point with the Committees, *until they have tried*. In the mean time, I am exposed to their Clamors in this country, and most probably to their Censures in my own, for not performing Impossibilities.

Morris was sure that the "rulers of this Republic, wearied with my complaints," were applying for his recall. "I beg your pardon Sir for saying so much of myself, but it is a troublesome thing, to navigate in the dark between Scylla and Charybdis without Chart or Compass."

The secretary's decision to leave Morris to his own devices during such difficult times is, to put it mildly, remarkable. Washington later told Morris he was "almost certain" Jefferson had written Morris regularly, but that the letters must have been lost or intercepted.[47] Jefferson's papers indicate otherwise: he did not write to Morris between November 7, 1792, and March 12, 1793, a gap of four months, or between October 3, 1793, and January 3, 1794, when he simply announced his resignation.[48] He wrote Pinckney nearly twice as many letters as he wrote to Morris. Morris, for his part, wrote regularly, and "always by duplicates, frequently by Triplicates and Quadruplicates." Morris's letters suffered some delays; Jefferson did not receive a letter from him for nearly three months in the spring of 1793, and there were reports in Britain that Morris had been killed. "I am told the London Gazetteers have kill'd me besides burning my House and other little Pleasantries of the same Kind," he wrote humorously to Robert in March. "Now as these Accounts may be republish'd I apprize you thereof and pray you to vouch that it was not true at the Time of Publication."[49]

Morris was therefore feeling his way in the dark, but the path he followed was one of moderation in the face of the worst paroxysms of the Revolution. He told David Humphreys of his fear that French and British depredations on American shipping might undermine America's determination to be neutral by causing "Heart burnings", which would "plunge our Country into the Troubles by which Europe is desolated." When the captains called for threats, Morris refused, even though, as he told Swan,

> the Sufferings of my unfortunate countrymen who are brought into the french ports give me very great pain. I have explained so fully to the Ministers of the Republic all the mischievous Consequences of that injurious Treatment that my Powers of Reason and Language can go no farther.[50]

His letters to the ministers were measured and nonaccusing, and his letters to the captains urged temperance. "Many of our countrymen in all parts are much injured and yet the Government means well towards us," he wrote to Daniel Coxe at Bordeaux in late March. As he had told

Jefferson not long after the war began, even "in the best Regulated Governments it is difficult to prevent the Violation of the Rights of neutral Powers and much more so where in the Tempests of a Revolution Government resembles more a Weather Cock." These expressions of moderation had an effect in America, causing Jefferson and Washington to tone down a speech given by Washington in December 1793 regarding French violations of neutrality.[51]

The food situation further worsened in early 1794. People fought each other in the Paris streets for food; merchants carrying in provisions were attacked and robbed by women. Morris wrote to Jefferson that eggs and salt herring were all the poor could get as of early March, and "the Resources for Flesh being at an end the Bulk of the Inhabitants must soon come to Bread alone."[52] There was a backlash against the repression in the provinces and against the extremist Hébertists of Paris who advocated the repression, and rumors circulated of a "Foreign Plot" for counterrevolution. On January 12, Fabre d'Églantine, Danton's friend (who, it later proved, had helped fabricate the "Foreign Plot" to shift attention from his own shady speculations), was arrested for fraud. On January 17, he and Hérault-Séchelles, a member of the Committee of Public Safety, were turned over to the Revolutionary Tribunal.[53]

On March 13, Saint-Just announced discovery of the Foreign Plot, calling it a conspiracy by "factions of foreign inspiration" to "destroy representative government by corruption, and to starve Paris."[54] Morris wrote Short that France faced

> a War of popular rage on all Sides. Much blood has been shed already to little purpose, and my Heart sickens at the thought of how much more remains to be spilt and how great a Sum of human Misery will be accumulated by a Controversy which was commenced by some of your friends about six years ago en pure gaieté de Coeur. God's will be done.[55]

On March 19, the stationery used by Deforgues in his letters to Morris sported a new decoration: a little phrygian cap, with the words "Liberté Egalité" and, ominously, "Fraternité ou la Mort." On March 26, he wrote his last letter to Morris, concerning Americans in prison.[56] The same day, the Committee of Public Safety, feeling threatened by forces on either side of it, took action: a number of Hébertists were arrested on the strength of Saint-Just's accusation, and quickly executed. A few days later, the com-

mittee attacked the faction to its right—Danton was arrested, his indictment drafted by Robespierre, and he soon followed the Hébertists to the guillotine.

Morris, who had intelligence of these maneuvers well in advance, had not entirely despised Danton. He told new Secretary of State Edmond Randolph that Danton had always maintained that a popular government would fail in France because the people were too ignorant and too corrupt. However, Danton was "too voluptuous for his ambition, too indolent to acquire supreme power. Moreover, his object seems rather to have been great wealth, than great fame. He has fallen at the feet of Robespierre."

Westermann was guillotined with Danton, he continued, noting

> Some one observed the other day in Conversation that all the men of the tenth of August have passed away already, and those also of the second of September. . . . Oliver Cromwell understood well the Value of Mob Sentiment, when he replied to his Chaplain, vain of the applauding crowd which thronged round his master's coach, there would be as many, and as glad, to attend me at the gallows.

"I do not believe," he said grimly, "that a good man in America can feel all the force of that expression; and, therefore, I believe it is very difficult to form on certain subjects a just opinion."[57]

The arrest of Danton—and the resulting arrest of Deforgues—coincided with the end of the Bordeaux embargo and an order of indemnity to the ship owners and captains. On April 8, Morris received a copy of the order, signed by nine of the committee members, from an official named Goujon, who was now provisional chargé of foreign affairs. Morris thanked them, using the hyperbole of the times. He was confirmed, he told them, in "the long-held opinion that the representatives of the french nation conduct themselves solely in accordance with the maxims of wisdom and justice, despite the obstacles thrown up by the raging factions."[58]

In the aftermath of Danton's fall there were "abundant Executions at Paris, and the Guillotine goes on smartly."[59] At the end of April, Philbert Buchot was installed as "Commissaire of exterior relations," the *eighth* head of foreign relations with whom Morris dealt during his two years as minister. Livingston had tea with the Maltese chargé, who told him that Buchot was a "man of about 55, very much of a Jacobin in Conversation and in dress." Morris was to find him "a poor creature, who scarce dar'd to wipe his Nose without an order from the Committee of Safety."[60]

## THE ARRESTS

"[I] t is much easier to be thrown in prison than to get out of it," was to be a frequent observation for Morris during the Terror, and "none can get out because in the multitude of applications there is no time to examine any particular complaint." These comments must have been disheartening for those prisoners to whom he addressed it. But it was true.[61] Nonetheless, Morris labored with considerable success for the release of many Americans: tourists, businessmen, consuls, crews. In so doing, he had to refuse the entreaties of French and British citizens, knowing that his efficacy as a minister rested on strictly observing the legal limits of his capacity to issue passports and to forwarding only genuine claims for relief.

### Consuls

The American consuls, although they answered directly to the secretary of state, were an important part of Morris's ministerial network. They were usually the first resort of American ship captains whose vessels had been seized, and could deal directly with officials and hold property while awaiting disposition by a court. They also provided Morris with information indispensable to seeking relief from the central government. The situation in France put tremendous strain on them and Morris fully appreciated what they were up against. At his urging, Jefferson wrote a series of commendations to them in September 1793. Morris also asked that more consuls be appointed to help with the deluge of claims.[62]

It was therefore a blow to American interests when a number of the American consuls and agents were arrested, among them Coffyn at Dunkirk; Carpentier, an agent at Rouen; and Delamotte, vice-consul at Le Havre.[63] The grounds for the arrests were typical of those that sent many French citizens to prison during the Terror, but in the case of the consuls the charges very likely arose from the unwelcome advocacy they were providing for Americans. Coffyn, for example, was accused of correspondence with *ci-devant* nobles, but was really arrested for having worked on behalf of the *Little Cherub.*[64]

Morris was besieged by the consuls' families with requests for help. While international law did not confer diplomatic immunity on the consuls, Morris made vigorous and repeated protests, which apparently had an effect, for they were all released within a matter of months.

## British citizens

After war began between Britain and France, British subjects were thrown into French jails. "It is in my Opinion utterly impossible to obtain Permission for the Departure of any british Subjects," Morris wrote to Pinckney. "Nonetheless," he went on, in another letter, "I receive many Applications from English people. They suppose I have influence enough to lighten the burthen of their Captivity. God knows I have the Wish to do it."[65]

Morris's relationship with his London colleague was cordial. Pinckney's nephew came to Paris in 1792 and Morris kept an eye on him, loaned him money, and sent regular reports to Pinckney.[66] He offered to procure French luxury items for Pinckney, who sent him orders for fabrics, mirrors, glasses, court clothes, and French wines. "PS," Morris added to one letter, "If you let your English guests know the Price of your Wine they will be apt to despise it for they pay nearly double for very bad Liquor."[67]

The items were sent duty-free, a point of concern to both ministers. International law and custom entitled them to import items for their own use duty-free, but as the Revolution progressed such niceties were freely disregarded. Morris was charged customs duties repeatedly, and the duties were onerous. His complaints were a headache for each foreign minister, and Lebrun was certain Morris would complain (and "exaggerate") to his government on the matter, but Morris said nothing to Jefferson.[68]

Relatives of British subjects in French jails begged Pinckney for help. Pinckney forwarded these anxious requests to Morris, but Morris could not issue them American passports or approach the government on their behalf.[69] He did his best to procure information of their whereabouts and often advanced money despite uncertain repayment. "I have not yet obtain'd any information respecting the Col. Darby mentioned in yours of the 10 January," reads a typical letter to Pinckney in the spring of 1793. "Mr. George Grieves' brother has been gone for some considerable time. He went from Paris to Geneva. The young Messieurs Bresco are confined at Arras and like the other young gentlemen who are with them in a condition I fear to be lamented."[70]

He refused to blame their situation on the French government. He understood, he told Pinckney, "the Anxieties which must be felt by the Friends and Relations." At the same time, Morris observed,

> Suspicion is tremblingly alive which I do not wonder at for such is the moral State of the Country that all Ground of mutual Confidence is long since destroyed. Some virtuous Years must roll over the Heads of the new Generation before it can be restor'd and yet it seems to be essential to the Establishment of Freedom and the Defense of the State. To give the Reasons why it cannot exist would be to write a History not only of the Revolution but of the two last Reigns particularly the Orleans Regency in the minority of the fifteenth Louis.[71]

Some of those hostile to Morris believed him secretly pro-British or pro-French, depending on their own proclivities.[72] However, Morris's opinion of the British government had not changed. He blamed Britain more than France for violations of American neutrality, for the British actions were deliberate, while "in France it is one among many bad effects of that extraordinary situation into which she is thrown."[73]

## American Citizens

Among the Morris papers at the American Philosophical Society in Philadelphia is a sad note from young William Hoskins in the Luxembourg Prison. He had landed at Calais, where he was arrested and brought to Paris.

> I hope you will have the kindness to attend to my subject without delay, this I flatter myself of; yes, Sir, when you imagine to yourself my present situation, lodged in a chamber with two persons who are extremely sick of a fever & nothing to sleep on the last evening, without a farthing to purchase the necessaries of life, when this fact is told you I am persuaded the sympathy for a fellow countryman will excite your exertions as well as your pity. . . . do not delay for I am already sick—I am with great respect, your most obedient & very humble servant, William Hoskins
>
> please to excuse my bad writing.[74]

Morris had already begun working for the young man's release, having heard from him earlier, but Hoskins had been sent on to Paris before Deforgues' instructions reached Calais.[75] Morris told Hoskins it was "the first Instance I have met with where an American arriving in a French port has been arrested." Indeed, two Americans traveling with Hoskins had been released immediately.[76]

Hoskins was wild to get out, and probably at the suggestion of Thomas Paine (a fellow inmate) prepared petitions to the Committee of Public

Safety and the Convention. On January 18, Morris wrote him that he had made his fourth approach to Deforgues, and that Livingston had tried unsuccessfully to get in to the Luxembourg to see him. "You can rest assured," he told the miserable young man, "that I will neglect nothing."[77] Still Hoskins was not released, and on January 21 he begged Morris to "inform me the progress you have made toward the accomplishment of my release from this horrid this corroding captivity, for," he wailed, "it already seems that three quarters of my existance has compleatly passed within these walls." Morris wrote back that

> [T]he vast accumulation of Business in the Comite de Sureté generale prevents their attention to the case of individuals. . . . I was yesterday at the minister's to speak to him on your subject. He is sensible that you ought not to be detained and has already applied several times for your release.[78]

Sometime within the next ten days, Hoskins got out; in the approximately one month of his confinement, Morris made at least six approaches to the government on his behalf.

Thomas Waters Griffith, who had witnessed the tenth of August, was also in a Paris prison in the fall of 1793.[79] He was arrested in Paris, having come there from Le Havre, where he was engaged in importing tobacco. He had not carried a passport issued to him by Morris, thinking it out of date. He was sent to the prison of the Madelonettes, a former convent; among his fellow inmates was the *ci-devant* minister and coconspirator of Morris's from the summer of 1792, La Tour du Pin, who would lose his head the following April.

Morris responded immediately to his request for help, but "declined to attempt any interference until the passport was produced or satisfactorily accounted for." His letter, said Griffith, which he knew would be read by the prison officials, was both "evidence of Mr. Morris's official integrity as an American minister, and his skill in using the opportunity to counteract the suspicions the French Government had thrown out against him." The letter was in French and expressed concern, but pointed out that Griffith should have taken care of his passport. "It would be an abuse to demand your liberty before determining that the certificate I gave you is not in the hands of an Englishman, or other foreigner, or a suspect." Griffith recounted this episode in his memoirs to hold up to "public gratitude" the "slighted memory of a statesman by whose attention I was honored," who "would have been a credit to any nation."

Within a week, Griffith retrieved his passport, but although Morris immediately forwarded it to Deforgues, "Robespierre and his agents were too much occupied with hunting up victims for the Revolutionary Tribunal to pay attention," Griffith wrote. Griffith's American friends, who included Joel Barlow, petitioned on his behalf but without effect except perhaps a transfer to another, less severe, prison. Griffith's friends also approached Swan, who advised them that he had received hints that "the best service he could render me was to let me be forgotten, for fear of worse"—precisely the advice Morris gave to Paine.

On December 31, Morris wrote again, telling Griffith he had made numerous pleas for his release, and "I am very aware of your misery, and I am neglecting nothing which can depend on me to relieve it." Griffith was finally released in late January 1794.

Griffith attributed his release, surprisingly, to the arrival of Major William Jackson. "[F]rom more correct views of our national feeling towards France, obtained through Mr. Jackson, and partly from returning confidence in our minister (at least in his official acts), the Committee of Public Safety took up my business," he asserted.[80] However, Jackson had no luck when he presented a petition for Paine's release, and Griffith's gratitude was most likely misplaced.

Though they had little prior acquaintance, Jackson is entitled to be considered one of the eccentric coterie of Morris's mortal enemies. Jackson had been a secretary of the Constitutional Convention, and later Washington's secretary, enjoying "to the fullest extent" Washington's "confidence and esteem." He had resigned and departed for London in June 1793 to sell American lands owned by his wealthy brother-in-law William Bingham.[81]

Having no luck in London, he decided to go to France, carrying a letter of introduction to Morris from Jefferson, who called Jackson one of America's "best citizens."[82] He arrived at Boulogne on December 24 with two other Americans, carrying what Jackson self-importantly called a "*particular* passport" from Pinckney and anticipating a "very favorable introduction" to persons in power. He wrote Bingham there was "not the smallest degree of personal hazard in my going to France," an illusion soon dispelled.[83] One of the Americans in his party carried what proved to be counterfeit *assignats*, a capital crime, and to their consternation, all three men were arrested. Jackson, who did all the talking, could not have helped matters by haughtily informing the local committee that he was on a "secret mission." He later thought the better of this and told them what he had meant was a "personal matter."[84] The men were sent off to a prison in Abbeville, in which "disgraceful, unhealthy, and loathsome situ-

ation we must have remained, had not the Commandant assumed a responsibility for us, and confined us in a chamber of his own house," they wrote Morris on January 1, asking for help. Morris immediately sent their letter to Deforgues, affirming that "the signatories are known to me and it is impossible to me that they would have knowingly been involved in introducing false assignats into the Republic."[85]

On January 10, Livingston wrote to Morris at Seine-Port that the men had arrived in the city under guard. Morris immediately left for Paris. Jackson later complained bitterly to Bingham that they found Morris had done "nothing more in our behalf than to lay a letter, which we had written to him from Abbeville, before the Minister of Foreign Affairs, and had there let the matter rest."[86] Of course, the minister was Morris's only available line of communication with the overburdened government, which was at this time preoccupied with rumors of counterrevolution.

Within a few days, Jackson obtained a hearing with the Committee of General Security[87]—very likely through Deforgues. Thomas Griffith believed they were released because, he was told—most probably by Jackson himself—the major wore his officer's uniform to emphasize his association with Washington and spoke "with energy and innocence." By January 14 at the latest, they had been released, for Morris met with Jackson that evening.[88]

It must have been an unpleasant encounter, for Jackson blamed Morris for not getting them out of jail immediately. He calmly informed Morris that he could expect to be replaced as minister by Bingham or Pinckney. He repeated this to everyone else he talked to, thereby causing precisely the sort of damage to Morris's effectiveness that he most feared.[89]

This was not the only unpleasant part of the conversation. Jackson indicated that Pinckney had said "several Things from whence he has drawn the Conclusion that a War between britain and America must speedily take place." Morris told Pinckney:

> I observed to him that it was a little odd that you had not written a single Line by him. He says that having received no Answer from me to your several Letters, you concluded that our Correspondence was interrupted. As I happened to be out of Town when he arrived, I learnt from half a dozen Persons what he says he was desired to communicate to me, and at present it makes the Town talk of Paris.[90]

Not long after, Jackson met with the Committee of Public Safety to offer two million acres of Bingham's American lands for public acquisition; the committee professed interest, but declined.[91] Jackson told Bingham that he

took the occasion to assure the committee members of American friendship, and

> they declared themselves extremely pleased to learn such a contradiction of the sentiments and conduct of our minister, Morris, of whom, among the severest reproaches I ever heard uttered, they made the following observation, which I pledge my truth to you is a literal translation of what was said. "The only intercourse we have had with Morris was on the subject of a woman, the wife of an emigrant, condemned by the law, and, in the discussion of that question, he sought to produce a quarrel between the two countries."[92]

The committee members told Jackson that they had requested Morris's recall and that "they could not doubt" that "a man so obnoxious to them would be immediately removed." Jackson had also heard that the American captains in Bordeaux "had resolved to present a memorial" against Morris back in America.

Apparently Robert Morris (and perhaps Washington) repeated Morris's reports about Jackson's indiscretion, for Bingham later wrote Jackson about it. Jackson furiously denied Morris's story:

> They are but individual untruths added to the general falsehoods, which have proceeded from the pen of a wretch, whose conduct, as a minister, can never be excused, and whose morals, as a man, can never be defended.

He then made a raging onslaught against Washington and Morris:

> As to myself, I have a very short observation to make on the supposition that my conversations in Paris have been of serious injury to me. The attainment to any of my wishes will be utterly independent of *our marble fountain of honor and office*. His sentiments therefore on my subject, and the communications of his creatures are regarded by me with equal indifference and contempt . . . I have shielded this *man of stone* from the detection of his successful and bare faced imposture, by giving to him a dress, which neither nature nor education ever intended he should wear. The return I have met is such as might have been expected from proud ignorance and base ingratitude. His heart and his head are in strict unison, the marble coldness of the one

> replies to the leaden dullness of the other and form together a perfect whole.[93]

There seems to be no further mention of Jackson in Morris's papers. Jackson returned to London in late April 1793.

Morris was under a constant barrage of pleas for help. There were many he could not assist. "Your determination to become an American Citizen cannot operate so as to make you one because an Intention is not an act," he wrote patiently to one petitioner in September 1793.[94] He was often bitterly criticized by those he attempted to help, for they understood neither the limits of his authority nor his functions. "I shall not pretend to dispute with you about the nature or extent of my duties because you seem to understand them better than I do," he wrote with asperity to some French businessmen. "I therefore confine myself to the humbler task of fulfilling them according to the best of my knowledge and abilities."[95]

Some wanted him to act as their attorney. "It would be a strange thing for a foreign minister to ask of a government the arbitrary Reversal of a judicial Sentence passed by one of its Courts," he told an angry captain who had ignored his advice. He offered to help the captain in any way that was proper but, "[i]n effect, Sir, it is your Business to defend this property and to prosecute for redress in the *Courts of Justice* and if you neglect your Business it is impossible for me to remedy the consequent evils."[96] Others asked him to violate international law. "I have had Applications to grant Privileges of the American Flag to vessels owned by frenchmen and others. Some of the Applicants were offended at my Refusal *of that trifling favor*," he wrote to Robert.[97]

Over and over he had to explain that he could not issue passports without certainty that the recipient was eligible. "[T]he Government in that Jealousy which is inspired by so many open and secret Enemies would cease to protect the American Citizens possess'd of Certificates from me if I ceased my Vigilance in granting them to such persons and in such ways only as can prevent abuse," he told one petitioner. "I cannot certify either in my private or official Character any Thing the Truth of which I do not know," he told another, and to a third:

> [T]he necessity of maintaining the Credit of my public Acts in order that they may afford protection to my countrymen would prevent me from granting any Certificate or Passport to other than an American Citizen.

> But there is a stronger motive. Good faith is the first duty both of public and private Life and were I to deceive the Government I should forfeit my own esteem and of course could never expect that of other Men."[98]

What help he could give, he did. Morris's humanity comes through to anyone who reads his papers, and during the black days of the Terror that quality shone with particular luster. Many people, unknown to him before, turned to him. In one case he obtained the release of a terrified young American who had been forcibly inducted into the French army.[99] For the non-Americans, he did what he could privately, and though the record is fragmented, it is evident that when Morris left France there were many who felt nothing but profound gratitude toward him. A woman named Mme de Serennes wrote him in 1794 that though she was ashamed to bother him so often with her affairs, she often thought of the rue de la Planche—where Morris's legation was located—as the *planche* (board) that was saving her from a shipwreck.[100] A testimonial has also been preserved from Mme Pastoret, whose husband was president of the National Assembly on the eve of August 10. Her house was at the Place de la Révolution, where the guillotine was located. For some time, she was confined there with her family. After her husband was arrested,

> [t]he front of the house was entirely closed up and light, & as far as possible, sound was excluded. But there was no room to which the grating, rattling sound of the axe, as it fell did not more or less penetrate, or where the shouts of the cruel multitude were not heard. . . . The dreadful thing to Madame Pastoret was, that being unable to get any information whatever concerning her husband, the axe never fell but she asked herself whether it might not have been for him. On one occasion she obtained especial permission to go out under surveillance; and she employed it to visit the foreign ministers, some of whom she knew, and obtain their interception for her husband. The person who received her with the most kindness was the American minister, Mr. Morris.[101]

He helped many who were in dire financial straits, in various ways. Some needed to remove money from the country; in one case, he arranged to have money sent to a seminary in Baltimore to be held for an émigré who would otherwise have been destitute.[102] He bought American stock certificates from people who needed to liquidate their assets, taking a 1 percent commission to cover the costs.[103]

He tried to send news about those in prison to their loved ones, though this was not easy. He was very solicitous toward Short regarding the imprisonment of his lover Rosalie and did his best to get letters through. "Were it in my power to be of any use to them believe me I would have flown to their relief," he told the agonized Short in one letter. "[P]atience alone can assuage the misery of many thousands."[104] He would say something similar to Mme de Lafayette, and his compassionate frankness would meet with much the same reception from her as it did from Short.

## Lafayette

The story of Lafayette's imprisonment has been told by many others, and here will be summarized. Morris, Pinckney, and Short agreed that claiming Lafayette as an American citizen was legally unjustified and futile.[105] Jefferson and Washington concurred, but also encouraged their efforts to help him by other means. It is instructive to note that they did so despite the fact that Lafayette had been declared guilty of treason by the French nation. As such, their efforts, particularly Morris's, must have appeared hostile to France; yet Jefferson, by writing to Morris, with Washington's concurrence, put the American government's imprimatur on those actions. (Ironically, the French tried to assuage American concern by depicting Lafayette as a victim of bad counsel, primarily Morris's counsel!)[106]

The ministers soon realized that imminent release was unlikely. Lafayette had long been the focus of European blame for the revolutionary movement in France. They did what they could, however, to help their old friend. Pinckney worked through the Prussian minister in London to obtain permission for Lafayette to write to his wife. Morris helped Mme de Lafayette draft a petition to the king of Prussia; Washington also sent a letter to the Prussian king asking for Lafayette's release as a personal favor.[107] Hearing that Lafayette was without financial means to lessen the severity of his imprisonment, Morris ordered his bankers in Amsterdam to provide 10,000 florins out of his own funds; he was eventually reimbursed by the American government.[108] Later that year, Mme de Lafayette requested Morris to ask his government to help her with her husband's "debts of honor." "I do not chuse to compromise the name of America in any private affair," he noted in his Waste Book, and instead gave her 100,000 *livres* of his own money, twice his annual salary, which was the "utmost which my fortune will permit, and I am indeed incommoded in getting the money to fulfill my Engagements," he told Pinckney, asking him not to tell anyone else. He was not repaid until ten years later, and

then only received about half of it and only at his request.[109] The repayment was accompanied with an ungracious letter from Mme de Lafayette.

It was a poor return for his kindness. He was consistently solicitous for her—he asked Pinckney to forward one of Lafayette's letters from prison to be given to her "for it will be a great Consolation to her to see his writing. Poor Lady she is in great affliction."[110] She wanted Morris to take more drastic action and was outraged when he refused. Stung by her reproaches, he wrote her that "I do not adopt the Plans of Zeal or Affection when they do not meet the Approbation of my Judgment, for I will not injure a man for the Sake of appearing to be his Friend." He advised her that her plans would probably "give you much Trouble with out producing any Benefit. . . . I know the reply your Heart will make," he added sympathetically. Lafayette tried unsuccessfully to escape in November 1794 with the help of two Americans.[111]

Mme de Lafayette managed to lie low for nearly two years. In the spring of 1794, however, there was a new spate of arrests and executions. The aged and gallant Malesherbes was guillotined on April 22, after being forced to watch his daughter and granddaughter precede him up the stairs of the scaffold to their deaths. On June 10 Livingston wrote to Morris in Seine-Port that Mme de Lafayette had been arrested and was on her way to Paris. "The person who gives me this Information desired me to communicate it to you immediately," he wrote. "He fears that she will be lost." She was put in the Luxembourg, where Morris's friends the duchesse d'Orléans and Mme de Chastellux were also confined.[112]

It was the first day of the "Great Terror." More than fifteen hundred people in Paris lost their lives in the next six weeks, more of them *ci-devant* nobles than ever before. Piquet warned Morris that a petition for Mme Lafayette might backfire, but suggested the form the petition should take:

> [Y] ou may with propriety represent to the government here the ill consequences which would be occasioned by her Execution & that the friendship you bear towards the French Republic is the only inducement you have for mentioning them, that the existence or non-existence of one Woman can be of little importance to France, that her being much esteemed in the United States the news of her Death might tend to alienate the affections of many from the French republic.[113]

Morris followed this advice carefully. Although she was not released until after Morris had been replaced by Monroe, it is fair to conclude (as her sisters and Mme de Staël concluded) that he saved her from the guillotine.[114]

When she was freed in January 1795, she was allowed to join her husband in prison. Morris continued his efforts after leaving France in 1794, including lobbying the English to ask for his release. Napoléon also asked for his freedom as part of the peace agreements between the French and Austrians, and it was to him Lafayette attributed his liberation. However, Morris privately believed that it was his own conversations with Prime Minister Baron de Thugut in the fall of 1796 that convinced the emperor to let him go.[115]

Morris was present at Hamburg in the fall of 1797 when Lafayette was finally released. The former prisoner thanked Morris for his services, and Morris, still giving advice, recommended that Lafayette go to America where he was sure the government would grant him a pension.[116]

• • •

It was a dispirited Gouverneur Morris who in March 1794 wrote to his friend Robert:

> I believe that my Residence here has been of little Use, but that is not my Fault. If the present Secretary of State should take the Trouble of reading over my Letters from the Beginning he will find that I have given regularly for months beforehand an Account of what would happen. If Credit was not given to my Predictions it is not my fault. As to my conduct here, I will neither praise it nor excuse it, but confine myself to the sincere wish that my successor, whoever he be may act with more Wisdom in a Situation less critical, and for the Rest I leave it to fortune, which is but another Name for Providence, knowing that the World judges only from Events, and of course that the General or Statesman, who gains one brilliant Affair, is more applauded than he who resists with small Force or Assistance and in a dangerous Situation through the Course of a long Campaign.
>
> I am asham'd of having said so much of myself even to you.[117]

The events described in this chapter—just a fraction of the demands on Morris during the period—are solid evidence that Morris was far from "little Use." Rather, he fulfilled his duty with an intelligence and restraint under circumstances whose difficulty perhaps has yet to be equaled in diplomacy.[118] Those he rescued from prison, and possible execution, those to whom he gave money and comfort and news, knew on a personal level the benefit of his ministry.

The value of his service to his government is hard to calculate. He had at all times represented its interests as effectively as was possible, protesting forcefully but temperately against harmful decrees and aggravating conduct. The French archives demonstrate that his protests were heard and their legitimacy acknowledged, but that they were often overwhelmed by the "intestine broil" of the country.[119] He knew this, and worked to preserve harmony between the two countries, refusing to take France's provocations as requiring a response in kind. The deterioration that began between France and the United States and culminated in the Quasi War had nothing to do with Morris, but with the actions France took, caused by domestic events and the European war. The deterioration would be exacerbated by America's rapprochement with Britain.

The difficulty of Morris's mission and the extent of his efforts were not recognized, nor could the circumstances be fully understood, by a government an ocean away. Less than two weeks after Gouverneur wrote to Robert, the decision to recall him from France had been made.