

## CHAPTER V.

### A CONSPIRACY.

“HE suffered under Pontius Pilate.” Pilate’s gallant struggle to save Jesus from lynchers survives in no kindly memorial save among the peasants of Oberammergau. It is said that the impression once made in England by the Miracle Play has left its relic in the miserable puppet-play Punch and Judy (*Pontius cum Judæis*); but meanwhile the Church repeats, throughout Christendom, “He suffered under Pontius Pilate.” It is almost normal in history that the brand of infamy falls on the wrong man. This is the penalty of personal eminence, and especially of eloquence. In the opening years of the French Revolution the two men in Europe who seemed omnipotent were Pitt and Robespierre. By reason of their eloquence, their ingenious defences, their fame, the columns of credit and discredit were begun in their names, and have so continued. English liberalism, remembering the imprisoned and flying writers, still repeats, “They suffered under William Pitt.” French republics transmit their legend of Condorcet, Camille Desmoulins, Brissot, Malesherbes, “They suffered under Robespierre.” The friends, disciples, biographers, of Thomas Paine have it

in their creed that he suffered under both Pitt and Robespierre. It is certain that neither Pitt nor Robespierre was so strong as he appeared. Their hands cannot be cleansed, but they are historic scapegoats of innumerable sins they never committed.

Unfortunately for Robespierre's memory, in England and America especially, those who for a century might have been the most ready to vindicate a slandered revolutionist have been confronted by the long imprisonment of the author of the "Rights of Man," and by the discovery of his virtual death-sentence in Robespierre's handwriting. Louis Blanc, Robespierre's great vindicator, could not, we may assume, explain this ugly fact, which he passes by in silence. He has proved, conclusively as I think, that Robespierre was among the revolutionists least guilty of the Terror; that he was murdered by a conspiracy of those whose cruelties he was trying to restrain; that, when no longer alive to answer, they burdened him with their crimes, as the only means of saving their heads. Robespierre's doom was sealed when he had real power, and used it to prevent any organization of the constitutional government which might have checked revolutionary excesses. He then, because of a superstitious faith in the auspices of the Supreme Being, threw the reins upon the neck of the revolution he afterwards vainly tried to curb. Others, who did not wish to restrain it, seized the reins and when the precipice was reached took care that Robespierre should be hurled over it.

Many allegations against Robespierre have been disproved. He tried to save Danton and Camille Desmoulins, and did save seventy-three deputies whose death the potentates of the Committee of Public Safety had planned. But against him still lies that terrible sentence found in his Note Book, and reported by a Committee to the Convention: "Demand that Thomas Payne be decreed of accusation for the interests of America as much as of France."<sup>1</sup>

The Committee on Robespierre's papers, and especially Courtois its Chairman, suppressed some things favorable to him (published long after), and it can never be known whether they found anything further about Paine. They made a strong point of the sentence found, and added: "Why Thomas Payne more than another? Because he helped to establish the liberty of both worlds."

An essay by Paine on Robespierre has been lost, and his opinion of the man can be gathered only from occasional remarks. After the Courtois report he had to accept the theory of Robespierre's malevolence and hypocrisy. He then, for the first time, suspected the same hand in a previous act of hostility towards him. In August, 1793, an address had been sent to the Convention from Arras, a town in his constituency, saying that they had lost confidence in Paine. This failed of success because a counter-address came from St. Omer. Robespierre being a native of Arras, it now seemed clear that he had instigated the address. It was,

<sup>1</sup> "Demander que Thomas Payne soit décrété d'accusation pour les intérêts de l'Amérique autant que de la France."

however, almost certainly the work of Joseph Lebon, who, as Paine once wrote, "made the streets of Arras run with blood." Lebon was his *suppléant*, and could not sit in the Convention until Paine left it.

But although Paine would appear to have ascribed his misfortunes to Robespierre at the time, he was evidently mystified by the whole thing. No word against him had ever fallen from Robespierre's lips, and if that leader had been hostile to him why should he have excepted him from the accusations of his associates, have consulted him through the summer, and even after imprisonment, kept him unharmed for months? There is a notable sentence in Paine's letter (from prison) to Monroe, elsewhere considered, showing that while there he had connected his trouble rather with the Committee of Public Safety than with Robespierre.

"However discordant the late American Minister Gouverneur Morris, and the late French Committee of Public Safety, were, it suited the purposes of both that I should be continued in arrestation. The former wished to prevent my return to America, that I should not expose his misconduct; and the latter lest I should publish to the world the history of its wickedness. Whilst that Minister and that Committee continued, I had no expectation of liberty. I speak here of the Committee of which Robespierre was a member."

Paine wrote this letter on September 10, 1794. Robespierre, three months before that, had ceased to attend the Committee, disavowing responsibility for its actions: Paine was not released. Robespierre, when the letter to Monroe was written, had been dead more than six months: Paine was not

released. The prisoner had therefore good reason to look behind Robespierre for his enemies; and although the fatal sentence found in the Note Book, and a private assurance of Barrère, caused him to ascribe his wrongs to Robespierre, farther reflection convinced him that hands more hidden had also been at work. He knew that Robespierre was a man of measured words, and pondered the sentence that he should "be decreed of accusation for the interests of America as much as of France." In a letter written in 1802, Paine said: "There must have been a coalition in sentiment, if not in fact, between the terrorists of America and the terrorists of France, and Robespierre must have known it, or he could not have had the idea of putting America into the bill of accusation against me." Robespierre, he remarks, assigned no reason for his imprisonment.

The secret for which Paine groped has remained hidden for a hundred years. It is painful to reveal it now, but historic justice, not only to the memory of Paine, but to that of some eminent contemporaries of his, demands that the facts be brought to light.

The appointment of Gouverneur Morris to be Minister to France, in 1792, passed the Senate by 16 to 11 votes. The President did not fail to advise him of this reluctance, and admonish him to be more cautious in his conduct. In the same year Paine took his seat in the Convention. Thus the royalist and republican tendencies, whose struggles made chronic war in Washington's Cabinet, had their counterpart in Paris, where our Minister

wrote to the French Minister a statement of the complaint.

“I do not [he adds] pretend to interfere in the internal concerns of the French Republic, and I am persuaded that the Convention has had weighty reasons for laying upon Americans the restriction of which the American captains complain. The result will nevertheless be that this prohibition will severely aggrieve the parties interested, and put an end to the commerce between France and the United States.”

The note is half-hearted, but had the captains known it was written they might have been more patient. Morris owed his subsequent humiliation partly to his bad manners. The captains went off to Paine, and proposed to draw up a public protest against the American Minister. Paine advised against this, and recommended a petition to the Convention. This was offered on August 22d. In this the captains said: “We, who know your political situation, do not come to you to demand the rigorous execution of the treaties of alliance which unite us to you. We confine ourselves to asking for the present, to carry provisions to your colonies.” To this the Convention promptly and favorably responded.

It was a double humiliation to Morris that the first important benefit gained by Americans since his appointment should be secured without his help, and that it should come through Paine. And it was a damaging blow to his scheme of transferring to England our alliance with France. A “violation” of the treaty excused by the only sufferers could not be cited as “releasing” the United States. A cruel circumstance for Morris was that

the French Minister wrote (October 14th): "You must be satisfied, sir, with the manner in which the request presented by the American captains from Bordeaux, has been received"—and so forth. Four days before, Morris had written to Jefferson, speaking of the thing as mere "mischief," and belittling the success, which "only served an ambition so contemptible that I shall draw over it the veil of oblivion."

The "contemptible ambition" thus veiled from Paine's friend, Jefferson, was revealed by Morris to others. Some time before (June 25th), he had written to Robert Morris:

"I suspected that Paine was intriguing against me, although he put on a face of attachment. Since that period I am confirmed in the idea, for he came to my house with Col. Oswald, and being a little more drunk than usual, behaved extremely ill, and through his insolence I discovered clearly his vain ambition."

This was probably written after Paine's rebuke already quoted. It is not likely that Colonel Oswald would have taken a tipsy man eight leagues out to Morris' retreat, Sainport, on business, or that the tipsy man would remember the words of his rebuke two years after, when Paine records them in his letter to Washington. At any rate, if Morris saw no deeper into Paine's physical than into his mental condition, the "insolent" words were those of soberness. For Paine's private letters prove him ignorant of any intrigue against Morris, and under an impression that the Minister had himself asked for recall; also that, instead of being ambi-

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tious to succeed Morris, he was eager to get out of France and back to America. The first expression of French dissatisfaction with Morris had been made through De Ternant, (February 20th, 1793,) whom he had himself been the means of sending as Minister to the United States. The positive recall was made through Genêt.<sup>1</sup> It would appear that Morris must have had sore need of a scapegoat to fix on poor Paine, when his intrigues with the King's agents, his trust of the King's money, his plot for a second attempt of the King to escape, his concealment of royalist leaders in his house, had been his main ministerial performances for some time after his appointment. Had the French known half as much as is now revealed in Morris' Diary, not even his office could have shielded him from arrest. That the executive there knew much of it, appears in the revolutionary archives. There is reason to believe that Paine, instead of intriguing against Morris, had, in ignorance of his intrigues, brought suspicion on himself by continuing his intercourse with the Minister. The following letter

<sup>1</sup> On September 1, 1792, Morris answered a request of the executive of the republic that he could not comply until he had received "orders from his Court," (*les ordres de ma cour*). The representatives of the new-born republic were scandalized by such an expression from an American Minister, and also by his intimacy with Lord and Lady Gower. They may have suspected what Morris' "Diary" now suggests, that he (Morris) owed his appointment to this English Ambassador and his wife. On August 17, 1792, Lord Gower was recalled, in hostility to the republic, but during the further weeks of his stay in Paris the American Minister frequented their house. From the recall Morris was saved for a year by the intervention of Edmund Randolph. (See my "Omitted Chapters of History," etc, p. 149.) Randolph met with a Morrisian reward. Morris ("Diary," ii., p. 98) records an accusation of Randolph, to which he listened in the office of Lord Grenville, Secretary of State, which plainly meant his (Randolph's) ruin, which followed. He knew it to be untrue, but no defence is mentioned.

of Paine to Barrère, chief Committeeman of Public Safety, dated September 5th, shows him protecting Morris while he is trying to do something for the American captains.

“I send you the papers you asked me for.

“The idea you have to send Commissioners to Congress, and of which you spoke to me yesterday, is excellent, and very necessary at this moment. Mr. Jefferson, formerly Minister of the United States in France, and actually Minister for Foreign Affairs at Congress, is an ardent defender of the interests of France. Gouverneur Morris, who is here now, is badly disposed towards you. I believe he has expressed the wish to be recalled. The reports which he will make on his arrival will not be to the advantage of France. This event necessitates the sending direct of Commissioners from the Convention. Morris is not popular in America. He has set the Americans who are here against him, as also the Captains of that Nation who have come from Bordeaux, by his negligence with regard to the affair they had to treat about with the Convention. *Between us [sic]* he told them: ‘That they had thrown themselves into the lion’s mouth, and it was for them to get out of it as best they could.’ I shall return to America on one of the vessels which will start from Bordeaux in the month of October. This was the project I had formed, should the rupture not take place between America and England; but now it is necessary for me to be there as soon as possible. The Congress will require a great deal of information, independently of this. It will soon be seven years that I have been absent from America, and my affairs in that country have suffered considerably through my absence. My house and farm buildings have been entirely destroyed through an accidental fire.

“Morris has many relations in America, who are excellent patriots. I enclose you a letter which I received from his brother, General Louis Morris, who was a member of the Congress at the time of the Declaration of Independence. You will see by it that he writes like a good patriot. I only mention this so that you may know the true state of things. It will

be fit to have respect for Gouverneur Morris, on account of his relations, who, as I said above, are excellent patriots.

“There are about 45 American vessels at Bordeaux, at the present moment. If the English Government wished to take revenge on the Americans, these vessels would be very much exposed during their passage. The American Captains left Paris yesterday. I advised them, on leaving, to demand a convoy of the Convention, in case they heard it said that the English had begun reprisals against the Americans, if only to conduct as far as the Bay of Biscay, at the expense of the American Government. But if the Convention determines to send Commissioners to Congress, they will be sent in a ship of the line. But it would be better for the Commissioners to go in one of the best American sailing vessels, and for the ship of the line to serve as a convoy; it could also serve to convoy the ships that will return to France charged with flour. I am sorry that we cannot converse together, but if you could give me a rendezvous, where I could see Mr. Otto, I shall be happy and ready to be there. If events force the American captains to demand a convoy, it will be to me that they will write on the subject, and not to Morris, against whom they have grave reasons of complaint. Your friend, etc.

THOMAS PAINE.”<sup>1</sup>

This is the only letter written by Paine to any one in France about Gouverneur Morris, so far as I can discover, and not knowing French he could only communicate in writing. The American Archives are equally without anything to justify the Minister's suspicion that Paine was intriguing against him, even after his outrageous conduct about the captains. Morris had laid aside the functions of a Minister to exercise those of a treaty-making government. During this excursion into

<sup>1</sup> State Archives, Paris. États Unis, Vol. 38, No. 93. Endorsed: “No. 6. Translation of a letter from Thomas Payne to Citizen Barrère.” It may be noted that Paine and Barrère, though they could read each other's language, could converse only in their own tongue.

presidential and senatorial power, for the injury of the country to which he was commissioned, his own countrymen in France were without an official Minister, and in their distress imposed ministerial duties on Paine. But so far from wishing to supersede Morris, Paine, in the above letter to Barrère, gives an argument for his retention, namely, that if he goes home he will make reports disadvantageous to France. He also asks respect for Morris on account of his relations, "excellent patriots."

Barrère, to whom Paine's letter is written, was chief of the Committee of Public Safety, and had held that powerful position since its establishment, April 6, 1793. To this all-powerful Committee of Nine Robespierre was added July 27th. On the day that Paine wrote the letter, September 5th, Barrère opened the Terror by presenting a report in which it is said, "Let us make terror the order of the day!" This Barrère was a sensualist, a crafty orator, a sort of eel which in danger turned into a snake. His "supple genius," as Louis Blanc expresses it, was probably appreciated by Morris, who was kept well informed as to the secrets of the Committee of Public Safety. This omnipotent Committee had supervision of foreign affairs and appointments. At this time the Minister of Foreign Affairs was Deforgues, whose secretary was the M. Otto alluded to in Paine's letter to Barrère. Otto spoke English fluently; he had been in the American Legation. Deforgues became Minister June 5th, on the arrest of his predecessor (Lebrun), and was anxious lest he should follow Lebrun to prison also,—as he ultimately did. Deforgues and

his secretary, Otto, confided to Morris their strong desire to be appointed to America, Genêt having been recalled.<sup>1</sup>

Despite the fact that Morris' hostility to France was well known, he had become an object of awe. So long as his removal was daily expected in reply to a request twice sent for his recall, Morris was weak, and even insulted. But when ship after ship came in without such recall, and at length even with the news that the President had refused the Senate's demand for Morris' entire correspondence, everything was changed.<sup>2</sup> "So long," writes Morris to Washington, "as they believed in the success of their demand, they treated my representations with indifference and contempt; but at last, hearing nothing from their minister on that subject, or, indeed, on any other, they took it into their heads that I was immovable, and made overtures for conciliation." It must be borne in mind that at this time America was the only ally of France; that already there were fears that Washington was feeling his way towards a treaty with England. Soon after the overthrow of the monarchy Morris had hinted that the treaty between the United States and France, having been made with the King, might be represented by the English Ministry in America as void under the revolution; and that "it would be well to evince a degree of good will to America." When Robespierre first became a leader he had particular charge of diplo-

<sup>1</sup> Morris' letter to Washington, Oct. 18, 1793. The passage is omitted from the letter as quoted in his "Diary and Letters," ii., p. 53.

<sup>2</sup> See my "Life of Edmund Randolph," p. 214.

matic affairs. It is stated by Frédéric Masson that Robespierre was very anxious to recover for the republic the initiative of the alliance with the United States, which was credited to the King; and "although their Minister Gouverneur Morris was justly suspected, and the American republic was at that time aiming only to utilize the condition of its ally, the French republic cleared it at a cheap rate of its debts contracted with the King."<sup>1</sup> Such were the circumstances which, when Washington seemed determined to force Morris on France, made this Minister a power. Lebrun, the ministerial predecessor of Deforgues, may indeed have been immolated to placate Morris, who having been, under his administration, subjected to a domiciliary visit, had gone to reside in the country. That was when Morris' removal was supposed near; but now his turn came for a little reign of terror on his own account. In addition to Deforgues' fear of Lebrun's fate, should he anger Washington's immovable representative, he knew that his hope of succeeding Genêt in America must depend on Morris. The terrors and schemes of Deforgues and Otto brought them to the feet of Morris.

About the time when the chief of the Committee of Public Safety, Barrère, was consulting Paine about sending Commissioners to America, Deforgues was consulting Morris on the same point. The interview was held shortly after the humiliation which Morris had suffered, in the matter of the captains, and the defeat of his scheme for utilizing

<sup>1</sup> "Le Département des Affaires Étrangères pendant la Révolution," p. 295.

their grievance to release the United States from their alliance. The American captains had appointed Paine their Minister, and he had been successful. Paine and his clients had not stood in awe of Morris ; but he now had the strength of a giant, and proceeded to use it like a giant.

The interview with Deforgues was not reported by Morris to the Secretary of State (Paine's friend, Jefferson), but in a confidential letter to Washington,—so far as was prudent.

“I have insinuated [he writes] the advantages which might result from an early declaration on the part of the new minister that, as France has announced the determination not to meddle with the interior affairs of other nations, he can know only the *government* of America. In union with this idea, I told the minister that I had observed an overruling influence in their affairs which seemed to come from the other side of the channel, and at the same time had traced the intention to excite a seditious spirit in America ; that it was impossible to be on a friendly footing with such persons, but that at present a different spirit seemed to prevail, etc. This declaration produced the effect I intended.”<sup>1</sup>

In thus requiring that the new minister to America shall recognize only the “government” (and not negotiate with Kentucky, as Genêt had done), notice is also served on Deforgues that the Convention must in future deal only with the American Minister, and not with Paine or sea-captains in matters affecting his countrymen. The reference to an influence from the other side of the channel could only refer to Paine, as there were then no Englishmen in Paris outside his gar-

<sup>1</sup> Letter to Washington, Oct. 18, 1793.

den in the Faubourg St. Denis. By this ingenious phrase Morris already disclaims jurisdiction over Paine, and suggests that he is an Englishman worrying Washington through Genêt. This was a clever hint in another way. Genêt, now recalled, evidently for the guillotine, had been introduced to Morris by Paine, who no doubt had given him letters to eminent Americans. Paine had sympathized warmly with the project of the Kentuckians to expel the Spanish from the Mississippi, and this was patriotic American doctrine even after Kentucky was admitted into the Union (June 1, 1792). He had corresponded with Dr. O'Fallon, a leading Kentuckian on the subject. But things had changed, and when Genêt went out with his blank commissions he found himself confronted with a proclamation of neutrality which turned his use of them to sedition. Paine's acquaintance with Genêt, and his introductions, could now be plausibly used by Morris to involve him. The French Minister is shown an easy way of relieving his country from responsibility for Genêt, by placing it on the deputy from "the other side of the channel."

"This declaration produced the effect I intended," wrote Morris. The effect was indeed swift. On October 3d, Amar, after the doors of the Convention were locked, read the memorable accusation against the Girondins, four weeks before their execution. In that paper he denounced Brissot for his effort to save the King, for his intimacy with the English, for injuring the colonies by his labors for negro emancipation! In this denunciation Paine had the honor to be included.

“At that same time the Englishman Thomas Paine, called by the faction [Girondin] to the honor of representing the French nation, dishonored himself by supporting the opinion of Brissot, and by promising us in his fable the dissatisfaction of the United States of America, our natural allies, which he did not blush to depict for us as full of veneration and gratitude for the tyrant of France.”

On October 19th the Minister of Foreign Affairs, Deforgues, writes to Morris :

“I shall give the Council an account of the punishable conduct of their agent in the United States [Genêt], and I can assure you beforehand that they will regard the strange abuse of their confidence by this agent, as I do, with the liveliest indignation. The President of the United States has done justice to our sentiments in attributing the deviations of the citizen Genêt to causes entirely foreign to his instructions, and we hope that the measures to be taken will more and more convince the head and members of your Government that so far from having authorized the proceedings and manœuvres of Citizen Genêt our only aim has been to maintain between the two nations the most perfect harmony.”

One of “the measures to be taken” was the imprisonment of Paine, for which Amar’s denunciation had prepared the way. But this was not so easy. For Robespierre had successfully attacked Amar’s report for extending its accusations beyond the Girondins. How then could an accusation be made against Paine, against whom no charge could be brought, except that he had introduced a French minister to his friends in America ! A deputy must be formally accused by the Convention before he could be tried by the Revolutionary Tribunal. An indirect route must be taken to reach the deputy secretly accused by the American Minister, and the

latter had pointed it out by alluding to Paine as an influence "from across the channel." There was a law passed in June for the imprisonment of foreigners belonging to countries at war with France. This was administered by the Committees. Paine had not been liable to this law, being a deputy, and never suspected of citizenship in the country which had outlawed him, until Morris suggested it. Could he be got out of the Convention the law might be applied to him without necessitating any public accusation and trial, or anything more than an announcement to the Deputies.

Such was the course pursued. Christmas day was celebrated by the terrorist Bourdon de l'Oise with a denunciation of Paine: "They have boasted the patriotism of Thomas Paine. *Eh bien!* Since the Brissotins disappeared from the bosom of this Convention he has not set foot in it. And I know that he has intrigued with a former agent of the bureau of Foreign Affairs." This accusation could only have come from the American Minister and the Minister of Foreign Affairs—from Gouverneur Morris and Deforgues. Genêt was the only agent of Deforgues' office with whom Paine could possibly have been connected; and what that connection was the reader knows. That accusation is associated with the terrorist's charge that Paine had declined to unite with the murderous decrees of the Convention.

After the speech of Bourdon de l'Oise, Benta-bole moved the "exclusion of foreigners from every public function during the war." Benta-bole was a leading member of the Committee of General

Surety. "The Assembly," adds *The Moniteur*, "decreed that no foreigner should be admitted to represent the French people." The Committee of General Surety assumed the right to regard Paine as an Englishman; and as such out of the Convention, and consequently under the law of June against aliens of hostile nations. He was arrested next day, and on December 28th committed to the Luxembourg prison.