The Beginnings of National Politics

Rakove, Jack N.

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CHAPTER XI

Factional Conflict and Foreign Policy

DURING the four years that separated the imposition of the Coercive Acts and the completion of the French alliance, the framing of the central decisions of the Continental Congress had been greatly facilitated by the pressure of external events, a seemingly limited range of acceptable alternatives, and the delegates’ common recognition of the importance of preserving the authority of Congress itself. None of these considerations obscured the existence of personal animosities and substantive differences of opinion within Congress, but they did act to constrain their effects and, more often than not, to impose compromises most members could accept. It seems all the more surprising, therefore, that these restraints rapidly began to dissolve shortly after Congress had achieved its long-sought goal of a French alliance and at a time when American leaders believed victory would soon be within their grasp. For 1779 was to prove the most disillusioning year yet of the Revolution, not only because the war and inflation both took ominous turns, but also because Congress was wracked with an internal partisan conflict too severe to remain hidden from public knowledge.

The convergence of older enmities and new issues of policy paralyzed Congress at a time when it needed to take decisive initiatives in the administration and financing of the war as well as the conduct of foreign policy. For the first time, supporters of
the Revolution felt free to criticize its proceedings openly. Yet although the aftershocks of this eruption would continue to affect national politics well into the 1780's, the experience of 1779 also confirmed earlier political lessons. A careful examination of these developments therefore reveals not only the character but also the limits of congressional partisanship.

**Sources of Partisanship**

To argue that partisan activities were generally *not* a critical determinant of major congressional decisions does not require us to ignore either the reality or the persistence of factional conflict. From the opening weeks of the First Congress, through the debates leading to independence, and well into the disillusioning aftermath of the Declaration, identifiable clusters of delegates had differed in their assessments of the priorities, requirements, tactics, and prospects of resistance. And in the hothouse atmosphere of a Congress where vital decisions were indeed being made, disputes over policy inevitably impaired the preservation of harmonious relations among the delegates. The considerations that persuaded moderate leaders such as James Duane, John Jay, and Robert Morris to accept the agenda of their more militant colleagues enabled Congress to implement essential policies; but they did little to assuage the mutual suspicions and antipathy of the rival spokesmen.

Congressional factions were initially linked to the debate over resistance and independence. Although any attempt to correlate geography and ideology too closely predictably falters, at the heart of congressional partisanship was a conflict between a nucleus of militant delegates centered on New England, and their moderate protagonists, who were concentrated in the delegations from New York, Pennsylvania, and Maryland. What bound this latter coalition together was less a sense of common regional interest than a mutual recognition and fear of the political upheaval that could occur in each of their provinces once reconciliation was abandoned and Congress authorized the creation of new governments. It was this issue that most directly sustained the initial pattern of factional conflict during the months after independence, when the actual business of constitution-writing was taking place. Residual doubts about the wisdom of creating
republican governments in the midst of a difficult war were reinforced by the reverses of late 1776. Living and working in close proximity to the Pennsylvania government—the most controversial and, it sometimes seemed, the least effective of the new regimes—moderate delegates were neither able nor willing to remain neutral on this question. Duane, Jay, Robert and Gouverneur Morris, James Wilson, and Robert Livingston were all vocal critics of the radical Pennsylvania constitution, and in 1776 and 1777 they entertained hopes that the new government would quickly collapse. Their congressional opponents, on the other hand, tended to be more sympathetic toward the Pennsylvania experiment, or at least felt that further controversy should be deferred for the sake of the common cause.

A second issue that encouraged earlier animosities to survive past 1776 involved the controversy over the command and administration of the northern army. Here delegates from the middle states were particularly intent on preserving the authority and reputation of Philip Schuyler against the rival claims of Horatio Gates, the favorite general of the New England delegates. Skirmishing between the respective partisans of the two generals provoked congressional strife throughout 1777, and even Gates's victory at Saratoga did not end the wrangling. Moreover, the disruptive impact of this rivalry was compounded when Walter Livingston, deputy commissary for the northern army and a Schuyler intimate, repeatedly clashed with his superior, Joseph Trumbull, son of the Connecticut governor, Harvard graduate, and a confidant of several New England delegates.

Some of the vindictiveness that colored relations between delegates from New York and New England stemmed from pre-Revolutionary sources. A long dispute over the location of the eastern boundary of New York, though peacefully settled in 1773, had helped to inspire mutual suspicions; conflicts between New York landlords anxious for docile tenants and New England emigrants seeking to acquire land on freehold tenure had generated other ill feelings. "I fear these people will spread over the whole Continent," James Duane had written in May 1773; and when the outbreak of the Revolution enabled the secessionist Yankees of Vermont to renounce their allegiance to New York, his prejudices were confirmed. By 1777 both the New York and New Hampshire delegations were preparing to assert their respective
claims over Vermont, an issue that further widened the basis for regional conflict.¹

Personal antagonisms, doubtless magnified by the intimacy of a body that usually numbered fewer than three dozen members, also contributed to congressional factionalism. The celebrated incident of 1775 that saw John Dickinson refusing to speak to John Adams provided the most pungent example of how irritable some delegates could become, but the snide references that periodically occurred in many members’ private correspondence testified to the existence of a larger reservoir of animosity. Some of this can clearly be attributed to the provincial sensibilities most delegates shared. Various parochial and personal biases played into disputes over policies and appointments: regional mannerisms of speech; the familiar denominational prejudices of Anglicans, Congregationalists, and Presbyterians; differences in status, wealth, and occupation. There was never any love to be lost between someone like James Duane, an Anglican lawyer and land speculator who was openly contemptuous of New Englanders, and the arch republican Samuel Adams, loyal son of Puritan Boston and an unreconstructed Calvinist who was inconspicuous in dress and so indifferent to his own family’s security that he was reluctant to help his physician son obtain a military commission. Nor could James Lovell, the impecunious Boston schoolteacher, ever feel comfortable in the company of Robert Morris, the merchant prince of Philadelphia, or such cronies of Morris as George Plater, a wealthy Maryland planter, or Gouverneur Morris, the urbane New Yorker.

Some delegates, like Thomas Burke and R. H. Lee, simply took an instant dislike to each other, while the self-righteous posturing of such egotists as Burke or Henry Laurens could unilaterally raise the temperature of any debate. By 1777 and 1778 the cumulative grievances, real or fancied, that some delegates harbored toward others could no longer be concealed, and when they coincided with differences over important issues of policy, their repercussions were doubly disturbing. Newcomers to Congress occasionally recorded disillusionment at finding how sharply their previous images of Congress clashed with the petty enmities that marked many of its deliberations.²

A basis for sustained factional conflict did exist, then, before Silas Deane’s return from France precipitated the major political controversies of 1778 and 1779. Some issues had already encour-
aged clusters of delegates to collaborate over a period of time and form effective factions within Congress, and personal animosities had sometimes reinforced differences over policy. It would nevertheless be wrong to argue that partisanship had consistently provided the dominant motif of congressional politics. Until late 1778, the barriers against overt factional behavior remained more powerful than the conditions that might have encouraged its open expression. What requires explanation, in short, is why the circumstances of 1778–79 released the delegates from restraints that had previously kept congressional factionalism within tolerable limits.3

How had the potential for factional conflict been checked before 1778? Many of the restraints on partisan behavior were, as we have already seen, inherent in the situation of Congress itself. The delegates’ common recognition of the importance of preserving the extensive yet fragile authority of Congress worked to confine factional activities within its chambers rather than permit internal divisions to become public knowledge. Candid criticisms of Congress could be broached among confidential correspondents, but were rarely intended for a larger audience. Few delegates attempted to organize external sources of pressure to influence congressional debates, in part because the simple difficulty of coordinating state and national politics always posed major obstacles, but also because most members were sensitive to the preservation of their own prerogatives.

Other circumstances restricted the scope of factionalism. The progressive turnover in membership meant that new delegates were regularly arriving who were unacquainted with divisive issues and personalities, and who might therefore be reluctant to commit themselves too hastily to one group or another. The seasonal rotation of experienced delegates and the comparatively brief terms served by many others who attended Congress only begrudgingly would have impaired any efforts to maintain a cohesive faction over any significant period. The entire membership of Congress was rarely if ever divided into neat factional groupings; at almost any point, a substantial or even decisive portion of the membership was free from partisan allegiance and thus receptive to appeals from opposing clusters of more committed delegates.

Several aspects of the working procedures of Congress also suggest that factionalism had relatively little impact on the ordi-
nary conduct of business. There is no evidence, for example, that any group of delegates was ever able to use its voting strength to manipulate the proceedings by stacking committees, managing debates, or using other parliamentary devices to outmaneuver its opponents. No faction ever acquired the strength or cohesion to form a legislative majority capable of controlling the flow of congressional business. And if, as in any deliberative body, some delegates exercised superior powers of persuasion over their colleagues, none ever occupied a position equivalent to the role played by a modern legislative whip; nor did the president of Congress exercise powers comparable to those of a speaker of the house. Before 1779, in other words, congressional factions were too fluid in composition, small in size, and primitive in function to act as modern legislative parties do. They were essentially clusters of delegates who thought alike on certain issues and sometimes managed to cooperate toward common ends.

Much of what we do know about the shifting lines of congressional partisanship comes from analyzing the more than a thousand roll calls that Congress recorded, beginning in the summer of 1777. These certainly suggest, as H. James Henderson has argued, that important cleavages persisted in Congress and that regional loyalties constituted the most critical determinant of factional alignments. Yet there is another aspect of congressional voting that also deserves attention: for the frequency with which roll calls were recorded itself provides a rough index of the changing levels of partisanship. It is striking that it took Congress three years to begin recording selected roll calls in its journals, and that even then that decision was the result not of the delegates’ intrinsic desire to have their positions publicized, but of pressure from the Maryland assembly, which was anxious to know how its own and other delegations were voting on questions involving the disposition of western lands.

Nor were roll calls ever taken systematically; sometimes months passed while only a handful were recorded. Roll-call votes were taken only when individual delegates requested them, and this frequently occurred when a member wanted either to publicize his own actions for his constituents or to embarrass the supporters of a measure he opposed. In many ways a request for a roll call was an exercise of personal privilege, and it is not a coincidence that Elbridge Gerry and Thomas Burke, who were particularly sensitive to such matters, were more likely
to demand recorded votes than most of their colleagues. Despite their frequent requests, however, it is still impossible to reconstruct how or why Congress divided on a number of major issues, which suggests that many delegates retained a belief in the importance of preserving the traditional façade of congressional unanimity. Conditions of severe partisan stress, of course, undermined this resolve, and the number of recorded votes proliferated—as was the case in 1779. But if frequent roll calls suggest periods of intense partisan feelings, intervals when comparatively few were taken imply that factionalism had subsided, or at least that most delegates were prepared to restrain the expression of partisan loyalties in deference to the greater importance of preserving the authority of Congress.

On balance, then, what is remarkable about the early years of congressional politics is not that some factional strife occurred—it would have been surprising only if it had not—but that it was so well contained. Nevertheless, the events that produced the divisive conflicts of 1778–79 had their origins in 1777, when Congress recalled Silas Deane from his diplomatic position in France; and an explanation of the later controversies must begin by untangling the circumstances of this earlier resolution.

**The Affairs of Silas Deane**

For its mysterious and bizarre turnings, the career of Silas Deane bears fair comparison, perhaps, only to the later enterprises of Aaron Burr. Deane had been one of the hardest-working members of Congress in 1774 and 1775, and when the Connecticut assembly unexpectedly dropped him from its delegation, his colleagues' esteem and his background as a Yankee trader helped procure his appointment as the first American agent to France. In the fall of 1776 he was named one of the three American commissioners to the court of France, along with Benjamin Franklin and Arthur Lee. Once in France, Deane entered into a bewildering maze of commercial activities that brought substantial benefits to the American cause and lucrative profits for his partners (who included, most notably, Robert Morris) and himself. Through his ill-conceived employment of the spy Edward Bancroft, Deane also inadvertently provided the British
government with an almost embarrassing largesse of secret intelligence about Franco-American relations.⁶

But no allegations of financial improprieties had been leveled against Deane before August 5, 1777, when his recall was first moved, or even late November, when it was finally approved. The issue that led to his return involved a comparatively minor aspect of his activities. Deane had granted scores of commissions in the continental army to adventurous French gentlemen, and these unauthorized recruiting efforts threatened to embarrass Congress in two ways. The continental army, as Washington repeatedly made clear, had little use for the stream of French officers Deane was sending across the Atlantic, and the cantankerous American officer corps resented the liberal terms Deane had been offering. Particularly controversial was the extravagant contract he had signed with Major Philippe Du Coudray, an unimpressive artillerist whose career abruptly ended when his horse plunged off a ferry, drowning its rider in the Schuylkill River. Perhaps more important, many members thought that Deane’s conduct, as well as impugning his judgment, could also make him a liability at the court of Versailles, which might resent congressional reluctance to honor his contracts.⁷

To some extent, the debates about the recall of Deane did reflect the major factional division within Congress. His principal critics included the Connecticut delegates;⁸ James Lovell, who had had to deal directly with many of the French officers; Samuel Adams, whose suspicions of Deane dated to 1774; and R. H. Lee. Deane’s defenders were led by James Duane and possibly Robert Morris. By November the arguments against his continuance in office had evidently become conclusive. “He died at last very easie,” William Williams noted, “tho there had been at sund[ry] Times before, the most violent and convulsive throes and Exer-

The decision to recall Deane was nevertheless not an act of partisan spite. Although several delegates from his own state of Connecticut were bitterly critical of Deane, R. H. Lee felt that he had “pursued his best judgment for the good of his Country when he made those distressing contracts,” and as late as May
1778 James Lovell proposed giving Deane a new position as American agent in Holland, where his mercantile talents could presumably be put to good use. Nor in November 1777 did Congress as yet know anything of the personal quarrels that were splitting its diplomatic corps in two, setting Franklin and Deane against Arthur Lee, his brother William (commissioner to Vienna and Berlin), and Ralph Izard (commissioner at the court of Tuscany). The fear that Deane's continued presence in France might jeopardize negotiations for an alliance was legitimate, for his recall came at a time when Congress, hoping to capitalize on Saratoga, was anxious to see an alliance with France finally concluded.

Despite his recall, Deane did not choose to return to America until early summer, when he astutely sailed as an honored passenger on board the ship carrying the first French minister to the United States, Conrad Alexandre Gérard. By then, Congress was beginning to learn something of the disputes that had wracked the American commission at Paris. Deane's brother Simeon had returned to America in May 1778 as the official bearer of the French treaties, and he had doubtless briefed his brother's confidants about the troublesome meddling of Arthur Lee. During the early spring, too, R. H. Lee began receiving informative and accusatory letters from his brothers, which included serious allegations about a commercial contract Deane had concluded with Pierre Beaumarchais. In early June, Henry Laurens could note that "Frequent Items have been given in public of the disagreements of our Commissioners." Even so, Deane returned to a Congress that had merely sought to remove him from Paris, not to examine his affairs, and that now had little use for his presence in America. Nor were his detractors yet prepared to press an investigation. Their information was still shadowy and incomplete, and they quickly learned that Deane had judiciously left his accounts in France. It was not, therefore, an inquisitive Congress that sought to interview Deane, but an impatient Deane who demanded an audience with Congress. Deane's desire for public vindication was no doubt sincere: once before, in 1775, his reputation had been gratuitously impugned by his constituents. Private interest complemented public honor. His commercial enterprises had been interrupted, and Deane was anxious, as he informed John Hancock, to "return to France, and attend to my private affairs."
Congress did not share his sense of urgency, however. During the third week of August Deane did make three appearances before Congress, where he gave a “general account of his transactions” in France and “his commercial transactions in Europe, especially with Mr. Beaumarchais.” But Congress took no action on his report.

One month later, however, substantive accusations were finally brought against Deane. R. H. Lee charged that William Carmichael, recently returned from France, could provide evidence that Deane had “misapplied the public money” and treated Arthur Lee unfairly; and Henry Laurens presented letters from Ralph Izard which, though not uncritical of Arthur Lee, placed greater blame for the discord at Paris on Deane and Franklin. On October 4 a lengthy letter from Arthur Lee, containing new allegations about Deane’s handling of public money, was also read. But while Congress did examine Carmichael twice, it again took no decisive action, and on October 7 it tabled Deane’s latest request for another hearing.

Deane was convinced that this indecision, as well as his recall, was the work of a small knot of personal enemies, principally Arthur Lee and “a certain Triumvirate, who have been from the first members of Congress”—Roger Sherman (“my old Colleague Roger the Jesuit”), Samuel Adams, and “their Southern associate,” R. H. Lee. Almost immediately upon his return, Deane began to disseminate reports and rumors designed to undermine Arthur Lee’s own position. His principal charge, which was essentially correct, was that some members of the French court harbored such serious suspicions about Lee’s true loyalties—not to mention his diplomatic ineptitude—that his continued presence at Paris was not only useless but potentially harmful to American interests.

In early October, when the campaign against him was escalating, Deane counterattacked more vigorously. On October 10 the Pennsylvania Packet printed six queries strongly implying that Arthur and R. H. Lee had had traitorous communications with Dr. John Berkenhout, a mysterious figure whose activities following his recent appearance in America had led some to believe (correctly) that he was a British agent. The anonymous “Querist” was Deane himself. By mid-autumn, “tir’d with a four Months Attendance” that he believed served only the vindictive “purpose of the Junto” opposing him, Deane had resolved to go fur-
ther. "I design before I leave America if nothing is done, to lay my Case at large before the public," he wrote to another brother, Barnabas. "I have hitherto delayed it, hoping I should not be put to the disagreeable Necessity, & knowing the Effects it must have on public affairs, but the Law of Self defence being the first of all I shall not longer be silent." On December 5, Deane's address "To the Free and Virtuous Citizens of America" appeared in the *Pennsylvania Packet*. Essentially an extended assault on the Lees, its publication broke the veil of obscurity that still limited public understanding of his recall, and (what was more important) provided a critical precedent for other politicians to appeal for popular support against their opponents in Congress. It also constituted the most widely publicized breach in the ranks of the original patriot leadership that had taken place since independence.\(^1\)

Deane's broadside took his antagonists by surprise. R. H. Lee had returned to Virginia—though another brother, Francis Lightfoot Lee, was still in Congress—and Samuel Adams had just abandoned the idea of launching a newspaper campaign against Deane, something he had been considering since October.\(^2\) Although Thomas Paine was quickly recruited to counteract Deane, the Lee supporters were initially outmatched.\(^3\) On balance, however, most delegates apparently considered the skirmishing of December 1778 as more a literary curiosity than a looming political crisis. "You will see by our papers a ridiculous squabble between Deane and the Lees," James Duane, an early Deane supporter, wrote George Clinton. "It may amuse a leisure hour." James Lovell adopted a similarly casual tone: "I do not think that the Public will be any losers by the Time they spend in view'g [Deane and Paine] tie and untie a few Knots, since the former has been pleased to call up that Species of Diversion." For his part, Edward Langworthy of Georgia noted, "I shall rejoice to see more publications on the proceedings of Congress. A little gentle Satyr will be useful on many occasions and will restrain the Spirit of Intrigue and Cabal."\(^4\)

Langworthy was wrong. The delegates' growing willingness to tolerate appeals to the public at large gave that "Spirit" free rein. Far from requiring the respective factions to reach some tacit compromise at least preserving the traditional privacy of Congress, this perceptible shift in attitudes encouraged them to marshal popular support that they hoped to use for further parti-
san purposes within Congress. By the New Year of 1779 the repercussions of this change were becoming more apparent, as other members took to the newspapers or found themselves publicly impeached. Samuel Adams was rebuked for having met with John Temple, who had come to America in the company of Berkenhout. Responding to the insinuations of Thomas Paine, Robert Morris published a signed defense of his conduct as a member of the Secret Committee of Commerce, only to discover that Henry Laurens was on the verge of publishing additional charges against him. Laurens, who had resigned as president of Congress when his colleagues refused to condemn Deane’s address, found himself forced to print an explanation of his resignation. Paine and Deane continued their exchanges, periodically joined by the two Lee delegates.20 An unrelated series of disputes between Congress and the government of Pennsylvania generated another newspaper controversy.

Deane’s publication of December 5 was the catalyst for all this. Yet it would be a mistake to conclude that the Deane-Lee quarrel was by itself capable of disrupting the course of congressional politics or obstructing the formulation of policies on other issues. Despite mounting levels of partisan animosity, Congress as a whole remained reluctant to distract itself from more pressing concerns in order to sort out the mushrooming accusations and countercharges. Deane appeared before Congress again in late December, but not until January 20, 1779, was a committee finally appointed to consider “the foreign affairs of these United States, and also the conduct of the late and present commissioners.” And as late as the last week of February, Meriwether Smith voiced his hope that people “will not think that the Disputes of Messrs. Lee and Deane can be attended with any Serious Consequences to these united States. Believe me they would not deserve the serious Attention of a Moment if they did not interrupt the Business which is of more Importance.”21

None of these allegations of corruption and treason had as yet posed questions of policy demanding immediate attention. But in mid-February 1779, Conrad Gérard informed Congress that Spain might attempt to mediate an end to the war, and the Deane-Lee quarrel became inextricably linked with new and more important questions of peace terms and diplomacy. Once that fusion took place, problems of foreign policy, formerly a source of congressional unity, acquired a divisive potential, and
congressional partisanship reached the highest level it would attain during the war.

The Year of Division, 1779

As with the recall of Silas Deane, the domestic repercussions of the protracted foreign policy debate of 1779 proved far more important than its diplomatic consequences. The negotiations that Gérard asked Congress to anticipate did not materialize; under the careful prodding of his successor, the Chevalier de la Luzerne, the instructions Congress so laboriously composed for its peace commission would be thoroughly revised by 1781. The composition of the American diplomatic corps, another critical issue of 1779, also underwent later alterations. Nevertheless, despite the apparent futility of these debates, the substantive questions they raised clearly affected the tensions that were unleashed, and to understand how the political controversies of 1779 became so severe, it is first necessary to outline the essential issues involved.22

Early in February 1779, Gérard informed Congress that Spain had decided to present an ultimatum to Great Britain, offering its services as a mediator of peace but also declaring its intention of entering the war on the side of its Bourbon ally, France, should its offer be rejected. In an initial memorandum and then in a personal audience, Gérard made two requests of Congress. He asked it to appoint a minister plenipotentiary capable of joining the peace negotiations whenever they might occur; and also to determine its conditions of peace, which should specify not only what the United States would demand of Britain but its policy toward Spain as well. Gérard knew that the Spanish ultimatum would be tendered in clear expectation of its rejection, and that some Spanish participation in the war was therefore likely. He nevertheless urged Congress to adopt positions that would reassure Spain about the security of its possessions in North America once the United States achieved its independence. Gérard hoped, too, that Congress would not endorse stringent demands that might complicate the task of reaching an eventual peace with Britain. Accordingly, his primary goal was to induce Congress to limit its territorial ambitions, thereby protecting Spanish interests in the southwest while preventing extravagant claims.
against other British mainland possessions. To this end, Gérard hoped Congress would appoint a minister sympathetic to the objectives of French policy and subservient to French direction—preferably John Jay, who had replaced Laurens as president of Congress. He was irreconcilably opposed to the appointment of Arthur Lee, whom he, like his superiors in Paris, held in particularly low esteem.23

Although Gérard asked Congress to act quickly—even pressing it, rather tactlessly, “to overcome [its] usual inertia”24—his requests launched a series of debates and maneuvers whose four major phases took almost eight months to run their course. The first of these phases began in late February, when Congress took under consideration a draft text of peace terms that had been promptly prepared by a five-member committee. Congress agreed, with its committee, that Britain must recognize American independence preliminary to any negotiations. It also approved, without major modification, the committee’s first two ultimatums, which defined the boundaries of the United States and demanded the evacuation of all British troops. The delegates rejected the committee’s fourth and fifth ultimatums, which demanded free navigation of the Mississippi and access to “some port or ports” on that river beneath the southern boundary of the United States. But the most controversial problem arose with the committee’s third ultimatum, which sought to guarantee American access to the Newfoundland fisheries—a matter of particular importance to New England. In committee of the whole, Congress initially diluted this provision, but in late March a completely rewritten article, favorable to the New England claims, was narrowly approved. It was this issue that was destined to provide the greatest source of controversy.25

The acceptance of an ultimatum on the fisheries closed the first phase of debate. The second began on March 24, when Congress received a report from another committee, composed of thirteen members, that had been examining the various allegations compiled against the American commissioners in Europe. This committee proposed that the appointments of Franklin, Deane, Izard, Arthur and William Lee should all “be vacated, and new appointments made.” During the ensuing six weeks of debate, the status of Arthur Lee was the major focus of concern. But Franklin’s position was also uncertain, for unlike Deane and Lee, he had no group of supporters—no “interest”—
personally committed to his defense. Several of Deane’s supporters, in fact, apparently hoped to see Franklin recalled, possibly because they had their own diplomatic ambitions to pursue. When the vote came on Franklin’s recall (on April 22), however, only eight members voted against him. Arthur Lee’s position was far more precarious, largely because Gérard, anxious to have Lee recalled, provided his congressional detractors with information severely damaging to the expatriated Virginian’s reputation. Even so, when on May 3 Congress voted on the question of recalling Lee, the result was a stalemate: four states each voted for or against him, while four other delegations divided evenly. Lee’s position had been gravely weakened, but for the time being he retained his commission.

This effectively completed the second phase of debate, though another five weeks passed before Congress vacated the appointments of William Lee and Izard. From May until mid-August, Congress resumed consideration of its peace terms, concentrating almost exclusively on the question of the fisheries—or, as James Lovell put it, “Cod and Haddoc.” After further revisions of the article approved in late March, Elbridge Gerry (a resident of the Massachusetts fishing port of Marblehead) introduced a set of five complementary resolutions that provided a new framework for discussion. Gerry sought to convince Congress not only to acknowledge the essential importance of the fisheries to the postwar prosperity of the United States, but also to have provisions confirming American fishing rights incorporated in the treaty of alliance with France (as an additional “explanatory article”), in the peace treaty itself, and in any postwar commercial treaty with Britain. On four of the Gerry proposals, the pro-fishery forces were able to command a solid plurality of the states. They enjoyed a solid core of five votes, consisting of the four New England states and Pennsylvania, whose current delegation was more representative of the radical Constitutionalist faction than the moderates grouped around Robert Morris and James Wilson. They could also count on the support of three delegates—Nathaniel Scudder of New Jersey, Thomas McKean of Delaware, and Henry Laurens of South Carolina—who almost invariably prevented their states’ votes from going to the other side. By contrast, their opponents could rely on only three states: Maryland, Virginia, and North Carolina; even New York, rarely known to be sympathetic to New England, wavered. But on the
critical third article, which would have reinstated the demand for access to the fisheries as an ultimatum of any peace treaty, the pro-fishery coalition broke down. On this question Connecticut defected, and their obstructive support in the New Jersey and Delaware delegations disappeared. By July 31, when discussion of the Gerry proposals was completed, it was clear that access to the fisheries would not be made a necessary condition of peace.29

Although in early August Congress learned that Britain had rejected the Spanish offer of mediation, it was still deemed necessary to appoint a peace commissioner and a representative to the court of Spain. The maneuvers surrounding both of these appointments were an extension of the controversies of the preceding months. Recognizing that securing American access to the fisheries now depended on the diplomatic skill and perseverance of the American peace commissioner, the surviving nucleus of the pro-fishery coalition favored the election of someone who could be relied upon to pursue that goal vigorously. Their candidate was John Adams, recently returned to Massachusetts after his year in France, where he had become critical of the conduct of each of the American commissioners at Paris. His opponent was John Jay, still the candidate preferred by Conrad Gérard, who believed that Jay would accept French guidance and not allow the question of fishing rights to become a major barrier to the timely conclusion of the war. Similarly, the need to open diplomatic relations with Spain forced Congress to reexamine the status of Arthur Lee, who was still designated the American commissioner to Madrid. Several of his closest supporters, notably Lovell, hoped that a reaffirmation of his appointment would redeem his much-abused reputation, and they accordingly withheld from Congress a letter of resignation that Lee had already transmitted to them.30

They soon discovered, however, that Gérard’s account of the suspicions surrounding Lee’s activities in Europe constituted an insuperable obstacle to his appointment. The real contest lay, therefore, between Adams and Jay. After two indecisive ballots for the peace commission, an explicit compromise was reached that saw Jay deputed to Spain while Adams was designated to represent the United States in any peace negotiations that might occur.31 With their appointments, the protracted debates over foreign policy were at last completed, and a relieved Congress turned its attention to more urgent business.
In greatly simplified form, then, these were the major issues of 1779. Merely identifying what issues were in dispute, however, does not explain why they evoked such severe strains within Congress or why Congress found itself subjected to an unprecedented level of popular disenchantment with its policies. Although inherently disruptive elements were certainly present in this matrix of issues and personalities, it is by no means obvious why these should have generated political tensions that transcended earlier controversies. For ultimately what is striking about the crisis of 1779 is not that it simply exemplified or magnified divisions normally present in Congress, but that its explosiveness disarmed the mechanisms Congress usually employed to restrain the potential for such outbreaks. The force and bitterness this struggle acquired reflected a peculiar configuration of personalities, issues, and attitudes that had not existed before and would never be fully reproduced once the crisis subsided.

Four factors explain how and why these issues had such an abrupt and drastic impact on the character of national politics. First, once Silas Deane and the supporters of Arthur Lee appealed for popular support, the personal and invidious nature of their multiplying allegations induced the major combatants to demand vindication outside Congress and revenge within. Second, easy as it sometimes must have seemed to lampoon the importance of the fisheries, the issues raised during the debate over peace terms did have genuine importance, and they forced individual delegations to calculate the nature of American war aims more precisely than had yet been necessary. Third, the role played by Conrad Gérard, who had his own objectives to pursue, was critical, for the French minister greatly encouraged those delegates who were sympathetic to his goals to persist in their opposition to Arthur Lee and the fisheries. Finally, the disputes of 1779 took place against a background of sagging public morale, when the glaring defects of congressional adherence to currency finance made Congress more vulnerable to criticism than it had ever been before and thus magnified the impact of the public reports of its internal strife and paralysis.

Much of the rancor released during these debates and their attendant polemics reflected the peculiar temperaments of the disputants. It would have been difficult to assemble a more contentious group of politicians than Thomas Paine, Lovell, Laurens, and the various Lee brothers—the major spokesmen for one
faction—and Deane, Burke, William Henry Drayton, Gouverneur Morris, and William Paca of Maryland, their antagonists. Volatile, self-righteous, and intensely suspicious, they were not men who could suppress their mutual animosities once hostilities had begun. Deane was determined to procure vindication less by justifying his own conduct than by destroying his detractors; R. H. Lee called him “the Innuendo-Man.” Of Arthur Lee, Deane’s principal accuser, John Adams has left this portrait: “His Countenance is disgusting, his Air is not pleasing, his Manners are not engaging, his Temper is harsh, sour and fierce, and his Judgment of Men and Things is often wrong.”

Burke and Laurens were perhaps the two most abrasive delegates who ever attended Congress; both invoked parliamentary privilege so often that they regularly antagonized many of their colleagues. Burke had tangled with R. H. Lee within a fortnight of the North Carolinian’s arrival at Congress. Laurens and his fellow South Carolinian, Drayton, constituted the least harmonious delegation in Congress and were personally reconciled only when Drayton was on his deathbed in late August. Burke, Deane, and R. H. Lee had all been denied reelection to Congress at one time or another, an experience that left them especially sensitive to the questions of personal honor that the Deane-Lee quarrel raised. Lovell’s acerbic disposition was well recorded in the unflattering nicknames he and William Whipple bestowed on several of Deane’s supporters. “The reading of Doctor Lee’s vindication,” Whipple wrote in late August, discussing a statement Lee had submitted to Congress in refutation of Deane’s charges, afforded me high entertainment; envy, malice, and every vindictive passion that disappointed malevolence could inspire, appeared on various countenances around the room. Fiddle head [Meriwether Smith of Virginia] shook, swivel eye [James Duane] nestled and turned pale, the chair [Jay] changed colour at every sentence, some others forced a sneer, endeavouring to conceal their chagrin and confusion; this, you may well suppose, afforded me no small degree of enjoyment. The Base-Viol [Smith again] has tarried a fortnight beyond the time he some time ago set for his departure. . . .

We can guess that Gouverneur Morris, who had a satirical bent of his own, must have accorded similar honors to the Lee supporters.

Yet personal resentments and idiosyncrasies affect the work-
ings of every legislative body to some degree, and their presence in 1779 does not by itself explain why members of Congress began ignoring previously accepted conventions of behavior. What was critical was that the specific allegations at the heart of the Deane-Lee imbroglio involved the reputations of politicians who were, one feels, understandably yet acutely sensitive to questions of honor. Deane, Robert Morris, and, by extension, their supporters stood accused of blending public business and private commerce to an exceptionable degree, improper even by the relatively tolerant standards of the eighteenth century. Members of the pro-Lee faction were similarly suspected of pursuing their own political ambitions with a zeal that mocked their ostensible attachment to the principles of virtuous republicanism. Yet the particular substance of these charges and countercharges mattered less than the essentially similar responses they triggered among both sets of antagonists. For one thing, despite some differences in the rhetoric of their respective arguments, the contrasts between the two factions can be overdrawn. Samuel Adams may indeed have perfected the style of the virtuous republican, the visionary who looked to the creation of “a Christian Sparta”; but many of his collaborators knew how to reconcile patriotism with private interest. Whipple and Gerry were war profiteers, Lovell was financially dependent on his salary as a delegate, and the Lee brothers were more assiduous than most in their efforts to further their political careers.

More important, both groups shared a common exasperation with the burdens and tedium of attendance at Congress—a malaise that the inconclusive debates of 1779 only aggravated. Convinced that attendance at Congress meant the subordination of personal interest and convenience, inhibited by conventional standards of political propriety from portraying their accession to office as a fulfillment of personal ambition, the delegates gave questions of honor and reputation an exaggerated importance because such motives alone seemed to justify their acceptance of office. For the friends of Arthur Lee, distressed by the obloquy heaped on a seemingly vigilant patriot, the true moral of this whole episode lay in a familiar couplet from Addison’s Cato:

When vice prevails, and impious men bear sway,
The post of honour is a private station.
But when in the spring of 1780 Robert Morris reviewed for Benjamin Franklin the sufferings of Silas Deane, he noted that “My own fate has been in some degree similar, after four years indefatiguable Service, I have been reviled and traduced for a long time by Whispers and insinuations ....” Now, believing the charges against him at last disproved, Morris hoped he could finally enjoy “the peaceable possession of the most Honourable Station my Ambition aspires to, that of a private Citizen of a Free State.”

Despite these considerations, the animosities of the Deane-Lee quarrel might have been confined to the increasingly tiresome potshots of the principals, had not Gérard’s mid-February audience forced Congress to formulate its peace terms and frame a policy toward Spain. The foreign policy issues that confronted Congress prior to 1779 had been comparatively easy to resolve. Reconciliation with Britain had seemed inconceivable, while assistance from France appeared absolutely necessary. The nature of both of these issues thus enabled Congress to think in terms of a broad national interest that concerned all the states equally. But the debate over peace terms raised questions that affected the immediate interests of particular states more acutely than almost any other issue Congress had previously encountered. New England’s vital interest in the fisheries was pitted against southern delegates’ fears that a continuation of the war would prove disastrous to their region, whose military position was growing increasingly precarious as the new British strategy unfolded. Much of Georgia had already been occupied by the enemy, neighboring South Carolina was endangered, and in May 1779 a brief amphibious assault was launched against Virginia. The southern delegates who dominated the anti-Lee, antifishery coalition were so concerned about this situation that they did not insist upon Congress adopting a strong position on securing American navigation rights along the Mississippi, even though this question was generally deemed critical to the postwar economic development of their region. Prepared to yield so much in the interest of peace, concerned about the possibility of a peace settlement that would leave occupied territory in British possession, they naturally resented their opponents’ stubborn insistence on the importance of fishing rights.

The fact that the pro-fishery coalition was only marginally stronger than its opponents tempted the latter to solicit support
outside Congress. Some basis for public concern had existed since Gérard’s initial audience with Congress, for rumors about the changing diplomatic situation and prospects for peace began to circulate almost immediately, though usually in garbled and erroneous form. In early April the North Carolina delegation made a clumsy attempt to force Henry Laurens to alter his position, preparing letters to be sent to the South Carolina delegation and to their own constituents arguing that North Carolina should not provide military aid to its neighbor so long as Laurens defied the regional interests of the south. A similar “very artful Attempt” to alter the vote of the Pennsylvania delegation was made in the very early spring, when the supporters of French objectives—or “Deane’s Friends,” as Joseph Reed identified them—sought to induce the assembly to issue explicit instructions concerning peace terms to its delegates.

But they could not be persuaded to interfere [Reed informed Alexander McDougall], alledging that it was properly the Business of Congress, & that Interposition might give Offence to some of their Sister States—a Sentiment which had all my Weight & Influence—indeed it appeared to me to be a strange Policy, to tell our Enemies so plainly, that we are sick of the War, & sought Peace on any Terms & I believe it was the first Instance or would have been, for a Power about to treat, to tell its Ultimatum to the World. Finding it would not take, the Measure was wholly withdrawn, but I have no doubt but it was framed by some Member of Congress, as it opened up plainly what had been in Agitation there, & our honest Country Members were told, there were some Men who did not desire Peace on any Terms.

Six weeks later, Thomas McKean complained to Congress that “our Ultimatum was subject of common conversation in every Country town [in Pennsylvania], the secret disclosed by Members of Congress at Reading in Berks.” By late April, discussions of the importance of the fisheries were beginning to appear in several New England newspapers, suggesting that the pro-fishery delegates were also preparing to organize popular support.

The normal congressional reticence about disclosing details of secret business crumbled further after the May 3 deadlock over the recall of Arthur Lee. Two items printed in the Pennsylvania Packet in the days that followed—both obviously submitted by delegates—finally revealed how bitterly the Deane-Lee quarrel had divided Congress. The first disclosed not merely that a mo-
tion to recall Lee had been entertained but also how each member had voted. Since this vote was recorded only on the secret journals, its publication marked as flagrant a violation of congressional secrecy as had ever taken place. According to Charles Carroll, who had met with Thomas Adams, a Virginia delegate and Lee opponent, in early May, the decision "to publish the proceedings on this affair" had been taken by "the minority in Congress" who sought Lee's recall. The supporters of Lee responded quickly. In its next edition, the Packet printed a less explicit but more tantalizing countercharge. In whatever light Lee might be considered, "T." argued (but only after alluding to "his long and faithful services"),

nobody, that I have heard of, can guess at any honest motive for recalling Dr. Franklin, whose abilities, integrity and patriotism is [sic] acknowledged by all. . . . And yet it is certain that his recall has actually been moved for in Congress, and put to the vote. This may throw a light on the former question [of Lee's recall]. You will add to the obligation already conferred by procuring and publishing the Yeas and Nays, on the question relating to this venerable patriot.

This was, of course, a clear allusion to the fact that seven of Deane's supporters had voted to recall Franklin. "Will it be possible to ascertain who were intended for our new foreign Ministers if the recall had taken place?" asked "T." in conclusion. "If it could, it would throw a further light on this dark business."42

Just as Silas Deane's address had earlier precipitated open conflict with the Lees, so too the appearance of these pieces cleared the way for a public discussion of foreign policy. By late May, supporters of Lee and the fisheries were publishing additional articles on these subjects, and their antagonists, actively coached and supported by Gérard, replied immediately. As a result, the whole subject of peace terms was laid before the public in June and July, accompanied by further, more vicious recriminations between the two factions.43

Gérard's active involvement in congressional factionalism had begun much earlier, however. From the time of his arrival in America, his sympathies had clearly resided with his fellow passenger Silas Deane, from whom he absorbed a deep distrust of R. H. Lee and Samuel Adams. At first, Gérard acted with some discretion. He replied evasively when Lee and Adams asked him to comment on the rumors of Arthur Lee's unpopularity in
Europe. As early as December 1778, however, he had informed Vergennes, the French foreign minister, that he hoped “to free you and the Minister of Spain of a man who is very troublesome if not dangerous.” By year’s end, if not earlier, several of Deane’s supporters knew that Gérard hoped to see Lee recalled, and that he might be prepared, under suitable conditions, to make his sentiments known in Congress. This issue came to a head in mid-April, when Adams distorted Gérard’s earlier noncommittal statement by declaring that “he had the highest authority for believing that Mr. Arthur Lee was in the full confidence of the Court of France.” Gérard immediately informed Henry Laurens, a Lee sympathizer, that this statement was incorrect and that if Adams went uncontradicted, Gérard would be forced to clarify his position to Congress. Two weeks later, shortly before the vote to recall Lee was taken, William Paca and William H. Drayton gave Congress a written account of an interview they had had with Gérard, during which he had shown them a letter from Vergennes containing the pregnant statement, “je crains M. Lee et ses entours.” Thomas Burke and Thomas Nelson also personally confirmed Gérard’s distrust of Lee. Despite this indirect intervention, however, Lee was not recalled, and a disappointed Gérard now had to organize his congressional supporters to make a successful stand on the question of the fisheries, knowing that the pro-fishery, pro-Lee forces were growing openly critical of his own conduct.

Gérard was aware of both the dangers and opportunities that a public debate over foreign policy posed. He had previously hired Samuel Cooper, the patriotic Boston minister, to publish essays defending the French alliance; now he secured the services of Hugh Henry Brackenridge and of an unnamed former delegate, probably Edward Langworthy of Georgia, who as “Americanus” had already written several pieces and who now offered “to write under my direction.” Gérard hoped that moderate public pressure, judiciously applied, would finally force Congress to reach a decision favorable to French purposes. At the same time, he feared that newspaper polemics might not only lead to the disclosure of information better kept secret but also exacerbate partisan tensions within Congress. He had not welcomed the published revelations of the motions for recalling Franklin and Lee; and in mid-July, after matters had passed beyond his control, he wrote Vergennes that he was “trying to
inspire some restraint in the principal writers on both sides. It is infinitely unfortunate that these discussions break out at such a critical moment.” But Gérard’s editorial efforts were ineffective and inconsistent; he did not object, for example, to the circulation and eventual publication of the Paca-Drayton deposition revealing his and Vergennes’s suspicions of Arthur Lee.46

In his dealings with “Americanus” and his other writers, Gérard attempted to “moderate [their] zeal as much as it is in my power. My method is not to provide them with any information relative to current affairs, but to suggest some remarks on the facts that they know.”47 Despite their relatively evenhanded tone, however, the early pieces of “Americanus,” the most important of the essayists, raised potentially damning allegations about the motives of the opponents of French policy. The first essay, which appeared in the Pennsylvania Gazette of June 2, not only argued that Spain would enter the war only after it knew “what terms are insisted on by each contending party,” but also revealed that Congress had inexplicably failed to define its terms of peace even though it had been “applied to early in February” for that purpose. Without precisely explaining the source of this delay, “Americanus” posed two dangling questions for his readers. “Are we disposed to continue the war at all events?” he wondered. “Have we men in our public councils who object to the making any overtures in return, but such as shall put us in the possession of what the treaties of Paris never stipulated for or guaranteed to us?” A subsequent essay published three weeks later went even further, providing new details about the delays afflicting Congress, analyzing the attitudes and objectives of France, and specifically identifying the fisheries as the critical obstacle to a decision. Securing that right, “Americanus” conceded, though clearly in the national interest, was too extravagant a demand to be made a condition of peace. When Thomas Paine promptly began a series of three letters justifying the importance of the fisheries, “Americanus” devoted additional essays to that question.48

Gérard’s naïve hope that a restrained public debate might prove useful was exploded at the end of June with the appearance of an essay entitled “O Tempora! O Mores!” Although its author was almost certainly a member of Congress, Gérard professed not to know his identity and apparently had no control over his activities. Dropping all pretense of restraint, this writer
argued that Congress was being governed by “a Junto” consisting of the delegates from New England, their Pennsylvania and New Jersey supporters, and a few scattered allies. The foundation of this “Junto” dated to 1774, and now, through their secret meetings and machinations, its members controlled all the proceedings of Congress. The author revealed that it was their insistence on a fisheries ultimatum that had frustrated Gérard’s repeated requests for prompt action, and also reported that Congress had failed to recall Arthur Lee despite its knowledge of his dubious stature in France. “By this one instance,” he concluded, “you will be able to judge of the strength of this minority, and to what lengths they will go in promoting private views, and supporting of their party, family connections, and interest.”

Within a fortnight copies of the Paca-Drayton affidavit were circulating in Boston, where, as Thomas Cushing wrote Samuel Holten, the general opinion was “that let Mr. Lee’s attachment to the United States be ever so strong . . . yet if he was disgustfull to the Courts of Versailles & Madrid it is to the highest Degree absurd to continue him a Commissioner at either.” In August, with the fisheries question resolved, copies of the affidavit began appearing in American newspapers, perhaps with the tacit approval of Gérard, still intent on recalling Lee. In August, too, Paca and Burke laid detailed accounts of the problems and maneuvers troubling Congress before their assemblies. All of this did not go unanswered by the other side. In addition to Paine’s essays on the fisheries, R. H. Lee, who had left Congress in late May, composed new letters defending his family, which James Lovell arranged to have printed in Philadelphia. Early in September a reply to “O Tempora! O Mores!” was written by Oliver Ellsworth, a Connecticut delegate who had left Congress immediately after Gérard’s February audience. Other squibs continued to appear.

Gérard’s willingness to tolerate these appeals reflected his own jaundiced attitude toward the group of delegates he erroneously described as “la faction angloise”—the label which, he informed Vergennes, “one must bestow . . . on those individuals who have the effrontery to treat as a French faction [other] Americans who work only for the fulfillment of their agreements and the general good of America.” His earlier involvement with Deane left Gérard intuitively suspicious of Samuel Adams and R. H. Lee. Perhaps more important, it also enabled Deane’s friends
in Congress to form a cordial working relationship with the French minister, and not surprisingly Gérard’s analyses of congressional politics mirrored their own vitriolic feelings, hardened during earlier years of partisan skirmishing.

But if the opponents of Arthur Lee and the fisheries were thus able to prejudice Gérard’s understanding of American politics, he himself also played a critically active role in fomenting the partisanship of 1779. Convinced that his own diplomatic aims were being frustrated by the machinations of an entrenched clique, he consciously acted to expand the small nucleus of delegates with whom he worked closely into a broader and more cohesive coalition. “Until now,” he wrote Vergennes in June, “they have presented so little of the character of a faction that although they have been united on principles, it has not been possible to bring them together in one plan or on a uniform way of proceeding. Each acts only on his own interior motives and feelings rather than in concert [with others].”

One month later, when the fisheries issue still seemed unresolvable, John Jay and two other delegates visited Gérard one evening to propose yielding to their opponents in Congress. They argued that “sooner or later the fisheries would create serious difficulties in which France would be obliged to take part, if she wished to save America, and that it would be better to resolve this great quarrel now than to see the flame of war rekindled after two or three years of peace.” Finding “our friends dejected, discouraged, and resolved to abandon a struggle that has become absolutely unequal,” Gérard took forceful steps to revive their spirits and recommit them to further debates over the fisheries. After five hours of discussion, one of his visitors—a delegate “of an ardent temper and character,” which calls to mind Thomas Burke—dramatically “became pale, as if awakening from a long dream,” and, turning to his colleagues, “told them in a penetrating tone [of voice] that I was right, and that it was absolutely necessary to make the last efforts . . . to disrupt the measures of the anti-Gallican leaders.” With their cooperation, Gérard proposed a new strategy, which involved another personal appearance before Congress on his own part. And his gambit ultimately succeeded: Congress did not make access to the fisheries a condition of peace.

Gérard’s account of his role has its self-serving aspects, of
course, and it is also possible that he was not fully enlightened about the extent of his own supporters' political activities. His remarks nevertheless provide a useful reminder of how, even in 1779, conventional limits on the expression and character of factional activities retained something of their force. It is in the first place striking that Jay was prepared to acknowledge the validity of the New England delegates' insistence on the importance of the fisheries. At a critical point when compromise might have begun to seem possible, it was Gérard who coaxed the opponents of fishing rights into further activities that kept Congress involved in partisan maneuvers for another two months. And Gérard's skeptical analysis of the cohesiveness of his own congressional supporters suggests the need to distinguish between partisan alignments and partisan actions. The repetitive quality of the wrangling over the fisheries, the intimate connection between that issue and the status of Arthur Lee, and the frequency of roll-call votes forced most delegates to take one side or the other. But that in itself does not prove that all the delegates consciously thought of themselves or acted as members of a legislative faction. Some clearly did, of course—Adams, the Lees, Lovell, Jay, Paca, Burke, Drayton—but others continued to feel that circumstance rather than inclination had forced them, somewhat begrudgingly, to join one group or the other.

One suspects that William Churchill Houston spoke for many delegates when, in the course of a candid review of the whole proceedings against Arthur Lee, he provided William Livingston with a personal assessment of the mood prevailing in Congress in early October:

At all events I am happy this troublesome affair is ended, and I hope it will never rise up to disturb the counsels of America more. Subjects of contention and animosity are retiring one after another, and unanimity reviving in Congress where it is so essentially necessary. Trifles have had their day, and too long a one it has been; matters of moment have a claim to this, and that it may not only be longer but perpetual, I am persuaded is the ardent wish of every honest man.

By then other delegates were also attempting to convince their correspondents that Congress was again operating in a reasonably harmonious atmosphere. "The Inconveniences resulting from the Derangement of our Foreign Affairs are at length
removed,” Jay informed Governor Clinton in late September, announcing the recent diplomatic appointments. “All this was done with most uncommon unanimity and Concord.” Gouverneur Morris offered a more realistic appraisal a month later when, he told Washington “that we are united as much as is safe for the public.”54

The desire to restore a façade of unity was a natural response to the final determinant of the political controversies of 1779: the steadily mounting level of public criticism that had been directed against Congress since spring. For the foreign policy disputes of 1778–79 took place against a background of domestic unrest which was generated by the collapse of continental currency and the steady progress of inflation and which was accompanied by the formation of numerous extra-legal popular committees intent on regulating prices. Mired in inconclusive debates over foreign affairs, its members leaking innuendoes and scandalous revelations, Congress seemed incapable of dealing with the pressing financial and logistical problems that threatened to cripple the American war effort, instead “wasting Days & even weeks,” as Joseph Reed complained, “in unprofitable Debates upon Subjects beneath the Robin Hood Society.” Publicly and privately, Americans began criticizing Congress as they had never done before, comparing it unfavorably with its vaunted predecessors and concluding, with Charles Carroll, that “they have not abilities equal to the conducting of matters intrusted to them.”55

The highly publicized Deane-Lee dispute provided not only evidence of congressional inefficiency but a precedent for candid public critiques of its proceedings, something that would have been inconceivable before 1779. Thus, after pointing out that the Deane-Lee accusations inevitably left many people wondering about the integrity of Congress, “A True Patriot” posed harder questions about the abuses attributed to continental commissaries and quartermasters:

Are these not the servants of Congress? Is Congress only ignorant of these abuses, which the whole public beholds with grief and concern? Does Congress know what becomes of the public money? Can it be possible that even the greatest part of our national debt has been accounted for? . . . The strict secrecy which Congress seems to enjoin on its Members with respect to almost all its business is by no means calculated to remove the conceived suspicions.
Congress responded to these criticisms by deciding to publish its journals weekly, but that decision only produced new complaints. “Let the journals of the first and second Congress be inspected,” wrote “Phocion”:

we find no such crooked lines drawn there; the path of public business was made plain: Whereas the journals of Congress as now published are unintelligible to half the world, for whose information they were designed. These are the devices of some modern Machiavel, who not being able to rise to that simplicity and grandeur which ought to distinguish a Republican Government, seek to effect by artifice and strategem what cannot be accomplished by fair and open methods.

Similar criticisms were voiced by “Gustavus Vasa,” who after complaining that Congress gave greater attention to “the interests of a Deane or Lee” than the more pressing demands “of a pining army,” went on to raise more general questions about its status:

Every true whig must, from principle, venerate a Congress; but the Congress may meet (when merited) with the disapprobation of the most public spirited whig in America—every loyal whig should always hold out, and at heart [feel] the most profound respect for the institution, even in the very moment the principles of the institution suffer abuse from that body, either collectively or individually—but to assert that Congress is paramount to the just censure of its constituents, would be to assert the institution of Congress unconstitutional—it would exclude the idea of their being the servants of these States, and of course of the people who compose them . . .

In one sense, these were commonplace notions, already being applied with increasing frequency to the functioning of the state governments. Not since 1775, however, had Congress been exposed to similar criticism, and even then, as “Gustavus Vasa” implicitly recalled, such remarks had emanated from loyalists, not from “true whigs.”

For a time, some delegates seemed to welcome this scrutiny. Members of both factions hoped it might work to expose or at least restrain the vicious behavior of their antagonists. A few, like Henry Laurens, even proposed that Congress should open its doors to the public, a suggestion that was endorsed by R. H. Lee, recuperating at his Virginia plantation, Chantilly. “I believe our affairs will not go on well,” Lee told Laurens, “until the plotting secret Divan is converted into an open Assembly of the people’s
representatives.” Other delegates tolerated public criticism because they thought it justified. Thus when Benjamin Rush, a former delegate, published a searching indictment of congressional finance, Gérard was able to report that a few delegates “wished to deal severely with the author, but a large majority thought it more valuable to profit from the justice of his reflections and advice.”

Yet older reservations about the wisdom of encouraging open discussion and criticism of congressional deliberations had only been temporarily undermined, not destroyed. The notion of appealing to popular opinion was still regarded as something of an aberration, an experiment sparked by the distinctive circumstances of 1779. When the newspaper campaign over the fisheries was reaching its height, even Gouverneur Morris confessed that

It is peculiarly unfortunate for the People and for Congress that Subjects of this Sort should be thus publickly agitated. Without divulging the Secrets of Congress it is impossible to place the Subject in its proper Light and yet unless that is done the People will probably be deluded and if it is done Congress must become contemptible abroad and consequently insignificant at home.

Once the debates over foreign affairs finally ran their course in the early fall, most delegates, anxious to turn their full attention to the long-delayed reformation of financial policy, quickly lost their enthusiasm for pursuing these animosities further. “There seems to be an Infinity of Good Humour in Consequence of the late Elections,” Lovell observed the day after Jay and Adams received their new appointments. The continuing turnover of delegates also helped tensions to subside. The two Lee brothers had left Congress by late May; Samuel Adams went home in mid-June, Thomas Burke in mid-July. Drayton took fatally ill in August, Gouverneur Morris lost his seat, and Jay, Laurens, and William Carmichael all accepted diplomatic positions. And, with the arrival of the Chevalier de la Luzerne, an ailing Conrad Gérard was finally able to depart for France.

For a time, this tacit resolution to minimize the appearance of internal conflict proved effective. It passed an early test in 1780, when Arthur Lee returned to America and promptly journeyed to Congress to demand the recall of Franklin and an opportunity to refute Deane’s allegations. These were not requests that Congress wanted to answer. “I have had great anxiety lest
the flame of faction which on a former occasion proved so injurious be kindled anew,” James Madison wrote, “but as far as I can judge the temper of Congress is in general by no means prone to it, although there may be individuals on both sides who would both wish and endeavour it.” The experience of 1779 had seemingly confirmed the older tradition of congressional behavior and responsibility. Although 1780 and 1781 were years of major decisions and changes in policy, Congress recorded fewer roll calls, delegates stopped submitting candid accounts of their deliberations to the press, and in their correspondence some members again sought to project an image of relative harmony prevailing at Philadelphia.⁵⁹

These changes were not lost on some observers. In July 1780, for example, the Virginia assembly approved a resolution criticizing Congress for “the omission of the Yeas and Nays” in its published journals and instructing its delegates “to use their best endeavors to have the Yeays [sic] and Nays on every important question printed . . . as formerly.”⁶⁰ Although Madison and his colleagues did not consider this instruction binding, its implications were nevertheless apparent. The deference that Congress had enjoyed before the disputes of 1778-79 could not be restored. For the remaining decade of its existence, Congress was increasingly exposed to expressions of pity, derision, suspicion, and contempt. Even without these controversies, a substantial loss of prestige was inevitable, for the difficult financial and logistical decisions that now had to be made were bound to prove unpopular. But the loss of confidence Congress had already suffered guaranteed that its subsequent decisions could be criticized with a candor and cynicism not possible before. Thus while the lessons of 1779 encouraged the delegates to close ranks enough to deal with the pressing questions that arose as the war entered its bleakest phase, their efforts to project a façade of unanimity were at best a means of preventing further damage. The political capital squandered over the fates of Silas Deane, Arthur Lee, and the Newfoundland fisheries could not be recouped.

Nor could the personal conflicts and sectional tensions evoked during these disputes be confined to 1779. In 1781 Gérard’s successor waged a successful campaign to revise American peace terms and circumscribe John Adams’s diplomatic independence.⁶¹ In 1779 New England delegates had been more critical of Gérard as a diplomat than France as an ally; after 1781 a genu-
ine Francophobia infected their positions not only on foreign policy but also on critical issues of domestic politics, largely because supporters of French objectives played major roles in national politics during the early 1780’s. Robert Morris was superintendent of finance, Gouverneur Morris his assistant, and Robert Livingston the new secretary for foreign affairs. When Arthur Lee entered Congress in early 1782, the fusion between foreign and domestic policy thus became inevitable. From the perspective of Lee and some of his closest supporters, the issues of the 1780’s were merely an extension of the earlier struggle. In their origins and extent, the disputes of 1778–79 had their accidental components; but their legacy would have a lasting effect on the politics of the confederation.