“INTO DUST AND OBSCURITY”: SILAS DEANE AND THE DRAFTING OF THE 1778 TREATY OF ALLIANCE

by

Christopher Michael-Anthony Rivera

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Master’s Thesis Committee:
Advisor: Dr. Matthew L. Harris
Dr. Paul Conrad
Dr. Brigid Vance
STATEMENT BY THE AUTHOR

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Signed: __________________________________________________
__________________________________________

APPROVAL BY THESIS ADVISOR

THIS THESIS HAS BEEN APPROVED ON THE DATE SHOWN BELOW:

Dr. Matthew Harris
Committee Chair
Professor of History

____________________ ______________________
Dr. Matthew Harris Date

Graduate Studies Director in History
Dr. Matthew Harris

____________________
Date
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Silas Deane’s role during the American Revolution has been examined by numerous academics, including George Clark, Jonathan Dull, Julian Boyd, Richard Morris, David Jayne Hill, and Walter Isaacson. These scholars assert that Deane was an unremarkable diplomat serving in France under Benjamin Franklin. Their analyses fails to take into account evidence which shows that Deane was not only an active diplomat in the negotiation process of forming an alliance between France and America, but that he also drafted the model articles of the Treaty of Alliance. Through an analysis of new evidence, I contend that Deane drafted the Treaty of Alliance and worked in conjunction with Franklin in the negotiations rather than under him.

Approved by:

_______________________________________  ____________________________
Committee Chair  Date
Dr. Matthew Harris

_______________________________________  ____________________________
Committee Member  Date
Dr. Paul Conrad

_______________________________________  ____________________________
Committee Member  Date
Dr. Brigid Vance

_______________________________________  ____________________________
Graduate Studies Director in History  Date
Dr. Matthew Harris
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To secure the tranquility of his own subjects by humbling the disturber of peace and invader of their property, and by the same action to secure and confirm the inhabitants of a new and rising world in peace, liberty, and happiness must render the agent happy thro’ life from the consciousness of true heroic virtue, and his memory fresh and grateful to posterity, when the marble or other monuments of his contemporaries shall have followed their persons into dust and obscurity; nor can laurels such as these ever fade as whilst virtue and the memory of virtuous actions remain in esteem among mankind.

Silas Deane to the French Foreign Office
September 24, 1776
“INTO DUST AND OBSCURITY”:
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by

Christopher Michael-Anthony Rivera
PROLOGUE

I have greater reason to wonder how I ever became popular at all.

Silas Deane to Elizabeth Deane
November 26, 1775

On February 6, 1778, American ambassador Silas Deane joined Benjamin Franklin, Arthur Lee, and French statesman Conrad Alexandre Gérard de Rayneval at his apartment on the upper level of the Hôtel de Crillon. They met to secure an alliance between France and the United States. Fashioned with model articles conceived by Deane, the men signed the Treaty of Alliance making France “the first of all nations” to recognize “the independence of the United States.” In so doing, they changed the course of the American Revolution. Indeed, until that moment, America’s only decisive battlefield victory in the conflict was the Battle of Bunker Hill. Concurring with George Washington that “unless we should receive a powerful aid of ships, land troops, and money” the cause would fail, Congress sent Deane to France to secure foreign aid in the form of arms, ammunition, and uniforms. However Deane, concluding that “contracting for the importation and delivery of arms and ammunition” alone was not enough to ensure victory, took it upon himself to draft a document guaranteeing much more – France’s intervention into conflict. He believed, and rightly so, that without an agreement entreating France to declare war on Great Britain, any aid the French offered had to remain secret and minimal in lieu of their own peace treaty with the English. Nevertheless, despite acknowledging his success in obtaining

military stores for Washington’s forces, historians continue to ignore Deane’s important contribution to the Revolutionary War effort and his drafting of the Treaty of Alliance.

Modern historians universally accept – without challenge – that Benjamin Franklin drafted the document, notwithstanding evidence supporting otherwise. This includes most notably his draft of the Treaty of Alliance where, for example, Deane sent Gérard a set of proposals for a treaty on November 23, 1776, where he “Proposed Articles of a Treaty between France and Spain and the United States.” Gérard acknowledged receipt of the document saying that “the following proposed articles are simply the result of the thoughts of a private individual, on the subject of a proposed treaty between the Kingdoms of France and Spain and of the United States.”

Yet, historians have shied away from this, and, in fact much more. There is Deane’s submission to Congress of an “outline of a Treaty between France and Spain and the United States, drawn up by Silas Deane, and presented to the Count Vergennes in his private capacity” where he informed governmental body that sent him on his mission that he drafted a treaty to entreat France to form an alliance with America. And references in secondary literature like historian’s Jarred Sparks’s remark that “it is evident that the project was first proposed by Mr. Deane himself.”

Indeed, Deane’s draft – sometimes his entire presence at the 1776-1778 Franco-American negotiations – is neglected. This is because historians make too much of his recall from France in November 1777 to answer for the crime of embezzlement, and a mysterious death through suicide or murder that followed. These accusations, levied against Deane by fellow ambassador

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7 Wharton, ed., The Revolutionary Diplomatic Correspondence, 1:95.
Arthur Lee for personal political gain, lacked any supportive evidence and are more indicative of a fractured Congress than a disgraceful diplomat. However, historians have painted Deane as an individual obsessed with the charges against him, thereby hindering his ability to assist Franklin in the negotiations. Notwithstanding, Franklin arrived in Paris five months after Deane, rather late in the negotiation process as the latter had already engaged members of the French Court over the possibility of military intervention. Regardless, historians cite the charges of embezzlement to bolster the argument that “Deane does not appear in most history texts” because “he served as a distinctly second-rank diplomat.” Second, that is, to Franklin.⁸

Fig. 1. “Benjamin Franklin, Silas Deane, and Arthur Lee meet Louis XVI, March 20, 1778,” by unknown German engraver (1784). As early as 1784 Franklin’s likeness emerged as the central component in popular depictions of the signing of the Treaty of Alliance.

Deane and Franklin, in reality, depended on one another. For instance, French ambassador Pierre-Augustin Caron de Beaumarchais noted that “Silas Deane was directed to obtain military supplies, while Franklin was assigned the more delicate and infinitely harder political role.”\textsuperscript{9} The “harder political role” he refers to is the difficulty Franklin experienced in convincing France to dissolve its treaties with Great Britain. Thus Franklin, quite capable in arguing that America could fill the void left by England, opened the way for Deane to submit his proposals by making Anglo-Franco trade a non-issue. However, historians fail to make this observation. For example, Deane wrote in an essay to the French Court that “the Thirteen United States of North America shall be acknowledged by France.”\textsuperscript{10} By contrast, Edmund Morgan writes that “Franklin had gone to France as an agent of Congress, and his principal task was to get France to do what Congress had not quite done itself, he had to get France to recognize the United States.”\textsuperscript{11} This is an instance where Morgan ignores a tangible piece of evidence in an endeavor to showcase Franklin’s diplomatic abilities at the expense of Deane. That is not to suggest, however, that Franklin did not have a role in the negotiations.

For his part, Franklin carried to France the “Plan of Treaties,” an outline for an economic treaty drafted by John Adams and approved by Congress in the summer of 1776, becoming the foundation of the Treaty of Amity and Commerce.\textsuperscript{12} Signed the same day as the Treaty of Alliance, the Treaty of Amity and Commerce guaranteed preferential trade to France, resolutions on freedom of navigation, privateering, and prisoner exchanges. Most importantly,
it offered reparations to France in return for risk in agreeing to the Treaty of Alliance.\textsuperscript{13} To promote the document, Franklin publicly advertised the benefits of America’s industry and investment opportunities in a series of newspapers tracts. To some, it would seem, highlighting this is not enough.

![Image](image.png)

Fig. 2. “Franklin’s Reception at the Court of France, 1778” by Anton Hoenstein (ca. 1823). Undeniably, Franklin was a popular figure at Versailles. His relationship with women at court became legendary in depictions of his stay at France. Deane, likewise, was well-known at the palace because of his many meetings with French heads-of-state. However, Franklin’s presence at the palace and his interactions with many individuals there dominate depictions of the American envoy.

For instance, in \textit{Benjamin Franklin: an American Life} (2004), Walter Isaacson says that Franklin “successfully resisted making any concessions that would give a monopoly over American trade or favors.” In so doing, Isaacson combines the commerce aspect of one treaty with that of the military aspect of the other, while never making it clear that he is discussing Treaty of Amity and Commerce, not the Treaty of Alliance. Also, when repeating the same

mistake later, he collectively calls the two documents “Franklin’s triumph.”

Deane, on the other hand, appears in the work as a “trouble-maker” constantly bickering with Lee, leaving Franklin to deal with the negotiations. To suggest otherwise challenges the firmly cemented narrative of Franklin the hero saving America from British tyranny.

No matter how Deane is remembered – whether as a criminal, traitor, or sometimes not at all – it is never for the right reason. After Congress concluded its investigation into his supposed misappropriation, and others accused him of treason, Deane faded from importance – becoming the man who happened to be there when Franklin did the impossible. Still, after Deane’s death on September 23, 1789, New England Reverend Samuel Peters recalled him differently:

The evening has closed in upon the active Life of a Brilliant Genius, yet Immortality is nailed to his Name and Ingenuity has given it a Niche in the Temple of Memory - which time itself cannot obliterate - good actions and bad are equal in the Records of Man whenever success follows. America was successful by the Policy of Deane.

Therefore, it is important not to discount Peters’ assessment, and, instead, derive a central question from it: how exactly was America successful by Deane’s policies? The answer, and argument of this work, is that Deane was responsible for drafting of the Treaty of Alliance. Indeed, without the treaty that brought France into the American Revolution the American cause was sure to fail.

By the late eighteenth century, Franklin’s role in the 1778 treaty negotiations dominated cultural depictions of the event. As this work suggests, Franklin was seen by the artist as the one, with an open hand to friendship, that accepted the terms of the treaty on behalf of his fellow countrymen.

To that end, this thesis distinguishes itself from scholarship on Silas Deane by moving beyond tales of embezzlement and strange deaths. It challenges preconceived notions that Franklin was responsible for the Treaty of Alliance through the examination of new and old evidence, while illuminating the efforts of a diplomat that helped bring France into a war “that without their co-operation it is certain that Lord Cornwallis would not have been compelled at that time to surrender his sword to General Washington.”

To achieve this, the first chapter examines the historiography of Deane and the treaty. The second chapter, biographical in nature, locates Deane within the historical context, following him from Connecticut’s local government to the Continental Congress, then to the international stage at Versailles. The third chapter offers readers a comparative analysis of Deane's draft and the final treaty, definitively showing that

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Deane drafted the Treaty of Alliance. Finally, the epilogue moves beyond Deane, investigating the global and historical impact of the Treaty of Alliance.

Fig. 4. “Silas Deane,” engraving by B.L. Prevost (1781). Unlike Benjamin Franklin, Deane’s likeness was only set to portrait twice, once before his mission to France and once during.
CHAPTER I

“A Wretched Monument”

I am at your mercy in this case, and I have no uneasiness of mind on the occasion; for should I be sacrificed, it will be in that cause to which I have devoted my life.

Silas Deane to the Committee of Secret Correspondence
August 18, 1776

Initial works examining the diplomatic policies of Silas Deane promulgate the idea that his historical significance derives from a profound likeability in character. In 1892 James Watson Webb, a descendent of Deane’s stepson, Samuel Blatchley Webb published Reminiscences of General Samuel B. Webb of the Revolutionary Army using correspondences between the general and Deane as its backbone. Webb had the distinct privilege of possessing the documents himself, and, while the work is devoted to his father Samuel, it paints Deane in a positive light. “Sent as sole representative of the Colonies, to negotiate our separation,” Webb says of Deane, he maintained a high level of respect, so much so that General Webb served in the staff of George Washington by his recommendation; though, the historian stops short of focusing on Deane’s tenure in France and the affair that followed. In a similar vein, historian George Larkin Clark concerned himself with the history of Connecticut first, not Deane. In compiling research for what became A History of Connecticut: its peoples and institutions (1914) Clark possessed a large amount of Deane documents and published the only biography to date on the topic: Silas Deane: A Connecticut Leader in the American Revolution (1913). Clark, who may be considered the father of the Connecticut Historical Society, utilized many primary source

18 Silas Deane to the Committee of Secret Correspondence, August 18, 1776, in Wharton, ed., The Deane Papers 1774-1790, 1: 218.
documents to highlight Deane’s career in local government. However, even going so far as to say “it is high time that the truth were told about Deane,” Clark’s piece is wholly devoted to the nature of Connecticut politics and Deane’s time in the Connecticut Assembly. Thus, the work does not delve into any particulars of his time in France, and, yet, gives satisfying details on Deane’s early political profession.20

![Arthur Lee](image)

Fig. 5. “Arthur Lee,” engraving by H.B. Hall (ca. 1770). Until the day he died, and rightly so, Silas Deane blamed Lee for his downfall. Save for staunch political allies of the Lee family, few spoke highly of Arthur who was prone to accusing his compatriots of malfeasance.

Younger historians, by contrast, focused little on Deane’s impact on the Revolution and more on his impact on Benjamin Franklin. The interwar period gave rise to new theories regarding entangling alliances as a President Warren G. Harding’s ‘return to normalcy’ became popular driving authors to embrace the idea of a Europe absent of meddlesome America in its overseas affairs. Harding, elected president to some measure for his anti-League of Nations stance, advocated a separate peace treaty with Germany in 1921 to end America’s role in WWI –

parallels were made between Franklin’s insistences on a separate peace with England after the Revolution. Franklin, unlike Deane, wished to maintain a close relationship with France and England making Franklin’s diplomacy peaceful and appealing to the era. The idea emerged that so-called radicals pushed harder for independence and were less inclined to promote reconciliation. Moderates were just that – exactly where Franklin seemed to fall. Deane did not fit into any established paradigm and became unequal in his abilities. In 1930 David Jayne Hill embraced all of these nuances in “Franklin and the French Alliance of 1778” in which Franklin is portrayed as an individual not succumbing to the will of France while still paving the way for America to establish economic alliances with any of the European powers.\(^1\) Deane, on the other hand, is described as a “trouble-maker” infatuated with being combative with Arthur Lee. Thus, Franklin became the driving force behind America’s early foreign policy while Deane became an anomaly at the French court.\(^2\)

This came to a head with Julian P. Boyd’s “Silas Deane: Death by a Kindly Teacher of Treason?” Deane, although not highlighted in any work of significance, believed that France itself was growing weary of the Franco-American Alliance before nearly all of America “was greatly disturbed by the change in French public opinion regarding America and Americans.”\(^3\) However, Boyd chose to inspect some underlying aspects of the treason accusations and found some facets of them startling. Positing that peace with England and a break from France was not earth-shattering ideologically, and, that the charges of embezzlement lacked any evidence to

\(^1\) Hill, “Franklin and the French Alliance, 162.
\(^2\) Ibid., 151.
\(^3\) Coy Hilton James, Silas Deane: Patriot or Traitor? (Michigan University Press, 1979), 99. Furthermore, Deane wrote his Brother to suggest the same: “is it become treason in 1781 to recommend such terms of peace and accommodation as are infinitely preferable to those unanimously proposed by Congress in 1774, before the war began, and repeated in 1775, after the sword was drawn.” Silas Deane to Barnabas Deane, January 31, 1782, in Wharton, ed., The Deane Papers 1774-1790, 5: 22-39. For a detailed look at the matter of reconciliation see James E. Bradley, Popular Politics and the American Revolution in England: Petitions, the Crown, and Public Opinion (Macon, Ga.: Mercer, 1986), 19-20.
support their veracity, Boyd sought to validate the judgment of Deane’s colleagues – he may not have embezzled or held unpopular ideas, but he, was a traitor.

In 1959, Julian P. Boyd solidified the prevailing image of Deane in “Silas Deane: Death by a Kindly Teacher of Treason?” by concluding that “Deane’s punishment,” in reference to his 1777 recall and subsequent self-imposed exile from America, “was indeed condign.”24 In the piece, made up of five stand-alone articles, Boyd showed that Deane unwittingly passed secret intelligence to the British ambassador to France, David Murray, 2nd Earl of Mansfield, the Viscount Stormont, through his secretary, and, as it turned out double-agent, Edward Bancroft. Boyd did this by highlighting irrefutable facts such as the specifics known to the England, primarily, the number of French naval vessels offered to America. Indeed, this was knowledge intended only for Deane until opportunities came about to apprise Congress and his fellow ambassadors of the numbers. Bancroft, who Deane employed to transcribe the facsimiles he received from the French ministers into English, was no doubt fully aware of the particulars of what France offered America for assistance, and let these details be known to the British ambassador. “In effect,” Boyd says, “Deane handed the British ambassador the key to the confidential files of the American commissioners.”25

Because of Boyd historians began viewing the investigation as the cause of that difficulty. What emerged is the prevailing narrative that Deane, immersed in dubious financial activities and lacking enough intelligence to realize Bancroft was stealing American secrets, was incapable of rendering any tangible assistance to his compatriot, Benjamin Franklin. Boyd, in the end, places the correct blame for the intelligence leaks on Bancroft; but, the damage was

25 Ibid., 324.
done. The accusations that led to his recall and the enquiry that followed, what Deane called “the peculiar situation,” now serves as a testament for historians and their belief that Deane was no Franklin – dull, dimwitted, and out of place in American foreign policy. Before proving otherwise, the trivial episode that dominates the historiography of Deane must be fully explained.26

Indeed, had Silas Deane disembarked in America in July 1778 with an untarnished reputation, it is likely that he would be regarded today as one of America’s most accomplished ambassadors. What is most shocking is the time it took for Deane’s transformation from a diplomat once praised for his efforts in bringing foreign assistance to the front lines into a public enemy to occur. He received news that Congress recalled him from diplomatic service in November 1777, and returned to America the following summer, after the Treaty of Alliance was signed. It took less than sixteen months after he first appeared before Congress to testify to completely destroy his reputation, after which, finding no respite in America, boarded a ship for France – never to return. These events were set in motion by one person – Deane’s fellow ambassador, Arthur Lee. What corroborates Lee’s accusations that Deane was engaged in misappropriating government funds appalling is how out of tune they are with what others were saying about him – it was his peers, after all, voting overwhelmingly in March 1776 to send Deane to France and represent America matters of foreign policy. There was Connecticut Anglican Reverend Samuel Peters, who said Deane should be remembered positively because he

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26 Silas Deane to the President of Congress, July 28, 1778, in Wharton, ed., The Deane Papers 1774-1790, 1: 475.
drove off to Sartine and let him know that if some immediate help was not given by the Court of France to the American Revolt, he would make terms with the ministers of England, and open every Seine which were now closed between France and Congress and that would cause England to declare war against France, and by the English Navy & Army united with Americans, they would reduce every French island in the West Indies...Sartine signed the papers in 24 hours.²⁷

Then there was John Adams, who in late 1775, when the Connecticut Assembly decided to hold-off on sending Deane to the Second Continental Congress, replacing him with Colonel Eliphalet Dyer instead. Adams complained to a friend that “there is scarcely a more active, industrious, enterprising, and capable man, than Mr. Deane, I assure you, I shall sincerely lament the loss of his services. Men of such great daring active spirits are much wanted.”³⁸ The impact Lee had on Deane is clear when forty years later, the same John Adams likened him to the devil.

Nearly all post-recall opinions of Deane, save Peters, stand in stark contrast to these accounts. Thomas Jefferson, who nearly served with Deane and Franklin as an ambassador France but declined his nomination from the Committee of Secret Correspondence, wrote in 1789 to James Madison that Deane “is a wretched monument of the consequences of a departure from right.”²⁹ In agreement, Arthur Lee’s brother Francis Lightfoot Lee, a member of the Virginia House of Burgesses, said Deane was “suspicious, jealous, affrontive to everybody he has any business with, and very disgusting.”³⁰ President during what was tantamount to a cold war with France resulting in the destruction of the Franco-American alliance, John Adams

complained late in life that his enemies went about “cursing John Adams as a traitor to his country, and a bribed slave to Great Britain, — a Deane, an Arnold, a devil!” So what exactly did the recall entail? The answer – not much.

The starting point for Boyd is that just after Deane’s recall French ambassador Beaumarchais complained:

> How does it happen that what passes at Versailles is always so accurately known in London? In what way was the information of the projected treaty instantly conveyed, and with what intent have strenuous efforts been made to corrupt me and bribe me to speak, unless, by giving ground for insinuations, to involve me in Mr. Deane’s disgrace, and to ruin me at Versailles while he was being ruined at Philadelphia? The expedition of that valet to London upon the news of Mr. Deane’s recall explains everything.

Boyd had an answer for Beaumarchais: Silas Deane, or, more finitely, Edward Bancroft. Bancroft was already known to have been a double agent. All Boyd had to do was to connect the dots and prove Deane could “not have exposed his hand more fully than he did by talking with the American agent, who was now only a sieve in the hands of Edward Bancroft.” Boyd’s article became the defining study on Deane, molding all subsequent opinions. Boyd established that “the British cabinet knew in mid-August – before Congress had even learned of Deane’s arrival in Paris – the terms of the instructions of and credentials of the American agent” specially writing that the English knew that:

1. 15,000 Arms had already been purchased and sat in Nantes for distribution
2. Vergennes granted an interview to Deane
3. Deane had asked for clothing for 25,000 men and 200 canon
4. [French ambassador] Vergennes had recommended Beaumarchais to Deane

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34 Ibid., 324.
Boyd argued that Deane’s lack of diplomatic influence on the Franco-American Alliance mattered little when juxtaposed with the reality that because of him England was well aware of the intricacies in that alliance. Coy Hilton James, nearly twenty years later, wrote *Silas Deane: Patriot or Traitor?* to challenge Boyd and argued in the piece that Deane was “imprudent and inept, but no traitor.” To demonstrate the effectiveness of Boyd’s article and how it shaped opinions regarding Deane one needs to go no further than historian Brian M. Morton’s review of James’s work, calling it “poorly researched and yielding little news, is, in the final analysis, unnecessary” and encouraging readers to read Boyd’s article. The only matter left to settle was Deane’s death.

Boyd’s link between Bancroft and Deane gave rise to the idea that Bancroft had motive for the latter’s murder. In 1975, William C. Stinchcombe’s “A Note on Silas Deane’s Death” sought to challenge this idea and brought to light a letter in which John Brown Cutting, who owned an apothecary, told Thomas Jefferson that Deane took laudanum before embarking back to America. Stinchcombe believed Cutting’s assertion because Deane “he had no future in the America of 1789,” and “given these circumstances, it is not surprising that Deane did not survive his homeward journey.” Stinchcombe, one of the foremost historians on the Franco-American Alliance, dealt with Deane in *The American Revolution and the French Alliance* (1969) saying that he was “one of the staunchest supporters of the alliance.” For the historian, however, this

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36 Ibid.
amounted to Deane’s support of Franklin’s overt influence in the negotiations as Deane indeed worried needlessly about his “reputation.”

Boyd proved one historian correct in their estimation that “Silas Deane was a traitor” making it easy for others to prove that Benjamin Franklin was not just a diplomat, but the diplomat. Indeed, Franklin was a diplomat, and a significant one at that, having presided over much of the Franco-American negotiations and the peace that concluded the American Revolution. However, the degrees of painting Franklin as the primer diplomat began taking on epic proportions. In 1983, Jonathan R. Dull in “Benjamin Franklin and the Nature of American Diplomacy” described the Treaty of Alliance as being mostly a work of Franklin, offering hints that his diplomacy influenced the document. Central to Dull’s argument is his contention that Franklin possessed the tact for sublime negotiation. Furthermore, Dull’s study is indicative of subsequent historians agreeing with Boyd that “Deane and Bancroft operated on a very different level and for quite different objects.”

To be sure, while purporting that “there is no evidence that Deane provided information to the British government,” Dull took Boyd’s assertions to a different extreme in the context of Franklin’s diplomacy. This is evident in “Franklin the Diplomat: The French Mission” (1982) in which Dull conveys the notion that Deane was merely a “Connecticut Yankee totally unfitted for King Louis’ Court.” Franklin, on the contrary, sustains three traits that Dull uses to highlight his prowess over Deane in the realm of diplomacy: 1. “the suppleness and power of

39 Ibid., 41.
Franklin’s mind;” 2. “a temperament adapted to negotiation;” 3. “breadth of his vision.”

Anachronistically, Dull uses the instances of the French and Indian War and the Stamp Act crisis to demonstrate that Franklin concerned himself with security and economic interests, both facets and aims of the Franco-American negotiations of 1776-1778. Added to this, was a background in diplomacy “unparalleled in America.” Franklin, indeed, presented himself before the Privy Council of Britain’s Parliament in January 1774 to quell fears of a growing divide in Anglo-American relations – Franklin it turns out was quite well-versed in the language of diplomacy.

However, the Franco-American negotiations during the American Revolution presented different problem – the issue of perpetually binding agreements. In this, Franklin’s so-called diplomacy is unique from Deane’s as he resisted the nature of the Treaty of Alliance being a document forever binding America with the interests of France. In a lay term, Franklin wanted an abort clause in the treaty, which he never received. Deane, however, embraced and proposed the clause in the treaty that stipulated that dissolving the treaty could only come about if both parties agreed. 

Deane eventually regretted this when it became apparent that France wanted to dominate affairs in post-war America and shifted his thinking to that of Franklin’s.

Regardless, Deane, to a large degree, is not recognized not for his diplomatic talents but his tact in business affairs. Jack Rakove in *The Beginnings of National Politics: an Interpretive History of the Continental Congress* (1988) pointed this out in saying that Congress, before

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44 Ibid., 2.
46 One setback to analyzing the nature of Franklin’s policy is that historians have few instances to draw upon from the 1776-1778 Franco-American negotiations, and, so, historians use the 1779-1783 peace negotiations to infer how Franklin thought and operated. For instance, Dull says that “Franklin’s caution and, prudence, and common sense paid off in his winning and keeping the confidence of the French government,” but goes on to draw from the 1779-1783 peace negotiations rather than the 1776-1778 negotiations by adding that, “no blustering Adams or hostile Jay, Franklin’s politeness could mask a threat, cover a change of policy, or create a desired impression.” Thus, in order to contrast the diplomacy of Franklin to that of others, Dull must ignore the previous series of negotiations in which Deane had a sense about him in the manner of Franklin in the later negotiations, whilst Franklin remained nearly silent in the 1776-1778 one. Dull, “Franklin the Diplomat,” 68.
Deane’s December 5 publication, “proposed giving Deane a new position as American agent in Holland, where his mercantile talents could presumably be put to good use.”

Be this as it may, Richard B. Morris in *The Peacemakers: the Great Powers and American Independence* (1983) was relentless in establishing that “the Deane-Lee dispute was to have a profound impact on both the conduct of the war and the objectives of the peace.” For Morris, the Deane-Lee Affair made “the later breach between Jefferson and Hamilton seem like a decorous spat at a vicarage garden party,” placing Franklin in an unsavory disposition. Recently Joel Richard Paul, in an effort to highlight Deane’s acquisition of French supplies wrote on Deane: “if he is mentioned at all, he is usually described as a scoundrel who tried to enrich himself at public expense, a puppet of the British Crown, or a traitor who betrayed the Revolution’s ideals.” However, what Paul overlooks is how Franklin’s very presence at the Franco-American negotiations is mostly responsible for Deane not being taken seriously in the realm of diplomacy.

Ultimately, this is because Deane will never match Franklin’s place in American historiography. In the early nineteenth-century, for instance, individuals began taking Franklin serious because the Age of Enlightenment gave way to a literary era that valued “romanticism more than rationality.” Franklin’s rag-to-riches story, what he called in his autobiography “the poverty and obscurity in which I was born and bred” fit succulently with this idealism. Even more so, an infatuation with the sage developed in what may deemed to be the early stages of

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49 Ibid.
American historiography, and, yet, seems familiar to modern representations. In 1803, in fact, the Massachusetts Historical Society declared that “no doubt, posterity will rapture the clothes worn by the immortal Franklin in the year he signed the treaty with France.”\(^{53}\) In 2012, in a press release it was announced that: “the Smithsonian’s National Museum of American History is adding Benjamin Franklin’s three-piece silk suit, worn on his diplomatic trip to France in 1778 that resulted in the signing of the Treaty of Alliance, to its permanent collection –” proving that his very clothing carries with it an air of diplomacy. Franklin and everything attached to him personally – ideas, clothing, and even lightning rods – transcend time in a way Deane never can.

For far too long the thinking has remained the same: “of the commissioners chosen by Congress only Franklin was of first rate ability.”\(^{54}\) Impacted by the writings of Julian P. Boyd, historians have chosen to view Silas Deane as a scheming incompetent individual who followed in Franklin’s footsteps. To say otherwise truly means to breaking new ground.

It began in November 1777 when rumors swirled around Congress purporting that Arthur Lee possessed second-hand knowledge that one of America’s diplomats, Silas Deane, was embezzling government finances. From the outset, the accusations seemed dubious. Lee wrote dozens of dispatches to members of Congress contending that Deane was meant to have paid a French diplomat, Pierre-Augustin Caron de Beaumarchais, for two vessels, but instead pocketed the money. He discovered this impropriety when another American diplomat, William Carmichael, informed Lee of Deane’s misappropriation. Congress at first was hesitant to act on the accusations, and with good reason. Because Lee had not witnessed the crime himself, he lacked particular knowledge to prove his accusation. Furthermore, Deane, Franklin, and Lee


drew from the same accounts for their official expenditures. With the help of a powerful ally in Congress, his brother Richard Henry Lee of Virginia, who formed a coalition with members from Massachusetts, Arthur’s stuck. On November 21, 1777, Congress voted to inform Deane that he was “recalled from the Court of France” to answer for the charges. This was the first of three distinctive stages in what forever became known as the Deane-Lee Affair.\textsuperscript{55}

In the initial stage, from November 1777- July 1778, Congress set about gathering evidence for the inquest by requesting the American diplomatic corps send their ledgers for inspection to America, and awaited Deane’s arrival. The second stage of the Deane-Lee Affair, August 15, 1778-December 5, 1780, began when Congress “ordered that Mr. Deane be introduced, and that a seat be prepared for him at the end of the lower table, on the President’s right hand,” further instructing him “to give, from his memory, a general account of his whole transactions in France, from the time of his first arrival, as well as a particular state of the funds of Congress.”\textsuperscript{56} With this, the first Congressional investigation in history commenced. To ensure the French Court that the matter was being dealt with properly, Congress made it known that in legislative body it was “resolved, that Silas Deane, Esq., be recalled from the Court of France, and that the Committee for foreign affairs be directed to take proper measures for speedily communicating the pleasure of Congress.”\textsuperscript{57} French ambassador Beaumarchais, however, had made up his mind regarding the incident and told fellow statesman Vergennes that “Mr. Arthur Lee, from his character and his ambition, at first was jealous of Mr. Deane. He has

\textsuperscript{55} Committee on Foreign Affairs to Silas Deane, November 21, 1777, Silas Deane Papers, Connecticut Historical Society, box 2, folder 56, Hartford, Connecticut.
\textsuperscript{57} Committee on Foreign Affairs to Silas Deane, November 21, 1777, Silas Deane Papers, Connecticut Historical Society, box 2, folder 56, Hartford, Connecticut.
ended by becoming his enemy, as always happens in little minds more concerned to supplant their rivals than to surpass them in merit.”

Whereas the French ambassador was reticent in his opinion, Congress was hesitant. Regardless, Deane echoed Beaumarchais finding the proceedings without merit. Through no fault of his own, he was unsure as to what Congress wanted. This was because the recall notice did not reveal much, leaving Deane with the impression Congress was requesting a diplomatic update with America’s first ally rather than an explanation of his finances. After a month, when it became clear why Deane was recalled and the nature of the recall, Deane petitioned the President of the Congress, Henry Laurens, “that I return as early as possible [to France],” adding “if my further attendance here is not necessary.” If Congress had nothing to prove, why were they keeping him? Indeed, all that had occurred since his first appearance was a given account of his expenditures – and what those could reveal, if anything, remained a mystery.

It was the confusing nature of the accusations that led to a slow resolution to the case. Deane complained of this to John Hancock, the previous President of Congress, hoping perhaps that he may have some sway in moving Congress along in their investigation. Deane complained to Hancock that

60 Conrad Alexandre Gérard, “Copy of M. Grand’s General Account of Money Received and Paid on Account of the United States of America,” in Wharton, ed., The Deane Papers 1774-1790, 3: 21.
The Affairs which respect me have dragg’d on so heavily that Nothing decisive has been done, though I have been constantly applying, and my Patience is really worn out, & I cannot & will not longer endure a Treatment which carries with it marks of the deepest ingratitude; but if the Congress have not time to hear a man who they have sent for Four Thousand miles, solely under the pretence of receiving Intelligence from him, it is Time that the good people of this Continent should know the manner in which their Representatives conduct the public Business, and how they Treat their Fellow Citizens who have rendered their Country the most important services.

After all, Deane concluded, “self Defense is the first Law of Nature.” Unfortunately for him, this idea would be the impetus for the final phase of the affair – and the cause of his undoing. 61

In fact, during the early stages of the Deane-Lee Affair, Congress appeared ready to drop the matter entirely, primarily because, Lee was on record saying that only Carmichael had told him that Deane engaged in the “misapplication of the public money.” 62 Complicating matters further was Ralph Izard, the American diplomat to Tuscany, who asserted that the claims were based in truth, but, once again, learned from Lee the charges second-hand. Then there was William Carmichael, who had returned from Europe before Deane in early 1778. After Deane was called to testify, Carmichael appeared before Congress. Congress pressed him: “do you know whether Mr. Deane misapplied the public money, or converted any of it to his own use?”

In his response Carmichael confirmed Congress’s suspicions of Lee, replying: “I am not an adequate judge of the application of public money, and cannot answer with precision.” 63 Where Congress was blasé in its approach, Deane was fuming, and began penning the self-defense he once proclaimed as a natural right.

61 Silas Deane to John Hancock, September 14, 1778, in Wharton, ed., The Deane Papers 1774-1790, 2: 481-482.
To Deane, Lee revealed his true character. He proclaimed false “what [Izard] declares to have heard from the honorable Arthur Lee, who, by his account, is my irreconcilable enemy.”

The idea that Lee had even suggested improprieties infuriated Deane. What is more, he pointed out, “where the charge lies equally against us all, Mr. Izard leaves Mr. Lee wholly out, and fixing it solely on Dr. Franklin and myself, proceeds to represent the Doctor as entirely under my influence” – if one was guilty then they were all guilty. Izard had his own vendetta against Franklin finding him lackadaisical, partial to France, and unwilling or unable to do his job which compelled him to side with Lee in the “groundless calumny, which I should not have expected, even from an enemy.”

This only added more fuel to the fire.

Fig. 6. Promissory note for money lent to Deane by Franklin, December 5, 1780. Throughout the Deane-Lee Affair Franklin remained Deane’s most vocal supporter and afterward was one of the few individuals willing to support him financially. Had Deane refrained from criticizing the Franco-American Alliance in the mid-1780s it is highly likely that Franklin would have supported Deane’s reemergence on America’s political stage. Deane’s criticisms, however, soured Franklin’s opinion of Deane’s ideologies, but always personally professed a close relationship with the Connecticut diplomat.

65 Ibid.
Franklin, angry with Lee and Izard over the accusations against Deane and the disruption they caused in the Franco-American diplomatic relationship, viewed Lee’s accusations as attacks upon both their characters. When word reached Franklin in France as to what Lee had set in motion he felt compelled to go to Deane’s defense – and his own:

There is a style in some of your letters I observe it particularly in the last-whereby superior merits assumed to yourself in point of care and attention to business, and blame is insinuated on your colleagues without making yourself accountable by a direct charge of negligence or unfaithfulness. Which has the appearance of being as artful as it is unkind. In the present case I think the insinuation groundless. I do not know that either Mr. Deane or myself ever showed any unwillingness to settle the public accounts. The banker's book always contained the whole. You could at any time as easily have obtained the account from them as either of us, and you had abundant more leisure. If, on examining it, you had wanted explanation of any article, you might have called for it and had it. You never did either.67

Lee had a propensity for stressing eighteenth-century virtues while never exhibiting any of them himself. Lee responded, not by offering any tangible evidence to support the accusation instead asserting that Franklin broke protocol by not informing him of France’s decision to send ambassador Gérard to America on the same ship Deane was sailing. “If it was communicated,” Lee said, “you should do such violence to the authority which constituted us together with so great an injury and injustice to me as to conceal it from me, and act or advise without me, is equally astonishing.”68 Afterward, Franklin confided in friend that Lee proved a “disputatious man.”69

The falling-out between Lee and Franklin is a point of concern with historians and rightly so. Whereas Deane remained on good terms with Franklin to the day he died, with the exception

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67 Benjamin Franklin to Arthur Lee, April 1, 1778, in Wharton, ed., The Deane Papers 1774-1790, 2: 446.
69 Benjamin Franklin to John Ross, May 17, 1778, Ibid.
of how soon America should seek a peace agreement with Great Britain, Lee served in France until early 1779 using every opportunity to slander him. The rift in their relationship can be traced to the French Court’s insistence that Franklin continue to represent America. In April 1778, Lee asked Ferdinand Grand, a banker in Paris, to present a statement for Franklin to sign insisting that no letters from America be opened until he had a chance to read the dispatches himself. In the wake of the ensuing investigation of Deane and himself, Franklin declined, writing to Lee in the third-person that “because Mr. Lee is pleased to be very angry with him, which is expressed in many of his letters, and therefore Mr. Franklin does not choose to be obliged to ask Mr. Lee’s consent.” Given Lee’s nature, his request comes as little surprise. In 1932, Paul H. Giddens published a biographical sketch of Lee called “Arthur Lee, First United States Envoy to Spain” in which he describes him as “morose, envious, and jealous of anyone who seemed more popular than he.” Edmund Morgan, a prominent early American historian, in Benjamin Franklin (2003) went so far as to describe Lee as “insane” for the grief he gave to the work’s titular subject. Had Deane left Congress to its investigation, the Deane-Lee Affair would be little more than a footnote as most in Congress agreed with those assessments. Alas, Deane could not – and in the process, destroyed his legacy.

Instead of engaging Lee privately over the matter, as Franklin did, Deane miscalculated and went public. On December 5, 1778, Deane had enough of Congress not acknowledging that the investigation was fraught over frivolous insinuations. In one of America’s most widely read newspapers, The Pennsylvania Packet, Deane published a lengthy self-defense titled “To the

72 Morgan, Benjamin Franklin, 257.
Free and virtuous Citizens of America” in which he blasted that “no consideration whatever shall induce me silently to suffer my reputation and character to be abused and vilified whilst I have the power either to act or speak.”

Deane was not prepared to go quietly. Deane hoped the public would see through Lee’s rouse and put pressure on Congress to send him back to France. To accomplish this, he touted in the piece his virtuous character, and the difficult work he faced in France in securing desperately needed supplies for the American frontlines. Public reaction, however, came in a form quite the opposite of what Deane had anticipated. In truth, he brought to the forefront news that Congress was not the cohesive and diligent institution many believed it to be – rather it was a loose cohort of bickering politicians more enamored with scandals than American blood stained ground. Even worse, Great Britain could scoff at the American’s amateurish government while Louis XVI was left in shock at his newest disjointed ally. Jack Rakove, in examining the document, says that it was “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.”

Congress, at first reluctant to act on Lee’s accusations, was now fully engaged to deal with Deane.

On December 8, 1778, Francis Lightfoot Lee was the first to respond to Deane’s broadside. “I so reverence the representatives of the people, and have so warm a concern for the public welfare, that I had much rather my nearest connections should suffer a temporary injustice, than offended the one, or in the least injure the other,” Lee publically wrote in the same Pennsylvania newspaper. In the wake of the signing of the Treaty of Alliance, Congress

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74 Rakove, The Beginnings, 253.
established the Committee of Foreign Affairs and appointed famed pamphleteer Thomas Paine to a post—like his colleague decided to pounce on Deane. 76 Writing under the pseudonym “Plain Truth,” Paine complained that “Mr. Deane is a gross misrepresentation of facts” and took issue with Deane’s suggestion that time had come to reconcile with England and should engage William Petty, 2nd Earl of Shelburne, a member of Britain’s Parliament, in peace talks—this was nothing short of treason in the eyes of Paine. He charged that “Mr. Deane appears to me to neither to understand characters nor business, or he would not mention Lord Shelburne on such an occasion.” 77 Ironically, Paine, like Deane, was the cause of his own downfall in Congress after he was forced to acknowledge that he was indeed the author of two publications in the Pennsylvania Packet denouncing Deane. On January 7, 1779, Congress determined “that Mr. Thomas Paine for his imprudence ought immediately to be dismissed from his office of secretary to the Committee of Foreign Affairs.” 78 Despite this outing of one of Lee’s most vocal supporters, Congress remained fixed on issue of Deane’s British associations.

![Image](Fig. 7. “To the Free and Virtuous Citizens of America,” by Silas Deane, in Pennsylvania Packet (December 5, 1778). Silas Deane’s public self-defense ultimately destroyed his political career. Deane maintained until the day he died that the publication was justified. Writing it in the hopes that the public would rally to his defense against Lee, the tract unfortunately had the exact opposite effect.)

Shelburne, a Whig politician, clashed constantly with England’s Prime Minister Frederick North, 2nd Earl of Guilford over his American policies and was slated to become Prime Minister himself. Deane believed with France’s entry into the American Revolution, Britain would capitulate quickly, and, they did with their surrender at Yorktown on October 19, 1781. Transforming from a radical revolutionary into a moderate one soon after, Deane desired to return to France to help Franklin oversee a truce with Britain with help from Shelburne. Paine on the other hand, and many others in Congress, remained thoroughly radical in their thinking contending that peace with England was a dangerous topic. Because of his stance on this, Deane quickly lost any support in Congress. New York Congressmen James Duane, Pennsylvanian representative Robert Morris, and Benjamin Harrison of Virginia were initial supporters of his, having been political advisors of the Lee family for years, they shifted their position, believing Deane both guilty of embezzlement and a traitor. From the outset of the investigation, Lee had no trouble of convincing members of the Virginia-Massachusetts faction in Congress that Deane was despicable. Congressmen James Lovell and Samuel Adams of Massachusetts reaffirmed their support for Lee. Lovell pointed out: “his publication of December 5 has, in my opinion totally ruined his claims.” And Adams said “[my] suspicions of Deane dated to 1774” With near unanimous support, in April 1779, Congress passed a resolution “to consider the foreign affairs of these United States, and also the conduct of the late and present commissioners” The main purpose of this was to establish if every “a link existed between Deane’s supposed financial

80 James Lovell to Benjamin Franklin, August 6, 1779, in Wharton, ed., The Deane Papers 1774-1790, 4:46
81 Rakove, The Beginnings, 250.
82 Ibid., 254.
improprieties and espionage for the British.”

In addition, Congress appointed John Adams as Deane’s replacement in France – the post Deane lobbied to remain in.

The official investigation into Silas Deane’s misdeeds never reached a conclusion – although whenever the possibility of some new clue proving his guilt appeared, excitement blossomed soon followed by despair. On June 10, 1779, Congress voted to prevent Deane from leaving the United States in the hopes that some new evidence in the case would materialize. Henry Laurens, former President of the Congress, remarked of the occasion that “never was there a more droll scene exhibited in a public assembly than the foregoing.”

The Deane-Lee Affair was now taking up precious time in Congress that could be reserved for other matters. This prompted Congress in August 1779 to dismiss Deane. For his farewell gift to Deane, Paine took one last shot at him: “wherever your future lot may be cast, or however you may be disposed of, the reconciliation of your present affairs ought to this one useful lesson, that honesty is the best policy.”

In late 1779, with no prospects of a return to politics, Deane boarded a ship to France. Upon his disembarking, Franklin agreed to allow him to stay at his residence – lending money whenever possible to the downtrodden man he once served with. Deane, meanwhile, began a new defense from abroad, not insofar as the Deane-Lee was concerned, but with the matter of peace with England. Reconciliation did not frighten him as much as France and what he saw as the possibility that the Revolution was doomed to perpetuity. Indeed, as long as America was allies with France, it would be difficult to end the war because France pushed hard for the alliance being contingent on American not being able to establish peace with England – France,

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83 Ibid., 250.
out for revenge against Britain, wanted the war to continue until the later was utterly decimated.

In a letter to John Trumbull, Deane voiced his concern that America was not free in the alliance:

they are no other than to humble Great Britain at our expense. Spain, whilst at war with England, wishes to save appearances and to employ the forces of her enemy on our continent. But she has not, nor will under any circumstances acknowledge our independency. Of all the nations in Europe Spain is most interested to prevent our becoming independent of any European control. Remembrance of past injuries and the desire of revenge have armed that nation against England, and whilst we employ more than one-half the British force, she hopes to regain the territory lost in former wars, and to see us reduced so low that, whether in the end we become dependent on France or England, she will have nothing to fear from us for ages to come. There does not appear any disposition in any of the powers of Europe to follow the example of France, and to acknowledge our independence. The league against England is indeed a formidable one, but history furnishes us with many instances of leagues equally powerful against a single state, but with no one in which they have finally succeeded. This merits our attention. 86

A fine line existed between Deane and Franklin on this issue as Franklin was willing to make peace with England, but not at the expense of dissolving the Franco-American alliance. Between them, it was a fascinating philosophical debate on how the nature of America’s foreign policy should operate. Outside of this relationship Deane’s insistence on peace with England served as fodder. To justify his stance, he appealed to Franklin for support:

after the commencement of hostilities, you must recollect that within a few days after the passing the last petition, when General Washington had been appointed to command of the army, which was then besieging Boston, and General Schuyler to the command of the forces designed against Canada, you in a committee of which I had the honor to be one, drew up and proposed a report to Congress containing proposals for an accommodation with Great Britain; the proposal over that America should pay one hundred thousand pounds sterling annually to Great Britain, for one hundred years to come.  

Franklin retorted this was not “treason,” but instead, the promotion to “restore friendship and harmony between” between America and England.  

Deane failed to comprehend an important facet of America’s relationship with Britain when this occurred – there was no Declaration of Independence and thus, no United States to speak of that warranted a definitive treaty to halt hostilities. Regardless, Franklin still maintained that peace with England did not require a break from France as Deane publically called for, saying, “I sincerely wish as much for peace as you do, and I have enough remaining of good will for England to wish it for her sake as well as for our own, and for the sake of humanity.”  

Despite disagreements between them on issues of policy, Franklin remained close to Deane during his time in Paris. Others were not so caring.

John Jay, who served on the Committee of Secret Correspondence that provided Deane instructions for his mission, saw Deane’s call for peace in less philosophical ways than Franklin. “You are not mistaken in supposing that I was once your friend,” Jay wrote Deane, “I really was, and should still have been so had you not advised Americans to desert that independence which they had pledged to each other their lives, their fortunes, and their sacred honor to support.”

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88 Ibid.
Deane left Paris for England around the time he received Jay’s correspondence, perhaps to take advantage of business opportunities in trade provided by the new peace between Britain and America – this only added more suspicion of Deane.

Meanwhile, as Deane took heat for his stance on peace, Thomas Jefferson, serving in France as an ambassador, caught wind that “instead of money” Deane was paying off debts with ledgers that Congress believed contained evidence of embezzlement.91 “The immortality of an ex-minister selling his secrets for money” convinced Jefferson of Deane’s guilt, and spent a night copying them to send to America for inspection. To the dismay of Congress, the documents revealed nothing new. Silas Deane never escaped the scrutiny brought on by the Deane-Lee Affair. He never received the rebuke he believed would come when he said this upon his departure from America:

> At the same time I shall, with proper firmness and dignity becoming a free but injured citizen, expose to public view those, whether in Congress or out, who, to promote partial, interested, and family views, have from the first systematically labored to prevent Congress from deciding on my conduct as the servant of the public, though the interest of these States called for their decision. I flatter myself I shall not be laid under the necessity of further application, but that Congress will relieve me from the unmerited distress I labor under by closing this long protracted affair, or at least by immediately taking such measures as will without delay do justice to my services.92

With his business ventures in England proving unfruitful Deane prepared to return to America with the hopes of salvaging what little dignity he had. He died, however, before that could happen. Most likely he committed suicide as many of his later correspondences reflect depressive behavior. For instance, in June he appealed to America’s first president, George

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Washington, seeking a return to politics under the new administration. A desperate Deane reminded Washington that he shied away from politics for the last decade but now as he was “reduced to the extremes of poverty and to an infirm and precarious state of health by what I have suffered, I shall regard the past as of little consideration if I can now obtain what I have so long since requested” Washington could use his new office to return Deane to the political stage. Deane received no reply from the man he once advocated to lead America’s forces in the American Revolution. Then on June 29, 1789, he wrote William Samuel Johnson, the first senator elected to Congress under the Constitution from Connecticut, that “you can sufficiently imagine, without my attempting to describe, what I must have suffered on every account during so long a period of anxiety and distress. I hope that it is now drawing to a close.” Deane would be dead less than three months later, no doubt coming to the realization that he most assuredly had no opportunity to participate in America’s new governmental system.

On September 23, 1789, Deane boarded the Boston Packet in Deal, England, and perished before the ship left port with some believing even then that Bancroft may have poisoned the diplomat. The reality is the causal factors of Deane’s death are more complex than one individual merely having means and motive to commit murder, as Boyd argues. To public officials, Deane made the true intentions of his return to America clear: he desired to reenter politics. America adopted the Constitution born out of the 1787 convention in Philadelphia and Deane believed this afforded him the opportunity to make that return. However, he possessed not only a well-known sordid reputation but also an outdated view of American politics. Pre-Revolution he may have appealed to Washington or the Connecticut Assembly for an

94 Silas Deane to William Samuel Johnson, June 29, 1789, in Wharton, ed., The Deane Papers 1774-1790, 5: 528-529
appointment in the government, but in the new era forged by Alexander Hamilton and James
Madison, Deane had to appeal to voters, have a political platform no longer calling for separation
from tyrannical governments, and be well-connected to state and local governments. Deane had
none of these attributes which undoubtedly made a return to politics in America impossible.
With no such prospects awaiting him after his journey across the Atlantic, the reason for
boarding the ship bound for America is questionable as business opportunities were bountiful in
London. With Deane’s zeal for politics now meaningless, he had little more to live for.95

Regardless, the Deane-Lee Affair, and to a lesser extent his death, consumes modern
historians. Instead of viewing the incident as a symptom of a fractured Congressional body
grasping at miniscule trivial affairs in an effort to expose members of the body of being
disingenuous to the war effort, historians have honed in on the event. There is, in fact,
something far greater that Deane ought to be remembered for: he was the principal draftsman of
the treaty that brought France into the American Revolution.

CHAPTER II

“An Ocean of Fire between Us”

We could not maintain our separation without the assistance of France.

Henry Laurens to William Livingston
May 6, 1778

As soon as France interfered in the contest, the nature of it was totally changed. It was not now a war with America, but a war with France, allied with a part of our own subjects, the object of which was the destruction of England.

Governor George Johnstone,
April 19, 1779

Silas William Penack Dean Jr. was born December 24, 1737, in Gorton, Connecticut. One of seven children in the Deane household – Barnabas, Barazillai, Silas, Simeon, John, David, and Hannah – Silas was the eldest to survive into adulthood. His parents, Sarah Baker and Silas Deane Sr., grew up in the northeastern colony and were well-established there, as Deane’s great-grandfather, James Dean, immigrated from Tauton, England to Stonington, Connecticut late in the previous century and soon became a fixture of the early colony. Silas found himself disillusioned in a family made up of blacksmiths, and so enrolled into law school at Yale. At the age of twenty-one, in 1758, Deane graduated and was admitted to the

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98 Coy Hilton James, Silas Deane, Patriot or Traitor? (Lansing, MI: Michigan State University Press, 1975), 1
Connecticut bar in April 1763 – going into practice two months after the Treaty of Paris ended the conflict between Britain and France in the Seven Years’ War.\textsuperscript{99}

The world Deane knew was quickly changing around him. Having lost recent conflict, France ceded to Great Britain large portions of Canada, the French Louisiana, and Spanish. To the American colonists, the French were the aggressors in the conflict – they were anti-French or, more aptly, anti-Catholic which sentiments were rampant in the 1760s. As France went about licking its wounds, Deane settled into teaching at Yale where he met a promising young student: Arthur Lee. Along with teaching Deane practiced bankruptcy law on the side, advertising his services in local papers with an added e to his surname to make it more pronounced. For young Deane, the prestigious university and a talent for property liquidation when debts were left by the deceased did not propel him into the national spotlight, but rather, love.\textsuperscript{100}

On October 8, 1763, Deane married Mehitabel Nott Webb, the widow of merchant Joseph Webb of Wethersfield, Connecticut. After becoming engaged to Webb at the age of sixteen, and he twenty-one, Mehitabel bore five children. The only child she and Deane had together was a son, Jesse.\textsuperscript{101} Most importantly, Mehitabel brought into her relationship with Deane a prestigious name and property known then as Hospitality Hall. For this reason, Deane moved his law practice from New Haven, Connecticut to Wethersfield. The elder Webb had made a fortune running a local storefront which Deane took over, while maintaining the practice of placing advertisements in the local newspaper, the \textit{Connecticut Current}, seeking the whereabouts of men like Josiah Case who was publically named as an “insolvent debtor” by

\textsuperscript{100} Marck C. Carnes and John A. Garraty, \textit{American National Biography} (New York: Oxford University Press, 1999), 296-98.
\textsuperscript{101} James, \textit{Silas Deane}, 1.
Deane.\textsuperscript{102} Deane had procured for himself a reputation for being successful at “endeavoring to make a full settlement of book debts” which no doubt made the locals cringe when they learned of the accusation that he had embezzled money from the American government.\textsuperscript{103} Be this as it may, Mehitabel died suddenly on October 13, 1767, of “lingering consumption” and the sudden nature of her death resulted in Deane’s first bout of depression. Aside from his wife’s passing, one particular jarring cause of his depressive mood was the children she brought into the marriage. Deane was never particularly close to any of them, save Revolutionary General Samuel Webb, and it showed. When his step-children publically sided with the Lee faction in Congress in 1778, going so far as to suggest he was the cause for their mother’s tuberculosis, Deane ceased communication with them.\textsuperscript{104}

Mehitabel’s children were upset with Deane for having never settled their mother’s estate following her death. This was due in large part to his appointment as America’s ambassador to France.\textsuperscript{105} Regardless, immediately after Mehitabel’s death Deane began courting Elizabeth Saltonstall Ebbets, and, around this time, began showing interest in politics having been appointed by the governor of the colony to the Commission of Five, which was tasked with raising, through lottery, buoys for the Saybrook Bar, a sandbar that was adjacent to what is today New York’s Long Island. Elizabeth had what Mehitabel did not: a prominent family line

\textsuperscript{102} Connecticut Courant, July 21, 1766, New Haven, Connecticut.
\textsuperscript{103} Connecticut Courant, March 2, 1767, Hartford, Connecticut.
\textsuperscript{104} Connecticut Courant, October 19, 1767, Hartford, Connecticut.
\textsuperscript{105} Samuel B. Webb, Deane’s stepson remained the most faithful to his step-father. James surmises that “it seems likely that Deane’s failure to settle Mehitabel’s estate was a result of the unusual circumstances which took him to Europe during the Revolution,” going on to say about Mehitabel’s other son, Joseph that, “If Samuel B. Webb refused to embarrass Deane by requesting a property settlement of his father’s estate, the same cannot be said of John and Joseph Webb or of John Simpson, the husband of their sister, Sarah Webb.” James, Silas Deane, 2. Indeed, what James does not say is that Webb was no doubt closest in relations to Silas Deane that attempted to rehabilitate his reputation, being mentioned in the previous chapter.
stretching back to the earliest days of the English settlement of New England.\textsuperscript{106} Because of this, Elizabeth’s family ties aided Deane’s soon-to-be political career. With a family with political characters that included colorful figures like Gurdon Saltonstall, a former governor of Connecticut;\textsuperscript{107} Richard Saltonstall, assistant to John Winthrop, who was a founder of the Massachusetts Bay Colony;\textsuperscript{108} and Nathaniel Saltonstall, a magistrate at the Salem Witch Trials, Deane might not have been born into a well-established political family in eighteenth-century America, but he certainly married into one.\textsuperscript{109} The Deane household and storefront sat on twenty acres and included two slaves, Pompey and Hagar. Pompey and Hagar maintained the property while Deane was in France, and were no doubt the ones he referred to when he gave Elizabeth instructions on how to prepare the residence for George Washington’s layover there on his way to Philadelphia in July 1775. The arrival of someone with such prominence as Washington reflects Deane’s importance in politics.\textsuperscript{110}

Deane began his political career in 1768 in the Lower House of the Connecticut Colonial Assembly and demonstrated great interest in what he saw as a looming danger to his business – the Stamp Act. Deane, a popular politician, was elected to the Assembly from 1772-1775; however, however, he did not take his seat in the local legislature of the last year as national interests beckoned him to the First Continental Congress. Delegates now wended their way

\textsuperscript{106} Clark, \textit{Silas Deane}, 5.
\textsuperscript{110} “Silas Deane’s Probate Inventory,” Probate Hartford District, 1792, Connecticut State Library, Hartford, Connecticut.
through a precarious forest that forked: one faction advocated independence; the other reconciliation with Great Britain.\textsuperscript{111}

At the earliest signs that America and England were on diverging paths, Deane appeared radical in his thinking. On March 22, 1765, King George III signed the Stamp Act, which took effect November 1 of the same year.\textsuperscript{112} Designed to raise revenue from the American colonies, the Stamp Act placed a tax on attorney licenses, land grants, newspapers, pamphlets, playing cards, and even dice – all items Deane sold in his storefront.\textsuperscript{113} Deane and his fellow delegates in the Connecticut Colonial Assembly vehemently argued that Parliament had the power to make laws for the whole empire, arguing while “the power to tax was the exclusive power of the representative assembly in each part of the empire.”\textsuperscript{114} While other assemblies like that of Connecticut debated the philosophical issues of taxation, Deane believed he had the right answer to the King’s Stamp Act: boycott. He began sponsoring legislation calling for the non-importation of British goods to force businessmen in England to put pressure on Parliament to repeal the act. They were far reaching calling for “nonimportation, non-exportation, and non-consumptive measures.”\textsuperscript{115} Impatient American citizens, however, had their own idea of how to handle the act and, unbeknownst to them, were only exacerbating the situation. On August 15, 1765, Massachusetts stamp collector Andrew Oliver resigned after an angry mob attacked his

\textsuperscript{112} Edmund Cody Burnett, \textit{The Continental Congress} (New York: Macmillan Co, 1941), 9.
\textsuperscript{114} Ibid., 283.
home and, on August 28, 1765, Rhode Island’s stamp collector also resigned after mobs destroyed his home. Things were quickly spiraling out of control. Eventually, by the end of November, every tax collector in the Colonies, except Georgia’s resigned. A majority of colonists including Deane saw the Stamp Act as tyrannical, opposing Parliamentary power. In order for non-importation to work, all of the colonies had to agree to implement the boycott. For Deane and others this was the best solution; they now had to demonstrate the crushing nature of British imperial policy.

One such person, James Otis, a prominent lawyer from Massachusetts, offered the opinion of the Stamp Act that “the right of a supreme power in a state to tax its colonies is clear and evident.” Otis was in full agreement with Parliament – they, not the local governments, had the power to decide what taxes could be levied. Deane and John Adams, opposed Otis,countering that taxes had “spread a universal alarm against the authority of Parliament” and concluded that “if Parliament could tax us, they could establish the Church of England.” Even on the most fundamental level, the Stamp Act was so stringent that “an American subject is forbidden to make a hat for himself,” complained Thomas Jefferson, who showed in this the unnecessary yet far reaching nature of the law. In effect, the act made businessmen like Deane subject to an unscrupulous law. Still pushing for an non-importation agreement in the Connecticut Colonial Assembly, the words of Deane’s father-in-law, Gurdon Saltonstall, weighed heavy on Deane’s mind. He reminded him that the Stamp Act was just the first of “the acts to abridge liberty” and surely more acts would soon follow, each possibly more devastating

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to New England merchants than the last.\textsuperscript{119} Non-importation, as Deane proposed it, was radical. When the colonies had grievances in the past, they wrote petitions to Parliament, reflecting that radicalism. Before that could happen, Deane was sure he could help prevent more acts like the Stamp Act with non-importation.\textsuperscript{120}

With Deane’s influence, the Connecticut Colonial Assembly agreed to accept the non-importation of British goods. Soon, the colonies followed suit and the effectiveness of non-importation began to manifest in the devastation that it caused England's shippers who could not unload their goods in America. The plan worked. British merchants pressured Parliament to repeal the act and, Parliament did so, though not willingly. The Stamp Act, looked upon as a right of state in Parliament, made the actions of the colonists engaging in non-importation of British goods illegal.\textsuperscript{121} Thus, Jefferson could concede to Parliament by saying that “the power assumed by the British Parliament to bind their statutes\textsuperscript{122} in all cases whatsoever” was difficult to challenge; however, doing so by way of non-importation was the best possible way of conducting civil disobedience.\textsuperscript{122} Parliament had to find a way to establish their dominance over the American colonies that, when subsequent tax laws would be implemented, not even non-importation would be effected. After “large numbers of British merchants and manufacturers, pinched by colonial nonimportation, pressured Parliament into repealing the act,” one scholar explained, Parliament moved to implement the most heinous law on the King's subjects.\textsuperscript{123} With great anticipation, the \textit{H.M.S. Harrison} sailed into Boston harbor and delivered the news of the

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\textsuperscript{119} Gurdon Saltonstall to Silas Deane, August 29, 1774, in Wharton, ed., \textit{The Deane Papers 1774-1790}, 1: 4.
\textsuperscript{120} Bradley, \textit{Popular Politics}, 19.
\textsuperscript{122} Thomas Jefferson, “On the instructions given to the delegation of Virginia, August 1774,” in H. A. Washington, ed., \textit{The Life}, 143.
\end{flushleft}
Stamp Act’s repeal which was signed on March 18, 1766. Unfortunately, it also carried with it some discerning information. A new law, one that “reaffirmed Parliament’s commitment to govern and to tax for the entire empire,” was passed by Parliament. Appropriately named the Declaratory Act, the law replaced the Stamp Act with the declaration that Parliament was the supreme power in America. Deane was not about to give up believing that if non-importation worked once, it could work again.\footnote{Alexander, Samuel Adams, 37.}

On December 25, 1769, the \textit{Connecticut Journal} announced that the Connecticut Colonial Assembly passed “resolutions against importing goods, or merchandize from Great Britain, until said acts are repealed generously and unanimously.”\footnote{\textit{Connecticut Journal}, January 5, 1770, New Haven, Connecticut.} In bold letters in the announcement, Deane's signature appeared, affirming his resolve and action in fighting against the new law. He did not stop there. Writing a piece in the same newspaper, Deane called “for the more effectual preventing counteracting said resolution,” saying that it was “with the utmost vigilance and care, to guard against, and prevent any attempt to put in execution, so fatal and infamous a purpose as that of sacrificing the good of this continent.”\footnote{Ibid.} It was a message to the colonists but, most importantly, it was a message to fellow merchants that they all had to agree to non-importation. This action made Deane, for the first time, known outside of America. On August 13, 1770, a London newspaper reported that “the good offices and generous interposition of Mr. Deane” was that non-importation would be the answer of every colony.\footnote{\textit{Morning Chronicle and London Advertiser}, November 21, 1776, London, England.} This was, however, a generalization and not the universal feeling in America.

The colonies were disjointed when it came to implementing Deane’s plan of non-importation. For instance, a Boston newspaper, the \textit{Massachusetts Spy}, reported that non-
importation left local businessmen, especially in New York, out to dry because non-importation was hurting their business interests in England. Because of this, New York backed out of the agreement passed by the individual colonies. Deane pushed back. “The alarming conduct of New York,” he wrote in the *Massachusetts Spy*, “to said Non-Importation Agreement and the violators of it” broke the unifying spirit of America.  

Samuel Boome, a New York merchant, responded, offering apologizing words and observing that:

> equal pain with yourself and the other good people of your colony that our assembly should have acted such a part in this perilous time when the united strength of the colonies is necessary to ward off the cursed schemes of an abandoned ministry to enslave this once happy people but I have no doubt they will be disappointed in their attempts. Although our assembly now acts such a part, don't despair there is yet hearty friends to support the cause.

Boome was saying that if Connecticut could handle the pressures that came along with non-importation, New York could do the same – New York promptly reversed its decision. The America colonies were becoming cohesive, united against Parliament, and saw strength in unity. But, by late 1773, all the local governments recognized the growing need for a larger political body that could address the grievances of the colonists, and, given Deane’s prominence in Connecticut politics, he was sure to represent the colony in this new endeavor.

In the September 1773 edition of Connecticut’s *Lloyd’s Evening Post*, it was reported that the American colonies were in constant contact with each other and that Deane would lead Connecticut’s Committee of Correspondence.  

Deane’s “business,” the paper told readers, “shall be, to obtain all such intelligence, and to keep up and maintain a correspondence and

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128 *Massachusetts Spy*, August 18-21, 1770, Boston, Massachusetts.
130 Hoadley, *Silas Deane*, 96.
communication with [all] sister colonies.”¹³¹ Up to this point, the colonists wanted reconciliation. To observe America’s level of enthusiasm for a clean break from England, French Minister Étienne François, duc de Choiseul, a high ranking member of King Louis XVI's court, sent a close associate of his, the Baron de Kalb, to the American Colonies to “not only to report conditions and resources, but to learn whether the colonists, raging against the [intolerable Acts], had a plan of revolt and were rebellious enough to desire trained officers and engineers.”¹³² Choiseul at the moment showed himself to be in the firm camp of wanting to engage the English in whatever the arena might be. Kalb reported back that “British regulation prevented growth of [American] manufactures, the exploitation of their mines, and the growth of their forges and smithies,” but, there was still the talk of reconciliation in the American Colonies.¹³³

On July 15, 1774, Deane received his official orders from the Connecticut Colonial Assembly that he was to go to what would become the First Continental Congress, colonial-wide gather of delegates “to consult and advise on proper measures to promote the general good and welfare of the whole, and for obtaining a redress of the grievances under which we labor.”¹³⁴ Silas Deane explained to his wife that “This [Trenton] is the prettiest Town I have seen in the Jersies, is on the Banks of the Delaware River, which is here shaal, & rapid over Rocks & Falls so that it has no benefit from Navigation, but I think it is nearly as large a Town as Wethersfield.”¹³⁵ The First Continental Congress was set to convene for the first time on

¹³⁵ Silas Deane to Elizabeth Deane, August 31, 1774, Wharton, ed., The Revolutionary Diplomatic Correspondence of the United States, 1: 15.
September 1, 1774. It was not a meeting of rebels, but, a meeting of reluctant revolutionaries who wanted to reconcile with England.\textsuperscript{136}

In his diary Deane kept a tally of votes as they occurred and wrote “Our Business is to reconcile--that we are unable to defend Ourselves.”\textsuperscript{137} Indeed, prevailing message of Congress was that reconciliation seemed more favorable than war. Deane, in fact, described the Continental Congress to Benjamin Franklin as not a political body advocating “treason,” but instead, the promotion to “restore friendship and harmony between” between America and England.\textsuperscript{138}

\begin{figure}[h]
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\caption{“Louis XVI in Coronation Robes,” painting by Musée du Carnavale (1777). The deteriorating relationship between England and America was seen by France’s new monarchy as an opportunity to eviscerate Great Britain’s hegemonic dominance in Europe.}
\end{figure}

\textsuperscript{136}Hoadley, \textit{Silas Deane}, 96.  
\textsuperscript{137}Silas Deane, Notes on Continental Congress, ca. 1774, in Wharton, ed., \textit{The Revolutionary Diplomatic Correspondence of the United States}, 1: 140.
\textsuperscript{138}Silas Deane to Benjamin Franklin, February 1, 1782, Silas Deane Papers, Connecticut Historical Society, box 3, folder 83, Hartford, Connecticut.
Deane made a powerful mark, asserting that the decisions of the Continental Congress had to be made to affect all the colonies. John Adams, who took notes of the proceedings, noted that Deane was “willing to renounce all [his] trade. Mr. Deane says the sense of Connecticut is, that the resolutions of the Congress shall be the laws of the Medes and Persians; that the Congress is the grandest and most important assembly ever held in America, and that the all of America is entrusted to it and depends upon it.”139 Deane, first and foremost a merchant, acknowledged the allure of an economic partnership with Britain. He realized the American colonies could maintain their economies for a short time by depending on each other, but that, they would have to renounce their economic ties with Britain and to pressure Parliament to rescind their imperial policies. Once this was done, Deane believed, Parliament would be open to hearing the grievances of the colonists in a new light.

Deane proposed to Congress that America should look towards France to open up a new trade market this would, Deane argued, stabilize the economy and provide the necessary armaments if the worst possible scenario became reality: war with Great Britain materialized. Robert Livingston, delegate from New York, saw logic in Deane’s argument and opined that in the American colonies “we are between hawk and buzzard; we puzzle ourselves between the commercial and warlike opposition.”140 Worse yet, the French King, Louis XVI, would have to risk war with Great Britain by supporting America in such a fashion and have faith that giving up a trade partner like England was worth the risk.

On October 20, 1774, with Deane’s urging, Congress passed the Continental Association, making non-importation an official binding agreement between all the colonies. Now that

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140 Ibid., 297.
Congress boycotted British merchants, the step was to develop ties with France. In September, Deane was placed on a committee formed for the “purchas[ing] a quantity of woolen goods for use of the army.” Although an advocate for non-importation, Deane posited that the Continental Association unfortunately made the colonies’ money worthless, and America would thus have to rely foreign economies to bolster their business. A master of elocution, Deane explained to Congress that:

Sumptuary laws, or a non-importation, were necessary, if we had not been oppressed; a non-export was attended with difficulty; my Colony could do as well as others. We should have acquiesced in an immediate non-export, or a partial one. Many voted for it as an object in terrorem. Merchants, mechanics, farmers, all call for an establishment. Whether we are to trade with all nations, except Britain, Ireland, and West Indies, or with one or two particular nations, we cannot get ammunition without allowing some exports; for the merchant has neither money nor bills, and our bills will not pass abroad.

This seemed extreme to John Dickinson, Congressman from Pennsylvania. Working to antagonize the relations between France and England, which non-importation followed by an economic agreement, would only serve to inflame the situation. Deane acknowledged that Dickinson “worked hard to prevent the break the break between America and England.” However, the pacifist stance that Dickinson took, once dominating Congress’s thinking, soon became a minority opinion. This was because the radical faction of Congress favoring independence led by John Adams gained traction after open hostilities. John Dickinson and those that agreed with his push for reconciliation ruled the day at the First Continental; however,

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141 Ibid., 283.
142 Ibid., 290.
at the Second Continental Congress John Adams and those of the same opinion like Silas Deane emerged as the dominant force.

On April 19, 1775, open hostilities between Britain and America exploded at Lexington and Concord. For Deane, victory in the war would depend on one motto: “united we stand, divided we fall.”\textsuperscript{144} Great Britain’s King George III believed that the impending war would quickly be over. He believed “when once these rebels have felt a smart blow, they will submit; and no situation can ever change my fixed resolution, either to bring the colonies to due obedience to the legislature of the mother country or to cast them off!”\textsuperscript{145} The First Continental Congress had disbanded and the Second Continental Congress formed on May 10, 1774, with Deane noting in his journal that “Monday next the Congress should resolve itself into a committee of the whole house on the State of America affidavits respecting [the] Lexington Battle read & ordered to the presses.”\textsuperscript{146} The Second Continental Congress would be concerned with securing an alliance with France.

Despite Dickinson penning the Olive Branch Petition, which did nothing to cool tensions and “asking for American control of American affairs including taxation and legislation,” the question of finances in Congress now turned towards raising and maintaining an army.\textsuperscript{147} Benjamin Franklin supported Deane’s insistence that Congress should focus on raising a navy saying “I lament with you the want of a naval Force. I hope the next winter will be employed in forming one. When we are no longer fascinated with the Idea of a speedy Reconciliation, we

\textsuperscript{144} Silas Deane to Patrick Henry, January 2, 1775, Silas Deane Papers, Connecticut Historical Society, box 1, folder 11, Hartford, Connecticut.
\textsuperscript{147} Eric Guest Nellis, \textit{Long Road to Change: America’s Revolution, 1750-1820} (Ontario, Canada: Broadview Press, 2007), 89.
shall exert ourselves to some purpose.” 148 Congress formed the Committee of Secret Correspondence to communicate the American colonist’s needs to France, placing Deane in the capacity of one of its members. Furthermore, Deane was in charge of the Marine Committee, charged with purchasing vessels to engage the British. His loyalties were steadfast. “I really question whether history can produce an instance parallel to the present stand which Boston is making for their liberties for firmness in resolving, patience in enduring, and forbearance under insults added to the oppression,” Deane told Patrick Henry. 149 But no matter his convictions or those of his countrymen, the war would be a difficult one without foreign intervention on their behalf. Praising the American capture of Fort Ticonderoga as it eased supply deficits, Deane could do little in his capacity but slowly watch George III’s prediction come true. 150 “Since the affair at Ticonderoga (which is become my nickname at times), people here, members of the Congress and others, have unhappily and erroneously thought me a schemer.” 151

In the first two years of the American War for Independence, Americans struggled hard to gain independence. “Doctor Franklin is with us, but he is not a speaker, tho' we have I think his hearty approbation and assent to every measure. But, my dear, times like this call up genius which slept before, and stimulate it in action to a degree that eclipses what might before have been fixed as a standard. The war will not last seven years, if I have any judgment in matters.” 152 Richard Morris writes that “the trend for independence was beginning to accelerate as two things became increasingly clear: that the mother country had no intention of acquiescing in American demands without intolerable reservations; and that the colonies could, in fact, if united and

150 Hoadley, Silas Deane, 96.
151 Silas Deane to Elizabeth Deane, June 18, 1775, in Wharton, ed., The Deane Papers 1774-1790, 1: 61.
152 Silas Deane to Elizabeth Deane, July 1, 1775, in Wharton, ed., The Deane Papers 1774-1790, 1: 66.
helped by France, win a contest of arms.”

“I have the fullest assurance that these Colonies will rise triumphant, and shine to the latest posterity, tho’ trying scenes are before us, which our wise Father is in mercy exercising us with at this day. Towns wrapped in flames, garments rolled in blood, the fields of the husbandman loaded with military preparation and parade, and parents, wives, children, in anxious and soul-torturing expectation for, or weeping over, the fate of their dear connections, these are scenes distressing, but they are necessary for the good of the whole.”

With the exception of the Battle of Bunker Hill on June 16, 1775, and the capture of Boston on March 17, 1776, Americans had little to no success in turning the tide of war in their favor. In just an eight-month span “America’s fortunes had plummeted from the high that followed the British evacuation of Boston to enveloping despair.”

The idea of reconciliation was now beyond reach. “Gentlemen may cry, ‘peace! peace!’ – but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field!,” Patrick Henry proclaimed.

In late 1776, George Washington was forced to evacuate New York and a London newspaper propagated the victory, claiming that “they retreat at the sight of our army, whether it is from cowardice or policy, I leave to better judges to determine.”

This boasting did not last long. Deane learned that on Christmas Eve 1776 “General Washington having been reinforced by the troops lately commanded by General Lee, and by some corps of militia, crossed the Delaware with 2500 men, and attacked a body of the enemy posted at Trenton, with the success that you will see related in the enclosed handbill. We hope this blow will be followed by others, that may

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153 Commager and Morris, eds., The Spirit of Seventy-Six, 272.
154 Silas Deane to Elizabeth Deane, July 1, 1775, in Wharton, ed., The Deane Papers 1774-1790, 1: 66.
leave the enemy not so much to boast of, as they some days ago expected, and we had reason to apprehend.”158 This attack, the Battle of Trenton, could not have come at a more opportune time as moral had hit an all-time low and the military contracts of Washington’s forces were due to expire on the last day of the year. In providing America such a substantial victory Washington dispelled any of France’s reservations in America’s commanding officer. Deane himself never doubted Washington’s abilities.

Fig. 9. “Washington and Lafayette at Valley Forge,” painting by John Ward Dunsmore (ca. 1907). The harsh winter of 1777-1778 compounded the necessity of foreign intervention.

158 Committee of Secret Correspondence to The Commissioners, December 30, 1776, in Wharton, ed., The Deane Papers 1774-1790, 1:246.
Washington had been present at the first meetings of the Continental Congress and Deane had supported Washington’s nomination for commanding America’s forces, telling his wife that Washington had a hard “countenance; yet with a very young look and an easy, soldier-like air, and gesture.”¹⁵⁹ Deane noted to Elizabeth that Washington came with an impressive résumé adding that:

He does not appear above forty-five, yet was in the first actions in 1753 and 1754 on the Ohio, and in 1755 was with Braddock, and was the means of saving the remains of that unfortunate army. It is said that in the house of Burgesses in Virginia, on hearing of the Boston Port Bill, he offered to raise and arm and lead one thousand men himself at his own expense, for the defense of the country, were there need of it. His fortune is said to be equal to such an undertaking.¹⁶⁰

On June 19, 1775, Deane wrote that Washington was “elected to that high office by the unanimous voice of all America.”¹⁶¹ Despite Deane’s and the rest of compatriot’s faith in Washington, the Revolution was a fledgling endeavor at best. The American colonist in want of an ally to help them in their quest for independence, however, meant that centuries’ old distrust of Catholic France had to be put aside.

Americans had learned to distrust the French since the settlement of America and a treaty would require Americans to put all those inclinations aside – something that would prove astonishingly difficult. The trustworthiness of the French was questioned by Franklin when he said that “as to the Ohio, the contest there began about your right of trading in Indian country, a

¹⁵⁹ Silas Deane to Elizabeth Deane, June 16, 1775, Silas Deane Papers, Connecticut Historical Society, box 1, folder 16, Hartford, Connecticut.
¹⁶¹ Silas Deane to Elizabeth Deane, June 16, 1775, Silas Deane Papers, Connecticut Historical Society, box 1, folder 16, Hartford, Connecticut.
right you had by the Treaty of Utrecht, which the French infringed.” In his opinion, France had started the French and Indian War in America and, the purpose of that war and his 1754 Albany Plan was to “ward off the French menace.” Anti-French sentiment in America was inherited from England, not out of necessity to protect the colonies in America, but because of religious conviction. The treaty that ended the French and Indian War in 1763 meant peace to the colonists because, while the French remained in their western lands, there would be none. Deane did not embody the rest of New England’s sentiments regarding Catholics, instead, embraced America’s growing multiculturalism.

The religious sentiments of the American colonists were responsible for the anti-French sentiment. This spurred these on like the Quebec Act, which Deane hoped to battle by western settlement saying “whither Your people have any Thoughts of a Western extension. This Claim pursued in the only effectual Way, which is by actual Settlement, would effectually defeat the Quebec Bill. Even so, the colonies were quit diverse religiously.” Deane himself was described as “a protestant dissenter” by his colleagues. Evident in when the accusations of embezzlement were made against Deane, the same contemporaries noted that “he denied all belief in a deity,” and that he “lived and died a protestant without believing in one article of the Christian or Mohometan Church.” He wrote openly about what he called “the Laws of

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164 Ibid.
165 Ibid.
166 Silas Deane to Samuel Adams, November 13, 1774, in Wharton, ed., The Revolutionary Diplomatic Correspondence of the United States, 1: 260.
168 Ibid., 429.
Nature” which were, according to him, were “just and equal in all its graduations.”

Deane had no inklings in dealing with Catholics, but this was an anomaly from his friends and neighbors. The Puritan colonies of New England hatred for the Catholic French ran especially deep. In fact, in New England, “so dominant were the Protestant establishments that Catholics and Jews were legally disenfranchised in most of the colonies.”

To suggest France as an ally meant turning on decades of hatred inherited from England, bred, and made to flourish in America.

For instance, at the turn of the eighteenth century through the French and Indian War, America was experiencing its own protestant crusade against the Catholic French and their monstrous monarchs Louis XIV and XV. British-America could do little to escape this. Even as England made peace with France after the Seven Years’ War, a London paper said:

> ever since the [English] Revolution, it has been the custom to raise in the common people an aversion and indignation against the Pope, Pretender, and the Devil…if we wish to keep the crown of England in the Brunswick line, preserve the Protestant Religion, and maintain religious and civil liberty, against the machinations of the Pope, Pretender, the Devil, and Scorch Jacobites.

Still, the British Parliament made appeasements to French Catholics in America after the war, which alienated British America when “parts of the system of New France were restored under British sovereignty, with controls actually lighter than under the French Crown.”

Even Deane, the Deist, thought this did injury to his fellow “true and well-principled Protestants” living in the

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169 Ibid., 430.
170 Davis, Religion, 41.
171 Ross, “Teaching the Reasons”, 494.
173 Davis, Religion, 153.
area. Be this as it may, America, in order to win the current war, had to put these feelings aside. But for other prominent Americans, this would be a difficult thing to overcome.

Some, like the Governor of New Jersey, William Livingston, resisted calling for French assistance. “If we could not maintain our separation without the assistance of France,” Livingston wrote to Henry Laurens, future President of the Continental Congress, “her alliance ought to have been secured by our stipulation to assert it upon that condition.” Laurens agreed – America should only ask for limited assistance, the war could be won without any binding alliance. “If any alliance would come to fruition,” Laurens said back to Livingston, “it had to be on the colonists’ terms, being entirely of opinion with your Excellency.” Reverend Andrew Burnaby from England, who spent time in the United States prior to the outbreak of the Revolution observed, quite coldly, “that the French were a ‘false and treacherous people,’” and, “that France “was not in reality a well-wisher to America and would oppose reconciliation so as to weaken both America and England.” John Trumbull, now an aide-de-camp to Washington wrote in poetic form regarding a Franco-American alliance:

\[\text{Struck bargains with the Roman Churches, Infallibility to Purchase; Set wide for Popery the Door, Made friends with Babel’s scarlet whore}\]

France was a celebrated culture in Europe, but, in America anti-French seemed exclusively predominant. John Adams retorted that France, in his opinion, was the “natural”

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176 Henry Laurens to William Livingston, May 6, 1778, in Ibid., 186.
178 Ibid.
enemy of Britain and would be easily swayed to come to America’s need. And despite anti-Catholic sentiment they would make a great ally, Adams posited, as “the only obstacle which prevented Anglo-Americans from ruling the world was the French.” The military campaign to sever the tie between Britain and America, with help from France, would only be one positive to come out of an alliance. France could ultimately offer a continuing ally not only militarily, but economically as well. Deane was authorized to begin negotiations with France for war stuffs. But quickly, the question became not if France could be an ally, but if France could be a great ally. Still, after the Revolution a public relations campaign had to be waged to convince Americans of the benefits of an alliance. “If Franklin became the ideal type of American for France, Lafayette, known as the ‘the Marquis,’ became the ideal type of Frenchman for

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180 John E. Ferling, *John Adams: A Life* (New York: Oxford University Press, 2010), 249. This might be an overstatement on the part of Ferling, certainly on the part of Adams. If historian H.M. Scott is correct in his assessment that “During the first half of the eighteenth-century French hostility had been far less than British animosity towards her rival” and was only exasperated by the events of 1755-56 when England began the seizure of French ships without a declaration of war, then this precedence of French hatred towards the British is overstated. It might point instead to Adam’s and others that France was the aggressor in the Seven Years’ War. H M. Scott, *The Birth of a Great Power System, 1740-1815* (Harlow, England: Pearson/Longman, 2006), 80. Indeed, what precipitated England’s declaration of war against France in May 1756 was her refusal to compensate France for the seizers, the only thing France asked England to do in relation to the seizers. Scott himself points out that both France and England had attempted to avoid the outbreak of the Seven Years’ War and so, it was only following that conflict in 1763, 7 years before the Boston Massacre and any hint that Britain had an issue with its colonists in America, that France actually focus its foreign policy towards anti-England. The idea of ancient enemies is greatly exaggerated. Even still, as in the time of Adams, American historiography paints the French as aggressors in the new world setting up forts in the Ohio River valley thereby inciting the British. See Walter R. Borne, *The French and Indian War: Deciding the Fate of North America* (New York: Harper Perennial, 2007), 18-20; Fred Anderson, *The War That Made America: A Short History of the French and Indian War* (New York: Penguin Books, 2006), 30-31; and Fred Anderson, *Crucible of War: The Seven Years’ War and the Fate of Empire in British North America, 1754-1766* (New York: Alfred A. Knopf, 2000), xvii. In all these, a great job is done in explaining that France lost a great portion of land and power as a consequence of the war, these histories do little to propel the idea that Britain was in fact the precipitating cause thorough capturing ships. If anything, Americans used the incident to remove the French from their western territories for expansion and trade and their Anglo-infused anti-native anti-Jesuit policy.

181 Ross, “Teaching the Reasons,” 494.

Americans.” His character helped soften the image of France. Gérard paid in individual to publish tracts under the name of Leonidas to help promote the French alliance. Luzerne for his part, paid Tom Paine to not write negatively about France. He even hired Samuel Cooper to preach in favor of the treaty “Puritan clergymen, who had formerly prayed for the fall of the Pope, were praying for the health of the Catholic King of France.” Congress never recovered from this, and the commissioners there, exclusively Adams and Jay, opened separate negotiations with England, signing a preliminary treaty of peace on November 30, 1782. Vergennes chastised Franklin saying he was “at a loss to explain your conduct, and that of your colleagues on this occasion. You have concluded your preliminary articles without any communication between us, although the instructions from Congress prescribe, that notion shall be done without the participation of the King.”

Vergennes was anything but unemotional regarding French entry into the American Revolution. Indeed, he saw a chance for more direct gains with West Indian islands and French rights of the Newfoundland fisheries and the opportunity to deal a blow to the hard power of Great Britain. “He believed that the loss of the American colonies would be a devastating blow to Britain’s commercial and financial strength and would undermine much of Britain’s naval power,” one scholar wrote of the French diplomat. Deane’s skillfulness in diplomacy shines through in his effort to use the Seven Years’ War to insist that France’s entrance into the American Revolution would have nothing to do with the break between America and England. America, Deane said to Vergennes, should “not propose that France should enter into a war

184 Jones, America and French Culture, 520.
merely on their account,” but instead France should “obtain satisfaction from Britain received in
the last war.”187 In the same correspondence, Deane goes on to say that England’s eventual
reduced navy as a result of the conflict alone would go a long way in helping America achieve
independence.

Robert Morris, considered to be the financier of the Revolution, shared the concerns of
his countrymen over the military capability of France, telling Deane “if you do but effect a
European War to employ the British Navy, this country will become Free and Independent in a
shorter time than could be expected.”188 Britain came out of the Seven Years’ War with the most
powerful navy in the world. This mattered to the Americans as the British fleet had no trouble in
setting up a blockade of America which “frustrated continuing attempts to integrate New
England’s regional economy with that of the mid-Atlantic region.”189 Congress formed the
Naval Committee of which Deane was appointed as its first member, along with Christopher
Gadsden and John Langdon.190 When it came to French after the Seven Years’ War they “lost to
the English eighteen ships of the line and thirty-seven frigates. Under the head of the French
navy following that war, Étienne François, duc de Choiseul, France had launched a program of
rebuilding the fleet; however, by the time of the America Revolution France still lacked the ships
needed to take on the British.”191 France, badly beaten in the conflict before the American
Revolution, had to rebuild their naval force to take on the British. Eventually, Choiseul

187 Silas Deane to Vergennes, March 19, 1777, in Wharton, ed., The Deane Papers 1774-1790, 3:26
188 Robert Morris to the Commissioners for American Affairs in Europe, March 28, 1777, Wharton, ed., The Deane
Papers, 4: 33.
189 Richard Buel, In Irons: Britain’s Naval Supremacy and the American Revolutionary Economy (New Haven, CT:
Yale University Press, 1998), 225.
190 E. Stanly Godbold and Robert H. Woody, Christopher Gadsden and the American Revolution (Knoxville, TN:
University of Tennessee Press, 1982), 139.
“repaired French naval losses, reformed the army, bettered the finance [and] thought seriously of an invasion of England” but before this the British navy could decimate the French force.  

England boasted about this. A London newspaper aggrandized a report that “sea ports in America are so effectively guarded by His Majesty’s Ships of War and armed cruisers, that it is difficult for any vessel, either foreign or American, to go in and out of those harbors without being examined by the King’s ships. Therefore, it is impractical to carry on any commerce whatever.” America needed an ally to engage the British on equal footing. Partisan politics dominated even the debate over America’s navy. John Adams was placed on the Navy Committee but was soon replaced by Christopher Gadsden of South Carolina.

The British launched a public relations campaign against America as 1776 came; the English press claimed correctly that America “would be no match for the [British] regulars.” George Washington, of whom Deane spoke highly of, was made a laughing-stock in London. “How well Washington’s ill-clothed, or rather half naked troops [will fair] in such a climate, everyone may judge,” a London post advertised. Deane and the rest of Congress did not have to turn to foreign papers to have a grasp of the situation – sordid battlefield updates were all too common.

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194 Silas Deane to Elizabeth Deane, July 1, 1775, The Silas Deane Papers, Connecticut Historical Society, box 1, folder 18, New Haven, Connecticut.
195 One issue facing the American revolutionaries was that if a navy was successfully established, American ships could still be detained from entering foreign ports. Silas Deane had the forethought to bring this up while abroad. Writing to the financier of the Revolution, Robert Morris, Deane said that “when I left America the naval armaments were but beginning by the Congress, and the inquiry was hardly made, even by individuals, whether foreign powers out admit our cruisers and their prizes.” Deane to Robert Morris, August 23, 1777, in Wharton, ed., The Deane Papers 1774-1790, 3: 106. For more on the issue of America’s navy see E. Stanly Godbold and Robert H. Woody, Christopher Gadsden and the American Revolution (Knoxville: University of Tennessee Press, 1982), 137-139.
196 Ferling, Almost a Miracle, 27.
Benedict Arnold, like Washington, told Deane about the dire situation. “Without further preamble, I shall give you a short sketch of our strength, situation, prospects,” Arnold began a frantic letter,

From the 1st of January to the 1st of March, we have never had more than seven hundred effective men on the ground, and frequently not more than five hundred; since which we have been increasing in our numbers, as you will observe by the enclosed morning reports. Our numbers are far short of what I expected before this time and the New England troops will be of very little service to us for some time, as the greatest part of them have the smallpox. That fatal disorder got into our camp, though every method that prudence could suggest has been attempted to prevent it; a variety of orders have been repeatedly given (some of which I enclose), and as repeatedly disobeyed or neglected...Our Surgeons are without medicine; our Hospitals crowded, and in want of almost every necessary.198

The time to open direct negotiations with France and engage them to enter the war had come. “Determined to assert their own independency to the last,” Deane later recalled, “America turned towards France for help to win their independence from a despotic government.”199 To do this Congress turned to Deane, whose reputation as a skilled diplomat was highly valued. They had to select someone with an in-depth knowledge of the American army, and capable of establishing a last friendship between former British colonies and France. On March 1, 1776, Deane was selected by the Committee of Correspondence and affirmed by Congress to travel to France and enter to into negotiations with France for their succor. Deane wrote to his wife that he would now be doing some “adventuring” in Europe, holding fast to the secrecy of his mission.200 It was an adventurous undertaking, to be sure, but Deane had guidance from a

200 Silas Deane to Elizabeth Deane, March 1, 1776, Silas Deane Papers, Connecticut Historical Society, box 1, folder 27, Hartford, Connecticut.
member of the Committee of Secret Correspondence, Franklin, whose wisdom was strength to him.

Franklin laid out Deane’s mission succinctly: “Clothing and Tents are so much wanted for our Army, that we entreat you to apply immediately to the Court of France for a Loan of money sufficient to dispatch immediately very considerable quantities of stuff fit for Tents and of Coarse Cloths, Coatings, Stockings and such other comfortable necessities for any Army as you can readily judge will be proper.”\(^{201}\) Franklin also gave Deane two names: Beaumarchais and Gérard. Both were advisors to King Louis XVI and American sympathizers who could facility the American in their time of need. Beaumarchais could be a business contact for Americans wanting “to obtain help for the colonies.”\(^{202}\) Gérard could be a mouthpiece to the King who saw an alliance with the United States as a way to weaken the “natural enemy” of France while at the same time recognizing the independence of the new American nation.\(^{203}\)

With nothing more than his wits, marching orders, and the names of two contacts in the French Court, Deane embarked to France on March 3, 1776, with three goals in mind.

1. Obtain as many military supplies as possible.
2. Convince France to recognize America as independent.

It would be a remarkable feat achieve all three. However, for the time being, he was just one man on a secret mission designed to help win a war. In a hastily written letter about his new

\(^{203}\) Gerald Stourzh, *Benjamin Franklin and American Foreign Policy* (Chicago, IL: University of Chicago Press, 1954), 139.
undertaking, Deane wrote to his wife, “I am about to enter on the great stage of Europe.”

What followed can only be described as the beginning of America entering the great stage of the world.

Fig. 10. “Silas Deane,” painting by William Johnston (1766). Silas Deane’s early rise in local business and politics made him well-connected and an ideal choice for one of the most important diplomatic missions in American history.

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CHAPTER III

“The Pin-pricks which decide the Fortune of States”

God send that we may not be involved in another war with France.

*General Evening Post*,
March 29, 1777,
London, England

France seemed a completely unfamiliar world compared to the world Deane left behind. Vestiges of Medieval Europe still lingered like the *Ancien Regime*, which sustained France’s deep devotion to a traditional caste system and Catholicism. French political thinker Alexis de Tocqueville described class divisions under the Old Regime as the “most deadly disease” of the state, thus demonstrating effectively France’s strict adherence to a political system based on privilege. Deane, however, clashed with this sense of ritual in both appearance and mannerisms. Described by London’s *The Morning Post* as having the look of a “mercantile adventurer” and a personality “mean, and his dress rather that of a Puritan Quaker; wearing a bushy wig…a laughable character among the polite group of Versailles.” Beneath the surface this description of Deane was less about outward appearances and more about France’s monarchical political system in contrast to an American political-culture grounded in classical liberalism. Indeed, Deane saw the reason for his looking out of place at Court was because few in the French hierarchy “openly support[ed] me in my operations.” Overtime Deane swayed elite members of this hierarchy to support the American cause, which is evident in the acceptance of his proposed model articles being fully incorporated into the final treaty.

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Long before the Treaty of Alliance was fully realized, Deane concluded that the way to convince the France Court to agree to a treaty was not to push for the support of a revolution, but rather the underscoring of the fact that France’s entrance into the conflict provided an opportunity to once again becoming a hegemonic force in Europe at the expense of England. Interestingly, France and England in the interwar years of 1763-1778 grew close in terms of commerce. In fact, Deane observed that Paris “swarms with Englishmen” when he arrived there.208 Beneath the surface the French remained on the whole anti-English. Secretary and advisor to the King of France, Jean-Frédéric Phélippeaux, comte de Maurepas, for instance, described Britain as France’s ancient natural enemy calling them a “great menace.”209 Likewise, John Adams saw any sympathizes to the American cause in the French Court as not about American independence, as Thomas Paine had argued in Congress, but instead because England is “the natural enemy of France that America in her present situation is her Friend”210 Deane agreed saying that “France had nothing in view but to humble an ancient rival and to obtain satisfaction for former hopes, or injuries, and that whilst Europe remained in peace on the continent and America could be made the theatre of war.”211 Therefore, Deane came to the understanding that the best way of convincing France to sign a treaty that would inevitably lead to a declaration of war on England was to appeal to France’s disdain for Britain.

Upon his arrival at the French Court, Deane became a regular fixture at Versailles, going there “no less than four times [a] week” at first finding it difficult to obtain audiences with

208 Leonard J. Sadosky, Revolutionary Negotiations: Indians, Empires, and Diplomats in the Founding of America (Charlottesville: University of Virginia Press, 2009), 95.
211 Silas Deane to Benjamin Franklin, February 1, 1782, Silas Deane Papers, Connecticut Historical Society, box 3, folder 83, Hartford, Connecticut.
France’s ministers in charge of foreign affairs. This initial lack of interest soon faded when Benjamin Franklin directed Deane to contact French officials holding the unpopular opinion that sympathy for American independence coupled with a desire to destroy Britain had to be a factor in forming an alliance. Such voices in the French Court would make ratification of a treaty easier, Franklin argued, who placed Deane in contact with two such individuals: Pierre-Augustin Caron de Beaumarchais and Charles Gravier comte de Vergennes.

Beaumarchais and Vergennes were valuable to Deane as each possessed what he needed to accomplish his first two goals: Beaumarchais with the means of supplying the American military and Vergennes a trusted advisor to the King who could convince him to enter the conflict. Beaumarchais in his own right was something of a renaissance man: he was a playwright, diplomat, financier, satirist, publisher, and inventor. Born in Paris on January 24, 1732, Pierre Augustin Caron added the name de Beaumarchais to his birth name and was the most colorful character in King Louis XVI’s Court. Louis XV had died on May 10, 1774, leaving nineteen-year-old to inherit the throne. Wishing for an easy transition of power Louis XVI kept most of the previous King’s advisors, including Beaumarchais, and had a cabinet that included men of “moderation, intelligence, and modest origin,” as one historian called them. Deane called them “all friends to the Americans”

Those attributes accompanied Beaumarchais who enjoyed telling Deane fantastical stories. Once, Beaumarchais claimed, when he received his appointment to Versailles, he was

215 Morton and Spinelli, Beaumarchais and the American Revolution, 9.  
216 Committee of Secret Correspondence to Silas Deane, March 3, 17767, Silas Deane Papers, Connecticut Historical Society, box 1, folder 27, Hartford, Connecticut.
attacked by robbers and kept the letter from the King of his appointment in a gold box in his jacket, which deflected a possible fatal wound by one of the robbers. What was not outlandish was Beaumarchais sentiments regarding the American War for Independence saying to Deane “I have the honor to advise you that for some time past I have cherished a desire to aid the brave Americans to shake off the British yoke, and I have already attempted in various ways to begin secret and reliable business relations between the general Congress and a firm that I have formed for this purpose.” On July 4, 1776, the Continental Congress adopted the Declaration of Independence Beaumarchais, founded the Hortalez and Rodrigue Company, a front to help America. Having such a faux company allowed Deane to secure goods like ammunition from what appeared to be a third-party business rather than appeal to Louis XVI for the stores which undoubtedly would have led to France officially supporting the Americans and risking war with England at the crucial moment. Deane had to play it smart – France wanted to maintain at a distance from the conflict in America while simultaneously harboring an ill-will towards England. Beaumarchais with his Hortalez and Rodrigue was more than willing to help Deane secure the stuffs he needed, while Vergennes worked on a more official level.

Étienne-François, comte de Stainville, duc de Choiseul served as Louis XV’s Chief Minister of the French King and Foreign Minister faithfully through the Seven Years’ War. However, unlike many who continued to serve through to the new monarch, Choiseul was replaced by Vergennes, the former receiving a large amount of the blame for France’s lost in the Seven Years’ War. At court Deane became well acquainted with Choiseul who supported the American cause and argued to the day he died that France ought to conduct an invasion of the

English island. Despite these strong convictions of wanting to make France a superpower over that of England, Choiseul was a distraction for Vergennes. French Queen Marie Antoinette advocated having Choiseul reappointed as Foreign Minister and sought to do so by slandering Vergennes, and it worked, with some believing him to be a man of no diplomatic skill.\textsuperscript{219} Along with Vergennes’s aid, Conrad Alexandre Gérard de Rayneval, Beaumarchais and Vergennes were the eyes and ears of Louis XVI and vetted all of Deane’s proposals. Now in contact with the French ambassadors most sympathetic to the American cause, Deane set about convincing the individual whose opinion mattered most: Louis XVI.\textsuperscript{220}

Above all, the biggest hurdle Deane faced in getting Louis XVI to agree to an alliance with America was a lack of a decisive victory. The King received military updates on the war effort and was troubled by what he heard. In August 1776, Washington surrendered the port city and entry way to all of New England, New York, to William Howe, commander of the British forces in America. The battle that changed all this was Saratoga. England was confident, and with good reason, that victory in the American Revolution was guaranteed until British General John Burgoyne surrendered at Saratoga on October 17, 1777. What made the battle particularly important was that it convinced Louis XVI of America’s dedication to and capability in their struggle. Vergennes was thus allowed “to inform the American Commissioners that France was ready to listen to their propositions.”\textsuperscript{221} Now that Louis XVI was open to a treaty between France and America, the diplomats in the French Court and the American commissioners had a framework to build off – a draft that was conceived by Deane a year before.

\textsuperscript{219} Morton and Spinelli, \textit{Beaumarchais and the American Revolution}, 17.
\textsuperscript{220} Ibid., 9.
\textsuperscript{221} Meng, \textit{Despatches and Instructions}, 68.
Deane took it upon himself to draft a treaty for the purpose of forming the Franco-American alliance when he gave French ambassador Gérard his “Proposed Articles of a Treaty between France and Spain and the United States” on November 23, 1776.” Based on this document, Deane’s fingerprint on the Treaty of Alliance is apparent from the first words of the document to the last. Starting with the preamble to the Treaty of Alliance, which summarizes the nature of the Treaty of Alliance in terms of purpose and scope:

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having this Day concluded a Treaty of amity and Commerce, for the reciprocal advantage of their Subjects and Citizens have thought it necessary to take into consideration the means of strengthening those engagements and of rendering them useful to the safety and tranquility of the two parties, particularly in case Great Britain in Resentment of that connection and of the good correspondence which is the object of the said Treaty, should break the Peace with France, either by direct hostilities, or by hindering her commerce and navigation, in a manner contrary to the Rights of Nations, and the Peace subsisting between the two Crowns; and his Majesty and the said united States having resolved in that Case to join their Councils and efforts against the Enterprises of their common Enemy, the respective Plenipotentiaries, empowered to concert the Clauses & conditions proper to fulfil the said Intentions, have, after the most mature Deliberation, concluded and determined on the following Articles.223

Deane’s influence on the document’s preamble is inferred from a dispatch to the Committee of Secret Correspondence in which the diplomat lays out the same tones and themes as this portion of the text. Furthermore, it may be ascertained that the first article of the Treaty of Alliance is derived from the same dispatch.224

The first article of the Treaty of Alliance is based on the principles of mutually shared defense, common cause, and the motivations for establishing a treaty. It reads in part: “if War


224 When Congress deliberated adoption of the Treaty of Alliance, Gérard presented the following statement from Louis XVI: “The Congress of the United States of America having, by their plenipotentiaries residing in France, proposed to form with us a defensive and eventual alliance; and willing to give the said states an efficacious proof of the interest we take in their prosperity, we have determined to conclude the said alliance. For these causes, and other good considerations us thereunto moving, we, reposing entire confidence in the abilities and experience, zeal and fidelity for our service, of our dear and beloved Conrad Alexander Gérard, royal syndic of the city of Strasburg, secretary of our council of state, have nominated, commissioned and deputed, and by these presents signed with our hand, do nominate, commission and depute him our plenipotentiary, giving him power and special command to act in this quality, and confer, negotiate, treat and agree conjointly with the abovementioned plenipotentiaries of the United States, vested in like manner with powers in due form, to determine and conclude such articles, conditions, conventions, declarations, definitive treaty, and any other acts whatever, as he shall judge proper to answer the end which we propose; promising, on the faith and word of a king, to agree to, confirm and establish forever, to accomplish and execute punctually whatever our said beloved Conrad Alexander Gérard shall have stipulated and signed, in virtue of the present power, without ever contravening it, or suffering it to be contravened, for any cause and under any pretext whatever; as likewise to cause our letters of ratification to be made in due form, and to have them in order, or to be exchanged at the time that shall be agreed upon. For such is our pleasure.” in Louis XVI to Congress, January 13, 1778, in Wharton, ed., The Revolutionary Diplomatic Correspondence, 1: 446-447.
should break out between France and Great Britain…his Majesty and the said United States, shall make it a common cause, and aid each other mutually with their good offices.” In his draft of the treaty, Deane established in the first article that:

The contest between Great Britain and the United Colonies, when considered with all its Necessary Consequences, is one of the most important that ever engaged the Attention of Europe. On the issue depends, whether Great Britain shall at once become Absolute in North America over Territory as large as all Europe, abounding in every Necessary for the Support of Man, already inhabited by more than Three Million of European dependants & Europeans, and rapidly increasing in Population, Agriculture, Arts, and Commerce, & remain possessed of half the advantages & superiority necessarily consequent on such Acquisition; or the United Colonies, by supporting their Independence, deprive Great Britain of the means of reducing the whole of America to its absolute Subjection, also thereby deprive them of the monopoly of a Trade which alone can support that Superiority of Marine, long since formidable to the Maritime powers in Europe.

The language of the first article in the final draft of the document mirrors Deane’s insistence that France not only declare war on England with the primary goal of helping the American colonists win independence, but also to hinder Britain’s capability in once again “establishing an exclusive and absolute dominion in America,” as he put it to Gérard. Furthermore, the second article in the official Treaty of Alliance also mirror’s Deane’s insistence that the purpose for the Franco-American Alliance was to secure the independence of the American colonists.

The second article of the final documents reads: “The essential and direct end of the present defensive alliance is to maintain effectually the liberty, Sovereignty, and independence absolute and unlimited of the said United States, as well in Matters of Government as of

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226 Silas Deane to the Committee of Secret Correspondence, October 1, 1776, Silas Deane Papers, Connecticut Historical Society, box 1, folder 32, Hartford, Connecticut.
227 Silas Deane to Gérard, July 15, 1776, in Wharton, ed., The Deane Papers 1774-1790, 1: 152.
commerce.” This is derived in part from Deane’s first draft article and the clause of that article which establishes that a “defensive alliance,” to borrow the term used by the diplomats for the relationship between France and America from the second article of the final document, to “support their independence.” Also, in the first draft article proposed by Deane, he states that the end result of the alliance will “deprive [England] of the monopoly of a Trade which alone can support that Superiority of Marine, long since formidable to the Maritime powers in Europe.” In the final treaty the second article reflects this clause with the words “in matters of Government as of commerce.” In his seventh proposed article Deane likewise asserts that:

> during the Present War between the United States & Great Britain, France and Spain shall send into North America & support there a Fleet, to defend and protect the Coasts and Commerce of the United States, in Consequence of which if the Possessions of France & Spain shall be attacked in America by Great Britain or her Allies, the United Colonies shall afford them all that Aid and Assistance in their power.\(^{229}\)

Thus, Deane clearly laid out the purpose and nature of the of the Treaty of Alliance well before the document was signed in 1778.

In Deane’s second proposed article, albeit more verbose, he laid out the cause for sovereignty over North American territories and how that would impact commerce by dictating that “The Thirteen United Colonies, now known by the Name of the Thirteen United States of North America, shall be acknowledged by France and Spain, and Treated with as independent States, and as such shall be guaranteed in the possession and Dominion of all that part of North America on the Continent which by the last Treaty of Peace was ceded and Confirmed to the

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\(^{228}\) Silas Deane Benjamin Franklin, Arthur Lee, Conrad Alexandre Gérard. Treaty of Alliance. February 6, 1778, National Archives and Records Administration.

Crown of Great Britain.”230 This echoes a July 15, 1776, letter to Gérard where he told him “the powers in Europe interested in America to interpose, not solely on the Score of humanity, and justice, but to preserve their own settlements in that Quarter of the Globe from falling under the power of Great Britain.”231 It is easy to see from his analysis of how the first two articles should function, which is derived from his model articles, that Deane laid out the premises of the Treaty of Alliance: independence for America and security for commerce. Compounding this was Henry Laurens, President of Congress, who interpreted the second article in the same manner.232

With suave diplomatic skill, Deane assured the French Court that France’s sovereignty both in the way it conducted war and land it would gain as a result of the conflict was sacrosanct. In his proposed third article for the treaty, Deane maintained that France should retain the nature of its previous state, that is, how France appeared on the globe prior to the Seven Years’ War. In so doing, there would be no question as to what France could gain by declaring war on England. Deane wrote: “The United States shall guaranty and confirm to the Crowns of France and Spain all and singular their Possessions and Claims in every other part of America, whither North or South of the Equator, and of the Islands possessed by them in the American Seas.”233 Deane posited that the protection of these regained territories would fall to France contending that responsibility would fall on the European country “to exclude Great Britain from any future

230 Ibid.
231 Silas Deane to Gérard, July 15, 1776, in Wharton, ed., The Deane Papers 1774-1790, 1: 152.
232 “The Inhabitants of the said States had enjoyed the same from their earliest settlement in America, until they were interrupted in the exercise thereof by certain late Acts of the British Parliament, enforced by Arms. That it is essential to the welfare of these United States that their Inhabitants should recover & reenjoy the right of taking fish on the high Seas & on the Banks of North America as aforesaid. That this right is also necessarily adherent to every sovereign Power & consequently within the design of the 2d Article of the Treaty of Alliance between the Court of Versailles & these States, the direct end of which is to maintain effectually, the Liberty, Sovereignty & Independence absolute & unlimited of the said States as well in matters of Government as of commerce.” Henry Laurens, “proposed resolutions,” March 22, 1779, in Smith, Paul H, ed., Letters of Delegates to Congress, 1774-1789, 25 vols. (Washington, D.C.: Library of Congress, 1999), 12: 227.
connection with America, its Islands or Seas, thereby at once to reduce her enormous Naval Power, secure their own Possessions, and increase their Commerce and Marine to the highest degree Conceivable.  

The third article of the final Treaty of Alliance is more concise on this point, but nevertheless reflects the notion that to keep commerce safe from England, France and America had to be free to act in a manner of their choosing by declaring: “The two contracting Parties shall each on its own Part, and in the manner it may judge most proper, make all the efforts in its Power, against their common Enemy, in order to attain the end proposed.”

One instance in which the language of an article in the Treaty of Alliance emulates one of Deane’s proposals in every form is in the fourth. In Deane’s proposed articles the third article reads:

> Should France or Spain, either or both of them, possess themselves of the Islands in the West Indies, now in possession of the Crown of Great Britain (As an indemnity for the injuries sustained by them in the last War in Consequence of its being commenced on the part of Great Britain in Violation of the Laws of Nations) The United Colonies shall assist the said Powers in obtaining such Satisfaction, and guaranty & Confirm to them the Possession of such Acquisition.

The resemblance of the fourth article in the Treaty of Alliance to Deane’s proposal is uncanny:

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The contracting Parties agree that in case either of them should form any particular Enterprise in which the concurrence of the other may be desired, the Party whose concurrence is desired shall readily, and with good faith, join to act in concert for that Purpose, as far as circumstances and its own particular Situation will permit; and in that case, they shall regulate by a particular Convention the quantity and kind of Succor to be furnished, and the Time and manner of its being brought into action, as well as the advantages which are to be its Compensation.\textsuperscript{238}

One of the most important facets of the Treaty of Alliance is the means by which America and France hoped to secure this commerce: a strong navy. From a logistical stand-point as well, any military goods Deane obtained from France would be at risk of falling into enemy hands so long as England dominated the seas and relayed “the risk and expense of transporting goods both to and from America” to France’s equivalent of Congress, the Estates General.\textsuperscript{239} In his fifth proposed article Deane stipulated to the French Foreign Office to hold off on sending any aid to America until sufficient protection could be supplied as “the loss of these Stores by Capture would be every way of bad Consequence, though it would add but little comparatively to the Strength of the Enemy, yet the Loss to the United Colonies must be doubly great.”\textsuperscript{240} The superiority of England’s navy impacted the fifth article of the final draft of the Treaty of Alliance which reads that “if the united States should think fit to attempt the Reduction of the British Power remaining in the Northern Parts of America, or the Islands of Bermudas, those Countries

\textsuperscript{238} Silas Deane Benjamin Franklin, Arthur Lee, Conrad Alexandre Gérard. Treaty of Alliance. February 6, 1778, National Archives and Records Administration..


or Islands in case of Success, shall be confederated with or dependent upon the said United States.”

There is overlap in what Deane proposed and what was agreed to, particularly on the issue of what America would gain from victory and who would have responsibility to protect said gains. Again, Deane’s second proposed article for the treaty is used for the basis an article in the final Treaty of Alliance. Once more, the language in the proposal is taken verbatim for the agreed upon document where the proposed article reads:

The Thirteen United Colonies, now known by the Name of the Thirteen United States of North America, shall be acknowledged by France and Spain, and Treated with as independent States, and as such shall be guaranteed in the possession and Dominion of all that part of North America on the Continent which by the last Treaty of Peace was ceded and Confirmed to the Crown of Great Britain.

The sixth article of the Treaty of Alliance contains the obvious same composition reading: The Most Christian King renounces forever the possession of the Islands of Bermudas as well as of any part of the continent of North America which before the treaty of Paris in 1763. Or in virtue of that Treaty, were acknowledged to belong to the Crown of Great Britain, or to the united States heretofore called British Colonies, or which are at this Time or have lately been under the Power of The King and Crown of Great Britain. Further illustrating Deane’s impact on the sixth article is the acknowledgement from Gérard that “The only remark which I have to offer is on the sixth article of the treaty of alliance. It stands the same as when it was read, with the addition of the Bermudas, concerning which there was a question in our last conference. I

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have found another change in one of the sheets of observations which have been sent to me.”

This is an obvious allusion to Deane’s fourth proposed article which refers to “the Fisheries on the Banks of Newfoundland. of Cape Breton & parts adjacent” being retained by America in lieu of a victory. No doubt, to help ensure France’s entrance into the conflict Deane’s proposal was debated and not agreed to.

Perhaps no other article in the Treaty of Alliance was more impacted by Louis XVI than the seventh which dealt with what Vergennes called “conditional stipulations.” Indeed, in a correspondence to Gérard it is clear that Louis XVI wanted an understanding of “mutual” protection to mean that the King of France could engage English forces to either 1: protect commerce; 2: protect the sovereignty of the United States. In both, whatever the case may have been, the decision was left to Louis XVI to determine the cause. Anticipating this, Deane wanted to leave the question of when and where France attacked up to the French. Saying as much to Gérard, Vergennes wrote that: “The independence of North America, and her permanent alliance with France have been the principal aim of the king; and it was to secure both of these that his majesty approved the conditional stipulations contained in the treaty of alliance, and that he did not secure for himself any exclusive advantages in the treaty of commerce.” The “stipulations” that Vergennes is referring to is what is covered by the seventh particle, the retaining of islands in the Gulf of Mexico to France in lieu of a victory. Deane played little or no role in the shaping of this article.

244 Gérard to the Commissioners at Paris, February 2, 1778, in Jared Sparks, ed., Diplomatic Revolutionary Correspondence, 1:472.
246 Vergennes to Gérard, March 29, 1778, in Wharton, ed., The Revolutionary Diplomatic Correspondence of the United States, 2: 524.
The eighth article of the Treaty of Alliance is perhaps one of document’s most important articles, second only to the first article which laid out the purpose of the treaty. The eighth article was clearly driven by the French and agreed to by Deane and his associates. Vergennes certainly placed a high sense of importance on the article telling Gérard that “the first and most essential of all is that neither of the two parties shall make either peace or truce without the consent of the other.”\textsuperscript{248} The reason why Vergennes had such an opinion of the article is that it epitomized France’s cause for entering into the Franco-American Alliance. No doubt Vergennes, Gérard, and Beaumarchais were supporters of the American cause; however, on a grander level they pined for the decimation if not outright destruction of England. The American Revolution by way of agreeing to the Treaty of Alliance afforded them this opportunity. And to ensure continuation of the conflict until this was achieved, the French Court pushed for the stipulations found in article eight which reads:

Neither of the two Parties shall conclude either Truce or Peace with Great Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms, until the Independence of the united states shall have been formally or tacitly assured by the Treaty or Treaties that shall terminate the War.\textsuperscript{249}

There was no friction between Deane and the French Court on this matter. In his draft of proposed articles he put forth that “No peace or Accommodation shall be made with Great Britain by either of the Contracting parties to the infringement or Violation of any one of these Articles.”\textsuperscript{250} Nearly a year before the treaty was agreed to Deane repeated the same writing to

\textsuperscript{248} Vergennes to Gérard, March 29, 1778, in Wharton, ed., \textit{The Revolutionary Diplomatic Correspondence of the United States}, 2: 524.

\textsuperscript{249} Silas Deane Benjamin Franklin, Arthur Lee, Conrad Alexandre Gérard. Treaty of Alliance. February 6, 1778, National Archives and Records Administration.

\textsuperscript{250} Silas Deane to Conrad Alexander Gérard, November 23, 1776, in Wharton, ed., \textit{The Deane Papers 1774-1790}, 1: 362.
the French ambassadors “that a Peace shall not be made but by mutual consent.” 251 Although the language in both the proposed article and the final document appear the same it is worth noting that Deane conceded this point. Ultimately, this facet of the treaty led to the document’s denouncement two decades later as it bound France and America in a perpetual alliance.

The ninth article of the Treaty of Alliance’s final draft declared that established commerce between France and the United States, which it now recognized by way the treaty, was payment for entrance into the conflict where not stipulated as in the case of the Bermuda’s and various fisheries mentioned in the Treaty of Amity and Commerce. Deane, however, wanted it mentioned in the alliance’s founding document that “the dominions of the colonies restored to reimburse the expenses of this war.” 252 The ninth article negated this.

Much like the seventh article where Deane conceded the point that France wanted a perpetual treaty that did not allow for peace to be declared without objection from either party, the tenth article illustrates Deane recognizing that France wished to have it stipulated that Spain be allowed to enjoy any success in the conflict. The tenth article in whole reads:

The Most Christian King and the United states, agree to invite or admit other Powers who may have received injuries from England to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the Parties. 253

Deane agreed with this condition in his proposed model articles and wrote that:

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any and every British ship or vessel found or met with on the Coast of North America or South America or of the Islands adjacent, and belonging thereto, within a certain degree or distance, to be agreed on, shall be forever hereafter Considered as Lawful prize to any of the Subjects of France, Spain, and the United Colonies, and treated as such as well in Peace as in War... nor shall this Article ever be altered or dispensed with but only by and with the Consent of each of the Three Contracting States.\textsuperscript{254}

The language of the final document, once again, emulates Deane’s proposal albeit with the realization that in negotiations the French diplomats would have made it clear that they wanted as much.

The eleventh article of the Treaty of Alliance codified the perpetual nature of the document and dictated that:

The two Parties guarantee mutually from the present time and forever, against all other powers, to wit, the united states to his most Christian Majesty the present Possessions of the Crown of France in America as well as those which it may acquire by the future Treaty of peace: and his most Christian Majesty guarantees on his part to the united states, their liberty, Sovereignty, and Independence absolute, and unlimited, as well in Matters of Government as commerce and also their Possessions.\textsuperscript{255}

There are two instances in which the language of this article is reflected in Deane’s writings. First, he proposed that “there shall be free Liberty of Commerce between the Subjects of France, and Spain, and the United States, respectively, and they shall mutually engage to protect and defend each other in such Commerce.”\textsuperscript{256} Second, in a letter to Gérard, Deane says that “the object of the War be to obtain for France satisfaction for the injuries aforesaid, and the for the

\textsuperscript{255} Silas Deane Benjamin Franklin, Arthur Lee, Conrad Alexandre Gérard. Treaty of Alliance. February 6, 1778, National Archives and Records Administration.
\textsuperscript{256} Silas Deane to Conrad Alexander Gérard, November 23, 1776, in Wharton, ed., \textit{The Deane Papers 1774-1790}, 1: 362.
United States the establishment of their independence.”

Third, Deane used language reminiscent of the final document when he said to Gérard that it was necessary “to secure themselves Peace, Liberty, and Safety in their possessions and commerce.”

The next article also shows this lifting from Deane’s proposals.

The twelfth article, tied to the previous by way of concept of perpetual alliance, stipulated that:

in case of rupture between France and England, the reciprocal Guarantee declared in the said article shall have its full force and effect the moment such War shall break out and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence, until the moment of the cessation of the present War between the united states and England shall have ascertained the Possessions.

Deane influenced the article on “possessions and commerce” twice. First when he proposed that “an immediate engagement on the part of these kingdoms to guarantee the present possessions of the Congress in America, with such others they may acquire on the Continent during the war” reflecting his belief that a perpetual alliance was necessary. Second, in the same tract, when he plainly says that France and America should “carry on the War until a safe peace can be obtained, and until all at that England now possess on the continent shall be conquered.”

Finally, the thirteenth article of the Treaty of Alliance dealt with ratification specifying that “The present Treaty shall be ratified on both sides and the Ratifications shall be exchanged

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259 Silas Deane Benjamin Franklin, Arthur Lee, Conrad Alexandre Gérard. Treaty of Alliance. February 6, 1778, National Archives and Records Administration.
261 Ibid.
in the space of six months, sooner if possible.” The Treaty of Alliance was signed on February 6, 1778. Unfortunately for Deane, he had little time to celebrate. He left France on April 18, 1778, and arrived in New York on July 8, 1778, aboard the *Languedoc* to face accusations that he embezzled during his time in France. Gérard, who was about to enter a new stage of his career, the overseeing of good relations between France and America, wrote Vergennes about the rumors surrounding Deane and his own future in America: “I hope I do not find myself involved either in this or in any other hassle.” Deane, on the other hand, was not to be so lucky.

Regardless, though it can be said that the Treaty of Alliance was a collaborative work of Silas Deane, Benjamin Franklin, Conrad Alexandre Gérard, and Arthur Lee, there are indeed elements of the treaty that are clearly influenced by the ideas of Deane. Notwithstanding Gérard’s acknowledgement that he received a draft of a treaty from Deane, there are characteristics in the final document that reflect the writings of the diplomat. This fact illustrates that historians have not only failed in examining the full extent of Deane’s role in the treaty negotiations, but also the origins of the treaty itself. In so doing, Silas Deane’s impact on the Treaty of Alliance has been marginalized in modern American historiography.

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263 Gérard to Vergennes, July 18, 1778, in Meng, *Despatches and Instructions of Conrad Alexandre Gérard*, 169.
EPILOGUE

Casus Foederis*

If any man of all my acquaintance holds any Merit for making America Independent and Glorious in victories, or, for wishing well to the United States by words and Deeds – I believe Silas Deane was the Man.

Samuel Peters to John Trumbull264

In 1793, England risked war with France for the second time in less than a decade. The immediate effects of the signing of the Treaty of Alliance on the American Revolution resounded in the halls of Britain’s Parliament. Shortly after France agreed to Deane’s articles, the European state honored the agreement by furnishing America with weapons, ammunition, uniforms, and the commitment that it would engage England. Less than three years after the Treaty of Alliance established the Franco-American Alliance, British General Charles Cornwallis surrendered to George Washington at Yorktown, Virginia on October 19, 1781. The English forces offered little resistance at this, the last battle of the Revolution, for the French had decimated England’s naval forces surrounding America and thus helped forced them into submission. Without France’s support, Washington could never have expected such an outcome. Ten days after Louis XVI was beheaded at the start of their own revolution, France dissolved the Paris Peace Treaty of 1783 that officially ended the American War for Independence. Cognizant of what France’s entrance into the conflict meant, William Pitt the Younger, Chancellor of Exchequer, stood before Parliament and lamented: “I wish to know what there was in the connection of France with America so intimate and so peculiar, that warranted that Court to do with America what we

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*The case of the treaty

cannot attempt with Austria? Indeed, the Treaty of Alliance provided the world with the precedence of foreign intervention. Diplomacy, not only in America but also abroad, was forever shaped by the binding nature of the treaty.

Fig. 12. “Siege of Yorktown,” painting by Auguste Couder (ca. 1836). The final battle of the American Revolution that brought about the British surrender was made possible through the Franco-American Alliance. This depiction of the surrender recalls the events following the battle when British General Cornwallis refused to surrender his sword to General Washington and sent Charles O’Hara in his place. O’Hara presented the sword of surrender to French General Rochambeau sending the message that the British officer did not recognize Washington’s legitimacy. Rochambeau refused the sword and pointed to Washington who in turn pointed to American General Benjamin Lincoln who was denied the honor of surrendering after the 1780 Siege of Charleston.

America was no different. After hostilities ceased between the United States and England, internal strife stemming from the Articles of Confederation dominated political discourse. When the Constitution of the United States was adopted in 1787 and solved those domestic issues, new questions arose regarding America’s foreign policy and European affairs. At the heart of the matter lay the Treaty of Alliance which had never been dissolved after the Revolution – America indeed was still the de facto ally of France. This placed America’s first president, George Washington, in a difficult position: honor the alliance and support France in the Napoleonic Wars following a gruesome Revolution, or abolish the treaty and aid England in its struggle against France with whom commercial ties flourished post-American Revolution, or, proclaim America neutral from European affairs. No matter what Washington decided, the Treaty of Alliance contributed to America’s success was now a roadblock to the United States being independent from European affairs.266

Reflecting his military background, Washington convened his cabinet to determine the best course of action. He put the fate of the Treaty of Alliance in the hands of his cabinet with each member having a different interpretation of the Treaty. Answering the inquiries: “are the United States obliged by good faith to consider the treaties heretofore made with France as applying to present situation of the parties?” Washington’s Secretary of the Treasury, Alexander Hamilton, worked on persuaded Washington to favor neutrality.267

Despite Louis XVI’s support for the Treaty of Alliance Hamilton argued that any aid France offered to America came from the people of France, not the King, and thus America made the alliance with them saying that: “Louis XVI was but the constitutional agent of the

French people. He acted for and on behalf of the nation; it was with their money and their blood he supported our cause. It is to them, therefore, not to him, that our obligations are due.”268 This was a stretch to say the least – Vergennes, Beaumarchais, and Gérard acted on behalf of the monarchy and it is highly unlikely, given the nature of the *ancien regime*, that the decision to agree to the Treaty of Alliance could be done without the approval of the King. Given this interpretation, Hamilton argued that “it will follow that the meaning, obligation, and force of every stipulation in the treaty must be tested by the principles of such an alliance.”269 To him, the Treaty of Alliance served its purpose once Britain capitulated. James Madison, then a congressman, took a different view and firmed that the opportunity to assert Congressional power to form alliances. Whereas Hamilton contended that Congress, with President’s approval, has the right to make treaties Madison countered that this did not give Washington the implied power of ignoring treaties. Congress, he asserted, approved treaties and thus could dissolve them. Staving off a conflict between Congress and the executive branch, Washington opted to support neither France or England in the Napoleonic Wars or abolish the Treaty of Alliance. Instead, he set America on a century long course of neutrality hoping to avoid entangling alliances.

In his 1796 Farewell Address Washington warned of the dangers of entangling alliances and how they could force Americans into a conflict they have no interest in. With this policy, Washington “removed the twin dangers of war with France and alliance with Britain. It permitted us instead to develop our strength in peace and isolation.”270 His successor, John Adams, went further and sought to destroy the Franco-American alliance once and for all. At
The Convention of 1800, also known as the Treaty of Mortefontaine, in one of his last acts as president, Adams quelled tensions between France and the United States and fought to place an expiration date on the Treaty of Alliance. In article two of the Treaty of Mortefontaine it was decided “that all prior agreements between the two countries concerning alliance and mutual trade were no longer operative.” Congress ratified the treaty on December 21, 1801, exactly twenty-five years to the day when Franklin arrived in Paris, absolving the Treaty of Alliance once and for all. The effect of the document, however, lingered much longer.

The Treaty of Alliance shattered anti-Catholic prejudices in America. Anne-César, Chevalier de la Luzerne wrote to Rochambeau after the military phase of the American Revolution praising as much by saying “Your well-behaved and brave army has not only contributed to put an end to the success of the English in this country, but has destroyed in three years prejudices deep-rooted for three centuries.” It brought France into the conflict and turned the tide of war. It shaped American politics by defining trans-Atlantic governmental relationships. It instilled in Americans a fear of European affairs and a sense of peace through isolation. Always revolutionary in his thinking, Deane was never convinced that dissolving the entangling alliance was the best option, despite his calls for peace with England. Franklin, however, retorted to his associate that “you believe that the peace, liberty, and happiness of our country will be best secured and supported by a close alliance with France and the House of Bourbon and our independent democracy. I have the misfortune to think differently if to believe that America as she was formerly the most happy and free country in the world.” Regardless, even Franklin could not argue against the fact that because of the Treaty of Alliance America

was now that happy and free country. It was an outcome that all who worked on the treaty desired.

Benjamin Franklin and Silas Deane remained close companions for the rest of their lives. “I will not trespass farther on your time than to assure you,” Franklin wrote to Deane, “that however greatly your sentiments may have been changed that I retain the same respect and
esteem for you as to how I had the honor to be numbered among your friends.”

History, however, remembers little of their friendship and more of their differences. Franklin went on to participate in the 1776-1778 treaty negotiations to help shape the Paris Peace Treaty and America’s Constitution. Living a varied life of diplomacy, politics, and science, Franklin died on April 17, 1790.

Fig. 14. “January 21, 1793, the Death of Louis Capet on the Place de Révolution.” engraving by Charles Monet. In the end, Louis XVI decision to aid America during the American Revolution hastened his downfall. France’s coffers were deeply affected by the decision to enter the conflict and was one of the causes of the French Revolution. Ironically, Deane’s unheeded warnings to Franklin that France was on the brink internal strife came true during the turmoil that became known as the Reign of Terror, which at its height led to Louis XVI beheading.

Likewise, Louis XVI, of whom Vergennes gave to Gérard a portrait of the monarch wrote: “the King desires of giving you a personal testimony of the satisfaction he has in your conduct, has changed me to communicate it to the President of the Congress of the United

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States.” 274 Despite a fond remembering of Deane, Louis XVI never looked back fondly on his agreement to aid America, which was, in a way, responsible for his beheading on January 21, 1793. As one historian succinctly puts it, “the war to which the French government had committed itself cost an immense sum and piled up a huge national debt which was directly responsible for the calling of the Estates General in 1789 and the precipitation of the French Revolution.” 275 Most telling of Louis XVI’s regret for aiding America happened in 1792 when Tipu Sultan, the leader of an area in India called Mysore, proposed to the King of France that if he sent him 6,000 troops and supplies he could in return guarantee repayment and the expelling of the British from India. The King countered: “This is too much like the case of the Americans of which I never think of without regret. It was an abuse of my youth; and we carry the penalty today. The lesson is too strong to forget.” 276 For years, Beaumarchais also regretted his part in the American Revolution, claiming that he gave Deane “millions of francs” which he embezzled. 277 In 1818, Congress determined that in fact Beaumarchais took the money, and charged the diplomat the amount plus interest.

As for Silas Deane, he died on September 23, 1789, aboard the Boston Packet. 278 Ironically, it was England that praised Deane the most in death, saying “this is to the dishonor of the Congress, who owed him, if their independence be of that real value to them which they like to boast of (whose management procured them the first help from France before Dr. Franklin got

274 Vergennes to Silas Deane, March 26, 1778, Silas Deane Papers, Connecticut Historical Society, box 5, folder 104, Hartford, Connecticut
277 City of Washington Gazette, January 31, 1818, Washington, D.C.
Five decades after Deane appeared before the institution, passed “a bill for the relief of Silas Deane.” Giving Deane’s heirs $37,000 for his service to the United States, Congress determined that what happened was an “ex parte, erroneous, and a gross injustice to Silas Deane.”

Views of Deane differ wildly from each individual he came in contact with. Be this as it may, the fact is Silas Deane heavily impacted the final draft of the Treaty of Alliance. His ideas and proposals appear in the document and reflect a hard-working individual engaged in the negotiations to bring France into the American Revolution. Abigail Adams, wife to John Adams, wrote her husband that Deane “most certainly had art enough, in the beginning, to blow up a flame, and to set the whole continent in agitation.” Without his efforts, the outcome of that would have looked much different.

In 1859, historian George Tucker said what a lot of historians say: Silas Deane was “a source of much embarrassment in the United States,” adding, “it is not easy, at the present day, to decide how far these injurious imputations were well founded.” One-hundred-and-fifteen years later, that question has been answered here: Deane was never the embarrassment he is remembered as. Instead, when the prospects of America’s future were dire, and America needed an ally, Silas Deane – America’s first diplomat – arose to the occasion and drafted America’s

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280 Berkshire County Whig, August 8, 1842, Pittsfield, Massachusetts.
first international treaty. The injurious imputation is: this is unjustifiably forgotten. “the question now arises, what is the verdict of history as to the work and character of Silas Deane?”

Certainly Deane was aware of his impact. In a letter to the President of Congress, Deane opined of “successfully solicited for and procured most essential aid and supplies for these States; after having been principal actor in concluding an alliance every way honorable and advantageous to these States.” And while historians have thoroughly explored the first portion of the statement, all that remains now is doing the same for the second.

284 George Clark, Silas Deane, 265.
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