# Envoy to the Terror

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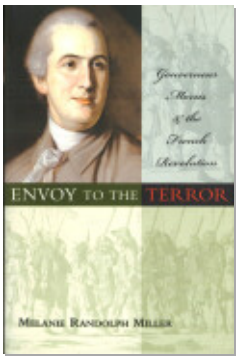


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## Chapter One

# *Before Paris*

The thirty-seven-year-old man who arrived in France in 1789 had already lived a remarkable life in America, and from his writings it appears he believed the best part of it was already over. He was wrong. The next five and a half years in France were to be his prime, when his thoroughly American personality and experience blazed on the French stage, in front of an audience whose sophistication matched his own. Gouverneur Morris loved the French and threw himself into their affairs with an energy matched by no one else except perhaps his long-time adversary, Thomas Paine.

He left America with an established reputation. It was not, in some respects, a particularly good one. "Of all the men in this country, who have been public men, perhaps there is not one who is more generally disliked," Edward Rutledge wrote in 1791. "However [Morris] stands very high in the opinion of the President."[1] Morris's brilliance, attractive to many, threatened others, and his unbridled exuberance left some with the impression that he was no more than a "flutterer upon the surface."[2] Throughout his life, Morris displayed a singular indifference to currying public favor, which in his own day offended acquaintances and to this day contributes to the tendency of many historians to dismiss him out of hand.

Morris went to France on business and perhaps to relieve a heart that had been unlucky in love. Since it is impossible to fully appreciate the man who arrived in Paris that dreary February without knowing the rudiments of his life beforehand, a brief biography is required.

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On November 19, 1760, Lewis Morris, Jr., sat down at his house in the estate of Morrisania (now part of the Bronx) to write his will. In this document, Morris, a judge of the Vice Admiralty Court of New York, demonstrated the same sly humor he passed on to his youngest son, Gouverneur:

> My Actions have been so inconsiderable in the World that the Most durable Monument will but perpetuate my folly. . . . My desire is that nothing be mentioned about me, not so much as a line in a News Paper to tell the World I am dead. That I have lived to very little purpose my Children will remember with concern when they see the small Pittance I have left them, for Children judge of the Wisdom Goodness and *affections* of their Parents by the Largeness of the bequests coming to them but what I have left them is honestly acquired, which gives me a satisfaction that Ill got thousands cannot bestow.[3]

The Morrises were one of the leading families of New York, not as powerful as the Livingstons, but still well connected and very successful. Gouverneur's forbears included judges and royal governors of New Jersey and Pennsylvania.[4]

Gouverneur was born in 1752. His elder brothers were half brothers, children of an earlier marriage, far older than Gouverneur and his four full sisters, who were borne by Sarah Gouverneur Morris. The name "Gouverneur" was Huguenot.

Lewis Morris, Jr., died when Gouverneur was ten. His will directed that Gouverneur receive the "best Education that is to be had in Europe or America," and Gouverneur learned French from a tutor, attended the Academy of Philadelphia, and, at the age of twelve, entered King's College in New York. A year later, he scalded his right arm severely, apparently leaving it half useless and scarred. This must have been a considerable blow to an adolescent boy, but he apparently coped with it or it healed, for it is not mentioned in the later papers reviewed for this work.

Gouverneur's mathematical talent and grasp of economics were remarkable. His first public demonstration of these gifts was at the age of eighteen, when he anonymously published several essays criticizing a loan bill before the New York assembly. His calculations were sophisticated and his language convincing, and when he became known as the author his expertise was considered established. He received his bachelor's degree in 1768 and went on to study law.[5] When 1774 arrived, with the first violent stirrings of revolution, Morris was quickly drawn into the conflict, although his first impulse, as it was for so many others of propertied background and conservative bent, was that the colonies should seek compromise with England, accepting mercantile regulation from London but taxing themselves and providing for their own defense. When these proposals met rejection, however, and the British fired on American soldiers in Lexington, Morris cast his lot with the rebels, though he did not immediately rule out

the hope of reconciliation.[6] In this decision he was on the side of his half brothers Lewis and Richard and his brother-in-law Samuel Ogden, and opposed to his mother and his half brother Staats. The family divisions, particularly the split with his mother, must have been painful; he was not permitted to see her after the war began in earnest, for Morrisania was behind British lines most of the time.

It should be noted here that Morris's choice of the revolutionary side in the American conflict was not at all inconsistent with his later efforts to slow down the French Revolution; as the chapters that follow will establish, his principles remained the same throughout. Many if not most intellectual historians of the American conflict view it as an effort primarily to preserve a status quo of existing rights:[7] a large degree of self-government that many Americans, including Morris, felt was being threatened, and a security in property that they also saw as threatened because they had no say in the government that was taking it.

Morris was now in his early twenties, and the rough outlines of his personality were established. His heritage gave him a strong sense of superiority, which he did not hesitate to express; for example, he complained at one point of a recruitment policy by which "a herd of Mechanicks are preferred before the best Families in the Colony."[8] He was a tall, striking, highly intelligent, and witty young man, seemingly worldly but still in fact quite young. Although his talents quickly promoted him into the foremost counsels, it was some time before Morris's maturity matched his abilities, and he occasionally irritated his colleagues. He was known as a ladies' man: "Tell the women they must all love me for I love them all," he directed his friend Robert R. Livingston, and he was greatly appreciated in return.[9] He may not have crossed the line of propriety, but he gained the reputation of being immoral and irreligious, allegations that were to be repeated fifteen years later when his appointment as minister was debated.

Morris was elected to the New York Provincial Congress, and distinguished himself with his sophisticated recommendations regarding financing the war. In the spring of 1776, he was appointed to a committee formed to confer with George Washington on New York matters, an assignment that led to their friendship. From September through November, however, he did not attend the sessions but went to Boonton, New Jersey, and gave no satisfactory explanation. He told the Congress that he was detained by a "series of accidents too trifling for recital," which biographers of this part of his life condemn as insultingly unconcerned. It clearly seemed so to his exasperated friends: Robert Livingston wrote to Edward Rutledge that Gouverneur was enjoying "his jest and ease while his friends

are struggling with every difficulty and danger and blushing while they make those apologies for him which they do not themselves believe."[10] Yet his statement to Congress was precisely the sort of dismissive phrase Morris was to use in many letters from Europe in which he failed to mention extremely significant activities and personal difficulties (such as illness) to his correspondents.

In 1777 Morris was elected to the Continental Congress. Once again, he delayed attending for nearly three months, adding to his reputation for irresponsibility. When he arrived in York in January, Washington and his troops were suffering at Valley Forge. Morris was appointed to a committee to help restore army morale, and he worked closely with Washington in drafting a reform bill. Morris's admiration for Washington was probably greater than for any other man he was ever to know, and the general was a fatherly figure for him. He probably influenced Morris for the better, for thereafter Morris showed far more attention to his obligations to the war effort. While at Valley Forge, Morris became friends with the marquis de Lafayette, five years his junior.

He was by now regarded as "probably the foremost publicist of the Congress," as he himself boasted, drafting virtually all of its important publications.[11] When the Carlisle Commission arrived from England in 1778, offering an olive branch, Morris wrote Congress's succinct and forceful rejection. The rejection of the commission was largely due to the news that France had signed treaties with the United States, and France's minister, Conrad Gérard, arrived in Philadelphia in July to present his credentials. Morris helped design protocol for the new nation's diplomatic obligations, and chaired the committee that drafted instructions for the new American minister to France, Benjamin Franklin.

Despite his important duties, Morris's exuberance occasionally got the better of him. A story often told about Morris is that one night at dinner, in pursuance of a bet with Alexander Hamilton, he took the liberty of slapping Washington on the back, saying, "Wasn't it so, my old boy?" Washington made no response, his frosty silence a stinging reproof, and the dinner party dissolved in awkwardness.[12] However—if this episode actually took place—Washington's impregnable sense of dignity did not lead him to end his friendship with Morris. Morris undoubtedly made him laugh, and the heavily burdened general must have found him a diverting relief.

Nonetheless, Morris's disregard of discretion meant he was constantly involved in disputes, so much so that he was called an "Elephant in War—after-times more destructive to his Friends than his Antagonists."[13] Perhaps as a result, he was not reelected to Congress in October 1779. He did not com-

plain. His experiences had, he believed, sated his desire for public office and he "thank[ed] God there are ambitious Men in the World who will spare me."[14]

Shortly thereafter, Morris was nominated to be Benjamin Franklin's secretary in Paris, despite opposition from some members of Congress.[15] They needn't have worried: an accident that deprived Morris of his leg also required him to withdraw from consideration. In mid-May 1780, Morris was thrown from a carriage when his untethered horses started suddenly, and his left leg was crushed. There was apparently some question as to whether amputation was necessary, but the specialists who attended him recommended it, and he agreed. Recuperation took six months, most of which he spent in the home of his friends George and Elizabeth Plater. Morris fell in love with the refined and lovely Elizabeth, and she must have been affected as well, for they exchanged obliquely romantic letters long after his departure. Eventually, Elizabeth convinced him to cease his pursuit, and he never saw her again. In 1790, while in London, he heard of her death, and was deeply affected:

> Just as I am coming away from this Place Mrs. Beckford informs me that Mrs. Plater is dead. I get away as soon as possible that I may not discover Emotions which I cannot conceal. Poor Eliza! My lovely friend; thou art then at Peace and I shall behold thee no more. Never. Never. Never.[16]

Morris never expressed self-pity for the loss of his leg; his fatalism on such matters was expressed by his often-repeated maxim, "Whatever is, is." His papers rarely mention the matter, and he generally treated it with humor. Putting up at an inn in Coblenz in 1790, he wrote in his diary:

> The Wine here is good and a Bottle makes a good Night Cap for my short Bed, out of the foot of which however I can poke only one Leg, having left the other in America.[17]

Yet it must have been a considerable burden. In 1790 his hopes were raised by a British maker of prosthetics for a more workable limb, and he was sorely disappointed when it proved useless.

A year after the accident, Gouverneur went to work as the assistant to Robert Morris (no relation), one of America's most successful businessmen. Robert was another father figure to Gouverneur, although the younger man saw Robert's weaknesses clearly and would spend much time in Europe trying to salvage his affairs as they began to slide. Robert had been appointed as Superintendent of Finance, a position created in the hopes of rescuing

America from its desperate financial difficulties as peace became an expectation rather than a hope. The efforts of the two men meant that American troops had supplies in time to join the French in the battle of Yorktown.

They also worked to restore a working level of national credit and established a national bank. In July 1782, they submitted a report to Congress on the public credit, which is still considered a remarkable piece of work, forming the basis for Alexander Hamilton's more famous "Report on the Public Credit" ten years later. The plan called for national assumption of the state war debts and issuance of new loan certificates in exchange. Despite intense pressure from the army, which faced a near mutiny for nonpayment, the plan was not adopted.[18]

After Robert resigned in early 1784, he and Gouverneur devoted their time to business. Gouverneur then resided in Philadelphia, and he acted as Robert's attorney in contract cases, an assignment which took him to Virginia, where he visited Washington at Mount Vernon in 1785 and 1788. In 1787, he purchased the estate of Morrisania from his half brother Staats, who remained in England. The purchase would stretch Gouverneur beyond his means until he had made a secure fortune in Europe, but he considered being a farmer his "great Desideratum;" he loved the house and it gave him great comfort and pleasure throughout his life.[19]

Morris was elected—barely—by the Pennsylvania General Assembly as a delegate to the Constitutional Convention in Philadelphia. He was chosen against his own request, for he wished to attend to Morrisania. He proved to be one of the most outspoken and eloquent members of the convention, and many believed his contribution to the Constitution was surpassed only by James Madison and James Wilson. Others gave mixed reviews. One delegate described him as:

> one of those Genius's in whom every species of talents combine to render him conspicuous and flourishing in public debate . . . he charms, captivates, and leads away the senses of all who hear them. With an infinite stretch of fancy he brings to view things when he is engaged in deep argumentation, that render all the labor of reasoning easy and pleasing. But with all these powers he is fickle and inconstant,—never pursuing one train of thinking,—nor ever regular . . .[20]

His insistence on the pragmatic guidepost of self-interest was not popular in a time of rhetorical self-sacrifice and acclamation of the common good. Madison referred to him as "a member who on all occasions, has inculcated so strongly, the political depravity of men, and the necessity of

checking one vice and interest by opposing to them another vice & interest."[21] Yet Morris's refusal to idealize humanity and his practical ability to foresee difficulties with inappropriate language were essential elements in the Constitution's evolutionary ferment, and even if the delegates did not often adopt his proposals he frequently got them to modify their own, and the result was markedly improved.

Arthur Kaufman, who has made the only in-depth study of Morris's constitutional views, concludes that he had a remarkably sophisticated grasp of the functions of checks and balances and that this understanding was central to his suggestions for designing a successful republic. Specifically, in order to assure civil liberty (the right to property and the right to be left alone) and then, secondarily, political liberty (the right to participate in government and hold it accountable)—the principal goals for which the colonies had gone to war—Morris believed it was necessary to temper the influence of the popular will, to keep the executive independent of the legislature, and to assure the cooperation of the rich. He therefore advocated a bicameral legislature, with one house popularly elected and the other, consisting of the wealthy, appointed for life by the executive. His argument in favor of this approach was similar to that he would make in France, and it is a bald but realistic appraisal of men's motives:

> The Rich will strive to establish their dominion & enslave the rest. They always did. They always will. The proper security agst. them is to form them into a separate interest. The two forces will then controul each other. Let the rich mix with the poor and in a Commercial country they will establish an oligarchy. Take away commerce and the democracy will triumph.[22]

The lower house, he asserted, "originating from the people, will ever be subject to precipitancy, changeability and excess;" it must be countered by "ability and virtue" in the second chamber and a strong executive and judiciary.[23]

Morris also advocated a property requirement for the popularly elected house, because "property was the main object of Society," something Madison would repeat in *The Federalist.* As a result, Morris was accused of himself being an aristocrat, as he would later be described in France. However, Morris was not alone in his belief that ownership of some modest amount of property was essential to ensuring the responsibility of the electorate by requiring that it have a vested interest in the stability of the state. He did favor giving the wealthy—the American aristocracy, an aristocracy already in existence—control of the upper house, in order to control the

members of that aristocracy as well as the general populace, for he feared not only "democracy" (as direct popular rule was then called), but oligarchy. He told the convention:

> He had long learned not to be the dupe of words. The sound of Aristocracy therefore had no effect on him. It was the thing, not the name, to which he was opposed, and one of his principal objections to the Constitution as it is now before us, is that it threatens this Country with an Aristocracy. The aristocracy will grow out of the House of Representatives. Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them.[24]

A strong executive was always central to Morris's philosophy, and he had considerable impact on the design of the presidency, including terms, power to appoint Supreme Court justices, and the veto with a three-quarters override requirement (he had hoped for an absolute veto). Yet he was no monarchist: he told the convention that he was "as little a friend to monarchy as any gentleman . . . The way to keep out monarchichal Govt. was to establish such a Repub. govt. as wd. make the people happy and prevent a desire of change." Kaufman agrees that Morris's conduct and other speeches establish the sincerity of this preference for a republic, despite George Mason's later allegation that Morris had stated that an American monarchy was inevitable.[25] As Kaufman put it:

> While he recognized that the people must be involved in the legislative power, and must be able to hold their government accountable, Morris sought through his vision of a separation of powers to institute a check on the popular will, not to prevent its expression, but to diminish its influence. Understanding that civil liberty and commerce are mutually reinforcing, he sought to prevent the means for the poor to 'level' the rich and the rich to oppress the poor. Believing in the inevitability of an aristocracy, he recognized both its dangers and its advantages in a commercial republic.[26]

Most historians consider these views to establish that Morris was a "conservative" and an elitist, particularly in contrast to men such as Jefferson. Yet Morris had already seen, in Pennsylvania, the effects of a constitution creating a weak executive and single chamber, including legislative gridlock and riots fueled by economic differences. He would see these same effects again in France.

He did not hesitate to denounce the Constitution's recognition of slavery in connection with apportionment of representation, calling it the "curse of heaven in the States where it prevailed."

> The admission of slaves into the Representation when fairly explained comes to this: that the inhabitant of Georgia and S.C. who goes to the Coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections & damns them to the most cruel bondages, shall have more votes in a Govt. instituted for the protection of the rights of mankind, than the Citizen of Pa. and N. Jersey who views with a laudable horror, so nefarious a practice. . . . He would sooner submit himself to a tax for paying for all the negroes in the U. States, than saddle posterity with such a Constitution.[27]

It is a measure of the respect Morris had earned that he was chosen to draft the separate articles into the final document. Madison later acknowledged that:

> The *finish* given to the style and arrangement of the Constitution fairly belongs to the pen of Mr. Morris; the task having, probably, been handed over to him by the chairman of the Committee . . . A better choice could not have been made, as the performance of the task proved.[28]

After the Convention, Morris returned to business, refusing Hamilton's importunities to contribute to the *Federalist*.[29] Robert's affairs needed attention, and Gouverneur needed to make money for Morrisania. As he wrote his old friend William Carmichael in Madrid,

> [B]y acquiring Property I have placed myself in the common Situation of desiring more but . . . let me assure you that the thirst of Riches has never yet vitiated my Palate. I wish not to accumulate but to enjoy. And Age has pointed out a different Path towards Enjoyment from that which delighted my youthful Footsteps. In a Word, I wish to possess what I possess in Peace and for that purpose want lively Property.[30]

As it turned out, peace would not be Morris's lot for many years to come.