

CHAPTER VII.

A MINISTER AND HIS PRISONER.

BEFORE resuming the history of the conspiracy against Paine it is necessary to return a little on our steps. For a year after the fall of monarchy in France (August 10, 1792), the real American Minister there was Paine, whether for Americans or for the French Executive. The Ministry would not confer with a hostile and presumably decapitated agent, like Morris. The reader has (Chaps. IV. and V., Vol. II.) evidence of their consultations with Paine. Those communications of Paine were utilized in Robespierre's report to the Convention, November 17, 1793, on the foreign relations of France. It was inspired by the humiliating tidings that Genêt in America had reinforced the European intrigues to detach Washington from France. The President had demanded Genêt's recall, had issued a proclamation of "impartiality" between France and her foes, and had not yet decided whether the treaty formed with Louis XVI. should survive his death. And Morris was not recalled!

In his report Robespierre makes a solemn appeal to the "brave Americans." Was it "that crowned automaton called Louis XVI." who helped to rescue them from the oppressor's yoke, or our arm.

and armies? Was it his money sent over or the taxes of French labor? He declares that the Republic has been treacherously compromised in America.

“By a strange fatality the Republic finds itself still represented among their allies by agents of the traitors she has punished: Brissot’s brother-in-law is Consul-General there; another man, named Genêt, sent by Lebrun and Brissot to Philadelphia as plenipotentiary agent, has faithfully fulfilled the views and instructions of the faction that appointed him.”

The result is that “parallel intrigues” are observable—one aiming to bring France under the league, the other to break up the American republic into parts.¹

In this idea of “parallel intrigues” the irremovable Morris is discoverable. It is the reappearance of what he had said to Deforgues about the simultaneous sedition in America (Genêt’s) and “influence in their affairs from the other side of the channel” (Paine’s). There was not, however, in Robespierre’s report any word that might be construed into a suspicion of Paine; on the contrary, he declares the Convention now pure. The Convention instructed the Committee of Public Safety to provide for strictest fulfilment of its treaties with America, and caution to its agents to respect the government and territory of its allies. The first necessary step was to respect the President’s Minister, Gouverneur Morris, however odious he might be, since it would be on his representations that the continuance of France’s one important alliance

¹ “Hist. Parl.,” xxx., p. 224.

might depend. Morris played cleverly on that string; he hinted dangers that did not exist, and dangled promises never to be fulfilled. He was master of the situation. The unofficial Minister who had practically superseded him for a year was now easily locked up in the Luxembourg.

But why was not Paine executed? The historic paradox must be ventured that he owed his reprieve—his life—to Robespierre. Robespierre had Morris' intercepted letters and other evidences of his treachery, yet as Washington insisted on him, and the alliance was at stake, he must be obeyed. On the other hand were evidences of Washington's friendship for Paine, and of Jefferson's intimacy with him. Time must therefore be allowed for the prisoner to communicate with the President and Secretary of State. They must decide between Paine and Morris. It was only after ample time had passed, and no word about Paine came from Washington or Jefferson, while Morris still held his position, that Robespierre entered his memorandum that Paine should be tried before the revolutionary tribunal.

Meanwhile a great deal happened, some of which, as Paine's experiences in the Luxembourg, must be deferred to a further chapter. The American Minister had his triumph. The Americans in Paris, including the remaining sea-captains, who had been looking to Paine as their Minister, were now to discover where the power was lodged. Knowing Morris' hatred for Paine, they repaired to the Convention with their petition. Major Jackson, a well known officer of the American Revolution,

who headed the deputation (which included every unofficial American in Paris), utilized a letter of introduction he had brought from Secretary Jefferson to Morris by giving it to the Committee of General Surety, as an evidence of his right to act in the emergency.

Action was delayed by excitement over the celebration of the first anniversary of the King's execution. On that occasion (January 21st) the Convention joined the Jacobin Club in marching to the "Place de la Révolution," with music and banners; there the portraits of kings were burned, an act of accusation against all the kings of the earth adopted, and a fearfully realistic drama enacted. By a prearrangement unknown to the Convention four condemned men were guillotined before them. The Convention recoiled, and instituted an inquisition as to the responsibility for this scene. It was credited to the Committee of General Surety, justly no doubt, but its chief, Vadier, managed to relieve it of the odium. This Vadier was then president of the Convention. He was appropriately selected to give the first anniversary oration on the King's execution. A few days later it fell to Vadier to address the eighteen Americans at the bar of the Convention on their petition for Paine's release. The petition and petitioners being referred to the Committees of Public Safety and General Surety in joint session, the Americans were there answered, by Billaud-Varenes it was said, "that their reclamation was only the act of individuals, without any authority from the American government."

This was a plain direction. The American government, whether in Paris or Philadelphia, had Paine's fate in its hands.

At this time it was of course not known that Jefferson had retired from the Cabinet. To him Paine might have written, but—sinister coincidence!—immediately after the committees had referred the matter to the American government an order was issued cutting off all communication between prisoners and the outside world. That Morris had something to do with this is suggested by the fact that he was allowed to correspond with Paine in prison, though this was not allowed to his successor, Monroe. However, there is, unfortunately, no need to repair to suspicions for the part of Gouverneur Morris in this affair. His first ministerial mention of the matter to Secretary Jefferson is dated on the tragical anniversary, January 21st. “Lest I should forget it,” he says of this small incident, the imprisonment of one whom Congress and the President had honored—

“Lest I should forget it, I must mention that Thomas Paine is in prison, where he amuses himself with publishing a pamphlet against Jesus Christ. I do not recollect whether I mentioned to you that he would have been executed along with the rest of the Brissotins if the advance party had not viewed him with contempt. I incline to think that if he is quiet in prison he may have the good luck to be forgotten, whereas, should he be brought much into notice, the long suspended axe might fall on him. I believe he thinks that I ought to claim him as an American citizen ; but considering his birth, his naturalization in this country, and the place he filled, I doubt much the right, and I am sure that the claim would be, for the present at least, inexpedient and ineffectual.”

Although this paragraph is introduced in such a casual way, there is calculation in every word. First of all, however, be it observed, Morris knows precisely how the authorities will act several days before they have been appealed to. It also appears that if Paine was not executed with the Brissotins on October 31st, it was not due to any interference on his part. The "contempt" which saved Paine may be estimated by a reference to the executive consultations with him, and to Amar's bitter denunciation of him (October 3d) after Morris had secretly accused this contemptible man of influencing the Convention and helping to excite sedition in the United States. In the next place, Jefferson is admonished that if he would save his friend's head he must not bring the matter into notice. The government at Philadelphia must, in mercy to Paine, remain silent. As to the "pamphlet against Jesus Christ," my reader has already perused what Paine wrote on that theme in the "Age of Reason." But as that may not be so likely to affect freethinking Jefferson, Morris adds the falsehood that Paine had been naturalized in France. The reader need hardly be reminded that if an application by the American Minister for the release would be "ineffectual," it must be because the said Minister would have it so. Morris had already found, as he tells Washington, that the Ministry, supposing him immovable, were making overtures of conciliation; and none can read the obsequious letter of the Foreign Minister, Deforgues (October 19, 1793), without knowing that a word from Morris would release Paine. The

American petitioners had indeed been referred to their own government—that is, to Morris.

The American Minister's version of what had occurred is given in a letter to Secretary Jefferson, dated March 6th :

“I have mentioned Mr. Paine's confinement. Major Jackson—who, by the by, has not given me a letter from you which he says was merely introductory, but left it with the Comité de Sûreté Générale, as a kind of letter of credence—Major Jackson, relying on his great influence with the leaders here, stepped forward to get Mr. Paine out of jail, and with several other Americans, has presented a petition to that effect, which was referred to that Committee and the Comité de Salut Public. This last, I understand, slighted the application as totally irregular; and some time afterwards Mr. Paine wrote me a note desiring I would claim him as an American, which I accordingly did, though contrary to my judgment, for reasons mentioned in my last. The Minister's letter to me of the 1st Ventose, of which I enclose a copy, contains the answer to my reclamation. I sent a copy to Mr. Paine, who prepared a long answer, and sent it to me by an Englishman, whom I did not know. I told him, as Mr. Paine's friend, that my present opinion was similar to that of the Minister, but I might, perhaps, see occasion to change it, and in that case, if Mr. Paine wished it, I would go on with the claim, but that it would be well for him to consider the result; that, if the Government meant to release him, they had already a sufficient ground; but if not, I could only push them to bring on his trial for the crimes imputed to him; seeing that whether he be considered as a Frenchman, or as an American, he must be amenable to the tribunals of France for his conduct while he was a Frenchman, and he may see in the fate of the Brissotins, that to which he is exposed. I have heard no more of the affair since; but it is not impossible that he may force on a decision, which, as far as I can judge, would be fatal to him: for in the best of times he had a larger share of every other sense than common sense, and lately the intemperate use of ardent spirits has, I am told, considerably impaired the small stock he originally possessed.”

In this letter the following incidental points suggest comment :

1. "Several other Americans." The petitioners for Paine's release were eighteen in number, and seem to have comprised all the Americans then left in Paris, some of them eminent.

2. "The crimes imputed to him." There were none. Paine was imprisoned under a law against "foreigners." Those charged with his arrest reported that his papers were entirely innocent. The archives of France, now open to exploration, prove that no offence was ever imputed to him, showing his arrest due only to Morris' insinuation of his being objectionable to the United States. By this insinuation ("crimes imputed to him") Paine was asserted to be amenable to French laws for matters with which the United States would of course have nothing to do, and of which nothing could be known in Philadelphia.

3. "While he was a Frenchman." Had Paine ever been a Frenchman, he was one when Morris pretended that he had claimed him as an American. But Paine had been excluded from the Convention and imprisoned expressly because he was not a Frenchman. No word of the Convention's published action was transmitted by Morris.

4. "The fate of the Brissotins," etc. This of course would frighten Paine's friends by its hint of a French hostility to him which did not exist, and might restrain them from applying to America for interference. Paine was already restrained by the new order preventing him from

communicating with any one except the American Minister.

5. "Intemperate," etc. This is mere calumny. Since the brief lapse in June, 1793, when overwhelmed by the arrest of his friends, Paine's daily life is known from those who dwelt with him. During the months preceding his arrest he wrote the "Age of Reason"; its power, if alcoholic, might have recommended his cellar to Morris, or to any man living.

So much for the insinuations and *suggestiones falsi* in Morris' letter. The suppressions of fact are more deadly. There is nothing of what had really happened; nothing of the eulogy of Paine by the President of the Convention, which would have been a commentary on what Morris had said of the contempt in which he was held; not a word of the fact that the petitioners were reminded by the Committee that their application was unofficial,—in other words, that the determination on Paine's fate rested with Morris himself. This Morris hides under the phrase: "slighted the application as totally irregular."

But the fatal far-reaching falsehood of Morris' letter to Jefferson was his assertion that he had claimed Paine as an American. This falsehood, told to Washington, Jefferson, Edmund Randolph, paralyzed all action in America in Paine's behalf; told to the Americans in Paris, it paralyzed further effort of their own.

The actual correspondence between Morris and Deforgues is now for the first time brought to light.

MORRIS TO DEFORGUES.

“ PARIS, 14th February 1794.

“ SIR,—Thomas Paine has just applied to me to claim him as a Citizen of the United States. These (I believe) are the facts which relate to him. He was born in England. Having become a citizen of the United States, he acquired great celebrity there through his revolutionary writings. In consequence he was adopted as French Citizen, and then elected Member of the Convention. His behaviour since that epoch is out of my jurisdiction. I am ignorant of the reason for his present detention in the Luxembourg prison, but I beg you, Sir, if there be reasons which prevent his liberation, and which are unknown to me, be so good as to inform me of them, so that I may communicate them to the Government of the United States.—I have the honour to be, Sir, Your very humble servant,

“ GOUV. MORRIS.”¹

DEFORGUES TO MORRIS.

“ PARIS, 1st Ventose, 2nd year of the Republic.
[February 19, 1794.]

“ The Minister of Foreign Affairs to the Minister of the United States.

“ In your letter of the 26th of last month you reclaim the liberty of Thomas Payne, as an American Citizen. Born in England, this co-deputy has become successively an American and a French Citizen. In accepting this last title, and in occupying a place in the Legislative Corps, he submitted himself to the laws of the Republic, and has renounced the protection which the right of the people and treaties concluded with the United States could have assured him.

“ I am ignorant of the motives of his detention, but I must presume they are well founded. I shall nevertheless submit the demand you have addressed me to the Committee of Public Safety, and I shall lose no time in letting you know its decision.

“ DEFORGUES.”

¹ “ États Unis,” vol. xl., Doc. 54. Endorsed: “ Received the 28th of same [Pluviose, *i. e.*, Feb. 16th]. To declare reception and to tell him that the Minister will take the necessary steps.” The French Minister’s reply is Doc. 61 of the same volume.

The opening assertion of the French Minister's note reveals the collusion. Careful examination of the American Minister's letter, to find where he "reclaims the liberty of Thomas Payne as an American citizen," forces me to the conclusion that the Frenchman only discovered such reclamation there by the assistance of Morris.

The American Minister distinctly declares Paine to be a French citizen, and disclaims official recognition of him.

It will be borne in mind that this French Minister is the same Deforgues who had confided to Morris his longing to succeed Genêt in America, and to whom Morris had whispered his design against Paine. Morris resided at Sainport, twenty-seven miles away, but his note is written in Paris. Four days elapse before the reply. Consultation is further proved by the French Minister's speaking of Paine as "occupying a place in the Legislative Corps." No uninspired Frenchman could have so described the Convention, any more than an American would have described the Convention of 1787 as "Congress." Deforgues' phrase is calculated for Philadelphia, where it might be supposed that the recently adopted Constitution had been followed by the organization of a legislature, whose members must of course take an oath of allegiance, which the Convention had not required.¹ Deforgues also makes bold to declare—as far away as Philadelphia—that Paine is a French citizen, though he

¹ Deforgues' phrase "laws of the Republic" is also a deception. The Constitution had been totally suspended by the Convention; no government or law had been or ever was established under or by it. There was as yet no Republic, and only revolutionary or martial laws.

was excluded from the Convention and imprisoned because he was a "foreigner." The extreme ingenuity of the letter was certainly not original with this Frenchman. The American Minister, in response to his note declaring Paine a French citizen, and disclaiming jurisdiction over him, returns to Sainport with his official opiate for Paine's friends in America and Paris—a certificate that he has "reclaimed the liberty of Thomas Paine as an American citizen." The alleged reclamation suppressed, the certificate sent to Secretary Jefferson and to Paine, the American Minister is credited with having done his duty. In Washington's Cabinet, where the technicalities of citizenship had become of paramount importance, especially as regarded France, Deforgues' claim that Paine was not an American must be accepted—Morris consenting—as final.

It may be wondered that Morris should venture on so dangerous a game. But he had secured himself in anything he might choose to do. So soon as he discovered, in the previous summer, that he was not to be removed, and had fresh thunderbolts to wield, he veiled himself from the inspection of Jefferson. This he did in a letter of September 22, 1793. In the quasi-casual way characteristic of him when he is particularly deep, Morris then wrote: "*By the bye, I shall cease to send you copies of my various applications in particular cases, for they will cost you more in postage than they are worth.*" I put in italics this sentence, as one which merits memorable record in the annals of diplomacy.

The French Foreign Office being secret as the grave, Jefferson facile, and Washington confiding, there was no danger that Morris' letter to Deforgues would ever appear. Although the letter of Deforgues,—his certificate that Morris had reclaimed Paine as an American,—was a little longer than the pretended reclamation, postal economy did not prevent the American Minister from sending *that*, but his own was never sent to his government, and to this day is unknown to its archives.

It cannot be denied that Morris' letter to Deforgues is masterly in its way. He asks the Minister to give him such reasons for Paine's detention as may not be known to him (Morris), there being no such reasons. He sets at rest any timidity the Frenchman might have, lest Morris should be ensnaring him also, by begging—not demanding—such knowledge as he may communicate to his government. Philadelphia is at a safe distance in time and space. Deforgues is complacent enough, Morris being at hand, to describe it as a “demand,” and to promise speedy action on the matter—which was then straightway buried, for a century's slumber.

Paine was no doubt right in his subsequent belief that Morris was alarmed at his intention of returning to America. Should Paine ever reach Jefferson and his adherents, Gouverneur Morris must instantly lose a position which, sustained by Washington, made him a power throughout Europe. Moreover, there was a Nemesis lurking near him. The revolutionists, aware of his relations with their enemies, were only withheld from

laying hands on him by awe of Washington and anxiety about the alliance. The moment of his repudiation by his government would have been a perilous one. It so proved, indeed, when Monroe supplanted him. For the present, however, he is powerful. As the French Executive could have no interest merely to keep Paine, for six months, without suggestion of trial, it is difficult to imagine any reason, save the wish of Morris, why he was not allowed to depart with the Americans, in accordance with their petition.

Thus Thomas Paine, recognized by every American statesman and by Congress as a founder of their Republic, found himself a prisoner, and a man without a country. Outlawed by the rulers of his native land—though the people bore his defender, Erskine, from the court on their shoulders—imprisoned by France as a foreigner, disowned by America as a foreigner, and prevented by its Minister from returning to the country whose President had declared his services to it pre-eminent!

Never dreaming that his situation was the work of Morris, Paine (February 24th) appealed to him for help.

“I received your letter enclosing a copy of a letter from the Minister of foreign affairs. You must not leave me in the situation in which this letter places me. You know I do not deserve it, and you see the unpleasant situation in which I am thrown. I have made an essay in answer to the Minister’s letter, which I wish you to make ground of a reply to him. They have nothing against me—except that they do not choose I should be in a state of freedom to write my mind freely upon things I have seen. Though you and I are not on terms of the best harmony, I apply to you as the Minister of America,

and you may add to that service whatever you think my integrity deserves. At any rate I expect you to make Congress acquainted with my situation, and to send to them copies of the letters that have passed on the subject. A reply to the Minister's letter is absolutely necessary, were it only to continue the reclamation. Otherwise your silence will be a sort of consent to his observations."

Supposing, from the French Minister's opening assertion, that a reclamation had really been made, Paine's simplicity led him into a trap. He sent his argument to be used by the Minister in an answer of his own, so that Minister was able to do as he pleased with it, the result being that it was buried among his private papers, to be partly brought to light by Jared Sparks, who is candid enough to remark on the Minister's indifference and the force of Paine's argument. Not a word to Congress was ever said on the subject.

Jefferson, without the knowledge or expectation of Morris, had resigned the State Secretaryship at the close of 1793. Morris' letter of March 6th reached the hands of Edmund Randolph, Jefferson's successor, late in June. On June 25th Randolph writes Washington, at Mount Vernon, that he has received a letter from Morris, of March 6th, saying "that he has demanded Paine as an American citizen, but that the Minister holds him to be amenable to the French laws." Randolph was a just man and an exact lawyer; it is certain that if he had received a copy of the fictitious "reclamation" the imprisonment would have been curtailed. Under the false information before him, nothing could be done but await the statement of the causes of Paine's detention, which Deforgues would "lose

no time" in transmitting. It was impossible to deny, without further knowledge, the rights over Paine apparently claimed by the French government.

And what could be done by the Americans in Paris, whom Paine alone had befriended? Joel Barlow, who had best opportunities of knowing the facts, says: "He [Paine] was always charitable to the poor beyond his means, a sure friend and protector to all Americans in distress that he found in foreign countries; and he had frequent occasions to exert his influence in protecting them during the Revolution in France." They were grateful and deeply moved, these Americans, but thoroughly deceived about the situation. Told that they must await the action of a distant government, which itself was waiting for action in Paris, alarmed by the American Minister's hints of danger that might ensue on any misstep or agitation, assured that he was proceeding with the case, forbidden to communicate with Paine, they were reduced to helplessness. Meanwhile, between silent America and these Americans, all so cunningly disabled, stood the remorseless French Committee, ready to strike or to release in obedience to any sign from the alienated ally, to soothe whom no sacrifice would be too great. Genêt had been demanded for the altar of sacred Alliance, but (to Morris' regret) refused by the American government. The Revolution would have preferred Morris as a victim, but was quite ready to offer Paine.

Six or seven months elapsed without bringing from President or Cabinet a word of sympathy

for Paine. But they brought increasing indications that America was in treaty with England, and Washington disaffected towards France. Under these circumstances Robespierre resolved on the accusation and trial of Paine. It does not necessarily follow that Paine would have been condemned; but there were some who did not mean that he should escape, among whom Robespierre may or may not have been included. The probabilities, to my mind, are against that theory. Robespierre having ceased to attend the Committee of Public Safety when the order issued for Paine's death.