

REVIEWS

THE EXTRAORDINARY MR. MORRIS. By Howard Swiggett. New York: Doubleday & Co., 1952. Pp. xix, 483. \$5.00.

THESE are the eight claims to fame of Gouverneur Morris: he was a member of the Continental Congress; co-administrator of Revolutionary finances with Robert Morris (no relative); member of the Constitutional Convention and, as Chairman of the Committee on Style, final draftsman of the document; diplomat for the new country; businessman and speculator; great landowner; United States Senator; and a tomcat. Mr. Swiggett, preoccupied as was Morris himself with the career last mentioned, has written a book giving tomcattery primary consideration. The diary-recorded acts of intercourse with Adele de Flahaut, for example, are analyzed for number, location, and other preliminary and subsequent details on some 73 pages. The work of the Committee on Style rates something less than a page.

It is the tragedy of Gouverneur Morris' reputation that what may perhaps be described as his hobby has become his chief distinction. The regret is not mere prudery; this one-legged Romeo would have made a fascinating Kinsey statistic. But the preoccupation of the author keeps attention away from other areas about which information might also be desirable.

Swiggett had a great chance and muffed it. There is no substantial previous biographical work on Morris. The Sparks is 120 years old, and poor. Theodore Roosevelt's volume is one long editorial interspersed with scraps from the diaries. A two volume Morris Diary of the French Revolutionary period, edited a few years ago by a grand-niece, is a gem, but only for those who want great detail.¹

The prodigious material on Morris has overwhelmed Swiggett. The book, dominated by the diaries, is chronology gone mad. Utterly unrelated matters may crop up in one sentence for no reason other than that they happened consecutively. For example, pp. 184-6 describe a few days of relations with Madame de Flahaut, building up to a quarrel. "Then the storm within abates in intercourse, as the gale mounts outside, and Constable writes him, 'I am pained by your silence. Have I deserved it at your hands?'" Constable was Morris' business partner, and the last time he appeared it was in connection with 20,000 bushels of wheat. How remote can a *non sequitur* be?

The author occasionally interrupts his narrative with social notes from all over. After a paragraph on Morris' appointment as Minister to France comes

1. This admirable work is MORRIS, DIARY OF THE FRENCH REVOLUTION: (Davenport ed. 1939).

a line on the poor state of Robert Morris' finances and a paragraph of quotations from Shakespeare. Then, within 19 lines, an allusion to Patrick Henry; a reference to a child who has a place later in the book but is unidentified at this point; a reference to Richard Randolph (also unidentified at this point); an observation on the whereabouts of John Paul Jones (who has nothing to do with the story until much later and then not much); a line on Jones' mistress, who never has anything to do with the story; an even more irrelevant identification of the woman Jones almost married; and a mention of still another Randolph, of absolutely no significance in Morris' life. The same 19 lines also include the names of LaFayette, Washington, Jefferson, and two more Randolphs. Of all the books published in 1952, only the telephone directory puts more names on a page.

For all its limitations, this is now the best available work on Morris. There are excellent bits, such as the background description of Nancy Randolph, whom Morris, long a bachelor, married late in life. Moreover, the book is quote-studded, and to its distinct advantage. The superb letter from Washington to Morris, at the time of Gouverneur's appointment as Minister to France, is set out in detail. It is strikingly similar to Lincoln's letter to Hooker upon the latter's appointment to head the Army of the Potomac; Lincoln, not at all sure the appointment was a good one, candidly told Hooker why.² Washington similarly stated for Morris the charges made by his opponents: that Morris displayed "levity and imprudence of conversation and conduct"; that his "habits of expression indicated *hauteur*, disgusting to those who happen to differ from you in sentiment."

Then, no longer pretending to relate the criticisms of others, Washington struck out for himself: "The promptitude with which your lively and brilliant imagination is displayed allows too little time for deliberations and corrections . . . and it is the principal cause of these sallies and that ridicule of character which begets enmity not easy to be forgotten but which could easily be avoided if it were under the control of more caution and prudence." Nonetheless, Washington had appointed him: "I have the fullest confidence . . . that you would find no difficulty, considering yourself as a representative of this country, to effect a change."

Morris deserves a better book, not so much for his accomplishments as for his versatility, his color, and his faculty of being on stage when great events were played. Anyone who was a direct and prominent participant in the American Revolution, the economic development that followed, the Constitutional Convention, the French Revolution, the European diplomacy

2. The letter begins, "I have placed you at the head of the Army of the Potomac. Of course I have done this upon what appears to me to be sufficient reasons. And yet I think it best for you to know that there are some things in regard to which I am not quite satisfied with you." ABRAHAM LINCOLN 693 (Basler ed. 1946).

of the remainder of the century, and American politics of the early Jeffersonian period would deserve a book if it merely mirrored what he saw.

At the same time, Morris' accomplishments were insubstantial. During the French Revolution, his position resembled that of any American ambassador to Russia during the post-World War II years; the most he could do was watch and record. Not that he did not attempt more. Talleyrand was Adele's other lover and, as she vacillated between the two, Morris saw him often. He was regularly with Necker, Madame de Stael, LaFayette, and a dozen others, and as regularly told them how to mind the national affairs, military and economic. But it was all ebullient talk; as the Revolution swept on, no one who had power cared what the American with aristocratic sympathies thought.

His occasional efforts in behalf of prisoners are symptomatic of this ineffectiveness. His attempts to help Thomas Paine out of a French prison, at best not very diligent, came to nothing. After LaFayette became a prisoner of the Austrians, Morris negotiated for his release on LaFayette's claim of American citizenship; but the eventual freeing of the Marquis is credited to other forces. On the other hand, while Morris was unable to free Madame de LaFayette from her French captors, he did prevent her execution during the Terror so that she lived to rejoin her husband.

Morris' real role in the French Revolution was as an observer. Despite his aristocratic leanings, he was the one diplomat allowed to stay in Paris during the Terror. He saw, and recorded, what an aristocrat would see. He had no feel for the causes of the Revolution, much less any sympathy for it, and his reports to Washington may have prejudiced American thought. But his notes on his personal observations have a ring of accuracy and provide real insight into the thoughts and deeds of some of the nobility. His diary, too, contains valuable reports on American finances as seen from abroad where the world's money was.

Influence is often so imperceptible to the outside eye that it may exist and be unknown. Brant, whose volume on Madison dealing with the Constitution is one of the best works on the Convention, lists, as the sources of the basic principles *accepted* by the Convention, Madison, Wilson, Franklin, King, Paterson, Randolph, and Mason; and as the sources of the major principles *rejected* by the Convention, Martin, Paterson (in both lists), Hamilton, Charles Pinckney, Read, Gerry—and Morris.³ But there can be consequence even in defeat, and Morris may have pulled his colleagues a little of the way toward a strong government.

Certainly he let them know where he stood and that incessantly. He displayed none of the meditative wisdom of Madison. Rather, he was a Vesuvius of impressions. He was absent from the Convention a month, and even with

3. 3 BRANT, JAMES MADISON 156 (1950).

that handicap he talked more than any other delegate. Warren scores him with 173 speeches as against Wilson with 168 and Madison with 161.

His first impact was his greatest. The Convention organized on May 25th, and on May 30th Randolph, at the request of Morris, withdrew his own proposal to amend the Articles of Confederation and substituted for it a proposal to set up "a national government . . . consisting of a supreme legislative, executive, and judiciary." The adoption of that substitute, supported by both Randolph and Morris, gave the Convention its basic direction.

Over-encouraged by initial success, Morris proceeded to spout nonsense. The Senate, he argued, should have "great personal property . . . the aristocratic spirit; it must love to lord it thro' pride, pride is indeed the greatest principle that actuates both the poor and the rich. . . . To make it independent, it should be for life." This life-time aristocracy may abuse its power; but no matter. The poor can form their own "separate interest. The two forces will then control each other." This Senate should be unpaid, to insure that only the rich would be its members; and as for its selection, it should be appointed by the President.

And how was this scheme to be sold to the populace? The answer was easy: The Senate seats (overlooking for a moment that they were to be unpaid) would be the "loaves and fishes" to "bribe the Demagogues. . . . A Senate for life will be a noble bait. Without such captivating prospects, the popular leaders will oppose and defeat the plan." And so on and on, his mind scarcely a half step ahead of his words.⁴

But although after this early success Morris left no further mark on the basic plan of government, Brant fairly credits him as one of the half dozen Convention leaders in perfecting the mechanics of government and in solving impasses through compromise.⁵ His was a voice of amiable reason on such matters as the original apportionment of seats in Congress among the states; on the electoral college (he thought that because the electors would meet far apart, there would be little danger of cabal among them); on organization of the new government; and on dozens of other points of comparative minutiae. Only on the issue of slave representation, which he opposed, did he fight with passion until defeated and then, as a member of the Committee on Style, he successfully insisted on wording which would give the least possible approval to that evil.

What else he did in that Committee is hard to assess. There is no Journal of the Committee, there were several members, and reports give the credit to him or to James Wilson, who, while not a Committee member, was apparently a consultant.⁶ But the best evidence gives him a dominant role, and

4. 1 FARRAND, RECORDS OF THE FEDERAL CONVENTION 511-14, *passim* (1937).

5. 3 BRANT, JAMES MADISON 156 (1950).

6. Madison says, "The *finish* given to the style and arrangement of the Constitution fairly belongs to the pen of Mr. Morris. . . ." 3 FARRAND, *op. cit. supra* note 4, at 499.

the Committee's work was important. In addition to the Preamble, with its fateful and novel choice of "We the people . . .," which originated in the Committee, the Committee's polish on the whole document made the Constitution more palatable to the country. The earlier report of the Committee on Detail, from which the Morris group worked, had no literary pretensions. After a lumpy preamble, that draft had begun, "The stile of this Government shall be 'the United States of America.' The Government shall consist of supreme legislative, executive, and judicial powers." Morris and his colleagues junked all such superfluous detail.

Some parts of the Constitution the Committee left almost completely unchanged; the judiciary article, for example, was very little affected. Some of its changes stressed brevity at the expense of reason; for example, lumping together into one provision the Congressional powers over bankruptcy and naturalization, only because the laws as to each were to be "uniform," created some slight difficulty. But some of the changes were truly important. For two examples, the power of Congress to regulate the value of its own currency is a Committee contribution; the previous draft by inadvertence extended that power only to foreign coin circulating in the United States. And the phraseology of the contract clause is entirely the Committee's product; the Convention referred to it only a germ of an idea (and one which Morris did not like) about "retrospective" laws.⁷

Gouverneur Morris was one of the horde of second-rank figures who people American history. His wealth gave him leisure, his facility with pen and word gave him prominence and audiences, and his basic superficiality gave him, in relation to the volume of his incessant efforts to affect the course of history, only modest consequence. His exuberant vitality gave him a marvellous time. His reputation is secure as one of the few great lovers of our sometimes Puritan history. On financial and literary, as well as feminine matters his judgments, however passionate, were also coldly objective. There is much evidence that his judgment was good on all three. He too would have thought that he deserved a better book than this.

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Morris himself said of the Constitution, "That instrument was written by the fingers which write this letter." SWIGGETT, p. 160. On the other hand, James Wilson also claimed the credit. *Ibid.* Warren accepts the Wilson view of his dominance on the final draft. WARREN, *THE MAKING OF THE CONSTITUTION* 687 (1937). VAN DUREN, *THE GREAT REHEARSAL* 160 (1948), accepts the Morris claim. This is probably a typical instance of two lawyers on the winning side of a case; each thinks he won it single handed, when in fact each contributed something.

7. The contract clause did not get a half hour all told on the Convention floor. Morris had opposed the "retrospective" conception and presumably was better satisfied with the language finally used. See WRIGHT, *THE CONTRACT CLAUSE* 8-12 (1938).

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