Envoy to the Terror

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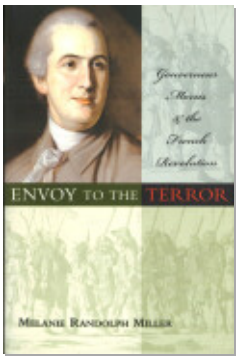

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Chapter Five

Agent for Washington, Provocateur for France

On January 21, 1790, "A very fine Day, of that Kind of Weather which is distinguished in America by the Name of the second Summer," Morris received three letters from George Washington, dated October 13, 1789.[1] One was personal, and demonstrated that the new president took the same cautious view of the French Revolution as Morris; indeed, he could have been quoting Morris when he wrote:

> The revolution which has been effected in France is of so wonderful a nature, that the mind can hardly realize the fact. If it ends as our last accounts to the first of August predict, that nation will be the most powerful and happy in Europe; but I fear, though it has gone triumphantly thorough the first paroxysm, it is not the last it has to encounter before matters are finally settled.[2]

Whether this letter demonstrates, as Jefferson was to angrily assert, that Morris had "poisoned" Washington with his "forebodings," or that Morris and Washington had similar assessments of the same set of facts, Morris wrote back with characteristic humor:

> Your Sentiments on the Revolution effecting here I believe to be perfectly just because they perfectly accord with my own, and that is you know the only Standard which Heaven has given us by which to judge.[3]

The other two letters from Washington were official, and destined Morris to be forever associated with the British and Spanish showdown halfway around the world, at Nootka Sound off Vancouver.

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"Sir," the President wrote stiffly in the first official letter, dropping the "Dear" in the salutation that he had used in his personal missive,

> It being important to both countries, that the treaty of peace between Great Britain and the United States should be observed and performed with perfect and mutual good faith, and that a treaty of commerce should be concluded by them, on principles of reciprocal advantage to both, I wish to be ascertained of the sentiments and intentions of the Court of London on these interesting subjects.[4]

Washington wished the inquiries to be made "informally, by a private agent." On the understanding that he would soon be in London, Washington directed Morris on the "authority and credit of this letter" to talk with the British ministers.

This letter was to be shown to the British government, so Washington wrote another with more detailed instructions, directing Morris to point out that the adoption of the Constitution had made compensation to British creditors assured and obviated British objections to yielding the northwest posts, both aspects of the peace treaty that were Washington's first order of concern. He also asked Morris to ascertain British intentions regarding compensation for slaves freed by the British troops. Turning to the possibility of a treaty of commerce, he gave Morris what leverage he could by pointing out that Congress was inclined to pass legislation discriminating against British commerce, and asked him to determine what general terms the British would consider in a treaty. "[T]he privilege of carrying our productions in our vessels to their islands, and of bringing in return the productions of those islands to our own ports and markets is regarded here as of the highest importance," Washington told him. Finally, Washington gave him discretion to indicate that Britain's failure to send a minister at a time when America had one posted to London "did not make an agreeable impression on this country," and Morris should "request to know what would be their future conduct on similar occasions." Washington ended by emphasizing that the effort should "receive every advantage, which abilities, address, and delicacy can promise and afford."

While Morris's mission to London in 1790 might appear at first to have been an irrelevant, if entertaining, sideshow of his experience in France, this is not the case. Any effort by the new American republic to accommodate itself to Britain inevitably raised concerns about the consequences for its relationship with France, and as such it was a highly charged issue in the United States. Crosscurrents of purpose on the other side of the

Atlantic were swirling about Morris, in ways of which he was in large part unconscious. Morris fulfilled Washington's instructions with "fidelity,"[5] but in so doing, he displeased his old friend, Alexander Hamilton; or more accurately, the British response to Morris's approach was not what Hamilton wanted to hear, and he readily sacrificed Morris's reputation to his single-minded pursuit of a rapprochement with England.

The story is replete with bizarre ironies: while Morris was busy trying to bring Britain to the table to discuss an amicable resolution of long-term disputes, he was also secretly trying to convince the French to go to war with Britain to save themselves from anarchy and at the same time to give Britain a shove toward dealing with the United States. While the mission gave Morris the right in the eyes of many to nomination as a minister to a European country, it also resulted in Washington's conviction that he could not be chosen as minister to *England* (as Washington had originally intended) but must instead go to France.[6] This conviction was due to what Julian Boyd calls "libel on an honorable public servant"—Morris—committed by Hamilton.[7] While Hamilton recommended Morris for the London mission, his own ill-conceived and improper secret conversations in New York with a British agent prejudiced Morris's chances of success from the outset. When Hamilton's actions kept events in England from unfolding as he had hoped, he was also Morris's keenest detractor, and his secret and false aspersions damaged Morris in the short and in the long term—his fabrications about Morris's doings in London are still cited as fact by some historians. Hamilton's deceptions also constituted an indefensible effort to manipulate America's foreign policy. Thus, examination of the episode provides painful insight into the character of Hamilton at the same time it removes a stain on Morris's reputation.

Even without Hamilton's allegations, Morris has been criticized for his approach to negotiation with the British. "[H]owever talented in business or brilliant in repartee Gouverneur Morris might be, his gifts did not include a mastery of the arts of diplomacy," Julian Boyd wrote. Boyd's study of this first test of the new republic remains the most thorough to date, and made this comment in the context of an unflattering comparison with Jefferson, whose diplomatic style he described as "respectful in approach" and "conciliatory in manner." Alexander DeConde agreed, charging that Morris's conduct in London showed his "ineptitude as a diplomat."[8] Yet it is difficult to concur with these harsh judgments when one reads the blow-by-blow accounts of Morris's encounters with the urbane and highly intelligent but unabashedly arrogant Duke of Leeds and William Pitt. Instead, the perception these long-ago verbal duels inspire is that these two giants were over-

matched by an American of great quick-wittedness and skill with words, who refused to be submissive in the face of their well-justified condescension. They expected to be approached hat in hand and instead they got the scintillating and confounding Gouverneur Morris.

Boyd describes Morris as "more concerned to impress a superior with detailed accounts of ripostes and rebuttals than in reaching an accommodation." Jefferson, on the other hand, endorsed Morris's statements to the British, praised his performance, and agreed with his conclusions. So did Washington. When Morris advised them the British were not going to make any concessions, it was a simple fact that had nothing to do with Morris and everything to do with Britain's geopolitical interests (which Morris discerned) and assurances the British ministry was receiving through the back door from Hamilton (which Morris knew nothing of). Indeed, it was Morris's pessimistic but accurate reports to Washington that led the British to send a minister to America. Since Boyd notes that there was nothing else to be gained at the time from the British, it is puzzling that he nonetheless consigns Morris to the purgatory of being remembered as a mediocre diplomat. It is a realm from which Morris deserves to be redeemed; his gifts and his nationalism never shone more brilliantly than in the offices of Whitehall in the spring of 1790. Perhaps the most telling rebuttal of those who believe Morris offended the British is the fact that four years later, after Morris had left France, he and Lord Grenville (by this time foreign secretary) became friendly and established a regular correspondence.[9]

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The story begins with a sly twist: a significant instigator of Morris's mission was, of all people, Thomas Paine. During the late 1780s, Paine had cultivated contacts in Parliament, including Edmund Burke. In February 1789, Paine, who had been regularly corresponding with Jefferson in Paris, wrote Jefferson that the British ministers were talking with creditors about assuming their American prewar debts, and that the time was ripe to "show that the British Acts since the Peace militate against the payment [by America]." This information, forwarded by Jefferson to John Jay, was part of the genesis of the president's decision in October 1789 to send Morris to London.[10]

Motivation was also provided by warnings received by Hamilton and other members of the "British interest" in America that Madison's efforts to pass "discriminatory" shipping laws against Britain would, if achieved, result in British retaliation.[11] Boyd also suggests that Hamilton wanted to launch the mission before Jefferson arrived, for he believed that Jefferson had a

"womanish" attachment to France and resentment against Britain.[12] However, when Washington met with his cabinet in the first week of October, the future secretary of state was still sitting in Cowes on the Isle of Wight, impatiently waiting for his ship to leave for America. He would not learn of his nomination until his arrival, would not send Washington his reluctant acceptance until December 15, and did not come to Philadelphia until January. Paine's letter intimated that the time was ripe to bring the treaty matters to closure. There was concern in the United States that the longer the northwestern forts remained in British hands the more difficult it would be to obtain them. Consulting Jefferson's expertise would, they knew, have entailed a considerable delay—in the end, it was over three months. Jefferson might have opposed closer ties with Britain, but certainly he would have favored an effort to get the British to comply with the peace treaty.

Jay supported the mission, and with unintentional irony recommended Edward Bancroft, whose secret life as a British agent while employed as Franklin's secretary in Paris was never known to his good American friends. Hamilton favored Morris. The sticking point was Madison, who wanted to wait for Jefferson. He opposed the mission, and was concerned that sending Morris would be "a commitment for his appt as Minister if one should be sent to that Court, or wanted at Versailles in place of Mr. Jefferson." (Washington noted in his diary that he agreed with this point; clearly it did not trouble him.) Madison also argued that Morris might color his reports based on whichever capital he hoped for as a post.[13]

Morris received the letters from Washington on January 21, 1790, and replied the next day, telling Washington he would leave for London "as soon as I possibly can" for he was planning a trip to Amsterdam to try and retrieve his debt proposal, discussed earlier. However, he did not depart Paris until February 17: he was uneasy about a long separation from Adèle (an uneasiness that proved well-justified) and was trying to get her pregnant. A typical diary entry for the period was that of February 12: "I lend [Monsieur Flahaut] my Carriage to go to the King's Couché and then do all that it is necessary to perpetuate his noble Family." He did not succeed. He would not see Adèle again for nearly eight months.

Before he left Paris, Morris visited Montmorin and told him "in the most perfect Confidence the Commission with which I am charged in Part." It is unclear whether Morris meant the part relating to the commercial treaty or to the peace treaty, for he explained to the foreign minister that America's treaty interest was for "a free Commerce with the british Islands" but that Morris "prefer[red] much a close Connection with France." Morris hoped the news would galvanize France into further concessions in the French

West Indies, but Montmorin responded that France was not in a position to take action, having "no fixed Plan nor Principle and at present no Chief. I tell him that they ought to go to War."[14]

Morris arrived in London on March 27, and waited on the Duke of Leeds two days later at Whitehall. The foreign secretary, who had already heard of Morris's mission, seemed receptive to Washington's letter; but when they began to discuss the peace treaty, Morris was disappointed to find that Leeds "could go no farther than general professions and assurances." Leeds assured Morris that the delay in appointing a British minister was due to their inability to find "a man every way equal to the task." Morris's reply that "this country could not want men well qualified for every office" was ignored, and "as it was not worth while to discuss the winds and the weather," he suggested that Leeds review the new American Constitution to see how far the United States had already fulfilled its treaty obligations. Leeds agreed to be back in touch speedily. What Morris did not know was that Leeds would deliberately put him off in order to pursue a scheme of encouraging disaffection of Vermont and Kentucky and other North American settlements from the United States by offering them treaties of commerce and friendship.[15]

The day before, Morris had visited his old friend, the chevalier de La Luzerne, formerly the French minister to America during the American Revolution and now French ambassador to Britain.[16] As he told Washington in a letter of April 7, Morris informed La Luzerne "*in Confidence* that you had directed me to call for a Performance of the Treaty. He told me at once that they would not give up the posts." (The Americans did not know that even as the peace treaty was proclaimed in 1784, the governor of Canada had been secretly instructed to retain possession of the posts.)

While Boyd acknowledges that "Morris was not enjoined to secrecy," he calls Morris's discussion with La Luzerne an effort to gain "credit on flimsy grounds," and that to "reveal in the strictest confidence what he knew could not be kept secret was only an effort to enhance the value of a gesture toward an ally."[17] Yet the goodwill value of this move seems substantial, regardless of whether La Luzerne would have learned it by other means. Morris thereby made it clear that the approach to the British was not intended as hostile to French-American relations, something the French would in future years have good reason to suspect; and, as he told Robert later, "[Y]ou will recollect that if ever we quarrel on that Subject it may be proper to ask the Interference of France."[18] It also gave him the benefit of Luzerne's considerable knowledge of the British.

Morris heard nothing from Leeds for nearly a month. The minister later said he had thought Morris had gone to Amsterdam, a lame excuse Morris did not believe. He wrote a follow-up letter on April 29 and received a noncommittal note dated the twenty-eighth (he was sure Leeds had deliberately predated the letter). As Morris wrote to Washington, enclosing the correspondence, "It seems pretty clear that they wish to evade a commercial Treaty, but not peremptorily to reject it; and, therefore, I have construed into Rejection his Graces abstruse Language leaving him the Option to give it a different Interpretation." He also believed they would "keep the Posts and withhold Payment for the Negroes. If so," he told Washington, "they will color their Breach of Faith by the best Pretexts in their Power . . . Perhaps there never was a Moment in which this Country felt herself greater, and consequently it is the most unfavorable Moment to obtain advantageous Terms from her in any bargain."[19]

A week after his first meeting with Leeds, Morris was a guest at the home of Hamilton's sister-in-law Angelica Church and her husband John Church. Morris liked the Churches, and would visit them often during his stays in London. Charles Fox, the leader of the opposition party, was also present. Morris took the opportunity to sound him out on British policy toward America, and wrote up the conversation in a letter to Washington. Fox confirmed what Morris had already observed, that the pro-mercantilist elements were gaining ground in the government, and that in other respects there was no particular policy toward America and they would "in all probability be governed by events." This was the only time Morris talked with Fox, although he went to watch him at Westminster. "Mr. Fox has not the needful Self Possession to make a great Speaker," he noted in disappointment. "His Mind appears like a clouded Sun, and this I believe results from the Life he leads."[20]

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In early May, there was a sharp change in the situation. On May 5, Morris learned that the ministry had demanded satisfaction for the Spanish capture of several British ships in Nootka Sound off Vancouver a year earlier.[21] Morris had actually learned of the incident in January, but had not been concerned, which may explain why he did not mention it to Washington at that time. As he later put it to Leeds:

> [A]t first I did suppose it might excite some Altercation between the two Nations, but recollecting that no british Subject could be in those Seas without the express Permission of the India Company, and pre-

> suming from the whole View of the Transaction that these Adventurers had not that Permission, I concluded that no Notice would be taken of the Matter, because that Spain might have sent them all to England in Irons as having been taken in the direct Violation of a british Act of Parliament, and in such Case, my Lord, I don't see how you could have done otherwise than have thanked the King of Spain for so kind and brotherly a Proceedure. He assents to this unwarily.[22]

Justified or not, the British decided to use the incident as a pretext for challenging Spanish claims to the Pacific seaboard. "If Spain submits," Morris wrote to Washington, "she may as well give up her American Dominions."[23]

The situation immediately gave the United States new leverage, for the British were concerned that the United States would support France and, via the Bourbon Family Compact, Spain. It also caused the first incidents of what would become a profoundly divisive matter between Britain and its former colonies: impressment of American sailors by the British. Morris noted that a "hot Press" had begun as soon as news of Britain's ultimatum broke, and he soon received requests from Thomas Paine and a friend of Jefferson, John Brown Cutting, to complain to the ministry about Americans caught up in the sweep.[24]

Morris was uncomfortable with these requests, which were outside of his instructions, but agreed, and on May 20, he sat down once more with Leeds; the next day, Prime Minister William Pitt joined them. The contest of wits that transpired, described by Morris in a letter to Washington, bears recounting.[25]

Morris found the British far more tractable, although they could not then or later agree on an approach to the impressment issue. Leeds had other matters on his mind, however, and the discussion moved to the possibility of a commercial treaty, a carrot the British were now willing to dangle. They told Morris that he had mistaken their previous disinterest in such a treaty. Morris, whose instructions regarding the peace treaty were paramount, "answered coolly" that "[i]t appeared idle to form a new Treaty untill the Parties should be thoroughly satisfied with that already existing." When Pitt replied that the "Delay of Compliance on our Part had rendered that compliance less effectual," Morris agreed that "Delay is always a Kind of Breach," and proceeded to discuss the complaints on both sides for compensation. "As to the Compensation for Negroes taken away," he told Pitt, "it is too trifling an Object for you to dispute, so that Nothing remains but the Posts; I suppose, therefore, that you wish to retain these Posts." "Why, perhaps we may," Pitt answered, and Morris rejoined

> They are not worth the Keeping, for it must cost you a great Deal of Money, and produce no Benefit. The only Reason you can have to desire them is to secure the Fur Trade, and that will Centre in this Country, let who will carry it on in America.

He then laid out why it was considered essential in America to obtain the posts, to "preserve this Boundary, if you wish to live in Amity with us," and because, he told Pitt bluntly, "our national Honor is interested. You hold them with the avowed Intention of forcing us to comply with such Conditions as you may impose." Pitt retorted that "our Honor is concerned in your Delay." Morris replied promptly:

> No, Sir, your natural and proper Course was to comply fully on your Part, and if then we had refused a Compliance, you might rightfully have issued Letters of Marque and Reprisal to such of your Subjects as were injured by our Refusal. But the Conduct you have pursued naturally excites Resentment in every American Bosom. We do not think it worth while to go to War with you for these Posts; but *we know our Rights, and will avail ourselves of them when Time and Circumstances may suit.*

Pitt then asked if the United States would appoint a minister if the British did. Morris agreed with Washington's and Jefferson's view that Britain, having ignored America's previous minister to London, should appoint one before America would reciprocate. He responded cautiously that "I could almost promise that we should, but was not authorized to give any positive Assurance."[26] When Pitt suggested that Morris should advise Washington of Britain's disposition "to cultivate a Connection &c." Morris told him frankly that while Washington's letter was evidence of such an American disposition, he had received nothing concrete in return. He added that America's willingness to have "a good Understanding" with Britain was also demonstrated "by the Decision of a Majority of the House of Representatives against laying extraordinary Restrictions on british Vessels in our Ports," a reference to Congress's rejection of Madison's discriminatory tonnage clauses in the tariff and tonnage acts of the summer of 1789. Pitt replied that

> instead of Restrictions we ought to give them particular Privileges in Return for those which we enjoy here. I assured him that I knew of none, except that of being imprest, a Privilege which of all others we least wished to partake of.

> The Duke of Leeds observed, in the same Stile of Jocularity, that we were at least treated in that Respect as the most favored Nation, seeing that we were treated like themselves. But Mr. Pitt said seriously, that they had certainly evidenced Good Will towards us, by what they had done respecting our Commerce. I replied therefore with like Seriousness that their Regulations had been dictated by a View to their own Interest; and therefore as we felt no Favor, we owed no Obligation.

The above exchanges are an excellent example of what Julian Boyd has dismissed as Morris's "fundamentally antagonistic" and "posturing diplomacy."[27] From Washington and Jefferson's responses, it is evident that these two seasoned statesmen thought otherwise. Certainly it is in stark contrast with the submissive—and as events proved, self-defeating—tack taken by Hamilton. Morris understood the British: his strategy was deliberate. As he explained later to Robert:

> If you mean to make a good Treaty with Britain support your Pretensions with Spirit *and they will respect you for it.* You must give them *visible Reasons* because they will have to *justify their Conduct*: and it will not do to say to a House of Commons *the American Minster was such a charming fellow that we could not resist him.* I rather think that it would be at least as good ground to say *the American Legislature would have greatly injured our Navigation and Commerce if we had not by this Treaty have induced them to repeal their Laws, and there was Reason also to apprehend that the United States would connect themselves still more intimately with France who for the Sake of such Connection would doubtless support them in their Claims as soon as the State of her domestic Affairs would permit her to look abroad.*[28]

Thomas Paine agreed, writing Short, "I know the Character of this Country so well that nothing but carrying a high-hand can manage them." Unfortunately, Hamilton and others of the "British interest" in America had already signaled American "acquiescence" to the British warning of retaliation against any shipping restrictions.[29]

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The drumbeat for war continued, and Morris hoped that the British would decide to fulfill the peace treaty. In mid-June, he heard that Lord Grenville

was considering giving up the northwestern posts, and entering a commercial treaty, but the weeks passed with no word.[30]

In the meantime, the president and secretary of state were disappointed but not surprised by the results of Morris's first discussions. On July 7, Washington wrote to Morris expressing "entire approbation" of his conduct in the March and April meetings.[31] Hamilton, however, was not pleased. Morris's appraisal of British intentions was quite right, but this was not news that Hamilton, whose vision of American interests was predicated on close ties to Britain, wanted to hear.

He was not ready to relinquish his hopes, even though Morris's description of the British position was reinforced by Major George Beckwith (aide-de-camp of Lord Dorchester, governor of Canada) in July 1790, after the war crisis had begun but before Morris's accounts of his second round of discussions had arrived. Dorchester, prompted by the same concerns that impelled Pitt and Leeds to change their tune to Morris, had sent Beckwith to New York to scout out American reaction to the situation, and to try to nullify any reports by Morris of British indifference to the American approach.[32] At the same time, he was to promise nothing, and simply express the hope that war with Spain would not affect America's "good disposition" to establish "connections"—commercial connections that Hamilton had proposed without Washington's knowledge.[33] Hamilton apparently thought he could promote these connections by convincing Washington that the British were more receptive than Morris had reported.

He did this by revealing Beckwith's existence, but at the same time misrepresenting his message. Specifically, he told Washington and Jefferson that Beckwith had said the British *were* interested in a commercial treaty *and* a possible military alliance, although Beckwith's instructions made it clear that they were interested in neither. The falsehood regarding the alliance was, as Boyd points out, "a far graver matter" than the commercial treaty.

Hamilton presented this version of his meeting to Washington on July 8, 1790. His report of Beckwith's comments did not attack Morris personally, other than to claim that Beckwith had reported discomfort with Morris's lack of regular credentials, something Leeds had not in fact objected to.[34]

Washington was angered by what he heard, noting with unerring precision in his diary that it "was simply and no other than this;

> We [Great Britain] did not incline to give any satisfactory answer to Mr. Morris, who was *officially* commissioned to ascertain our inten-

> tions with respect to the evacuation of the Western Posts within the territory of the United States and other matters into which he was empowered to enquire until by this unauthenticated mode we can discover whether you will enter into an alliance with us and make Common cause against Spain. In that case we will enter into a Commercial Treaty with you and *promise perhaps* to fulfil what they already stand engaged to perform.[35]

He instructed Hamilton to treat Beckwith cautiously, and not to commit "by any assurances whatever, the Government of the U. States," a line of conduct Hamilton had already transgressed and now directly disobeyed.

Morris's reports of his lively debate with Pitt and Leeds arrived in New York a month later. On August 12, Jefferson sent him further instructions regarding the neutral position to be taken should war break out, and approved his handling of the question of the exchange of ministers.[36] Hamilton, however, was evidently alarmed by Morris's tone, which he must have considered insufficiently humble. In late September, with no sign of progress, he decided to undermine Morris by fabricating British displeasure with the American representative, thereby undercutting American dignity and betraying his long friendship with Morris. Hamilton's derogation went in two directions: he attempted to plant in Beckwith, who had heard nothing negative about Morris from his government, a belief in Morris's indiscretion and offensive behavior. He did the same to Washington by repeating the same slanders as having *originated* with the British government.

His first move was to meet with Beckwith. It is important to note that prior to this time Beckwith had made *no* complaints regarding Morris. The unsuspecting major fell easy prey to Hamilton's suggestions, however, and this is not surprising for Hamilton had told him that American policy was far more conciliatory toward the British than it really was. Nonetheless, the Machiavellian skill with which Hamilton insinuated a negative view of Morris into Beckwith's mind is remarkable. According to Beckwith, Hamilton told him that "23" [Beckwith's code for Morris] was a "man of capacity, but apt at particular times to give himself up too much to the impressions of his own mind," and he did not approve of Morris's conduct in his talks with Pitt.

> [I]f 23. has cultivated intimacy with the Ministers of any other power in Europe, or has caused suspicion on that ground with respect to

> France, or elsewhere, he has had no authority, for so doing . . . he was very intimate with Monsr. de La Luzerne the Ambassador of France now in London, when he was Minster in this country, possibly from that circumstance he may have been more frequently there, than prudence ought to have dictated, and the knowledge of this circumstance may have produced a greater reserve on the part of Your administration; these ideas strike me, although I have no grounds to go upon.[37]

Thus, it was *Hamilton* who originated the allegation that Morris had been hobnobbing with Fox (based on the single conversation described by Morris's letter of May 2)[38] and with La Luzerne, *and* that this was a good reason for the British to reject him. The British government had said nothing of the kind; but Beckwith was willing to adopt Hamilton's views.[39]

At the end of the conversation Beckwith, who had swallowed the bait, returned to the subject. He had, he told Hamilton, always made it "a point to preserve the strictest silence with respect to (23)." However, he continued, he had heard Morris's name mentioned more than once "by his relations and their acquaintances" who indicated that Morris "is greatly liked in London, that he is frequently with the French Ambassador Monsieur de La Luzerne, and with Mr. Fox, who has expressed himself to be greatly pleased with his character and company." Hamilton promptly affirmed Beckwith's tacit complaint: "Yes, it is so reported; I believe it in some measure to be true . . . I do not question this gentleman's sincerity in following up those objects committed to his charge," Hamilton continued with feigned candor, "but to deal frankly with you, I have some doubts of his prudence . . . in other respects he is a man of great genius, liable however to be occasionally influenced by his fancy, which at times outruns his discretion." Beckwith eagerly agreed:

> [Beckwith] Mr. Fox is a very able man, very generally respected . . . but professing every possible respect for Mr. Fox, and for Monsieur de La Luzerne likewise, it is for Your consideration, how far a gentleman in 23. [*sic*] situation ought to form intimacies with persons in public political situations, excepting they are in administration.
>
> [Hamilton] I am quite of Your opinion, and this amongst other causes led me to remark, that it is greatly desirable, that this negotiation should be transferred to our seat of Government.

Thus, in a few sentences, Hamilton did his best to destroy Morris's efficacy as an agent, giving his opinion (but speaking in the putative position

as unofficial government spokesman) that Morris's reports could not be relied on, that his conduct was embarrassing, and that the British would be justified in refusing to deal with him.

Just how successfully Hamilton made Beckwith believe the criticisms of Morris were his own is revealed in the notes of a conversation between the two men five months later. In early 1791, Washington, relying on Morris's letters, had advised Congress that the British were unwilling to cooperate in completing the peace treaty terms, and requested steps to decrease American dependency on foreign vessels for shipping.[40] With the possibility of American discriminatory legislation, and of war—this time with France—once more in the air, the British were disconcerted and again sent Beckwith to Hamilton. Unconsciously parroting Hamilton's remarks of the preceding September, Beckwith told him:

> I have in former conversations had the honor of declaring my sentiments with respect to Mr. Morris . . . I believe him to be a man of genius, of knowledge and of discernment, but like other men of strong faculties, I suspect him liable to be led away by his vivacity, to form tenacious opinions and to act upon them; I assume it is a fact, that the information laid before your Legislature, is founded on Mr. Morris's communications.[41]

Yet Hamilton's and Beckwith's joint assault on Morris seems to have done nothing to mar his reputation with the British government, even though the ministers received copies of these comments. The ministers, of course, knew the truth of the matter: that Morris had not been spending time with Fox, that his friendship with La Luzerne was irrelevant to their strategy, that Morris was actually a hard-headed negotiator who met them point for point, and, most important, that Morris's reports of British policy were accurate. Morris himself, unaware that Hamilton had originated the notion that the British were justified in refusing to deal with him, later dismissed the idea with the scorn it deserved:

> I will suppose it to be a very good Reason to be given to America for not conferring *a favor* on her that the Man sent to ask it was disagreable, no matter from what Cause, but I trust that they will never avow to the british Nation a Disposition to make Sacrifice of their Interest to please a pleasant Fellow. It will remain therefore for them to justify the Refusal of an advantageous Connection because not presented in an agreable Manner.

He also pinpointed the British motives for backtracking and deciding to send a minister:

> [T]hey have therefore i*n fear of french Influence* sent you a Minister. And they will make a Treaty with us as soon as the People are ripe for it and the *mercantile Interest feel the Necessity.* All the Rest is mere *Palaver*.[42]

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Hamilton's attack on Morris was far more successful in America than in Britain. As noted before, it was a two-pronged strategy, to reassure the British that the American government was more manageable than Morris made it appear, and to convince Washington that Morris was alienating the British and providing unreliable intelligence. Hamilton achieved the second aim with a September 30, 1790, memorandum to Washington that grossly misrepresented what had been said at his meeting with Beckwith.

Were it not so unscrupulous a piece of defamation, it would be humorous to note the touches that Hamilton added to give an air of veracity. "I had lately a visit from a *certain Gentleman*," he began carefully, "the sole object of which was to make some observations of a delicate nature, concerning *another Gentleman*"—that is, Morris. Doubtless, said Hamilton, these comments were intended to be passed on to Washington. Beckwith's manner, Hamilton added with a flourish, was "somewhat embarrassed," thereby betraying "rather more than he seemed to intend to discover." According to Hamilton, Beckwith had indicated that "in *different companies* where he had happened to be, *in this City* (a circumstance by the way very unlikely)"—Hamilton here professed a skepticism for Beckwith's account with a jaw-dropping irony that must have struck him as he wrote—Beckwith "had heared it mentioned" that Morris "was upon terms of very great intimacy with the representative of a certain Court at the one where *he* was employed and with the head of the party opposed to the Minister." Beckwith had suggested that if the British were unreceptive to Morris, it might be due to "such *an intimacy*,"—although, Hamilton had Beckwith hasten to add, "he had no intimation however" that Morris was in fact guilty of these associations. If he were, Beckwith supposedly continued, "you will readily imagine that it cannot be calculated to inspire confidence or facilitate free communication."

Here Hamilton pulled out the dramatic stops and had Beckwith say with grave dignity:

> Man, after all, is but man; and though the Minster has a great mind, and is as little likely as most men to entertain illiberal distrusts or jealousies; yet there is no saying what might be the effect of such conduct upon him.

Hamilton then described his own supposedly loyal response. "I have never heared a syllable Sir, about the matter you mention," he said stoutly, although, he allowed, it was "very possible that an intimacy with both the persons you mention may exist" because La Luzerne was Morris's friend. As to Fox, Morris would have liked his

> patronage of American affairs, which is understood to have been uniformly the part of that Gentleman, and in some degree, from a similarity of dispositions and characters; both brilliant men, men of wit and genius; both fond of the pleasures of society.[43]

The best that can be said of this letter is that Hamilton had Beckwith admit that his comments were "conjecture" as indeed they were—Hamilton's conjecture.

Although Washington remained loyal to Morris, he was shaken by Hamilton's memorandum; it formed the core of his admonitory letter to Morris in January 1792, accompanying the news of his appointment as minister to France, and later predisposed him to believe French complaints about Morris. Jefferson may have believed the allegations (though Madison suspected Beckwith was behind them) but apparently was unconcerned.[44] Yet through some means—from Hamilton directly, or from Jefferson to Madison, Hamilton's allegations gained currency in New York (and, in yet another remarkable twist of the story, were reported back to London.)[45] The irascible Senator Maclay wrote in his journal of "the disappointment attending Gouverneur Morris's management" of the negotiation,[46] and when Morris's nomination to France came before the Senate in December 1791, Hamilton's fabrications were a major grounds of objection, as articulated by Aaron Burr:

> I merely state a fact. It has been asserted and without any injunction of secresy, that Mr. Morris conducted himself so offensively in his intercourse with the Eng. Ministers, that they were offended & refused, after an abrupt breaking up of an interview, to renew it.[47]

It is yet another fine piece of irony, therefore, that Morris credited Hamilton with the success of his nomination, and thanked him for his "exertions." Hamilton made no effort to correct the impression.[48]

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Having described Morris's dealings with the British ministers through the spring of 1790 (he did not speak with Leeds again until September), it is time to turn to Morris's own "shadow diplomacy" by which he encouraged France to go to war against Britain.

While Morris freely criticized the French situation to his English acquaintances, he saw that they were "weak enough to imagine from hence that I am attached to England." He was not: he wanted the United States to cultivate ties with France, not England, but worried that France was heading toward disaster. His motive for pushing Montmorin and Lafayette came from a long-held belief in "that great friend to sovereign authority, a foreign war."[49] He also had an eye on the possible commercial opportunities that would result for American shippers from such a war.[50]

Yet Morris's conduct cannot be assessed out of the context of his assignment from Washington. Morris's activities put his own effectiveness as an agent and the bona fides of his government at considerable risk. Of course, British bona fides were also at risk, given their secret activities in Vermont and Kentucky, but that does not justify Morris's actions.

Morris told Washington candidly in his letter of January 22 that he had advised Montmorin that "I saw no Means of establishing Peace at Home, but by making War abroad."[51] When the Nootka controversy arose, he promptly wrote Lafayette and Ternant that he thought England might attack France.[52] In early May he ran into Lafayette's aide-de camp, Boinville, who was keeping an eye on the duc d'Orléans in London. Morris described a proposed war plan to Boinville, who returned later with instructions to "concert" with Morris, an indication that Lafayette, despite their increasing estrangement, was very interested in what Morris had to say.[53]

Morris's plan called for France to honor the Compact. The French would readily turn on the British, he suggested, for "[t]here is no word perhaps in the dictionary, which will take the place of *Aristocrat* so readily as *Anglais.*" He was quite detailed, with suggestions for the number of marksmen, recruiting Irish regiments, and recommending that Spain send a force to Newfoundland.[54] He also went to see the Spanish ambassador and suggested "some Means of annoying the Commerce of this Country, should a War take Place," and wrote to Carmichael in Madrid about British weak-

nesses.[55] He did not tell Carmichael of his mission for Washington, however, and Carmichael later complained bitterly to Jefferson that Morris's negotiations with the British had destroyed America's chance of using the war crisis to obtain concessions from Spain (in particular, navigation of the Mississippi). Carmichael also complained that the Spanish knew of Morris's assignment and assumed Carmichael (who did not) was double-dealing with them, which led him to end his correspondence with Morris.[56]

Montmorin determined that France must honor the Family Compact, but the move to put the French navy into readiness required funding through the National Assembly. This precipitated a debate over the locus of control of foreign policy, and the Assembly voted to shift a large part of the control to itself, thwarting Montmorin's pledge and further weakening the executive.

As the cold and blustery London summer wore on, the crisis lost its immediacy, and Morris grew convinced that France's delay would cause Spain to cave in. He wrote to Washington that he had "little Doubt but that the Ministry here would have agreed to comply with the Treaty of Peace, had they found themselves engaged in a War. . . . and I presume, that in Proportion as the Clouds shall disperse, they will be less tractable."[57]

He began to make plans to depart London, but fell ill. On July 7, he noted in his diary that his servant Martin had "contracted a Disease which will I fear incapacitate him for my Service for some Time." Always the amateur physician, he added, "We shall see, however, what Mercurials will do." Most likely, they made the poor man worse. In any event, it must have been contagious. On July 17, Morris found himself listless, and spent the morning amusing himself with drawing, "being (from what Cause I know not) indisposed to Business," a clear indication that something was significantly wrong, although the details that might permit identifying the problem are hidden under the black lines of Ann Morris's inhibited pen.[58] The next day he realized he was falling ill. He did not leave his rooms again until September 2, spending most of the time close to the fire in a "State of absolute Rest." Morris did not tell Washington of his illness; he told Robert only that he had been "sick for some days."[59]

He had received no word from Leeds after their meeting on May 21, and he was anxious to leave, but he thought the news that France was arming might again motivate the British to negotiate. On September 10, recovered at last, he wrote Leeds that he had remained in hopes of hearing something, but would soon depart. He pointed out that he had requested a memorandum detailing the compensation they considered required by the peace treaty, but "[m]onths having elapsed in Silence, your Grace will, I hope, pardon me for observing that the pointed Avowal of a Determination to with-

hold Performance unless upon certain Conditions the Communication of which is withheld, might be construed into unconditional Refusal." Morris added significantly, "Your personal Integrity and Honor, my Lord, the acknowledged Justice of his Majesty, and the Pride of british Faith, prohibit me from harboring that Idea. But it may perhaps be entertained by my Countrymen." Leeds responded with a brief and vague answer, which Morris construed to mean that the British council had not yet reached a decision. He told Washington:

> These men do not yet know America. Perhaps America does not yet know herself. They believe british Credit is essential to our Commerce. Useful it certainly is at present, but let our public Credit be well established and supported, and in a very few years our commercial Resources will astonish the World. We are yet but in the seeding Time of national Prosperity, and it will be well not to mortgage the Crop before it is gathered.[60]

They met again on September 15. The minister was clearly uncomfortable with the little he was permitted to say, but he did assure Morris that the British would send a minister soon. Morris pointed out that if war should come, the United States could "give the West India Islands to whom we please, without engaging in the War ourselves." Leeds agreed that this was true. Morris then criticized the mercantilist system as damaging to both countries, particularly if America should pass a comparable navigation act, for it would mean "they could not bring us a Yard of Cloth which contained spanish Wool, and so of other Things. I thought I could perceive that Considerations like these had already given them some Alarm." Morris saw that nothing had changed, however. He told Washington that the "ministers will not treat with us at present, unless they could see their Way to an offensive and defensive Alliance, which we shall be in no Hurry to contract."[61]

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Morris thought this would be the last communication he would have with the British, but he was again presented with pleas regarding impressment of American sailors, and reluctantly wrote once more to Leeds. His letter received no response. According to Boyd, it deserved none: though he admits it had "grace and force," he calls it "bellicose" and another illustration of Morris's deficiencies as a diplomat.[62] Assessment of this severe criticism requires a review of the letter.

Morris addressed the fact that American captains were not only having their American sailors seized but also British sailors contracted to them. "On the first Point," he told Leeds dryly, "I am obliged to mention, my Lord, that interrupting Vessels in their Voyages and taking away those who navigate them may have disagreable Consequences, & by reminding your Grace of that Sentiment which was excited by the Conduct of a spanish Frigate in Nootka Sound I render I am sure all Comments unnecessary." On the second point, he continued,

> I must take the Liberty to observe that the very Circumstance of being on board an american Ship ought to raise a Presumption of Citizenship, but when that is strengthened by the Oaths of the Men taken in America, Proof should be required to overturn, not to corroborate it. But, my Lord, it must be impossible to obtain the Evidence required, in many Cases, unless the Master will hazard a Deposition to Facts not in his Knowlege.

Morris noted the conflict between British common law, which provided that native citizenship was indefeasible, and the approach made necessary by the American Revolution:

> Another Circumstance of most delicate Nature is the insisting that none but Persons *born in America* shall be privileged from the Impress. I humbly conceive my Lord that previous to the Year 1775 those born in America were equally Subjects of his Majesty with those born in England, and many of them I believe still continue so. By the Treaty of Peace the Sovereign of this Country relinquished all Rights over those then in America who chose to take the Benefit of it; and if the Compact can be set aside in the Case of a Mariner I fear that many others will no longer rely upon it.

Morris then turned to the third point, asking Leeds whether it was

> consistent to claim british Seamen who have contracted to serve in american Vessels and yet withhold american Seamen who have contracted to serve in british Vessels. Pardon me for adding that this would justify a Practice which I hope may never take Place, of manning the Privateers of your Enemies with the Seamen of America.

Morris's refusal to be submissive on a matter so close to national honor—a matter that was a source of increasing American anger into the next century and a major factor in propelling the two countries into the War of 1812—seems to have alarmed Boyd, who, like Morris, concluded that Jefferson's failure to respond to his report of this discussion indicated disapproval. This is debatable.[63] If Jefferson had wanted Morris to stay out of such matters he had an opportunity and indeed an *obligation* to say so in his letter of August 12. This letter was in reply to Morris's account of his May 29 meeting with Leeds, a meeting precipitated by impressment complaints.

Yet Jefferson did not object, and it seems unlikely that Jefferson himself would have ignored the captains' importunities. Certainly the situation made Morris very uncomfortable but "I could not be an indifferent Witness to the Injuries sustained by my Fellow Citizens," he wrote Washington. He realized he would be "[l]iable to Censure for Neglect, and to the Imputation of hunting employment, but feeling alike guiltless of the one, and incapable of the other," he had chosen to act. He had previously made it clear to the ministry that he was not authorized by the American goverment to negotiate on its behalf on the subject.[64]

Morris's letter to Leeds, which reads rather like a brief, reflects Morris's legal training. It is difficult to understand how a submissive tone would have been preferable. Boyd describes Morris's references to the Nootka crisis as "remarkably blunt," presumably because it raised the specter that America could demand satisfaction on these equally (indeed more) justified grounds. He also views Morris's implication that Britain was thereby violating the peace treaty as improper. Yet Morris had cut right to the heart of the matter and discerned its deeply troubling ramifications. Three years later, Thomas Pinckney would struggle with impressment complaints, and ask Morris's advice. Morris responded that the best Pinckney would get from the British would be "more polite Profession than solid Satisfaction" despite the clear violation of American rights and sovereignty.[65]

Rather than maintaining a justifiable "dignified silence," as Boyd suggests, it appears more likely that Leeds did not answer because there was really nothing he could say. Morris's points were unanswerable. Britain should have tried to work out a satisfactory procedure to protect American citizens, but Britain had the strength to ignore American complaints and she deliberately chose to do so for reasons she considered paramount. Morris, by putting the issue on its correct footing, did the most that America could hope for in its still infantile naval state, for his letter made

it impossible for the British to pretend to justify what was simply an exercise—and an abuse—of sheer power.

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After receiving Morris's letters of July, August, and September 1790, Jefferson and Washington agreed that "further applications would tend to delay, rather than advance our object," and in mid-December instructed him to make no more efforts. The following February, Washington's report to Congress, with extracts of Morris's letters, demolished the hopes of the "British interest" for a commercial treaty, and Madison's discriminatory navigation bill was abruptly brought back to life.[66] The bill, which would have mirrored the British navigation laws, prohibiting British ships from carrying anything other than British products to America and from carrying American goods anywhere other than to Britain and its possessions, was approved and sent to the House, where it remained to be taken up at the next session. Jefferson's hopes for its passage were buttressed that summer by receipt of an internal British report indicating a firm mercantilist policy and utter disinterest in a commercial treaty. Morris's observations were thereby confirmed, and again, the effect of the report on the "British interest" was "devastating."[67]

Morris did not receive their instructions until March 1791. In the meantime, in December 1790, on a business trip to London, he made a follow-up visit to Whitehall, simply "to let them know that I am alive." Just as he had anticipated, now that Spain and Britain had reached an accord, the British had nothing more to say to the United States. The brief opportunity for rapprochement had expired, and the story would appear to have been over; but it was not. The ironic effect of Washington's release of Morris's pessimistic reports was that the British now had good reason to fear American commercial retaliation, and in the late spring of 1791 decided it was time, at last, to send a minister. Though British and American relations would continue to be problematic, this was a major diplomatic breakthrough.[68]

In the meantime, Hamilton refused to give up. In late December 1790, he sent William Stephens Smith, son-in-law of John Adams and a would-be diplomat, on another secret attempt to court the British and counteract Morris's reports.[69] Smith's entrée to the ministry was through British financiers allied with the American "British interest." (The British interest included Robert Morris. Robert, who read Gouverneur's reports from London with Washington's permission, and knew of Hamilton's allega-

tions, may have hoped to repair the damage he mistakenly believed Morris had done. Robert had ties with the British financier Patrick Colqhoun, who helped Smith.)[70] At the meetings, Smith falsely implied that he was there on Washington's behalf, and made what Boyd calls "the British side of the argument" to the unimpressed ministers, who were cordial but gave him only the assurance that a minister would be sent. This decision had already been made, but Smith believed *he* was responsible, and returned to America filled with misplaced confidence that he would receive the reciprocal American appointment to Britain. He reported to Hamilton and then to Washington who, in a reply drafted by Jefferson, "crushed" Smith, noting he had told them nothing that Morris hadn't already communicated. Boyd calls Washington's reply a "re-affirmation of confidence" in Morris, an affirmation made explicit by Jefferson in a very warm letter to Morris of August 1791:

> Some new indications of the ideas with which the British cabinet are coming into treaty confirm your opinions, which I knew to be right, but the Anglomany of some would not permit them to accede to. Adieu my dear Sir Your affectionate humble servant.[71]

Jefferson did not use the word "affectionate" often or lightly; it appears only in letter closings to people for whom he felt genuine regard.

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Morris was also a dupe of Hamilton's fabricated allegations, for when they were repeated to him by Robert, he believed that the British had indeed complained, to his disgust. He heaped scorn on their supposed objections, and came near to putting his finger on the truth when he commented that "[c]ertainly Nothing but their Confidence in that English Party [the "British interest"] which Lord Hawkesbury mentions as existing in our Councils and which I flatter myself does not exist, would ever have permitted a Complaint so idle."[72]

Yet he was stung by the attacks, all the more so when he received Washington's admonishing letter of January 28, 1792, accompanying news of his appointment to France. The letter assured Morris that Washington's nomination had been made "*with all my heart.*" However, "I wish I could add, that the *advice & consent* flowed from a similar source—Candour forbids it—and friendship requires that I should assign the causes." Morris had been charged, Washington told him,

> with levity, and imprudence of conversation and conduct.—It was urged that your habit of expression, indicated a hauteur disgusting to those who happen to differ from you in sentiment. . . .—That in England you indiscreetly communicated the purport of your Mission, in the first instance to the Minister of France at that Court; who, availing himself in the same moment of the occasion, gave it the appearance of a Movement through his Court.—This, and other circumstances of a similar Nature, joined to a closer intercourse with the opposition Members, occasioned distrust, & gave displeasure to the Ministry; which was the cause, it is said, of that reserve which you experienced in negotiating the business which had been entrusted to you.[73]

Washington then placed his own gloss on these charges:

> That the promptitude with wch. your brilliant, & lively imagination is displayed, allow too little time for deliberation and correction; and is the primary cause of those sallies which too often offend, and of that ridicule of characters which begets enmity not easy to be forgotten, but which might easily be avoided if it was under the control of more caution and prudence.

It is notable that Washington asked Jefferson's help with this very personal letter, and Jefferson "freely used the liberty he gave him in softening some expressions lest they should be too much felt by Mr. Morris."[74]

Morris's first response was to immediately sit down and write to the president and promise "that Circumspection of Conduct which has hitherto I acknowlege form'd no Part of my Character." The charges rankled, however, and a few days later he wrote another letter (one that Boyd calls "brilliant") and specifically denied "Intimacy with the opposition." Morris had seen "none of them except Mr. Fox, and him but twice in my life, and one of those times at a ball." As for "Hauteur," he told Washington,

> I believe the Complaint to be in one sense founded. You know Sir that it was not necessary to insist that they should actually appoint a Minister before we did. Time however has shewn that in this Instance at least I judged rightly. If I would have listen'd to Overtures derogatory to the Honor and Interest of my Country I should have been held very highly. And the mortal Sin was that I did not listen to such Overtures.[75]

Morris also defended himself regarding the discussion with La Luzerne (who had since died), telling Washington that he seriously doubted La

Luzerne had revealed what Morris told him, because he was "very apprehensive lest in the derang'd State of french Affairs [w]e should call on his Court to support our application." As such, "it was clearly his Interest to appear unacquainted with the Demand and as to a Treaty of Commerce he knew not one Syllable on the Subject." (If Morris had told Montmorin, La Luzerne's superior, about the proposed treaty of commerce before leaving Paris, he was on thin ground with this assertion.)

Morris recognized a fatal inconsistency in the charges, though he could not know the reason was that the British had not actually *made* the charges:

> You will recollect Sir that the Duke of Leeds offered to make his Communications to you thro me when I last saw him which I declin'd. At that Moment therefore their Reserve had not proceeded from the Causes now assign'd.

Morris then put the matter behind him, but the damage to his reputation caused by Hamilton was done and it was permanent. Yet there is an argument to be made that Morris did deserve criticism for his concurrent efforts to urge France and Spain into war. This was particularly troubling since his superiors in the United States, though informed of his views, were uninformed of his efforts in pursuit of those views. Madison, who apparently feared Morris would prove pro-British, might have approved, but whether Washington or Jefferson would have done so is debatable. If the British had known what he was doing (despite their own secret activities), they might well have refused to deal with him and (if they thought he acted with his government's approval) with the United States. Yet the issue never seems to have crossed Morris's mind. We cannot know whether, given a protected channel, Morris would have told Washington what he was up to. Lafayette regularly corresponded with Washington and Jefferson, and Morris must have realized that they might find out through the marquis.

Morris's good intentions are evident, but the rights of it are not as easy to discern. Since he was never called to account, we do not know how he would have justified himself. It is a striking example of Morris's ability to compartmentalize his multifaceted sense of duty, something he was to do again when, as American minister to France, he worked actively in the inner royal councils to try to save the king.