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The political assassination of Edmund Randolph: George Washington's presidential affair of honor

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THE POLITICAL ASSASSINATION OF EDMUND RANDOLPH:
GEORGE WASHINGTON'S PRESIDENTIAL AFFAIR OF HONOR

BY

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BA Russian Studies, 1985

THESIS

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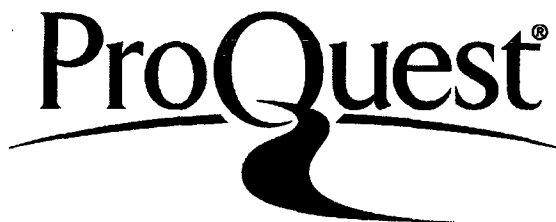
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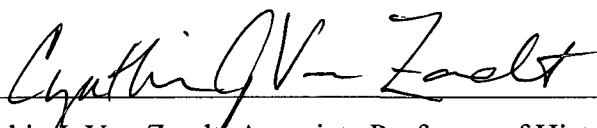
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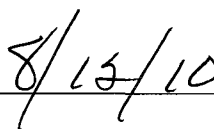
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ABSTRACT

THE POLITICAL ASSASSINATION OF EDMUND RANDOLPH: GEORGE WASHINGTON'S PRESIDENTIAL AFFAIR OF HONOR

By

John C. Kotruch

University of New Hampshire, September, 2010

On 19 August 1795 George Washington ambushed Secretary of State Edmund Randolph in an impromptu tribunal to face the allegation of treasonous corruption in the service of France with evidence covertly provided by Great Britain.

A synthesis of the biographies of Washington and Randolph, histories of Jay's Treaty, the Whiskey Rebellion, the Battle of Fallen Timbers, and the diplomatic correspondence between Great Britain and the United States during the early republic reveals the motivations behind a British plot to manipulate the composition of the United States' government by implicating Randolph. The study dispels the myth that the intercepted French diplomatic correspondence was forwarded by the British government to Washington's administration to compel the ratification of Jay's Treaty, and for the first time places Randolph's forced resignation in the context of an eighteenth-century affair of honor between President George Washington and the Secretary of State.

INTRODUCTION

George Washington and the early republic faced myriad challenges during the early years of the federalist era. George Washington was inaugurated as the president of an occupied country in 1789 with Great Britain and Spain garrisoning forts within United States territory and along its borders as they continued their pursuit of hegemony in North America. Immediately after Washington's inauguration, Great Britain and Spain threatened war in Europe and North America over their competing claims to Nootka Sound in the Pacific Northwest just as France's Third Estate transformed itself into a National Assembly and took their famous tennis court oath that placed France on the path to revolution. In an attempt to gain control over U.S. territory and provide the requisite security for burgeoning westward expansion, George Washington and the federal government waged war from 1790 through 1795 against Native Americans armed and supplied by European protagonists along the northern and southern flanks of the United States.¹

As Washington and the new federal government struggled to hold the fragile union together and establish a secure frontier, France declared war on both Spain and Great Britain in 1793, plunging Europe into war and necessarily creating an alliance of imperial powers on the flanks of the United States. As Washington held to a strict policy of neutrality in the war in Europe, Great Britain began unannounced seizures of all shipping in the Atlantic bound for France as it increased its pressure on the northern U.S.

¹ Bemis, *Jay's Treaty: A Study in Commerce and Diplomacy*, 3; Weber, *The Spanish Frontier in North America*, 268-270; Evans, "The Nootka Sound Controversy in Anglo-French Diplomacy-1790," 609-611; Palmer, *The Age of Democratic Revolution*, 480, 481; Sword, *President Washington's Indian War: The Struggle for the Old Northwest 1790-1795*.

border through its Native American allies, moving Great Britain and the United States to the brink of war in 1794.

For the first time since independence the early republic began to gain control over its own destiny in 1794. Anthony Wayne's 20 August 1794 victory at the Battle of Fallen Timbers deflated the British-Indian alliance in the Old Northwest as the federal government concurrently assembled a militia to march against rebellious U.S. citizens in the Western Counties of Pennsylvania to quell the Whiskey Rebellion. In November, 1794, shortly after the British-Indian alliance of the Old Northwest was crushed by the Battle of Fallen Timbers, Great Britain agreed to a "Treaty of Amity and Commerce" negotiated in London by John Jay to shunt the threat of war between the United States and Great Britain in the same month that the defeated Native Americans of the Old Northwest agreed to a peace with the United States to be concluded the following summer.²

In June, 1795, Major General Anthony Wayne welcomed the Indian confederations of the Old Northwest at Fort Greenville and concluded the Treaty of Greenville on 3 August, 1795, securing a peace in the Old Northwest that opened the lucrative territory of the Northwest Ordinance to American settlers. That same June, Thomas Pinckney was welcomed in Madrid to begin negotiations over the contested southwestern border of the United States with Spanish Florida and the critical issue of U.S. access to the Mississippi River all the way to the Gulf of Mexico.³

² Gaff, *Bayonets in the Wilderness: Anthony Wayne's Legion in the Old Northwest*, 319-325; Reardon, *Edmund Randolph: A Biography*, 272, 273; Combs, *The Jay Treaty: Political Battleground of the Founding Fathers*, 157, 158.

³ Sword, *Washington's Indian War*, 314-329; Bemis, *Pinckney's Treaty: America's Advantage from Europe's Distress*, 287-294.

On 19 August 1795, the day after George Washington forwarded the recently ratified Jay Treaty to Great Britain, with the Treaty of Greenville recently concluded and Pinckney's Treaty of San Lorenzo for peace in the southwestern Spanish borderlands in negotiation, George Washington engaged the Secretary of State, Edmund Randolph, in an affair of honor. Washington ambushed Randolph in an impromptu tribunal with accusations of treasonable corruption with revolutionary France, using apocryphal evidence fortuitously provided by Great Britain to Randolph's political enemies in Washington's cabinet. The implication of treasonous, un-patriotic activity stung Randolph, whom Washington had known since Randolph was a boy and who had faithfully served Washington both personally and professionally for twenty years. Deeply offended by the assault on his integrity and personal honor, Edmund Randolph immediately announced his resignation as Secretary of State and left office the following day, ending a lifetime of public service to the Revolution, Virginia, the Continental Congress, and the first presidential cabinet.⁴ Edmund Randolph abruptly became the first political victim of the founding generation at a critical juncture for the early republic.

Edmund Randolph's abrupt resignation as Secretary of State implied to his political enemies that he was guilty of treasonable corruption with the French, without the benefit of a trial or even formal charges. The American memory has therefore marginalized Randolph's imbroglio as that of a corrupt public official caught in the act and dismissed in disgrace by Washington. But an analysis of the Randolph affair offers a valuable and much more complex insight into the early republic. Why did the British government provide their evidence implicating Randolph's corruption to George Washington's cabinet in the summer of 1795? What did Great Britain hope to gain? Was

⁴ Randolph, *A Vindication of Mr. Randolph's Resignation, 1795*, 5-8.

it as simple as an attempt to compel Washington to ratify Jay's Treaty over Randolph's objections, or is that a myth perpetuated by two centuries of inaccurate historiography?

Randolph's hastened departure from the cabinet may also explain why Washington was perceived as a Federalist himself after the Jay Treaty, forced from his preferred position above party faction. The Federalist members of Washington's cabinet were willing accomplices to the British scheme to remove Randolph, the only perceived Republican still in Washington's cabinet during a period of increasingly hostile political faction. As hard as Washington tried to remain "above the fray" between parties, Randolph's departure resulted in an all Federalist cabinet for the remainder of his administration with the attendant implication that Washington himself was a Federalist, rather than an isolated victim of political maneuvering. It is also possible to see the eighteenth century code of honor in American politics brilliantly displayed in the affair of honor initiated by George Washington at Randolph's interview.

The sequence of events leading up to that fateful moment was set in motion at least as early as October of 1794 when Secretary of State Randolph's conversations with the French minister to the United States, Joseph Fauchet, were reported to the French government by Fauchet via diplomatic dispatch.⁵ Fatefully, with England and France at war, the ship carrying the diplomatic pouch to France was intercepted by British cruisers in the Atlantic in March, 1795, and the captured dispatches were taken to London.⁶

⁵ Randolph, *Vindication*, 5-7; Conway, *Omitted Chapters of History Disclosed in the Life and papers of Edmund Randolph, Governor of Virginia; First Attorney General of the United States, Secretary of State*, 286-288; Reardon, *Edmund Randolph*, 306-312.

⁶ The French corvette *Jean Bart* was intercepted by the British man of war *Cerberus* on 28 March 1795 off Pesmarque according to Conway, *Omitted Chapters*, 270, and James Thomas Flexner, *Anguish and Farewell*, 224. John C. Miller, *The Federalist Era*, 169, claimed that it was the British H.M.S. *Africa* that searched the American Sloop *Peggy* in U.S. coastal waters and recovered the diplomatic pouch.

The captured French dispatches were forwarded in May, 1795, to George Hammond, the British minister to the United States, who received them in July just as the public response to Jay's Treaty was reaching a crescendo. In July 1795, Edmund Randolph was the only cabinet member who advised George Washington not to sign Jay's Treaty until the British government stopped seizing American shipping bound for revolutionary France under a renewed "provision order." Therefore the receipt of sensitive material which might embarrass Randolph, or help to "get him out of the way" was welcome and timely news for Great Britain.⁷

On 28 July 1795 George Hammond turned over the original French document to the Secretary of the Treasury, Oliver Wolcott, who immediately shared the news with fellow Federalist, Secretary of War Timothy Pickering. Together Wolcott and Pickering shared the dispatch with Attorney General William Bradford, leaving Randolph the only cabinet member unaware of the potentially incriminating communication.⁸

The original French document, Dispatch no. 10, was translated by Timothy Pickering who was not fluent in French and relied upon the aid of a dictionary. Pickering's transcription appeared to imply that Edmund Randolph had solicited money from the French government in exchange for information and influence within the cabinet during the Whiskey Rebellion the previous year. Dated 31 October 1794, while the militia was still on the march in western Pennsylvania to quell the Whiskey Rebellion,

⁷ Tachau, "George Washington and the Reputation of Edmund Randolph," 24.

⁸ Combs, *The Jay Treaty*, 167; Brant, "Edmund Randolph, Not Guilty!" 180; Conway, *Omitted Chapters of History*, 270.

the dispatch primarily focused on the “insurrection in the western counties,” and the federal government’s response.⁹

During the furtive communications between the British Foreign Ministry and the balance of the president’s cabinet, George Washington was at his home at Mt. Vernon. Washington returned to Philadelphia 11 August 1795 and dined with the secretary of state in the president’s quarters. During dinner Timothy Pickering called upon the president privately to tell Washington that he thought Randolph was a traitor. Pickering briefly described the contents of Fauchet’s letter and Wolcott supplied the president with the original document along with Pickering’s translation later that evening.¹⁰

Washington met with his cabinet as planned the next morning, 12 August 1795. Washington did not mention the French dispatch at all, but “unexpectedly asked his advisors for comments on the advisability of immediate approval of the treaty,” apparently reversing his previously stated position that he would not sign the treaty during the existence of the British provision order.¹¹ After a brief discussion, Washington shocked the cabinet by announcing that he would sign Jay’s Treaty immediately and instructed Edmund Randolph to prepare the treaty for exchange along with a memorial to the British government stating displeasure with the provision order, but not demanding its removal.¹²

The next six days were occupied with the administrative details of re-writing the memorial to be delivered to George Hammond before his impending departure for

⁹ Brant, “Not Guilty!” 183, 193; A complete translation of Dispatch no. 10 by Randolph is available in Reardon, *Randolph*, 371-380, as well as in Randolph, *Vindication*, 41-48. The French original can be found in Conway, *Omitted Chapters*, 272-281.

¹⁰ Flexner, *George Washington: Anguish and Farewell*, 224; Freeman (Carroll and Ashworth), *George Washington: First in Peace*, 280.

¹¹ Reardon, *Randolph*, 308.

¹² Freeman (Carroll and Ashworth), *First in Peace*, 286.

London. On 18 August 1795, George Washington signed Jay's Treaty exactly as recommended by the Senate. Washington then called a cabinet meeting for the following morning at nine o'clock and set in motion the ambush of Secretary of State Randolph.

On the morning of 19 August 1795, the president sent a messenger to the Secretary of State to inform him that the cabinet meeting had been postponed until half past ten. Upon his arrival at the president's office at the appointed hour Randolph noticed that Secretaries Wolcott and Pickering were already in a meeting with Washington and it did not take long for Randolph to recognize the impromptu tribunal. The president quickly came to the point and handed Randolph the original Dispatch no. 10, fifteen large pages in Fauchet's handwriting in French. Washington asked Randolph to read it and "make such explanations as you choose."¹³

Randolph read Dispatch no. 10 with only a few comments. The dispatch referred to conversations Randolph had with Fauchet during the previous summer concerning the Whiskey Rebellion, and therefore his recollection was not very reassuring. After Randolph's brief and awkward comments, President Washington asked Wolcott and Pickering if they had any questions, an action which confirmed to Randolph the tribunal nature of this interview. Washington then asked Randolph to step out of the room for a moment while he conferred (deliberated) with the other cabinet (jury) members.¹⁴

While Randolph was sequestered he reflected upon the surprising scenario. Randolph was convinced that he had already lost the trust and confidence of his lifelong mentor. Insulted by the accusation of wrongdoing, humiliated in front of social peers and subjected to questioning by lower cabinet members, Randolph became outraged.

¹³ Randolph, *Vindication*, 5, 6. Randolph conducted all of his correspondence with Fauchet in French and would have recognized Fauchet's handwriting, immediately identifying the dispatch as genuine.

¹⁴ Randolph, *Vindication*, 7.

Randolph's personal honor and integrity had been openly questioned, as well as his fidelity to the United States. After forty-five minutes, Washington called Randolph back into the room and asked him to make a written explanation of the contents of Dispatch no. 10. Randolph replied that he would comply with the president's request, but would find it difficult without the contents of Dispatches no. 3 and no. 6, which were referred to in Dispatch No. 10, but not made available at this inquiry.¹⁵ Randolph also announced that he "would not continue in the office [of Secretary of State] one second after such treatment." Randolph proceeded directly to the State Department where he ordered all of the offices locked and handed the keys to the chief clerk.¹⁶ George Washington had the resignation of his family friend and loyal servant of twenty years before noon the next day, unceremoniously ending the public service of a distinguished founding father.

Edmund Randolph devoted the next four months to clearing his name and reputation. Randolph proceeded just as one would expect from a successful lawyer; he set out to collect evidence and built a case for his defense. Randolph immediately sought out Joseph Fauchet as he prepared to return to France and asked for a written affidavit clarifying the contents of the dispatches and disabusing the notion that Randolph had acted improperly. Fauchet and his successor, Peter Adet, each cooperated with Randolph and provided him with sound endorsements as well as the pertinent abstracts of the missing dispatches no. 3 and no. 6. George Washington made every piece of correspondence between the two men, both private and official, available to Randolph

¹⁵ Combs, "The Randolph Affair," in *The Jay Treaty*, 193-196. Combs introduced new evidence that proved- dispatches no. 3 and no. 6 were not available to the British government or Washington's cabinet in 1795, belying previous suspicions that they had been withheld intentionally to cloud Randolph's case.

¹⁶ Randolph, *Vindication*, 8; Freeman (Carroll and Ashworth), *First in Peace*, 296.

and gave him permission to publish anything that might prove helpful, which he did.¹⁷

The product of Randolph's labor was a one-hundred and five page pamphlet entitled, *A Vindication of Mr. Randolph's Resignation*, released to the public in December 1795.

The contents of Dispatch no. 10 itself had been withheld from the public under Washington's injunction at Randolph's request while Randolph assembled his pamphlet. Therefore it was not until December of 1795 that Dispatch no. 10 appeared in print in its entirety in Randolph's *Vindication*. Fauchet's October, 1794, dispatch had been written to inform the new, post Jacobin government of France of the current state of affairs in the United States. Maximilien Robespierre, Fauchet's political sponsor, had recently met the guillotine as power once again shifted in revolutionary France. Fauchet's lengthy dispatch was therefore likely meant to be more than simply informative; it was an effort to impress his new masters and secure his own uncertain future.¹⁸

Fauchet's dispatch was dedicated to the Whiskey Rebellion; "the insurrection of the western counties and the repressive means adopted by the government," as well as the widening partisan chasm in American politics during his tenure 1793-1794. The opening paragraph of Dispatch no. 10 credited Edmund Randolph as an honest, reliable source of information as Fauchet observed that "the precious confessions of Mr. Randolph alone throw a satisfactory light upon everything that comes to pass." Fauchet recognized that

¹⁷ George Washington to Edmund Randolph, Philadelphia, 21 October 1795, in Randolph *Vindication*, 25.

¹⁸ Several historians have observed Fauchet's precarious political position. For example, Tachau noted that Fauchet, a political appointee of revolutionary France's Jacobin government had arrived in Philadelphia in 1794 with an arrest warrant for his Girondist predecessor, Citizen Genet. Genet's return to France would have almost certainly assured him the same fate at the guillotine as his Girondist compatriots, and was provided political asylum by George Washington. Fauchet's Jacobin party met the guillotine during the summer of 1794, which made Fauchet's future with regard to his native land, and its newest government under the Directory, uncertain. Palmer, *The Age of Democratic Revolution: A Political History of Europe and America, 1760-1800*. Vol. 2, *The Struggle*, 110-129; Tachau, "Washington and Randolph," 18; Flexner, *Anguish and Farewell*, 128.

the “crisis” which faced the federal government in 1794 over the insurrection was not simply a “question of the excise,” but a more complex manifestation of party politics. Fauchet then provided his government with a detailed description of the “federalists and anti-federalists” as he attempted to explain their ideological and political differences. Fauchet was particularly harsh in his description of Alexander Hamilton as a “stockjobber,” and “monarchist,” as he railed against Hamilton’s system of finance, which he claimed required “immoral and impolitic means of taxation,” that had become “the principal complaint of the western people.”¹⁹

Fauchet’s Dispatch no. 10 correctly identified Spain’s closure of the Mississippi to American navigation after the treaties of 1783 as a perpetual source of western discontent with the eastern government. Fauchet also noted the complexity of westward settlement and the need for a government presence in the western territories to regulate and legitimize land sales. Dispatch no. 10 claimed that throughout 1793 and 1794 the “decrepit state of affairs” between the needs of the western people and the actions of the eastern government “could not but presage either a revolution or a civil war.”²⁰

Dispatch no. 10 referred to a previous Dispatch no. 3 that documented an earlier conversation with the Secretary of State about the implementation of “coercive measures,” to collect the excise tax. Fauchet believed that the federal government, at Hamilton’s direction, may have intentionally provoked the rebellion to provide an excuse for introducing harsh laws and further subordinating the states to federal power. As evidence of his theory Fauchet quoted Randolph as having told him that, “under the pretext of giving energy to the government, [Hamilton’s plan] was intended to introduce

¹⁹ Joseph Fauchet, Dispatch no. 10 to the Commissioner of Foreign Relations [France], Philadelphia, 31 October 1794, in Randolph, *Vindication*, 41-48. Hereafter referred to as Fauchet, Dispatch no. 10.

²⁰ Fauchet, Dispatch no. 10, para. 10-13.

absolute power and to mislead the President in paths that would lead him to unpopularity.” Fauchet blamed Hamilton for the raising of an army to suppress the citizens of the United States, while he noted that the more peaceful tactic of first sending commissioners to assess the situation was clearly “due to the influence of Mr. Randolph over the mind of the President.”²¹

The most damaging paragraph in Dispatch no. 10 for Edmund Randolph came when Fauchet stated that on 5 August 1794, as the cabinet debated the use of force to quell the rebellion, “Mr. Randolph came to see me with an air of great eagerness, and made overtures of which I have given you an account in my No. 6. Thus with some thousands of dollars the [French] Republic could have decided upon civil war or peace! Thus the consciences of the pretended patriots of America have already their price.” Without further explanation of the “overtures” of Dispatch no. 6 the implication of this passage to Randolph’s enemies was that Randolph “had a price” and had solicited money from Fauchet for his “influence over the mind of the President.”²²

Randolph published Dispatch no. 6 in his *Vindication* along with Fauchet’s explanation of the “overtures,” referred to in no. 10. In the summer of 1794 Randolph suspected a British subterfuge to foment the rebellion in the Western Counties, just as they were supporting and arming the Native Americans in the Old Northwest prior to the Battle of Fallen Timbers in late August. Randolph strongly believed that if British involvement with the Whiskey Rebellion could be definitively proven, just as their support of the Native Americans had been proven in the spring, support for the Whiskey Rebellion would diminish in a similar wave of resentment and anti-British sentiment

²¹ Ibid., para 14, 15.

²² Fauchet, Dispatch no. 10, para. 16.

obviating the need for federal force and what Randolph perceived as the threat of civil war. Randolph apparently had a lead on actionable intelligence of British involvement and sought Fauchet's assistance in obtaining it.²³

Dispatch no. 6 described four flour merchants who Randolph thought could provide the evidence he needed, but feared financial reprisal or debtor's prison from British merchants to whom they ran in debt. Randolph sought Fauchet's assistance as a purchasing agent of the French government to relieve the flour merchants' debt to the British by advancing them funds on existing flour contracts with France. An advance of funds under existing contracts would have been less conspicuous than relief overtly provided by the U.S. government to purchase information, and as the funds were merely an advance for goods already purchased, they could not be characterized as a bribe. Fauchet explained that he was unable to provide the funds simply because he did not have them, but was disappointed to think that American citizens would have to be paid for helping their country avoid civil war, which led him to conclude that "with some thousands of dollars" advanced to the potential informants, "the [French] Republic could have decided upon civil war or peace," if they could have afforded it, and that the "consciences of the pretended patriots of America have already their price."²⁴ The flour merchants were never named, but apparently Fauchet was correct; without financial assistance they did not provide Randolph with the evidence he sought to prove British involvement with the Whiskey Rebellion.²⁵

²³ Fauchet, Dispatch no. 6, in Randolph, *Vindication*, 18, hereafter referred to as Fauchet, Dispatch no. 6; Randolph, *Vindication*, 82-88.

²⁴ Fauchet "Certificate" in Randolph, *Vindication*, 15, 16; Fauchet, Dispatch no. 6.

²⁵ Brandt, "Edmund Randolph, Not Guilty!" offers the most detailed account of the flour merchant scheme.

The remainder of Dispatch no. 10 painted a rather dismal picture of a disorderly militia unwillingly called into action to suppress fellow citizens. Fauchet noted the impropriety in the symbolism of the Secretary of Treasury marching at the head of the militia, “intimidating his enemies with force,” a popular contemporary opinion as well as that of modern historians. Fauchet also echoed another popular suspicion that the debt incurred to raise the militia was another scheme of Hamilton’s for subjugating the states to the federal government and enforcing his finance system.²⁶

Dispatch no. 10 alone did not offer any specifics about how “some thousands of dollars,” would have been used to influence civil war or peace. There was no mention of who asked for any money, who received any money, or how the funds would be used, and certainly no mention that Randolph had personally asked for money from the French Republic. The lack of substance did not prevent Randolph’s political enemies from alleging that Randolph may have asked for a bribe in exchange for state secrets or Randolph’s “influence over the mind of the President.” The implication that Edmund Randolph had sold his influence as the Secretary of State to a foreign government would not have met the new constitution’s narrow definition of treason, but if true would have qualified as “treasonable corruption.”²⁷ Randolph never faced formal charges of treasonous activity and returned to practicing law in Virginia until he passed away in relative obscurity in 1813.²⁸

The historiography of Edmund Randolph’s imbroglio has shaped the American memory of Randolph and has kept him on the margins of the American past. The historiography begins with Randolph’s own *Vindication* in December 1795. Although it

²⁶ Fauchet, Dispatch no. 10, para. 19-23.

²⁷ Brant, “Not Guilty,” 180.

²⁸ Reardon, *Edmund Randolph*, 359-365.

was poorly received at the time, it remains a wealth of documentary evidence and a narrative description of the events of 19 August 1795. Later accounts have provided embellished versions of the events and several writers have critiqued Randolph's arguments, though it is notable that no author has ever refuted Randolph's facts. Even George Washington, though publicly embarrassed by the pamphlet, never disputed the accuracy of its contents.²⁹

Randolph's *Vindication* was immediately answered by the famous federalist pen of *Peter Porcupine*, who delivered his "New Year's Gift to the Democrats; or, Observations on a Pamphlet Entitled, 'A Vindication of Mr. Randolph's Resignation.'"³⁰ *Peter Porcupine* dissected *Vindication* page by page, concluding that Randolph must have been guilty or he would not have gone to such extremes to prove his innocence. Randolph responded with an anonymous publication of "Political Truths"³¹ to amplify his *Vindication* and answer *Peter Porcupine*, but the entire volley of words was buried by the more pressing national debate over Jay's Treaty which dominated national politics in early 1796 as it headed to the House of Representatives for funding.

Edmund Randolph's significant contributions to the independence of the United States and the creation of the early republic were swept into obscurity and nearly written out of history from the start. Randolph's severed relations with Washington assured his fate as an outcast throughout the remainder of the Federalist Era and his Federalist antagonists were eager to keep Randolph out of the picture. Early nineteenth-century

²⁹ Conway, *Omitted Chapters*, 347.

³⁰ *Peter Porcupine* [William Cobbett], "A New Year's Gift to the Democrats; or, Observations on a Pamphlet Entitled, 'A Vindication of Mr. Randolph's Resignation.'"

³¹ [Edmund Randolph], "Political Truth: or, Animadversions on the Present State of Public Affairs; With an Inquiry into the Truth of the Charges Preferred Against Mr. Randolph."

Federalist biographers and historians perpetuated the assumption of Randolph's guilt, and according to Irving Brandt, "once he had been found guilty, his federalist accusers had to keep him so." Brandt cited biographies of Wolcott, Pickering and Hamilton, each written by family members or descendants in the mid 1800's, that convicted Randolph and went out of their way to prove it based largely on the recollections of Randolph's political enemies. Only Randolph's grandson, Peter V. Daniel Jr., defended his memory in 1855 with a reproduction of *A Vindication of Mr. Randolph's Resignation* under a new title; *A Vindication of Edmund Randolph*. The subtle change in the title shifted the emphasis from a vindication of Randolph's resignation to a vindication of the man. Daniel noted that because Randolph passed away as an outcast with little means, his personal papers and correspondence had not been preserved for future generations, frustrating any historian attempting to recreate Randolph's story.³²

Randolph's biographers have generally defended Randolph. In 1888, Moncure Daniel Conway incorporated volumes of written documentation to portray what was until then an almost untold story; *Omitted Chapters of History Disclosed in the Life and Papers of Edmund Randolph, Governor of Virginia; First Attorney General of the United States, Secretary of State*. Conway used the few remaining papers of Randolph with those of his more famous and therefore better preserved friends and colleagues to highlight Randolph's contributions to Virginia and the United States. Conway argued strenuously for Randolph's innocence and believed that Washington knew it, yet *Omitted Chapters* remains a wealth of objective documentary evidence, and was the only positive original work written about Randolph in the nineteenth-century.³³ Edmund Randolph's

³² Brandt, "Not Guilty," 189; Peter V. Daniel Jr., ed., *A Vindication of Edmund Randolph*, vii.

³³ Conway, *Omitted Chapters*; Worthington Chauncey Ford, *The Writings of Washington*.

diminished place in the American memory merited only one biographer in the twentieth-century. John J. Reardon, *Edmund Randolph: A Biography*, humanized Randolph for the first time and portrayed him as a patriot, a prominent attorney, a successful politician, a loyal servant to George Washington, and above all a man of integrity. As with Conway, Reardon concluded that Edmund Randolph could not have been guilty of treasonous corruption with the French minister and was the victim of political forces. Randolph's *Vindication* combined with his life story becomes a convincing argument for Randolph's innocence.

The history of Jay's Treaty is forever intertwined with the fate of Edmund Randolph because Dispatch No. 10 was produced by the British Government just as Jay's Treaty lay upon Washington's desk for signature, seemingly meant to discredit the only cabinet member who advised against ratification in July of 1795. Yet Samuel Flag Bemis' progressive era work, *Jay's Treaty: A Study in Commerce and Diplomacy*, which stood as the definitive standard on Jay's Treaty for the first half of the twentieth-century, focused entirely on the more famous, and therefore better documented, Secretary of Treasury Alexander Hamilton, as though he had been the Secretary of State. Bemis chose to completely discount the involvement of Secretary of State Randolph in the negotiation of Jay's Treaty and further removed Randolph from the American past.

Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers*, similarly dismissed Secretary of State Randolph's contributions to international treaty negotiations while focusing on Hamilton, doing further disservice to Randolph's role in the early republic. Todd Estes 2006 political history of *The Jay Treaty Debate, Public Opinion and the Evolution of Early American Political Culture*, quite reasonably stated

that the “Randolph affair would not be addressed as it has its own historians,”³⁴ and went on to discuss Federalist Era Politics as though Edmund Randolph did not exist. Estes’ intentional omission of Edmund Randolph from a recent history of the early republic epitomizes the trend of dismissing Edmund Randolph from the American memory.

Randolph’s forced resignation also belongs to the history of the Whiskey Rebellion because the contents of Fauchet’s dispatches and Randolph’s *Vindication* reveal Randolph’s suspicions of British interference in the Western Counties and his attempts to obtain evidence to prove it. Yet Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution*, appropriately concluded with the return of the militia from the Western Counties of Pennsylvania in December 1794, long before Randolph’s ambush. Slaughter only referred to Randolph’s incident in his conclusion and repeated the suspicion of guilt, though offered no opinion of Randolph. William Hogeland, *The Whiskey Rebellion: George Washington, Alexander Hamilton, and the Frontier Rebels who Challenged America’s Newfound Sovereignty*, nearly omitted Edmund Randolph entirely and made no mention of the affair.

Washington’s biographers have tended to marginalize Randolph. John Alexander Carroll and Mary Wells Ashworth completed Douglas Southall Freeman’s extensive biography of Washington in 1957 with the final volume, *First in Peace*. Although Carroll and Ashworth acknowledged that previous evidence suggested Randolph was probably not guilty of any corruption, they concluded that Washington himself was convinced from the interview of 19 August that Randolph was in fact guilty, continuing the trend to reinforce Randolph’s guilt. James Thomas Flexner built upon the work of Freeman, Carroll and Ashworth in 1969 with his four volume biography of George Washington.

³⁴ Estes, *The Jay Treaty Debate*, 13.

The final volume, *George Washington: Anguish and Farewell, 1793-1799*, portrayed Randolph as a minor character in Washington's administration and similarly concluded that Washington personally judged Randolph as guilty, although Flexner acknowledged the scholarship of Conway and Irving Brandt which suggested his innocence.³⁵

Irving Brandt offered the first twentieth-century defense of Edmund Randolph in 1950 with "Edmund Randolph, Not Guilty!" Brandt closely examined the evidence against Randolph and concluded that besides the malevolence of Wolcott and Pickering, Randolph was also a victim of poor translations of the original materials. Brandt faulted Pickering's amateur translation of no. 10 with the aid of a dictionary, but noted that Randolph had also used a flawed translation provided by George Taylor, the chief clerk of the State Department, in his own *Vindication* despite his ability to have translated the document himself.³⁶ Brandt's explanation of the three dispatches, combined with other contemporary evidence, produced a narrative of Randolph's attempts to use the French minister to leverage information from the Pennsylvania flour merchants about subversive British involvement with the 1794 insurrections in the Western Counties leading up to the Whiskey Rebellion.

Mary K. Bonsteel Tachau, "George Washington and the Reputation of Edmund Randolph," was the only other twentieth-century defense of Edmund Randolph. Tachau acknowledged Brandt's earlier defense based upon translation errors, but made her

³⁵ Flexner, *Anguish and Farewell*, 138, 241.

³⁶ Irving Brandt, "Not Guilty!" 193, 196 and 190. Brandt noted that Randolph was conversant in French and had conducted all of his business with Fauchet, who did not speak English, in French. Moncure Daniel Conway observed that Randolph was so familiar with the French language that during his service in the Continental Congress "the communications from France and other European Countries [were] largely trusted to him," and noted that in meetings between George Washington and the French Minister, Edmund Randolph was their translator. Conway, *Omitted Chapters*, 43, 238. Randolph read the original Dispatch no. 10 during his ambush in Fauchet's hand in French. Edmund Randolph did not need to rely upon others for translation, but may have been attempting to utilize them as an objective third party.

argument based upon the contents of Dispatch no. 10 and claimed that Washington's actual fault with Randolph was not over the fact that he had communicated with Fauchet, but that the details of Dispatch no. 10 portrayed his administration in such a poor light regarding the handling of the Whiskey Rebellion and the increasing hostility of American partisan politics. Even though Tachau believed that Randolph was innocent of all allegations except poor judgment, she believed that Randolph's downfall was his publication of *Vindication*, which was such a "harmful diatribe lashing out against Washington," that "Washington was left no room to forgive or rehabilitate Randolph's reputation even if Washington had believed he was innocent."³⁷

The trajectory of this historiography over time has increasingly introduced factual information suggesting or proving Edmund Randolph's innocence. Yet even as historians have increasingly acknowledged Randolph's innocence, Randolph's role in the early republic continues to be marginalized to the point of omission. Two-hundred years after the fact we can now analyze the volumes of documentation and interpretations of this event without the partisan bias with which it began. It is now possible to synthesize the work done by researchers in various aspects of the Federalist Era and address Randolph's resignation as more than an embarrassing side-bar or footnote to history.

Placing the Randolph affair in context with the events of the Early Republic reveals that Edmund Randolph was not the only victim of this tragic episode. The British Foreign Office identified Edmund Randolph as an impediment to British activities in North America after the Battle of Fallen Timbers in 1794, and formulated a plan to remove the Secretary of State from office almost a year prior to his ambush and resignation. Regardless of Randolph's guilt or innocence with respect to the contents of

³⁷ Tachau, "Washington and Randolph," 32-35.

Dispatch no. 10, a foreign government formulated and successfully executed a plan to remove a cabinet level official from office. The composition of the United States government was manipulated by a foreign power attempting to advance its own agenda in North America.

Great Britain's actual goal to remove Randolph from office has been obscured because the weapon the British Foreign Office used to expel Randolph from George Washington's cabinet has been widely misinterpreted. Edmund Randolph himself incorrectly assumed that the revelation of Dispatch no. 10 while Jay's Treaty awaited the president's signature was meant to compel Washington's ratification over Randolph's objections. Histories of the Federalist Era, Jay's Treaty, Washington's biographers and Randolph's defenders have repeated Randolph's own belief that Washington's "immediate ratification of Jay's Treaty was a direct result of Washington's receipt of Dispatch no. 10 and his sudden loss of faith in [Randolph]."³⁸ These assumptions overlook Washington's own words and clearly stated intentions as well as the agenda of British Foreign Ministry. The president's decision to sign Jay's Treaty was a deliberate act which followed seven weeks of deliberation. The presentation of Dispatch no. 10 the night before Washington's planned announcement of his decision to sign Jay's Treaty was a coincidence of timing that gave the appearance of an "immediate decision," and created the illusion that these two distinctly separate events were related. The British revelation of Dispatch no. 10 was never intended to influence the ratification of Jay's Treaty and the presumption that it caused Washington to sign the treaty is a myth.

Historians have frequently impressed modern conventions of professional public service upon the Randolph affair, which has led to an incorrect popular twentieth-century

³⁸ Randolph, *Vindication*, 34-40, 53.

assumption that Randolph left office in disgrace. The subtleties of honor were easily understood as a common language to the founding generation, but have been largely omitted from most histories of the early republic. Recent work in the eighteenth-century code of honor in American politics has enabled this study to place the events surrounding Edmund Randolph's political assassination into the framework of an affair of honor. Every action of George Washington and Edmund Randolph from the ambush at the cabinet meeting to Randolph's one-hundred and five page *Vindication* followed the ritual and language of the code of honor. It is now possible to demonstrate that George Washington, the President of the United States, was actively engaged in an affair of honor with his Secretary of State, for purely personal, yet un-selfish reasons. It is also now possible to show that Edmund Randolph's reputation was not devastated by his resignation and that his *Vindication* was actually quite successful, contrary to all existing accounts.

Edmund Randolph appears to be the major casualty in the scheme to publicly humiliate him; however, Washington's biographers have also alluded to the personal loss Washington endured and the sense of betrayal he suffered. It is possible that George Washington was the biggest loser in the Randolph affair. A plan orchestrated by the British government and facilitated by political faction removed the last of Washington's trusted "family" of advisors from his service at a time when he could least afford it. After Randolph's resignation Washington struggled to fill several vacancies in the government as Jay's Treaty headed for a significant constitutional challenge amidst calls for Washington's own impeachment.³⁹ Randolph would not likely have ever abandoned his idol in such a crisis, but his forced removal left Washington alone to face an increasingly

³⁹ Miller, *The Federalist Era, 1789-1801*, 172-175, 233.

hostile and confusing political scene. When placed within the context of the events of the early republic, the political assassination of Edmund Randolph is much less about Edmund Randolph and more about foreign affairs, domestic politics, and the political isolation of George Washington.

Chapter I

Edmund Randolph and the Wrath of the British Empire

International diplomacy was not unknown to the founding generation. The very question of declaring independence in 1776 was itself tied to the need to attract foreign assistance for the conflict with Great Britain.¹ However, during Washington's second administration the United States' less than twenty-years of experience in foreign affairs paled in comparison to the ancient histories of foreign intrigue studied and perfected by the imperial powers competing for the North American continent. Therefore it is not surprising that the British Foreign Ministry so easily formulated a plan to remove a cabinet official whom they considered an impediment to British foreign policy objectives and that the fledgling U.S. government was so easily manipulated. With Edmund Randolph's forced resignation the British government succeeded in dictating the composition of George Washington's presidential cabinet to suit their own objectives in North America.

Edmund Randolph incurred the wrath of the British Empire shortly after he became Secretary of State, long before Dispatch no. 10 was even written. Randolph's diplomatic maneuvering with Great Britain during 1794, combined with General Anthony Wayne's military triumph at the Battle of Fallen Timbers in August, 1794, to shatter the British-Indian alliance in North America, just as John Jay and the British Secretary for Foreign Affairs, Lord Grenville, were negotiating the "Treaty of Amity, Commerce and Navigation" in London. Secretary of State Randolph's dynamic and firm

¹ Hendrickson, *Peace Pact: The Lost World of the American Founding*, 123, 124.

diplomacy in defense of American sovereignty supported by a credible U.S. military presence operating in the Ohio Valley to enforce the will of the federal government compelled Lord Grenville and the British Foreign Ministry to acknowledge the United States on the most equal terms since American independence. Frustrated by the Secretary of State's successful assertion of U.S. sovereignty as an equal state and the loss of control over the interior of the North American continent, Lord Grenville determined immediately after Jay's Treaty was signed in November, 1794, that because of Randolph's perceived anti-British behavior, he must be removed from a position of influence within the government. On 20 November 1794, the day after Jay's Treaty was signed, Lord Grenville specifically instructed George Hammond via diplomatic dispatch to "converse confidentially with those persons in America who are friends," to accomplish that goal.²

Six months before the British government came into possession of Dispatch no. 10 and nearly a year before Washington's ratification of Jay's Treaty was even in question, the outmaneuvered and frustrated British Foreign Ministry determined to find a way to get Edmund Randolph out of a position of influence. Dispatch no. 10 was simply a weapon of opportunity employed to accomplish that goal and the release of Dispatch no. 10 by the British Foreign Ministry to men known to be opposed to Randolph was undoubtedly meant to discredit or even ruin Edmund Randolph. However, George Hammond's receipt of the dispatch in July, 1795, during George Washington's deliberation over the ratification of Jay's Treaty was merely a fortuitous coincidence of timing which has led historians to incorrectly link the two events ever since.

² Lord Grenville to George Hammond, London, 20 November 1794, in Conway, *Omitted Chapters of History Disclosed in the Life and papers of Edmund Randolph, Governor of Virginia; First Attorney General of the United States, Secretary of State*, 290- 292.

The Definitive Treaty of Peace in 1783 did little for the United States other than acknowledge independence and separation from the British Empire. During the critical period between the peace of 1783, and the creation of the federal government in 1789, prospects for the union were so faltering and uncertain that the imperial powers of Europe with claims in North America saw the inchoate republic as weak and potentially easy prey. Although the union was strengthened by Washington's leadership and the new federal government, imperial Atlantic powers did not cease in their attempts to expand their own claims in North America or to break up the union in hopes of ceding new territory.³

Key components of the British plans for North America were seven forts in U.S. territory, according to the Definitive Treaty of Peace of 1783, that were occupied by the British military at the end of the Revolutionary War but not surrendered. Their strategic locations along the St. Lawrence River, Lake Champlain and the choke points between the Great Lakes made them invaluable to controlling navigation between the Atlantic Ocean and the interior of North America (see figure 1.1).

³ Bemis, "The Neutral Indian Barrier State Project," in *Jay's Treaty: A Study in Diplomacy and Commerce*, 147-182; Combs, *The Jay Treaty: Political Battleground of the Founding Fathers*, 3-15; Weber, *The Spanish Frontier in North America*, 279-289; Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution*.

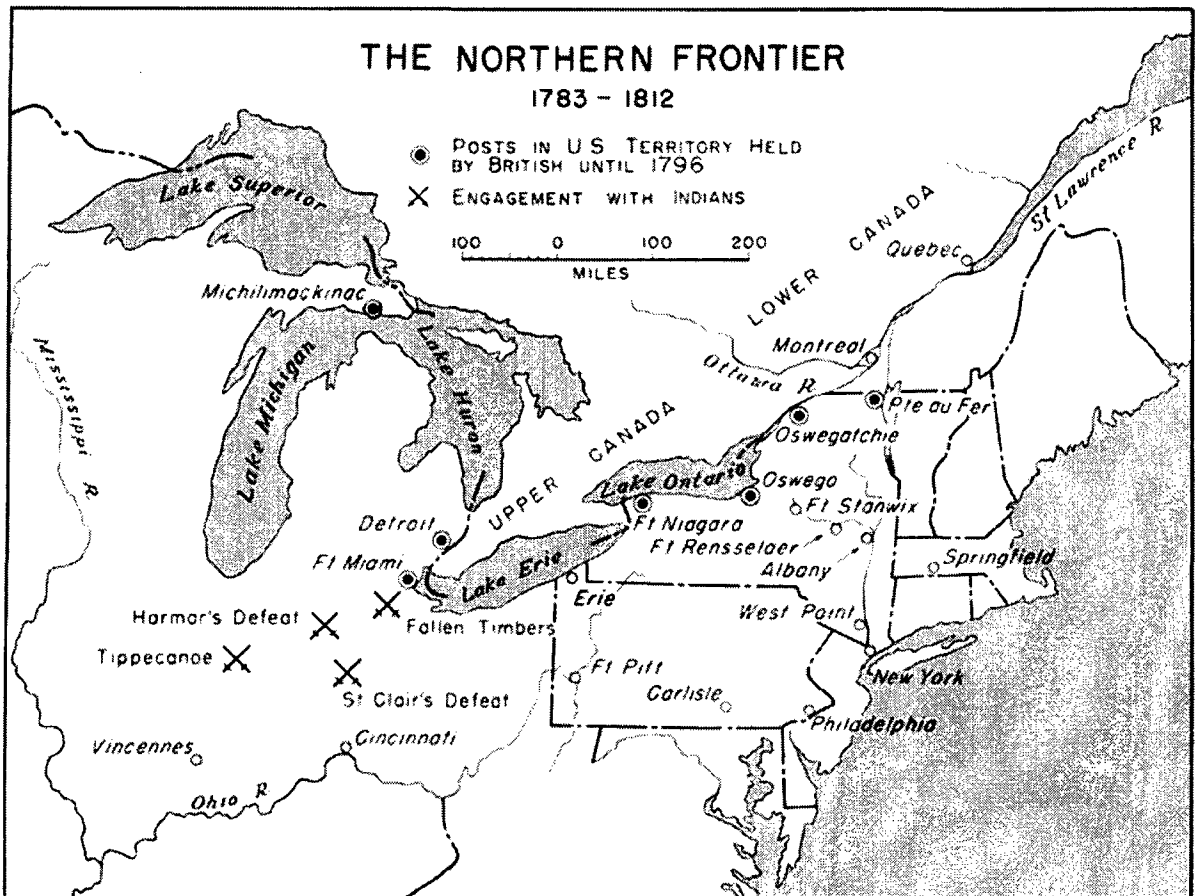


Figure 1.1 The Posts of the Old Northwest.

Courtesy of the University of Texas Libraries, The University of Texas at Austin

http://www.lib.utexas.edu/maps/historical/n_frontier_1783-1812.jpg

Forts Point-au-Fer and Dutchman's Point (not depicted) on Lake Champlain, NY.

Fort Oswegatchie at present day Ogdensburg, NY.

Fort Ontario in Oswego, NY. (also known as Ft. George)

Fort Niagara at the northeast entrance to the Niagara River, NY.

Fort Detroit along the west bank of the Detroit River at present day Detroit, MI.

Fort Miamis on the Maumee River in Toledo was manned in 1794-1796 and was not one of the forts garrisoned at the end of the Revolutionary War.

Michilimacina on Mackinac Island on northern Lake Michigan.

The traditional term "Posts of the Old Northwest" is a misnomer, as only Forts Detroit and Michilimacina lie northwest of the Ohio River. Five of the original eight forts were in well established territory defined as New York.⁴

⁴ Bemis, *Jay's Treaty*, 3; New York State Military Museums; Michigan State Library; "The Definitive Treaty Between Great Britain and the United States of America, Paris, 1783."

As early as April, 1784, the British Secretary for Home Affairs, Lord Sydney, formally established Great Britain's policy of continued occupation when he informed the Governor General of Canada that "there was no need to evacuate the posts," citing U.S. non-compliance with the treaty of 1783, specifically unsettled pre-war debts and the treatment of loyalists as his rationale.⁵ The continued British occupation of military forts within U.S. territory long after the Revolutionary War was evidence to some that "the war did not end at Yorktown."⁶

Great Britain operated the posts of the Old Northwest without any change in the status quo throughout the critical period between independence and the implementation of the federal government. The occupied forts quickly became international pawns during George Washington's first year as president when Spain seized three English ships in Nootka Sound on the northwest coast of North America during the summer of 1789. The clash between Spain and England sparked diplomatic tension which threatened war in Europe as imperial powers competed for control of the west coast of North America.⁷ In 1790, Spain appealed to France, its traditional ally, for support in its claim. Great Britain was wary of a Franco-Iberian alliance which may have found support from the United States, as France was the only Atlantic nation with a diplomatic relationship to the United States in 1790, and still maintained the Treaty of Alliance of 1778. Great Britain therefore contemplated surrendering its contentious posts in United States' territory to secure U.S. neutrality.⁸

⁵ Combs, *The Jay Treaty*, 11.

⁶ Johnson, "The War Did Not End at Yorktown."

⁷ Evans, "The Nootka Sound Controversy in Anglo-French Diplomacy- 1790," 611.

⁸ Evans, "The Nootka Sound Controversy," 613; Combs, *The Jay Treaty*, 91.

France was unable to offer any assistance to Spain as it was consumed with increasing internal tension and its own revolution. Spain, unable to secure French support, was forced to back away from its claim over Nootka Sound in July, 1790, removing the threat of war along with any incentive for Great Britain to give up their forts in U.S. territory in 1790.⁹ The Nootka Sound controversy set an important precedent for the Atlantic balance of power in North America. Great Britain had considered appeasing the United States to preclude a possible alliance with Spain or from exercising its existing alliance with France, an acknowledgement of the United States' strategic location directly between Spanish Louisiana and British Canada.

Lord Hawkesbury and the British Committee of Trade established a policy in 1790 that stated "only Great Britain should have the right to navigate the St. Lawrence or the Great Lakes." Great Britain recognized the value of an economic dependence on British products which could be created in the interior of the continent by controlling the major inland waterways of the Ohio and Mississippi Rivers.¹⁰ Samuel Flagg Bemis' economic study of Jay's Treaty revealed the British master plan to continue to foster their alliance with the Indians of the Old Northwest and eventually create an "Indian Country" situated between the Ohio River and the Canadian border that would serve as a buffer between the rapidly expanding United States and potential British control of the interior of the continent.¹¹ When Great Britain finally established diplomatic relations with the United States in 1791, Lord Grenville and the Foreign Ministry endorsed Lord

⁹ Evans, "The Nootka Sound Controversy," 621; Combs, *The Jay Treaty*, 94; Bemis, *Jay's Treaty*, 83; Elkins and McKittrick, *The Age of Federalism*, 250; Weber, *The Spanish Frontier*, 285.

¹⁰ Combs, *The Jay Treaty*, 92, 93.

¹¹ Bemis, "The Neutral Indian Barrier State Project," in *Jay's Treaty*, 147-182.

Hawkesbury's instructions to George Hammond to champion British economic plans for North America.¹²

Historians of the Whiskey Rebellion, such as Thomas P. Slaughter, have focused on alternative schemes of containment by focusing on British and Spanish attempts to draw settlers west of the Appalachians into their empires through secession from the eastern states or by fomenting civil war.¹³ The cooperation of the Indian nations and the British-Indian alliance was equally important to both of these plans. Frontier harassment of settlers and the denial of navigation on the Mississippi and the Ohio Rivers fostered disaffection west of the Appalachians with an eastern government that was unable or unwilling to offer protection or meet the needs of its citizens.¹⁴ Maintaining control of the posts of the Old Northwest was essential to establishing British hegemony in North America and containing the United States east of the Appalachians, or at least southeast of the Ohio River Valley. A strong British-Indian alliance provided a surrogate military force multiplier for Great Britain, which was vital for the protection of the posts and therefore the control of the interior of the continent.

George Washington and the founding generation may not have known the extent of Great Britain's plans to continue to expand its control within North America, but they were well aware of the British-Indian alliance and the implications of British interference with the Indian nations on the western frontier. Ironically, Washington began his military career in 1753 by scouting in the Ohio Valley and reporting incursions of the French

¹² Elkins and McKittrick, 244; Combs, *The Jay Treaty*, 90. George Hammond arrived in Philadelphia as the first British Minister to the United States in October 1791.

¹³ Slaughter, *The Whiskey Rebellion*, 171.

¹⁴ Slaughter, *The Whiskey Rebellion*, 110, 120; Tachau, "George Washington and the Reputation of Edmund Randolph," 19.

from the north into territory claimed by the British crown.¹⁵ At the conclusion of the Seven Years' War the founding generation witnessed as the British supplanted the French in Canada and assumed their alliance with the Indian nations.

Only a decade later, Washington, Knox, Hamilton and the Continental Army fought the resultant British-Indian alliance along the northwest border during the Revolutionary War.¹⁶ The Old Northwest was still Virginia territory during the Revolutionary War; therefore its defense had been the responsibility of Governor Thomas Jefferson (1779-1781), whose attorney general was Edmund Randolph (1776-1786). Randolph later served as governor of Virginia (1786-1788) and supervised the cession of the Old Northwest from the Virginia Charter to the new United States under the Northwest Ordinance. All of Washington's original cabinet members had extensive personal experience with the Old Northwest and were intimately familiar with the deleterious impact of the British-Indian alliance along the frontier as well as the significance of the occupied British forts within U.S. territory.

Upon entering office President Washington and Secretary of War Henry Knox immediately made it a priority to suppress the Indian resistance to westward expansion and to break the British-Indian alliance within U.S. territory. Washington and Knox's earliest efforts in the Old Northwest were failures. Brigadier General Josiah Harmar's campaign of 1790 ended after only one engagement with Harmar's entire small undisciplined force scattered and disbanded. Major General Arthur St. Clair's expedition of 1791 was hastily assembled and just as poorly trained as Harmar's troops. On 4 November 1791, St. Clair's expedition was attacked along the banks of the Wabash River

¹⁵ Longmore, *The Invention of George Washington*, 17-20.

¹⁶ Johnson, "The War Did Not End at Yorktown," 445, 446.

less than one-hundred miles north of the Ohio River and completely routed with a tremendous loss of life.¹⁷

Each successive defeat of U.S. arms further strengthened the British-Indian alliance and emboldened Indian resolve in the Old Northwest, placing western settlers in increasing danger while intensifying the pressure on the eastern government to protect its citizens.¹⁸ In the spring of 1792 George Washington called upon Major General Anthony Wayne to quell the Indians of the Old Northwest and “bring them to peace,” as he petitioned congress to establish and fund a federal army. In December, 1792, the United States’ congress established the Legion of the United States, the first standing army of the early republic.¹⁹ Unlike previous expeditions, General Wayne spent nearly a year assembling men and supplies while vigorously training in Indian tactics and guerilla warfare on the Ohio River just south of Pittsburgh. In the spring of 1793 Wayne’s well prepared legion resolutely started down the Ohio River with a force of over 2,000 regulars.²⁰

Until the summer of 1793 the power of the Indian Confederacy and the inability of the United States to mount a credible campaign to deter it also emboldened Great Britain’s plans for the interior of North America. Lord Grenville and the British Foreign Ministry were encouraged by the news of St. Clair’s disastrous defeat and believed that the Americans would be more inclined to accept British negotiations for their proposed barrier state in the Old Northwest. Grenville therefore instructed George Hammond to

¹⁷ Johnson, “The War Did Not End at Yorktown,” 451; Bemis, *Jay’s Treaty*, 153, 154.

¹⁸ Slaughter, *Whiskey Rebellion*, 107.

¹⁹ Birtle, “The Origins of the Legion of the United States,” 1249-1261. Birtle debunked the popular misconception that the founders gave the army the title of Legion to mollify republican ideology that abhorred a standing army, and demonstrated that the Legion was actually a strategic reorganization as a flexible combined arms force ideally suited for frontier Indian warfare.

²⁰ Johnson “The War Did Not End at Yorktown,” 451.

continue to press the United States to allow Great Britain to mediate a peace with the Native Americans, a proposal that Washington and his entire cabinet rejected. Jerald Combs concluded that by 1793, “as long as the power of the Indian Confederacy and the weakness of the United States gave England hopes of erecting a trade empire in the West based upon a trade monopoly of the Mississippi-Great Lakes-St. Lawrence system, the United States could offer nothing that would deter British confrontation.”²¹

British Officials in Canada strove to achieve the economic and foreign policy goals established by Great Britain and by 1793 were taking increasingly bold measures. Lieutenant Governor Simcoe, the British Governor of Upper Canada, had the temerity to send a military detachment to Sodus Bay, New York, to warn off U.S. settlers who were “infringing upon the King’s rights in ‘Indian Territory.’”²² Simcoe’s coercion would have been thoroughly intimidating to American settlers as Sodus Bay was situated along the south shore of Lake Ontario between two British garrisons in U.S. territory: Fort Ontario (Oswego, New York) just thirty miles east and the armed British fort at Niagara one hundred miles to the west. During 1793 Lieutenant Governor Simcoe, along with the Six Nations of Iroquois, protested the U.S. settlement of Presque Isle (Erie, Pennsylvania) on the south shore of Lake Erie. Lord Dorchester, the British Governor General of Canada, sanctioned Simcoe’s efforts to discourage U.S. settlers from the south shores of the Great Lakes in what the British government still hoped would be contested territory.²³

The French Revolution and war in Europe dramatically changed the balance of power in the Atlantic world. England and Spain had threatened to go to war only three

²¹ Combs, *The Jay Treaty*, 99, 100.

²² Bemis, *Jay’s Treaty*, 244. Sodus Bay is just to the east of present day Rochester, N.Y.

²³ Bemis, *Jay’s Treaty*, 246. The Six Nations of Iroquois were the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and the Tuscarora.

years earlier over Nootka Sound, yet in 1793 they were suddenly allied in a war with a common enemy against Revolutionary France. As with Nootka Sound, U.S. allegiance was critical to each of the warring Atlantic powers. Yet because of the exigencies of the war in Europe, and the commitment of the U.S. government to fielding a credible military force, by 1794 The Legion of the United States outmanned and out gunned the complete military compliment available to either British Canada or Spanish Florida and Louisiana, which dictated a rising American dominance in the balance of power in North America.²⁴

Wayne's well trained, properly supplied and strictly disciplined legion marching in the Ohio Valley threatened the British posts of the Old Northwest as well as the British-Indian alliance. Lieutenant Governor Simcoe acknowledged the gross undermanning of the British garrisons in Canada and the poor state of repair of most of the facilities in 1793 when he reported that "any post on the continent, if attacked, must be considered as necessarily sacrificed."²⁵ Lieutenant Governor Simcoe therefore initiated correspondence with his new Spanish allies in North America and proposed a British-Iberian alliance to "separate frontiersman west of the Appalachians from the eastern government of the United States."²⁶ Having observed the disciplined advance of Wayne's legion, the Six Nations of the Old Northwest, under the supervision of the Governor

²⁴ Combs, *The Jay Treaty*, 138; Weber, *The Spanish Frontier*, 278, and Gaff, *Bayonets in the Wilderness: Anthony Wayne's Legion in the Old Northwest*. Gerald Combs estimated the total strength of British regulars in all of Canada at no more than 3,500 in 1794. David J. Weber estimated the total Spanish garrison of Spanish Florida and Louisiana to be no more than 2,000 in 1794. General Wayne commanded at least 3,500 regulars during his campaign, although only approximately 2,000 fought in the Battle of Fallen Timbers.

²⁵ The largest garrisons were the forts at Detroit and Niagara, each only manned by 300 regular troops. Each of the other "frontier posts," were manned at 50-60 regulars. Combs, *The Jay Treaty*, 138.

²⁶ Slaughter, *The Whiskey Rebellion*, 155.

General of Canada, protested Wayne's movement in the Ohio during peace negotiations with American Commissioners in the spring of 1793.²⁷

In the autumn of 1793 General Wayne's legion left the banks of the Ohio at Fort Washington (Cincinnati, Ohio) and pressed northward into the disputed "Indian Country" of the Old Northwest. By December, 1793, Wayne's scouts discovered the battleground of General St. Clair's defeat on the banks of the Wabash River and erected Fort Recovery "as a perpetual challenge to the Indian warriors and the British outposts."²⁸

At this pivotal moment in a mounting "frontier crisis," the British Navy began enforcing an "order in council" of 6 November 1793, for the seizure of all shipping and provisions bound for France, resulting in the capture of as many as two-hundred and fifty U.S. ships in the Caribbean without prior warning.²⁹ Revolutionary France also acted aggressively within U.S. territory in 1793 by instructing the minister to the United States from the Girondist government of Revolutionary France, Citizen Genet, to raise a militia of U.S. citizens in order to mount an attack on Spanish Louisiana and reclaim New Orleans. Citizen Genet attempted to recruit France's militia largely from Kentucky without the permission of the United States government and commissioned General George Rogers Clark "Major General in the Armies of France and Commander-in-Chief of the Revolutionary Legions on the Mississippi."³⁰

France's flagrant disregard for diplomatic protocol and willful disregard of U.S. sovereignty over its own citizens appeared to give evidence that even the closest ally of

²⁷ Bemis, *Jay's Treaty*, 224n15.

²⁸ Johnson, "The War Did Not End at Yorktown," 451, 452.

²⁹ Bemis, "The Frontier Crisis," in *Jay's Treaty*, 218-252; Reardon, *Edmund Randolph*, 258; Combs, *The Jay Treaty*, 120; Slaughter, 159.

³⁰ Sears, *Washington and the French Revolution*, 181, 182; Freeman (Carroll and Ashworth), *George Washington: First in Peace*, 155, Conway, *Omitted Chapters*, 222.

the early republic did not respect it as a legitimate government or as an equal state. Genet's proposed militia also created a diplomatic crisis for the United States by threatening a neighboring nation with military invasion originated from within the United States, an act that would most likely have resulted in war with Spain for the United States. As George Washington's "neutrality proclamation" was being challenged by both France and Great Britain at home and on the high seas, Thomas Jefferson "abandoned the storm tossed ship of State," with his 31 December resignation as Secretary of State.³¹ Washington nominated Edmund Randolph as Jefferson's successor on 1 January 1794, and the Senate confirmed his appointment the next day.³²

Soon after Edmund Randolph's elevation to Secretary of State, the British Governor General of Canada made a speech to the Indians of the Old Northwest which was meant to innervate the tribes in the face of Wayne's formidable approach. Lord Dorchester's infamous words to the chiefs on 10 February 1794 predicted that "from the manner in which the people of the United States push on, and act, and talk...I shall not be surprised if we are at war with them within the present year." Lord Dorchester's speech also appeared to abrogate the Anglo-American treaty of 1783 as he implied that there was no defined border for the Americans north of the Ohio River, and refused to acknowledge any land claimed by the U.S., "since the year 1783." One week later Lord Dorchester authorized the manning of Fort Miamis along the Maumee River (Maumee, Ohio) thirty miles south of the British Garrison at Fort Detroit, as a defensive screen to the advance of General Wayne's legion and as a gesture of support to the hostile Indians of the Old

³¹ Conway, *Omitted Chapters*, 212.

³² Reardon, *Edmund Randolph*, 248.

Northwest.³³ Samuel Flagg Bemis noted that Lord Dorchester probably did not intend for his inflammatory comments to be made public, yet they soon appeared in the press.³⁴

When Lord Dorchester's speech reached Philadelphia and London followed by the intelligence of British incursion into U.S. territory at Fort Miamis they had a pernicious effect on already strained Anglo-American relations.

By March, 1794, Lord Dorchester's speech appeared in the U.S. press, ominously accompanied by reports of British seizures of U.S. ships in the Caribbean under the 6 November 1793 order in council. War with Great Britain loomed closer. The U.S. congress issued a thirty day embargo for all British goods on 25 March 1794, as it contemplated more permanent economic retaliation.³⁵ As the nation approached a war footing Edmund Randolph and a handful of Federalists suggested the appointment of an envoy extraordinary to Great Britain specifically for the purpose of negotiating a peaceful settlement to the growing tensions. On 12 March 1794 Senator Oliver Ellsworth of Connecticut, representing a coalition of Federalists, presented the president with their suggestion that a special envoy be sent to London. Two days later Edmund Randolph privately advised the president that a mission by a special envoy, separate from the current U.S. Minister to Great Britain and specifically instructed to negotiate key issues such as spoliations from the recent seizures of U.S. shipping and the evacuation of the

³³ Johnson, "The War Did Not End at Yorktown," 452; Sword, *President Washington's Indian War and the Struggle for the Old Northwest, 1790-1795*, 261. Helen Hornbeck Tanner noted the linguistic evolution of the name of the Maumee River. The river is sometimes referred to as "The Miami of the Lakes" to distinguish it from the Great Miami or the Little Miami rivers near Cincinnati. The original French, *Au Miami* was abbreviated *Au Mi*, which phonetically became *Omee* in English. "The name Maumee as a development from the *Au Mi* and *Omee* took place in the early nineteenth-century." The British named the new fort on the Maumee Fort Miamis, in reference to the eighteenth-century term for "The Miami of the Lakes." Tanner, "The Glaize in 1792: A Composite Indian Community," 36n2.

³⁴ Bemis, *Jay's Treaty*, 267n23.

³⁵ Combs, *The Jay Treaty*, 120-124.

posts of the Old Northwest, might prove more expeditious and more successful than allowing the British Foreign Ministry to continue to “filibuster the incumbent minister.”³⁶

Washington considered these proposals as congress imposed the embargo and authorized military preparations. On 8 April Secretary of State Randolph reiterated his support for a special envoy and presented Washington with a persuasive essay on the benefits of sending a specific mission to London. Randolph’s argument persuaded the president, who after considering John Adams, Thomas Jefferson and Alexander Hamilton, nominated Chief Justice of the Supreme Court, John Jay, as the “special envoy to the court of St. James” in April, 1794.³⁷

Chief Justice Jay departed for London on 12 May. Although the spirit of Jay’s mission temporarily quelled the tide of anti-British economic legislation pending in congress, news of the fortification of Fort Miamis reached Philadelphia shortly after his departure and re-ignited the threat of war.³⁸ The British occupation of the seven posts within U.S. territory had been tolerated while the disputes raised by the Definitive Treaty of 1783 were negotiated diplomatically; however, garrisoning a new fortification not covered under the status quo which existed at the end of the Revolutionary War represented an ominous incursion into the United States by the British military with egregious disregard to U.S. sovereignty. George Washington and his Secretary of State

³⁶ Reardon, *Edmund Randolph*, 259; Conway, *Omitted Chapters*, 214. Jerald Combs observed that the idea for an envoy extraordinary was put forward by several people at roughly the same time, making it nearly impossible to credit an individual or a group with the original idea. In addition to Randolph and the Federalist coalition represented by Senator Ellsworth, Combs cited a letter from Boston merchants to Rufus King and a circular distributed by Aaron Burr, each favoring the use of a special envoy. Edmund Randolph claimed to be the first to suggest the idea to Washington, and he may have been, but the idea was apparently on the minds of many at the time. Jerald Combs, *The Jay Treaty*, 125.

³⁷ Reardon, *Edmund Randolph*, 262; Conway, *Omitted Chapters*, 214, 215; Freeman (Carroll and Ashworth) *First in Peace*, 164, 166.

³⁸ Bemis, *Jay’s Treaty*, 272; Combs, *The Jay Treaty*, 135.

responded swiftly and decisively as General Wayne fortified his own position at Fort Recovery just over one-hundred miles to the south of the new British garrison.

On 20 May 1794 Secretary of State Edmund Randolph presented the British Minister to the United States, George Hammond, with a scathing diplomatic ultimatum. Randolph began by citing Lord Dorchester's incendiary remarks of 10 February to the Indians of the Old Northwest and concluded that ample time had elapsed for the British government to recant or at least denounce Dorchester's actions. If the British Governor General was overreaching his official instructions, the absence of an official retraction implied to Randolph that Lord Dorchester was acting with at least the tacit approval of Great Britain.³⁹ Randolph accurately characterized Lord Dorchester's speech to the chiefs as an effort to "foster and encourage in the Indians[,] hostile dispositions towards the United States," and argued that it was reasonable to conclude that the attempted peace with the Indians the previous year had failed because of similar influence by the British Governor General of Canada.⁴⁰

Randolph went on to state that although Lord Dorchester's speech "only forebodes hostility: the intelligence which has been received this morning is, if true, hostility itself." Randolph then detailed the intelligence the president had received of Lieutenant Governor Simcoe's construction and manning of a fort "at the rapids of the Miami," along the Maumee River. Randolph summarized the decade of negotiations over the existing forts "which were confessedly within the limits of the Unites States," but noted that "the present aggression" could not be placed in the same category because Fort

³⁹ Combs, *The Jay Treaty*, 143. It would not have been possible for Randolph to have known at the time that due to an unusually violent winter on the North Atlantic, news of Dorchester's speech did not reach London until June, 1794.

⁴⁰ The Secretary of State to Mr. Hammond, Philadelphia, 20 May 1794 in *American State Papers*, 1, *Foreign Affairs*, 1:461.

Miamis was a new fortification within U.S. territory not in existence at the end of the Revolutionary War, and therefore not covered under the status quo.⁴¹ Randolph called it “an act... calculated to support an enemy whom we are seeking to bring to peace.”⁴²

The Secretary of State offered the recent mission of special envoy John Jay to London as an “unequivocal proof...of the sincere wish of our government to preserve peace,” but sternly warned that “our honor and safety require that an *invasion shall be repelled*.” Randolph’s conclusion cited the president’s orders for Randolph to demand that the British government “take immediate and effectual measures...to suppress these hostile movements” accompanied by a dark caution that “the army of the Unites States, in their march against the enemy, will not be able to distinguish between them, *and any other people*, associated with the war.” Randolph closed his letter by diplomatically placing the moral imperative upon Great Britain to mollify the tension; “those who shall throw obstacles in the way of negotiation and tranquility...shall be responsible for all the unhappy consequences.”⁴³

George Washington submitted Randolph’s correspondence to congress the following day with a covering letter stating that it explained “the state of affairs between us and the six nations, and the probable cause to which it is owing.” Washington also highlighted the “encroachment made upon our territory, by an officer and party of British troops,” and fully endorsed every word of Randolph’s enclosed letter to the British minister. The president concluded; “It cannot be necessary to comment upon the very serious nature of such an encroachment, nor to urge, that this new state of things suggests

⁴¹ Fort Miamis had been occupied by the British during the Revolutionary War and was well known to Washington and others, but it had been abandoned prior to the Anglo-American treaty of 1783.

⁴² The Secretary of State to Mr. Hammond, Philadelphia, 20 May 1794, in *American State Papers*, 1, *Foreign Affairs*, 1:461.

⁴³ *Ibid.* (Italics added for emphasis.)

the propriety of placing the United States in a posture of effectual preparation for an event, which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us;" war with Great Britain.⁴⁴

On 22 May George Hammond attempted to respond to Randolph's lecture, but only further inflamed U.S. outrage and embarrassed the British government. Hammond began his reply by protesting to Randolph "the style and manner in which you have thought it proper to address me on the present occasion." The British minister's arrogant opening implied that he was an equal to Randolph rather than a foreign ambassador addressing a minister or secretary of a government and reinforced a popular belief that the British government did not recognize the U.S. as an equal state. Hammond went on to claim that "I never can acknowledge the right of this government to require from me...an explanation of any measure emanating from the Governors of Canada."⁴⁵ The hubris of Hammond's statement actually exemplified the issue: What other channel was there if the Secretary of State of the United States could not ask the king's representative what the British government's intentions were along the U.S. border and within U.S. territory?

Hammond was "willing to admit the authenticity of the speech to certain Indian nations," but notably did not offer a retraction of Governor Lord Dorchester's remarks, nor did he cast any doubt about Lord Grenville's support of such activities. When addressing the construction of the "fort at the foot of the Miamis," Hammond feigned ignorance, claiming to have "no intelligence that such an event has actually occurred." The British minister further parsed words over the location of the alleged fort and the

⁴⁴ George Washington to the Gentlemen of the Senate and the House of Representatives, Philadelphia, 21 May 1794 in *American State Papers*, 1, *Foreign Affairs*, 1:461.

⁴⁵ Mr. Hammond to the Secretary of State, Philadelphia, 22 May 1794 in *American State Papers*, 1, *Foreign Affairs*, 1:462.

possible justification of its existence for “protecting subjects of his Majesty residing in the districts dependent upon the fort of Detroit,” which was threatened “by the approaching American Army.”⁴⁶

President Washington submitted Hammond’s official reply to congress the day that it was received, 23 May 1794. Within days the complete correspondence appeared in the press in Philadelphia. Randolph’s carefully crafted words under the cover of the president made the implications of British treachery with the Indians of the Old Northwest public knowledge. The Secretary of State’s clear warning that hostility, aggression, and invasion would be repelled by force, and that enemy combatants commingled against the Army of the United States would all be treated equally became a matter of public record in congress and public notice in the press. The Secretary of State had addressed the British government as an equal sovereign state invoking the familiar language of international law and diplomacy. Edmund Randolph had diplomatically and morally cornered the British government.

By mid 1794 “the American cauldron was boiling.”⁴⁷ Alexander Hamilton’s efforts to collect taxes from the Western Counties of Pennsylvania were being met by mob violence and the harassment of tax collectors, which led British officials in North America to believe that the United States “was about to crumble” due to the increasing differences between the western counties and the eastern government.⁴⁸ Lieutenant Governor Simcoe boasted in June 1794 that “a successful war waged from Canada would soon separate Kentucky and the other ‘colonies’ of the United States west of the

⁴⁶ Ibid.

⁴⁷ Slaughter, *Whiskey Rebellion*, 171.

⁴⁸ Slaughter, *Whiskey Rebellion*, 167, 171.

Alleghenies.”⁴⁹ The pressure mounted in late June when a full scale attack by the main body of the Indian Confederation, augmented by Canadian militia in Native American dress and supervised by the British-Indian Department in British Uniforms, was successfully repelled by General Wayne’s army at Fort Recovery.⁵⁰

As General Wayne methodically advanced northward in the Ohio Territory during July, 1794, civil tensions in the Western Counties of Pennsylvania escalated to violence with a siege upon the home of John Neville, a federal tax collector, and the abduction of a federal marshal sent to enforce the law.⁵¹ During the first week in August George Washington’s cabinet debated the use of force to suppress the rising rebellion in the Western Counties. Alexander Hamilton famously argued in favor of the use of militia to compel obedience to the federal government, and Henry Knox less enthusiastically agreed with him.⁵²

On 5 August 1794, Edmund Randolph submitted his position on the use of force to quell the insurrection in the Western Counties to the president. Randolph utilized familiar republican ideology of the founding generation by invoking the image of tyranny and the horror of forced obedience through military coercion to strenuously argue against the use of military force upon the citizenry. Randolph succinctly identified western disaffection with the eastern government. Edmund Randolph cited the known British subterfuge in the Ohio with the Native Americans as he argued that “any alienation of the west would be to the advantage of Great Britain.” Randolph believed that credible

⁴⁹ Bemis, *Jay’s Treaty*, 241.

⁵⁰ Gaff, “Battle at Fort Recovery,” *Bayonets in the Wilderness*, 243-253; Wayne recognized the attack as a *coup de main* and reported that “three British Officers were dressed in scarlet,” in the rear of the action. Anthony Wayne to Henry Knox, Fort Greenville, 7 July 1794, in Knopf, *Anthony Wayne*, 347, 348. Horsman, “The British Indian Department,” 275-277.

⁵¹ Hogeland, *The Whiskey Rebellion: George Washington, Alexander Hamilton, and the Frontier Rebels who Challenged America’s Newfound Sovereignty*, 155.

⁵² Reardon, *Edmund Randolph*, 272-274.

evidence which exposed British machinations to foment civil unrest would serve to unite U.S. citizens against further British interference within U.S. territory and quickly defuse the rising insurrection. Conversely, Randolph feared that the threat of an eastern army might serve to “unite the discontented elements against a common enemy” in the federal government, and drive the rebels into the protection and support of the British government. The most incriminating allegation against Randolph in Dispatch no. 10 involved his attempt to gain actionable intelligence about British interference with the help of the French minister in a conversation that took place the same day as Randolph submitted his position paper to the president.⁵³

While George Washington’s cabinet debated the use of force to quell the rising “Whiskey Rebellion” in the Western Counties during the first week of August, Anthony Wayne established and fortified Fort Defiance along the Maumee River just fifty miles southwest of the British at Fort Miamis.⁵⁴ Wayne’s legion then marched northeast along the Maumee River to imminent contact with the Indian confederacy. On 20 August 1794, General Anthony Wayne’s Legion of the United States advanced upon the Indian Confederacy located just two miles in front of the British at Fort Miamis. The confederacy was established in a defensive position in a forest that had been devastated by tornadoes several years earlier creating a labyrinth of twisted trees, roots and thick underbrush impassable by cavalry or massed troops in formation. Wayne’s well trained and disciplined army advanced slowly, yet violently, along the Maumee and methodically drove the Indians from the protection of the “fallen timbers.” The survivors of Wayne’s

⁵³ Reardon, *Edmund Randolph*, 272, 273; Randolph, *A Vindication of Mr. Randolph’s Resignation*, 81-84; Brandt “Edmund Randolph, Not Guilty!” 186, 187; Fauchet, “Mr. Fauchet’s Certificate,” in Randolph, *Vindication*, 13-17.

⁵⁴ Slaughter, *Whiskey Rebellion*, 196. Fort Defiance was established 8 August 1794. Johnson, “The War did not End at Yorktown,” 453.

ruthless attack retreated for the protection of the British at Fort Miamis with the Legion of the United States in pursuit.⁵⁵

Secretary of State Randolph's forceful diplomacy of May, 1794, and Wayne's successful military campaign collided decisively with the British-Indian Alliance at the gates of Fort Miamis. As the remnants of the Indian confederacy literally ran for their lives to the apparent safety of the British fort and their professed allies, Edmund Randolph's strong words that had sternly warned the British government of the consequences of its actions compelled the commandant of Fort Miamis to close the gates and refuse aid to the fleeing warriors. Edmund Randolph had plainly and publicly accused Lord Dorchester of "supporting an enemy whom we are seeking to bring to peace."⁵⁶ If the British army were to openly support the fleeing Indian Confederacy within sight of the advancing Legion of the United States it would have confirmed Randolph's accusations and justified an armed response by the advancing legion which would surely have led to war. Randolph's warning that the advancing army would not discern British from Indian combatants was so sound that the gates of Fort Miamis were closed to all, including fleeing British regulars of the British-Indian Department and the Canadian militia who had been fighting alongside the confederacy. Randolph's public warning made it impossible for the British government to ever protest or even mention the loss of life and casualties it suffered by participating in the Battle of Fallen Timbers.⁵⁷

⁵⁵ Gaff, *Bayonets in the Wilderness*, 298, 299; Boyd, *Mad Anthony Wayne*, 286-292. There were several Indian Confederacies in 1794. To be clear, the confederacy Wayne's army faced at Fallen Timbers was composed of at least; Wyandotte, Mingo, Delaware, Shawnee, Potawatomi, Ottawa, Chipewa, Miamis and Mohawks. Sometimes referred to as the "hostile Indian confederacy of the Northwest."

Gaff, *Bayonets in the Wilderness*, 299, 300.

⁵⁶ The Secretary of State to Mr. Hammond, Philadelphia, 20 May 1794, in *American State Papers*, 1, *Foreign Affairs*, 1:461.

⁵⁷ The Canadian militia consisted of approximately sixty former members of the Tory Rangers, also known as Butler's Rangers, under the command of Lt.Col. Willam Caldwell, who had also served in the Rangers

The commandant of Fort Miamis, Major Campbell of the Welsh 24th Regiment of Foot, had a more immediate, tactical concern as Wayne's legion surrounded Fort Miamis and trapped the occupants in a siege. Major Campbell's cadre of two-hundred British infantrymen augmented by the sixty Canadian Rangers were no match for General Wayne's battle proven army of well over fifteen-hundred troops, cavalry and artillery. General Wayne had been specifically authorized by President Washington to attack the British at Fort Miamis and Detroit if he deemed it necessary. Wayne also had copies of Secretary of State Randolph's May rebuke of British policy in North America. Major Campbell's detachment was dispatched from its headquarters at Fort Detroit on the orders of Lieutenant Governor Simcoe following Lord Dorchester's controversial remarks to the Indian confederation and reinforced after the diplomatic exchange between Randolph and Hammond. Both Wayne and Major Campbell were well aware of the diplomatic tension between the United States and Great Britain, and both commanders in the field would have known the consequences of armed conflict at this critical moment.⁵⁸

Wayne did not assault the British garrison because he did not need to in order to accomplish his mission, but razed the area within approximately eight miles of the fort by burning all of the fields, Indian villages and garrison buildings not within the walls of the fort with the helpless, besieged British Army powerless to stop them. Wayne further taunted the British commander by marching his legion "within arm's reach" around the perimeter of the fort while Major Campbell trained his loaded and primed guns upon

fighting with the Indians against the Americans in the Revolutionary War. The Canadians suffered at least five dead and one taken prisoner. Gaff, *Bayonets in the Wilderness*, 319; Horsman, "The British-Indian Department and the Resistance to Anthony Wayne, 1793-1795," 283.

⁵⁸ Gaff, *Bayonets in the Wilderness*, 319; Patton, *Historical Records of the 24th Regiment from its Formation in 1689*, 77-79; Henry Knox to Anthony Wayne, Philadelphia, 7 June 1794, in Knopf, *Anthony Wayne*, 337.

them, creating a potentially Lexington and Concord moment. The tension would have been so great that if a gunshot rang out anywhere, no one would have ever known who shot first, but an armed assault on the fort would have been certain, initiating war between the United States and Great Britain as Lord Dorchester had foretold and Secretary of State Randolph had warned. After three days of “scorched earth” destruction, Wayne’s legion withdrew from Fort Miamis leaving the humiliated British commandant of Fort Miamis alone in a sea of ash. The message to the Atlantic world was clear; General Wayne had emasculated British Arms on U.S. soil.⁵⁹

The Indian confederacy was betrayed by the British refusal of aid in its moment of desperate need. Years of promises, material support, and inflammatory rhetoric culminated with a cold reception at a critical moment. The closed gates caused indignation and hatred in the bosom of many Indians who forever after the Battle of Fallen Timbers angrily referred only to “the damned British.” According to Alan D. Gaff, the Indian Confederacy would have been able to recover from a single, though significant, military defeat, but “the conduct of the British Fort dispirited the Confederates much more than the issue of the battle.” Although the chiefs considered the defeat “a misfortune that might be repaired with glory,--another time,” it was the perfidy of the British during the battle that “they did not know how to remedy.”⁶⁰ The British-Indian alliance in North America was therefore dissolved from that moment.

The deflation of the British-Indian alliance doomed the grander British plans for an “Indian buffer state” north of the Ohio, or the annexation of western territories of the

⁵⁹ There are numerous accounts of Wayne’s actions before the fort. Sword, *Washington’s Indian War*, 307-311; Gaff, *Bayonets in the Wilderness*, 319-325, includes the barrage of correspondence between Wayne and Campbell.

⁶⁰ Gaff, *Bayonets in the Wilderness*, 325.

United States. Without a compliant surrogate, Great Britain was powerless to control the interior of the North American continent.

The effects were nearly immediate. Just two months after the Battle of Fallen Timbers, the Whiskey Rebellion in the Western Counties of Pennsylvania was met with the federal force Randolph had opposed, yet the militia sent to quell the rebellion met little resistance. Among the many explanations offered for the lack of armed resistance to the militia, one plausible factor was that Wayne's defeat of the Indian Confederacy significantly reduced Native American harassment of western settlers north of the Ohio, removing one of the chief complaints of the Western Counties. Wayne's successful campaign had demonstrated that the federal government could in fact protect its citizens west of the Appalachians.⁶¹ It is also likely that Wayne's legion in the field just two-hundred miles from Pittsburgh posed a credible federal deterrent to resistance.

News of Wayne's victory reached Lord Grenville in London during mid-October, just as his negotiations with John Jay were approaching a conclusion. When Jay's Treaty was concluded the following month the British government agreed to peacefully surrender the disputed posts by 1796, achieving one of George Washington's highest negotiating priorities.⁶² Samuel Flagg Bemis suggested that Lord Grenville had intended to surrender the posts early in Jay's negotiations, and simply relocate them to the Canadian side of the border, which in several cases they did.⁶³ But Bemis did not consider Fallen Timbers to have been a tipping point. The loss of the British-Indian alliance mooted the significance of British forts on either side of the imaginary British-American border. Without Native American military support in the northwest Great

⁶¹ Slaughter, *Whiskey Rebellion*, 200.

⁶² Combs, *The Jay Treaty*, 151.

⁶³ Bemis, *Jays Treaty*, 240.

Britain was unable to control the continent from either side of the Great Lakes. Slaughter observed that the removal of British occupation from the Old Northwest was critical to ensuring a lasting U.S. peace with the Native Americans by physically removing their chief protagonist.⁶⁴

Secretary of State Edmund Randolph's diplomatic flanking of the British government during May 1794 made it virtually impossible for Lord Dorchester, Lieutenant Governor Simcoe, or the commandant of Fort Miamis to openly support their Indian allies even during General Wayne's punishing victory at Fallen Timbers, conclusively severing the British-Indian alliance. The British Empire was therefore deprived of its plans for expanded control within North America, and Jay's Treaty of 19 November 1794 surrendering the strategic forts within U.S. territory was an ominous reminder. Lord Grenville's diplomatic dispatches to George Hammond the following day included the signed treaty along with futile instructions for Hammond to continue with previous British plans to attempt to manipulate peace negotiations of the American Indian War supervised by the British government, preferably through the more tractable Alexander Hamilton.⁶⁵

Lord Grenville's confidential dispatch no. 22 to George Hammond of 20 November 1794 was dedicated entirely to his displeasure with Edmund Randolph. Lord Grenville described Randolph's May publication of official correspondence between two ministers as "perfectly improper," and felt that Randolph's tone showed "hostility towards Great Britain." Grenville was particularly stung by Randolph's publication of the

⁶⁴ Slaughter, *The Whiskey Rebellion*, 191.

⁶⁵ Conway, *Omitted Chapters*, 290, 291.

apparently accurate intelligence “that the Indian war had been promoted and encouraged by England.”⁶⁶

Randolph’s diplomacy of May 1794 was much more than improper or embarrassing. For the first time since independence a United States Secretary of State had spoken from a position of strength; diplomacy supported by real and credible economic sanction and military capability. Secretary of State Randolph had addressed the state of Great Britain as an equal, not as a pliable supplicant. By exposing British collusion with the Indian Confederacy and diplomatically invoking the threat of war under international law Randolph had hobbled the British Empire’s strategic and economic plans for North America. Lord Grenville therefore lashed out at his nemesis and informed Hammond that it would not be possible to conduct future business with the United States if “conduct of this kind continues.”⁶⁷ The British Foreign Secretary desired a more malleable Secretary of State in the United States.

Lord Grenville specifically instructed Hammond to “converse confidentially on this subject with those persons in America who are friends...in the view that some steps may be taken... so as to either convince Mr. Randolph of the necessity of his adopting a different language and conduct, or at least place him in a situation where his personal sentiments may not endanger the peace of two countries between whom I trust a permanent union is now established.”⁶⁸ Jerald Combs and Louis Martin Sears observed that contrary to its aggressive posture in North America prior to the French Revolution and the war in Europe, peace with the United States became important to Great Britain in 1794 because “the war in Europe was not going well...and Spain appeared to be about to

⁶⁶ Ibid.

⁶⁷ Conway, *Omitted Chapters*, 291, 292.

⁶⁸ Ibid., 292.

leave the British coalition.” Combs also noted that the congressional embargos had stung Great Britain in the spring of 1794, and as with Bemis, Combs concluded that Great Britain feared further economic distress that would accompany a war with the United States.⁶⁹ Lord Grenville needed what he perceived as a more Anglo-friendly Secretary of State in the United States.

In November 1794, long before Jay’s Treaty ever reached the United States, the British Foreign Secretary identified Edmund Randolph as an impediment to British foreign policy and articulated a plan in writing to the British minister in the United States to affect his removal from prominence. Dispatch no. 10 was a welcome weapon to achieve Lord Grenville’s goal. Yet a brief history of Dispatch no. 10 while in the possession of the British government superimposed upon the itinerary of Jay’s Treaty from the moment it was signed in Great Britain shows rather clearly that although Dispatch no. 10 was undoubtedly intended to discredit Edmund Randolph as planned, it was never intended to be used to influence Washington’s ratification of Jay’s Treaty.

Due to the vagaries of war between the maritime powers of Europe and the treacherous weather conditions on the North Atlantic during the winter months, John Jay sent two copies of the signed treaty to the United States via separate couriers on 20 and 21 November 1794, respectively. One copy placed aboard the *Tankerville*, was thrown overboard and lost at sea to avoid capture when the *Tankerville* was captured by the French vessel, *The Lovely Lass*.⁷⁰ The second copy of Jay’s Treaty, carried by Captain Blaney of Virginia, narrowly escaped the same fate, but still took three months to cross

⁶⁹ Combs, *The Jay Treaty*, 145; Louis Martin Sears, *George Washington and the French Revolution*, 154.

⁷⁰ Conway, *Omitted Chapters*, 233, 293.

the Atlantic. Jay's Treaty did not arrive in Philadelphia until 7 March 1795, three days after congress had adjourned.⁷¹

Three weeks later the diplomatic pouch containing Dispatch no. 10 to France was similarly cast overboard to avoid interception when the French corvette *Jean Bart* was taken by H.M. Frigate *Cerebus* on 28 March 1795, but the packet was recovered and taken back to England where it arrived in mid-April and was forwarded to the Foreign Ministry. On 9 May Lord Grenville forwarded a précis of the captured dispatches "from the different ministers and agents of the French convention in America..." to George Hammond in Philadelphia. Grenville promised to provide the originals at a later date with the hope that they might be communicated to "well-disposed persons in America" and prove "useful to the King's Service," vaguely alluding to his previously stated plans for Randolph. Lord Grenville's 9 May dispatches also acknowledged the capture of the *Tankerville* and the loss of the original treaty dispatches. Grenville therefore provided duplicates of all correspondence concerning Jay's Treaty and queried Hammond about the status of the other copies. On 9 May 1794, when Lord Grenville took the first tangible step in his plan to remove Randolph from office, he was as yet unsure if Jay's Treaty had even arrived in the United States.⁷²

At the moment that the original copy of Dispatch no. 10 departed London the intended application of the seemingly incriminating dispatch could only have been to achieve Lord Grenville's stated goal of removing Edmund Randolph from a position of

⁷¹ Conway, *Omitted Chapters*, 234; Combs, *The Jay Treaty*, 160.

⁷² Conway, *Omitted Chapters*, 298; *Ibid.*, 292, 293. In 1970 Jerald Combs consulted British archives and discovered that Grenville's précis were for Fauchet's Dispatches 9-17. No's 3 and 6 were not in the packet taken from the *Jean Bart*, and therefore were not seen by the British Foreign Ministry nor any of Randolph's enemies until Randolph procured them from Citizen Adet for his *Vindication*. Jerald Combs, "The Randolph Affair," in *The Jay Treaty*, 193-196.

influence within the government. By June 1795 Lord Grenville had received George Hammond's March and April dispatches announcing the arrival of the treaty in Philadelphia, the constitutional ratification process it would have to follow, and the Senate's scheduled 8 June special session to consider the treaty for advice and consent. Lord Grenville forwarded the originals of the captured French dispatches to George Hammond from London on 4 June 1795, with specific instructions to "communicate such parts of them as you may deem expedient to well disposed persons in America," reiterating his scheme to "place [Randolph] in a situation" where his influence could no longer endanger British plans for North America.⁷³ Lord Grenville was aware that the Senate had not even begun its consideration of Jay's Treaty when he posted the damaging dispatches to George Hammond making it impossible for Dispatch no. 10 to have been intended to influence its ratification. The marginalization of Edmund Randolph remained Lord Grenville's stated goal.

Dispatch no. 10 crossed the Atlantic as the senate considered Jay's Treaty and returned it to the president with the exception of Article XII on 24 June 1795. Washington delayed signing the treaty in order to consult with his cabinet over the legal implications of ratification with an excepted article. While the cabinet deliberated over the ratification process, Great Britain resumed seizures of U.S. shipping under a renewed provision order. Washington's initial refusal to ratify during the existence of the provision order began in early July, 1795, while Dispatch no. 10 was still en-route from London.⁷⁴ Therefore it simply was not possible that Dispatch no. 10 was sent to force Washington's hand, nor to discredit Randolph because of his opposition to ratification as

⁷³ Conway, *Omitted Chapters*, 298; *Ibid.*, 292; Combs, *The Jay Treaty*, 160.

⁷⁴ Reardon, *Edmund Randolph*, 294-304.

the ratification process had not yet begun and Washington's objection to the provision order did not yet exist when Lord Grenville forwarded the dispatches to discredit Randolph in early June.

Lord Grenville's desire to remove Randolph from prominence within George Washington's sphere of influence was a result of Randolph's well articulated defense of U.S. sovereignty to British incursions in 1794, which Grenville interpreted as hostility towards Great Britain. Dispatch no. 10 arrived in Philadelphia in late July 1795, just as the Secretary of State once again stood firm against British disregard for U.S. sovereignty. Although Randolph found several faults with Jay's Treaty, his only stated opposition to its ratification was the asymmetric relationship perpetuated by Great Britain's seizure of U.S. shipping. According to Randolph, who did not believe that a treaty could be concluded between two unequal states, "the order for capturing provisions [was] too irreconcilable with a state of harmony for the treaty to be put in motion during its existence."⁷⁵

The presentation of Dispatch no. 10 to embarrass the only member of the president's cabinet who advised against the ratification of Jay's Treaty during British seizures of U.S. shipping gave the appearance of a well timed attack to direct events in favor of Great Britain. At the time however, none of the cabinet members actually knew how long Hammond or the British government had been in possession of Dispatch no. 10, and Randolph unsuccessfully attempted to discern the timeline of Dispatch no. 10 for his *Vindication*. Although Randolph suspected Lord Grenville had "particularly

⁷⁵ Reardon, *Edmund Randolph*, 301. Randolph's position on Jay's treaty is explained in more detail below in Chapter II, 57-59.

instructed” George Hammond to orchestrate his demise, he was unable to prove it.⁷⁶ The assumption in 1795 was that Dispatch no. 10 had been played as a tool to affect ratification via Randolph’s removal, an inaccurate assumption which has resonated throughout the historiography of Edmund Randolph’s political assassination ever since.

Edmund Randolph did not win the Battle of Fallen Timbers nor did he break the British-Indian alliance in 1794 alone. Strategic military planning, a credible military force and economic sanctions combined with the Secretary of State’s timely, forceful defense of U.S. sovereignty to compel Great Britain to abandon its Indian allies in their time of need. Correctly identifying the source and depth of Lord Grenville’s antipathy for Edmund Randolph and the true origins of his plan to remove Randolph from office more accurately depicts the scene in 1794-1795 while it greatly informs traditional histories of the early republic.

Samuel Flagg Bemis’ early twentieth-century work on *Jay’s Treaty* refused to address Randolph’s imbroglio and relegated the affair to a footnote, claiming that it “belonged to the history of ratification, not the negotiation of Jay’s Treaty.”⁷⁷ Later historians of Jay’s Treaty have treated Randolph in a similar manner. Yet acknowledging Randolph’s diplomacy of May, 1794, and the impact it had on the British-Indian alliance during Jay’s negotiations in London moves the story of the British plot against Randolph squarely into the history of Jay’s negotiations and therefore Jay’s Treaty. Re-inserting the Secretary of State into the origin of Jay’s mission, treaty negotiations, and foreign diplomacy of the early republic greatly enhances existing work on Jay’s Treaty.

⁷⁶ Randolph, *Vindication*, 21-23.

⁷⁷ Bemis, *Jay’s Treaty*, 364, 365.

Because the story of Dispatch no. 10 and Edmund Randolph was believed to be a function of the 1795 ratification of Jay's Treaty, long after the militia had returned from the Western Counties, Randolph's affair has been either omitted from histories of the Whiskey Rebellion or appears as another footnote or epilogue. Although Randolph's political demise occurred well after the Whiskey Rebellion and would itself not be pertinent, the diplomacy of May 1794 which led to his downfall had a positive impact on the dissatisfied Western Counties. Defusing the British-Indian alliance eased the Indian threat to settlers in the west while disabling British and Spanish plans to cede "the colonies of the United States West of the Alleghenies." Edmund Randolph clearly suspected British subterfuge with the rebels of the Western Counties and actively sought credible intelligence to prove it, as attested to in the 1794 dispatches of Citizen Fauchet, situating Randolph's demise well within the history of the Whiskey Rebellion.

Political histories of the Federalist Era have reiterated the incorrect assumption that Dispatch no. 10 was a tool for ending Randolph's opposition to the ratification of Jay's Treaty, missing the importance of Randolph's diplomacy of 1794 while disregarding the itinerary of Dispatch no. 10 while in British hands. Biographers of Washington also treat the revelation of Dispatch no. 10 as entirely an event of 1795, connected only to the ratification of Jay's Treaty. Randolph's only true biographer, John J. Reardon, underestimated Randolph's diplomacy of May by omitting it, and concluded that by mid-1794 he had proven to be a weak Secretary of State who "could not be counted on to formulate the government's response to the changing diplomatic climate."⁷⁸ Yet weaving Randolph's diplomacy into the stories of the Whiskey Rebellion, Jay's Treaty, the Battle of Fallen Timbers, and the Federalist Era suggests that Randolph

⁷⁸ John J. Reardon, *Edmund Randolph*, 269.

had a well informed command of the situation and his diplomacy made a significant impact on the survival of the early republic.

Edmund Randolph staunchly defended U.S. sovereignty and legitimacy as a new nation and in so doing incurred the wrath of the British Empire. The true story of Edmund Randolph and Dispatch no. 10 reveals that the frustrated British Foreign Secretary, Lord Grenville, formulated and executed a plan to remove his counterpart in the U.S. government from office. By successfully “placing [Randolph] in a situation where his personal sentiments,” could no longer “endanger” the foreign policy goals of Great Britain, the British Foreign Ministry succeeded in removing a formidable impediment to British foreign policy objectives while manipulating the composition of Washington’s cabinet into a collection of pro-British Federalists.⁷⁹ The fact that the plan came to fruition during the ratification of Jay’s Treaty was merely a misleading coincidence.

⁷⁹ Conway, *Omitted Chapters*, 292.

Chapter II

Dispelling the Myth of Washington and Dispatch no. 10

Ostensibly the release of Dispatch no. 10 by the British Foreign Ministry was meant to discredit Secretary of State Edmund Randolph and insure Washington's ratification of Jay's Treaty. The timing of events certainly appears to support that theory that was first offered by Randolph in *Vindication* and has been steadily reinforced over time. The senate approved Jay's Treaty on 24 June 1795, but excluded Article XII because it prohibited the exportation from America of tropical products, including those grown in the United States."¹ The senate's consent to Jay's Treaty with the exception of Article XII presented Washington with serious legal, procedural and constitutional issues. While Washington deliberated over how to proceed with Jay's Treaty news of more British seizures of U.S. shipping bound for France under a recently renewed "provision order" reached him in early July 1795. Enraged by the assault on U.S. sovereignty and the disregard for his "neutrality proclamation" of 1793, Washington sought the written advice of his cabinet, further delaying ratification.²

Secretaries Wolcott and Pickering each immediately recommended ratification without re-submitting Article XII to the senate, but made no comment upon the odious provision order and the British seizures. On 12 July 1795, Randolph provided Washington with a lengthy legal analysis that greatly favored the treaty and recommended ratification. As an architect of Jay's mission from the beginning, Secretary

¹ Combs, *The Jay Treaty: Political Battle Ground of the Founding Fathers*, 161.

² Randolph, *A Vindication of Mr. Randolph's Resignation*, 60; Combs, *Jay's Treaty*, 164; Freeman (Carroll and Ashworth), *George Washington: First in Peace*, 260.

of State Randolph was intimately aware of the successes and shortcomings of the treaty. Randolph was, in fact, disappointed that the posts would not be surrendered until 1796, that the accommodation for spoiliations upon seized shipping was too weak, that there was no specific time established for an admiralty court to adjudicate the sale of captured U.S. “prizes,” and that there was no specific prohibition on impressments of U.S. seamen by the British Navy.³

Jay’s Treaty had faults. Moncure Daniel Conway characterized it as as a “national humiliation,” and “evidence that Downing Street was still master of Independence Hall.”⁴ Yet although Randolph believed “that we had gained far less than we had surrendered,” the Secretary of State endorsed the treaty for no less than ten enumerated reasons. Randolph’s reasons to “recommend ratification,” were that the treaty would secure peace with Great Britain, and alleviate international pressure for the United States to form an alliance with any of the warring Atlantic nations. The Secretary of State also believed that France would not object to Jay’s Treaty because it appeared to be so unfavorable to the U.S. that it would not be perceived as an alliance that violated Washington’s policy of neutrality.⁵

The Secretary of State’s reasons to “dissuade rejection,” were that Jay had not exceeded his instruction from Washington and that given the geo-political climate there was little chance of achieving better terms. Randolph also feared that France’s turmoil during its revolution might further embolden Great Britain to “her former arrogance,”

³ Edmund Randolph to John Jay, Philadelphia, 30 May 1795, in Conway, *Omitted Chapters of History Disclosed in the Life and papers of Edmund Randolph, Governor of Virginia; First Attorney General of the United States, Secretary of State*, 235.

⁴ Conway, *Omitted Chapters*, 256.

⁵ Conway, *Omitted Chapters*, 256; Randolph to Washington, 12 July 1795, in Reardon, *Edmund Randolph: A Biography*, 300.

further diminishing hopes of improving the terms. Politically, Randolph warned that public opinion might wane if the treaty were refused simply because “we do not have all of the advantages on our side...” Edmund Randolph the politician also observed that to reject the treaty would publicly embarrass the twenty senators who had given their consent to the contentious treaty, and risk a permanent alienation of their support.⁶

Contrary to most accounts of Jay’s Treaty, Edmund Randolph actually recommended its ratification to Washington. However, as a staunch defender of U.S. sovereignty and a student of international law, Randolph strenuously objected to the resumption of British seizures of U.S. shipping. Randolph argued that a treaty “is the act of two independent nations; neither having a right to dictate to the other; each determining upon what it will yield or accept.” Randolph concluded that British seizures placed Great Britain and the United States in an asymmetric, unequal relationship and that “the order for capturing provisions [was] too irreconcilable with a state of harmony for the treaty to be signed during its existence.”⁷ Randolph’s only stated objection to the ratification of Jay’s Treaty was the British enforcement of the provision order.

George Washington agreed, and on 13 July 1795 directed Randolph to meet with George Hammond to announce to the British government that “the President cannot persuade himself that he ought to ratify during the existence of the order.” Hammond was unmoved by the declaration. After hearing of Hammond’s unyielding position, Washington told Randolph that “he would never ratify if the provision order were not removed out of the way.”⁸ Washington may have agreed with Randolph that the provision order impinged U.S. sovereignty and must be lifted before any treaty could be

⁶ Randolph to Washington, 12 July 1795, cited in Reardon, *Randolph*, 301.

⁷ Randolph to Washington, 12 July 1795, cited in Reardon, *Randolph*, 300, 301.

⁸ Conway, *Omitted Chapters*, 267.

concluded, but to George Hammond the stern messenger and only cabinet opposition to ratification was Edmund Randolph. The British Minister in the United States received his own recall orders along with the promised originals of Dispatch no. 10 just two weeks later.⁹

George Washington retired to Mt. Vernon on 15 July 1795 for a summer retreat meant to last until the end of September, with the question of signing Jay's Treaty unresolved. However, the un-ratified treaty sparked intense national debate which compelled the president to return to Philadelphia earlier than planned. Washington arrived in Philadelphia on 11 August 1795 and was immediately given the incriminating correspondence by Secretaries Pickering and Wolcott. The next day Washington announced that he would sign Jay's Treaty and one week after being given Dispatch no.10 the treaty was ratified.¹⁰ An obvious conclusion has been that Washington determined to sign Jay's Treaty immediately after reading Dispatch no. 10 because he had "lost confidence in his Secretary of State" and worried that "if Randolph really was serving the French government his advice to delay signing the treaty could have been directed by his French masters."¹¹ Yet it is most likely that these assumptions are incorrect. The true history of these events has been occluded by a historiography which has embraced the accusation of Randolph's defalcation and therefore discounted Washington's own resolve to act decisively upon the issues challenging the early republic.

The idea that Washington abruptly announced he would sign Jay's Treaty as a reaction to being shown Dispatch no. 10 temporarily suspends the traditional memory of

⁹ Conway, *Omitted Chapters*, 299.

¹⁰ Reardon, *Edmund Randolph*, 303-308.

¹¹ Flexner, *George Washington: Anguish and Farewell*, 268.

George Washington as a man of sound judgment and ignores his well known *modus operandi*. Throughout his entire career Washington was frequently criticized for delaying decisions while carefully gathering facts and the opinions of his advisors. While in the military Washington was guided by “war councils” and frequently deferred to the majority opinion of his generals. As president Washington relied upon the majority opinion of his cabinet. George Washington exhibited his usual decision making behavior with respect to the ratification of Jay’s Treaty by withholding his signature after gaining the senate’s advice and consent while he sought legal procedural advice, the written opinions of his cabinet, and listened to public opinion. As with other delays his ponderous matrix had caused, Washington was harshly criticized for his delay in deciding for or against Jay’s Treaty.¹²

The suggestion that within twenty-four hours of reading Dispatch no. 10 Washington completely reversed his previously stated position not to ratify Jay’s Treaty during the existence of the provision order not only ignores Washington’s character, it also disregards substantial evidence from Washington’s own correspondence that he planned a “conjunct revision” of the treaty ratification nearly two weeks before he returned to Philadelphia.¹³ The president’s return to the seat of government more than a month earlier than planned as well as his own explanation for returning to Philadelphia clearly signaled that he intended to take action on the treaty long before he knew of the existence of Dispatch no.10.

¹² Flexner, *Anguish and Farewell*, 227; Paul K. Longmore, *The Invention of George Washington*, 149, 150; Examples of Washington’s use of military councils to seek consensus can also be found in David McCullough, *1776*, 51, and John Ferling, *Setting the World Ablaze*, 118.

¹³ George Washington to the Secretary of State (marked private), 29 July 1795, in Fitzpatrick, *The Writings of George Washington*.

The contents of Jay's Treaty were kept secret even from the other cabinet members until the treaty and Mr. Jay's instructions were presented to the senate for advice and consent. Speculation in the press as to the possible contents of the treaty led to a flood of misinformation as political tensions heightened. In an effort to abate speculation George Washington ordered the contents of Jay's Treaty published on 29 June 1795. However, before Jay's treaty was officially published it was leaked by Senator Thomas Mason to the notoriously pro-Republican Philadelphia paper *The Aurora General Advertiser*, where it appeared in print the same day the president ordered its official release.¹⁴ The resulting firestorm of disapproval was swift, furious and predictable. Pro-British Federalists generally fell in line with Alexander Hamilton who favored the treaty for the peaceful removal of the British from the forts they occupied in U.S. territory, and for the opportunity to negotiate the still unsettled pre-revolutionary war debts to British merchants. Pro-French Republicans despised the treaty because it was perceived as pro-British and claimed that Jay's Treaty represented an Anglo-American alliance unfavorable to France. Economically the largely southern planters of the nascent republican faction would have preferred not to settle the pre-revolutionary war debts they owed to British merchants, and objected to the lack of any provision for reparations to slave holders for slaves carried off during the Revolutionary War.¹⁵

During Fourth of July celebrations, just days after the treaty's bootlegged and official publications, an angry mob burned John Jay in effigy in Philadelphia and "in so many cities that he said he could have walked the length of America by the glow of his

¹⁴ Conway, *Omitted Chapters*, 261.

¹⁵ Combs, *The Jay Treaty*, 151, 152.

own flaming figure.”¹⁶ Apparently wary of the growing outcry over the release of Jay’s Treaty, George Washington asked Alexander Hamilton to keep him informed about “the sentiments, entertained of the treaty, and in short on any other interesting subject, with which the public mind is occupied...”¹⁷ Alexander Hamilton argued publicly in New York City on 18 July 1795 in favor of the treaty, but only narrowly escaped injury from stones thrown at him by protestors.¹⁸ The same day, while en-route to Mt. Vernon from Philadelphia, Washington was intercepted by an express rider from Boston who delivered an official statement from a public meeting of the Boston Selectmen decrying the treaty.¹⁹ Before he even reached Mt. Vernon on 20 July 1795, Washington was well aware of the rapidly rising negative public opinion over Jay’s Treaty.²⁰

Washington wrote to Secretary of State Randolph on 22 July 1795, nearly a month after Jay’s Treaty had passed out of the senate, and characterized the gazettes he had read from Pittsburgh and the “result of the Boston Selectmen’s proceedings” as “of a very unpleasant nature.” Washington had previously asked the entire cabinet to help him prepare a suitable response to the Boston Selectmen, and therefore asked Randolph in this letter to relay to the other cabinet members his official position on the treaty as they considered their input.²¹ Washington wanted the cabinet to know that, “...the conditional ratification (if the late order which we heard of respecting provision Vessels is not in operation) may, on all fit occasions, be spoken of as my determination.” Washington also answered the procedural constitutional question as to how he would handle the senate’s

¹⁶ Chernov, *Alexander Hamilton*, 487.

¹⁷ George Washington to Alexander Hamilton, Philadelphia, 14 July 1795, in Fitzpatrick, *Writings of Washington*.

¹⁸ Chernov, *Alexander Hamilton*, 490.

¹⁹ George Washington to the Secretary of State, Baltimore, 18 July 1795, in Fitzpatrick, *Writings*.

²⁰ George Washington, *The Diaries of George Washington*, 205.

²¹ George Washington to the Secretary of State, Baltimore, 18 July 1795, in Fitzpatrick, *Writings*; George Washington to the Secretary of State, Mount Vernon, 22 July 1795, in Fitzpatrick, *Writings*.

rejection of a single article; “My opinion respecting the treaty is the same now, that is: namely not favorable to it, but that it is better to ratify in the manner the Senate have advised (and with the reservation already mentioned), than to suffer matters as they are, unsettled.” Washington identified the “unsettled” nature of increasing civil unrest made worse by the president’s own silence as well as the unsettled status of the treaty which for a month awaited only his ratification or definitive rejection.²²

By 24 July Washington had already begun to consider returning to Philadelphia and informed Randolph that he “could set out as well on a day’s as a month’s notice, for the seat of government; where, if matters are peculiarly embarrassed, I should be in the theatre of information, with documents and other aids about me, that could not be had here.”²³ As Washington penned those thoughts Philadelphia was already embroiled by protests. During public protests on 23 and 25 July, 1795, opponents of Jay’s Treaty in the national capital organized mass meetings and prepared written statements to the president just as other cities around the country were doing. The rioters impaled a copy of Jay’s Treaty on a pike and paraded it around the capital city, first to the residence of French Minister Adet, and then on to British Minister George Hammond’s house where the treaty was burned on his doorstep and his home pelted with stones.²⁴ The very seat of government was undoubtedly, “peculiarly embarrassed.”

News of the unrest in Philadelphia reached Mount Vernon by 28 July, and on 29 July 1795 Washington posted two letters to Secretary of State Randolph, one an official correspondence and another marked private. Officially the President informed the

²² George Washington to the Secretary of State, Mount Vernon, 22 July 1795, in Fitzpatrick, *Writings*.

²³ George Washington to the Secretary of State, Mount Vernon, 24 July 1795, in Fitzpatrick, *Writings*.

²⁴ Chernov, *Alexander Hamilton*, 487; Freeman (Carroll and Ashworth), *Anguish and Farewell*, 271, 272; Reardon placed the dates of the protests as 25, 26 July 1795. Reardon, *Randolph*, 304.

Secretary of State that “the perturbed state of men’s minds respecting the late treaty with Gr: Britain together with the proceedings in some of the principal towns to embarrass the business have determined me to repair to the seat of government, if I hear nothing from you between this and Monday next [3 August 1795] to render it unnecessary.”

Washington noted that he had received more negative resolutions regarding Jay’s Treaty from the town of Portsmouth, New Hampshire, and the Chamber of Commerce of New York City. The president also returned to the Secretary of State the “draft of the memorial” to Great Britain and the “rough of a ratification” for Jay’s Treaty. Washington considered these to be “very important papers” which would “require great attention and consideration,” and were to be “the primary cause of [his] return to Philadelphia.”²⁵

Washington’s personal correspondence to Randolph of 29 July revealed that his determination to return to Philadelphia was further motivated by his awareness of the “violent and extraordinary proceedings which have, and are about taking place, in the Northern parts of the union; and may be expected in the Southern...,” and because he thought “that the memorial; the ratification; and the instructions which are framing; are of such vast magnitude as not only to require great individual consideration, but a solemn conjunct revision.” This quote is often omitted from popular histories of this period, yet it clearly indicates that by 29 July 1795, President Washington was planning a complete revision to the memorial and ratification therefore indicating a substantial change in his position, although his exact thoughts on the revision were not stated.²⁶

²⁵ Oliver Wolcott to George Washington, Philadelphia, 27 July 1795, in Washington’s Papers, Library of Congress; George Washington to the Secretary of State, Mount Vernon, 29 July 1795, in Fitzpatrick, *Writings*.

²⁶ George Washington to the Secretary of State (marked private), 29 July 1795, in Fitzpatrick, *Writings*.

In this private correspondence to Edmund Randolph of 29 July Washington accurately summarized current public opinion and the opposition to the treaty as he confided to Randolph that he had never seen “a crisis” which so sharply divided public opinion. He identified misleading “gross misrepresentations in the press” published by opponents to the Treaty and augured that “if disappointed,” the opposition would soon attack Washington personally. Washington was also “alarmed” by “the advantage the French government may be disposed to make of, the spirit which is at work... that the treaty was calculated to favor G. Britain at their expense.” Washington feared that the French government would take advantage of existing anti-treaty, pro-French sentiments to encourage the defeat of Jay’s Treaty because he believed that for as long as France was at war with Great Britain, “it is feared that it will be their conduct to prevent us from being on good terms...with that power.” Washington was further concerned that allowing a foreign government to successfully divide domestic public opinion in an attempt to influence U.S. policy was problematic and would be dangerous if not publicly addressed.²⁷

In addition to his correspondence with the Secretary of State, Washington wrote a personal note to Alexander Hamilton on 29 July 1795, and complained that the “present cry against the treaty is like that against a mad dog; and every one, in a manner, seems engaged in running it down.” Washington went on to analyze in depth the commercial benefits of the treaty to the United States and eloquently defined the political factions of support and opposition in greater detail than he had to Randolph.²⁸

²⁷ Ibid.

²⁸ George Washington to Alexander Hamilton, Mount Vernon, 29 July 1795, in Fitzpatrick, *Writings*.

Washington's trenchant assessment of public opinion, the arguments of the opposition, the motivations of the French government, and the sharp divisions in emerging partisan politics were accurate and well reasoned. His cogent private correspondence to his most intimate advisors demonstrated that he was well informed of current events and public opinion, and had a very clear understanding of the state of affairs in the United States at the end of July, 1795. On 29 July 1795 George Washington was more determined than ever to "repair to the seat of government."

Heavy rains, postal delays and other errors caused the correspondence between Mount Vernon and Philadelphia to break down significantly at this crucial juncture causing confusion for Washington and the cabinet as well as historians of this period. The trouble with the mail began on 31 July 1795, when the postmaster in Alexandria inadvertently returned Washington's outgoing correspondence of 29 July (cited above) to Mount Vernon. In a letter to Randolph on 31 July Washington addressed this "blunder of the postmaster" and lamented the time lost on critical communications which included his official and personal correspondence to Randolph, as well as the proposed revisions to the memorial and treaty ratification.²⁹ None of those important papers would reach Philadelphia until Washington was already en-route.

The president was also deprived of incoming correspondence from the cabinet at this time. Edmund Randolph, writing for the cabinet officers on 29 July 1795, wrote to Washington in response to his 24 July suggestion that he "could set out as well on a day's as a month's notice, for the seat of government," and advised him to remain at Mount Vernon because it would appear imprudent for the president to hastily return to Philadelphia. Randolph also advised the president on 29 July that George Hammond had

²⁹ George Washington to the Secretary of State, Mount Vernon, 31 July 1795, in Fitzpatrick, *Writings*.

been recalled to London and would have “several things to communicate, by order, relative to the treaty... which he would impart in a few days...” By 31 July 1795, Secretaries Wolcott and Pickering were in possession of Dispatch no. 10, which had arrived in the United States along with Hammond’s recall orders, and privately urged the president to return to Philadelphia.³⁰ Unaware of Dispatch No. 10 and the furtive motivation of Wolcott and Pickering, on 31 July 1795 Edmund Randolph also enjoined the president to return to Philadelphia stating simply that “nothing but the general crisis of public affairs leads to this recommendation; and that it may be important that you should do some act in consequence of the communication expected from Mr. Hammond, who will sail shortly.”³¹

Even without postal errors and weather delays it would have been impossible for the cabinet members to have received Washington’s correspondence of 29 and 31 July before they penned their own letters of 29 and 31 July. The cabinet was therefore completely unaware that the president already planned to depart Mount Vernon on Monday, 3 August 1795, and any assumption that their efforts hastened the president’s return to Philadelphia neglects Washington’s own words.³²

³⁰ Timothy Pickering to George Washington, Philadelphia, 31 July 1795, in Conway, *Omitted Chapters*, 282. Hammond’s recall and Dispatch no. 10 arrived in Philadelphia 26 July, 1795. *Ibid.*, 299.

³¹ Reardon, *Edmund Randolph*, 305, 306.

³² There are numerous examples in the historiography of this event implying that Wolcott and Pickering tricked Randolph into successfully summoning the president to Philadelphia: “The unwitting Randolph having written his letter [31 July 1795], the president arrived in Philadelphia on August 11.” Moncure Daniel Conway *Omitted Chapters*, 282; “I entreat therefore you will return with all convenient speed to the seat of government.” Timothy Pickering to George Washington 31 July 1795 in Freeman (Carroll and Ashworth), *First in Peace*, 278; “On 31 July Pickering and Wolcott giving a fictitious reason, asked Randolph to write the necessary letter.” *Ibid.*, 280; “Wolcott and Pickering moved quickly. They tricked Randolph into urging the president to return to Philadelphia from Mount Vernon...” Mary Bonsteel Tachau, “George Washington and the Reputation of Edmund Randolph,” 25; “And while he had already come to the same conclusion, [Washington] was now moved to go back a week sooner than he intended, especially after an urgent private letter which Timothy Pickering sent him on his own.” Elkins and McKittrick, *The Age of Federalism*, 425. These and other examples ignore the fact that the president had

The continued heavy rains prevented Washington from departing Mount Vernon on 3 August as he had announced in his previous letters, and as of 4 August he still had not received any incoming mail.³³ Frustrated by the delays in the post, and the mounting unanswered, yet time critical paperwork that was pending, both Randolph and Washington curtailed their correspondence at this point.³⁴ Finally, on 5 August Washington received an avalanche of correspondence, including the confusing and contradictory letters from the cabinet. The weather eventually allowed Washington to depart for Philadelphia on 6 August, 1795, but muddy roads and washed out bridges made travel slow and tedious. Washington did not reach Philadelphia until 11 August, 1795.³⁵

After a three week absence from the seat of government, ten days of which were without postal communication with the cabinet during a period that Washington characterized as a crisis, he naturally met with Secretary of State Randolph to discuss recent events and the pending paperwork regarding Jay's Treaty. Washington's letters dictating the need for "a conjunct revision" had been seriously delayed by the postal debacle and only preceded Washington's arrival by a few days. Although speculative, it is highly likely that Washington intended to discuss the revision of his own position as well as those he envisioned for the memorial and the ratification with Randolph. The news of George Hammond's recall to London had come during the postal debacle and although Washington had finally received the news en-route to Philadelphia this meeting

already determined to return to Philadelphia and announced a date of his return prior to any letters initiated by the cabinet members.

³³ George Washington to the Secretary of State, Mount Vernon, 4 August 1795, in Fitzpatrick, *Writings*.

³⁴ Reardon, *Edmund Randolph*, 305; Fitzpatrick, *The Writings of George Washington*.

³⁵ George Washington, *Diaries*, 208, 209. The travel time included a stop in Georgetown for a meeting of the Potomac Company. Most of the delay was due to poor travelling conditions.

would have been his first chance to discuss its implications with the Secretary of State. However, it was during this working dinner that Timothy Pickering interrupted the president to inform him of Pickering's suspicion "that man [Randolph] is a traitor," which apparently curtailed Washington's plans for the meeting.³⁶ Oliver Wolcott delivered Dispatch No. 10 to the president later that evening.³⁷ Washington's receipt of Dispatch no. 10 on 11 August was purely a function of his first contact with the cabinet after a long absence.

In the scant hours between his dinner with Randolph on 11 August, receiving Dispatch no. 10 and the scheduled cabinet meeting on 12 August 1795, Washington did not initiate any correspondence nor create any record of his thoughts. The paucity of documentary evidence has subsequently driven historians to speculation rather than analysis as to what role, if any, Dispatch no. 10 had on George Washington's announcement that he intended to sign Jay's Treaty the day after being handed Pickering's translation of the French dispatch. Edmund Randolph initiated the speculative trend when he identified Washington's change of mind during the summer of 1795 in *Vindication*. Randolph published Washington's letter of 22 July stating that he would never ratify Jay's Treaty during the existence of the provision order and compared that with the final language of the memorial the president dictated after the 12 August cabinet meeting which merely protested the existence of the provision order but did not make it a condition of ratification. Edmund Randolph's own conclusion publicly addressed directly to Washington was "that the *immediate* ratification of the treaty with Great Britain [could] be traced to no other source, than a surrender of yourself to the first impressions

³⁶ Conway, *Omitted Chapters*, 282.

³⁷ Freeman (Carroll and Ashworth), *First in Peace*, 280.

from the letter, which instantaneously governed you with respect to the instrument and myself.”³⁸

The severe postal delays and loss of communication between the chief executive and his cabinet had deprived Randolph of Washington’s letters of 29 and 31 July, 1795, indicating that he intended to revise the memorial and ratification until just days before the president’s arrival in Philadelphia. Randolph’s first meeting with Washington in which they might have discussed Washington’s change of position was curtailed by Pickering’s interruption. From Randolph’s perspective Washington’s announcement to ratify Jay’s Treaty the day after their abbreviated dinner meeting appeared “immediate.” Although by the time Randolph published *Vindication* he was well aware of the deleterious effects of the postal delays he did not address the possibility that signing the treaty to quell the “unsettled nature” of things during a crisis of public unrest was why Washington had abruptly returned to Philadelphia or what Washington had meant by a need for a “conjunct revision.”

Subsequent histories of this event have echoed Randolph’s conclusions, but with unique speculative arguments. In their biography of Washington, Carroll and Ashworth created two pages of fiction speculating that Washington may have poured over Dispatch no. 10 the night of 11 August, “alone in his study, late that evening,” agonizing over the implications of Randolph’s guilt or innocence and analyzing Dispatch no. 10 paragraph by paragraph. Carroll and Ashworth described the president as “agitated by the natural, unbridled speculations that follow a great shock,” and postulated that “not since the first fragmentary hints of Benedict Arnold’s defection came to him had Washington faced this kind of thing.” His biographers implied that Washington’s suspicions of betrayal by a

³⁸ Randolph, *Vindication*, 34-40, 53.

trusted friend in Randolph may have reminded him of Arnold's betrayal of his personal trust, in addition to treason, and concluded that "contemplations like these prompted Washington to summon the four members of the cabinet to his office the next morning, August 12."³⁹ However, the cabinet meeting of 12 August was a logical and planned event for a president and cabinet that had been out of touch for nearly two weeks and not an emotional reaction to reading Dispatch no. 10.⁴⁰ As well respected biographers of George Washington, Carroll and Ashworth were certainly well qualified to speculate about Washington's reaction to Dispatch no. 10, but they had no factual way of knowing anything about how George Washington spent his evening, what he thought about or how he reached his decisions. Taken to the opposite extreme, there is no actual evidence that Washington even read dispatch no. 10 in the twelve hours between being handed Pickering's translation and his announcement to settle the issue of ratification, which has been demonstrated, was "the primary cause of [his] return to Philadelphia."⁴¹

James Thomas Flexner similarly romanticized Washington's unknown private moments after receiving Dispatch no. 10. by creating a scene in which "Washington's mind strained painfully" with "thoughts that wounded Washington's personal emotions." Flexner reiterated Carroll and Ashworth's Benedict Arnold theme of personal betrayal by

³⁹ Freeman (Carroll and Ashworth), *First in Peace*, 284, 285. Within the chapter "Randolph or the Treaty" two short essays are inserted separately; "A Tragedy of Consequences," opposite page 287, and "Pickering and Wolcott: History Must Judge Them," opposite page 288, each dealing with Randolph's dismissal.

⁴⁰ Reardon, *Edmund Randolph*, 308. The cabinet meeting was scheduled upon the president's arrival in Philadelphia, 11 August 1795.

⁴¹ George Washington to the Secretary of State, Mount Vernon, 29 July 1795, in Fitzpatrick, *Writings*. Washington's papers at the State Department include a "minute and extended summary" of *Vindication* annotated in Washington's handwriting. Conway, *Omitted Chapters*, 346. There is no doubt that Washington read Dispatch no. 10, and there is evidence that he analyzed it at length after it was published in *Vindication* December 1795. However, there is no way to know when he analyzed or even read the dispatch for the first time. Washington may have read it in the twelve hours between his receipt of the translation and the 12 August cabinet meeting, however there is an equal possibility that he did not read Dispatch no. 10 until after the cabinet meeting while the ratification paperwork was being finalized.

a man, “whom he had up until that moment trusted and greatly admired.”⁴² Flexner’s narrative went on to describe how Washington, “in the loneliness of the dark and silent house, concluded that he would have to follow the advice of the senate exactly as given,” hopelessly obscuring the fact that Washington had previously stated this position in his 22 July letter to the Secretary of State, long before the fateful night of 11 August 1795. As with earlier biographies, Flexner embellished his account with events which were likely to have taken place but not founded on factual evidence. Flexner similarly concluded that Washington determined to sign Jay’s Treaty that night out of the fear that he had been “following the advice of an advisor whom he now had reason to suspect of being in the pay of France.”⁴³

Edmund Randolph’s earliest biographer, Moncure Daniel Conway, claimed that “Washington... did not believe one word of the charges against Randolph.” Conway believed that Dispatch no. 10 was “brought from the British office to be held as a pistol at the head of the administration to compel an unconditional signature to the treaty,” and that “from the moment in which the intercepted dispatch was laid before him, every step of the president was compulsory.” Although Conway separated Washington’s decision from the question of Randolph’s fate, he still concluded that Washington determined to sign Jay’s treaty as a reaction to receiving Dispatch no. 10 the night before.⁴⁴

Historians of the Federalist Era have also reiterated the belief that Washington signed Jay’s Treaty in reaction to Dispatch no. 10. John C. Miller noted that Randolph’s “intrigue with the French minister” was more proof to Washington that French influence in the United States was strong and potentially within his own cabinet. Elkins and

⁴² Flexner, *Anguish and Farewell*, 224, 225.

⁴³ Flexner, *Anguish and Farewell*, 229.

⁴⁴ Conway, *Omitted Chapters*, 354.

McKittrick fictionalized their account of this event by imagining the ponderous considerations which “hovered in the very air as Washington sat down on the night of August 11, 1795 to read Dispatch Number 10...,” and proposed that “we might read it with him.” They concluded that Washington wished to sign the treaty because “it now seemed clear that Randolph’s advice was not disinterested...He was now determined to be rid of Randolph once and for all...”⁴⁵ However, Washington left no evidence of what he thought of Randolph at this moment.

In his history of *The Jay Treaty*, Gerald Combs remained faithful to the evidence and concluded Washington’s “loss of confidence in the veracity and loyalty of Randolph was the major cause of his reversal of position and determination to ratify immediately.” Mary K. Bonsteel Tachau strenuously defended the reputation of Edmund Randolph but concluded along with others that “within twenty-four hours of reading [dispatch no. 10], Washington repudiated the strategy regarding Jay’s Treaty that he and Randolph had agreed on a month earlier...Instead, he announced that he would sign immediately.”⁴⁶

There are scholars who have argued that President Washington signed Jay’s Treaty for the sole reason that it was in the best interest of the country, and not because of his exposure to Dispatch no. 10. Washington’s first biographer, Chief Justice of the Supreme Court John Marshall, was a Virginia peer of both Washington and Randolph who was politically active during the time period in question. Justice Marshall’s 1807 account depicted the summer of 1795 as full of civil unrest and political protests. Working from Washington’s original manuscripts and his own personal experience, Marshall claimed that “The President was most likely determined to the immediate

⁴⁵ Miller, *The Federalist Era*, 169-171; Elkins and McKittrick, *The Age of Federalism*, 427, 429.

⁴⁶ Combs, *The Jay Treaty*, 168; Tachau, “Washington and Randolph,” 28.

adoption of this measure [ratification] by the extreme violence with which the treaty was exposed [public demonstrations and civil unrest], and the rapid progress the violence was making... It had become necessary to either attempt a diminution of its action by rendering its exertion hopeless, and by giving to the treaty the weight of his character and influence, or to yield to it." Although Marshall acknowledged Randolph's resignation as Secretary of State, he did not mention Dispatch no. 10. The only reason Marshall offered for Washington's decision to sign Jay's Treaty was to resolve civil unrest by making a definitive decision.⁴⁷

A modern defender of Edmund Randolph, Brian R. Zwillig, attempted to explain the "Puzzling Imprudence of George Washington," in a 1996 Master's thesis at Harvard University. Zwillig agreed with Conway that Washington's decision to sign Jay's Treaty had nothing to do with Randolph's guilt or innocence. Without citing Washington's correspondence that would have supported his theory, Zwillig concluded that regardless of the public outcry, congressional debate and partisan pressure, the president believed that Jay's Treaty would help ensure America's neutrality and therefore decided upon the ratification because it was in the best interest of the country without regard to Dispatch no. 10.⁴⁸

The preponderance of historiography concerning George Washington's decision to sign Jay's Treaty during the existence of the provision order that he considered an impediment to good relations with Great Britain has traditionally been told through the lens of Edmund Randolph's demise via the revelation of Dispatch no. 10. This trend was begun by Randolph's *Vindication* and has been perpetuated in the American memory by

⁴⁷ Marshall, *The Life of George Washington*, 5:628-635.

⁴⁸ Zwillig, "The Puzzling Imprudence of George Washington," 65.

Washington's biographers, historians of the Federalist Era, Jay's Treaty, and most of Randolph's defenders. Yet Washington's receipt of Dispatch no. 10 upon his arrival in Philadelphia was merely a matter of timing and a function of his first personal contact with Secretaries Pickering and Wolcott after they had come into possession of Dispatch no. 10. The president's announcement the next morning that he had decided to take definitive action on Jay's Treaty at a cabinet meeting specifically planned for that purpose is hardly surprising. The coincidence in time of the two events created the illusion that they were related as cause and effect; a misconception that has taken hold in the American memory.

Washington's own words show quite clearly that the president had determined to return to Philadelphia long before the cabinet ever summoned him, a summons he did not receive until he was packed and waiting for the weather to break to make his planned departure. George Washington's correspondence reveals that he had a clear picture of the domestic and international political landscape as well as a keen awareness of the perils and benefits for the nation which hinged upon his ratification or refusal of Jay's Treaty. Prior to the 12 August cabinet meeting the treaty had awaited only the president's signature or rejection for seven weeks, during which civil unrest and political opposition ran rampant. President Washington's correspondence expressed his awareness of the fact that the apparent indecision of the supreme magistrate only exacerbated national instability and required his decisive action.

Acknowledging Washington's well thought out decision matrix and ponderous, though deliberate decisiveness in a time of national crisis is better aligned with the traditional memory of George Washington than the suggestion that he was swayed on a

matter of national security by the intrigues of foreign diplomats. Acknowledging the fact that George Washington signaled his decision to ratify Jay's Treaty through his correspondence while at Mount Vernon, long before he was aware of Dispatch no. 10, deflates a long held myth in the history of the early republic. Clarifying this seemingly small point provides a more accurate depiction of the events of the turbulent summer of 1795. Divorcing the history of Dispatch no. 10 from Washington's ratification of Jay's Treaty allows historians to reinsert George Washington into the ratification of Jay's Treaty as a well informed, engaged president rather than a reactionary, aging old man recoiling from the betrayal of an old friend. Separating the two stories also allows us to fully appreciate the true history of Dispatch no. 10 and Edmund Randolph.

Chapter III

A Presidential Affair of Honor

Why did President Washington treat his Secretary of State with such asperity?

George Washington was handed Dispatch no. 10, which implicated the Secretary of State in treasonous activity with the French minister to the United States, by Randolph's fellow cabinet members and political enemies, Secretary of the Treasury Oliver Wolcott and Secretary of War Timothy Pickering. Yet regardless of whether or not the dispatch caused the president to question the integrity of his Secretary of State or had any influence over Washington's decision to ratify Jay's Treaty in August, 1795, he kept the existence of the dispatch secret from Secretary of State Randolph for a full week while Jay's Treaty was prepared for ratification. The day after the treaty was signed Washington entrapped Randolph in an ambush which humiliated him in front of his cabinet rivals and political enemies, resulting in Randolph's immediate resignation and permanent departure from public office. Did George Washington believe that his protégé was guilty of treasonable corruption? Did Washington realize all along that Randolph was innocent, but felt compelled politically to sacrifice him? Could Washington's actions have been meant to save Randolph?

Unfortunately, the fact that George Washington left no record of his personal feelings regarding the Randolph affair has led to centuries of speculation. In the 1990s Brian Zwillig found Washington's behavior to be uncharacteristically rude as he sought

answers to “The Puzzling Imprudence of George Washington.”¹ Randolph’s defenders have similarly faulted Washington’s behavior. Mary K. Bonsteel-Tachau concluded that “Washington ought to have known [Randolph] better,” and accused Washington of acquiescing to “the sacrifice of Randolph’s reputation in order to preserve his own.”² Irving Brandt identified “the ease with which Washington’s intense integrity was imposed upon by the malevolence of Pickering and Wolcott,” as one of the “bizarre injustices with which Randolph’s reputation was done to death.”³

Washington’s biographers have attempted to explain Washington’s behavior while choosing between “Randolph or the Treaty” during a “War with an Old Friend.” Carroll and Ashworth theorized that Washington’s harsh interview of 19 August was meant to distill Randolph’s innocence or guilt by interpreting his physical and emotional reaction to being shown Dispatch no. 10. James Thomas Flexner later advanced Carroll and Ashworth’s theory with an elaborate explanation of Washington’s painful memory of Benedict Arnold’s betrayal and of Washington’s determination to judge Randolph by his behavior during the inquisition.⁴

The biographies of Randolph and Washington are essential to understanding the events of August 1795. Because Randolph was politically disgraced and essentially written out of history by the federalists of the early republic, few historians consider Edmund Randolph’s life prior to his cabinet years. Yet his lifelong relationship with George Washington is at the very heart of explaining the actions of both George Washington and Edmund Randolph over Dispatch no. 10.

¹ Zwilling, “The Puzzling Imprudence of George Washington.”

² Tachau, “George Washington and the Reputation of Edmund Randolph,” 34.

³ Brandt, “Edmund Randolph, Not Guilty!” 190.

⁴ Freeman (Carroll and Ashworth), *George Washington: First in Peace*, 293, 294; Flexner, *George Washington: Anguish and Farewell, 1793-1799*, 233, 234.

The recent scholarship of Joanne Freeman which examined *Affairs of Honor* as they affected *National Politics in the New Republic* has enabled modern researchers to more accurately interpret George Washington and Edmund Randolph's tragic struggle.⁵ The ambush of 19 August set in motion a classic affair of honor between the president of the United States and his highest ranking cabinet member. When their long interpersonal relationship is inserted into the affair it becomes intensely personal. This was not only an affair of honor between two of the most socially prominent men in America; it was a family struggle between two men whose close relationship made it a veritable affair of honor between father and son. Placing Washington and Randolph's debacle within the framework of an affair of honor clarifies Washington's puzzling imprudence by making it possible to interpret his actions and words through the lens of eighteenth-century political America. George Washington may have intentionally chosen to initiate an affair of honor out of respect for Edmund Randolph in a heroic effort to salvage his adopted son's personal reputation and to preserve Randolph's career.

George Washington was a long time family friend to the Randolphs of Virginia. Washington served in Virginia's provincial House of Burgesses with Edmund's father John, and his uncle Peyton Randolph, from 1758 until the advent of the Revolutionary War.⁶ Moncure Daniel Conway characterized Edmund's uncle, Peyton Randolph, as "probably the most intimate friend Washington ever had," leaving little doubt that the two prominent Virginia families were close. George Washington would therefore have known Edmund Randolph since Edmund was a child.⁷

⁵ Freeman, *Affairs of Honor: National Politics in the New Republic*.

⁶ Reardon, *Edmund Randolph: A Biography*, 16; Longmore, *The Invention of George Washington*, 81.

⁷ Conway, *Omitted Chapters of History Disclosed in the Life and papers of Edmund Randolph, Governor of Virginia; First Attorney General of the United States, Secretary of State*, 11; There are numerous entries

As hostility erupted into violence in 1775, Edmund's father John Randolph, the last royal attorney general of Virginia, chose to remain loyal to the crown and joined the fleeing royal governor of Virginia by moving his entire family to England. However, Edmund Randolph chose Virginia and America over family and crown and remained in America. Edmund Randolph was literally orphaned at the age of twenty-one by his loyalist father who left behind only a legacy of debt which would haunt Edmund for the rest of his life. Edmund was temporarily fostered by his otherwise childless uncle, Peyton Randolph, who had mentored Edmund throughout his youth.⁸

Edmund sought an appointment to serve with General Washington at Cambridge during the summer of 1775, in hopes that proving his loyalty to America through military service would dispel any aspersions cast by his "aristocratic father's toryism."⁹ With the patronage of his prominent uncle and other Virginians serving in the Continental Congress, Edmund Randolph was appointed an aide-de-camp to General Washington on 15 August 1775. Washington fully appreciated Randolph's patriotic dilemma and welcomed him into the "military family" where he handled Washington's correspondence.¹⁰

Edmund's uncle, Peyton Randolph, passed away unexpectedly while serving as president of the Continental Congress in October 1775, leaving young Edmund Randolph once again without adult male patronage. Randolph left General Washington's Cambridge headquarters in November to return his uncle's body to Virginia and to care

in Washington's diaries between 1753 and 1775 depicting political, financial and social interaction between Washington and John Randolph and his family as well as between Washington and Peyton Randolph (Washington, *Diaries of George Washington*).

⁸ Reardon, *Edmund Randolph*, 19, 20.

⁹ Conway, *Omitted Chapters*, 21; Reardon, *Edmund Randolph*, 20.

¹⁰ Reardon, *Edmund Randolph*, 21 and 27.

for his widowed aunt. According to John Reardon, Edmund's visible display of loyalty to Virginia and the revolution achieved its goal, for "without question, his service to Washington removed all doubt about his support for the rebellion."¹¹ During Edmund's delay in Williamsburg to attend to his uncle's estate he was welcomed home by the powerful political families of Virginia.

Edmund Randolph was appointed as a judge in the admiralty court of Virginia by the Virginia Convention of Delegates in January 1776, making it impossible to return to Washington's side, but validating Edmund's "loyalty and position as a patriot." Randolph was elected to the Virginia Convention of Delegates in April 1776, and immediately after the Constitution of Virginia was adopted Randolph was elected as the first attorney general of Virginia, essentially succeeding to the post abandoned by his father, the last royal attorney general. For the remainder of the Revolutionary War Randolph served as attorney general to Virginia and alternately served in the Virginia House of Delegates or the Continental Congress as a representative from Virginia. As a key figure in both Virginia and national politics, Randolph's continued correspondence with his former commander throughout the war provided Washington with valuable political insights.¹²

At the end of the Revolutionary War Edmund Randolph became George Washington's personal attorney, a post he held until their dramatic separation in 1795. Randolph discretely handled all of Washington's legal affairs from land speculation deals in the Ohio to the evictions of derelict tenants, placing both men in frequent intimate contact for over a decade. As their new relationship began Randolph expressed his gratitude to Washington for his "repeated acts of friendship" by refusing to accept any

¹¹ Reardon, *Edmund Randolph*, 23.

¹² *Ibid.*, 30-34.

legal fees in “the usual way lawyers give some small testimony of their attachment.”¹³ Randolph continued to refer to his “attachment” to Washington throughout their correspondence for the next twelve years, clearly indicating his loyalty and possibly suggesting that he had adopted Washington as a surrogate father figure.¹⁴ As a peer of Randolph’s father and uncle, Washington’s age difference with Randolph created a natural parent-child relationship.

The passing of Edmund Randolph’s beloved aunt, Elizabeth Randolph, in February, 1783, set in motion a legal and financial maelstrom. Peyton Randolph’s will stipulated that all land and property passed to his wife Elizabeth until her death, when they devolved to his brother, Edmund’s father, John Randolph. Yet John Randolph the loyalist had departed Virginia in 1775 with numerous unpaid debts. From the moment of Elizabeth Randolph’s passing, Edmund was hounded by his absentee father’s creditors. John Randolph passed away in England the following January, 1784, leaving Edmund with an entangled estate of debt and creditors that he spent the rest of his life settling. Randolph’s struggle to balance his uncle’s estates with his father’s debts compelled Randolph to earn a living to support his family, a difficult compromise for a public servant in the early republic. Edmund Randolph’s infamous struggle with his family’s debt eventually left him vulnerable to the charges of bribery alleged in Dispatch no. 10 and unfit for public office.¹⁵

¹³ Ibid., 73.

¹⁴ Throughout their correspondence Randolph frequently closed his letters to Washington with “sincerest affection,” or “your affectionate friend and servant.” Edmund Randolph to George Washington 17 April 1784 and 11 March 1787 in *The George Washington Papers at the Library of Congress*. Towards the end of their relationship Randolph nearly always closed “with affectionate attachment and respect,” or “the most cordial and grateful attachment.” Edmund Randolph to George Washington 13 December 1794 and 7 July 1795 in *George Washington Papers at the Library of Congress*.

¹⁵ Reardon, *Edmund Randolph*, 74, 75.

After the war, Washington ostensibly retired from public office to manage his affairs at Mount Vernon while Edmund Randolph remained active in Virginia politics. In November 1786 Randolph was elected governor of Virginia. As Randolph assumed the executive position, his former commander-in-chief congratulated “his Excellency, Edmund Randolph,” on his appointment as the “chief magistrate of the commonwealth.” Washington’s endorsement of “his Excellency” glowed; “As no one seems more fully impressed with the necessity of adopting measures than yourself, no one is better qualified to be entrusted with the reins of government.”¹⁶ Washington and Randolph’s roles with respect to political power also appeared reversed when Randolph’s continued activity within Virginia politics eventually elevated him to Grand Master of the Virginia Free-Masons, 1784-1788. As Grand Master of Virginia, Randolph founded the Alexandria Lodge, and installed George Washington as its first master.¹⁷

As governor of Virginia, Edmund Randolph pleaded with Washington to attend the Constitutional Convention scheduled for May, 1787, in Philadelphia. Randolph had attended the abortive Annapolis Convention as Virginia’s attorney general and was keenly aware of the need for credibility which would be gained by the presence of George Washington in Philadelphia. Randolph blandished Washington by naming him first on the list of delegates in deference to his social preeminence. Even though named ahead of the governor of his state, Washington continually refused to attend. Governor Randolph eventually called upon Washington’s friendship when he made his final plea. In April 1787, Washington begrudgingly accepted his state’s appointment.¹⁸ Many

¹⁶ George Washington to Governor Edmund Randolph, Mount Vernon, 19 November 1786, in *George Washington Papers at the Library of Congress*; Conway, *Omitted Chapters*, 60.

¹⁷ Conway, *Omitted Chapters*, 39.

¹⁸ Reardon, *Edmund Randolph*, 92-95.

prominent founders encouraged Washington to attend the Philadelphia Convention making it naïve to solely credit Edmund Randolph with convincing Washington to attend. However, as Virginia's most prominent politician with a legitimate claim to personal friendship, Randolph certainly contributed to coaxing Washington out of retirement.

Following President Washington's inauguration in 1789 he extended an offer to his personal lawyer to serve as his attorney general. When he made the offer Washington acknowledged the financial distress created by the absentee indebtedness of Randolph's loyalist father by reassuring him that although "the salary of this office appears to be fixed," he believed that "the station would confer pre-eminence on its possessor, and produce for him a decided preference of professional employment." As a friend and peer of Randolph's father and uncle, and through their frequent personal contact after the war, Washington was well aware that Randolph had been balancing public service in Virginia with his more lucrative private practice in order to meet his family's financial needs while settling his father's substantial debts. It appears that Washington therefore hoped to entice Randolph into federal service with the lure of an improved private practice based upon a pedigree as Attorney General of the United States. Randolph's acceptance of the position included a candid and detailed accounting of his financial distress.¹⁹ There were no secrets between these men.

The role of attorney general and legal advisor to the president was critical to navigating the myriad questions raised while creating a new government under the new federal constitution. As a key participant in the Constitutional Convention and an untiring champion of the constitution's ratification, former attorney general and one of the most

¹⁹ Reardon, *Edmund Randolph*, 178; Edmund Randolph to President Washington, Williamsburg, 8 October 1789, in Conway, *Omitted Chapters* 129, 130.

prominent lawyers in Virginia, Edmund Randolph was well prepared to provide the president with sound legal advice.

Edmund Randolph was instrumental in establishing many of the precedents in the early republic. For example, upon becoming Attorney General of the United States, Randolph's first challenge was to provide congress with a report on the Judiciary Act of 1789, in which he specifically defined the relationship of the attorney general to the judicial districts.²⁰ Later, in 1791, Randolph provided guidance to the governors of Virginia and Pennsylvania for the procedural extradition of fugitives between the states, though he refused to actually become involved in the matter for fear of setting an undesirable precedent as federal mediator between state's disputes. When George Washington was faced with the prospect of using his first veto over a congressional bill he turned to Randolph, Jefferson and Madison for constitutional guidance. The unanimous decision of this committee was that the formula proposed in the Apportionment Bill of 26 March 1792, was un-constitutional and required the president's veto. Randolph presented Washington with a draft veto message citing the inconsistencies which Washington utilized verbatim when he invoked the first presidential veto under the U.S. Constitution.²¹

As Alexander Hamilton and Thomas Jefferson became increasingly adversarial and cabinet meetings became more contentious, Randolph emerged as the mediator of the middle ground. For example, when the French Revolution turned violent and France declared war in Europe in 1793, George Washington was determined that the United States remain neutral. His cabinet generally agreed with Washington, although "Hamilton

²⁰ Conway, *Omitted Chapters*, 142.

²¹ Reardon, *Edmund Randolph*, 207-209.

favored an immediate declaration of neutrality,” while Jefferson sought to gain concessions from the British for U.S. neutrality and objected to the word “neutrality.” When Edmund Randolph was assigned the task of writing Washington’s neutrality proclamation, Randolph created a document which defined the legal implications of neutrality and stated the president’s policy without actually using the word “neutrality,” satisfying Hamilton and Jefferson in both spirit and verbiage. Randolph’s draft was approved unanimously by the cabinet and signed by Washington the same day, 22 April 1793, without changes.²²

Randolph’s service to the president was more than professional. It was also personal and even filial. John Reardon observed that whenever Washington was out of town throughout the 1780s and early 1790s, Edmund and Betsy Randolph “saw to it that Mrs. Washington had their companionship by dining with her on occasion as old friends.”²³ When yellow fever struck Philadelphia in September 1793, Randolph feared for the president’s health and personally arranged quarters for Washington in Germantown as they discussed the practical and constitutional implications of convening congress outside of Philadelphia to avoid the fever.²⁴ During the Whiskey Rebellion Randolph remained at the seat of government as Washington rode out with the militia in October 1794. During Washington’s absence Randolph dutifully handled the daily correspondence of the government and posted daily intelligence updates to the president while “Mrs. Washington became accustomed to almost daily visits from the Secretary of State.”²⁵ Edmund Randolph’s dotting upon the Washingtons at the very least perpetuated

²² Reardon, *Edmund Randolph*, 221, 223.

²³ Reardon, *Edmund Randolph*, 201.

²⁴ Conway, *Omitted Chapters*, 154, and Reardon, *Edmund Randolph*, 240, 241.

²⁵ Reardon, *Edmund Randolph*, 276.

the inter-family relationship of respect he had observed between his parents, his uncle and the Washington's as a child. Taken to an extreme, Randolph's behavior was that of a dutiful child, furthering his surrogate relationship with Washington.

George Washington reciprocated Randolph's familial gestures with paternal behavior. Although Washington had no children of his own, throughout his life Washington "adopted" several talented, devoted and loyal men, each in need of surrogate parental role models. When Washington married the recently widowed Martha Dandridge-Custis in 1759 he adopted both of her surviving children, including her five year old son, John Parke-Custis. Washington's loving correspondence to his legally adopted step-son included advice on business, relationships, military service, and politics and reveals a deeply authentic paternal bond. John Parke Custis followed Washington's advice and pursued public service in the Virginia House of Delegates during the Revolutionary War. Custis finally served his step-father at the siege of Yorktown as a civilian aide-de-camp, but tragically succumbed to a camp fever and died shortly afterwards at the age of twenty-seven. George and Martha Washington adopted two of John Parke-Custis' four children, including his infant son, George Washington Parke Custis, whom they raised as their own.

Washington famously adopted his Revolutionary War companion, the Marquis de Lafayette. Lafayette's father was killed in battle before his birth, and his mother passed away when he was just fourteen, making him an aristocratic orphan at a young age. Although Washington distrusted and discouraged the barrage of young European aristocrats clamoring for fame or glory in the burgeoning conflict with Great Britain, Lafayette distinguished himself by suffering with the army at Valley Forge, and being

wounded in battle. At the conclusion of the War General Washington ceremonially “adopted” Lafayette as each man pledged their fidelity to the other. During the 1790s, while Lafayette was held as a political prisoner during the French Revolution, George Washington repaid his “son’s” loyalty by working for his release, sending money to his embattled wife and raising their son, George Washington Lafayette, in America where he would be safe from persecution or the guillotine. After Lafayette’s release from prison he thanked his “beloved General...the adoptive father of the whole family.”²⁶

George Washington appears to have also tacitly adopted his longest serving and most faithful servant, the physically and spiritually abandoned Edmund Randolph. Randolph’s role as Washington’s attorney kept the two men in constant contact after the Revolution. Washington reciprocated Randolph’s untiring devotion by including the financially strapped Randolph in the potentially lucrative land speculation of the Potomac River and James River Companies, where Reardon observed that Washington “served as Randolph’s principal informant on activities of the Potomac River Company,” while Randolph served as a director of the James River Company and exercised Washington’s proxy.²⁷ Notably, Edmund and Betsy Randolph were only able to dote upon Mrs. Washington throughout the 1780s and early 1790s because of their particularly close relationship which allowed them familial rather than social access.

The correspondence between Washington and Randolph provides a semblance of documentary evidence of their familial relationship. Eighteenth-century correspondence between adult males was polite if nothing else. Joanne Freeman observed that words had powerful implications politically and socially, therefore correspondents chose their words

²⁶ Latzko, *Lafayette: A Life*, 15, 60, 262; Carroll and Ashworth, *First in Peace*, 558.

²⁷ Reardon, *Edmund Randolph*, 74.

carefully even in personal communications.²⁸ Notably, correspondence of the eighteenth-century closed with a flourish of obeisance which signified the social relationship between the two correspondents. A mere signature without any flourish implied a social snub or even an insult. However, the most common element found in nearly all closings consisted of; “your most obedient servant.” Even General Wayne and the besieged commandant of Fort Miamis politely (or sarcastically) closed their letters with this phrase at the climax of the Battle of Fallen Timbers.²⁹ The next most common closing added an embellishment; “your most obedient *and humble* servant,” which appears in official correspondence as well as personal letters between non-intimate writers.³⁰

The closer the social relationship between two correspondents the more embellished the closing flourish, such as “with regard and affection I am your most obedient and humble servant,” or “with very great esteem I am your most obedient and humble servant.” Edmund Randolph’s closings to Washington in the early 1780s reflected his debt of gratitude to Washington for allowing him to prove his patriotism with the army at Cambridge: “Believe me to be, my dear Sir, to be with the sincerest affection, to be your most humble and *obliged* servant,” or “with the most sincere affection, your most *obliged* humble servant.”³¹ Near the end of their relationship Randolph’s closings reflected his filial attachment to Washington: “I have the honor to

²⁸ Freeman, *Affairs of Honor*, 113, 114.

²⁹ Johnson, “The Battle did not End at Yorktown,” 453-456.

³⁰ Methodologically, transcriptions and modern digitized databases frequently mask the signature blocks of eighteenth-century correspondence. Transcriptions, such as Fitzpatrick’s *The Writings of George Washington*, offer a comprehensive collection of Washington’s correspondence in a format which is easy to read and spares the researcher the chore of deciphering the handwriting and language of the originals. However, most transcriptions, including Washington’s own *Letter Book*, gloss over the flowery language of the signature lines with standardized abbreviations, such as: “I am & etc.,” or “I am with great esteem, etc.” Only viewing the original documents or digitized facsimiles provides the entire closing flourish and reveals the writer’s relationship to the recipient.

³¹ Edmund Randolph to George Washington, 13 April 1784 and 24 November 1786, in *The George Washington Papers at the Library of Congress* (Italics added).

be, my dear Sir, with the utmost cordial and grateful *attachment*, your affectionate and humble servant,” or “I have the honor to be Sir, with the most respectful and affectionate *attachment*, your most obedient servant.”³²

George Washington’s letters covered a wide gamut between official political or business correspondence to personal letters between family and friends and therefore utilized the entire spectrum of signature flourishes. Washington incorporated a unique block to his unofficially adopted son, the Marquis de Lafayette. Each letter to Lafayette began; “My Dear Marquis...” Embedded within each signature flourish to Lafayette the phrase was repeated: “With the greatest sincerity, I am, my Dear Marquis,” or “With the greatest *attachment* and the most unalterable affection, I am, My Dear Marquis, your most obedient servant,” accentuating Washington’s paternal “attachment.”³³

Washington’s most intimate closings were to his adopted step-son, John Parke Custis: “Sincerely and affectionately, I am yours.”³⁴ In all of Washington’s correspondence the closing phrase “I am yours,” or simply “yours” appears rarely and only to his closest friends or family, such as his step-son, occasionally to Alexander Hamilton and even more rarely to Thomas Jefferson. Washington’s simplest signature block implied his deepest attachment. Washington’s closings to Randolph were embellished with close personal closings as early as the Revolutionary War: “With regard and affection, Sir, I am your most obedient and humble servant.”³⁵ Near the end of their relationship Washington’s signature blocks to Randolph resembled those to his deceased

³² Edmund Randolph to George Washington, 7 July 1795 and 5 August 1795, in *George Washington Papers* (Italics added).

³³ George Washington to Marquis de Lafayette, 10 May 1783 and 15 June 1783 as examples taken after Lafayette had returned to France, in *George Washington Papers*.

³⁴ George Washington to John Parke Custis, 26 May 1778, 20 January 1780 and 25 July 1781 as examples, in *George Washington Papers*.

³⁵ George Washington to Edmund Randolph, 1 August 1779, in *George Washington Papers*.

step-son: “Sincerely and affectionately I am yours,” or “I am always, yours.”³⁶ One of his last letters to Randolph during the 1795 postal debacle at Mount Vernon, just prior to their fateful separation, closed; “I am always, yours affectionately.”³⁷

George Washington’s frequent use of his most intimate signature flourish when writing to Randolph implies that Randolph was held in a similar, though not necessarily equal regard to Washington’s actual step-son or his ceremonially adopted son, the Marquis de Lafayette. All three men were born between 1753 and 1757 which made Washington, born in 1732, an appropriate age to have been their father. The bond between George Washington and Edmund Randolph transcended their various military, political, social, and professional relationships. Edmund Randolph’s immediate family orphaned him in America as a young man lacking fraternal guidance or support. Childless George Washington was a strong male role model who willingly fostered capable, dedicated, loyal young men. It appears that George Washington and Edmund Randolph forged a de facto father-son relationship during their twenty years of service to each other. Appreciating the closeness of their relationship is instrumental to understanding the events of the summer of 1795.

George Washington arrived in Philadelphia 11 August, 1795 to resolve national tension over the un-ratified Jay Treaty. As the nation teetered on the brink of war with either Great Britain or France, and as political faction tore at the republican spirit of the early republic, Washington was presented with the intercepted Dispatch no. 10 which implicated his most faithful friend and servant in potentially treasonous activity.

³⁶ George Washington to Edmund Randolph 11 October 1794 and 18 October 1794, in *George Washington Papers*.

³⁷ George Washington to Edmund Randolph, 4 August 1795, in *George Washington Papers*.

Most historians agree that Washington withheld the incriminating dispatch for eight days before confronting Randolph in the interest of national security. Washington needed to conclude the ratification of Jay's Treaty quickly to settle growing civil unrest. Yet Washington's decision to ratify Jay's Treaty during the existence of the odious provision order and the seizures of U.S. shipping required a new memorial to the British government which merely protested the provision order but did not require its removal as a condition of ratification. In order to re-write the memorial before George Hammond's departure for London on 15 August, just three days after Washington reversed his position and announced his intention to ratify Jay's Treaty, the president needed Secretary of State Randolph's complete cooperation.

Moncure Daniel Conway suggested that Washington specifically wanted Randolph to write the new memorial because he wanted a "non-British sympathizer to write his remonstrance to set the tone."³⁸ Most historians also agree that if Washington had confronted Randolph in the midst of preparing the memorial or the treaty that he would have reacted just as he eventually did; resigned on the spot and published Dispatch no. 10. Not only would George Hammond have returned to London without news of the treaty or its prospects for ratification, an abrupt departure from office by the Secretary of State could have doomed the ratification and further enraged partisan political dissent. Washington had to wait until the necessary paperwork was completed or risk political chaos and the potential loss of Jay's Treaty.³⁹

After Jay's Treaty was signed and safely delivered, Washington was faced with several options for dealing with Dispatch no. 10 and Edmund Randolph. To Randolph's

³⁸ Conway, *Omitted Chapters*, 355.

³⁹ Freeman (Carroll and Ashworth), *First in Peace*, 287, 288.

enemies the contents of the dispatch implied that he had met with Citizen Fauchet during the Whiskey Rebellion and that, “for some thousands of dollars,” his influence “over the mid of the president,” could have been bought to decide upon “civil war or peace,” allegedly at the discretion of the French Republic. If true, Randolph would have been guilty of “treasonable corruption,” for soliciting a bribe from a foreign government to influence the performance of his duties to the United States.⁴⁰

The president could have preferred formal charges of treason against Randolph. Few historians would disagree that if George Washington had believed that there was actual evidence of treason, or any violation of the rule of law, he would have charged Randolph and prosecuted him without hesitation regardless of their background. It is simply not believable that Washington would not have followed the law precisely if there had been any actual evidence of a crime. But Dispatch no. 10 was far from unequivocal evidence. The dispatch was written by the French minister, a man Washington disliked and never trusted. Dispatch no. 10 was conveniently provided by the British government with uncanny timing at the zenith of national tension created by debate over a treaty widely regarded as favorable to Great Britain. George Washington must have recognized that the weakness of the evidence would not support legal charges. Edmund Randolph was therefore never charged or prosecuted for any activity related to the contents of Dispatch no. 10.

At the other extreme, Washington could have chosen to do nothing at all. However, ignoring the dispatch entirely would not have satisfied the British Foreign Ministry, whose stated agenda was the removal of Randolph from office. Stung by the Secretary of State’s forceful diplomacy in defense of U.S. sovereignty in 1794, Lord

⁴⁰ Fauchet, Dispatch no. 10, para. 16 (paraphrased); Brandt, “Not Guilty!” 180.

Grenville, the British Secretary for Foreign Affairs, had specifically forwarded Dispatch no. 10 to George Hammond for the purpose of “placing [Randolph] in a situation where his sentiments may not endanger the peace of two countries...” Without any sign of Randolph’s removal from office or disciplinary action, his enemies would almost certainly have published Dispatch no. 10 to force the issue, which would have been problematic for Washington. The contents of Dispatch no. 10 were too inflammatory to be ignored. The dispatch exposed the Washington administration’s internal bickering over the use of force in the Whiskey Rebellion, as well as the political chasm within his cabinet and “involved Washington as much as Randolph.”⁴¹ Fauchet’s narrative had depicted the president as either weak, or foolish or both. If Dispatch no. 10 had been published by Great Britain or any of Randolph’s Federalist enemies without repudiation, it could have implied “executive intrigue with the French Republic causing damage to Washington’s administration which could not be undone.” Washington had to take action, if only to control the publication of the dispatch in the press.⁴²

The president could have had the civility to handle the matter of Dispatch no. 10 privately with Randolph, allowing him the opportunity to explain himself or discreetly mount the credible defense he eventually presented in *Vindication*. Although showing Randolph such a courtesy would have been in keeping with the eighteenth-century code of honor, it would have given the outward appearance of inaction with identical consequences.

Washington could have quietly moved Randolph to a seat on the Supreme Court, a move which had been hinted at by Rufus King, Aaron Burr, attorney general Bradford

⁴¹ Conway, *Omitted Chapters*, 354.

⁴² Conway, *Omitted Chapters*, 354; Tachau, “Washington and Randolph,” 26, 27.

and Randolph the previous month.⁴³ Such a move might have satisfied his enemies' desire to remove Randolph from a position of direct influence on Washington by moving him into the judiciary while avoiding the appearance of the secretary of state's untimely removal from office.

Unfortunately, whether or not Edmund Randolph was guilty or innocent, the allegations raised by Dispatch no. 10 accentuated Randolph's precarious fiscal situation. Randolph's perpetual maneuvering to appease his father's creditors was well known to his friends and others in government. Gordon Wood observed that "members of the learned professions were considered gentleman," and therefore lawyers were eligible for public service in the ideology of the early republic. However, public servants were expected to be impartial or disinterested and free from the market place in order to serve the public virtuously. Edmund Randolph's need to earn a living in order to support his family, maintain his estates, and settle his father's debts perpetually placed him in a questionable position as a public servant throughout his political career as he balanced his lucrative private practice concurrently with various public offices. The mere implication of fiscal misbehavior raised by Dispatch no. 10 tainted Randolph's public image to serve virtuously, finally rendering him unfit for further public service in the early republic, and ruled out a move to the bench of the Supreme Court.⁴⁴

George Washington was a keen politician and would have been well aware of his options and the consequence of each. In each scenario Edmund Randolph would be publicly humiliated by the ambiguous words of the French foreign minister, twisted in court or the press by Randolph's political enemies until Randolph's reputation was

⁴³ Reardon, *Edmund Randolph*, 297, 298.

⁴⁴ Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815*, 27.

ruined, which in eighteenth-century America would have meant that Randolph himself would be ruined. It appears that George Washington chose to provide his most faithful friend with a means of retaining his honor and reputation, while controlling or at least delaying the publication of Dispatch no. 10, by initiating an affair of honor with Edmund Randolph. The first President of the United States intentionally offended his Secretary of State, well aware of the outcome.

George Washington's biographers agree that he was a master of theater and appearances. Nothing was ever left to chance; Washington always set the scene, the time and the venue.⁴⁵ Therefore it is reasonable to conclude that Washington's actions during the eight days prior to his ambush of Edmund Randolph were calculated to achieve an outcome which he desired.

Many historians have repeated Edmund Randolph's complaint that Washington "held frequent consultations with Messrs. Wolcott and Pickering," by citing a brief letter from Washington to "The Secretaries of the Treasury and War." There is no other evidence of Washington actually consulting with Wolcott or Pickering in person, but Washington's short note written during the week between 12 and 18 August, reveals Washington's plan. Washington began with procedural questions; "At what time should Mr. F—ts letter be made known to Mr. --R? What will be the best mode of presenting it? If the explanations given... are not satisfactory, whether, besides removal, are any other measures proper to be taken? And what?" Washington then asked if they should first ask Mr. Adet for the pertinent paragraphs of the missing Dispatches no. 3 and no. 6, for they "might condemn or acquit unequivocally," and recognized that "if innocent whether R

⁴⁵ Longmore, *The Invention of George Washington*, which depicts Washington's life-long self-promotion, is a good example.

will apply for them if I do not?" This simple question reveals that Washington was not in possession of Dispatches no. 3 or no. 6 as was assumed by historians prior to Jerald Combs, but he recognized that they were critical to deciphering Dispatch no. 10. The question also reveals that Washington knew Randolph well enough to know that he would demand access to the missing dispatches.⁴⁶

Washington's conclusion illuminated his plan, as he discussed the public reaction to "the removal of so high an Officer." Washington further displayed his thorough understanding of Edmund Randolph while invoking the language of an affair of honor when he explained that "it is not to be expected that the removed Officer, will acquiesce without attempting a justification." Washington then removed all doubt that he would have handled Randolph more harshly if he thought Randolph guilty and fully realized that an affair of honor would follow; "for if he is guilty of what he is charged, he merits *no* favor; and if he is not, he will accept none."⁴⁷

Although Washington's note ostensibly solicited input from the two other secretaries in his cabinet, it was actually his first act of theater. George Washington was too observant a politician to not have known that Wolcott and Pickering were Federalist enemies to Randolph. Washington would also have been well aware that Wolcott was not only a toady to Hamilton, but that he was close to George Hammond, as evidenced by his being the trusted conduit of Dispatch no. 10. Any correspondence to Wolcott and Pickering would surely be shared with Hamilton and Hammond. Therefore, Washington's discussion about the various modes and implications of Randolph's

⁴⁶ Randolph, *Vindication*, 50; George Washington to the Secretaries of the Treasury, and War, Philadelphia, 12-18 August 1795, in Fitzpatrick, *Writings of George Washington*; For Combs' contribution see Chapter 1, 51n72 above.

⁴⁷ George Washington to the Secretaries of the Treasury, and War, Philadelphia, 12-18 August 1795, in Fitzpatrick, *Writings* (Italics in the original).

removal appeased those working to that end and forestalled the publication of the inflammatory dispatch until he could set his own plan into action, after Jay's Treaty was safely concluded.

Randolph, and his defenders, protested what they perceived as Washington's deceit during the week of 12 to 18 August. While Washington was in possession of Dispatch no. 10 he conducted business as usual in order to complete the treaty paperwork prior to Hammond's departure. During that week the president visited Randolph and his family at their home, as usual, without any hint that anything might be wrong. Washington also honored Randolph by placing him at the head of his table at dinner twice during the week, including the very night before the fateful ambush. Randolph cited Washington's behavior as a cruel hypocrisy; honoring a man he knew he was about to ruin. Conway thought Randolph a "man betrayed with a kiss."⁴⁸ However, Washington's behavior was also that of a man saying good-bye before a permanent separation, with the dramatic irony that at the time only he knew it was farewell. His actions indicate that Washington was preparing for the affair of honor which he knew would cause irreparable harm to his long relationship with Randolph and the Randolph family.

Timothy Zwilling concluded that George Washington "should not have been caught off guard by Randolph's resignation" after Washington's "uncharacteristically rude treatment" of Randolph on the morning of 19 August, 1795.⁴⁹ Yet, it is not likely that Washington was caught off guard at all. As a master of social theater, it is more

⁴⁸ Randolph, *Vindication*, 50; Conway, *Omitted Chapters*, 353; Zwilling, "The Puzzling Imprudence of George Washington," 21.

⁴⁹ Zwilling, "The Puzzling Imprudence of George Washington," 61.

likely that Washington carefully orchestrated every “uncharacteristically rude” gesture in order to incite Randolph to an affair of honor.

The morning of 19 August 1795 began with Randolph being told via messenger that the scheduled cabinet meeting had been delayed from nine until half-past ten, a lie to isolate Randolph and ensure that he would be the last to arrive. When Randolph arrived, alone, at the appointed hour, he was ushered into a room with a seated panel already convened, signaling his position as a man accused; a man alone; a man abandoned. Randolph immediately recognized the scene as a “military style...tribunal of inquiry.”⁵⁰ The president was careful not to make any accusations of his own, which would have been considered “giving the lie direct,” the most harsh of all offenses in the code duello. Instead, he asked Randolph to read the original of Dispatch no. 10 and “make such explanations as you choose.” The unstated implication of lying or deceptive activity was clear to Randolph, but Washington was careful to not to verbalize the charges. An affair of honor was nevertheless required to respond to “the indirect lie.”⁵¹ When Washington insisted that Wolcott and Pickering question Randolph themselves, Oliver Wolcott only asked one inane question which Randolph “did not object to,”⁵² while Timothy Pickering refused to pose any questions at all, lest either secretary hazard an affair of honor of their own.

After Randolph’s initial explanations, Washington was called from the room under the pretext of receiving routine paperwork. It seems unlikely that the president would have allowed any interruptions while accusing his secretary of state of treasonous activity. However, Washington’s orchestrated absence from the room provided Randolph

⁵⁰ Randolph, *Vindication*, 51.

⁵¹ Freeman, *Affairs of Honor*, 247; Randolph, *Vindication*, 6.

⁵² Randolph, *Vindication*, 6.

a singular opportunity to informally converse with Wolcott and Pickering. Although Randolph did not glean any worthwhile information from them, he quickly deduced their role in the affair.

Randolph's dismissal for forty-five minutes while the panel of inquiry deliberated was also in keeping with a military style tribunal, and signified that Randolph had been subordinated to his peers. The president and his secretaries did not reach a verdict during this deliberation, but Randolph was afforded the time he needed to assess the situation and formulate his plan to resign and defend himself.⁵³

Joanne Freeman depicted the ritual steps to an eighteenth-century affair of honor and explained that "any mention of honor was a clear sign that [a man's] honor had been offended." Randolph's letter of resignation formally announced the affair of honor by stating that "the president...had consulted *others* upon a letter from a foreign minister, highly interesting to my honour..." and further conformed to the ritual by stating that he "would not...relinquish the inquiry." Randolph asked Washington to "acknowledge one piece of justice due on this occasion, which is that until an inquiry can be made, the affair shall continue in secrecy under your injunction."⁵⁴ Randolph's request provided Washington with the perfect tool with which to control the publication of Dispatch no. 10, for he was bound under the code of honor to "keep the affair secret," as requested by his opponent. None of the Federalist co-conspirators would dare to violate Washington's injunction during an affair of honor. Washington's plan had already yielded results.

Edmund Randolph's actions following his resignation carried the affair of honor to what was in eighteenth-century American politics, a logical conclusion. George

⁵³ Randolph, *Vindication*, 6.

⁵⁴ Freeman, *Affairs of Honor*, 176; Edmund Randolph to the President of the United States, Philadelphia, 19 August 1795, in Randolph, *Vindication*, 8, 9 (Italics in the original).

Washington's social preeminence made him a difficult adversary. Edmund Randolph could not challenge Washington to mortal combat, as under the code "only social equals could duel," which made George Washington invulnerable.⁵⁵ Randolph chose the next best weapon available to him, and one he was eminently qualified to wield; the defensive pamphlet.

Joanne Freeman described defensive pamphlets as "signed, structured character defenses brimming with hard evidence," which were "legal briefs argued before the tribunal of one's peers." A defensive pamphlet was also "the best forum for an extended argument advanced with documentary evidence." Randolph's one-hundred and five page *A Vindication of Mr. Randolph's Resignation, 1795*, was a classic defensive pamphlet and a reaction to the interview of 19 August just as predictable to Washington as his resignation.⁵⁶ Washington utilized the language of the duel and acknowledged the affair of honor in his final correspondence to Randolph when he referred to Randolph's pending "vindication to the public,"⁵⁷ a ritual reference to Randolph's defense rather than the pending pamphlet's title.

Randolph spent two months gathering affidavits and documentary evidence. As Washington had predicted, Randolph requested and received copies of the missing Dispatches no. 3 and no.6, as well as other state department correspondence. Most historians have noted that Washington took the unprecedented step of giving Randolph free license to publish any and all of their correspondence, even personal letters and conversations. However, interpreted within the framework of an affair of honor,

⁵⁵ Freeman, *Affairs of Honor*, xxii.

⁵⁶ Freeman, *Affairs of Honor*, 119, 113. Freeman utilized *Vindication* as one of several examples of classic defensive pamphlets, 314n78.

⁵⁷ George Washington to Edmund Randolph, Philadelphia, 21 October 1795, in Randolph, *Vindication*, 26.

Washington's permission was given to Randolph only after Randolph had "posted" Washington by publishing an excerpt of an unfulfilled request for state department papers "needed for his defense." Washington was therefore compelled by the code of honor to give Randolph permission to "publish, without reserve, *any and every* private and confidential letter I ever wrote you;- nay more- every word I ever uttered to, or in your presence, from which you can derive any advantage in your vindication."⁵⁸ The president could not risk any appearance of hindering his opponent's means of achieving justice.

Carroll and Ashworth praised Randolph's defensive pamphlet as an "ironclad argument," which "omitted no evidence, misquoted no document, and committed no error," yet most twentieth-century accounts have criticized Randolph's *Vindication*. Irving Brandt, Randolph's first defender, described *Vindication* as "a mingled defense of himself and a political attack on Washington...the ineptness of which should have acquitted him." Mary K. Bonsteel-Tachau described *Vindication* as "incompetent," which, because of its "diatribe against Washington," failed to provide Randolph with the desired "vindication." Most agree that Randolph's intemperate language was impolite in the extreme and vitiated his defense while leaving Washington no room to save face or forgive Randolph if he had been convinced by Randolph's defensive argument.⁵⁹

Yet modern interpretations of *Vindication* fail to consider it as an eighteenth-century defense in an affair of honor. Joanne Freeman observed that because of their aggressive tone and caustic vocabulary, "early national pamphlets have been [widely]

⁵⁸ Freeman (Carroll and Ashworth), *First in Peace*, 315-317; Flexner, *Anguish and Farewell*, 239; George Washington to Edmund Randolph, Philadelphia, 21 October 1795, in Randolph, *Vindication*, 25, 26 (italics in the original); Joanne Freeman explained postings as combat in "The Art of Paper War," *Affairs of Honor*, 105-158, and 172, 173.

⁵⁹ Freeman (Carroll and Ashworth), *First in Peace*, 333; Brandt, "Not Guilty!" 187, 188; Tachau, "Washington and Randolph," 32, 33.

misinterpreted as petty personal diatribes.”⁶⁰ However, in the words of Randolph’s eighteenth-century contemporaries, *Vindication* achieved its goal. After *Vindication* was published, Thomas Jefferson declared Randolph’s narrative “so straight and plain that even those who did not know him will acquit him of the charge of bribery. Those who know him had done it from the first.” Randolph’s best friend, James Madison, wrote to Jefferson that “His greatest enemies will not easily persuade themselves that he was under the corrupt influence of France...”⁶¹

The Federalist interpretation of *Vindication* was predictable. Alexander Hamilton’s critique of *Vindication* to George Washington considered it “an admission of guilt,” and noted that the “attempts against you are viewed by all whom I have seen, as base.” Hamilton advised Washington not to respond to the publication. Practical analysis of the situation has led most historians to agree that Washington could not respond to *Vindication* without implicating himself in the intrigue, or appearing argumentative against a well documented and cleverly presented legal argument made by one of the most prominent lawyers of the early republic. Randolph’s defense was striking because he had not hidden behind a pseudonym, but had invested his name in a very public attack on George Washington. Any response made by the president could lend credit to Randolph’s charges and further risk the president’s honor in public. Under the eighteenth-century rules of etiquette for a “paper war,” Washington was better served by his own silence. The president’s loyal supporters would have been expected to take the field and argue against Randolph for him, as with *Peter Porcupine* and his paper war with Randolph, allowing Washington to retain his traditional position “above the fray,”

⁶⁰ Freeman, *Affairs of Honor*, 100.

⁶¹ Conway, *Omitted Chapters*, 347, 349.

without risk to his own reputation.⁶² As the final act in the affair of honor, Washington was unable to respond.

Contemporary critics of *Vindication* recognized the ritual affair of honor between the President and the Secretary of State as they invoked the eighteenth-century language of honor in their commentaries. Although Vice-President John Adams personally remained unconvinced of Randolph's innocence, he observed to Abigail Adams that *Vindication* had been written in "response to some offense." General Horatio Gates referred to *Vindication* as an "able defense" of Randolph's "most degrading and undeserved treatment," to be "judged...by every friend of his country;" the very definition of a defensive pamphlet written in response to an affair of honor. The Honorable Benjamin Howard thought that "General Washington...had treated Randolph...with shocking rudeness and injustice," as he read Randolph's refutation of "the charges brought against his integrity;" injustice implied a challenge and the mention of integrity made it an affair of honor.⁶³

The best evidence that Randolph's defense of his honor was, in fact, successful is in his life after he left public office and returned to Virginia. Immediately following the December, 1795, publication of *Vindication*, Randolph resumed his legal practice in Richmond. Conway described Randolph's return to private practice as a "passing from poverty to wealth," as he was once again able to earn an income without the hindrance of public service and its paltry compensation. Within a year he had begun to dominate the case load of the Virginia Court of Appeals and by 1800 Randolph argued fully fifty

⁶² Tachau, "Washington and Randolph," 33; Freeman, *Affairs of Honor*, 128-131. For *Peter Porcupine*, see above, Introduction, 14.

⁶³ Reardon, 332; Conway, *Omitted Chapters*, 349, 250; Daniels, *A Vindication of Edmund Randolph*, vi-viii; Freeman, *Affairs of Honor*, 105-158.

percent of all cases brought before that court. Randolph continued to dominate the court for a full decade, fulfilling Washington's 1789 prediction that federal service as attorney general would eventually prove lucrative by enhancing his private practice later.⁶⁴

After his return to private practice, "Randolph's most publicized appearance before the federal courts was as a member of the defensive counsel in the treason trial of Aaron Burr."⁶⁵ Burr's defense panel grew to more than six lawyers with Burr chairing the defense himself, leaving Randolph few, if any duties. However, Randolph's reputation as a jurist made his name and presence a valuable asset to the panel, validating his successful return to private life. It was not until his wife's death in 1809 and his own failing health in 1810, at the age of fifty-seven, that Randolph began to withdraw from his practice. If Randolph had failed to achieve justice in his defensive pamphlet he would have been ostracized by his peers in Virginia, rather than welcomed and embraced "at the head of the bar" as "one of the greatest intellects of his time." Events indicate that Randolph's *Vindication* successfully preserved his personal honor which allowed him to continue with his legal practice and his livelihood.⁶⁶

By initiating an affair of honor with Randolph, George Washington successfully controlled the publication of Dispatch no. 10. Protected under the flag of honor, Dispatch no. 10 was not made public for four months, well after the national crisis over Jay's Treaty had subsided, though not disappeared. As Washington had predicted, Randolph obtained the missing French dispatches and mounted a thoroughly documented and well reasoned defense. The result was a candid public analysis of Dispatch no. 10 which explained the actions of Washington's cabinet during the Whiskey Rebellion, rather than

⁶⁴ Reardon, *Edmund Randolph*, 348.

⁶⁵ Reardon, *Edmund Randolph*, 357.

⁶⁶ Reardon, *Edmund Randolph*, 343-348; Conway, *Omitted Chapters*, 384; Ramage, "Randolph," 416.

an anonymous, random posting of the dispatch which would have invited speculation. Conway even suggested that Randolph's defense was actually structured to provide a defense of Washington's actions as much as his own.⁶⁷

If Dispatch no. 10 had been anonymously posted by the British Foreign Ministry or Randolph's political enemies Randolph's honor would have been disgraced publicly and he would certainly have been forced out of public office by the scandal. Without a specific accuser Randolph would not have had a man of honor from whom to extract vindication, which would have meant the permanent loss of his reputation, dooming him to obscurity in eighteenth-century America. Washington's affair of honor crucially provided his most loyal friend an opponent with whom to duel and to demand justice. Although Randolph's public service was at a certain end, George Washington found a way for him to leave office with his honor intact. Washington's challenge also furnished his faithful servant with unlimited access to public records needed for his defense. As a man of honor, George Washington could not have given even the appearance that he had in any way hindered the defense of his opponent. Therefore, his instructions to secretaries Wolcott and Pickering to provide all materials requested by Randolph during an affair of honor could not be questioned. If anyone other than Washington had challenged Randolph, he would have had fewer resources with which to defend himself.

It appears that after Randolph's initial rage from the insult to his honor subsided later in life, he may have appreciated the hidden benevolence of his mentor's challenge. There is no record of Washington and Randolph having any contact prior to Washington's passing in 1799; however, Moncure Daniel Conway cited Randolph's 1808 *History of Virginia* as evidence that Randolph forgave Washington posthumously.

⁶⁷ Conway, *Omitted Chapters*, 310.

Randolph's *History* glowingly depicted Washington as a patriot of outstanding character and sound judgment throughout the revolutionary years. Randolph's manuscript of his *History* was prefaced with the inscription; "I rejoice that I have lived to do justice to the character of George Washington." While writing his *History* Randolph wrote to Washington's nephew, Bushrod Washington, and stated that "he did not retain the smallest degree of that feeling which had aroused him fifteen years before against certain individuals." Randolph further expressed his own contrition for having allowed his anger to rule his judgment and "to use some of those expressions respecting him [George Washington]," which were "inconsistent with his subsequent conviction."⁶⁸

Utilizing Joanne Freeman's twenty-first century scholarship on eighteenth-century affairs of honor allows us to view for the first time the President of the United States locked in an affair of honor with the Secretary of State. George Washington and Edmund Randolph each followed the ritual code of an affair of honor, from their words to their deeds. Although the "uncharacteristic rudeness" of the president and the caustic emotional outbursts of *Vindication* appear out of context to modern readers, their actions and words were in perfect keeping with eighteenth-century American politics and its code of honor. Placing the events of 1795 within the framework of an affair of honor clarifies many previously held misconceptions.

George Washington's ambush of Edmund Randolph on the morning of 19 August 1795 was not meant to discern Randolph's guilt or innocence based upon his reaction to being shown Dispatch no. 10, as has been postulated by Washington's biographers in the twentieth-century. As men of honor in eighteenth-century American politics, Washington

⁶⁸ Conway, *Omitted Chapters*, 378; Randolph, *History of Virginia*; Peter V. Daniels, *A Vindication of Edmund Randolph*, ix.

knew exactly how Randolph would respond to an allegation which challenged his integrity, mooting the need for speculation. The interview of 19 August was an intentional offense meant to initiate an affair of honor, with predictable results.

Previous defenses of Randolph based upon translations errors made by Timothy Pickering are rendered irrelevant by the affair of honor. As Tachau noted, the contents of Dispatch no. 10 involved Washington and his cabinet during the Whiskey Rebellion, as much as Randolph. Washington's need to control the publication of Dispatch no. 10 was not based upon a few misunderstood words, but the general content of Fauchet's dispatch. Washington's affair of honor placed his most skillful defender in a position to clarify to the public the actions of 1794, which he did.

The historiography of this incident has universally concluded incorrectly that Washington sacrificed Randolph's reputation in order to preserve his own; however, without recognizing the affair of honor it is impossible to appreciate that Washington actually placed his own reputation at risk under the code duello in order to allow Randolph to salvage his. The most common misconception which permeates the historiography is that Randolph's reputation was, in fact, ruined and that his *Vindication* was ineffective. However, most of the historiography of Randolph's demise ends with a critique of *Vindication*, and fails to consider Randolph's life after federal service. Edmund Randolph's return to the head of the Virginia bar and a thriving legal practice would have been impossible in eighteenth-century America for a man whose reputation had been crushed by dishonor. Edmund Randolph was compelled to leave public service, but the evidence shows that he emerged with his honor and reputation in-tact.

George Washington carefully orchestrated an affair of honor with a man whom he had known as his best friend's nephew, the son of a respected colleague, and as a man who had served him faithfully for twenty years. As a famous man of honor, Washington knew the consequences, yet his actions show that he deliberately chose to challenge Randolph. The results were positive for both Washington and Randolph, though they came at the expense of permanent, irreconcilable alienation. Washington's lack of written evidence explaining his actions makes it impossible to know with certainty why he chose an affair of honor with his most faithful servant. Washington may have simply acted selfishly to control the publication of Dispatch no. 10. It appears at least plausible, if not more likely, that Washington risked his own honor to save the honor of a man he loved as a devoted friend and tacitly adopted son. This was not merely a presidential affair of honor. It was a veritable duel between father and son.

EPILOGUE

Edmund Randolph was a patriot and a founding father in every sense. On the eve of the American Revolution Randolph chose Virginia and America over the protests of his loyalist father, the last royal attorney general of Virginia. Abandoned by his family as they fled to England, Randolph turned to military service with General Washington at Cambridge during the siege of Boston and entered public service to Virginia and the nation for the next twenty years: Virginia's first attorney general; Governor of Virginia; attended both the Annapolis Convention and the Constitutional Convention; the first attorney general of the United States and the second U.S. Secretary of State. Edmund Randolph's pedigree undoubtedly qualifies him as a member of the founding generation, yet the American memory has all but obliterated him from the American past.

Edmund Randolph was at least partially to blame for his removal from U.S. history. Although he was a sponsor of the Constitutional Convention, named George Washington to the Virginia delegation, and presented his best friend, James Madison's famous "Virginia Plan" for the form of government, Governor Edmund Randolph did not sign the federal constitution. Randolph disagreed with the ratification process accepted by the convention, and under protest refused to sign the final document.¹ Randolph's name therefore does not appear on a principle founding document permanently belying his substantial contributions as a founding father. After Randolph's imbroglio as Secretary of State forced his resignation from public office, his political enemies made sure that

¹ Randolph, *To the Printer: Sir, The Reasons for his Excellency Governor Randolph for Refusing his Signature to the Proposed Federal Constitution of Government*; Reardon, *Edmund Randolph: A Biography*, 117.

Randolph's name remained buried, and the historiography of Edmund Randolph has been tainted ever since.

The preponderance of literature over two centuries makes it unlikely that Edmund Randolph can be rehabilitated in the American memory. However, a closer analysis of Randolph's affair of 1795 has revealed that his demise from public office was more than a personal tragedy, if it was a tragedy at all. As the Secretary of State during the French Revolution and war in Europe, Edmund Randolph dared to define the United States as a sovereign nation and demanded equal diplomatic status with European nations, a task which his more famous predecessor and cousin, Thomas Jefferson, had failed to accomplish. Randolph's strenuous defense of U.S. sovereignty combined with President Washington's strategic view of the United States with respect to its borders, General Wayne's credible military presence to enforce the will of the government, and congressional support of a standing army to compel Great Britain to abandon its nefarious plans to control the interior of the North American continent. Edmund Randolph thus invited the wrath of the British Empire upon himself, as the British Foreign Secretary devised and implemented a plan to remove the American Secretary of State from office.

Closer examination of Randolph's affair has also demonstrated that the revelation of the incriminating French Dispatch no. 10 to George Washington in August, 1795, had no bearing upon his decision to ratify Jay's Treaty. Dispelling the myth, originated by Edmund Randolph and perpetuated by historians ever since, that George Washington immediately reversed his stated position not to sign Jay's Treaty during British seizures of U.S. shipping simply because he was shown Dispatch no. 10 and lost faith in Edmund

Randolph, re-inserts Washington into the history of Jay's Treaty as a sentient, well informed statesman formulating well thought out decisions in the best interest of the Unites States.

Applying eighteenth-century political thought and the unwritten yet ubiquitous code of honor which ruled the early republic finally portrays the Randolph affair more accurately as it was understood by the founding generation; as an affair of honor. Viewed as an affair of honor the Randolph affair of 1795 moots centuries of speculation over whether or not George Washington personally believed in Randolph's guilt or innocence, and allows historians to accept the abundant evidence, as well as contemporary testimony, of Randolph's innocence. Establishing or proving Randolph innocent of the charges of treasonable corruption will not rehabilitate Edmund Randolph in the American memory, but it can clarify the historical record.

Edmund Randolph was an important nexus to the events of the early republic. Moving the Randolph affair from the appendixes of Jay's Treaty, the margins of the Whiskey Rebellion, and the footnotes of the Federalist Era portrays a more accurate history of the early republic. Re-establishing Edmund Randolph as the credible jurist that he was may invite further study of his significant contributions to U.S. constitutional law, and his firm commitment to the concept of state sovereignty with respect to the federal government; opinions that guided Randolph and his counsel to George Washington as they set many of the legal, constitutional precedents of the early republic.

The Randolph affair may ultimately be seen as Washington's final defeat at the hands of the British; a defeat not on the battle field, but in the political arena. The British Foreign Ministry conspired to remove Edmund Randolph from George Washington's

cabinet, depriving him of his most faithful and longest serving advisor. The debate over Jay's Treaty raged long after Randolph had returned to Virginia and private practice. The House of Representatives challenged the funding of the treaty into 1796 and debated impeaching Washington on the floor of the house. Public opinion of Washington flagged as increasingly hostile attacks upon his fidelity to the nation appeared in print.² During the most contentious and challenging years of his public life, the embattled president was surrounded by veritable strangers. James Thomas Flexner painted the scene when he depicted an "elderly president...left naked among his enemies."³ Washington's final defeat by the British was, in the end, the political alienation of his most faithful servant during his greatest time of need.

² Miller, *The Federalist Era, 1789-1801*, 172-175, 233; [Casca], *The Petersburg Intelligencer*, 16 October, 1795; Congress of the United States, House of representatives, Monday, 7 March 1796.

³ Flexner, *Anguish and Farewell*, 249.

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