The States' Rights Speaking of Oran Milo Roberts 1850-1861: a Study in Agitational Rhetoric.

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THE STATES' RIGHTS SPEAKING OF ORAN MILO ROBERTS 1850-1861:
A STUDY IN AGITATIONAL RHECTORIC

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THE STATES' RIGHTS SPEAKING OF ORAN MILO ROBERTS 1850-1861:
A STUDY IN AGITATIONAL RHETORIC

A Dissertation
Submitted to the Graduate Faculty of the
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in partial fulfillment of the
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in
The Department of Speech

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ABSTRACT

As a spokesman for the Texas states' rights-secession movement, Oran Milo Roberts followed the overriding philosophy of the compact theory of states. His unswerving belief in this principle led him to become the president of the Texas Secession Convention and the axis around which secession revolved in Texas.

Through a detailed analysis of Roberts' rhetorical acts from the beginning of the secession movement in 1850 to the secession of the state in 1861, this case study attempts to identify and evaluate the agitational strategies which Roberts utilized. The situation, strategies, and effects of Roberts' speaking and activities are examined in four conflicts: The Texas-New Mexico boundary dispute in 1850, the campaign against the Know-Nothing Party in 1855, the campaign for secession in 1860, and the Texas Secession Convention in 1861.

The analysis reveals that Roberts used nine agitational strategies to achieve his rhetorical goals. These nine strategies constitute the analytical framework for the study. The strategies are: petition, the solicitation of the establishment; promulgation, the publication of the agitator's
message; solidification, the unification and reinforcement of the agitator's group; polarization, the division of the enemies from the friends in order to force a conscious choice; escalation/confrontation, the deliberate harrassment of the establishment designed to goad them into violent confrontation; objectification, the placement of blame on a particular group; mythication, the emotionalization or romanticization of the agitator's cause; legitimation, the justification of the agitator's actions; and image building, the establishment of the rhetor's credibility. Because he was a lawyer and a judge, Roberts used the strategy of legitimation most frequently. He was a master of constitutional legitimation.

Roberts' rhetorical strategies brought about five major results. First, he helped to keep the states' rights Democrats in power. Secondly, he justified secession to the Texans. Thirdly, he unified Texans into an activist group and convinced them to join the Confederate Union. Fourthly, he helped to ruin Sam Houston politically. Fifthly, he built an image of a wise and selfless leader of the state.
CHAPTER I

INTRODUCTION

For the first five years of statehood, from 1845 to 1850, Texans were concerned with local issues such as the state debt and the protection of the frontier. Issues of national politics held second place until the Texas-New Mexico boundary dispute in 1850. As a result of the dispute, the states' rights Democrats in Texas began their agitation and their threats of secession against the Federal Government and did not cease until the secession of Texas from the Union in 1861.¹

One of the most prominent and influential of the Texas states' rights-secession leaders was Oran Milo Roberts. In 1850, while a district judge, he became a leader of the Democratic Party with his speech on the Texas-New Mexico boundary conflict. In 1855 he became a standard-bearer of the states' rights movement in East Texas during the campaign against the Know-Nothing Party. In 1860, while an associate justice of the Texas Supreme Court, he rose to statewide prominence with his secession speech, said to be the

the turning point in public action. In the same year he
drew up the call for a convention of the people and led
the successful campaign for that purpose. In 1861 he pre-
sided over the Texas Secession Convention, maneuvered the
resignation of Sam Houston, and convinced the Texans to
follow him out of the Union of the United States and into
the Union of the Confederate States.2

As a politician, Roberts followed one overriding idea
that the individual states had the inviolable right to gov-
ern themselves.3 His belief in this principle made him, in
Texas, "the axis around which secession moved."4 Roberts
entered the fight at the inception of the movement and de-
voted much of his lifetime to it. Because he was more in-
fluential in the movement than any other man in Texas at
the time, he may justifiably be called the father of Texas
secession.

**Statement of the Problem**

Historians and biographers alike agree that Roberts
was important in Texas history. In his eulogy to the Texas

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2 Lelia Bailey, "The Life and Career of O. M. Roberts"
(Ph.D. dissertation, University of Texas, 1932), pp. 57-123;
(Austin, Texas: The Texas State Historical Association, 1952),
2: 484-485, 587-588; and Ernest W. Winkler, ed., Journal of
the Secession Convention of Texas (Austin, Texas: Austin
Printing Company, 1912), pp. 7-251.

3 James D. Lynch, Bench and Bar of Texas (St. Louis:

4 Robert Kingsley Peters, "Texas: Annexation to Seces-
Historical Association, Dudley G. Wooten testifies to Roberts' eminence:

Contemplating his whole life and services, I do not hesitate to declare that in all departments of public, professional, and private labor, he was the most versatile and most useful man Texas has produced in the fifty years of her existence as an American state. Others were preeminent in this or that direction; he was great in all. . . . [He] has no rivals in the annals of Texas worthies.5

James T. De Shields states that "no other man except Sam Houston had a longer, more varied and successful career during this era,"6 and Lelia Bailey confirms that Roberts was "one of the greatest characters that adorned the pages of Texas history."7 Roberts served his state as a district attorney, a district judge, a Supreme Court associate justice and chief justice, and governor. However, he was most active as a politician and most prolific as a speaker when he felt the sovereignty of the state threatened by the North. As a drafted gubernatorial candidate in 1878, he made only two campaign speeches and one speech in favor of Hancock for President. As a two-term governor he delivered only the necessary inaugural addresses in 1879 and 1881 and one state-of-the-state report during his second term. He

5 Dudley G. Wooten, "The President's Annual Address: The Life and Services of Oran Milo Roberts," The Quarterly of the Texas State Historical Association 2 (July 1898): 14.


also made a few ceremonial speeches on education and agriculture. Despite Roberts' prominence in the state and in the states' rights-secession cause, no investigation of his public speaking has appeared.

The secession movement in Texas dated from the territorial dispute over her western boundary in 1850 to the secession of the state in 1861. Roberts entered the conflict at the beginning and dedicated himself to the movement until the very end. Therefore, this study examines Roberts' states' rights speaking from 1850-1861 to determine the effects of his states' rights rhetoric upon the course of Texas history. The investigation concentrates on Roberts' speaking and activities in four rhetorical conflicts: the first conflict occurred in 1850 over the Texas-New Mexico boundary; the second conflict transpired in 1855-1857 during the campaign against the Know-Nothing, or American, Party; the third took place in 1860 after Lincoln's election when Roberts worked for a secession convention; and the fourth conflict occurred in 1861 when, as President of the Texas Secession Convention, Roberts urged the secession of Texas and the union with the Confederacy.

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8 Oran Milo Roberts, Speeches and Literary Productions, 1878-1883, Roberts Papers, Archives, University of Texas, Austin, Texas.

As to the significance of such a study, Paul D. Brandes states that "if periods of lawlessness have such powerful effects upon societies, certainly the rhetoric which that lawlessness produced (or which produced that lawlessness) is worthy of study." Brandes maintains that "it is important to gain a comprehension of the rhetoric of agitation, not only so that we can comprehend our own past, but also so that we can deal more realistically with the present and the future." Perhaps this dissertation will not only focus deserved attention on a significant phase in the career of an important figure in Texas history, but will also add to a better understanding of the theory and practice of agitational rhetoric.

Methodology

This study will test the idea that, as a states' rights-secession speaker, Roberts was an agitator rather than a traditional statesman. Leo Lowenthal and Norbert Guterman define an agitator as an "advocate of social change" who articulates the frustrations of a section of the population, proposes to defeat the social group responsible for the discontent, promotes a movement capable of achieving this objective, and proposes himself as its leader.  

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Brandes describes an agitator as a "man of words" who "unites with a cause to the extent that he openly advocates lawlessness" to seek the economic and social ends he desires.\textsuperscript{12}

Edwin Black suggests that agitative or exhortative discourse should be examined by the rhetorical critic differently from deliberative discourse. Black states that "as long as rhetorical criticism is confined to the explication of discourses whose only use of emotionality is to bias the judgement of auditors, neo-Aristotelian criticism should function adequately; but once we recognize a genre of discourse that operates differently, then we are outside of Aristotle's theory."\textsuperscript{13} Waldo W. Braden regards this approach as "another option," not necessarily an alternative to neo-Aristotelianism but rather a complement to it.\textsuperscript{14}

Robert S. Cathcart states that the Aristotelian approach to criticism is a valid scientific-rational approach to the analysis and evaluation of a speech but that "numerous speeches do not lend themselves to Aristotelian interpretations."\textsuperscript{15} J. Jeffrey Auer agrees that the rhetoric of

\textsuperscript{12} Brandes, The Rhetoric of Revolt, p. 3.


\textsuperscript{14} Waldo W. Braden, review of Rhetorical Criticism: A Study in Method, by Edwin Black in Southern Speech Journal 31 (Spring 1966): 250.

agitation is different from the rhetoric of traditional advocacy and therefore should be viewed differently. Arthur Smith also proposes a different approach to agitational rhetoric. He states that "because the agitator's purpose is different from the statesman's, he necessarily uses rhetorical designs peculiar to his ends." Smith further explains that "his [the agitator's] designs are peculiar not in the sense that he lacks the traditional rhetorical tools, such as invention, arrangement, style, and delivery, but that he utilizes specialized designs within these conventional canons." Therefore, this case study attempts to discover the specialized designs which Roberts utilized.

In a format suggested by Black, the four conflicts are each divided into three parts: situations, strategies, and effects. To Black, the situation "refers to the prevailing state of the audience's convictions, the reputation of the rhetor, the popularity and urgency of his subject; in sum, to all the extralinguistic factors that influence an audience's reactions to a rhetorical discourse." In

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18 Auer, An Introduction to Research in Speech (New York: Harper and Brothers, Publishers, 1959), p. 120. Auer defines a case study as "an intensive, even microscopic, investigation . . ., in situ, of an individual 'case'."

19 Black, Rhetorical Criticism, p. 133.
this paper the discussions of situations include the historical-political backgrounds, the physical-sociological milieu, the audiences, and Roberts' rhetorical goals for each conflict.

Black defines rhetorical strategies as "characteristics of the discourse." He explains that "there is a limited number of ways in which a rhetor can and will respond rhetorically to any given situational type." He maintains that "there may be accidents of a given response that will prove singular," but that on the whole, "there will be only a finite number of rhetorical strategies available to a rhetor in any given situation, and his playing his own variations on these strategies will not prevent the critic from identifying the strategies as characteristic of the situation."20 The sections on strategies in this analysis reveal and discuss the specific designs or methods utilized by Roberts to achieve his rhetorical goals.

According to Black, effects "refer to responses to the strategies in the situations."21 This study considers both immediate and long-range effects. It also attempts to evaluate Roberts' rhetorical success in light of other historical, political, and sociological factors.

**Definition and Characteristics of Agitation**

Charles Lomas defines agitation as "a persistent and uncompromising statement and restatement of grievances

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20 Ibid., pp. 133-134.
21 Ibid., p. 134.
through all available communication channels, with the aim of creating public opinion favorable to a change in some condition." To Lomas, "agitation may be rhetorical, relying on the written or spoken word for its effect," or it "may be activist, using deeds rather than words." The necessary preconditions for agitation are injustice or apparent injustice, a massive resistance to change motivated by high principles, apathy, self-interest or fear, and an available channel of communication between the agitator and his audience.22 Extending Lomas' concept, Smith defines agitation as "the recurring statement of grievances through any communication channel with the intent of creating a dramatic situational change by using provocative language." Smith suggests that the key elements in an agitational campaign are a persistent spokesman, a feeling of unrest in the community, a means of communication, and a single purpose.23

Similarly, John Waite Bowers and Donovan J. Ochs state that "agitation exists when (1) people outside the normal decision-making establishment (2) advocate significant social change and (3) encounter a degree of resistance within the establishment such as to require more than the normal


discursive means of persuasion." Utilizing both verbal and non-verbal extra-discursive means of persuasion, Roberts repeatedly and provocatively stated his grievances with the intent of creating a dramatic situational change. From the time of the first federal-state conflict in 1850 until after the Civil War, Roberts continually blamed the North for the "impending crisis" and praised the South. When the South could not turn the tide of increasing northern control and abolition sentiment, following the lead of Calhoun, Rhett, Yancey, and other southern radicals, Roberts advocated revolution and war if necessary.

Mary McEdwards maintains that the language of agitation "belongs to a particular type of rhetoric" which "evokes extreme movement away from the status quo--usually a complete reversal of existing conditions or situations." Using McEdwards' definition, the states' rights-secession movement can be classified in some ways as an agitation and in some ways as a "counter-agitation." In opposition to the abolition movement, the secession movement may more appropriately be termed a counter-agitation. But to the southern mind, the North, including the Federal Government, the northern states, the abolitionists, and the Republicans,


was the establishment and abolition was rapidly becoming "the existing state of things," especially after the passing of personal liberty bills in the northern states. To the southerners, after Lincoln's election, abolition was the status quo. To Roberts and the Texans, the Federal Government and the northern states, and later Lincoln and the Republicans, were the larger establishment. Although the political power occasionally shifted in Texas, to Roberts and the secessionists, the local opposition was always Sam Houston and the Texas Unionists, at one time called the Know-Nothings. To Roberts, the existing conditions were increasing northern domination and interference, the free-soil movement, and the abolition movement. These were the social conditions which Roberts attempted to reverse.

Bowers and Ochs suggest that both verbal and nonverbal behavior should be examined by the critic of agitational rhetoric. In fact, Bowers and Ochs state that their primary concern is "the analysis of instrumental, symbolic events which are largely nonverbal, or extra-verbal."\(^{27}\) Brandes also suggests that in order to understand fully the agitator and the agitation it may be necessary for the rhetorical critic to observe "the crosscurrents"\(^{28}\) or other factors as well as the speaker's words. Smith states that his definition of agitational rhetoric provides for the agitator's

\(^{27}\)Bowers and Ochs, The Rhetoric of Agitation and Control, pp. 2, 6.

\(^{28}\)Brandes, The Rhetoric of Revolt, p. 15.
use of any channel of communication whatever. Although this study focuses on Roberts' public speaking, it will also consider other extrinsic factors which Roberts exploited to further his cause.

**Strategies of Agitation**

Although no definitive list of agitational strategies has been formulated, several sources have suggested the various rhetorical designs available to the agitator. This study will consider Roberts' use of petition, promulgation, solidification, polarization, escalation/confrontation, objectification, legitimation, mythication, and image building. These nine strategies constitute the analytical criteria for this study. Bowers and Ochs suggest that in order to execute his general strategies, an agitator employs more specific methods or "tactics." This paper also attempts to discover the specific tactics which Roberts used to carry out his strategies.

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33 Bowers and Ochs, *The Rhetoric of Agitation and Control*, p. 16
Petition

The strategy of petition can include any "normal discursive means of persuasion." Whenever social change is desired, the advocates usually begin by representing their case to the establishment. Agitation does not exist when petition is used alone, but early employment of petition is crucial to an agitational movement. If an establishment can show that petition has not occurred, it can discredit the agitators as "irresponsible firebrands" who disdain normal decision-making processes in favor of disturbance and disruption. An agitator is unlikely to be successful unless he can show that he has first gone through the normal channels of persuasion. Unless he has done this and has met with avoidance or suppression, he is unlikely to win support for his more drastic strategies.34

Promulgation

Once the agitator has met with avoidance or suppression, he is likely to proceed to the strategy of promulgation. Literally promulgation means "to make known a decree, law, or doctrine by public declaration; to announce officially."35 Bowers and Ochs explain that this strategy seeks the public's social support by publicizing the agitator's position. "One of the main purposes of promulgation, and

34Ibid., p. 17.
of all the succeeding strategies, is to win public acceptance of the agitator's ideology, their system of values and beliefs, and policies." The purpose of promulgation cannot be fulfilled unless the agitators can get "exposition of that ideology in a form understandable to the public."  

Solidification

Solidification refers to "the rhetorical processes by which an agitating group produces or reinforces the cohesiveness of its members, thereby increasing their responsiveness to group wishes." The target of this strategy is the agitator's group rather than some group beyond it. Some of the tactics of solidification also serve promulgating or polarizing functions, but are mainly solidifying or unifying. The tactics of solidification are essentially reinforcing rather than initially persuasive in their relationship to ideology and group membership.  

Polarization

Polarization is a divisive strategy used "to force a conscious choice between agitation and control." It presents

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37 Ibid., p. 20.
to the undecided an either-or situation. It "assumes that anyone who has not committed himself in one way or another to the agitation is supportive of the establishment." Since an agitator attempts to produce change, the burden of proof is upon him to show that change is desirable. Anyone who has not committed himself to the proposed change is assumed to be content with the establishment way. The strategy of polarization encompasses tactics designed to move the uncommitted out of that column and into the agitator's ranks. Lomas suggests the use of polarization when he explains that the agitator places all of the stereotypes of evil on the side of the oppressor and all of the stereotypes of good on the side of the oppressed. Polarization, then, keeps the line between "them," the enemies, and "us," the friends, clearly delineated; it degrades the enemies or oppressors and praises the friends, or the oppressed. The agitator forces the uncommitted to make a choice.

Escalation/Confrontation

The strategy of escalation/confrontation is designed "to escalate the tension in the establishment until finally establishment representatives resort to violent suppression in a confrontation with the agitators." Here the agitator harrasses and irritates the establishment so that it will become apprehensive and overprepare for agitation. Since


overpreparation generally results in confusion, the agitator can make the establishment look foolish and expose inadequacies. If the establishment does not adjust or capitulate and if the agitators do not relent, the conflict escalates to open confrontation. In other words, if the two sides do not compromise, the result is almost inevitably war. Smith implies the use of this strategy when he explains that the opposition can be lured into position by provocative statements or actions by the agitators and that often the agitators have only to threaten a provocation to cause the establishment to respond vigorously. Brandes also alludes to the strategy of escalation/confrontation when he states that agitators often turn to advocating lawlessness when the establishment will not respond to their milder threats.

Objectification

Objectification refers to group blame. According to Smith, "It is the agitator's use of language to direct the grievances of a particular group toward another collective body such as an institution, nation, political party or race." Objectification is related to, but different from, vilification or individual blame. Both strategies strive to embarrass the opposition. But objectification

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41 Bowers and Ochs, The Rehtoric of Agitation and Control, pp. 35-37.
42 Smith, Rhetoric of Black Revolution, p. 31.
43 Brandes, The Rhetoric of Revolt, p. 3.
attempts "to channel all of the frustrations of a group onto a single ill-defined body." Here the agitator tries to show that a certain race or party is responsible for all of the misfortune that befalls the agitator's devotees. A safer strategy than vilification, objectification provides the agitator with greater protection from scrutiny and aims at vaguely defined bodies which are relatively stable in nature. Therefore the agitator is immune to an exacting examination and is little affected by the opposition's personnel changes. Since agitation is based on deeply-felt grievances, those grievances are usually not changed by the retirement of a political official. Therefore objectification "canalizes a group's negative feelings toward a collective body as the source of grievances." Blame becomes "the expression of a collective despair turned against those in the society who possess means to eradicate the alleged causes of grievances or who should be removed from positions of authority so that the agitational ends are accomplished.\footnote{Smith, \textit{Rhetoric of Black Revolution}, pp. 29-32.}

Mythication

Mythication is the employment of language "that suggests the sanction of supra-rational forces" in order to create "a spiritual dynamism" for the agitator's movement. Like solidification, mythication is primarily an exhortative strategy aimed at the agitator's followers. In using
mythication, the rhetor instills in his audience feelings of dignity, self-congratulation, particularity, and superiority. The agitator sets his followers apart from all other groups and appropriates "the combined forces of the universe" on their side. He romanticizes and glorifies his cause. "The members of the group become for all practical reasons the chosen people, the saviors and the beautiful." When using mythication, for support the agitator calls upon recurring archetypal motifs as defined by Northrop Frye.

Legitimation

Legitimation is a justificatory design which seeks "to explain, vindicate and justify" the actions of the agitator and the activists involved in his movement. It is "a refutative strategy" in that it answers the opposition, but it is "more than an argumentative rebuttal;" it is "a psychological weapon" which affects the agitator's "attitude, outlook, and possibilities." As a justificatory strategy, legitimation explains that whatever actions occur at the hands of his people result from the "arrogance or obstinacy" of the opposition. The agitator explains that the action would never have occurred had the opposition listened to his reasoning. He argues that violence was not planned but that it was provoked and thereby grew directly


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out of oppressive conditions. Always prepared with a "legal" justification, "the agitator does not allow himself to be encapsulated by the charges of his opposition.\textsuperscript{47} Legitimation is similar to rationalization which Robert Oliver defines as "a process of justifying ourselves, our groups, and our beliefs."\textsuperscript{48} Whenever an agitator vindicates or justifies his cause, he uses legitimation.

Image Building

Image building refers to the establishment of the rhetor's credibility, prestige, or reputation. Brembeck and Howell agree with the classical concept of ethos as a combination of prior reputation and calculated action on the part of the speaker to build his prestige. They observe that Aristotle listed three sources of personal credibility—sagacity, high character, and good will. Modern research has discovered that contemporary audiences view specifically "trustworthiness" and "expertness" as the main components of credibility. Trustworthiness is defined as "the degree of confidence in the communicator's intent to communicate the assertions he considers most valid." Expertness is defined as "the extent to which a communicator is perceived to be a source of valid assertions." A message is judged more favorably when made by a


communicator of high credibility than by one of low credibility. Monroe and Ehninger discuss these two major traits of credibility as "competence" and "trustworthiness." This study will consider both the extrinsic and the intrinsic determinants of the agitator's credibility—both his reputation and his calculated use of language and ideas to build his prestige.

Sources and Contributory Studies

The major source is the Roberts Papers found in the archives collection of the University of Texas Library in Austin. The papers contain manuscript, typescript, and printed materials. They include a diary, a partial autobiography, scrapbooks, reminiscences, memoirs, photographs, legal documents, lecture notes, certificates, pamphlets, newspaper clippings, correspondence, and speeches. Except for the Texas-New Mexico boundary speech, published in the Texas State Gazette, all other speech texts were examined in both handwritten and published form. During the last few years of his life, Roberts collected the memoirs of his fifty years of public service and verified the facts of his long career. Therefore, many of the items in the collection contain explanatory, handwritten notations by Roberts. The papers of Thomas J. Rusk, John H. Reagan, Brembeck and Howell, Persuasion, pp. 252-257.

and John S. "Rip" Ford, also housed in the University of Texas archives, proved helpful.

Another major primary source is the Texas newspapers including the Dallas Herald, the Galveston Daily News, the Henderson Democrat, the Marshall Texas Republican, the San Augustine Red-Land Herald, and the Austin Texas State Gazette. These newspapers provide information on the speaking occasions, the audience composition, the effect of the speaking, and the attitudes and actions of the states' rights Democrats. The pro-Democratic, pro-secession Austin Texas State Gazette is especially valuable.

Roberts' own history of Texas gives special insight into his motives and his actions between 1850 and 1861. Several writings of his contemporaries verify his account of events and add to an understanding of Roberts' role in the states' rights-secession movement. Especially valuable is the eulogy by Dudley Wooten, who became the second


52 Especially useful were John S. Ford, Memoirs, Ford Papers, Archives, University of Texas, Austin, Texas; Sam Houston, The Writings of Sam Houston, eds. Amelia W. Williams and Eugene C. Barker, 8 vols. (Austin, Texas: University of Texas Press, 1943); Francis R. Lubbock, Six Decades in Texas, or Memoirs of Francis Richard Lubbock, ed. C. W. Raines (Austin, Texas: Ben C. Jones and Company, 1900); and James D. Lynch, Bench and Bar of Texas (St. Louis: Nixon-Jones Printing Company, 1855).
president of the Texas State Historical Association upon Roberts' death. 53

The Journal of the Secession Convention of Texas assisted in analyzing Roberts' influence as president of the Texas Secession Convention. The publication contains the official proceedings of both sessions of the convention including the speeches of the delegates, a list and description of the delegates, the reports of the Committee on Public Safety, and a summary of the actions of the convention. 54

The most useful contributory study is Lelia Bailey's dissertation on Roberts' life and public career. Although she gives little attention to Roberts' speeches, Bailey contributes to an understanding of the historical aspects of Roberts' life and career. 55 Three theses have also been written in departments of history on various aspects of Roberts' career: R. R. Coons emphasizes Roberts' educational services; 56 Frank Edgar Norton studies Roberts' administrative policies as governor; 57 and Patrick Brown focuses on the


55 Bailey, "The Life and Public Career of O. M. Roberts."


laws passed during Roberts' administration.58 None of the theses discuss Roberts' secession activities or his public speaking.

CHAPTER II

BACKGROUND OF THE AGITATOR

It was the period of incipient division between the North and the South upon the great questions that arrayed them in actual hostility. The leaders of Southern thought were marshaling their forces of logic and protest on the side of strict construction, States' rights theory of the Federal Constitution, and the first sounds of that memorable conflict that afterwards thrilled the country with eloquence and argument and shook the continent with the roar of battle, were just beginning to challenge the attention and excite the alarm of conservative and observant men. Young Oran Milo Roberts was taught in that school of stoic statesmanship.1

With these words, Dudley G. Wooten aptly describes the times and environment in which Oran Milo Roberts spent his formative years and sets the scene for his involvement in the events to follow. This chapter examines Roberts' personal and professional background in order to understand the man who became the axis around which secession revolved in Texas.2

Birth and Ancestry

Oran Milo Roberts, the youngest of the five children of Oba and Margaret Roberts, was born on July 9, 1815 in

1Dudley G. Wooten, "The President's Annual Address: The Life and Times of Oran Milo Roberts," The Quarterly of the Texas State Historical Association 2 (July 1898): 2-3.


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Laurens District, South Carolina. Although the family left South Carolina when Oran was but three years old, it was perhaps prophetic that he was born in the district adjacent to Abbeville District, the birthplace of John C. Calhoun.

Later, as a young lawyer, an Alabama legislator, a Texas judge, a Texas Supreme Court Justice, and the President of the Texas Secession Convention, Roberts became an ardent admirer of Calhoun and an unswerving advocate of the Calhoun school of states' rights.

Roberts also shared with Calhoun his Scotch-Irish ancestry of which he was especially proud. His maternal grandfather, Sam Ewing, had moved from Scotland to South Carolina just prior to the Revolutionary War and had commanded a company of cavalry during the struggle for Independence. In his autobiographical sketch, Roberts described his lineage:

O. M. Roberts inherited the physical and mental structure of his mother's family who belonged to that race of Scotch-Irish who emigrated to America after the Rebellion of 1745 and settled along east of the mountains in Pennsylvania, Virginia, and South Carolina. That race of men constituted the ancestry of many of the most distinguished citizens of the United States. Amongst them may be numbered Andrew Jackson, Calhoun, the Earls and the Pickenses of South Carolina, Stonewall Jackson, the Ewings, Stewarts, McCorkles, Patrick Henry and many others.

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A race of men who at every period of American history have come to the front in defense of the people's rights and good government.6 He was equally proud of his father's bloodline which consisted of "a very large number of noble men and women whose ancestors settled in Virginia and were reported to be of Welch origin." He pictured them as "generally poor, but an independent, brave, self-reliant race of people, who lived within their means and made at home almost all of the necessities of life."7

In 1818, when Oran Milo was three, Oba Roberts moved his wife, three sons, and two daughters to Alabama settling in the mountain region near Ashville in St. Clair County where he farmed until his death in 1827.8 Some biographies describe Oran's early childhood in Alabama as being "attended with many difficulties"9 and "having a hard time trying to keep the hungry wolf from the door."10 Roberts stated that while his parents were "never absolutely poor," they were "in moderate circumstances kept so partly by making provision for their children as they grew up and left them."11

6Ibid., p. 2.
7Ibid.
8Ibid., p. 3.
10Wentworth Manning, Some History of Van Zandt County (Des Moines: Homestead Company, 1919, p. 142.
Oran's parents were middle-aged when they moved to Alabama and the three oldest children were already grown. The oldest daughter, twenty years older than Oran, was married to Robert Bourland, a planter in Mississippi who later helped Oran with his college expenses. The second daughter was also married and the oldest son, Jessee Roberts, became a doctor. Oran was especially in awe of Jessee and was inspired by his accomplishment.\textsuperscript{12} Oran Milo was proud of both his immediate family and of his ancestors.

**Education**

Oran Milo, along with the second youngest son, Franklin Ford, was first sent to school in the "old field" or county schools in St. Clair County. Unfortunately, when Oran was only twelve years old, his father died and both boys were required to drop out of school and work on the farm. The two sons worked on their mother's farm until Margaret Roberts decided that Franklin Ford should enter a business and Oran Milo should return to school.

At sixteen Oran entered the newly established academy at Ashville. Here he studied primarily Greek and Latin under a Mr. James Lewis, a well educated man who had abandoned the law profession for teaching. The academy lasted only six months, however, when Mr. Lewis was elected Clerk of the Circuit Court of St. Clair County. At this time Oran and three other boys were taken into the law office of a

\textsuperscript{12}Ibid., p. 3.
young attorney named Ralph P. Lowe, a graduate of Miami Col­lege in Ohio, who had just settled in Ashville. Oran stud­ied with the lawyer for eighteen months until the end of 1832 when Lowe was stricken with a fever and returned to the North. Lowe was later elected a supreme court judge and Governor of the state of Iowa.  

Roberts knew that he must get a formal education if he were ever to fulfill his boyhood dream of becoming a judge. When Oran was just a youth, his parents had fre­quently entertained the lawyers and judges who attended the courts from a distance. He came to look on these men as "a class of men set apart" who were "in some way superior to other men." The idea of their importance and superiority grew upon him and he decided that he too would become one of "the Judges." He was doubly inspired when his brother, Jessee, the doctor whom he respected so much, confided in Oran that the practice of medicine "was a drudgery" and ad­vised him that law was the "high road to fame." No doubt the tutelage under Lewis and Lowe strengthened his decision.

Therefore, although he lacked a complete, formal educa­tion, Roberts decided in 1833 to try for admission to the University of Alabama. Roberts stated of the initial exper­ience:

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15 Ibid.
An older brother, Franklin Ford Roberts, brought me and a faithful negro, Prince, that belonged to me, to Tuscaloosa—I to go to the University, and Prince to be hired out to help pay my expenses. On the 13th day of February, 1833, my brother and I called upon the President... He appointed a time and place for me to be examined for admission... I stood a good examination in Latin and Greek and in Arithmetic, but was deficient in every other requirement.

Despite his deficiencies Roberts was admitted to the University of Alabama with the provision that he receive private tutelage under Professors Hilliard, Brumely, and Bonfils in order to fill in the gaps of his education. After one year of diligent study, Roberts had compensated adequately for his deficiencies and stood sixth in his class. During his four years at Alabama, Roberts continued to be an outstanding student. He was elected President of the Erosophic Debating Society his junior year, served as Librarian of the University his senior year, and graduated as one of the top five students in his class of 1836.

Roberts was later considered to be one of the University's most illustrious alumnus. In 1881 the University of Alabama Alumni Association selected him to deliver the chief address at the commencement exercises and in 1882 the University conferred upon him the degree of Doctor of Law.

16 Roberts, "Reminiscenses of the History of the University of Alabama During the Four Sessions That He Was A Student In It, From February 1833 to December 1836," p. 1, Roberts Papers.

17 Ibid., pp. 2-23

18 The University of Alambama Record, 1836-1881, Letter Book, 1875-1881, Roberts Papers.
Legal Training

Immediately upon graduation from the University of Alabama Roberts began his study of law under Judge Ptolemy Harris near St. Stephens in South Alabama in exchange for tutoring Judge Harris's three sons. He later completed his study of law under Judge William P. Chilton, a leading lawyer in the town of Talladega, Alabama. He was admitted to the bar on September 22, 1837 and for four years practiced law first in Talladega and later in Ashville, Alabama. At the age of twenty-three, Roberts was elected to the Alabama legislature in which he served for one year. 19 His early training and experience in the fundamental principles of constitutional law were thorough and essentially practical. 20

In 1841 Roberts answered the call of the New West and moved to the Republic of Texas where "its unlimited resources and unbounded prospects presented their allurements to his ambition." 21 He took up the practice of law in San Augustine, in East Texas, which was considered to be the cultural and political center of Texas. Although San Augustine had one of the strongest bars in the county, Roberts rose rapidly and was soon riding an extensive circuit of East Texas counties along with the district judge and the lawyers of established practice.


21 Lynch, Bench and Bar of Texas, p. 274.
On February 16, 1844, a little more than two years after Roberts' arrival in Texas, President Sam Houston appointed him district attorney. Two years later Roberts realized his boyhood dream when J. Pinkney Henderson, the first governor of Texas, appointed him district judge. He was the first judge of the district under the judiciary system of the state government and the task fell upon him to interpret and apply the body of statutes enacted under the new organic law and to bring them for the first time to the test of the Constitution, both of the State of Texas and of the United States. Roberts' legal talents and judicial capacity were of the highest order and met all of the requirements of the situation. He gathered up the legal fragments of the revolution and annexation, blended them together and made a lasting impression upon the jurisprudence of the State. He held this position for eleven years until he was elected Associate Justice of the Supreme Court of Texas.

Political Experience and Philosophy

Politically Roberts was an ardent Democrat all of his life. To him the Democratic Party and democracy were one and the same. Once when asked to run for Congress as an independent candidate, Roberts firmly declined stating that

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23 Lynch, Bench and Bar of Texas, p. 277.

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his "hopes for America's future were planted in Democracy" and that it was under the banner of that party that he desired to see Texas use her influence in "preserving the Constitution—in the spirit in which it had come from the pen of the fathers." He vowed that he would do nothing to weaken the power of the party or to retard its development.24

Although Roberts worked locally for the Democratic Party in his early years in Texas, because of his judicial position, he had worked generally behind the scenes in an organizational capacity. He had even turned down several offers to run for Congress from the Eastern District.25 It took a situation like the Texas-New Mexico boundary dispute in 1850 to draw him into the whirlwind of politics. Roberts attested to this fact on July 17, 1850 while speaking in San Augustine.

Were this [the boundary dispute] a mere party question of politics I would have to decline the request of my fellow citizens to participate in it; but being national in its character— involving some of our dearest rights as citizens of Texas, and as citizens of this glorious confederacy of states, I do not feel myself warranted in withholding my views when thus solicited.26


25O. M. Roberts to W. D. Miller, 12 September 1843, Roberts Papers. Roberts states: "Although I have had many private solicitations from my friends to offer for Congress, my circumstances and situation as well as my inclination forbid it."

It was here, in 1850, that Roberts first became an active agitator against the Federal Government. He felt so strongly against federal intervention and so strongly for state sovereignty that he stepped out of his judicial role to play the part of a political agitator. More correctly he assumed both roles simultaneously. From that time on Roberts became a more visual and more vocal leader in the Democratic Party in Texas.

He ran for Congress in 1851 and in 1853 but when it became obvious in both races that his continued candidacy would mean not only defeat for himself but the defeat of the Democratic party and the success of the Whig candidate, he withdrew his name. He explained to the convention in 1853 that he had withdrawn in 1851 "in the interest of the organization of the party" and that, "for the sake of harmony and in the interest of the party," he would again withdraw his name.²⁷

From the political incidents of 1851 and 1853, Judge Roberts had acquired the confidence of the leading men of his party in his political integrity and party loyalty. He soon became one of the pillars in the Calhoun, states' rights, anti-Houston wing of the Democratic Party in Texas in opposition to the Jacksonian, nationalist, pro-Houston

Due to his South Carolina parentage and his Alabama training, he aligned himself with the pro-slavery, states' rights leaders and became known as a "formidable advocate of the strict construction of the Federal Constitution, the reserved rights of the States, and the inviolable sanctity of their domestic institutions."  

In 1855 Roberts again took the lead in politics when the states' rights group was threatened by a new party—the American or Know-Nothing Party. Roberts and the other Calhoun Democrats were thoroughly aroused by the new mysterious party of Union men who held Houston in high favor, and on June 16, 1855, the Democrats held a "Bomb-shell" Convention in Austin, declaring war on the Know-Nothings. Judge Roberts spent much time and energy working for a Democratic triumph over the Know-Nothing movement. By 1857, the year Roberts was elected Associate Justice of the Supreme Court, the Know-Nothings had lost much of their effectiveness, and by 1859 were virtually powerless because of

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the efforts of Roberts and such men as Louis T. Wigfall, John H. Reagan, and Thomas J. Rusk.  

In 1859 Houston was elected Governor, and Roberts decided to run for the U.S. Congress. His friends, however, wanted him to stay in Texas in order to remain on the bench where he could wield the most influence. Thus Louis T. Wigfall, who was less known and less liked but a more "eloquent" orator was sent to Congress, and Roberts remained in Texas to fight Sam Houston and to reorganize the Democratic Party.  

Because of the continued conflict over the slavery question between the North and South, the election of Abraham Lincoln, the secession of South Carolina, and the subsequent secession of Mississippi, Alabama, Florida, Georgia, and Louisiana, Roberts and the other Texas states' rights leaders felt that "Texas had no choice but to go with her sister States of the South." A full-fledged campaign for secession was begun and Roberts assumed and held the leading part in the agitation. During 1860 he delivered the secession speech which was a turning point in public action, drew up the call for a convention of the people, and assisted

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34 Ibid., pp. 97-100.

35 Wooten, A Comprehensive History of Texas, 2:351.
in the successful campaign for that purpose.\textsuperscript{36} In 1861 he presided over the Texas Secession Convention and maneuvered the resignation of Sam Houston, the secession of Texas, and the uniting of Texas in the Confederacy,\textsuperscript{37} thus achieving the results of his agitative efforts. In his lectures and speeches made in later life, Roberts continued to defend his earlier secession stand.\textsuperscript{38}

\textbf{Preparation for Speaking}

It is unlikely that Roberts received any direct, formal training in elocution or in public speaking before he entered the University of Alabama. It is likely, however, that since "all reading remained essentially oral until the twentieth century . . . where the greatest emphasis was consistently placed upon aspects of audibility,


\textsuperscript{37}Winkler, ed., \textit{Journal of the Texas Secession Convention 1861} (Austin, Texas: Austin Printing Company, 1912), pp. 9-152.

\textsuperscript{38}Roberts, "The Causes of the War North and South;" "On the Crisis in 1860, Then Imposing a Duty Upon the People of the South, and Exhibiting the Wrongs Done by the Northern States;" "On Sovereignty: Its Location and Effects in the Governments of America;" "On the Close of the War, and President Andrew Johnson's Reconstruction of the Southern States." Lectures made at the University of Texas in 1891-92 as found in Oran Milo Roberts, \textit{Our Federal Relations: From a Southern View of Them} (Austin, Texas: Eugene Von Boeckmann, 1892), pp. 5-81; and Roberts, "Speech to the Reunion of the Mountain Remnants," 1895, Roberts Papers.
articulation, enunciation, and pronunciation," 39 Oran Milo may have received some training in speaking under Ralph Lowe, the young attorney-teacher in the Academy at Ashville. Lowe was a lawyer and "the orator, lawyer, minister, and actor were all concerned with and characterized by their manner of speaking" in this era of the nineteenth century. 40 It is probable that Lowe included some training in writing and speaking English in addition to the instruction in Greek and Latin.

Not until he was admitted to the University of Alabama in 1833 did Roberts receive any formal instruction in elocution. Although he was proficient in Greek, Latin, and mathematics, he was deficient in other studies, among which was the art of elocution. Professor Hilliard, who was Professor of Elocution, volunteered to tutor Roberts in "several studies" and Roberts was soon accepted as a full-time Freshman. Roberts recalls: "Professor Hilliard redeemed his pledge to my great advantage, and I have had the pleasure years afterwards of tendering to him my thanks for his kindness to me." 41 No doubt, Professor Hilliard instilled in Roberts the importance of clarity of articulation which later characterized Robert's public speaking.

40 Ibid., pp. 197-98.
Probably the most significant aspect of Roberts' preparation for agitational speaking was his participation in the Erosophic Debating Society at the University. During his sophomore year, Roberts began to "take a lively interest" in the debates and "tried to speak" when it came his turn. He was elected President of the Erosophic Society at the end of his junior year. He later remembered:

During that session Bowden [Roberts' best friend] and I, by previous agreement, selected different sides upon the subjects debated, prepared ourselves in advance, and closed nearly every debate after those members of the society, who had been selected as they stood upon the roll, had completed their speeches . . . of course, I could aspire only to meet him [Bowden] in arguments upon the facts and the law of the cases; for he had a style of oratory, whenever he spoke, that I never saw excelled. 42

Also during that session, politics, running high in Alabama, found its way into the University. When called upon to take sides in the debates of the Society, Roberts showed the influence of his roots. In a debate in 1836 over whether Van Buren or White should be elected President, Roberts argued for Van Buren, basing his reason not on political wisdom, but on the fact that Andrew Jackson was for Van Buren. Roberts articulated the strength of his personal prejudice:

The truth is, that it was then understood that General Jackson was for Van Buren, and I merely followed the hero of the hermitage. I would have stood up for him against any odds. Such was my raising in the mountains. 43

42 Ibid.

43 Ibid., p. 20.
Ironically two of the most prevalent topics debated in the Erosophic Society and in the other debating societies throughout the South were slavery and secession, the topics which would consume Roberts' later years in Texas. Propositions debated included: "Is enslavement of human beings justifiable?"; "If South Carolina should secede from the Union ought the Southern states to assist her?"; "Has a state the right to withdraw from the Union at pleasure?"; and "Ought the government of the U.S. resort to force to secure the obedience of S. Carolina?" In those debates Roberts prepared not only for public speaking in general but for his pro-slavery, pro-secession role as a leading states' rights speaker in 1850-1861.

His training in speaking and debating also made him a keen observer of "good oratory" in others. In 1834 Roberts was impressed by a eulogy of General Lafayette delivered by Judge Henry Goldthwaite, an Alabama Supreme Court Justice. Roberts stated that Goldthwaite "delivered extemporaneously a most feeling and eloquent address on the occasion." On another occasion Roberts was moved by Reverend Moffit, a celebrated Methodist minister who was visiting Tuscaloosa. Roberts observed Moffit's delivery of the sermon in great detail, referring to the minister's vocal inflection:

44 Wallace, History of Speech Education in America, p. 251.
I heard his voice, sometimes in thunder tones without a break of harshness, then in lisping whisper that filled the house, then in clarion peals without a jar, then in plaintive melody flowing over the house as a soft gentle breeze.46

Roberts also noted the Reverend's use of gestures:

I recollect only one thing in his whole sermon. It was a figure. The soul of a little girl that by pain and death was free from its earthly tenement; he compared her to a caged eagle, that broke through the bars of its prison, spread its wings upon the open air, and flew around in a circle, rising higher and higher in the circle as it flies, to find the course to its home, so the soul of the little girl, in its joyous freedom goes up around and around rising higher and higher, until it gets its direction: (he all the time moving his up-stretched arm pointing to the soul in circular flight describing its course in a circle), and gazing intently up as if looking at it as it gets higher and higher when all at once, he moved forward, looked down at the congregation, and with a quick motion of his arm at highest reach he pointed upwards. His gesture said 'gone up to heaven' more plainly than if he had said it with words.47

Showing his appreciation for the power of such eloquence, Roberts observed:

A low murmur, as of relief, like an electric flash, passed over the whole audience. Such a scene can be seen and felt, but it cannot be described. He spoke for two hours, and I was sorry when he quit.48

The orator whom Roberts most observed and admired was his friend Frank W. Bowden, a classmate and fellow debater at the University of Alabama and later a lawyer in Texas. Roberts said of Bowden's oratorical ability:

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46Ibid., p. 8.
47Ibid.
48Ibid.

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From the first speech that he made in the Erosophic Society, he was regarded the best orator in the school. In after life he became the greatest orator that I ever heard speak. He was excellent in diction, strong in argument, and overpowering in pathos, with a fund of acquired information that seemed inexhaustible.49

Roberts admired Bowden's "extraordinary power of oratory."

Throughout the years he continued to describe Bowden's public speaking talents:

In his speeches there was no theatrical acting. His art in producing effect was nature's self. . . . Every word uttered by him in his rapid delivery could have no substitute to express the thought intended. His arguments were logical. . . . His pathos, by the uttering of some word or the delivery of a sentence, would thrill his whole auditory, however numerous, and bring unbidden tears in response to it.50

Undoubtedly Roberts' experiences and observations at the University of Alabama prepared him for public speaking. But other elements contributed to his effectiveness. His noble ancestry engendered a sense of pride and self-confidence making him aware that he was of a long line of loyal and accomplished Scotch-Irish Americans. His legal training and early courtroom experience, often before a judge or jury, developed his speaking skills. His political experience in the Alabama legislature, his activities in the early county and state Democratic conventions, and his campaigning also provided valuable experience in public

49 Ibid., p. 12

speaking. These accomplishments served as a rhetorical foundation for his later states' rights speaking.

**Speech Preparation**

Probably because of his experiences as a librarian, a debater, a lawyer, a legislator and a judge, Roberts' speech preparation was thorough. Lynch states that "his powers of research found no satisfaction within the bounds of superficiality and no lodgment upon the surface of investigation." Wooten states that he "possessed a tireless industry in the study of detail" and was "known for his completeness." His extensive notes and outlines of his speeches which he preserved in his papers suggest that Roberts was conscientious about his speech research.

Another contributing factor to his speech preparation was the fact that he was also an author. From the day that he left the University of Alabama, he wrote political essays on topics of the day. During his first years in Texas, he also wrote treatises on education and on famous

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53 Roberts Papers, Archives, University of Texas, *passim*.
55 Roberts, "In Defense of the University at St. Augustine: Criticism Upon the Pedantry and Presumption of M. A. Montrose's Articles Published in the Red Lander Under Signature of 'Ave' and Strictures Upon Refusal of Canfield to Publish Articles Answering Montrose," 1843, Roberts Papers.
men. These early writings were the predecessors of his lengthier historical writings such as *Our Federal Relations: From a Southern View of Them* and Part III of Wooten's *A Comprehensive History of Texas*.

Another fact which should not be ignored when discussing Roberts' speech preparation is the fact that Roberts was intelligent and organized. Lynch portrays Roberts as a "Grecian Sage who had a highly philosophical and reflective mind"—a mind of "keen and ready perception which blended the ardor of devotion and the candor of rectitude with the calm depths of reason." De Shields describes Roberts as "clean, clear, sane, and uniformly efficient and practical" and "a positive genius at details and particulars."

**Delivery**

Roberts was not flamboyant. His chief attributes as a public speaker were probably his clarity and simplicity. June Welch observes that Roberts did not exhibit

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the "arts of the orator," but that "he knew what he meant
to say and said it in clear-cut English." She feels that
this fact, along with Roberts' "Spartan integrity," gave
insight to what he said. De Shields also reports that
in his delivery, Roberts "was not brilliant or showy, mak­
ing no pretensions to oratory or display" and that "he be­
lieved that language was made to express ideas in the sim­
plest and most effective form." Norman G. Kittrell, awed
by Roberts' simplicity, writes that "it was almost incon­
ceivable that a man who could write such opinions could
be at the same time so absolutely simple in speech and ac­tion." 63

In demeanor Roberts is generally described as digni­
fied and professional. Lynch portrays him as "a man of
great amiability," . . . "bland, polished and refined, yet
plain and unostentatious in his manners," and adds that
"his pure professional and social ethics, and his conversa­
tional powers render him a welcome and interesting guest
in every circle." 64

Consistent with his overall manner, Roberts was
poised and erect. De Shields says that "Physically he was

61 June Welch, The Texas Governor (Dallas, Texas: G.L.A.
62 De Shields, They Sat in High Places, p. 315.
63 Norman G. Kittrell, Governors Who Have Been and
Other Public Men of Texas (Houston, Texas: Dealy-Adey-Elgin
64 Lynch, Bench and Bar of Texas, p. 284.
strong and graceful—not quite six feet tall, compactly built; and he retained his wonderful vigor and his fine muscular figure to the end of his life, never stooping in carriage.65

In describing his facial features, De Shields declared them thin, dark, and pleasant: "He was dark of complexion, had a thin, keen, intellectual face; bright, alert eyes black in color; a pleasing humorous expression, usually smiling and gracious; . . . withal dignified and reserved.66

In dress, Roberts "always wore a Prince Albert coat.67 Photographs taken of him during various stages of his life show him wearing a long frock coat, white shirt, and dark bow tie, the customary dress style of that era.

Roberts often paid a great deal of attention to speaking techniques—his own and others. In his memoirs of his days at the University of Alabama, he reported in great detail the acoustics of the Library and his practice in speaking there:

A striking characteristic of that room was the immense re-verberation of sound. . . . The least harshness in the voice of a person speaking reverberated with such a confusion that he could not be heard at the distance of three feet. . . . To be heard, one had to speak without the least harshness in the sound of the voice. . . . I very soon learned to speak so as to be heard loudly and distinctly over the room. I have thought since then that a

65 De Shields, They Sat in High Places, p. 315.
66 Ibid.
67 Ibid.
building so constructed would be well adapted to training the voice in exercises of elocution.⁶⁸

He also noted such characteristics as vocal inflection, volume, and diction in the speaking of Judge Goldthwaite, Reverend Moffit, and Frank Bowden, as previously cited.

It appears that historians such as Lynch, Welch, Kittrell, and De Shields associated the "arts of oratory" or eloquence with a grandiloquent, flamboyant style of speaking. If this was the case then one can conclude that Roberts was not considered eloquent and may have paled in comparison to the likes of Frank W. Bowden and Louis T. Wigfall. He attempted, however, to communicate his states' rights messages in a simple, clear, and effective manner. He found his strength in his basic intelligence, his ability to speak simply and clearly, and in the content of his speeches.

**Summary**

As a judge Roberts has been described as an objective, disinterested jurist who was so concerned with the letter of the law that he "decided a case to pieces."⁶⁹ On the other hand, as a political agitator for states' rights and secession, Roberts appears to have been guided by his regional prejudices and his personal political philosophy. In his speeches, and in his court decisions, he quoted constitutional law often. But in his speeches he showed

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⁶⁹Lynch, *Bench and Bar of Texas*, p. 280.
himself to be a southern, strict constructionist. As a judge Roberts "cared not a plugged nickel about the color of a defendant" but as an advocate of secession he believed in the inferiority and enslavement of the Negro race.

During his early years, Roberts had wanted to become a judge because that position would make him superior to other men. Respected by his colleagues and revered by his audiences, Roberts used this exalted position to employ his agitative rhetorical strategies in the events of 1850-1861.

Roberts' ultimate effectiveness as a states' rights speaker, then, probably did not result from his delivery. It may have resulted more from who he was, the strategies he used, and the adaptation of those strategies to his particular audiences.

CHAPTER III

CONFLICT: THE TEXAS-NEW MEXICO
BOUNDARY DISPUTE - 1850

Situation

Before 1850 Roberts had limited his political speaking and activities to local affairs of the Democratic Party in Texas. But certain events which he felt threatened the sovereignty of the state and the institution of slavery compelled him to speak out and thereby to begin his public agitation against the Federal Government and the people of the North. The Wilmot Proviso, designed to prohibit slavery in any territory acquired from Mexico, and the Free-Soil Movement of 1848 enraged the Texas states' rights advocates and made them aware of the growing anti-slavery movement in the North. It was the Texas-New Mexico boundary dispute, however, that aroused these Texans to action.¹

Nationally, the most significant issue in the controversy of 1850 involved the admission of California as a free state and the question of slavery in the territories, but in Texas

¹Billy Don Ledbetter, "Slavery, Fear, and Disunion in the Lone Star State: Texans' Attitudes Toward Secession and The Union, 1848-1861" (Ph.D. dissertation, North Texas State University, 1972), p. 66.
the most significant issue was her boundary dispute. Boundaries have often had a peculiar significance in the development of Texas. This was never so true as in the years that followed the Mexican War when Texas became embroiled in the territorial dispute which was governed by the political and economic objectives of sectionalism. It is the purpose of this chapter to explain and evaluate the rhetorical strategies which Roberts used in the Texas-New Mexico boundary dispute.

Historical-Political Background

In 1836 the Republic of Texas had claimed that its southern and western boundary followed the Rio Grande from its mouth to its source and then followed a line running due north to the forty-second parallel. This area included the present state of Texas plus parts of the present states of New Mexico, Oklahoma, Kansas, Colorado, and Wyoming. Mexico declared that it would concede this boundary if Texas would decline annexation. When Texas chose annexation in 1845, Mexico invaded the area which lay between the Rio Grande and the Nueces Rivers, and President Polk declared war against Mexico. In 1846 federal troops occupied Santa


Fe since it controlled the most practical route to California.

As soon as Texas Governor J. Pinckney Henderson learned of the occupation in New Mexico, he sent a letter of protest to the Federal Government asserting the exclusive and unquestionable right of Texas both to the soil and to the jurisdiction in that region. He received assurance that Texas rights would be respected and that the provisional government was temporary but the Federal Government took no immediate action.

By the treaty of Guadalupe Hidalgo, concluded on February 2, 1848, Mexico relinquished all of the territory claimed by Texas. Therefore the boundary of Texas was no longer open to diplomatic negotiation.

The second governor of Texas, George T. Wood, sent letters of protest to President Polk and General Zachary Taylor but received no reply. Governor Wood was incensed at their treatment and in November, 1849 asked the third legislature for ample power to defend the rights to this territory with the whole resources of the state. Wood also threatened disunion.

The third governor of Texas, P. H. Bell, was equally emphatic that the rights of Texas be maintained. In April, 1850 Governor Bell appointed a commissioner, R. S. Neighbors, to organize the counties of Presidio, El Paso, Worth, and Santa Fe. Federal officers again opposed a representative of Texas at every point. In June the governor again protested
to the president but, receiving no reply, reported the situation to the people and called the legislature to convene in August to decide what action Texas should take.  

Meanwhile, in the U.S. Congress, the disposition of the acquired Mexican territory furnished the occasion for the impassioned debates on the Wilmot Proviso which paved the way for the angry contest over the Texas-New Mexico boundary. The dispute was important because it assumed the proportions of a national problem. Texas had been admitted as a slave state, but that portion of its territory lying north of 36°30', when made into a separate state, was to become a free state. If the limits claimed by the state were not changed, it was possible to carry slavery as far north as the forty-second parallel of north latitude. This action would repeal the Missouri Compromise as far as Texas was concerned.

In February, 1850 Henry Clay had added to the controversy when he presented his compromise bill which included a resolution proposing that the Federal Government assume the debts of Texas if she relinquished the claim to the New Mexico territory. The states' rights men throughout Texas

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Texas and the South stood firmly behind Calhoun in his objections to the Compromise Bill.

The anti-slavery forces in Congress wanted not only to forbid the extension of slavery into the newly acquired territory, but to reduce the area of Texas as much as possible, thereby converting to free soil a portion of the area acquired by annexation. These efforts of the anti-slavery group brought to Texas the support of her sister slave states and gave the states' rights men renewed encouragement.

On June 3, 1850, a convention of southern states, including Texas, met in Nashville, Tennessee, to discuss southern grievances, to draw up methods to stop northern aggression and to issue ultimatums accompanied by a threat of secession. The Nashville, or Southern, Convention developed from John C. Calhoun's attempts to unite the slave states against northern anti-slavery agitation. The Convention espoused the cause of Texas and recognized the territorial controversy as the major issue in the question of future southern rights.5

The resolutions passed by the Convention justified the legal right of Texas to the territory claimed. Resolution sixteen declared that it was the duty of the whole South to oppose the "northern fanatics" who were attempting

to rob Texas of territory that was rightfully hers. The resolution seventeen stated that the South had the like right to expect that Texas would not accept any sum of money for the territory and thus allow the enemy to establish a stronghold of abolition.

The Nashville resolutions and Governor Bell's report to the people on the Santa Fe situation became known to Texans at about the same time. The majority of Texans were aroused but were not prepared for disunion and therefore were either apathetic toward or opposed to the resolutions passed in Nashville. Sam Houston, now a Texas senator and a staunch Union supporter, had opposed Calhoun's "Southern Address" and now fought publicly against the resolutions. Strongly favoring Calhoun's ideas for creating a militant slave states' party and the Nashville resolutions, Roberts and the other states' rights extremists instigated indignation meetings throughout the state.

Roberts later justified the meetings. He stated that the northern people were "clamoring for free-soil territory upon a moral sentiment, clamoring for the prevention of the

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7 Ibid.

sale of slaves in the District of Columbia, and clamoring against Texas, damaging its rights to the territory held by military authority." Therefore Texans held "an intense apprehension that a great wrong was about to be inflicted upon the state." He believed that the meetings were necessary in order to provide for the expression of "resentful indignation." Roberts helped to organize the indignation meeting in San Augustine and it was there that he delivered his speech on the Texas-New Mexico boundary dispute.10

Physical-Sociological Milieu

Subsequent to previous notice, a large public meeting was held at the Courthouse in San Augustine, Texas in San Augustine County on Friday, July 19, 1850. The purpose of the meeting was to consider the proper course which Texas should take in "the existing crisis." It was only natural that Roberts gave his first political speech of any importance in San Augustine for it was there where he had lived since he came to Texas in 1841. He had practiced law and held court for many years in the very courthouse where the meeting was held. He was in his natural environment.

It was also appropriate that a meeting of this kind be held in San Augustine. Because of its location, San

10San Augustine (Texas) Red-Land Herald, 27 July 1850.
11Ibid.
Augustine, referred to as the "Athens of Texas," was considered the leading cultural, educational, and professional center of East Texas. San Augustine University, which Roberts helped to establish in 1842, was one of the first universities in Texas. It became the University of Eastern Texas in 1847 and was succeeded by the San Augustine Masonic Institute. The courts of San Augustine, in which Roberts had worked, played an important part in molding early Texas law. The Red-Land Herald, published in San Augustine, became an influential voice in Texas politics and was an important outlet for the states' rights philosophy.

The climatic conditions, agricultural development, and constant immigration from the older southern states contributed to the establishment and practice of slavery in the county. The plantation system in this area was widespread and the social and economic conditions were practically identical with those existing in the older slave states. In 1850 the population was 3,648 of whom 1,561 were slaves. It was no wonder that Roberts and his states' rights philosophy.

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rights friends chose San Augustine as a place to express their views against the Federal Government and the North on the Texas-New Mexico boundary dispute.

** Audience **

Roberts knew well his immediate audience. Most were prominent leaders of the Democratic Party in East Texas and many were lawyers and judges with whom he worked. The resolutions committee was composed of some of the most influential Democrats in San Augustine County.16

By far the most prominent member of Roberts' audience was another San Augustinian, J. Pinckney Henderson, the first Governor of the state of Texas. Henderson, a native of North Carolina, had fought in the Mexican War while he was governor and had achieved the rank of major general. In the Texas Republic, he had served as Secretary of State and Minister to Britain and France under Houston. Because of his intense pro-slavery feelings, Henderson had been the only Texas delegate actually to attend the Nashville Convention. After his tenure as governor in 1847, he returned to his private law practice in San Augustine.17

16 San Augustine (Texas) Red-Land Herald, 27 July 1850, p. 2.

17 Bolton, Governors of Texas, pp. 1-2; Richardson, East Texas, p. 1229; and Ernest Wallace, Texas in Turmoil (Austin, Texas: Steck-Vaughn Company, 1965), p. 32.
was present in order to give a report on the Nashville Convention following Roberts' address.  

In general Texans had expressed little interest in the Nashville Convention. Fewer than one in one hundred had bothered to vote for the convention delegates. The attitude of most Texans toward the convention was one of "silent inattention." The radical states' rights men like Roberts and Henderson, however, favored the Nashville Resolutions and wanted Texas to show their public support of them. The Democratic Unionists, under the influence of Sam Houston, actively opposed the convention and the resolutions.

Because he had arranged to have his speech and the Nashville Resolutions published in the Red-Land Herald, Roberts knew that in addition to his immediate audience, he was speaking to the rest of Texas, the South, and the North. No doubt he realized that his San Augustine audience was a great deal more friendly toward his thesis than was his larger audience. Therefore, following the practice of an agitator as described by McEdwards, Roberts used this

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20 Clarksville (Texas) Northern Standard, 13 April 1850.

meeting of his friends and followers as "a convenient and free soapbox from which to prod the larger audience of the general public."  

Roberts' Rhetorical Goals

In his speech, Roberts stated that his purpose and the object of the San Augustine meeting was "to take into consideration the proper course to be pursued by Texas in the present crisis." Actually Roberts had decided already what the proper course of Texas should be and what he wanted the meeting to accomplish. Probably it was Roberts who had written the resolutions ready at hand for the resolutions committee to present.

Roberts later explained that because of the unjust treatment of Texas by the Federal Government in the boundary dispute and the unjust advantage the northern anti-slavery forces took of the situation, he felt "that a demonstration, however unequal to that of the United States, was necessary to make an issue that would attract the attention of the whole country for its settlement." Roberts made his


immediate goal to express publicly his "resentful indignation" toward the U. S. government and the North and to gather support for the Nashville Resolutions, thereby solidifying Texans and southern slavocrats into a unified force to be reckoned with. He believed that this demonstration of unity and the threats of secession might influence the President to withdraw the federal troops in Santa Fe. If this could be effected, then his long range goal of extending slavery and stopping free-soilism could be achieved.

Roberts may also have had a less obvious rhetorical goal. He may have used the San Agustine address as an early opportunity to present himself as a viable candidate who could speak for all of the people of East Texas. Roberts had previously foresworn any ambition for political office. In 1851, however, just eight months after the San Agustine meeting, he officially declared himself a candidate for Congress from the Eastern District of Texas. 26

Strategies
Petition

Roberts and the other radical Texans realized that they could not resort to the more drastic strategies which would lead to secession and possibly to civil war unless they could first show an attempt at communicating through normal channels. Otherwise, by showing that petition had not occurred, the Federal Government could discredit them

26 San Augustine (Texas) Red-Land Herald, 15 March 1851.
as "irresponsible firebrands" who rejected "the normal decision-making processes in favor of disturbance and disruption." No matter how unlikely it was that the Federal Government would adjust or capitulate to their petitions, Roberts probably knew that, in a show of reasonableness, they must make the effort. They must prove that they had met with avoidance and suppression in their efforts at supplication. If Roberts and his friends could show that the pleas and requests of Texans and southerners were not heeded, they could build support for their more drastic strategies.

Roberts used petition in his speech in two ways. First he reminded the audience that not only had the governors of Texas used petition but Texas senators and representatives in Congress had attempted through legal channels, to vindicate her claim for quite some time and that "logical defense of this sort has been exhausted." Roberts thereby attached his support and reinforced the case already presented by the governors and congressmen.

Secondly Roberts offered two alternatives for settling the dispute equitably, the first of which he obviously favored:

First, let the general government, by direct action, remove every impediment now existing or supposed in


all our territory to its free occupation by any citizen of this union with any property capital and industrial habits which he may choose to introduce there. Thus the people would have the opportunity of enjoying their property together in common until they could build up states with such domestic institutions as would suit their own interests and inclinations. These states should then be admitted into the Union without any question other than that required by the Constitution.29

In an apparent attempt to appear objective and conciliatory, Roberts presented a second proposal:

Or, secondly, . . . the government should at once make an equitable division of the common property by a line east and west to the Pacific from the states—allowing the citizen to settle either side of the line according to his discretion; but with a full guarantee to those south of the line that slavery may exist until states are formed and determine this question for themselves. . . . The South should demand of the government to do us ample justice by its action before another state shall be severed from the common territory and admitted into the Union.30

Roberts showed his prejudice against the second alternative when he prefaced it by stating that it could be considered "if this newly acquired disgust and prejudice of the North towards an association with Africans, African slaves, and slave owners must be humoured."31

Many Texans who could not yet accept the idea of secession from the Union were earnest in their use of petition and were open to compromise.32 Roberts and his states' leaders continued to pursue these methods in their efforts to preserve the Union.

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29 Ibid.
30 Ibid., p. 2
31 Ibid.
rights cohorts, however, knew what they wanted and what they were willing to do to get it. They supported Governor Wood when he proclaimed:

Every inch of that territory belongs to our state and we will defend it to the last extremity and, if surrendered, it must be when Texas has no soldiers to defend it. There will be no messenger of her defeat. 33

What appears to be petition in Roberts' address, then, may be a ploy or pretended use of logical and normal channels in order to pave the way for other strategies.

Promulgation

Having met with avoidance and suppression by the Federal Government, Roberts and the Texas pro-slavery forces progressed to the strategy of promulgation. They used two tactics: mass protest meetings and exploitation of mass media (the newspapers).

Throughout 1849-1850 the Texas Democrats held protest meetings to express their objections to the Wilmot Proviso, the Free-Soil Movement, Clay's Compromise Bill, the federal troops in Santa Fe and the "hostile" attitudes of the North and the Federal Government in general. In a number of these meetings Texans threatened armed resistance and secession if their states' rights were violated. 34

The protest meetings began in Austin and spread throughout the state. A meeting in Marshall was organized

33 Bolton, Governors of Texas, p. 3.

34 Connor, Adventure in Glory, p. 150.
by Louis T. Wigfall, thought by some to be "the most rabid states' rights man in the Lone Star State." Wigfall took it upon himself to send the Marshall resolutions to John C. Calhoun for his approval. Those state sovereignty resolutions called public attention to southern rights under the Constitution and attacked Senator Houston for not defending those rights. At such a meeting in San Augustine in July, 1850, Roberts delivered his "indignation" address.

Since the newspapers could reach a larger general public than public meetings, Roberts and the pro-slavery Texans also used the media to spread their states' rights views. They accomplished their campaign through the friendly Texas newspapers including the San Augustine Red-Land Herald which supported Roberts and the Marshall Texas Republican which supported Wigfall. The Austin Texas State Gazette, the Clarksville Northern Standard, the Houston Gazette, and the Houston Telegraph also helped to spread their message.

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36 Ibid.
37 San Augustine (Texas) Red-Land Herald, 27 July 1850.
39 King, Louis T. Wigfall, p. 61.
extensively read newspaper at the time, summarized the states' rights stand promulgated through the newspapers.

Texas must assert her claim to her whole limits, as defined by her statutes previous to annexation, or she can no longer be entitled to the rank of a sovereign state. . . . The title of Texas to Santa Fe was as valid as its title to Port Isabel, Laredo and the intermediate towns on the Rio Grande. . . . Texas will maintain her rights. If the general government assumes the position of Mexico (before annexation), Texas will be at war with her. The result is inevitable. . . . We are confident that the people of Texas will to a man sustain them (Governor Wood's recommendations) with the whole resources of the State. The banner of the Lone Star shall again be unfurled—not for offense, but for defense, and those who are foremost to cry aloud for annexation will be foremost to sever the country from the Union that embraces but to crush and destroy.41

The staging of mass protest meetings and the capitalization of the newspaper campaign helped to keep the agitation alive and to plant the seed of secession as an alternative to submission to federal acts. By employing the tactics of promulgation, Roberts and his group tried to win more public acceptance of their "ideology, system of values and beliefs, and policies."42

Image Building.

Brembeck and Howell suggest that the major contributing factors to a speaker's credibility are the prior knowledge of or experience with the source, the content of the

41 Houston (Texas) Telegraph, December 1849 as found in Johnson, A History of Texas and Texans, p. 496.

message, and the similarity between the source and the receivers. Roberts enhanced his credibility and added to his image by his status, by his speech, and by the interaction between him and his audience.

During his travels as a lawyer and a district judge, Roberts had "observed the character and habits of the people of all classes and occupations ... which afforded him a knowledge of the wants and wishes of the people." He not only knew his listeners well, but he knew that they also respected him. He had been the first judge of the Fifth District of Texas which had "required legal talent and judicial capacity of the highest order."

While on the district bench, he had become acquainted with members of the bar and also with men of the jury. He later recorded an extensive list of lawyers, several of whom were at the San Augustine meeting, who had practiced before him and whom he considered to be his friends. One contemporaneous account described Roberts' reputation:

His urbanity to the gentlemen of the Bar, the jury, and the parties litigant has never failed to secure respect. In his social intercourse with our citizens, Judge Roberts has won general esteem. He will leave behind him a host of friends, and--so far as we know

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44Lynch, Bench and Bar of Texas, p. 276.
46Roberts, Diplomas, Law Licenses, etc., Roberts Papers, Archives, University of Texas, Austin, Texas.
not a single enemy. We are not wont to flatter, and would scorn to deal in fulsome, sycophantic, unmerited adulation. What we have said is, in our opinion, justly due to a modest and worthy man.\(^47\)

Another contemporary, Judge R. T. Wheeler, attesting to Roberts' esteem, wrote: "I hear of your increasing reputation with as much pride and satisfaction as if it were my own. I often hear your conduct put in contrast with that of other judges in a manner exceedingly favorable to you."\(^48\)

In an attempt to enhance further his credibility and establish honorable motives, Roberts told his audience that the issue was so important that he felt that it was his duty to speak out. He asserted:

Were this a mere party question of politics I would have to decline the request of my fellow citizens to participate in it, but being national in its character—involving some of our dearest rights as citizens of Texas, and as citizens of this glorious confederacy of states, I do not feel myself warranted in withholding my views when thus solicited.\(^49\)

With this statement Roberts also glorified himself by indirectly reminding his listeners that because of his position as a judge, he did not involve himself with mere party questions of politics. He also reminded them that he was solicited by his fellow citizens inferring that a large number

\(^47\) Partial editorial as found in Roberts, Scrap-Book, 1848-1891, Roberts Papers.

\(^48\) R. T. Wheeler to Roberts, 23 February 1847, Roberts Papers.

of people were anxious to hear his views on the issue. He further portrayed himself as a national man as well as a state man when he said that the issue involved some of their dearest rights as both Texans and U.S. citizens and when he compared himself with such great men as Washington, Madison, Rutledge, and Sherman. In so doing, Roberts reinforced the necessary traits of "competence and trustworthiness" described by Monroe and Ehninger or "expertness and trustworthiness" described by Brembeck and Howell.

In conclusions to his speech, Roberts again stressed his objectivity and concern for the truth. He also implied that he was a leader who could think and speak for the people. He said:

I present these views of your rights and duties as Texans and American citizens, being the result of my most measured reflection, not formed with reference to party doctrines or party considerations, but under the most painful anxiety to seek the truth—to ascertain and defend our rights, and to aid in preserving the Union.

Even if he had not come to the occasion with an excellent reputation, Roberts emphasized that he was a man of good character and good will. Because he held high status, because he reinforced his image, and because he shared

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50 Ibid., p. 2.


52 Brembeck and Howell, Persuasion, p. 256.

similar attitudes and interests with his immediate audience, Roberts accomplished the "high quality interaction" espoused by Brembeck and Howell as integral to credibility.\textsuperscript{54}

Objectification

Both the strategies of vilification, or individual blame, and objectification, or group blame, are generally found in agitative rhetoric.\textsuperscript{55} However, perhaps in an effort to maintain his dignity and remain above reproach, Roberts did not employ the strategy of vilification. He preferred instead to use the similar tactic of objectification to degrade and stigmatize the opposition. Instead of calling individual names, he placed the blame for the current crisis on the Federal Government and the people of the North, especially those involved in the Free-Soil Movement. He used such terms as "the general government," "northerners," "the North," "free-soilism," and "the progressive influence which have produced the state of things" to stigmatize the targets of his objectification.\textsuperscript{56}

Echoing John C. Calhoun's sentiments in his March 4, 1850 speech on Clay's Compromise Bill, that it was the northern agitators and not the slaveholders who were

\textsuperscript{54}Brembeck and Howell, \textit{Persuasion}, pp. 184-185.


\textsuperscript{56}Roberts, "Speech on the Texas-New Mexico Boundary Dispute," p. 2.
responsible,\textsuperscript{57} Roberts proclaimed that in case a conflict between the North and the South should occur, the aggressions of the North would be cause. He shifted the blame to the opposition when he stated that "if such a thing should happen, it would emanate from the dominant propagandist spirit of the North, inimical to our domestic institutions."\textsuperscript{58} Roberts continued to attribute the blame to the Federal Government, the "progressive" North, and the Wilmot Proviso for any future confrontation when he argued:

The state of things now existing and being proposed in New Mexico, California, Oregon, Minnesota, and other portions of our public territory, together with the progressive influence which have produced the state of things, will, if acquiesced in and tolerated by Texas and her sister states, as certainly lead to the result [a North-South conflict] as the Wilmot Proviso or any other direct action of the government.\textsuperscript{59}

At another point Roberts censured the advocates of free-soilism for attempting to deprive the South of equal benefits of the New Mexico territory. He indirectly accused the free-soilers of having selfish motives when he stated:

Removing the obstacles to free-soilism from every foot of territory north and west of Texas . . .


\textsuperscript{58}Roberts, "Speech on the Texas-New Mexico Boundary Dispute," p. 1.

\textsuperscript{59}Ibid.

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would, in its practical effects, exclude the citizens of the South from an equal participation in its benefits.60

In his later historical explanation of the territorial dispute, Roberts reaffirmed his belief that the North and not the people of Texas were to blame in the dispute. In his history of Texas written in 1898 he stated:

If the government should afterwards fail to surrender that part of her territory to Texas, it would be from a want of confidence in the good faith of Texas in complying with her assumed obligation, or from a disposition to gratify the free-soil sentiment, or from both considerations operating together to the prejudice of the rights of Texas.61

Being a true states' rights man, Roberts never equivocated in his objectification of the North. He would always believe that "there was a settled design to withhold the territory from Texas," that "Congress had long been pressed by the North in order to make more free States, so as to increase their power in the government" and that the North saw that "an opportunity existed of accomplishing this in the territory acquired from Mexico." He believed that it was "that consideration which enlisted most of the Northern States against our claim on political ground."62

60 Ibid.


62 Ibid.
Legitimation

Roberts used the strategy of legitimation in his effort to "explain, vindicate, and justify" his and his followers' actions in the dispute and any future actions which may come about as a result of the opponents' avoidance and aggression in the matter. He accomplished this goal in three ways. First he referred to the previous efforts of Texas governors and congressmen: "Our claim has been vindicated by our Governors and our Representatives and Senators in Congress." Then he showed how these petitions had been avoided by the Federal Government: "They received no reply. . . . Efforts of this sort have been exhausted." Secondly he referred to "the aggression of the federal troops" in the disputed territory inferring that any reaction from the South would be retaliatory and defensive, taken only after provocation from the Federal Government. Thirdly he relied on constitutional law to justify the Texas claim to the territory in question.

Being a lawyer and a judge, Roberts relied most extensively on his knowledge of constitutional law to legitimize the claim. He contended that the territory was the common property of all of the people of the Union and that

63 Smith, Rhetoric of Black Revolution, p. 40.
65 Ibid.
66 Ibid.
if Texas' claim was originally legal then it was still legal. He justified the right of Texas to take slavery into the territory and answered the anti-slavery free-soilers:

The constitution regards this territory as property of the United States—common property of all the citizens of the Union, politically confederated. All have an equal right and should have an equal opportunity to enjoy it. It is a species of property whose value cannot be realized by sale and division of the proceeds in money amongst the states or citizens of the Union. . . . The true value of the territory can only be realized through its occupation by the citizens of this Union.67

He then reasoned from this premise that "while it thus remains common property" no citizen should "be subjected to a total change in his habits of life, his mode of industry, and his capital."68 He then claimed "that if the right of Texas to this territory were at all doubtful originally it is not now fitting for the United States to dispute it."69

In 1898 he reiterated his 1850 "legal" justification that the Constitution was the law to be followed in the dispute and that the United States had "no power to change and curtail the boundary-line as claimed by Texas when all claim of Mexico to the territory was extinguished by war."70 He also justified their preparation for violence by stating that it should not have been surprising "that the people of

67 Ibid.
68 Ibid.
69 Ibid.
70 Roberts, "The Political, Legislative, and Judicial History of Texas," p. 22.
Texas very soon became thoroughly aroused to the protection of their rights by the adoption of such means as were in their power as a State in the Union."71 Here he legitimized the fact that Governors Henderson, Wood and Bell had vowed to use whatever measures were necessary for the occupation of Santa Fe with whatever force it took.72

Roberts had a keen, legal mind and knew the Constitution well. His regional biases, however, led him always to interpret that law from a strict constructionist view.

Mythication

Although Roberts did not employ the strategy of mythication as profusely at this time as he did in his later speeches, he did use history as an instrument to claim that precedent and truth were on his side. Roberts regarded white southerners as what Smith calls "the chosen people, the saviors, and the beautiful."73

Roberts assured his audience that the truth was on their side because they, and not the northerners, were the upholders of the Constitution and the Treaty of Guadalupe Hidalgo. He exalted his audience by comparing their patriotic actions to those of the Founding Fathers. He stated that it was the Texans who were the true Americans because they were "scrupulously preserving the rights and political

71 Ibid., p. 23.
72 Johnson, A History of Texas and Texans, p. 497.
73 Smith, Rhetoric of Black Revolution, p. 37.
equality of all its members in the same vigour and purity as when Washington, Madison, Rutledge, Sherman, and its other founders, standing side by side, shaped it by their wisdom and infused into it the brotherly affection of their patriotic hearts.  

Roberts did not use the words "white superiority" in this speech but stood firmly on the principle. He believed that the black man was clearly inferior and that the white man had every right to enslave him for the white man's own benefit. When Roberts spoke of "men," he was speaking of white men. He referred to black men as "Africans," "African slaves," "property," "capital," "domestic institution" or just "slaves."

Just as Roberts used "men" to stand for white men, he used "patriots" to symbolize southern white men. He glorified the southern white race by referring to those chosen people as "the true patriots," "true American citizens," and "a great people famous among men. Roberts invoked myths for his audience through emotionalized historical links in order to intensify their commitment to the states' rights cause.

Solidification

Roberts tried to reinforce the cohesiveness of his followers primarily through appeals to fear and pride. He

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75 Ibid., pp. 1-2, passim.
pointed out what Texans, and by extension southerners, had to lose by giving up their rights to the disputed land even through sale. He warned:

What you gain as Texans, you will lose as citizens of the Union— not in money, but in rights much dearer to us. What would be the consequence of this sale: The immediate and direct consequence affecting you as Texans would be the establishment of a free state in New Mexico, reaching down to 34° North Latitude upon the very borders of your settlements. 76

Perhaps thinking of his larger audience also, he attempted to solidify all slave owners as he continued to appeal to their fears:

Are you prepared for this? Would you not lose as much by the insecurity of your slave property as you would gain by a good bargain in the sale of your lands? 77

Throughout the speech he tried to unify his listeners by appealing to their sense of justice and pride. He told them that even though the Union is worth preserving, "that union is not to be perpetuated by the submissive degradation of a citizen, a state, or a section." He stated that to submit would be "the most palpable and gross injustice to the South" and that "Tamely to yield is disgraceful." 78

Perhaps Roberts' greatest effort at solidification came when he tried to rally support for the Nashville resolutions and thereby unite Texans even more closely with

76Ibid., p. 1.
77Ibid.
78Ibid.
the other southern states. Using the "bandwagon appeal," he entreated the Texans to join the South and to follow the lead which "the Nashville patriots" had taken:

The Nashville convention has claimed for your occupation south of 36°30', which is not more than one-fourth of all the public domain. . . . These Nashville patriots have claimed less than you are truly entitled to from a thrilling desire to preserve the harmony of the nation. How then can you fail to support the claim they have made for us? Here Roberts was reinforcing the solidification efforts of the Nashville convention delegates who had vowed to give Texas "the assurance of cordial and resolute support from every slaveholding state." Roberts and the other more devout states' rights men in Texas were solidly behind the Nashville resolutions. But they knew that they must effect a more significant show of unity among a majority of citizens in order to pose a real threat to the North. This was Roberts' major purpose in the speech.

In 1850 the secessionists were in the first stages of agitation. They had not developed the symbols, in-group publications, and slogans which they would utilize in 1860 after ten years of "irritation" and "aggravation." In 1850 they relied on the Lone Star Flag as their major symbol and "state sovereignty" as their major slogan. Their in-group publications were the pro-states' rights newspapers

79 Brembeck and Howell, Persuasion, p. 235.
such as the Texas State Gazette, the Red-Land Herald and the Texas Republican.

The language which Roberts had used to dignify his followers also served to solidify them. He tried to unify them by referring to the southerners as "patriots," "true Americans," and "great" and "famous" people as opposed to "fanatics" and "Northerners" with a "progressive influence" and a "domineering and presumptuous spirit." Here again, by using favorable terms, he attempted to increase the cohesiveness of his supporters in order to gain their approval of the Nashville resolutions.

Polarization

In his attempt to move uncommitted Texans into the active ranks of the states' rights group, Roberts continually polarized the North and the South in order to force the disinterested into making a choice. To accomplish this end he used two main tactics: the exploitation of a "flag issue" and the exploitation of a "flag group or organization." 82

Roberts chose not to develop the complex issues involving the balance of power between the Federal Government and the states or the moral right to hold slaves. Even when he expounded on the issue of the legal rights of Texas to the land in question, he was leading to a more emotional flag issue. The flag issue which Roberts used to induct

82 Bowers and Ochs, The Rhetoric of Agitation and Control, p. 27.
those who might be sympathetic, but uncommitted was argued as follows: It is a moral and economic injustice to take from us, forcibly and against our will, the land that is rightfully ours. With this claim, he pointed out the immorality, injustice, and aggression of the federal action and the economic effect that the prohibition of slavery in the territories would have on Texas and the South. To lead to his flag issue Roberts continually used the terms "rights" and "injustice." He also stated that the present situation was designed to "exclude the citizens of the South" from the economic benefits of the territory, that the Texans were having to disgracefully "yield their rights as a sacrifice [sic] to that domineering and presumptuous spirit," and that it "would be unjust and humiliating" if "the Southerner be required to abandon his slaves." 83 Whether his flag issue was based on fact mattered not. Smith states that "agitations are often made on what people believe reality to be." 84

Bowers and Ochs explain that if the agitator can elicit a strong reaction to the emotionally charged flag issue, then he can further recruit the uncommitted by condemning a flag group or organization. 85 Roberts achieved this goal

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83 Roberts, "Speech on the Texas-New Mexico Boundary Dispute," p. 2
84 Smith, Rhetoric of Black Revolution, p. 31.
85 Bowers and Ochs, The Rhetoric of Agitation and Control, p. 27.
primarily through the use of objectification as explained by Smith and discussed in a preceding section of this paper. Roberts portrayed the target organization (the Federal Government) as militant, unfair aggressors and the target group (the northern free-soilers who were influencing the government) as arrogant, selfish propagandists. These were groups not to be emulated or followed.

Hoping to woo neutral or uncommitted Texans, then, Roberts gave them a choice by polarizing the North and the South. They could either "tamely submit" to the "northern fanatics" or they could join the ranks of the "true American citizens." To Roberts the choice was obvious, and he presented the alternatives so that the choice would be obvious to his uncommitted listeners (or readers).

Escalation/Confrontation

Governor Wood was the first Texas leader to threaten violence over the boundary dispute, vowing that he would use "the whole power and resources of the state." Governor Bell followed with threats to use "such measures as are necessary for the occupation of Santa Fe with a force ample to quell the rebellious spirit now prevailing there."

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86 Smith, Rhetoric of Black Revolution, pp. 29-33.
88 Johnson, A History of Texas and Texans, p. 496.
89 Ibid., p. 497.
Roberts and other states' rights leaders followed with more agitative rhetoric in the hope of goading the Federal Government into either capitulation or violence. To Roberts there was no middle ground. Others in the North and the South were open to adjustment and compromise through the sale of the territory, but not the rabid states' rights men. Because of the slavery issue, they wanted full jurisdiction over the territory and they were willing to fight for it if necessary.

The Federal Government under Presidents Polk and Taylor and the Free-Soil Party of the North were just as determined as the southern slavocrats. Taylor was especially anti-Texas and had no intention of permitting the Texans to acquire New Mexico. Most of the free-soil advocates, "an enthusiastic throng of antislavery leaders," were committed not only to the containment of slavery, as their name suggests, but to the eventual destruction of that practice which was so abhorrent to them. Through their platform, they were determined to convince the President and Congress that it was the duty of the Federal Government to relieve itself of all responsibility for the existence or continuance of slavery. Roberts and the Texans indeed had an active opposition.

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In the San Augustine address, Roberts escalated the existing tension by utilizing the tactic of "threatened disruption" as described by Bowers and Ochs. Smith also refers to this tactic when he explains that an agitator often has only to threaten a provocation in order to cause the opposition to respond vigorously. Roberts threatened disruption when he warned that "it is time for action" and "delay will prove fatal." He explained: "The people of Texas must decide: admit false claim for fourteen years or dare to maintain their rights by all means in their power." He continued to support the governor's threats when he stated: "The people should respond to the governor's call and at once furnish him with ample means to take possession of and organize the territory under our laws" and "The South should demand of the government to do us ample justice by its action before another state shall be severed from the common territory and admitted into the Union." 

Roberts not only irritated the establishment by calling them derogatory names and warning them of violent retaliation, but he also antagonized them by accusing them of having selfish motives. Besides calling them "presumptuous" and "domineering" for their anti-slavery stance, Roberts accused them of having less than honorable motives in trying

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94 Roberts, "Speech on the Texas-New Mexico Boundary Dispute," p. 1
to exclude the South from equally enjoying whatever benefits the new territory would yield.

Since the Nashville Resolutions were clearly anti-government and threatened secession, his favorable references to them also served to sting the North. Roberts' call for the acceptance and perpetuation of these resolutions added fuel to the fire.

To amplify his threats, Roberts employed the if-then argument described in persuasion texts. Again Roberts echoed Calhoun's ideas in the Senator's March 4, 1850 address to Congress when he stated: "If such an event [a conflict with the North] is to happen, then the sooner we can make the issue and know our fate, the better."

As far as Roberts was concerned there was only one way to avert a conflict, and that was by "the active intervention of the general government." If the government did not act in an acceptable manner, and within an acceptable time, Roberts made it clear that he was prepared for the ultimate confrontation--war. Armed resistance to Roberts was not an end in itself but a means to an end.

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96 Calhoun, "Speech on the Slavery Question," p. 573. Calhoun had stated: "If you are unwilling we should part in peace, tell us so, and we shall know what to do, when you reduce the question to submission or resistance."


98 Ibid.
He appears to have followed the ethics of "the end justifies the means." Since he viewed his goal as a just and noble one, war would be, to him, an ethical and honorable means of attaining a moral goal.

Effects

Roberts' speech in San Augustine was successful with his immediate audience. He had analyzed them well and knew what they wanted to hear. Since they were a homogeneous, pro-slavery audience who held the judge in high esteem, he was able to move them.

Just as Roberts had asked them to do, his San Augustine audience unanimously accepted the eight resolutions which expressed full support of the Nashville platform. As stated in the resolutions the meeting "concurred in and approved the political sentiments and propositions contained in the Nashville Resolutions and adopted them as its platform in relation to the subject matter discussed." The meeting pledged itself "to act upon the recommendations of the Nashville Convention in regard to the alienation of any part of Texian territory." It requested that the previously chosen delegates attend the next Nashville Convention, that the other Texas counties hold meetings to give an opinion on the Nashville Convention, and that the

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99 Brembeck and Howell, Persuasion, pp. 238-239.
100 San Augustine (Texas) Red-Land Herald, 27 July 1850, p. 2.
delegates attend the next meeting. It approved the action of Governor Bell in convening the legislature for the purpose of carrying out his enforcement policy, asked that the legislators be requested to cooperate with him in every way for the enforcement of Texas' rights and title to the Santa Fe Territory, and furthermore to invite aid from the South if necessary to sustain Texas' claim in that territory. By this action Roberts' immediate rhetorical goal was achieved.

Roberts' use of legitimation, objectification, mythicization, solidification and image building were the tactics most successful with this audience. He proved he could justify the states' rights, pro-slavery stand with what his listeners accepted as logic and fact. He reinforced their previously held ideas that the northerners were to blame in the dispute and that the southerners were the real American patriots who were merely trying to defend what was rightly theirs. He was able to tie them even more closely to the rest of the South through the resolutions. He also proved that he could be an effective spokesman for the states' rights Democrats and possibly an effective representative for their cause in Congress.

It is difficult to determine what impact ex-Governor Henderson's presence had on the final results of the meeting. He was just as well known and well liked by this

\[101\] Ibid.
group as was Roberts. Certainly his presence and his support contributed to Roberts' rhetorical success and to Robert's reputation as a states' rights leader.

Roberts' rhetorical efforts in 1850 were not as successful with his larger audience because of several extenuating circumstances. Because the Texas boundary dispute was directly tied to the slavery controversy, it had become a national as well as a state concern. Since February Clay, Calhoun, Webster, and other U.S. Congressmen had been debating Clay's Compromise Bill including the resolution regarding the sale of the New Mexico land.

In September, two months after Roberts' speech in San Augustine, James A. Pearce, Senator from Maryland, moved to eliminate any reference to the New Mexico territorial issue from Clay's bill. He then introduced a bill which would establish the present boundary between Texas and New Mexico and in return compensate Texas with the sum of ten thousand dollars. This settlement was attractive to most Texans; if the state accepted, it would lose the disputed territory but would be able to pay off the large debt that it retained from the Republic and still hold millions of acres of unoccupied land in the northern and western part of the state. The Pearce Bill passed in late September and, in a popular referendum later that year, Texans accepted the compromise by a vote of 4,400 to 1,900. Many Texans remained apathetic, not even voting in the referendum.\(^\text{102}\)

\(^{102}\) Hamilton, Prologue to Conflict, pp. 136-153.
Roberts and the states' rights group looked upon the compromise as conditional and would abide by it only so long as the North honored the Fugitive Slave Act. Roberts himself called it "a sort of bribe." He favored standing by the text of the resolutions adopted at San Augustine. Disappointed over the public acceptance of the Pearce Bill, he and his friends still desired to "unite the South over the Texas question: and continued to maintain that "each citizen of the Union" had the "Constitutional rights to enter the common territory of the United States with his property." Since they were in the minority, the Texas states' rights Democrats were forced publicly to accept the compromise. Having to accept the defeat as a historical fact, Roberts later described the results from his view.

Many citizens of Texas looked upon it [the Pearce Compromise] as a sort of bribe to surrender a principle of right, and their feelings were wrought up to the highest pitch of desperation. With the great body of citizens, however, it was regarded as the best that could be done under the circumstances. In gauging Roberts' effect upon the general public in the territorial dispute, the influence of Sam Houston should not be ignored. Texans still looked upon Houston

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103 Roberts, "The Political, Legislative, and Judicial History of Texas," p. 29.

104 Henry Sublett to Roberts, 13 October 1850, Roberts Papers.

as the hero of San Jacinto. He was twice President of the Republic, was at this time one of their two U.S. senators, and would be their sixth governor in 1859. Because of his stand on the Kansas-Nebraska Act in 1854 and his anti-secession stand in 1860-61, Houston would lose much of his influence as the secessionists gained power. In 1850, however, Houston, who vowed to "deny the power of all the Ultras in the world to rend the union in twain," was more influential than were Roberts and the states' rights conservatives. Therefore, he was able to wield more influence on the general public during the territorial conflict.

As to his political aspirations, Roberts decided that perhaps the time had arrived to become involved. He was disappointed in the outcome of the territorial dispute, but he had enjoyed being in the political arena. He believed that his service on the bench and his efforts in the dispute had enhanced his reputation among the Democrats. In March, 1851, he announced his candidacy for Congress. Because the compromise had been popular among Texans, there was a tendency to oppose any candidate who had not concurred in the terms of that settlement. In consequence Roberts' opponents were able to use his San

107 Seymore White to Roberts, 8 March 1851, Roberts Papers.
108 San Augustine (Texas) Red-Land Herald, 15 March 1851.
Augustine address to brand him a disunionist. He campaigned actively against that charge in order to become a viable candidate for Congress. Still adhering to his southern rights philosophy but reversing his opposition to the compromise, he published a card of announcement which included the general principles on which he stood:

I am in favor of a prompt and energetic support of the rights of the South, by all honorable and constitutional means.
I am in favor of a rigid adherence to the late adjustment of the slavery question.
I am in favor of a retrenchment in the expenses of the General Government, so far as is consistent with its vigorous and effective action.
It shall be my effort to prevent, so far as my power may extend, a recurrence of the dangerous excitement and angry controversy which has just swept over the country.

He disavowed any inclination toward disunion.

While I have been and am still in favor of uniting the South in sentiment, for the purpose of repelling free soil aggression, I am unequivocally opposed to any measure or measures which have for their object the dissolution of the Union. And while I believe that the South has lost much in the late compromise of the slavery question, still I am in favor of abiding by it as it has been settled, and of holding all parts of the Union to a strict adherence to it.

Roberts' attempt to appear moderate on the subject of disunion did not work. His congressional aspirations were thwarted when the citizens of Smith County organized a

110 Clarksville (Texas) Northern Standard, 12 April 1850.
111 Ibid., 31 May 1851.
nominating convention in June to support Richardson Scurry. Scurry, heralded as the hero of the Texas Revolution, received the backing of the more moderate John H. Reagan and the Smith County convention. Some of Roberts' states' rights friends urged him to stay in the race, but Roberts could see no political advantage in it. He was convinced that to stay in the race would mean not only defeat for himself but also for the Democratic Party and the success of the Whig candidate. Hence, he withdrew from the race.  

This disappointment was bitter for Roberts because he was ambitious. He was ambitious for promotion— to reach outward, upward, and onward, to occupy a bigger field of service. Particularly he aspired to go to Congress.  

Yielding again to this ambition he decided to run for Congress in 1853 only to be disappointed once more. When a state nominating convention met in Austin in January, 1852, it was controlled by the Houston wing of the party and Roberts' friends decided to withdraw his name lest they do him more harm than good.  

Roberts returned to his farm, his law practice, his old friends and his old ideas. He did not hold any political


113 Mrs. M. E. Spain, Austin, Texas and Judge H. B. Short, Austin, Texas as quoted in Bailey, "The Life and Public Career of O. M. Roberts," p. 73.

114 E. M. Doggett to Roberts, 10 January 1852, Roberts Papers.
office, other than his judicial positions, until he was elected President of the Texas Secession Convention in 1861.

Other than convincing his immediate audience, Roberts failed to achieve his rhetorical goals in the conflict of 1850. He was unable to stop the sale of the New Mexico territory and free-soilism and he was unable to fulfill his personal ambition to be a Congressman. He did, however, establish himself as one of the leading spokesmen of the Calhoun branch of the Democratic party and set the stage for his future career in that party. Although he was unable to convince the majority of Texans that the time had come for secession, he was able to further polarize the North and South and draw the lines for future conflict. He and the other states' rights spokesmen had made it clear to the North that any attack on slavery where it existed would precipitate secession and they believed that the threat of secession would protect the southern institution of slavery. With their uncompromising statements they escalated the tensions which would finally erupt in the violent confrontation of 1861.

As a result of the Texas-New Mexico boundary dispute, Texas became, for the first time, a member of the secession movement of the South and Roberts became one of its leading

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115Galveston (Texas) Weekly News, 6 May 1851.
spokesmen.  Although the movement would not reach its full height until 1861, the seeds of secession were planted.

CHAPTER IV

CONFLICT: THE CAMPAIGN AGAINST THE
KNOW-NOTHING PARTY - 1855-1857

Situation

It seemed that the year 1855 might be a relatively quiet year in Texas. There had been a mood of moderation in the state since the Compromise of 1850. The atmosphere changed rather rapidly, however, due to the sudden growth of the American or Know-Nothing Party known for its secrecy and prejudice against Catholics and foreigners. Roberts and the states' rights men detested the party because of its affiliation with southern Unionists and northern abolitionists. Although the Know-Nothings held some beliefs in common with the southern Democrats, the states' rights group looked upon them as above all a Union party and therefore a threat. Roberts explained their surprised reaction to the newly-formed Know-Nothing Party.


Democrats in Texas who had not been initiated into its mysteries were surprised to find in the early part of 1855 that a large body of citizens of all shades of political opinion had been drawn quietly and noiselessly into these secret societies pretty well all over the state. The effect of this discovery upon many distinguished Democrats in Texas was like that of a peaceful family asleep in the middle of the night being awakened to find their house on fire. They at once aroused themselves to arrest its progress.

The radical Texans had kept the faith and waited. The emergence of the American Party gave them the opportunity to renew their agitation against the North. Once again Roberts was in the forefront. This chapter examines the role which Roberts played in the campaign against the Know-Nothings and for the Democrats in 1855-1857, explains the strategies which he used to achieve his rhetorical goals, and evaluates the effect which he had in the campaign.

Historical-Political Background

Following the Compromise of 1850, Texans turned their attention to internal problems such as railroads, waterways, frontier protection, and public land policy. They hoped that the Compromise had settled permanently the sectional differences over slavery, but they soon found that the issue would not lie dormant. In the mid-fifties, certain events and party realignments rekindled the fire.

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5 Billy Don Ledbetter, "Slavery, Fear, and Disunion in the Lone Star State: Texans' Attitudes Toward Secession"
On January 4, 1854, Senator Stephen A. Douglas, chairman of the Committee on Territories, introduced a bill to organize the Nebraska region. Douglas needed southern support for his bill, which he could not hope to get unless the restriction on slavery was lifted. Surrendering to southern demands, Douglas amended the bill to specifically repeal the Missouri Compromise and to create two territories—Nebraska and Kansas. Texans overwhelmingly supported the act as it finally passed. The southern principle had won and Texans considered it "a great victory for the South." The act reassured the South of its power in the national government and its ability to control the Democratic Party. This attitude contributed to the relatively calm atmosphere in Texas between 1850 and 1855.

Although southerners regarded the Kansas-Nebraska Act as the final word on the issue of slavery in the territories, the North did not agree with their reasoning. The North believed that the Kansas-Nebraska Act had been maneuvered.

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7Austin Texas State Gazette, 13 May 1854.

8Nevins, Ordeal of the Union, pp. 302-305.
through Congress by a few ambitious, self-seeking congress-mean and the slave power conspirators of the South and that the Missouri Compromise, a principle almost as sacred as the Constitution itself, had been violated.⁹

To the states' rights Democrats the most disturbing result of the Kansas-Nebraska Act was the formation of the Republican Party. This party would soon become as uncompromising about stopping the expansion of slavery as the South had been about demanding its extension. The Republicans were unhappy with the concessions made to the slavery expansionists in the Compromise of 1850, and had finally been pushed to the limit by the Kansas-Nebraska Act. Primarily because it represented containment as a step toward abolition, the party frightened most southerners.¹⁰

The other major national party, the Whig Party, had never had a large following in Texas and was therefore never a real threat to the Democrats. After the Whig defeat in the presidential election of 1852 and the disintegration of the party on the national level, the former Whigs in Texas found themselves with no place to go. The Republican Party, into which most of the northern Whigs moved, was

⁹ Craven, Growth of Southern Nationalism, pp. 180-185.
totally unacceptable to the Texas Whigs and pro-Union men because it was entirely a northern party. On the other hand, the Texas Democratic Party was too radical for them. Thus, because it was pro-Union, the only alternative acceptable to the Texas Whigs and strong Union Democrats was the emerging American Party.\footnote{Randolph Campbell, "The Whig Party of Texas in the Elections of 1848 and 1852," \textit{Southwestern Historical Quarterly} 73 (September 1969):17-25 and Roberts, "The Political, Legislative, and Judicial History of Texas," p. 36.} Because the Republican Party was still strictly a northern party and had not gained the strength it would have in 1860, and because the Whig Party had disintegrated, Roberts and the radical Democrats used the Texas Know-Nothing Party through which to vent their hatred of the northern abolitionists.

The party which disturbed the tranquility of Texas politics and caused the Democrats to fight for their political supremacy in the state was officially designated the Native American Party but was more commonly called the Know-Nothing Party because when asked, the members replied that they knew nothing about the party. It had originated in the East but made deep inroads in the South in the early 1850s. Its greatest attraction to some southerners was its Unionism. Although the southern Know-Nothings were not anti-slavery, they chose to subordinate the divisive question of slavery and concentrate on Unionism.\footnote{Craven, \textit{Growth of Southern Nationalism}, pp. 238-240; Nevins, \textit{Ordeal of the Union}, pp. 323-332; W. Darrell Overdyke, \textit{The Know-Nothing Party in the South} (Baton Rouge:}
The Texas Know-Nothings were mainly middle-aged, southern-born lawyers, farmers, businessmen and politicians. Some, like Ben Epperson of Red River, were consistent members of the "loyal opposition." They were mostly Whig, Houston Independent, Constitutional Unionist, anti-secessionists. Many, such as Epperson, John Hancock, William Stedman, James W. Flanagan, and Lemuel D. Evans, were the same individuals who would later help Sam Houston lead the fight against secession in Texas. Geographically they lived in South Central Texas and the western portions of East Texas. Although these men chose to concentrate on the triple issues of Unionism, xenophobia, and anti-Catholicism, as always, the real issues to the states' rights Democrats were slavery and secession.

By far the most respected and the most hated Know-Nothing leader in Texas was Sam Houston. Roberts and the radical Democrats were still angry at Houston over his vote

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against the Kansas-Nebraska Act. They had harshly denounced
him, accusing him of aligning with the antislavery elements
in the country and betraying the South. At their next
convention in Austin they passed a resolution which "cordial­
ly" endorsed and approved the votes of senator Thomas J.
Rusk and representatives George W. Smyth and P. H. Bell upon
the Kansas-Nebraska Act but "most decidedly" disapproved
of the vote of senator Sam Houston. When Houston affili­
atized himself with the Know-Nothings in late 1854, the south­
ern Democrats denounced him as a true traitor to Texas and
to the South and labeled him an ally to abolitionists and
free soilers. Houston inflamed the radical Democrats even
further in his "Independence Letter" when he defended the
Know-Nothings by stating: "I believe the salvation of my coun­
try is only to be secured by adherence to the principles
of the American Order." Because Houston was a master at
stump speaking, Roberts and the other fire-eating Democrats
considered him their number one Know-Nothing target.

15Marshall Texas Republican, 25 March 1854 and Austin
Texas State Gazette, 13 May 1854.

16Winkler, Platforms of Political Parties in Texas,
p. 68.

17Austin Texas State Gazette, 11 August 1855 and
Llerena Friend, Sam Houston: The Great Designer (Austin,

18Amelia W. Williams and Eugene C. Barker, eds., The
Writings of Sam Houston, 8 vols. (Austin, Texas: University

19James L. Golden, "The Southern Unionists, 1850-1860"
in Braden, Oratory in the Old South, pp. 258-290.
Before the summer of 1855, the Democrats paid little attention to the Know-Nothings in Texas. In the latter part of 1854, brief notices of the organization of Know-Nothing councils appeared in the newspapers from time to time. In December they won the city elections in Austin and San Antonio. In March, 1855 they took advantage of a badly divided Democratic organization in Galveston and won the mayor's race there. It was not until after June 11, 1855, that Roberts and his friends became "thoroughly aroused." On that date the Grand Council of the Know-Nothings met at Washington-on-the-Brazos and secretly nominated candidates for state and congressional offices. They nominated Lieutenant-Governor David C. Dickson for governor. The Democrats immediately called a meeting on June 16, labeled the "Bombshell Convention" and declared war on the Know-Nothings. They also had to drop Dickson's name from their ballot since they had nominated him as their candidate for Lieutenant-Governor at their Democratic Convention in April at which time they had also nominated Governor E. M. Pease for reelection. This meeting denounced all secret political factions, declared the Know-Nothing Party an enemy of the government, pledged its support to Pease for governor and P. H. Bell for Congress, and described Dickson as the candidate.

of another party. Two weeks later they announced the name of H. R. Runnels for lieutenant-governor.21

Before 1855 the states' rights group in Texas had been a more or less loosely knit group of Democrats who shared common beliefs on slavery and state sovereignty. With the advent of the American Party, they became more organized and more vocal. From the summer of 1855 until the demise of the Know-Nothing Party in 1857, Roberts and the radical Democrats waged an active verbal campaign against Houston and his Know-Nothing colleagues.22

The major leaders of the states' rights Democrats in 1855 were George W. Paschal, H. R. Runnels, F. R. Lubbock, A. J. Hamilton, James Willie, A. W. Terrell, W. S. Oldham, John W. Harris, S. O. Sneed, R. Brownrigg, John Marshall, J. Pinckney Henderson, Franklin W. Bowden, Louis T. Wigfall, Malcolm D. Graham, John H. Reagan, John T. Mills, George W. Chilton, Mat D. Ector, Thomas J. Rusk, and Roberts.23 The factor which held together such diverse personalities as the


moderate, Union-loving John H. Reagan and the rabid, fire-eating Louis T. Wigfall was their loyalty to the Democratic Party which stood on the doctrine of states' rights, strict construction of the constitution and nonintervention of the Federal Government on the question of slavery. The leading spokesmen who rallied the Democrats into a vocal states' rights association against the Know-Nothings were Wigfall, Reagan, Bowden, Henderson, Rusk, and Roberts.

In early July, Roberts and other states' rights leaders wrote to Senator Rusk asking him to join them in taking "an open and bold position" in denouncing the Know-Nothings. Because he and Houston had served in the Senate together, Rusk was generally hesitant about involving himself in fights between Houston and the states' rights Democrats. He disapproved of the Know-Nothings, however, and contributed

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26 Galveston (Texas) News, 23 June 1855 and Winkler, Platforms of Political Parties in Texas, pp. 64-68.

27 King, Louis T. Wigfall, pp. 60-61; Proctor, John H. Reagan, pp. 90-95; and Roberts, "The Political, Legislative, and Judicial History of Texas," pp. 38-39. Also see Roberts Correspondence, 1855-1857, Roberts Papers, Archives, University of Texas, Austin, Texas. Note especially J. M. Clough to Roberts, Tuesday Evening 26 [1855].

28 Louis T. Wigfall, J. T. Mills, O. M. Roberts, P. Murrah, and J. P. Henderson to T. J. Rusk, 3 July 1855, Rusk Papers, Archives, University of Texas, Austin, Texas.
to the campaign as much as his senatorial duties would allow.

Rusk spoke for all of the states’ rights Democrats when he stated:

No party can be safely trusted with power who does not openly avow their principles. The oaths which it is understood they take are illegal, tyrannical, and at open war with the fundamental principles of our government. . . . At the north, as all elections show, they are abolitionists. At the south they profess to be pro-slavery men.29

These Democratic leaders began immediately to organize the campaign. Roberts described their involvement:

During the summer of 1855 there were Democratic mass meetings in different parts of the state, in some of which there were thousands of citizens assembled, and the best speaking talent of the State was called into requisition to speak against this new secret party and to expound the principles of the Democratic Party in opposition to it. This was the first great uprising of the people of the State since annexation to give their attention to the political questions of the day. The grand displays of oratory and of argument constituted a source of political education, which excited in the people a lively interest.30

Roberts and the regular Democrats did not hesitate to "rise to challenge them and expose to the people their abhorrent Know-Nothing doctrines." Naturally Roberts concentrated his time and energy in his home area of East Texas. During the summer of 1855, he delivered his "Speech in Opposition to


31Clarksville (Texas) Northern Standard, 18 August 1855.
Know-nothingism" several times in the counties of Rusk, San Augustine, and Harrison.  

Physical-Sociological Milieu

Typical of Roberts' speaking against the Know-Nothings was his speech given at the Rusk County Courthouse in Henderson, Texas on August 24. Just as in 1850, Roberts was comfortable in this environment. He had held court in the Rusk County Courthouse since he had been elected district judge in 1846. In fact Roberts had moved from San Augustine to Henderson in the fall of 1854.  

Rusk County, very much like its neighbor San Augustine County, was also in the cotton belt and populated by many persons from South Carolina, Georgia, Alabama, Mississippi, Louisiana, North Carolina, Tennessee, Kentucky, and Missouri. In 1855 it had hundreds of plantations. Its slave population was 3,620, and there were more slaves than horses. It was second only to Harrison County in the number of slaves.  

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32 Handwritten note by Roberts on p. 1 of handwritten speech text, Roberts Papers and Austin Texas State Gazette, 16 September 1855.

33 Ibid.


35 J. M. Ardrey to Roberts, 24 December 1854, Roberts Papers. Roberts lived in Henderson until he moved back to his farm near San Augustine in December, 1855.

Because of its position near the Louisiana border, it formed, along with San Augustine and Nacogdoches, the interior gateway to Texas for commerce and immigration and therefore affected the positions and actions of all of Texas. The Wire Road, running across the county northeast to southwest, was a busy thoroughfare with regular stagecoach lines carrying freight and passengers from Marshall and Jefferson to Crockett and points south and west.

Rusk County often honored important states' rights leaders. When the county was divided from the Nacogdoches district in 1843, it was named after Senator Thomas J. Rusk, who had come from South Carolina where John C. Calhoun had helped him to secure an education and acquire his license to practice law. Henderson, the county seat, was named after James Pinckney Henderson, another of Roberts' friends, in 1845.

The town of Henderson was "a place of much size and note, having many fine brick buildings, schoolhouses, churches, and other public edifices." The Rusk County Academy, Henderson Female College, Fowler Institute, and Mount George L. Crockett, Two Centuries in East Texas (Dallas, Texas: The Southwest Press, 1939), pp. 331-353.

Webb, Handbook of Texas, 2, 517.

Zachary T. Fulmore, The History and Geography of Texas As Told in County Names (Austin, Texas: S. R. Fulmore, Publisher, 1926), pp. 85, 215; Richardson, East Texas, p. 1215; and Webb, Handbook of Texas, 2:517.
Enterprise Male and Female Academy operated there before the Civil War.  

Roberts was again speaking in his natural environment. It was agreed that Roberts would concentrate especially on the counties of Rusk and San Augustine since this area was where he had held court and where he would wield the most influence. He, no doubt, chose the courthouse because, like the San Augustine site, it was "unpretentious" and yet had a certain "grace and quiet dignity," which gave it distinction as the habitation of justice and the center of municipal activities. This, undoubtedly, was the setting which Roberts preferred and which was most conducive to the dignified image which he wished to convey.

**Audience**

Robert knew well his Rusk audience, composed mostly of lawyers and other businessmen who were the Democratic leaders of Rusk and the surrounding counties. Because his friends M. D. Graham and Frank Bowden were also present at the meeting, it is likely that they were the ones who

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41 J. Pinckney Henderson to John H. Reagan, 4 August 1855, Reagan Papers, Archives, University of Texas, Austin, Texas.

42 Crockett, *Two Centuries in East Texas*, p. 110.

43 Austin *Texas State Gazette*, 16 September 1855.
introduced Roberts perhaps pointing to the judge's loyalty and service to the people of that area. Although the gathering was larger than his San Augustine crowd, the citizens who attended knew Roberts as their district judge and therefore respected him. During his travels as the fifth district judge, Roberts had become well acquainted with the citizens of Rusk and the entire area. For years they had thrown open their doors to extend whatever hospitality they could render to him and usually without charge. Their humble fare had been more palatable to him than the most artistic hotel dishes. Their universal friendliness had more than compensated him for the fatigues and inconveniences of his journeys throughout the district and he had gained a thorough knowledge of the character, habits, and wishes of the people.  

Sam Houston was also popular with these East Texans. Because of his influence, many Know-Nothing councils were organized in the counties of East Texas. They generally voted not for the party but for the man, and Houston could usually count on them.

In addition, Texans were still unprepared for secession and were still unreceptive to radical threats of disunion. The citizens of Rusk, just as most East Texans, had been

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45Lynch, Bench and Bar of Texas, p. 276.
46Crocket, Two Centuries in East Texas, p. 332 and Wallace, Texas in Turmoil, p. 43.
placated by the Kansas-Nebraska Act and were politically apathetic. Few of them were officially affiliated politically because the Democratic Party was not yet fully organized as a unified official party. Because the area was a Houston stronghold and because the Know-Nothings were gaining in strength, Roberts and the states' rights leaders knew that it was especially important to canvass the East Texas counties including Rusk, Harrison, and San Augustine in order to turn the people there against "Old Sam" and the Know-Nothings.

Roberts' Rhetorical Goals

Roberts stated in his speech that his goal in speaking was "to set forth the facts pertaining to the situation" and to consider "the merits of Know-nothingism as exhibited in its source, its affinities, and its associations." He later explained that his purpose in speaking against the Know-Nothings had been "to warn the people against the party as an insidious enemy," "to arrest its progress," and "to expound the principles of the Democratic Party." By

48 Frank Bowden to Roberts, 22 June 1855, Roberts Papers.
50 Roberts, "The Political, Legislative, and Judicial History of Texas," p. 36.
casting the Know-Nothings in a bad light in contrast to the Democrats, Roberts could help recruit voters into the Democratic ranks, garner votes for Pease and Runnels (and later for Runnels and Lubbock), and thereby ensure the supremacy of the Democratic Party in Texas. By implication he could also continue his antagonism toward the North.

Although unstated, another of Roberts' goals in speaking against the American Party was to damage Sam Houston's reputation. Roberts and Houston were ideologically opposite. Roberts was a Calhoun, states' rights, pro-secession, radical Democrat; Houston was a Jackson, Union, anti-secession, conservative Know-Nothing. Although they both believed in the sovereignty of Texas, Houston felt that Texas could maintain its independence in the Union and did not have the right to secede. Roberts felt that it had every right to withdraw if justified. Although they were political associates when Roberts first came to Texas,^{51} twelve years later they were now enemies. Roberts, showing his aversion for Houston, described him as a political opportunist who won support by personality rather than by deeds, who named himself the champion of the Union, and who called anyone who opposed him a disunionist. Roberts especially criticized Houston for his "combativeness" and "invectiveness" and for the way "he ridiculed his opponents personally with withering sarcasm,

and looked down upon them, when seated to hear him, with a scornful contempt."\textsuperscript{52}

Houston's biographer Llerena Friend claimed that his states' rights opponents of long standing were eager to get in one more blow against Houston in the Know-Nothing campaign "even though the instruments they used must long since have been blunted." She also stated that "a fight with Houston seemed to take the place of hormones or whatever was required for rejuvenation of aging Texas politicians."\textsuperscript{53} Roberts and Houston were again on opposite sides just as they would be in the secession campaign of 1860 and the secession convention of 1861.

Also Roberts must have realized that his active involvement in the campaign against the Know-Nothings would make him personally more visible to Texans. Being a part of a successful team could do his political career no harm. Since he would twice more declare himself a candidate for Congress, he may have felt that his speaking against Know-Nothingism would help him in his personal aspirations for Congress. The Democrats knew that if they could defeat the Know-Nothings they could probably get Senator Houston out of office and then replace him with a states' rights Democrat.\textsuperscript{54} Roberts also realized that both Senator Rusk and

\textsuperscript{52}Roberts, "The Political, Legislative, and Judicial History of Texas," p. 46.

\textsuperscript{53}Friend, \textit{Sam Houston}, p. 239.

\textsuperscript{54}Sandbo, "Beginnings of the Secession Movement in Texas," pp. 51-52.
his wife were in bad health. He may have been thinking of the 1857 congressional election when he went into the field against the Know-Nothings in 1855.

**Strategies**

**Promulgation**

In order to win public acceptance of their ideology, Roberts and the states' rights agitators knew that they must "get exposition of that ideology in a form understandable to the public." To accomplish this goal, the states' rights Democrats staged hundreds of mass meetings and promoted their associations with the editors of the pro-Democratic newspapers.

The anti-Know-Nothing campaign which began in June, 1855 was coupled with the Democratic election campaigns of 1855-57. The Democrats concentrated on their opposition to Know-Nothingism primarily in the summer and fall of 1855, but as election time neared, they combined their purposes of defeating Houston and the Know-Nothings and of electing their presidential, gubernatorial and congressional candidates. In their efforts they staged "mass meetings of democracy," throughout the state. Ordinarily the states' rights leaders would write to the leading Democrats in the target county or vice-versa and arrange a well-publicized "mammoth"

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meeting of Democrats and interested citizens. At these meetings, they informed thousands about the tenets of the Know-Nothing doctrine and the principles of the Democratic Party.

By far the most effective tactic in promulgating their Democratic principles and their arguments against the American Party was their utilization of the leading Texas newspapers. Newspaper comment in response to Houston's Kansas-Nebraska vote had been relatively restrained, but condemnation of the American Party was more vigorous. The major papers which aided the states' rights leaders in spreading their gospel were the Texas State Gazette, the Clarksville Northern Standard, the Marshall Republican, the San Antonio El Bejareno, the Richmond Texan, the Galveston News, the Dallas Herald, the San Antonio Texan and many other smaller and lesser-known papers. Four of the most influential papers were edited by staunch states' rights advocates: John Marshall, editor of the Gazette, M. D. Ector, editor of the Republican, Charles De Morse, editor of the Northern Standard, and James W. Latimer, editor of the Herald.

57 J. M. Clough to Roberts, Tuesday Evening 26 [1855], Roberts Papers.


They began the campaign through their papers before the speakers organized and took the field. They had begun writing editorials against the Know-Nothings and Houston as early as June, 1854.60

The editorials and articles were generally barbed. The Centerville Leon Pioneer wrote, for example, that Houston was "Sam, that gentleman, who, in imitation of Minerva's favorite bird--the owl--stays housed in holes, hollows, and shady places during the light of day, coming out and stalking round only under the covers of mystery and darkness" and that Houston resided "in some dark abode . . . on the shady side of Whiggery . . ."61 The Texas State Gazette printed that "when he [Houston] talks of the pulsations of the American heart, we will point to the vote of his own town and that of his own State! The voice of America is the voice of its cherished Democracy."62 The Gazette also prophesied that Houston would soon meet Benton's fate because "the people of Texas cannot be allied to the abolitionists and free soilers upon the Nebraska or any other question."63 The Clarksville Standard carried Roberts' accusation that Houston was a "man of expedients" who was "governed more

60Friend, Sam Houston, p. 236; and Austin Texas State Gazette, 17 June 1854.
61As quoted in Austin Texas State Gazette, 3 June 1855.
62Ibid., 12 May 1855.
63Ibid., 11 August 1855.
by policy than by principle." The Corsicana Prairie Blade wrote that "Houston yet goes unwhipped of political justice yet holds his place in the Senate from a State whose interest he has twice betrayed." A typical item in the Texas Republican was Reagan's denunciation of the Know-Nothings:

Their proceedings are secret . . . their principles excluding all whose opinions differ from their own . . . . What do you think of a party that would advocate the violation of the Constitution? What sort of consistency was there in Know-nothing doctrines that would deny religious and political liberty to Catholics . . . and yet would not offer to impose a like disability upon Jews or Mohamedans [sic], hethens [sic], infidels, or atheists . . . or upon Millerites . . . or Mormons.

Anson Jones, a former president of the Texas Republic, asked the Galveston News for space to speak out against Houston claiming that Houston had opposed the annexation of Texas. David G. Burnett and Mirabeau B. Lamar, also ex-presidents of the Republic, contributing their share, prepared pamphlets describing Houston's character and cowardice.

The loyal Know-Nothing papers, the San Antonio Herald and the Texas State Times, spread the doctrines of Houston and the Know-Nothings and refuted the charges of the

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64 Ibid., 16 September 1855.
65 Ibid., 6 October 1855.
66 Marshall Texas Republican, 4 August 1855.
67 Friend, Sam Houston, p. 239.
Democrats. A popularly quoted derogatory description of the states' rights leaders, most of whom had emigrated from other states, read:

... A tide of new men, and with them new measures, have been constantly rolling into Texas, and much of the primitive patriotism of the country is supplanted by a set of politicians who know but little, and care but little, about the hardships of the men of former days, except so far as an allusion to their deeds can enhance their own base designs. ... It is a matter worthy of observation that a large majority of those who attempt to mould and lead public opinion in Texas at the present time are those who have set down to the banquet after all the dangers and toil of preparing it was over ... . . . Cliques and clans have sprung into existence and become so numerous that everything wears the aspect of 'confusion worse confounded.' It was not so in the olden times, and consequently the present state of affairs must be the result of the rank demagogeism of political hucksters.

Houston often condemned the states' rights papers and their editors through the Know-Nothing publications. He called the Galveston News "a low, dirty sheet" whose editor was "too mean to steal" and "too drunk to help himself" and wished that these enemies would "fester in the putrescence of their own malignity." The Times and the Herald were loyal but they were outnumbered.

68 Austin Texas State Times, 26 March 1855; San Antonio (Texas) Herald, 13 November 1855; and Maher, "Secession in Texas," p. 38.

69 Austin Texas State Times, 30 June 1855.

70 Ibid., 1 August 1855.

Image Building

In 1855 Roberts enjoyed an excellent reputation with his colleagues and his constituents. He was considered a distinguished member of the East Texas aristocracy, but it was an aristocracy of deeds and service and not of wealth and heritage. A decade of adjudicating differences of opinion and mingling with the citizens of the area had enhanced Roberts' reputation as a man of wisdom and good judgment to whom they could turn in times of crisis. Senator Rusk seemed to speak for all who respected Roberts when he stated: "I am glad that one so fully posted up and so fully imbued in the principles of the party as yourself takes so deep an interest in the matter." 

Credibility studies in communication have deduced that when the status or prestige of the persuader is higher than that of his receivers, the speaker is more effective in changing attitudes. Roberts seems to have been well aware of this phenomenon. One of his boyhood dreams had been to become a judge so that he could be "superior" to other men. Now that he had reached that status he seemed determined to

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73 Thomas J. Rusk to Roberts, 1 October 1855, Roberts Papers.

use it to its full advantage to further his own political philosophy.

Although he may have had some misgivings about actively engaging in politics, Roberts felt compelled to come forward again. In his usual manner, he stated simply that he believed that it was his duty to set forth the facts pertaining to the topic. Roberts' friend, Judge Reagan, justified this sense of duty more elaborately when he stated: "The preservation of our government and the great principles on which it rests are threatened. No citizen in such a crisis should be excused from raising his voice in its defense. The people must be aroused to this impending danger, the Democratic party saved from defeat." 75 After giving his lengthy interpretation of the history of Know-Nothingsm, Roberts continued to claim objectivity: "I have thus far, fellow citizens, considered the merits of Know-nothingism as exhibited in its source, its affinities, and its associations, as you would learn the character of a stranger by his nativity, his family, and the company he keeps." 76 He had, of course, considered the "merits" of Know-Nothingsm from the southern, states' rights view which he and the majority of his audience shared.

75 John H. Reagan to Democratic Committee of Cherokee County, 25 September 1855, Reagan Papers.

76 Roberts, "Speech in Opposition to Know-nothingism," p. 11.
Because of his high status with the audience, because of his intellectual approach to the topic, and because of the "attitude similarity" which he shared with his listeners, Roberts was relatively assured of adding to his positive image as a Democratic leader and a defender of civil and religious freedom. In addition, if his strategy of image building was successful, he could further enhance his image as a potential United States congressman.

Objectification

To the end of his life Roberts blamed the North for everything from local boundary disputes to the Civil War. In 1855 he blamed the North for the "abhorrent doctrines" of the Know-Nothing Party. He reasoned that Know-Nothingism was a twin to abolition, that both Know-Nothingism and abolition were offsprings of northern Federalism and therefore the North was at fault once again for the evils that plagued the state.

He directed his objectification specifically at "the Federalists," who were "the same foes as the Nationalists, Republicans, and Whigs," and the "peculiar Pilgrims," who were the "extreme puritans." All "Federalists" ("the Federal party," "Federalism") were "misdirected" primarily

77Brembeck and Howell, _Persuasion_, p. 258.
78See his lectures and addresses in _Our Federal Relations: From a Southern View of Them_ (Austin, Texas: Eugene Von Boeckmann, Printer, 1892).
because they based their political philosophy upon a "liberal construction of the Constitution" wherein they viewed the Constitution "as the mere out-line of a government which they have a right to perfect." 80 He summarized his objections to the federalists' expediency:

. . . These prominent measures are all expedients; --expedients originating in distrust of the sufficiency of the Constitution . . . ; expedients to infuse into the government extraneous elements which the popular idea of the day points out as calculated to strengthen, improve and perpetrate it. This is Federalism. . . . 81

The other "odious" misguided ancestors of Know-Nothings were the Puritans. While Houston was making light of Germans and other foreigners, Roberts was pointing out the "strange peculiarities of his "ancestors," the Puritans. To describe them he quoted Macaulay:

'The extreme Puritan is known from other man by his gait, his garb, his lank hair, the sour solemnity of his face, the upturned white of his eyes, the nasal twang with which he spoke, and above all by his peculiar dialect. . . . The dress, the deportment, the language, the studies, the amusements of this rigid sect were regulated on principles resembling those of the Pharasees. . . .' 82

Next he pointed out the connection between the Know-Nothings' and the Puritan's doctrines of religious intolerance. He may also have been referring indirectly to the acts of violence by Know-Nothings toward foreigners and Catholics in the Northeast when he stated:

80 Ibid., p. 1.  
81 Ibid., p. e.  
82 Ibid., p. 6.  

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They [Puritans] punished irreligion as a civil offence [sic]. They banished dissenters under the penalty of death . . . . They whipped one Anabaptist [sic] unmercifully (Holmes) and put to death four quakers, one of them a woman— for religious offences. They destroyed people they called witches. These were the acts of their public tribunals. . . . They banished Roger Williams for preaching the doctrine of full toleration in religion . . . . Such were the Puritan fathers. 83

Since Massachusetts was the "breeding ground for Federalism and Puritanism," Roberts placed blame on that state especially for its integration of government and religion and finally made the connection to Know-Nothingism:

Even the Supreme Court decides that religion is a part of the common law of Massachusetts and that a false oath taken in a church proceeding is perjury. Massachusetts raging with her defeat, turned into herself. Her politicians, second, third, fourth, and fifth rate, harangued and lectured, her preachers harangued and lectured, her schoolmen taught and lectured, her women took the stump, her negroes preached and lectured and all invoked their old Puritan nationality. The fire from the old spark blazed out from the masses and caught from community to community, from state to state. Know-nothingism is an offshoot of this same old stock of Puritan nationality . . . . 84

He deplored Know-Nothingsm because it "aspires to be something more than a fragment of the Massachusetts idea. It aspires to be the American Party." 85

Since abolitionists based their opposition to slavery to some extent on moral and religious grounds, Roberts was especially critical of the northern preachers whose "pulpits

83 Ibid., pp. 6-7.
84 Ibid., p. 8.
85 Ibid., p. 10.
had been prostituted to political discussions and denuncia-
tions." He blamed them for the northern opposition to the
Kansas-Nebraska Bill, their support of nullification of
the Fugitive Slave Law, and the election of an abolition
senator—Wilson. 86

Roberts clearly objectified the North, the Puritans,
the Federalists, Massachusetts, northern preachers and the
Know-Nothings, but he masked it as historical exposition.
Other Democrats in the campaign were not so conservative
in their language and style. Wigfall, for example, who
was probably Houston's chief speaking rival, used objecti-
fication and vilification in a much more direct and fiery
manner. Wigfall was known to be one of the most effective
speakers against Houston. He " clamored incessantly"
against "Old Sam" and was more obnoxious to Houston than
any of his other opponents. 87 Henderson, Oldham, and Lub-
bock also followed Houston throughout the state fervently
attacking his character, personality, and policies. 88

Roberts was not without opposition in the use of ob-
jectification. In an attempt to discredit the Democrats,
Houston "vented his spleen without stint, without point,
without reason, without refined language," calling them

86 Ibid., pp. 8-9.

87 Friend, Sam Houston, p. 196 and King, Louis T.
Wigfall, p. 60.

88 Friend, Sam Houston, p. 251.
"thieves, rascals, and assassins." He also called the Democrats "canting demagogues, and hypocritical politicians," "obnoxious . . . ambitious . . . treasonable . . . nullifiers and disunionists." The Know-Nothings also referred to Roberts and the Democrats as "village politicians" and "place-hunting demagogues" and hurled insults and sacriligious comments against them.

In his opposition to Know-Nothingsm, despite the widespread use of the tactic by both sides in the campaign, Roberts again had chosen to employ objectification, or group blame, rather than individual name-calling, or vilification. Roberts may have decided to use the safer strategy of objectification because "it provides the agitator with greater protection from scrutiny and it does not require him to change his grievances to fit changing personnel." The collective object of Roberts' attacks was always the North, including its various doctrines and representatives. With only minor modifications he repeated the same basic arguments to fit the crisis. Roberts may also have chosen to use objectification rather than vilification because just as his idol, Calhoun, deprecated the use of

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89 Marcus de La Fayette Herring to Roberts, 15 July 1857, Roberts Papers.

90 Williams and Barker, The Writings of Sam Houston, 6, 209-234.


personal attack, Roberts also considered his opponents to be gentlemen like himself and therefore scorned the use of individual name-calling.

Legitimation

Instead of vilifying Sam Houston or directly refuting specific Know-Nothing practices, Roberts again chose to justify the practice of slavery and to explain the compact theory of states. Since the secessionists had not yet resorted to violence in defense of their position, Roberts continually justified any future actions which he or his followers would take if their states' rights were violated. He accomplished legitimation through the tactic of "expository persuasion," a tactic which Calhoun often used. Rather than naming the opponent's accusation and debating it, Roberts, too, preferred to explain, to exemplify and to illustrate causes and to trace consequences. He often made his constitutional and historical explanations without naming the specific issue at hand. The effects which he inferred through his causal reasoning, however, were obvious. Although he often made one explicit call for change in belief or action in the form of a rhetorical question, the


majority of Roberts' speeches were in the form of expository lectures explaining the theory of strict construction. In his 1855 speech, he spent more time in exploiting the principles of democracy than in demeaning Know-Nothingsm. The speech is in reality an analysis of the comparative principles of American political parties and a partisan exposition of the states' rights views. As he stated it, however, his purpose in speaking was simply "to set forth the facts" and "consider the merits of Know-nothingism."

Roberts began the body of his speech by explaining that "There have always been two political parties in the United States" and that the difference was that "the Democratic party is founded on a strict construction of the Constitution, the Federal party upon a liberal construction."

But to be more explicit—the Democratic party, having full confidence in the capacity of the people to govern themselves, and in the sufficiency of the Constitution as the fundamental rules of a successful government, seek to shape the government exactly in conformity to the rules prescribed in the Constitution and to exclude from the government every element, which may be infused into it, for which no rule is therein prescribed. Such a construction protects the Union by the full exercise of all the powers certainly delegated. It protects the States by leaving their rights uninvaded. This is democracy.

Roberts continued his one-sided "exposition":


96 Ibid.
The Federal party views this Constitution (judging from their measures) as the mere out-line of a government which they have a right to perfect. By construction and indirection they have enlarged some rules of the Constitution and abridged others, and thereby infused elements into the actual government of the country for which there is to be found no certain plain rule in the Constitution.97

To prove this general statement, Roberts gave several specific examples.:

To illustrate--the Federalists thinking a national bank a great public good, and finding no specific authority in the Constitution, put together several clauses and, by inference, analogy, and construction, derive the power of making corporations, when, as it is well known the convention refused to give that power.98

Roberts continued his exemplification of liberal construction:

The Federalists thinking to strengthen the nation by domestic manufacturers and finding no specific authority in the Constitution to encourage any particular species of industry--accomplish their object by the manner in which they levy the duties upon imports . . . and by which they infuse into the actual government an extraneous element--the right to tax one mode of industry to pay for building up and sustaining another.99

He continued:

The Federalists elect a President under a pledge not to exercise the full veto power pertaining to his office--but only to stay 'unconstitutional laws and hasty legislation.' By this they sought to abridge and limit one of the rules of the Constitution, and cripple if not paralyze [sic] one of the great departments of the government; and which, had it succeeded, would have altered and changed

97 Ibid.
98 Ibid.
99 Ibid., p. 2
the government from that for which the original compact founded.\textsuperscript{100}

Through contrasting examples, Roberts also explained that "Virginia is the strong type of the Democratic idea and "Massachusetts is the strong type of the Federal idea."\textsuperscript{101} Even though it was obviously biased, the majority of the speech was presented as an informative lecture on the origin and history of Know-Nothings. In truth it was a legitimation of the states' rights leaders' doctrines and practices.

While the other states' rights speakers were vilifying and objectifying Houston and the Know-Nothings on specific issues such as secrecy and prejudice against foreigners and Catholics, Roberts chose mainly to legitimize the states' rights philosophy through exposition of the Constitution. Since legitimation is "essential to the momentum and inspiration of the movement,"\textsuperscript{102} Roberts contributed to the cause by "educating" his audience in order to convince them of the viability of his solutions.

Mythication

In order to glorify his cause, Roberts used appeals to history, forefathers, the race, and destiny. He personified "Democracy" as an archetypal hero who holds "the

\begin{footnotes}
\item[100] Ibid.
\item[101] Ibid., pp. 2-11.
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defensive shield, the Constitution, from the attacks of the antagonist, "Federalism." Although "the struggle is perpetual" and the enemy is "hidden under the guise of different names, . . . Democracy has been victorious in every great struggle." To carry out the allegory, Roberts listed the historical enemies which the hero, "Democracy," had slain.

The Federal bank is obsolete. The Federal protective tariff is abolished. The great American system of internal improvements is repudiated and condemned. The veto power is protected. The Alien and Sedition Law was buried and until lately remained in almost infamous disrepute. The Federal antislavery element which had been infused into the government by the Missouri Compromise line is ejected and the Kansas and Nebraska Territorial Bill founded on the principles of the Compromise of 1850. . . . Every point has been carried—every political foe of the national character has fallen before us. . . . The abolitionist has been driven back growling to his cover. . . . He retreats but to recruit his forces and review the conflict in the open field. . . .103

Roberts further instilled dignity in his followers and showed that "history is on our side" when he completed the allegory by stating: "If such parties as these fall, who will dare to stand before this triumphant Democracy?"104

Roberts also romanticized Virginia as "the ideal model of the Democratic idea," burning brightly in the fervor of her principles, and sending abroad the rays of her light to animate the followers of her school. Virginia sent out

103 Roberts, "Speech in Opposition to Know-nothingism," pp. 3-5.
104 Ibid., p. 5.
her people to the South and West. These descendents, he implied, were the chosen people—southern, white, and Democratic. He and his audience, therefore, had reason for self-congratulations for being part of this chosen race.

Because of their mystical nature, the Know-Nothing speakers used a great deal of religious symbolism. Rather than employing religious symbolism himself, Roberts chose to refute the religious doctrine and practices of the Puritans, whom he presented as the forerunners of the Know-Nothings. He compared the Puritans to the "Pharasees [sic] who, proud of their washed hands and broad phylactines taunted the Redeemer as a Sabbath breaker and a wine-bibber." The Redeemer, or Christ, then, would be on "our side." Continuing his tactic of anti-mythication, Roberts described the Puritan's doctrine of religious intolerance and their failure to separate church and state:

According to Bancroft they established a republican government—basing the right of suffrage and the right of holding office upon church membership. They punished irreligion . . . . They banished dissenters . . . . They whipped . . . . for religious offenses. They destroyed people . . . . When they banished Roger Williams for preaching the doctrine of full toleration in religion, and for countening that they might with equal propriety select 'a doctor of physick or a pilot' according to his skill in theology and standing in the church as to select magistrates from the members of the church—the reason given for it is not very different from some reasons given at this day for similar conduct. [sic] 'And the judgment was vindicated not as a punishment for opinion or as a restraint of conscience, but because the application of the new doctrine . . . . seemed about to subvert the

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fundamental State and government of the country.' The government was an incident to their religion and subordinate to it. As a consequence their preachers were their politicians. . . .

Since "Know-nothingism is an offshoot from this same old stock of Puritan nationality," Roberts reasoned that it was just a modern version of that strange and intolerant religion. It was merely another northern-bred enemy, hidden under the guise of a different name, for Democracy to struggle with and slay.

Solidification

The Know-Nothings, also called the Order of the Star Spangled Banner, presented the Democrats with a very real and unified opposition. They often marched with bands, flags, and mottoes. At their all-day barbecues, political debates, flag raisings, street preachings, and parades, they used such slogans as "Sam is wide awake," "Samuel is right," "We go for the Union, the whole Union, and nothing but the Union," and "Americans should rule Americans." In order to solidify his followers into a more cohesive group, "thereby increasing their responsiveness to group wishes," Roberts used the method of "card stacking," or the distorted presentation of an issue in a one-sided,.

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106 Ibid., pp. 7-8.
107 Nevins, Ordeal of the Union, p. 323.
unfair manner. To appeal to the pride of his followers, he presented Democracy (the Democratic party) as wise, virtuous and always victorious. Likewise he depicted Virginia as the perfect, ideal paragon for other states to follow. Roberts then attempted to persuade the Texans to ride the "bandwagon" with Virginia and other southern states when he declared:

Virginia now as ever stands forth the bold and fearless advocate of Democracy—not taken by surprise, not fascinated with mere names—and unarmèd by the gathering storm of isms which rises up—blackening—in front of her. The democracy everywhere encouraged by her example are rallying around her standard, with their principles purified by the contest.

Roberts followed this appeal for unity with rhetorical questions: "Where does Texas stand? Can she forget the hand that raised her from her forlorn gloom, and led her back into her old home? Will she follow Massachusetts' Puritan Federalism or Virginia Democracy?" Roberts had already suggested the answer throughout his speech by pointing out that the Virginia Democracy had already, in 1855, triumphed politically over the Native Americans. He was referring here to Governor Wise's denunciation of the American Party earlier that year. Roberts explained that occurrence later in more detail:

110 Brembeck and Howell, Persuasion, p. 235.
111 Roberts, "Speech in Opposition to Know-nothingism," p. 11.
112 Ibid.
When in its spread it [Know-Nothingsim] reached Virginia, Governor Wise denounced it as anti-American, anti-democratic, and un-Constitutional, with such power of earnest eloquence as called attention to it all over the South, and succeeded in breaking the wave of sentiment in its favor that was strongly drifting southward.113

Just as he had asked his 1850 audience in San Augustine to follow the lead of the "Nashville patriots," he asked his 1855 listeners in Rusk to follow the lead of the Virginians. Once again he called for a united southern front.

Also to reinforce the cohesiveness of their followers, Roberts and the states' rights group used slogans, symbols, and in-group publications, symbolic tactics which are essentially reinforcing.114 The Democrats referred to the Know-Nothings as "Sam," "Old Sam," "Sammy," or "Samuel" to encompass both the party and its leader. "Old Sam must be beaten" or "Old Sam has got to go" became common slogans among the regular Democrats.115 Probably the most common derogatory slogan had to do with sending "Old Sam," "Sam," "Sammy," or "Samuel" up the river. The Texas Republican printed a typical bit of doggerel entitled "Up Salt River Sammy Must Go" which could be sung to the tune of "Old Rosin

113Roberts, "The Political, Legislative, and Judicial History of Texas," p. 36.


115J. M. Clough to Roberts, 26 February 1856, Roberts Papers.
the Bow." Various literary attempts appeared in the newspapers such as:

His day has passed,  
His course is run,  
And therefore let the old man 
Wrap the drapery of his couch around him  
And lay down to gentle dreams. 

From the beginning of the secession movement in Texas through the Civil War, including the campaign against the Know-Nothings, the defiant symbol of the states' rightists was the Lone Star Flag. In 1855 it stood ready to be unfurled once more to replace, if it must, the Star Spangled Banner of the United States.

The in-group publications were basically the same newspapers who promulgated the states' rights cause such as the Texas State Gazette, the Marshall Republican, the Clarksville Standard, and the Galveston News. A few pamphlets and broadsides were also distributed or published. Pamphlets were composed by such men as Burnet and Lamar and broadsides were often distributed or printed in the newspapers. One broadside, published in San Antonio in 1855 ridiculing Houston as a Know-Nothing, was entitled "Sam Recruiting." The broadside pictures "Old Sam" with a pig-like head, wearing one black boot and one white boot,

116 Marshall Texas Republican, 5 January 1856.  
117 Dallas (Texas) Herald, 8 December 1855.  
118 E. Williams to Roberts, 18 January 1856, Roberts Papers.
and carrying a net for gudgeons, a mask of Washington, Sam's great "American" heart, a knife and a gun for logic and reasoning, a clerical collar, secret oaths and various other Know-Nothing paraphernalia. As can be seen, many of the solidification tactics were also used for the purpose of vilification of Sam Houston or objectification of the Know-Nothings.

Polarization

In 1855 Roberts used the American Party to divide further the North and the South. In order to wedge the gap even wider, he placed Federalism, northerners, and Know-Nothings on one side and Democracy, southerners, and Democrats on the other. He then proceeded to blame one group for all the evil that had happened and was happening in the country and to praise the other group for all the good. Though presented in the manner of a historical lecture, the cards were clearly stacked in favor of the southern Democrats so that the uncommitted would have an easy choice to make. If they wished to join the triumphant chosen people who were the defenders of civil rights and religious freedom, they could follow Roberts and the Democrats. If they wanted to join the strange, intolerant, defeated descendents of


120 Broadside published in San Antonio, 1855 printed in Friend, Sam Houston, p. 243.
Puritanism, they could follow Houston and the Know-Nothings.

Roberts applied the strategy of polarization by using abolition and religious tolerance as flag issues and the Know-Nothings as a flag group. Roberts realized that his audience was pro-slavery and anti-abolition. He also realized that Know-Nothingism, by being affiliated with Unionism and northern abolitionism (however remote the latter connection might have been), was especially vulnerable to attack. Roberts stated this flag issue clearly following his description of the abolitionist:

This, fellow citizens, is the American issue—
Disguise it as you will—defer it as you will—
this is the issue which sooner or later, like Aaron's serpent will swallow up all the rest. Shall the Federal antislavery element be again infused into the government, to discountenance, circumscribe and finally compromise into a lingering death this Southern institution? The interests to be affected are sectional, but the principles involved in the question are national. 121

Knowing that most of his listeners were slaveholders or at least pro-slavery in sentiment, he appealed to their fear of abolitionists to develop this issue. He warned them that if Democracy was not once more triumphant over Federalism that they could fear for their rights, especially the rights to their own southern institutions. He warned them the abolitionists had retreated only to recruit their forces, that they had given notice of open war and were

121 Roberts, "Speech in Opposition to Know-nothingism," p. 5.
there, always ready for open conflict with the South—always ready to take away what was rightfully theirs.

Although the speech as a whole was a historical comparison of Democracy and Federalism, slavery was the issue to which he was leading. To Roberts it was the main issue in any conflict with the North.

Roberts' second major flag issue was religious intolerance. The Know-Nothings' doctrine of anti-Catholicism made them susceptible to Roberts' charges here. Through a historical comparison with the cruel and intolerant Puritans, he depicted the Know-Nothings in the same unfavorable light. Within this issue he could also discuss the idea of mixing religion and politics and charge them with violating the fundamental principle of the separation of church and state. Here he accused them of excessive emotion (and therefore lack of reason) by their prostitution of the pulpit with political discussions and their prostitution of politics with religious issues. The Know-Nothings, therefore, were not only intolerant and cruel to those of other religions but they were also emotionally over-zealous and politically unwise, he reasoned. Although Roberts gave a great deal of attention to this second issue, obviously it is directly connected, and subordinate, to the first.

In 1855 the flag group, the Texas Know-Nothing Party, was for Roberts merely a scapegoat. Undoubtedly he did abhor their prejudicial doctrines and their narcissistic secret society, but it was their Unionism and their ties to
northern abolitionism which he objected to most. In reality, most southern Know-Nothings were pro-slavery. However, Roberts would have had his audience believe that the Know-Nothings were abolitionists in disguise or at the very least aiders and abettors of abolitionists.

Roberts used derogatory language to objectify his opposition and laudatory language to legitimize his cause and to solidify his audience. This selective use of descriptive language also served to polarize the two opposing groups and to force a conscious choice between them. To describe Federalism, northerners, and Know-Nothings, he used such terms and phrases as "mere outline," "indirection," "extraneous," "unconstitutional," "abridge," "crippler," "paralyze" [sic], "altered," "expedients," "obsolete," "abolished," "repudiated and condemned," "infamous disrepute," "fallen," "odious," "defiantly," "like Aaron's serpent," "Federal antislavery element," "discountenance, circumscribe and finally compromise," "ruins," "peculiar," "rigid," "prostituted," "raging," "second, third, fourth, and fifth rate," "harangued and lectured," "preached and lectured," "Catholic proscription," "abolition and Know-nothingism," "the gathering storm of isms," "blackening," and "forlorn gloom." To describe Democracy, southerners, and Democrats, he employed such words and phrases as "protects the states," "uninvaded rights," "burning brightly,"

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"victorious," "triumphantly," "constitutional neutrality," "this Southern institution," "full toleration," "freedom of religion," "bold and fearless advocate of democracy," "rallying around her standard," "principles purified," and "the hand that raised her . . . and led her back into her old home." Hoping to turn his audience away from Houston and the Know-Nothings and from any "Federal" sentiments which they may have, Roberts used more language of condemnation than language of praise to polarize the two groups.

To assure the proper choice by the uncommitted, Roberts told them where their sentiments should lie. While polarizing Massachusetts and Virginia, Roberts stated that Massachusetts spread out her population to the North and East and Virginia sent out her population to the South and West. The apparent reasoning here was that since they were of the South and Southwest, they were the descendents of Virginia who was the strong type of the Democratic idea; therefore they were or should be Democrats. Again the choice was made easy for the neutral or uncommitted listeners.

Escalation/Confrontation

Because Roberts was speaking to the North indirectly through his attacks on the Know-Nothings and because his speech was presented in the form of expository persuasion, he did not make any overt threats of disruption. His thesis and his language, however, served to escalate the
tensions through the use of "calculated antagonism." By blaming the North for the Know-Nothing's "abhorrent" doctrines and practices, he focused on the broader conflict between the North and the South, rather than just between the Texas Know-Nothing Party and the Texas Democratic Party. As he later explained: "this [Know-Nothing] party originated in the hot-bed of political innovations in the Northern States." Judging by his speech, their northern roots irritated him more than their specific doctrines. Most of his time was spent in tracing Know-Nothingism to its geographical, political, and religious roots—the North. In so doing he could "reveal their deep-seated prejudices by exposing the rationalizations they use to cover their views." Despite the fact that most of the Texas Know-Nothings were pro-slavery, Roberts maneuvered them into an anti-slavery position through association. As he clearly stated, the real issue was slavery and to him the Know-Nothings were simply abolitionists who had again reared their ugly heads in disguise. The true targets were Federalists in any form. By making the North the target for his


124 Roberts, "The Political, Legislative, and Judicial History of Texas," p. 36.

125 Lomas, *The Agitator in American Society*, p. 120.
strategies of objectification, anti-mythication, and polarization, he kept the antagonism alive.

He also attempted to antagonize the northern states with his solidification efforts. By using Virginia as a model of the Democratic idea and asking Texas to follow her and the other southern states, Roberts was again calling for a united southern effort against the North. With a stronger, more organized Democratic Party and a stronger, more closely affiliated association of southern states, the states' rights group could fight a better battle against their enemy, the "odious" North. He cautioned them not to dare to stand in the way of "this triumphant Democracy" who had slain all its enemies. Here, with the war analogy, he again warned the North that the southerners were willing to fight for their rights.

Roberts later admitted to the use of this strategy when he explained that in 1855 "Houston's defection from the regularly organized Democratic party" and "the increasing efforts of the Northern States and people towards free soilism, tended to arouse a more determined and demonstrative antagonism to the North, especially on the part of the class of Democrats who were strict constructionists." Roberts, "The Political, Legislative, and Judicial History of Texas," p. 35.

126 Roberts, "The Political, Legislative, and Judicial History of Texas," p. 35.
and the South through his "more determined and demonstrative antagonism to the North."

Effects

As was the case in 1850, Roberts' rhetorical strategies were successful with his immediate audience. Following his suggestion for greater unity and organization, they formed the Democratic Association of Rusk County and asked Roberts to aid in writing the by-laws for the organization. Rusk County also overwhelmingly supported the Democratic nominees in the gubernatorial elections of 1855 and 1857.

His efforts were also successful with his larger audience. Roberts himself wrote that "the grand displays of oratory and of argument" presented by "the best speaking talent of the State," among whom he listed himself, had "turned the current of public sentiment strongly against this secret party." Indeed the states' rights Democrats were able to destroy the Know-Nothing Party by 1857.

127 Austin Texas State Gazette, 16 September 1855.

128 Journal of the Senate of Texas, 6th Legislature, p. 47 and House Journal of the State of Texas, 7th Legislature, p. 15, Texas State Archives, Austin, Texas. In Rusk County in 1855, the vote was 1,069 for Pease and 663 for Dickson. In 1857 the vote was 1,009 for Runnels and 748 for Houston.

In the state elections of 1855 the Know-Nothings managed to elect a dozen legislators and one U.S. congressman, Lemuel D. Evans, but as a whole were soundly defeated and Pease and Runnels were elected governor and lieutenant-governor. The Democrats held a large barbeque in Austin to celebrate their victory. Here they passed a resolution calling for a Democratic state convention to unite the Democrats of Texas for the upcoming presidential campaign. The convention, which met January 15-18, 1856, was the first fully organized and representative Democratic convention in the state and marked the beginning of a strong states' rights Democratic Party in Texas. They denounced the Know-Nothings, defended the states' rights doctrine, acclaimed the Kansas-Nebraska Act a triumph over fanaticism, defended the right to carry slaves into the territories, and instructed their delegates not to support anyone who did not approve of the nonintervention policy of the Kansas-Nebraska Act.  

The 1856 general elections were also disastrous for the Texas Know-Nothings. The party's presidential nominee, Millard Fillmore, was badly defeated by the Democratic candidate, James Buchanan, and candidates in the state races were overwhelmed, in most cases by a three-to-one ratio.  

Significant for the Democrats in this race was the candidacy

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130 Winkler, Platforms of Political Parties in Texas, pp. 39-41, 64-68.

of John C. Fremont, the Republican anti-slavery candidate. Public officials, newspapers, and Texans in general reacted to the Republicans with panic and near-hysteria. The states' rights leaders predicted disunion and war if Fremont should win. Houston urged Texas to acquiesce if Fremont were elected, but Roberts believed that the only alternative for Texas if a Republican were elected was secession.¹³² This was a warning of things to come.

In the 1857 state elections, the Democrats defeated the Know-Nothings by an overwhelming majority. Roberts called it "the most exciting political canvass that had ever before that time occurred in the State of Texas."¹³³ All of the states' rights candidates won their races. Houston, who ran for governor as an independent but with Know-Nothing support, lost to H. R. Runnels by almost nine thousand votes. F. R. Lubbock defeated Jesse Grimes for lieutenant-governor. In the congressional races, John H. Reagan defeated Lemuel D. Evans and Guy M. Bryan was elected without opposition to the U.S. House of Representatives. Upon Thomas J. Rusk's death, J. Pinckney Henderson was elected to the U.S. Senate on November 9, 1857. Since Houston's term in the senate would expire before the meeting of the legislature in 1859, Judge John Hemphill, chief


¹³³ Roberts, "The Political, Legislative, and Judicial History of Texas," p. 44.
justice of the Supreme Court of Texas, was elected to succeed Houston. Henderson died in 1858 and Matthias Ward was appointed to complete Henderson's tenure. Louis T. Wigfall was elected to that seat in 1859. Also in 1857 Roberts was elected associate justice of the Supreme Court of Texas and Judge R. T. Wheeler, an associate justice since the beginning of statehood, was elected chief justice. John Marshall, editor of the *Texas State Gazette*, was elected chairman of the Democratic State Convention, a position he held until he left for the war in 1861. Roberts' friend, Franklin W. Bowden, died in June of 1857. Although their ranks had been thinned by death, the states' rights Democrats were firmly in control of state politics when Runnels took office December 21, 1857.134

With the defeats of 1856 and 1857, the Know-Nothing Party declined both locally and nationally. Following Houston's defeat, the party virtually disappeared in Texas. The political life of the Texas Know-Nothing Party had been brief but not without lasting effects. The very existence of a strong opposition party had forced the Democrats to develop an effective political organization. The Know-Nothing Party had also provided, temporarily at least, a rallying point for unionists and nationalist sentiment in

the state.\footnote{Crews, "The Know Nothing Party in Texas," pp. 171-172 and Wooster, "Analysis of the Texas Know Nothings," p. 417.} Primarily because of their split over the slavery issue, the national American Party became inactive and, with the breakup of its last stronghold in Louisiana in 1860, the American Party passed into history.\footnote{Overdyke, The Know-Nothing Party, pp. 291-292.}

Houston had fought hard in 1856-57, but the Democrats proved too much for him. They took every opportunity to remind the people of his Kansas-Nebraska stand, his association with the Know-Nothings and his anti-secession views; they accused him of being a traitor and a friend of abolition. The public viewed Houston favorably but they viewed his Know-Nothing message unfavorably resulting in "a state of incongruity." Since they viewed both Roberts and his message favorably and since "any changes in evaluation are always in the direction of increased congruity,"\footnote{Brembeck and Howell, Persuasion, p. 138.} Roberts was able to get the people to turn against Houston on this issue. Houston was defeated in 1857 but would return to take advantage of Democratic mistakes in 1858-59.

The speeches which Roberts made in East Texas had proved to be most effective in defeating Know-Nothingism and turning the general public into the Democratic party.\footnote{L. T. Wigfall, Chester M. Adams, J. M. Clough, P. Murrah, T. A. Patillo, and R. W. Laughery to Roberts 11 October 1856 and M. D. Ector, J. G. Graham, L. P. Hollingsworth, J. H. Parsons, and M. D. Graham to Roberts 16 October 1856, Roberts Papers.}
One associate wrote that "no individual had labored more earnestly or spent so much time and energy toward the overthrow of the Know Nothing Party and the triumph of democracy as did Roberts." Because of the results of the campaign and because of Roberts' leading role in the campaign, it would appear that the strategies which he used to defeat the Know-Nothings, to strengthen the Democrats, and to further antagonize the North had been successful. Although the Texas Know-Nothings were predominantly pro-slavery, Roberts placed them directly into the same camp with their "source"--the puritanical, federalist, abolitionist North. Thereby he could blame not only the Know-Nothings but also the northerners who had "hatched" them. He defended the anti-Know-Nothing campaign and the states' rights doctrine in general with a scholarly explanation of "constitutional Democracy." He romanticized and unified all Democrats and southerners primarily through a lengthy historical description of Virginia as the model of Democracy and by calling upon Texans to take pride in following that example. By sharpening the contrast between Federalism and Democracy, Know-Nothings and Democrats, northerners and southerners, and Massachusetts and Virginia, he was apparently able to indoctrinate his audience and to win converts for the Democratic party. Too, Roberts was able to build further a positive image of himself--an image of a gentleman-scholar,  

139 M. T. Johnson to Roberts, 20 July 1856, Roberts Papers.
well versed in history and law. By couching his arguments in the form of exposition and by refusing to engage in personal vilification, he projected the image of an objective and ethical lecturer. His position, his demeanor, and his speech all added to his already well-established reputation with both his audience and his colleagues. In addition, Roberts was able to help propagate the states' rights doctrine through his association and influence with John Marshall, editor of the Gazette and other Texas editors.

Through the implementation of these strategies, Roberts achieved his stated rhetorical goals. By warning the people against the "insidious" American party, he had helped to arrest its progress. He had helped to recruit converts into the party and to unify the Democrats into a formal political organization. By helping get himself and his friends elected to high political positions, he saw to it that the newly organized Democratic party was controlled by the states' rights wing. He, in addition to Wigfall, Henderson, and others, had damaged Houston's reputation and added to his defeat in the gubernatorial race of 1857. The fact that his friends Reagan, Bryan, Henderson, Hemphill, and Ward were all elected or appointed to congressional posts may have been a personal disappointment to him. At any rate Roberts received the wholehearted support of his colleagues in the race for associate justice

140 Roberts received numerous letters of support in late 1856 and early 1857 from hundreds of Democrats often with lists of names attached. Roberts Correspondence 1856-57, Roberts Papers.
that position over four other candidates\textsuperscript{141} even though the ex-Know-Nothings campaigned against him in retaliation.\textsuperscript{142}
With this victory, Roberts' campaign against the Know-Nothings was complete. He had stepped one rung up the judicial ladder and added to his reputation as an intellectual, outspoken leader of the Democratic Party.

\textsuperscript{141}Austin Texas State Gazette, 4 April 1857.
\textsuperscript{142}H. W. Sublett to Roberts, 2 February 1857 and A. T. Wiley to Roberts, 8 January 1857, Roberts Papers.
CHAPTER V

CONFLICT: THE CAMPAIGN FOR THE TEXAS
SECESSION CONVENTION - 1860

Situation

By 1859 most of Roberts' old states' rights colleagues had died or were in Washington serving in the U.S. Congress.¹ Now Associate Justice of the Supreme Court, Roberts became the leader of the states' rights-secession movement in Texas and "the axis around which secession moved."² He delivered the speech in 1860 which was the turning point in public action, drew up the call for the secession convention, led the campaign for that purpose and was later elected president of the Texas Secession Convention.³ Because Roberts was more influential in the secession movement than any other man in Texas at that time, justifiably he may be called the father of Texas secession.

¹Rusk, Bowden, and Henderson were dead. Reagan and Bryan were serving in the U.S. House of Representatives. Hemphill and Wigfall were in the U.S. Senate.
It is the purpose of this chapter to examine the secession speech made by Roberts on December 1, 1860 and the campaign surrounding it in order to determine the agitational strategies used by Roberts and the effect of those strategies on the course of Texas history.

**Historical-Political Background**

Between the years 1857 and 1860, Texas and the nation witnessed the Kansas-Nebraska controversy, the rise of the Republican Party, the Dred Scott decision, and Hinton Helper's *Impending Crisis*. Northern men passed personal liberty laws to protect fugitive slaves and southern men talked of ways to reopen the African slave trade. William Walker filibustered in Nicaragua and John Brown made his infamous raid on Harper's Ferry, Virginia. For a while during this period, northerners and southerners alike continued to settle their differences by "talking them out instead of shooting them out." Their arguments, however, had become crystallized and stereotyped and were "expressed in terms of divergent and irreconcilable interpretations of alleged facts supporting a series of relatively standardized conclusions." Northerners claimed that southerners were committing the immoral act of human bondage and were

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threatening the Union. Southerners retorted that northerners were plotting to steal their property and ruin their social and economic order. Unfortunately events occurred in 1859-60 which were irreversible and conflicts arose which were irreconcilable. Roberts explained these fateful issues from his southern view of them:

The first session of the Thirty-sixth Congress convened on December 5, 1859. The discussions between the anti-slavery agitators and the advocates of the maintenance of the Union under the Constitution, with all its obligations and guarantees of the institutions of the South, engrossed the time of its members to the exclusion of nearly everything else during the whole session. . . . The Southern members cited those proceedings of the Northern states which virtually nullified the law passed by the general government for the protection of slave property. They also claimed that these acts of the Northern states were directly contrary to the solemn obligations imposed on them for the delivery of fugitive slaves, and declared them to be sufficient ground to justify the Southern states in seceding from the Union. . . . At the very time of these discussions [thirteen Northern states] had enacted laws which either nullified the act of Congress for the rendition of fugitives from service or rendered useless any attempt to execute it. . . . Ohio and Iowa had refused to surrender fugitives charged with murder and with inciting servile insurrection in the John Brown raid upon Virginia. . . . The bitter discussions in Congress upon the slavery question, in which the fatal division of the Democratic Party was manifested, excited the serious attention of Democrats in Texas in the early part of the year 1860.6

In Texas, after the states' rights wing gained control of the Democratic Party in 1857, there was no longer any

Whig or Know-Nothing organization, nor were there any Republicans. The major political issues were states' rights and protection of the frontier. With the radicals in control, threats of secession became louder.  

Governor Runnels used the increased Indian raids to further antagonize the Federal Government. Instead of providing adequate state support, he proclaimed that the Federal Government was responsible for protecting the Texas frontier from the Indians and that they were deliberately failing to do so. Runnels realized that he would lose the frontier vote but did not think that the loss would be enough to defeat him.

Another event of which most Texans did not approve was the Democrats' move to reopen the African slave trade. 

Runnels, Lubbock, and John Henry Brown, secessionist editor of the Belton Democrat, led this drive for two years.

However, Roberts felt that reopening of the slave trade was an impossible goal and that it would affect adversely the drive to retain slavery in the states and to expand slavery in the territories. He did not disapprove of the principle


of the idea, merely the impracticality of it. Runnels and the slave trade supporters attempted to make it a part of the party platform at the next Democratic convention but the party rejected it by a majority of 228 to 81. Although they did not approve the slave trade resolution, the Democrats took the extreme southern position in all other matters. They supported the Dred Scott decision, demanded federal protection of slavery until a territory applied for statehood, favored the acquisition of Cuba, demanded frontier protection from the general government, requested the President to procure an arrangement with Mexico for recovering fugitive slaves, and renominated Runnels and Lubbock.

Shortly after the Democratic convention, Sam Houston announced that he would run for governor as an Independent Union Democrat. He stated his platform simply: "The Constitution and the Union embrace the principles by which I will be governed if elected. They comprehend all the old Jacksonian National Democracy I ever professed or officially practiced." During the campaign Houston capitalized on

11 Marshall Texas Republican, 20 May 1859.
13 Houston to George W. Paschal, 3 June 1859 in The Writings of Sam Houston, eds. Amelia W. Williams and Eugene C. Barker, 8 vols. (Austin, Texas: University of Texas Press, 1943), 7: 340.
Runnel's failure to protect the frontier, his drive to re-open African slave trade, and his extreme secessionist views. Texans, still not prepared for disunion, elected Houston by almost the same margin Runnels had defeated him in 1857. Houston won not only the solid Union vote but also that of moderates who disliked the extreme states' rights leaders. Many supported him for personal and sentimental reasons. A. J. Hamilton, an Independent and a Houston supporter, was elected to Congress from the Western District. John H. Reagan, now considered to be a moderate pro-Union Democrat, won from the Eastern District. Although a states' rights leader in 1855 and again in 1860, Reagan was at odds with the radical Democrats in 1859 over the slave trade and filibustering schemes. The radicals were out and the moderates were in control for the time being.\textsuperscript{14}

All hopes for moderation and Unionism were short-lived, however, with John Brown's attack and the ensuing election of Louis T. Wigfall to the U.S. Senate.\textsuperscript{15} With Wigfall in the Senate and Roberts on the Texas Supreme Court, the pendulum began to swing back toward the radical Democrats.


By the time of the Democratic Convention in Galveston on April 2, the states' rights leaders had abandoned all restraint. They were determined and demanding. They boldly asserted that Texas possessed the right to revoke the powers she had delegated to the government of the United States and to resume her place among the powers of the earth as a sovereign and independent nation. They also warned that the election of a Black Republican president would provide "ample cause to dissolve the Union," demanded federal protection for their frontier, and declared that the government was founded for the benefit of the white man and that they would "resist the designs by northern leaders to abolish the distinctions between the races."

In an attempt to offset the Democrats' activities, the Unionists held a convention at the San Jacinto Battle Ground on April 21. They asked all conservative men everywhere to unite "in crushing out every species of fanaticism," vowed to stand behind "the Constitution and the Union," and nominated "General Sam Houston as the Peoples' candidate for the Presidency." Houston accepted but he soon discovered that John Bell was the favored candidate of the Constitutional Union Party and on August 18, 1860, withdrew his name.

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16 Winkler, Platforms of Political Parties in Texas, pp. 80-84.

17 Ibid., pp. 85-88 and Williams and Barker, Writings of Sam Houston, 8: 121-122.
The summer of 1860 was a violent period in the history of Texas. Hostile feelings were heightened by fires, negro uprisings, wholesale poisonings, and violent retaliation. The secessionists saw northern abolitionist plots behind every fire and run-away slave. Vigilance committees, military companies, and county patrol systems were formed; anti-slavery sympathizers were beaten and many were hanged. Many "Castles" of a mysterious order known as the Knights of the Golden Circle were organized to help the secessionist cause. The Knights' goals were to make slavery safe, to acquire Cuba and Mexico for the South, and to aid the military when Texas left the Union. The fires, uprisings, and violence waned by mid-September but they would be used as weapons by both sides in the future. ¹⁸

In the fall of 1860, the secessionists justified their activities by listing their grievances against the North. They cited the refusal of the North to obey the Fugitive Slave Law, the invasion of Kansas with rifles supplied by Republicans, John Brown's raid, and the abolitionist activities in their own state in the summer of 1860. These events contributed to the Texans' change of attitude, but one event turned the tide completely. Since 1856 southerners had warned that the election of a Black Republican

would mean a declaration of war. In November the Texans went to the polls firmly convinced that the Republicans were dedicated to the destruction of their rights both morally and legally. They gave Bell 15,463, Breckinridge 47,548, and not one vote to Lincoln or Douglas. Despite the Texan (and the southern vote), Abraham Lincoln, the Black Republican they so despised, was elected President on November 6, 1860. Craven describes the southern reaction to these events.

There had been serious crises in national affairs at other times and Southerners had, more than once, threatened secession. But never before had there been such an atmosphere of desperation and finality...

Up until John Brown's raid, there had been much Southern protest and indignation because of Northern criticism of slavery and because of denial of equality in the territories and in the distribution of governmental favors. But there had been little panic and much confidence in the Southern politicians' ability to protect his section, confidence in Northern friends, and in the Democratic party. Now all was changed. The Republican party, a strange mixture of moral values and sectional economic interests, had triumphed in a national election. Stephen A. Douglas had been forced to interpret his squatter sovereignty in accordance with the views of his Northern supporters, and the South's desperate gamble at Charleston to control the Democratic party... had failed. The game had been lost and submission or secession were the only choices left.


In Texas the secessionists had already made their choice; they were determined not to submit to Republican rule. Led by Roberts, C. R. Johns, George Flournoy, Rip Ford, and W. P. Rogers, they lost no time in calling for disunion. They launched an immediate campaign to convince the people to choose separation over submission. They tried to get Governor Houston to convene the legislature or to call a special convention. Houston refused. His answer, which remained basically the same throughout the controversy, was brief: "So long as the Constitution is maintained by the Federal authority and Texas is not made the victim of Federal wrong, I am for the Union as it is."\(^21\)

Because of Houston's attitude, Texas had more difficulty than any other state in the lower South in securing provision for a secession convention.\(^22\) But Roberts was just as determined to lead Texas out of the Union as Houston was to keep it in. In November, Roberts called a number of meetings of the secessionist leaders in his office in Austin. If he could not secure a convention through normal channels, he would have it another way, however extralegal or revolutionary it might be. On December 1 he delivered an important speech urging the people of Texas

\(^21\)Sam Houston, Williams and Barker, *Writings of Sam Houston*, 8: 236.

to vote in a public election for a secession convention. On December 3, with the assistance of George Flournoy, W. P. Rogers, and John S. Ford, Roberts prepared a document calling on the voters of each representative district to elect on January 8 two delegates to a state convention to convene in Austin on January 28, 1861. Roberts then led an energetic campaign for the secession convention.

Physical-Sociological Milieu

At a Union meeting in Austin on November 28, Judge James H. Bell, the other associate justice of the Supreme Court, announced that he would make a pro-Union speech on the following Saturday. Roberts immediately gave notice that he would speak at the same time and place. Chief Justice Otis T. Wheeler did not approve of judges involving themselves in partisan politics and therefore refrained from speaking. It was known that he sympathized with Roberts and the secessionists but he had not yet made a

23 Roberts, "The Impending Crisis," Speech of Judge O. M. Roberts of the Supreme Court of Texas at the Capitol, 1 December 1860 as printed in Roberts, Our Federal Relations: From a Southern View of Them (Austin, Texas: Eugene Von Boeckmann, 1892), pp. 21-49. Amended versions of the speech were published in the Texas State Gazette, 8, 15, 22 December 1860 and in pamphlet form.

24 Roberts, "To the People of Texas," The First Call Upon the People of Texas to Assemble in Convention, November 1869, Roberts Papers, Archives, University of Texas, Austin, Texas.

public statement. Bell and Roberts decided that it was not to be a debate. Each was to express his own opinion without reference to that of the other.

On December 1, 1860 a large audience gathered in Representative Hall of the Capitol building to hear Bell and Roberts. At this same site in 1861 Roberts presided over the Secession Convention and in 1878 delivered his inaugural address as governor.

In 1860 Austin, Texas was the hub of political activity in Texas. Although Travis County was heavily Unionist, Austin, the capital city, was headquarters for the secessionists and now Roberts' home. Roberts stated that it was "the centre from which flowed out daily news and encouragement to both sides in the contest." At this time, however, secessionists had to concern themselves with all of Texas, not just with Austin.

The year 1860 was a memorable one in Texas. With temperatures reaching 112 degrees in July, it was the hottest year ever known in the state. It was a presidential election year and the political excitement was intense. The

26Ford, Memoirs, p. 952.
excitement, unrest, apprehension, and fear of unseen danger worsened after Lincoln's election.\textsuperscript{30}

In this milieu, Roberts made his call-for-secession speech on December 1. Judge Bell spoke first, not mentioning Roberts or the secessionists. Bell delivered a two and one-half hour pro-Union dissertation, arguing that secession was inexpedient.\textsuperscript{31} Since Bell believed in state sovereignty, he did not argue against the right of secession; therefore his speech did not serve the purpose which the Unionists had intended. After Judge Bell had spoken, Roberts took the stand. He spoke for an hour and a half justifying secession and outlining a practical course of action in preparation for disunion. The hour was late and many people had left during and after Bell's speech, but Roberts was firmly resolved to finish what he had vowed to do.\textsuperscript{32}

\textbf{Audience}

Roberts described his listeners as "a respectable and attentive audience composed of adherents of the opposing parties." Many members of the Texas House of Representatives


\textsuperscript{31}Speech of Hon. Haines H. Bell of the Texas Supreme Court, 1 December 1860 as found in Roberts Papers, Archives, University of Texas, Austin, Texas.

and Senate were present. The listeners who stayed to hear Roberts were mostly secessionists, for many of the Unionists had left the hall. The Union leaders, Houston, ex-Governor Pease, and George Paschal, remained throughout Roberts' speech. The secession leaders C. R. Johns, George Flournoy, W. S. Oldham, Edward Clark and scores of others also attended.

Roberts was not speaking only to this immediate audience, nor was he speaking exclusively to Austinites or citizens of Travis County. Due to the preceding events in the state and his present status, he was now in a position to speak to all Texans. He was fortunate that in 1860 Texans had more separateness in their geography, commerce, and history than union sentiment. Too, they had a large economic interest in the crisis. Agriculture was their livelihood and slavery was the means which maintained this livelihood. In 1860 they owned 604,215 slaves, over thirty percent of the entire population. They feared that the Federal Government was going to take away their means of livelihood.

As an agitator for change, undoubtedly Roberts knew that it was time to take advantage of the Texans' feelings.

33 Ibid.
of discontent which Lowenthal and Guterman describe as "malaise."\textsuperscript{36} Texans had not been ready for disunion a year before, but events such as John Brown's raid, incendiary plots in their own state, and Lincoln's election brought on feelings of distrust, dependence, exclusion, anxiety, and disillusionment. All of the elements needed for a successful agitational campaign as described by Smith were present: (1) a persistent spokesman, (2) a feeling of unrest in the community, (3) means of communication, and (4) a single purpose.\textsuperscript{37} The people needed leadership and a specific plan of action and Roberts was prepared to give them both. Because his friend and fellow secessionist, John Marshall, would publish his speech in the \textit{Texas State Gazette}\textsuperscript{38} and would print and distribute four thousand copies of it in pamphlet form,\textsuperscript{39} Roberts knew that his larger audience would hear him.

\textbf{Roberts' Rhetorical Goals}

Roberts' specific goal in speaking on December 1 was to persuade all Texans to vote for delegates to a secession


\textsuperscript{38}Roberts, "The Impending Crisis," \textit{Austin Texas State Gazette}, 8, 15, and 22 December 1860.

\textsuperscript{39}Roberts, "The Political, Legislative, and Judicial History of Texas," p. 92.
convention in a public election to be held on January 8. His long range goal was Texas' secession. Roberts was confident that the states' rights men could control such a convention, vote Texas out of the Union, and join the other southern states in a confederate union. He later explained that his goal was "to plainly show the grounds, in the conduct of the Northern States and people, that would justify Texas in any remedy that might be adapted, and to point out the different remedies she had a right to adopt, even that of secession." 40

In his speech, perhaps anticipating a possible charge of conflict of interest, he stated: "It is time for all men to speak out. I shall not hesitate to express my opinions freely."41 [italics mine] After offering the possible courses of action open to Texas, Roberts revealed his rhetorical purpose:

I trust that Texas, before the fourth of March next, will have assembled her wisdom, taken her position, and be in readiness to cooperate with her sister Southern States, whether it be in or out of the Union.

... An effort is being made to hold a convention on the 8th of January. I hope that it will be done. ...42

Roberts, of all the secession leaders in the state, had the knowledge and the esteem to legitimize secession success-

40 Ibid., pp. 91-92.
42 Ibid., p. 49.
fully. If he could convince the public that the North was to blame for the crisis and that his course of action was both justified and constitutional, he could further polarize the two sections and solidify the Texans in a common cause. He firmly believed that if he were successful, Texans could keep their pride, their sovereignty, and their slaves.

As to his personal goals, Roberts had set aside his congressional aspirations in 1859 when the Democrats sent Wigfall to the Senate. He had wanted that seat and had asked some of his political friends, including his law partner, W. W. Short, to help him. They chose instead to send Wigfall, the fiercer and more vociferous debater, to the Senate and asked Roberts to stay in Texas to lead the secession battle against Sam Houston. Even after Wigfall was selected, Roberts attempted to disqualify him by pointing out that the Texas Constitution specifically stated that during the time for which he was elected, no member of either house could be eligible to any office which was made by either branch of the legislature. A committee studied the objection, but reported that the provision did not apply to the selection of a United States Senator. Rather bitterly Roberts replied: "If it does not apply to the

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44 Wigfall was a member of the Texas House of Representatives and U.S. Congressmen were still elected by the state legislature at this time.
election of a Senator in Congress, it may be difficult to ascertain to the election of what other officer it would be more applicable." Roberts also reported that although many Democrats objected to Wigfall, "it was the caucus nomination of Wigfall and the obligation imposed thereby that prevented the name of any other Democrat from being submitted to the legislature at this election." Apparently Roberts recovered from the incident, subdued his senatorial ambitions for awhile, and threw himself headlong into leading the secession movement at home.

Strategies

Petition

At a meeting two days after Lincoln’s election, Roberts advised the secessionists that he thought the best action to take was to petition Governor Houston to convene the legislature to decide on a course of action for Texas. Knowing that the legislature was controlled by Democrats, he felt confident that they would vote for secession. Roberts suggested that public meetings be held where petitions could be signed and then sent to Houston. He further suggested that if they failed in that, they could organize a party for secession by the next August election when a governor and members of the legislature could be elected who were all favorable to secession. Then he proposed a third possibility: if the people over the state could be

persuaded to exhibit the spirit of resistance sufficiently, they might be able to take a more direct route to secession—a convention elected by the people. The consensus of opinion among the leaders was that it would be unwise to take any advance step as long as there was a chance that the governor would call the legislature. They decided first to hold meetings where they would make speeches encouraging the people to sign petitions.\(^{46}\)

Within a few days petition meetings sprang up over the various parts of the state. Houston was bombarded with letters, resolutions, privately signed petitions and newspaper petitions entreating him to call a special session. Roberts explained the petition efforts and Houston's refusal:

Petitions signed by numerous citizens and gotten up at public meetings came pouring into the executive office asking the governor to convene the legislature in special session to determine a course of action for the State. Many such petitions were brought to him by committees appointed to present the same to him in person. . . . This being often repeated produced the impression that he was determined not to call the legislature together, notwithstanding that it had been reported that he had said that he would convene the legislature if a majority petitioned for it, the improbability of which was regarded as a condition which negatived the call.\(^{47}\)

A contemporary contributor to the Texas Almanac also described the petition move and Houston's reaction:


\(^{47}\)Roberts, "The Political, Legislative, and Judicial History of Texas," p. 86.
The governor was petitioned from all parts of the state to convene the legislature in order thereby to obtain a full and fair expression of the wishes of the people as to what measures should be adopted in the critical condition of the country. These petitions, though endorsed by nearly all the public journals of the State and by numerous meetings in all the old and more populous counties, and in many new ones, embracing about four-fifths of all the counties and at least nine-tenths of the voting population of Texas, had no avail with our Executive, who still refused to allow the people this customary method of declaring our sentiments.  

On November 20, the secessionists made their last effort at petitioning Houston. They sent a committee from the city of Houston which included two of Governor Houston's old personal friends, Ashbel Smith and W. P. Rogers. The states' rights leaders thought that perhaps Houston would listen to Smith and Rogers. But Houston again stubbornly refused to budge from his position.

Having met with avoidance and denial, the separatists decided that it was time to act upon one of Roberts' other suggestions. While the Houston committee was still in Austin, they held a consultation and decided to make a citizen's call for a secession convention through meetings held in different parts of the state. At the others' request, Roberts immediately drew up a call and sent it to Houston, Waco, and Corsicana. However, in order to accommodate those who had not been able to attend the earlier meeting and sign the call, another call was drawn up

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similar to the first with the addition of ten signatures. Roberts intended to sign the call, but Chief Justice Wheeler convinced him that it would not be appropriate action for a judge on the Supreme Court bench. They then sent this call throughout the state and it met with prompt and positive response.  

When news of the strength of the movement for a secession convention reached Governor Houston, he decided to make a countermove in an attempt to avert or at least postpone the secession convention. On December 17 Houston announced that he would convene the legislature on January 21, 1861, one week before the designated time for the secession convention. Houston made this unexpected move in the hope, if not the expectation, that the convention would be cancelled to await the action of the legislature. Within minutes after Roberts heard what the Governor had done, he was writing letters to counteract the demoralizing effect which the news might have on the convention movement. He assured the other secessionists that it would produce no conflict and that they should proceed with their plans to elect delegates to the convention. That evening the secession leaders met and worked out a plan to make it appear that the action of the Governor was the very thing they wanted done. They published such a statement in an extra edition of the Texas State Gazette with the Governor's proclamation.

attached and sent it out over the country. Ford reported that Houston, upon reading the Gazette, exclaimed in a fit of anger: "The Scoundrels! They would contaminate Christ's sermon upon the mount if they could." The states' rights men had turned the tables on Houston and foiled his first overt attempt at suppression.

Houston tried a second diversionary move to forestall or otherwise suppress the convention. Using an old resolution passed under the Runnels administration in 1858, on December 27, 1860, Houston called an election of delegates to a convention of southern states, a proposal from South Carolina which he had previously rejected. He also wrote

The document prepared by the secessionists read as follows:

"Good News for the People

At last Governor Houston responds to the People so far as to call the Legislature together!

The Executive, as well as the State authorities, will now move in harmony with the great mass of the people!

The legislature is called by Proclamation to meet on the 21st of January next. This is in full harmony with a call of a convention on the 4th Monday of January, to be composed of delegates elected by the people on the 8th of January next, in pursuance of a call already made. The Legislature will ratify the action of the People, and the call of a Convention. There will be no conflict.

We call upon the people not to be misled by false pretexts--to move on in the exercise of their sovereign power. It belongs to them to determine whether their rights can be best secured in or out of the Union.

Let every patriot go to the polls and exercise his sovereign right on the 8th day of January."

(Ford, Memoirs, pp. 959-960.)

Ford, Memoirs, p. 962.
letters to the governors of the other southern states advising them of his actions. His letters were ignored and no election was ever held. The secessionists described his tactic as "a puerile effort to mislead the people" and "a flagrant trampling of the law underfoot by the Executive and his toadies." The secessionists could now declare that they had tried all normal discursive means of persuasion and had been met with both the control methods of avoidance and attempted suppression—tactics described by Bowers and Ochs. Since Houston refused to adjust or to capitulate to the petitions he received, the secessionists could justify the use of more drastic measures in order to secure their rights.

Promulgation

In order to convince the public to elect delegates to a secession convention, Roberts and the secessionists organized a comprehensive informational campaign. They sent out mass mailings, organized protest meetings and rallies, and exploited the newspapers. Immediately after the November meeting of secession leaders, Roberts wrote letters to


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all of the important Democratic leaders in the larger counties informing them of his plan. Then he mailed the resolutions, or call, which he had drawn up asking the people to vote for secession by sending delegates to the convention. After December 1, he mailed out approximately four thousand copies of his secession speech made at the Capitol.\(^{56}\) Wentworth Manning reported that "many thousand copies of his [Roberts'] speech were printed in pamphlet form and Texas was seeded down with them and many were sent out of state."\(^{57}\)

Roberts and the states' rights leaders also organized meetings, barbecues, rallies, and demonstrations throughout the state to inculcate their message. The meetings in the summer of 1860 showed the fearful and violent mood in Texas at the time. Because they felt that abolitionists were behind the fires, poisonings, and slave escapes, Texans held hundreds of mass meetings in which they organized vigilance committees and safety patrols to uncover the "abolitionist plots" and mete out the proper justice.\(^{58}\)

In the fall, the meetings concentrated on the petitioning of Houston. Roberts received many reports of such


\(^{57}\) Wentworth Manning, Some History of Van Zandt County (Des Moines: Homestead Company, 1919), p. 143.

meetings throughout the state. From Palestine Reagan replied to Roberts concerning the planning of such meetings:

The people of this County will hold a mass meeting next Saturday and will petition Governor Houston to call the legislature together at once to take such action as our condition requires. All of the other counties in this section will do the same.59

R. B. Hubbard reported to Roberts on the meeting in Smith County:

On Saturday last, we had the largest mass meeting ever held in Smith County. . . . We passed Resolutions expressing a determination to resist the administration of Lincoln and memorialising the Governor to call the Legislature. . . . There is scarcely any opposition here to our action. All parties, forgetting the bitter rivalries of the late contest [the Know-Nothing campaign], are united together in the common cause. The whole of Eastern Texas is aroused—and Northern Texas. If the West stands firm, therefore we can act as becomes an outraged—a sovereign people, above, in spite of Houston's brief authority [sic].60

G. B. Sexton wrote about the meeting in San Augustine:

Yesterday, one of the largest, most united meetings I have ever seen was held here. Col. Alex Newton presided and was the first to sign the petition to the Governor to convene the Legislature. . . . I hear accounts of large and enthusiastic meetings and demonstrations in Tyler, Henderson, Marshall, etc.61

After the secession leaders were convinced that Houston would not heed their petitions, they turned the meetings into anti-Lincoln, anti-Houston, pro-secession rallies, demonstrations, and public debates. At some of the rallies,

60 R. B. Hubbard to Roberts, 26 November 1860, Roberts Papers.
61 G. B. Sexton to Roberts, 1 December 1860, Roberts Papers.
speakers asserted that it was the duty of Texans to resist the inauguration of a sectional, Republican president even at the point of a bayonet. At many meetings like the one held in De Witt County, the citizens passed resolutions declaring that if Lincoln were elected, the South must dissolve all political connections with the North. The Breckinridge and Lane Club was organized on September 10 and became strong in Austin and throughout Texas. Rip Ford reported that Austin was the scene of much feverish activity where groups of secessionists constantly marched up and down the streets waving torches and carrying signs condemning Lincoln and the abolitionists. At one secession rally, Roberts spoke in favor of secession while over in the Capitol, Governor Houston still argued that they must all submit to Lincoln's victory at the polls. Roberts, Ford, and others planned a huge parade in Austin on January 5. Frank Brown described that day:

At mid-morning it moved off from the Capitol, with parade marshall Ford in front on a white stallion, followed by a blaring band, then a long line of carriages full of screeching ladies who waved Lone Star Flags, and finally a mass of yipping political leaders and agitators on horseback. Down Congress Avenue went the blatant mob, swinging around the corner to Eighth Street and stopping at

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62 Wallace, Texas in Turmoil, p. 56.


64 Ford, Rip Ford's Texas, pp. xxxv-xxxvi.
last at the intersection of Eighth and Colorado. There, while everyone shouted as loud as they could for a full ten minutes, a color guard ran the Lone Star flag up a 130-foot flagpole especially erected for the occasion.65

A unique form of political rally, "the serenade," became popular in Austin in December. The serenaders marched to the homes of the city and state officials and were rewarded with political and patriotic speeches.66

In 1860 Roberts again used the secession newspapers to spread the secessionists' message. These publications included the Austin Texas State Gazette, the Houston Telegraph, the Galveston News, the San Antonio Herald, the Marshall Texas Republican, the Dallas Herald, and the Clarksville Northern Standard. Edited by John Marshall, Roberts' friend and chairman of the Democratic Party in Texas, the Texas State Gazette was by far the most influential newspaper in the state. Through the Gazette, Roberts led a battle of words against Lincoln, Houston, Unionism, Republicanism, abolition, and "Helperism" and in defense of Breckenridge, southern rights, Democracy, and secession. The secessionists' attacks became increasingly bitter as inauguration time neared. While praising the bold, fearless secession "patriots," the agitators condemned the "insidious

65Frank Brown, Annals of Travis County and the City of Austin from the Earliest Times to the Close of 1875 (MS, Archives, University of Texas, Austin, Texas), Chap. 21, pp. 4-5.

66Gage, "The Texas Road to Secession and War," pp. 203-204.
and wicked Union shriekers who were waiting for the overt act from the Black Republicans." Also important to the secession leaders, the Gazette printed their major speeches in full and often published the speeches of important southern leaders to promote the cause of secession.67

In reaction to the secessionists' campaign, the opposition Texas Unionists also had their tactics of promulgation. They held large rallies and demonstrations and used the press in an attempt to stop the secession movement and keep Texas in the Union. Houston and his strongest supporters held meetings at the Travis Union Club, made speeches, and led parades and demonstrations. The men who helped Houston refute Roberts' messages and promulgate the Union message were U.S. House member A. J. Hamilton, George Paschal, and A. B. Norton, editors of the Southern Intelligencer; E. J. Davis, who later raised a Union force during the Civil War; James W. Throckmorton, later a delegate to the secession convention who voted against secession; and ex-Democrats E. M. Pease, former governor, and David G. Burnett, ex-president of the Republic. Their major papers were the Austin Southern Intelligencer, the largest and most influential newspaper,68 the Marshall Harrison Flag, the Fort


68 Austin (Texas) Southern Intelligencer, 15 September 1860.
Worth Chief and the Corpus Christi Ranchero. However, in spite of the Unionists' ardent efforts, the states' rights monopoly over news distribution in the South greatly facilitated the work of Roberts and the secessionists.

Image Building

Collectively, the southern secessionists had to counter the image of "Honest Abe." In Texas Roberts and his group had to fight the image of "the father of the Republic" and "the hero of San Jacinto." But by 1860 Roberts was very well known and well respected throughout the state, not just in East Texas. Bailey describes his reputation at the time:

Roberts had become by reason of his position on the Supreme bench a character of statewide influence, no longer merely a man of the 'East.' The position which he had gained as a party leader, furthermore, marked him out as a man whose judgment would be sought in a crisis. His political opinions, and his views on the great controversy, in this period of uncertainty, became in consequence as much sought after at the Capital as formerly in his own home district.

Just before and immediately after Lincoln's election, Roberts received many letters articulating the same question: "What shall we do?" John W. Overton, a Democratic leader in Smith County, wrote a typical letter to Roberts

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70 Reynolds, Editors Make War, p. 215.

saying that the people of Smith County were ripe for action and that they wanted "the serious counsel of their ablest and wisest men." Even the moderate Reagan listened to Roberts. Reagan wrote Roberts that his views were now in accord with Roberts' and that his cooperation might be counted upon in any important step which might become necessary to the "common safety and security if Lincoln be elected."

Bolstered by the confidence of the people in his opinions, Roberts decided to make a major speech on secession despite Chief Justice Wheeler's caution. Wheeler felt that the people would act without leadership, and in spite of the influence of Houston and the Unionists, would resist Republican rule. Roberts had more confidence in the influence of men in high position. He pointed out to Wheeler that Governor Houston, A. J. Hamilton, representative from the West, and now Judge Bell were making powerful efforts to reconcile the people to submission to a Republican president. Roberts told Wheeler that he believed "that someone whom the people had entrusted with high position should stand forth, and tell men that they were right in resisting; that it was due to them, and to the cause that they should be thus encouraged and fortified." Roberts apparently felt that he

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72 John W. Overton to Roberts, 5 November 1860, Roberts Papers.
73 John H. Reagan to Roberts, 1 November 1860, Roberts Papers.
74 Ford, Memoirs, p. 953.
was that "someone" and made his decision to "take the stand and champion the cause of secession." His decision was no doubt made easier by the encouragement of such men as Demo­

ocrat leader T. J. Chambers who wrote:

We look to you for light to guide and news to direct us onward. In ordinary times, I should re­
gret to see the storms of political strife ruffle, in the slightest degree, the sacred ermine of our judges, but when our institutions are shaken to the deepest foundation, it becomes not only their privilege, but their duty, to speak out boldly and enlighten us with their learning and wisdom.75

Roberts rarely used the personal pronoun "I" except in his introductions and conclusions, but to build his es­
tee, he always told the audience in some manner that he had been requested by the public to speak. Here, in 1860, he stated: "A public expression of my views, in reference to the impending crisis, has been solicited by gentlemen of all parties... I shall not hesitate to give my opin­ions freely." After giving his views, he apparently thought it sufficient to state that "I hope that it [the holding of the convention] will be done" in order to actuate the public to vote for secession.76

The tone in the speech, however, was no longer re­
strained as the language shows. He had been thoroughly an­
tagonized both by the actions of the North and by Lincoln's election and was confident in the rightness of his course.

75 F. J. Chambers to Roberts, 22 November 1860, Roberts Papers.
76 Roberts, "The Impending Crisis," pp. 21, 49.
He had always arisen in times of crisis to admonish the people as to what they must do. They could also count on him now. He knew what they were feeling and thought that he could express those feelings for them. Because of his esteem, his wisdom, and his apparent sincerity, Roberts could probably have convinced most Texans on his word alone. He had become, by 1860, the exhorter whom Edwin Black describes as "the agent of truth to his auditors and the validator of their emotions."  

Objectification

The source of Roberts' grievances was as usual the "fanatical North," the group which was "responsible for all the misfortune that had befallen the agitator's [Roberts'] votarists." In 1850 northerners were to blame for the Texas-New Mexico boundary dispute and in 1855 they were to blame for the rise of the Know-Nothing Party. But now they had gone too far. Besides backing abolitionist plots in Texas, the North had elected a Black Republican president who obviously intended to ruin their social and economic order and their entire way of life. Texas was in danger, Roberts warned, and he intended to show that it was the northern people and the Republican Party who were to blame.


Again, he did not vilify Houston nor did he vilify Lincoln. In fact he did not even mention the Texas Unionists. Perhaps he viewed the Texas Unionists as merely the "local" opposition who were in the minority even though some of them were very influential. Perhaps he did not mention them because Houston and some of the Unionists were in the audience. For whatever reasons Roberts went directly to what he believed was the source of all their grievances.

To degrade and stigmatize the North and the Republicans, he referred to them in such terms as "the revolutionary party of the North," "this aggressive party," "persons entirely ignorant of our condition and interest," "a few powerful Northern states," and "furious fanatics." He labeled their actions as "unauthorized aggression," "endless, wrangling, raging discord," "intermeddling interference," and "disregard of a sacred compact." 79

Roberts was especially derogatory when he discussed the North's agitation and harboring of fugitive slaves. Facetiously he hypothesized:

Suppose the Northern States, believing slavery to be a sin and a great social and political evil, and having nursed and cultivated a virulent antipathy towards this institution, should permit a set of fanatics to prowl along the borders of the free states, watching an opportunity to decoy a slave from his master, and have him conveyed by the aid of his associates and the connivance of the sympathizing community, beyond the reach of

his owner; or if the master should pursue his property, an infuriated mob of free negroes and worse white people, rescue the slave and defy the laws of the State and of Congress, and perhaps avail themselves of some imprudence of the indignant and outraged owner, slay him with impunity, and the State permits it, or what is worse, discharge the culprits, after a trial which is made a mockery of justice by the same mob filling the court-house, and making another rescue by the force of perjury.

... Good men there are, ... who regard robbery and murder, and resistance to lawful authority as more heinous offenses than owning and pursuing a fugitive slave. The hands of those good men must be tied so as to let the motley mob execute the higher law of public opinion. [italics mine]80

Roberts also stigmatized, as he always did, the Federalists' (northerners', Republicans') loose or liberal interpretation of the Constitution as the basis of their misdirection:

This [liberal construction] induces a continual effort to find powers in the Constitution that are, in fact, not expressed, and were never intended to be delegated. By this means, the powers of the government are perverted by being the instrument of accomplishing favorite objects not at all embraced within its scope of constitutional action. ... It is a change by the infusion of extraneous elements, ... through the perversion of its powers, or through the usurpation of additional powers not granted. ... The preponderance of Northern mind has been predisposed thus. ... Hence Federalism, of which this is the essence, though often beaten back, as often renews its form of development, and then seeks to engraft itself upon the government, and now more than ever, bold, triumphant, and arrogant, demands its admission into the government.81

Objects also of his wrath were again the northern preachers. He accused them of injecting their moral and

80 Ibid., p. 34.
81 Ibid., p. 39.
religious ideas into politics and of impressing themselves upon the government of our country. He abhorred the fact that "their preachers have been leaders in all the political excitement, from the day of Cotton Mather, to the present time and this practice has given great prominence to political measures, which involved moral or religious questions." Not content to spread their fanatical gospel at home, these northern preachers also felt it their duty to go abroad "to array the public sentiment of the world against the institution [slavery]." 82

Roberts asserted that the North had accomplished almost all of their goals against the South by plotting "a well concerted scheme of continuous aggression." For years they had fomented "agitation, discord, and division." They had been the "fanatical aggressors" and are therefore to blame for the present crisis. 83

While Roberts was objectifying the North, Houston was calling Roberts and the secessionists "villains" and "traitors." In a speech to a Union gathering in Austin, Houston denounced Roberts and the disunionists as reckless and mischievous agitators. He stated: "There is no longer a holy ground upon which the footsteps of the demagogue may not fall." He then accused the separatists of tearing down the altars of our liberties, jeering at the Declaration of

82 Ibid., pp. 41, 45.
83 Ibid., pp. 37, 41.
Independence, deriding the farewell counsels of Washington, and making the Union secondary to the success of party and the adoption of abstractions. He called them "transplants from the South Carolina nursery of disunion." He labeled them "selfish chieftains who would become prey to foreign powers," "unsatisfied and corrupt politicians who long for title and power," and "wealthy knaves who have pliant tools to work upon in the forum and with the pen." In a December speech, he called them "agitators," "enemies," and "disunionists" who would prejudice the people against him in advance of his actions. In a letter to his son he declared that "The Demons of anarchy must be put down and destroyed. The miserable Demagogues and Traitors of the land must be silenced, and set at naught."\(^{84}\) In general Lincoln, Seward, and the northern people viewed the secessionists as obstinate, arrogant slave-holders who refused to listen to reason. Lincoln would try to conciliate, but he doubted that the southerners would listen.\(^{85}\)

**Legitimation**

All secessionists justified their right of action on the theory of state sovereignty (states' rights, the compact

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\(^{84}\)Sam Houston, "Address at the Union Meeting," Austin, Texas, 22 September, 1860; "Address to the People of Texas," Austin, Texas, 3 December, 1860; and Houston to Sam Houston, Jr., 7 November, 1860 in Williams and Barker, *The Writings of Sam Houston*, 8: 145-160, 184-185, 206-208.


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theory of government). They all believed that the Federal Government was created by a voluntary union of free, sovereign, independent states joined in a spirit of mutual confidence and respect, recognizing the equal rights and privileges relative to the diverse interests and institutions of each of the sovereign states. They believed that they could also dissolve that union whenever the central government tried to destroy a state's independence or ancestral institutions. Some admitted that a state had no constitutional right to withdraw from the Union and regarded secession as revolution. Some based their action upon eternal principles of human rights as expressed in the Declaration of Independence. Others, like Roberts, based their right to act upon constitutional grounds. 86

Constitutional legitimation was Roberts' chief modus operandi. He used his vast knowledge of constitutional law to explain and interpret the Constitution in a way that would justify, vindicate, and legalize his actions to his satisfaction and to the satisfaction of his states' rights colleagues and the general public. Roberts used constitutional legitimation to justify two major rights of action—the right to hold and protect slaves and the right to secede.

Roberts began his speech by stating the effect, which was the crisis caused by the election of a "Black Republican" whose administration would bring about the destruction

86 Dumond, The Secession Movement, p. 120.
of the states' domestic institutions. He then led the audience to his favored solution through a form of the method of residues.\textsuperscript{87} To the question, "What action then, may the people rightfully adopt in so serious a crisis?", Roberts presented four all-inclusive constitutional possibilities. He then proceeded to show that the last possibility— that of assembling a convention through the people— was the most satisfactory. He did not overtly state that the other possible alternatives were unsatisfactory, but because they were either impractical or impossible at the time, he allowed the listeners to supply this unstated step in the reasoning process. First he stated that the governor could convene the legislature to effect a remedy. Everyone knew that Houston had stubbornly refused to use this alternative even after weeks of petitioning and he would not try this move as a countermeasure for almost three weeks. Secondly Roberts suggested that the legislature could request Congress to call a convention of all the states to propose amendments to the Constitution. The unlikeliness of this action was apparent. Thirdly he stated that the legislature could provide for a convention of delegates representing the people in their sovereignty. This measure was impractical because the legislature was not due to meet until after Lincoln's inauguration and Roberts and the secessionists

wanted to have something accomplished by that time. Then he proposed his fourth and last possibility for which he supplied abundant advantages: "Or, a convention may be assembled without a call from the legislature, or from any department of State government, by concert among the people themselves." Roberts then asserted:

Such convention, however assembled, might declare the grievances of the State, appoint delegates to sister States, to devise a plan of common redress within the Union, or it might indicate terms upon which the State could continue quietly to perform its duties within the Union. . . . Should such a convention be assured that it represented the will of the people, . . . it may declare the people absolved from their fealty to the general government and devise such measures as may be necessary to protect their rights and liberties as an independent sovereign.88

Here, again, the alternatives were presented as objective choices. However, since Roberts was a known advocate of secession and since the majority of his speech justified the right of secession; it was clear which action he favored.

Before Roberts stated the specific constitutional provision on which he based the right of secession, he gave a lengthy explanation of the compact theory of government or what he termed "the established theory of our government" which in itself provided justification of secession. After explaining that the Constitution of the United States was "a written compact between independent sovereign states which formed a general government of delegated limited

powers," he proclaimed that "if this compact, thus entered into, be palpably broken by the deliberate action or non-action of the States, or of the general government, . . . it may rightfully, acting in its sovereign capacity, pronounce the compact at an end . . . ." The official state government had this power or a mass of individuals elected by the people had this power, he stated. He then referred to the Tenth Amendment which provided that the powers not delegated to the United States by the Constitution were reserved to the states and contended that "one of the powers reserved was that inherent right of the people to make and unmake governments, to alter, reform, or abolish their form of government. This was expressly reserved by the people of Texas in their constitution. . . ." Roberts was referring here to the first section of the Bill of Rights of the Texas Constitution which he included in its entirety in his written call for secession.

In a continued attempt at legitimation, Roberts proceeded to prove that slavery was constitutional and that the actions of the northern states toward slavery were unconstitutional and the cause of the present crisis. Here

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89 Ibid., pp. 27-28.

90 Roberts, "To the People of Texas," p. 1. The section reads as follows: "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and they have at all times the unalienable right to alter, reform, or abolish their form of government, in such manner as they think expedient. (1st section of the Bill of Rights)."
Roberts declared that the Constitution of the United States furnished provisions which served as treaty stipulations between the states and as the fundamental law of each state. He listed a number of articles on the coining of money, etc., until he came to the evidence applicable to his point—Article IV of the Constitution. He quoted:

No person who shall be held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service, or labor may be due.91

He contended that the observance of the provisions was important to our system of government in two respects:

1st. That the general government may be allowed to perform those functions of government which are indispensable to the existence and preservation of a common government for all.
2nd. That the rights of each State which it enjoys under its reserved powers, however peculiar they may be, in response to the interests, opinions, habits, pursuits, or prejudices of its own people, may be respected and accorded to it by the public authorities and citizens of every other State in the Union.92

All of this, he believed, was positive proof that the Constitution protected slavery.

To defend his cause further, Roberts then went into a lengthy description as to why the North was the cause of the "impending crisis." The North had accomplished their deeds of aggression not only by their non-return of fugitive slaves but also by their exclusion of slavery from the territories, by the general recognition of universal freedom,

91Ibid., p. 32.
92Ibid., pp. 32-33.
by the use of the patronage of the Executive branch to discriminate against slave labor, by fomenting agitation and discord through a free press and free speech, and by agitating the question until all the departments of the Federal Government were enlisted in the cause. These acts, to Roberts, were unconstitutional and incendiary. Whatever happened, then, as a result of the present conflict, would not be the fault of the slave-holders because they were legally right. The fault would lie in the opposition's arrogance and obstinacy.

The opposition—Lincoln, Houston, Republicans, Unionists—all stood firmly on "the supreme law of the land" clause in Article VI of the Constitution which was a power of the national government and therefore could not be a residual power of the states. Lincoln best legitimized their constitutional stand against slavery in 1860 by pointing out that neither the word "slave" or "slavery" could be found in the Constitution, that no such right was specifically written in the Constitution, and that the majority of the founding fathers "certainly understood that no proper division of local from federal authority, nor any part of the Constitution, forbade the Federal Government to control slavery in the federal territories . . . ." To them the Constitution

93Ibid., pp. 41-42.

and the Union were inseparable and inviolate; it was the disunionists who were misinterpreting it.

Mythication

Arthur Smith explains best how the agitator uses mythication to glorify his cause:

By suggesting that 'it is our destiny,' 'the flow of history dictates,' or this plan is good for 'our children,' the rhetor effects an exhortation for his audience. The audience is connected to the great universe . . . . The group possesses a spiritual dynamism that sets it off from all other groups because of the appropriation of certain supra-rational influences to its cause. The members of the group become for all practical reasons the chosen people, the saviors, and the beautiful. They recognize the peculiar challenge confronting them as a group if the rhetor speaks to them in terms of forefathers and posterity. Indeed, the group often feels that it must perform the planned task, and it alone.95

Roberts used appeals to history, the forefathers, the race, destiny, and posterity to bestow upon his followers this feeling of selection, of particularity. He stated directly: "The facts of history are on our side." He claimed that history would bear out the fact that the Constitution and the forefathers were on their side. Indeed the Constitution would never have been adopted without provision for the delivery of escaped slaves. Even "Mr. Madison" agreed with him on that issue, he inferred. Even "Mr. Webster" and General Jackson made statements which backed his cause. He reasoned from tradition that "we have always had slavery;" "it is part of our heritage;" and "it is part of our social

95Smith, Rhetoric of Black Revolution, p. 37.
organization." Besides that, "the civilized world is with our cause: Spain maintains slavery in Cuba; . . . Brazil maintains slavery; . . . Russia has millions of serfs; . . . the cooley trade proves it." 96

Roberts also appropriated suprarational powers to his cause and to his followers by claiming racial superiority. He maintained:

It [slavery] tends to the perpetuation of our republican institutions, by establishing an inferior class, fixed by law, and known by color, and by promoting the equality of the superior white race. Nor is this a legalized fiction. For the African race is indeed the inferior, intellectually, and for that reason the better fitted for its position of servitude. 97

He continued in this vein:

We believe in the enslavement of the African race because we believe it is right—morally and politically right—that it is sanctioned by revelation, and by the immemorial custom of mankind, and was never questioned until lately. . . . 98

Roberts believed that it was the white man's destiny to protect and provide for his slaves due to their inferior intellect. He wondered what they would do if they were freed. He answered: "We cannot turn them loost [sic] amongst us. It would be an act of inhumanity to them. They would have no one to protect them. They would descend to the vilest barbarism." Parrington explains this myth perpetuated by the southern slave-holder:

97 Ibid., p. 25.  
In the South, they [the southern apologists] pointed out, . . . the master was responsible to society for the treatment and conduct of his slaves. . . . The workers were never troubled by uncertain means of subsistence. . . . Living conditions were commonly pleasant, and the personal relations between master and slave kindly and loyal.\(^99\)

Roberts was also concerned about posterity if the negroes were freed and postulated that "a war of races would ensue, and if they were not exterminated, they would hang upon our society, a demoralizing, degrading element dragging us down in the scale of civilization." If the "menial services required by society" were not performed by the African race, they would have to be performed by the sons and daughters of white people.\(^100\) Roberts believed, like the southern fire-eaters, that if the nation were not kept "a white man's country," they and their descendants would suffer ruin, degradation, and dishonor.\(^101\) Roberts sincerely felt that the white race was not meant for such a destiny and that rather than a sin, it was a moral good.\(^102\)

The opposition also made use of the strategy of mythication. The anti-slavery advocates did not appeal just to


\(^102\)For a more extensive treatment of this topic, see Roberts, "On the Use and Misuse of the Principle 'All Men Are Created Equal'," Public Lecture at the University of Texas, Austin, Texas, 26 February 1892, printed in Our Federal Relations, Appendix 1, pp. 1-23.
history, the forefathers, or posterity. They truly believed that God was on their side. Many secessionists appealed to God or to Christianity, but not as frequently or as zealously as the abolitionists. God, they believed, had bestowed upon them a special vision to see the right. To the Republicans and Unionists, the struggle was between truth and error, right and wrong, morality and sin, with truth, right, and morality on their side. To glorify their cause, they called not only upon God, but upon liberty, freedom, justice, and humanity. In his First Inaugural Address, Lincoln called on "the Almighty Ruler of nations with his eternal truth and justice," "Heaven," "the mystic chords of memory," "the patriot grave," "the chorus of the Union," and "the better angels of our nature" as suprarational support. In the use of mythication the secessionists had met their match in the anti-slavery orators.

Solidification

In 1860 Texans were ready for action in some form. They had changed their attitude toward the secessionists from disapproval to apathy to sympathy. To marshal the sympathizers into a more unified, purposeful group and to reinforce the cohesiveness of the confirmed secessionists,

103 Oliver, History of Public Speaking in America, pp. 229-239, 253-269, 283-308.

104 Abraham Lincoln, "First Inaugural Address," in Parrish and Hochmuth, American Speeches, pp. 42-43.
Roberts used appeals to their pride and their fear in his speech. To solidify further the people in a common cause, Roberts and the states' rights leaders utilized in-group publications, novels, poems, symbols, and slogans.

Taking advantage of the Texans' malaise, Roberts appealed to their injured pride and to their fear of what may happen if they stayed in the Union and submitted to Republican rule. Invoking their pride, he boasted of their intelligence, judgment, and honor:

Which one of these remedies may be adopted, it is for the people to say when they have found the means of expressing their will. . . . I have no fear that inconsiderate rashness will control them. They have pondered on the issues of this crisis long and well. It is not unexpected. They have their minds made up about it. . . . Our people are not asking or seeking to extort any favors from the government to themselves, or deprive others of any rights. They have no motive or desire for a social rupture at home. [They have] a high resolve now to throw themselves into the breach, not to destroy, but to protect rights; not to destroy property, but to protect property; not to destroy life, but to make life worth having; not to produce discord, but to end it. . . . I will not yield to any argument founded on their want of discretion, want of intelligence, want of integrity to act for themselves in a serious emergency and to act upon it now.105

He continued by pointing to the patriotism and the long-suffering patience of the Texans:

. . . They love the Constitution of their country and would consider it now as a great boon to be allowed to live in peace under it. . . . But the truth is, that their patience is exhausted by this wrangling, raging discord, with which they have so long been beset, . . . this arrogantly assumed control of their destiny by others, the oft-repeated

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and continued violations of plighted faith and disregard of a sacred compact.\textsuperscript{106}

To solidify and activate his audience, Roberts appealed to their fear of the loss of property and of rights:

\ldots And justly alarmed by the rapid progress of an infuriate revolutionary spirit, which under the guise and forms of government, threatens to overwhelm them, and destroy their civilization, and ultimately to lay their country in waste, they are rising in their might of outraged manhood, to settle the question.\textsuperscript{107}

Roberts stated that the public's patience was exhausted and that they were rising to action as fact in the hope that their impatience and action would match that of the secession leaders. Of course, he went on to suggest what action they might take.

Roberts and the other secession leaders also sought to unify the people sympathetic to secession into a more loyal and more active group through the use of such in-group devices as propagandistic prose and poetry, symbols, slogans, and in-group publications. The secessionist papers, especially the \textit{Texas State Gazette}, the \textit{Marshall Texas Republican}, the \textit{Dallas Herald}, and the \textit{Houston Telegraph} were so biased that they served as partisan publications. Hand-bills, pamphlets, and broadsides also publicized and promulgated the southern oriented prose, poetry, symbols, and slogans.

\begin{itemize}
\item \textsuperscript{106}Ibid., pp. 24-25.
\item \textsuperscript{107}Ibid., p. 25.
\end{itemize}
Proctor states that the poets, songsters, and writers all added their contributions to the mounting volume of southern propaganda used by the secessionists. In response to Harriet Beecher Stowe's *Uncle Tom's Cabin* and Hinton Helper's *The Impending Crisis* in the South, southerners became aroused to the need of counterpropaganda. Fourteen pro-slavery novels appeared in reaction to *Uncle Tom's Cabin* and many of them were conveniently assembled for the southern reader in a work entitled *Pro-Slavery Argument*. The secessionists also used other novels such as L. B. Chase's *English Serfdom and American Slavery*, J. W. Page's *Uncle Robin in His Cabin in Virginia* and *Tom Without One in Boston*, and S. H. Elliot's *New England Chattels* to defend slavery and the slaveholder.

An excerpt from the long poem, *The Hireling and the Slave*, by William Grayson, serves to exemplify the southern poetry of defense exploited by Roberts and the secessionists to unify their followers. Grayson first contrasted the deprived northern laborer (a wage slave) with the happy southern slave and then denigrated certain abolitionists such as Sumner, Greeley, Seward, and Stowe:

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There supple Summer, with the Negro cause,
plays the sly game for office and applause;
What boots it if the Negro sink or swim?
He wins the Senate—'tis enough for him.

There Greeley, grieving at a brother's woe,
Spits with impartial spite on friend and foe.
To each fanatical delusion prone,
He damns all creeds and parties not his own:

There seward smiles the sweet perennial smile,
Skilled in the tricks of subtlety and guile;
The slyest schemer that the world e'er say;
Peddler of sentiment and patent law.

Not such with Stowe, the wish or power to please,
She finds no joy in gentle deeds like these;
A moral scavenger, with greedy eye,
In social ills her coarser labors lie;

The Texas State Gazette was the most prolific publisher of
the southern literary propaganda in Texas. Besides running
lists and reviews of southern literature, the Gazette often
printed the literary products of the Texas secessionists.
The following poem was an example of the pro-salvery, pro-
secession fare in 1860:

Up, Up! ye Southern Freemen,
Rouse ye at the trumpet's call,
Past is the hour of dreaming;
Break ye the oppressor's thrall.
No longer idly dally,
No more your duty flag;
Under the Lone Star rally,
Ready 'to do or die.'
Gallant sons of gallant Texas,
O'er your head the Lone Star waves;
Fight ye now, beneath that banner,
Or forever ye will be slaves.

110 Ibid., pp. 105-107.
111 Austin Texas State Gazette, 10 December 1860.
Roberts and his group also utilized the symbol of the Lone Star Flag and various slogans to solidify their followers. Roberts and other Texans had warned earlier that the Lone Star Flag was standing by, ready to be unfurled. Those warnings had not been idle. Roberts reported that when the news of Lincoln's election reached Texas, Lone Star flags were hoisted in almost every town and village in the state. He explained that "it was not the result of a boisterous and excited impulse" but that it was "a deliberate act done in the face of a crisis"; it was a symbol of serious determination "which could be pictured upon men's faces, to stand by and for Texans in every possible emergency."112 Lubbock wrote the same: "When news of Lincoln's election reached Texas, the Stars and Stripes came down and the Lone Star Flag unfurled in its place."113 Ford reported that the culminating act of most secession rallies and parades was to unfurl the Lone Star Banner. In Austin a special flagpole was erected on Congress Avenue to accommodate a 60-foot by 20-foot Lone Star Flag.114 In his speech on December 1, Roberts stated: "The 'Lone Star' flag now floats over every city, town, village and hamlet throughout all Texas,"


114 Ford, Memoirs, p. xxxvi.
and "... let the flag that arose triumphantly upon the plain of San Jacinto, and that now flutters in the breeze throughout Texas be our flag forever." In 1860 the Lone Star Flag was more than a token emblem. It was an active symbol of self-identity and self-determination.

To counteract the slogans and maxims of the abolitionists such as "There is a higher law," "A house divided against itself cannot stand," "Right makes might," "the irrepressible conflict," and "the Constitution and the Union," Roberts and the secessionists coined their own. "Damn the Union and the Black Republicans" and "Damn Lincoln and Damn the Union" were heard at every secession rally. The word, "Black," itself served as a double entendre. To show that they could subsist economically out of the Union, they shouted "Cotton is King!" To counteract the slogans of the Texas Unionists such as "The Union must be served" and "Wait for the overt act," they shouted "Safer out than in" and "Secession, not submission!" Rip Ford popularized the slogan "My section is my country," and Roberts rephrased the maxim from the Declaration of Independence, "All men are created equal" to state "All men are endowed by their Creator with certain inalienable rights; among these are life,


liberty, and the pursuit of happiness; and that in respect to those rights, they are created equal."

Polarization

To drive the North and the South even further apart, Roberts repeatedly contrasted the two sections so as to favor the South. By so doing he fulfilled a task of the antagonist-rhetor which Black explains is "to produce discourse that can overcome an active opposition and, simultaneously, contribute to the attractiveness and credibility of the rhetor's ideas."

Roberts polarized the northern states and the southern states, the northern mind and the southern mind, Massachusetts and Virginia, their people and our people, and fanatical aggressors and long-suffering patriots. Using the language of divisiveness, he stated:

The great question before the American people is, shall the institution of slavery be put upon a sure basis of gradual extinction. The Northern controlling majorities say it shall. The South says it shall not... This is our institution—not theirs... our political government, ... our social organization, ... our industrial pursuit, ... our capital. ... We apply the force to an inferior race, and they to a part of their own ...

Using parallelism at another point, he contrasted Federalism

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118 Roberts, Our Federal Relations, Appendix 1, p. 1.
119 Black, Rhetorical Criticism, p. 150.
and its liberal theory of construction to democracy and its strict theory of construction:

The preponderance of Northern mind has been disposed thus to enlarge the powers and objects of the general government. . . . The preponderance of the Southern mind has resisted this usurpation and perversion of government. Massachusetts, the mother of Northern States, and author of their leading ideas, is the type of the former principle; Virginia, the mother of Southern States, and author of their leading ideas, is the type of the latter.121

In addition to divisive language, Roberts exploited a flag issue, a flag individual, and a flag group to polarize the North and South and to force the uncommitted Texans into a choice. Roberts presented three major issues in his speech. The first issue was that slavery was good. His three sub-points here were: slavery is economically beneficial; slavery is morally right; and slavery is constitutionally right. His second issue was that the northern states were plotting to deprive the southern states of this fundamental right. Here he argued that the North crossed southern borders to free slaves, refused to return runaway slaves, openly vowed to destroy their domestic institution, and a northern Black Republican, who would carry out the destructive scheme, had been elected President. His third major issue was that secession was the proper course. To develop this point he argued that secession was constitutional, secession was justified, and secession was necessary.

121Ibid., p. 39.
The second issue, wrongful northern aggression, received the most attention and was the emotional flag issue. The question here was: "Can we afford to allow the fanatical northern aggressors to take away our most precious and fundamental rights without rising to protect those rights?" If he could prove to the people that Lincoln and the North truly intended to take away their most fundamental and beneficial right, he could force them into a conscious choice between passive submission and active separation. He presented an either-or proposition. Either they could submit to a dictatorial Republican ruler or they could secede and be free to retain their own economic and social order. They could not do both. The time had come to decide. In his third issue, he made their decision simple for them by presenting secession as the constitutional, justified, and necessary course to take.

The flag individual was, of course, the "Black" Republican president, Abraham Lincoln, and the flag group was the "Black" Republican Party. This group, he pointed out, was the odious, fanatical, antagonistic, aggressive party led by an equally fanatical and arrogant Lincoln who would ruin their entire way of life. 122 Roberts' pride appeals, his fear appeals, his divisive language, his flag issue, and the total force of his objectification and antagonism was aimed at the "fanatical Black Republican Party" led by a man who was now in a position to ruin the South.

122 Ibid., pp. 22-49.
Escalation/Confrontation

The South did not take the northern slogans and abolition threats lightly. To southerners such statements as Lincoln's "house divided" and Seward's "irresponsible conflict" were calls to arms. They would retaliate. They would go to war before they would submit to abolition.123

In Texas Roberts did his part to escalate the tension and goad the Federal Government into disproportionate reaction. To effect this, Roberts used the tactics of rumor and threatened disruption.

The use of rumor is described by Bowers and Ochs as belonging to a general tactic which they term "contrast." Its goal is "to ensure that the establishment will expect the participation of large numbers of agitators, whether this expectation has any objective reality or not."124 Brembeck and Howell also discuss the use of exaggeration as a tactic of rumor spreading.125 Roberts and the Texans exaggerated both the quantitative and qualitative strength of the state and of the South to heighten the tension. They often warned the North of the South's potential power:

123 Roberts, "The Political, Legislative, and Judicial History of Texas," p. 75.

124 Bowers and Ochs, The Rhetoric of Agitation and Control, p. 35.

That we are on the eve of revolution and war is equally clear, but the South can defeat the North. It can stand a degree of taxation which would beggar any other country, and still remain rich and prosperous; and money always commands armies and navies in unlimited numbers.126

The secessionists rarely included specific numbers of forces or amounts of money, but used such language as "unlimited numbers," or "tremendous wealth." But the Texans were readying themselves for war and openly boasted of their numbers and valor. Each county was preparing its men and arms. One military leader reported to Roberts:

Our people here are thoroughly aroused upon the subject of secession. More than six-hundred are already enrolled as minute men. Some $2500 has been donated to buy arms. We have ordered breach rifles to arm two companies. There will be at our next Battalion muster some eight full companies from this county alone. They are impatient. . . .127

Also the Texans made sure that northerners knew the quality of southern valor. They bragged that one Texan could whip five northern men in a fair fight and that the southerners could easily and quickly beat the Yankees. Southerners were more accustomed to carrying arms, more reckless of life, and more fearless of death. Texans thought that if the North were cognizant of their "unlimited numbers," their tremendous wealth," and their "blood-and-thunder bravery" that the Yankees would either be too scared

126 San Antonio (Texas) Herald, 17 November 1860.

127 T. M. Harwood to Roberts, 7 December 1860, Roberts Papers.
to fight them or would over-react and be defeated. Roberts added to the rumor when he stated that "the controlling intellectual and physical strength of the State . . . can be very well ascertained by the unanimity, ardor, and firmness with which the mass of the people enter into the movement" and that the highest civil and military powers of the State would be exerted to protect the people.

Roberts and the Texas secessionists had become braver and angrier with their threats in 1860. They threatened not only dissolution of the Union but violent retaliation if opposed. Roberts warned that Texas and the southern states were "arming and disciplining themselves" and that "a single federal gun aimed at a withdrawing State, will kindle a blaze of war from the Potomac to the Rio Grande." He also stated that the "overt act" had already been committed, that Texas must not wait or "defeat will be a matter of time only," and that as brave freemen they must "stand upon the outer wall" rather than see "the black flag of fanaticism waving triumphanty" over their beloved South. Again he threatened the North: "We cannot and will not yield. Our domestic institutions belong to our guardianship. . . . We have the reserved right to control our own destiny." He continued his threats:


When States have to be forced by military power to the performance of their constitutional obligations, . . . the sword will be higher authority than precedents in law books, and the cannon's roar will be more convincing than the eloquence of statesmen. . . . If we cannot protect our rights within the Union, we will withdraw to protect them. . . . The Southern States must act promptly and act together to present the alternative to those Northern majorities, requiring them to choose between anti-slavery and the Union. They cannot have both.\textsuperscript{130}

In his conclusion Roberts reminded his audience and the North that southern valor was usually triumphant:

Texans may cast their votes on that day [January 8, the anniversary of the Battle of New Orleans], inspired by the brilliant achievement that made it memorable: Southern valor driving back the enemy . . . that dared to invade Southern soil.\textsuperscript{131}

While Roberts was issuing threats from Texas, Wigfall and the other southern senators were making threats in Congress and the other states' secession leaders were preparing for disunion and threatening violence if opposed. Confrontation was near. With rumors and threats, Roberts increased the tension and hastened Texas toward that confrontation.

\textbf{Effects}

Roberts' speech on December 1, 1860 was reported to have been the turning point in the action in Texas toward secession.\textsuperscript{132} It had an immediate and profound effect on all who heard and read it. The people expressed their

\begin{itemize}
\item \textsuperscript{130} Ibid., pp. 22-47.
\item \textsuperscript{131} Ibid., p. 49.
\item \textsuperscript{132} Ford, Memoirs, p. 968 and Roberts, "The Political, Legislative, and Judicial History of Texas," p. 92.
\end{itemize}
approval through hundreds of letters to Roberts and to the newspapers. Some wrote that his speech was "a profound and patriotic speech—the most lucid and comprehensive information on the subject yet" and "a concise, luminous and powerful elucidation of the great principles upon which our civil and political systems rest, of the wrongs of which we justly complain, and of the remedies which we may apply." Others wrote: "Your speech was a great approbation. It has done much good.", and "Your speech was complete and unanswerable." Others expressed the sentiment that they looked forward to his "lead in our new prospective relations." A. B. Ellis of Comanche expressed the feelings of the people:

Comanche is now almost unanimous for secession. What few Southern tories [Unionists] we have are afraid to cheep. . . . What spectacle can move stronger upon a brave and generous heart than that of an insulted state attacked by a base and mercenary enemy. Go on, Judge! Reagan, too, had decided that the time for delay had passed and the time for immediate action had arrived. He wrote Roberts after his speech: "I hope Texas may be able to go out before Lincoln's inauguration—the majority of the Black Republicans will insist that the southern states will not go out and they will not believe nothing else [sic]

133 M. S. Long, 14 December 1860; T. J. Chambers, 21 December 1860; Peter W. Gray, 29 December '860; Gil McKay, 26 December 1860; Albert N. Mills, 19 December 1860 to Roberts, Roberts Papers.

134 A. B. Ellis to Roberts, 4 January 1860, Roberts Papers.
until the separation has taken place."\textsuperscript{135} Roberts' speech had convinced even Chief Justice Wheeler to enter actively into the conflict. On December 15 Wheeler sent the press a letter sanctioning the convention and afterwards made a speech in defense of secession.\textsuperscript{136}

He had waited a long time, but Roberts now represented popular opinion. The \textit{Gazette} printed his speech, praised it, and published letters of approval. One such letter from Hollandale, Texas read:

\begin{quote}
The citizens of this county have now passed resolutions of resistance to the encroachments of our Northern enemies. . . . The world has lost its meaning. That we can't live in brotherly love any longer is manifest . . . .\textsuperscript{137}
\end{quote}

As expected Houston and the Unionists reacted with antagonism. On December 3 Houston addressed the people in an effort to counter Roberts' speech:

\begin{quote}
Fellow Citizens: Although the excited state of public feeling growing out of the later Presidential election has induced many to believe the people have become the victims of agitators, yet I still have the confidence in their good sense to believe that they are not lost to reason. Many efforts have been made to prejudice you, in advance of my action, and to convince you that I am unmindful of your interests, and blind to the fact that the time has come when they may be endangered, unless vigilantly cared for. The fact that I have entertained and have announced that the election of a President in the mode pointed out by the
\end{quote}

\textsuperscript{135}John H. Reagan to Roberts, 7 December 1860, Roberts Papers.

\textsuperscript{136}Austin Texas State Gazette, 22 December 1860 and Roberts, "The Political, Legislative, and Judicial History of Texas," p. 92.

\textsuperscript{137}Austin Texas State Gazette, 8 December 1860 and 10 December 1860.
Constitution, is no just cause for revolution and a dissolution of the Union, has been construed and proclaimed by my enemies, to be an evidence that I would use my executive powers to thwart the will of the people of Texas, and that I was ready to submit myself and see them submit themselves to a violation of their rights by the Federal Government. Such ideas are repugnant to my feelings. . . .

Other Unionists called Roberts' speech "slave propaganda" which was "filled with more fire than eloquence." But the die was cast. Some Unionists even crossed over and joined the Democrats. One group of Unionists signed a petition and sent it to Roberts with the message: "Show it to Old Sam." Even Judge Bell became a moderate secessionist and refused Houston's request that he prepare for him a constitutional argument against the right of secession.

From the time of his speech to the election for delegates to the convention, Roberts masterminded the campaign for the secession convention. He led the other "hot-headed secessionists" in "breaking up Union meetings," "clamoring for secession," and "denouncing anyone who dared to speak for moderation." On January 8 the election began and on that day Roberts was elected a delegate to the convention

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138 Sam Houston, "Address to the People of Texas," 3 December 1860 in Williams and Barker, The Writings of Sam Houston, 8: 206-207.
139 Manning, Some History of Van Zandt County, p. 143.
140 Rufus Price to Roberts, 7 December 1860, Roberts Papers.
141 Friend, Sam Houston, p. 331.
142 Ford, Memoirs, pp. 315-318.
from Smith County. During the next month the people of Texas went to the polls and voted for delegates who were in favor of secession by an overwhelming margin. Few Unionists participated in the election, either as candidates or as voters.

Roberts' agitative strategies had worked well in 1860 with both his immediate and his larger audiences. He had convinced them that the North was to blame for the crisis, that slavery and secession were legal and justified and that some action must be taken immediately. Persuading his listeners that a secession convention was the first step to take and solidifying them into an organization with a purpose, he had built a reputation parallel to Sam Houston's. Now the leader of the Democratic Party and the leader of secession in Texas, he would soon be elected president of the Texas Secession Convention, which, by decree of the people, would convene on January 28, 1861.

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CHAPTER VI

CONFLICT: THE TEXAS SECESSION CONVENTION - 1861

Situation

As designated in the call for secession, the Texas Secession Convention assembled in Austin on January 28. Following the certification of delegates, the first order of business was the election of a president. Oran Milo Roberts was elected by acclamation.1 Roberts described the reaction to his election:

"... Judge Roberts was conducted to the stand by a committee composed of Peter W. Gray, George M. Flournoy, and A. T. Rainey. He arose, awed by the august presence of the audience before him, and silently bowing to different quarters of the house, he said in a clear voice, as if explanation of his action: 'I bow to the sovereignty of my State.' Quick as an electric flash, a shout, triumphant, defiant, simultaneous over the whole auditory, was the response to the sentiment, and with glowing countenance they repeated it again and again with reverberations that filled the whole house."

From that hour until the convention adjourned sine die on March 26, Roberts held a position in the state which


resembled that of a dictator. Sometimes in front of the scenes and sometimes behind, he manipulated and maneuvered the pronouncements and the actions of the convention. Besides delivering his influential speeches during the convention, Roberts presided with an iron hand. He supervised the drafting of the Ordinance of Secession and campaigned for its passage by the people. He helped compose the Declaration of Causes for Secession and the final explanation of the proceedings of the convention entitled "Address to the People of Texas." He personally offered the resolution which refuted Houston's claim that the convention had limited powers and asserted full power to do whatever was necessary for the safety of the state. He appointed a Committee of Public Safety which confiscated all U.S. federal property and virtually prepared for war. He maneuvered the ratification of the Confederate Constitution and the oath of allegiance to the Confederacy required by all officers of the state. He gave Governor Houston two days to take the oath or be deposed. Legally or illegally Roberts now wielded more power than the Governor of the state. This chapter concentrates upon the rhetorical strategies which Roberts

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4 Winkler, Journal of the Texas Secession Convention, pp. 16-261.
used in 1861 to persuade the people of Texas to leave the Union of the United States and to join the Union of the Confederacy.

Historical-Political Background

On December 20, 1860, at Institute Hall in Charleston, the delegates to the South Carolina convention voted unanimously to dissolve the compact between the Union of the United States and the State of South Carolina.\(^5\) Between December 20 and January 28 when the Texas convention met, five other states seceded—Mississippi, Alabama, Florida, Georgia, and Louisiana.\(^6\)

As decreed by Houston, the Texas Legislature met in special session on January 21, 1861, one week before the convention. In his message to the legislators, Houston urged them to vote against secession, to limit the power of the convention, and to require the final action of the convention to be voted on by the people.\(^7\) However, Houston failed to delay or subvert the convention. Instead of being sympathetic with Houston, the legislature voted to reject


\(^7\)Houston, Message to the Legislature of Texas, in Extra Session, 21 January 1861 in *The Writings of Sam Houston*, eds. Amelia W. Williams and Eugene C. Barker, 8 vols. (Austin, Texas: The University of Texas Press, 1943), 8: 236-254.
Houston's resolution for a southern convention, to recognize the legality of the Texas Secession Convention, to provide for the expenses of the convention, and to loan to the convention the Hall of Representatives beginning each day at 2:00 p.m. They did agree with Houston that an ordinance of secession, if passed, should be submitted to a popular referendum. 8

Roberts and the Texas secessionists had convinced the people that something must be done before Lincoln's inauguration on March 4. Much of the general public, however, was still unsure as to exactly what action should be taken. The secessionists knew exactly what they wanted to be done. Like the Rhett group in South Carolina who had called for "an immediate convention to carry the state out of the Union while the resentment over the election was still at its height," 9 the Roberts group in Texas wanted to do the same with their state. So far they had taken full advantage of the anxiety and confusion which resulted from John Brown's raid and Lincoln's election. They had persuaded a large majority of Texans to vote for a convention to consider


what Texas should do and to pack that convention with pro-
secession delegates.

Both the people and the legislature had given Roberts
the authority to proceed. He would take full advantage of
this power to carry out his preconceived plan. The agita-
tive strategies which Roberts used in 1861 form the outline
for one of the most momentous chapters in the history of the
Lone Star State.

Physical-Sociological Milieu

The physical setting for the convention was the large,
impressive Hall of Representatives in the Capitol building
in Austin, Texas, the political and social center of the
state in 1861. The convention was divided into two sessions:
the first session ran from January 28 to February 4 and the
second session from March 2 to March 25. During the recess
from February 4 to March 2, the Ordinance of Secession
passed by the convention was presented to the people and the
election was held. While in session the convention met each
day beginning at 2:00 p.m. 10

The meeting place certainly gave the convention an air
of authority but the place was not as important as the so-
cial, cultural, and economic environment surrounding the

10 Roberts, "The Political, Legislative, and Judicial
History of Texas," pp. 99-133; Winkler, Journal of the Texas
Secession Convention, pp. 7-251; and Ralph A. Wooster, The
Secession Conventions of the South (Princeton, New Jersey:
event. The real question should center around the reasons as to why such a group should be meeting at such a place at such a time to effect such "a dramatic situational change." Parrington stresses the importance of environmental determinism behind such a move. He states: "In this new South that was rapidly passing through its frontier development, the patriarchal system of Virginia gave way to a system of negro exploitation, more naked as it passed further westward." This southern tradition and belief in slavery blended with a history of independence, a philosophy of states' rights, and a frontier tradition born of battling Comanches, Mexicans, and variable temperatures. Here, then, were the reasons why a group of responsible men would gather to consider such a drastic change for their state.

The occasion was a serious one. Roberts reported that "the anxious concern manifested by the whole assemblage, and the occasion which had brought them together impressed the scene with a grave solemnity."

Audience

Roberts' immediate audience consisted of the one hundred seventy-seven delegates to the convention and interested spectators who daily crowded the gallery. Roberts

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described the delegates as "a remarkable selection of men" who were "from all classes of people in addition to those who usually devoted themselves to public affairs." He described them further, pointing out their diversity:

Nearly every grade of official position, from a justice of the peace to an ex-governor, was there. One associate of the Supreme Court [Roberts] and five district judges were there. The incumbent Attorney-General was there. Lawyers of distinction, military men, farmers, merchants, physicians, preachers were there. Men of foreign as well as native birth, old men, men of middle age, young men, were there. More than two-thirds of the number were private citizens of local influence who had never entered public life in any capacity but who had come forward to serve their State in this great emergency.

Among the delegates assembled were ex-Governor Hardin R. Runnels and ex-Congressman John H. Reagan, who had resigned from the U.S. House of Representatives to serve in the convention. Four of the members, James Throckmorton, Richard Coke, John Ireland, and Roberts, would later be elected governor. Several, including John A. Wharton and B. F. Terry, would gain prominence in the Civil War. The group was comparatively young, the average age being 40.3 years and the median age 40 years. Only eight members were over 60 years of age. One hundred sixty-one members, or 90.9 percent of the convention, were from the slaveholding states. Only eleven members were natives of free states and only five members were born in foreign countries. Forty members were born in Tennessee; twenty-seven were

14 Ibid., pp. 99-100.
born in Virginia, twenty-two in Georgia, and twenty-one in Alabama. In all, natives of eighteen states and two foreign countries attended the convention.

Lawyers constituted slightly more than 40 percent and 35.3 percent gave their occupation as planter or farmer. There were eight physicians and seven merchants. Other occupations ranged from blacksmith and grocer to clergyman and "gentleman."

The delegates held an average of $19,583.09 in property. With $550,000.00 in real and personal property, T. J. Chambers was the wealthiest, and, with only $250.00 in personal property, J. D. Rains was the poorest. One hundred twenty-seven delegates, or 71.8 percent, held slaves. The average holding was 21.9 slaves. Only thirty-five delegates held twenty slaves or more. Three members held over one hundred slaves each.

Of the seven Unionists who voted against secession, six were from Northeast Texas and one from Central Texas. This group was slightly younger than convention members as a whole with an average age of 37.4 years. They also held less property, with an average of $15,125.00 in real property and $10,694.00 in personal property. Five of the seven were lawyers, and six held an average of nine slaves.15

The delegation of men who met in Austin in 1861 to decide on their state's future, then, was an early-middle-aged, slaveholding, southern-born group with lawyers and farmers predominating. Being an early-middle-aged, slaveholding, southern-born lawyer and farmer, Roberts especially identified with this audience.

Except for the large percentage of lawyers and slaveholders present, the convention seems to have been a rather typical cross section of Texas society at the time. The theory of the "great planter conspiracy" does not seem valid in regard to Texas because, of the great Texas planters with fifty or more slaves, only 12 were in the convention. These facts seem to indicate that the theory of states' rights was just as important to this group as the personal holding of slaves.

Roberts' larger audience consisted of dissatisfied Texans who had given Roberts and the convention delegates the power to decide what action Texas should take in regard to their federal relations. The majority of them were, by now, at least sympathetic to the secessionists' cause. These sympathizers lived primarily in East and South Texas. The Union sympathizers lived in portions of North and West Texas and in Central Texas in the area including and surrounding Travis County.

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16 Wooster, The Secession Conventions of the South, pp. 128-129.

17 Roberts, "The Political, Legislative, and Judicial History of Texas, p. 93.
An Ohio schoolteacher living in Texas in 1861 categorized Texans into four classes: (1) the slave-holding aristocracy, gentlemanly in manner, but "unscrupulous champions of human bondage"; (2) a non-slaveholding class of respectable citizens; (3) poor whites from the southern states, few of whom could read or write and all slaves of prejudice; and (4) scoundrels—"sharpers--men without principle or morality." Classes (1) and (4) exercised "a controlling influence over the ignorant white, who, for a dram of whiskey, would vote for the devil."18 Amelia Barr, an Englishwoman who lived in Texas from 1856 to 1866, described the attitudes of Texans during this time:

They were furious with the United States Government's interference with their states' social and domestic arrangements. They would not admit its right to do so, and were as mad as their own prairie bulls, when compulsion was named. I heard arguments like these, both from men and women constantly; they talked of nothing else. . . . There were bitter disputes wherever men were congregated and domestic quarrels on every hearthstone. . . .19

From her study of pre-Civil War Texans, Friend concludes that not all Texans were southern cavalier gentlemen nor were they all crude backwoodsmen or ruffians. They were Texans characterized by intense loyalty, rugged individualism, pride in size, and a fearless fighting spirit. They were, she surmised, the products of both their southern


roots and of the western frontier. These influences and traits made Texans especially vulnerable to the strategies which Roberts utilized to turn them against the Union and to unify them behind his cause.

Roberts' Rhetorical Goals

As evidenced by his speeches and his actions, Roberts' major goals in 1861 were to persuade the delegates and the people to secede from the Union of the United States and to join the Union of Confederate States. Having justified the right of secession and urged unity with the southern states since 1850, he was now in a position to turn his words into action. In his valedictory address at the close of the first session, Roberts spoke of the right of secession and entreated the delegates to go home and appeal to the people "to sustain our action [the passing of the Ordinance of Secession] by their votes." He told them to urge the people to vote for "immediate action to sustain the rights of the People of Texas." In his resolution against Sam Houston he vowed that the convention would do whatever it deemed necessary and proper for the protection of the people and that it would "as speedily as practicable,


21 Roberts, "Address of Honorable O. M. Roberts at the Close of the First Session of the Convention of the People of Texas," 4 February 1861, Roberts Papers, Archives, University of Texas, Austin, Texas and in Winkler, Journal of the Texas Secession Convention, p. 85.
consummate the connection of Texas with the provisional Government of the Confederate States of America. 22

Houston presented a special problem for Roberts. Because of his position as Governor, Houston was an obstacle in the path which Roberts had mapped out for the state. Roberts knew that he would have to convince Houston to give up his opposition to the convention and to secession or dispose of him in some other manner. 23

In 1861 Roberts still harbored an ambition to become a senator, this time in the Confederate Congress. After the adjournment of the convention, Roberts once again asked his Democratic friends to support him. The Texas secession leaders had word that Louis Wigfall, who was serving as a delegate in the Provisional Confederate Congress in Montgomery, would be leaving the Congress to take up a full-time military career. Some of Roberts' friends agreed to support Roberts for this office. 24 Apparently he thought that the active role which he played in the convention would earn him a much-deserved and much-delayed senatorial seat.


23 John S. Ford, Memoirs, 8 vols. (Typescript, Archives, University of Texas, Austin, Texas, 1887), 5: 9.

During the convention, Roberts appointed several committees to petition Houston to cooperate with the convention or at least not to oppose proceedings. "The object of this," he stated, "was to show the proper respect to the chief executive of the State, and if possible to conciliate his opposition to the action of the convention." The gentlemen whom Roberts appointed to the committees "were selected because of their known friendly personal relations with him [Houston]." 25

On January 30, Roberts appointed a committee of five to confer with Governor Houston on the subject of federal relations. Houston was polite to this committee but non-committal and evasive. He indicated that the proper medium for expressing the voice of the people in the crisis was the legislature and not the convention and continued sending official state business to the legislature. On February 1, Roberts sent a committee of two to invite Houston to witness the convention vote on the Ordinance of Secession. Roberts' purpose here was to show Houston the overwhelming opposition against him and by doing so to convince him to give up the fight. Houston attended and witnessed the delegates' vote of 167-7 for the ordinance, but did not relent in his stand against disunion. On February 4, Roberts

dispatched a committee of three to inform Houston that the Committee of Public Safety was preparing to take possession of all United States property within the state of Texas and to secure his views. Houston agreed that if it must be done it should be done promptly and prudently before unauthorized men seized the property, but that he could not officially sanction that action while Texas remained in the Union and that his oath to support the U.S. Constitution was still binding on him.  

Tired of Houston's opposition and avoidance, Roberts devised a plan whereby all officers of the state were required to take an oath of allegiance to the Confederate States of America. On Thursday, March 14 Roberts requested George W. Chilton to deliver a notice to Houston regarding the required oath. Roberts gave Houston one more chance to adjust or capitulate. Roberts' letter read as follows:

To His Excellency Sam Houston
Governor of the State of Texas

Sir,—An ordinance has this day been adopted by the people of the State of Texas, in convention assembled, prescribing an oath of office for all officers of the State of Texas who held office on the 2nd day of March, and those thereafter elected to office. By the provision of said ordinance, it is my duty, as president of the convention to notify you of this action . . . . I therefore, in the discharge of that duty, most respectfully notify and advise you as governor of the State of Texas that on Saturday, the 16th day of March, at twelve o'clock M., the convention will be prepared to receive your Excellency and the appointed officers

under said ordinance, to administer the oath to office prescribed. Trusting that said day and hour may suit your Excellency, I have the honor to be,

Your obedient servant,
O. M. Roberts
President of the Convention
Representative Hall, March 15, 1861

At noon on Saturday, March 16 Roberts called out the name of Sam Houston three times. When Houston did not come forward to take the oath, Roberts declared the office of Governor to be vacant. He then administered the oath to the Lieutenant-governor Edward Clark and declared him to be the new Governor of Texas. On March 18 Clark took possession of the office of Governor and Houston left the office, still claiming to be the rightful governor of the state. The petitioning was over and Roberts could proceed with more drastic strategies in the assurance that Houston would no longer be in his way.

Promulgation

On February 1 the convention approved the secession ordinance, but one more step was required before Roberts could declare that Texas had seceded from the Union. The


convention had to present the ordinance to the people for ratification or rejection. To secure the votes of the public for ratification, Roberts and the secession leaders campaigned at mass meetings and through the secession press.

The Texas Secession Convention in itself was a mass protest meeting with Roberts as the chief agitator. But to assure that the outcome of the convention would be as they planned, Roberts and the other secession leaders staged meetings, rallies, and parades to gain a large vote for secession. Although Roberts was confident of the outcome, he wanted a large vote to show a unified front and to secure cooperation of all branches of the government. The secessionists staged meetings throughout February with "many noted orators speaking on secession and states' rights." Roberts himself gave a public speech at a meeting in Palestine on February 10 where he appealed to the Texans to vote for secession. After reviewing the proceedings of the convention, Roberts stated:

It behooves every patriot of the land to devote that day [February 23] to his country, by going to the polls and giving a free expression of his will. That day may fix the destiny of this State for generations to come. Six of our sister States have already seceded and are now in consultation by their delegates in convention at Montgomery, Alabama to establish a Provisional Government.

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29 Roberts to Louis Wigfall, 4 February 1861, Roberts Papers.

30 Austin Texas State Gazette, 23 February 1861.

The secessionists also promulgated their message through the Texas State Gazette, the Dallas Herald, the Marshall Texas Republican, the Houston Telegraph, and the Clarksville Northern Standard. They printed the daily proceedings of the convention and the major speeches of the secessionists.  

In addition to printing Roberts' convention addresses, the State Gazette, the Dallas Herald, and the La Grange True Issue also circulated Roberts' speech in Palestine. Roberts also used the Texas Republican to urge a large vote for the secession ordinance:

> While there is not a shadow of doubt as to the overwhelming result in favor of secession, it is nevertheless our duty to urge you one and all to go to the polls and cast your vote . . . . Let the submissionists see and feel their weakness.

As their influence increased, Roberts and the separatists occasionally converted a Union paper. On February 13, they proudly announced:

> The La Grange True Issue, one of the bitterest Union sheets in Texas, has nobly changed its tune since the action of the convention. It urges the people to ratify the Ordinance of Secession and says most truthfully 'those who vote against the

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33 Austin Texas State Gazette, 16 February 1861; Dallas (Texas) Herald, 20 February 1861; and La Grange (Texas) True Issue, 21 February 1861.

34 Marshall Texas Republican, 16 February 1861.
ordinance will be claimed as friend to the abolition cause at the North by those insane, deluded fanatics.' Let the voice of Texas go up as one man. 35

Although they were in the minority, the Unionists were not idle during the convention. They held meetings, made speeches, and exploited the newspapers with the Union doctrine. The anti-secession members of the convention and of the legislature banded together and issued an address to the people urging them to vote against secession. It was signed by four senators, fifteen representatives, and six members of the convention. 36 Their leaders, including Houston, A. J. Hamilton, John Hancock, and James Throckmorton, made speeches throughout the state. In a speech at a La Grange Union meeting, John Hancock stated that "the little slave oligarchy would wither and crisp before the march of the Federal Army like a piece of paper in a flame." 37 The Gazette reported that "the submission leaders in this city meet in daily and nightly caucus, plotting new schemes against the peace and dignity of Texas." 38 The major Union paper was the Austin Southern Intelligencer assisted by smaller papers such as the Bastrop Advertiser and the La Grange True Issue, who later turned pro-secession. 39

35 Dallas (Texas) Herald, 13 February 1861.
37 Marshall (Texas) Texas Republican, 23 February 1861.
38 Austin Texas State Gazette, 33 March 1861.
Although the Unionists were not idle in the campaign, Roberts and the secessionists inundated the state with pro-secession propaganda.

Image Building

Roberts' greatest socio-psychological need was probably the need for superiority which Murray defines as "the need to excel" or "a composite of achievement and recognition." This need is associated with a person's ambition, will power, and desire for accomplishment and prestige. Roberts expressed this motive when as a young boy he voiced the desire to be a judge so that he could be superior to other men. He seemed to follow this ambition the rest of his life. He never had much money nor did he have many close personal friends, but he did become famous. By 1861 he had used his intelligence, his speaking skill, and his position on the bench to become one of the best-known and most powerful men in Texas. During the convention he used his "great judicial mind" to become "a diplomatist of rare skill, well versed in the intricacies of statecraft." He "dominated all matters" including the unique plan to have Houston depose himself. In the execution of his plans, Roberts was "a superb manager" and "wise as a serpent."  

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41 James T. De Shields, They Sat in High Places (San Antonio, Texas: The Naylor Company, 1940), pp. 312-313.
Ford stated that Roberts performed his duties as president with "great industry and integrity" and that he "examined a matter well," but that when he formed an opinion, it was difficult to cause him to abandon it." To the majority of Texans and the secessionists Roberts depicted the image of a great and wise leader of his state. To Unionists and northerners, he was a demagogue.

Now that Roberts was the most powerful man in the state, he could afford to publicly express humility. In his introductory remarks he stated: "I bow to the sovereignty of the people of my state. All political power is inherent in the people. That power, I assert, you now represent." The audience could not have been unaware of the fact that, as president, Roberts represented the power of the people and the power of the convention. He continued to express humility and seek rapport when he admitted that it was his position as associate justice which had helped him to be elected president. He confessed:

... While not insensible to the great honor conferred upon me by this body of distinguished citizens, I am aware that my selection is attributable more to my position in the judiciary of the State than to my experience or knowledge of parliamentary deliberations.

But he turned even this point around in his favor when he continued:

42Ford, Memoirs, p. 996.

43Address of Honorable O. M. Roberts Upon Taking the Chair as President of the Convention of the People of Texas," Roberts Papers and in Winkler, Journal of the Texas Secession Convention, pp. 16-17.
It is an indication to the world that this movement of the people of Texas has not originated in any revolutionary spirit of disorder, and I doubt not that the moderation and wisdom of your deliberations and acts will demonstrate it.⁴⁴

Here Roberts implied that, as their leader, he represented order, moderation, and wisdom.

Houston dared to assert that Roberts and the convention had only limited power. To demonstrate exactly how much power he had, Roberts stepped down from the chair on March 8 and offered the following resolution which was adopted unanimously:

Whereas, a letter bearing date March 6, 1861 has been read before this convention, written by the Executive of the State, addressed to a committee of this body, calling in question the power of this convention to do more than submit the ordinance of secession to the people of Texas for their ratification or rejection, and whereas it is important that there should be no misunderstanding upon this subject, therefore,

Resolved that this Convention do now declare that it not only had power to pass and submit the ordinance of secession, but that also it possesses and will exercise the right, on behalf of the people of Texas, to do whatever may be incidental to the same, and that may be necessary and proper for the protection of the rights of the people and the defence of the State in the present emergency, and that it will as speedily as practicable consummate the connection of Texas with the provisional government of the Confederate States of America, whose constitution has already been ratified by an ordinance of this Convention.⁴⁵

Roberts had the ambition, the will power, and the intelligence to fulfill his need to excel. In 1861, as president

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⁴⁴ Ibid., p. 17.

of the Texas Secession Convention he had achieved much of
the power and prestige which he had always desired. He had
built an image which was unexcelled in Texas.

Objectification

As presiding officer of the convention, Roberts en-
gaged in little overt objectification during the convention
proceedings. He made it quite clear for eleven years that
he blamed the North for all of Texas' problems. In his
lengthy speech at the Capitol in 1860, he had blamed the ag­
gressive northern states and the fanatical Black Republicans
for the present crisis. In 1861 he objectified the North,
Republicans and abolitionists at meetings, through the press,
and through the Ordinance of Secession and the Declaration
of Causes which he helped to draft.

The Ordinance stated that the Federal Government was
to blame for the dissolution of the Union because it had
failed to uphold the compact of union between the states.
It had failed to protect the frontier or the property of
citizens. The order also postulated that recent develop­
ments in federal affairs had made it evident that the power
of the Federal Government was being used as a weapon against
the southern people.46

In the Declaration of Causes Roberts and the seces­
ssionists asserted the imbecility of the Federal Government

46Winkler, Journal of the Texas Secession Convention,
pp. 35-36.
and the disloyalty of the northern states. They named specifically Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Ohio, Wisconsin, Michigan, and Iowa. They listed ten aggressive actions of the northern Republicans which were the causes of the divisiveness. These were the same reasons which Roberts had given in his 1860 speech.

The states' rights men called the Unionists "weak submissionists," "timid men," "frightened old ladies," and "traitors." One secessionist spoke for all when he stated: "We will continue to expose and denounce the insidious and wicked enemies of our state. We will perseveringly point out to the submissionists dirt for their stomachs until they can be filled ad nauseum."^48

Houston and the Unionists retaliated by calling Roberts and the secession men "disappointed demagogues," "irresponsible usurpers of power," "ambitious office seekers," "petty tyrants," "traitors," and an "unauthorized mob." They called the convention "revolutionary," "illegal," "subversive," "malevolent," and "dangerous."^49 Houston engaged in personal vilification when he called Roberts a Shylock.}

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^47 Ibid., pp. 61-65.

^48 Austin (Texas) Texas State Gazette, 5 January 1861.

^49 Austin (Texas) Southern Intelligencer, 23 February; 2, 20, 27 March 1861 and Sam Houston, "To The People of Texas," 16 March 1861, and "Message to the Texas Legislature," 18 March 1861, in Williams and Barker, Writings of Sam Houston, 8: 271-278, 278-284.

^50 Houston "To The People of Texas," in Williams and Barker, Writings of Sam Houston, 8: 278.
Legitimation

To legitimize the actions of the convention, Roberts again based his justification on the constitutional right to slavery, the states' rights theory of government, and the First Amendment of the Texas Constitution. He stated:

The crisis upon us involves not only the right of self-government, but the maintenance of a great principle in the law of nations—the universal recognition of slavery wherever it is not locally prohibited and also the true theory of our general government as an association of sovereign States, and not a blended mass of people in one social compact.51

As before, Roberts presented the compact theory of government of the states' rights theory not as theory, but as fact, or "true theory." Roberts had repeated this argument with such frequency that he had become guilty of the fallacy of "repeated assertion."52 Just because Roberts continually repeated this argument as fact did not necessarily make it "true."

He also based his justification on the First Amendment of the Texas Constitution which stated that "all political power is inherent in the people," and that they have "the inalienable right to alter, reform or abolish their form of government, in such manner as they may think expedient."

Previous to the convention, Roberts repeatedly used the


phrase "the sovereignty of the state." Since the secessionists had managed to secure a convention through the people rather than through the state, he now used the phrases "the sovereignty of the people" and "the political power of the people" more and more. He was still an ardent states' sovereignty man; only the phraseology had changed.

Roberts considered the legality of the "sovereign power inherent in the people" to be very important because this, he declared, was where the convention received its right to act. Houston claimed that the convention had only power to submit the question of secession to the people and declared all of its other actions null and void. Roberts immediately offered his resolution declaring full powers for the convention. To vindicate his actions, he justified his belief in the legal powers of the convention when he later explained:

... If everything that the convention did was null and void, ... what effect, legally or constitutionally, would the action of the legislature have had in simply submitting the question of secession to be voted upon by the people, and directing the votes to be returned to the Secretary of State, to be counted in the presence of the Governor and Attorney General of the State? It has been well established by the highest courts of the country that such a proceeding would not have the force of a law passed by the legislature, and it should to be enforced, as having the effect of a law, it would be judicially declared to be null and void. Much less would it have the effect of an ordinance of a convention, dissolving the political connection of the

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State with other States in the Union, and absolving its citizens from obedience to the Constitution and laws of the United States. . . . The only assumption upon which the right of secession can be logically predicated is, that the Constitution of the United States is a compact between sovereign States acting in their several capacities; and on such an assumption the people of the State, acting through a convention representing its sovereignty, can secede from the Union. The legislature cannot do it.54

As Houston pointed out in his message to the legislature, the legislature had approved only the power of the convention to submit the question of secession to the people and the people had voted for secession only. They had not voted to join the Confederate Union. The delegates of the convention had done that. As a matter of fact, the Convention sent seven delegates to Montgomery even before the Ordinance of Secession was presented to the people. Houston questioned the right of these actions:

The objects of the Convention were alleged to be to restore Texas to the position of a sovereign independent State. Was any power derived from the people to destroy that sovereignty by making Texas a part of the Southern Confederacy? Did the people who voted for the delegates, did the legislature suppose that they were transferring the whole liberties of the free people of Texas, into the keeping of this Convention to be bartered away to suit the ambitious schemes of office seekers? When then arose the power on the part of the Convention to elect seven delegates, four of whom were its own members, to take part in the formation of a Provisional Government at Montgomery? The Convention did not dare to declare Texas out of the Union; but submitted that question to a vote of the people. It doubted its own powers in that respect; yet it usurped.

the power to elect delegates to bind the people to a new government before they had thrown off the old one.55

Roberts and the secessionists tried to defend this move by stating that the convention had acted as the "authorized agent of the people," that the people knew what the convention intended, and that the public had affirmed the convention's power by ratifying their "principal act" (secession).

That the people might approve by the existing Convention, or that it might provide for another popular election, remained for determination on the arrival of the Constitution [the Confederate Constitution]. Had it contained any unexpected principle, . . . the importance of prompt ratification could have yielded to the paramount necessity for another election. But no such necessity appeared in any part of the Constitution. . . . Former elections, with attending circumstances, left no doubt of the public wish and the corresponding authority of the Convention for immediate and final ratification of the Constitution. . . . The people could not desire to be troubled by another general election without necessity, and they felt the importance of early relief from strife within this state as to its political position. Prompt certainty, of course, would justify the Confederate government in adopting more expensive, effective, and permanent measures for the defence of this State, especially its desolated frontier, than could be expected before a finality.56

As if these justifications might not satisfy, the secessionists gave further reasons. The appearance of uncertainty would, they claimed, "embarrass" pending arrangements

55 Houston, "Message to the Texas Legislature," in Williams and Barker, Writings of Sam Houston, 8: 282-283.

for an alliance between the Confederacy and the Choctaw, Chickasaw, Creek, and Cherokee nations. Hesitation on the part of Texas would also stimulate hesitation in Arizona and New Mexico. Procrastination would hamper relations with Mexico and stimulate marauding and incendiary efforts. Postal, judiciary, and revenue arrangements would be retarded. Delay would prostrate trade and commerce. On the other hand, they insisted, a quick and final connection with the Confederacy would give Texas additional strength. It would promote early success in its peace negotiations with the U.S. Government. Moreover, they asserted, a prompt and permanent connection of Texas with the Confederacy would have a favorable influence on the border states and induce them to abandon their equivocal positions and to join with their "southern sisters and natural associations." This would "materially" affect immigration from those states and be advantageous both for the immigrants and to the growth of Texas. 57

The Republicans and Texas Unionists reacted to the convention by accusing the Texas secessionists of being extralegal, revolutionary, and traitorous, but Roberts always had a "legal" defense at hand. With his knowledge of the U.S. and Texas constitutions and his judicial mind, he was always prepared with a rebuttal to any accusation advanced by his opponents. Roberts had become the leader of

57 Ibid., pp. 9-10.
the Texas secessionists primarily because of his talent for legitimation—his special ability to "explain, vindicate, and justify" the actions of his followers. As the legitimizer for the cause, he never allowed himself "to be encapsulated by the charges of his opposition." 58

Mythication

To glorify the secessionists' cause in 1861, Roberts once again used appeals to the forefathers, destiny, posterity, the white race, and God. To Roberts the secession convention was every bit as crucial as the American Continental Congress and the delegates' mission was just as important as the mission of the founding fathers. He used a romanticized historical appeal when he addressed the convention delegates:

> We have been congregated in obedience to the public will by the spontaneous and voluntary concert of the people of this state to consider and dispose of questions equally as momentous and more varied than those that were solved by our Revolutionary Forefathers of '76. 59

By referring to the "public will," "the spontaneous and voluntary concert of the people," and the "voice of a united people," 60 Roberts implied that he was following the spiritual, reverberating, collective voice of a chosen people,


an archetypal motif suggested by Northrop Frye. It was not just the collective voice of Texans but the voice of all southern slaveholders throughout time.

In addition to the appeals of ancestors, Roberts also used appeals to country, destiny, and posterity:

> It behooves every patriot of the land to devote that day [February 23] to his country, by going to the polls and giving a free expression of his will. That day may fix the destiny of this State for generations to come. [italics mine.]

He made his listeners feel important, and romanticized his cause by telling them that it was their destiny, as true patriots, to vote for secession and save the state not only for themselves but for their progeny as well.

Roberts also saw to it that the idea of the superiority of the white race was perpetuated. He reminded the people in 1861 that when Texas was annexed in 1845 it was with the provision that she be able to maintain and protect the institution of Negro slavery which had existed from the first settlement of the wilderness by the white race. He also belittled that "great national party" [Republican] for its unnatural feeling of hostility to the "beneficent and patriarchal system of African slavery" and for its "debas- ing doctrine of the equality of all men—a doctrine which

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was at war with nature." He claimed that all governments in the country were established by white men for white men and their posterity, that the African race had no part in it, that they were an inferior race, and that they could be beneficial and tolerable in America only in their subservient condition. He contended that it was "all white men" who were entitled to equal civil and political rights, not "all men."63

Roberts maintained that the idea of white superiority was not only authorized and justified by the experience of mankind but it was also "the revealed will of the Almighty Creator, as recognized by Christian nations." The intolerable doctrine of the equality of all men irrespective of race or color was not only against nature and mankind, but it was also "in violation of the plainest revelations of the Divine Law." God, he implied, had clearly "revealed" the fact of white superiority, and therefore God was on his side. Since the Federal Government had fallen prey to the wrongful views of his opponents, Texas must turn "to God and her own sons."64 Roberts must have felt that, of all the men ever congregated in Texas, this group of "sons" were indeed the chosen saviors who were acting out God's revealed purpose.

64 Ibid.
Braden suggests that these kinds of "popular and sentimental" myths were very effective, especially when conditioned with frequent repetition. He explains that they held their attractiveness for over a hundred years and kept alive sectional isolation and racial hatred. They also drove out opposition and stifled needed reform.65 Roberts perpetuated the popular myths inherent in the defense of slavery by appealing to the regional prejudices of the Texans. He certainly kept alive sectional isolation and racial hatred. With the use of myth, he was also able to overcome his opposition and to help postpone the modernization and civilization of America for over a decade.

Solidification

In 1861 Oran Milo Roberts was finally able to solidify his followers into the unified, cohesive group which he had dreamed of. He accomplished this to a great extent by identifying with his audience in a way which he had never done before. Roberts used appeals which made him one with his audience and which made his audience one with another. In so doing Roberts established what Kenneth Burke terms "consubstantiality" or the use of identification to become "substantially one" with an audience. Burke explains consubstantiality as "an acting-together" and that "in acting

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together, men have common sensations, concepts, images, ideas, attitudes that make them consubstantial." Roberts achieved this "commonality" by stressing his and his audience's common goals, ideas, and attitudes. Linguistically he accomplished consubstantiality with the repetition of collective terms. Roberts established common ground when he stated that "We have been congregated in obedience to the public will" and that "I trust that this body [we] will be fully adequate . . . ." He also identified himself with his audience when he stated: "Let us go home and appeal to them to sustain our action by their votes; and when we reassemble on the 2nd of March, let us bring back with us the voice of a united people in favor of immediate action to sustain the rights of the People of Texas . . . ." Roberts also identified with both his immediate audience and his larger audience when he stated: "I bow to the sovereignty of the people"; "all political power is inherent in the people"; "That power, I assert, you [the delegates] now represent"; and "We [will obey] the public will . . . ." In other words he identified himself and the delegates with the people of Texas as a unified whole with

common interests, attitudes, and goals. Roberts also gained rapport and identified with his audience when he compared them (and himself) to "our Revolutionary Forefathers of '76," expressed confidence in their moderation and wisdom in deciding the future of the people of the state, and praised the "distinguished citizens" for their "indulgence, courtesy, and conciliation" towards him as their presiding officer. He also established consubstantiality when he proclaimed that his election to represent "this movement of the people" was an indication to the world that their cause had not originated in "the spirit of social disorder" and "the unmistakable voice of the people sanction us in our acts." 68

With these appeals to their pride, prestige, and commonality, Roberts unified the delegates and the people and urged them into concerted action.

Roberts also solidified Texans with all southerners by pointing out their common goals, interests, images, etc. He frequently referred to "our sister States" and "the rights of Texas and the South." 69 In his resolution asserting full powers for the convention, he implied that Texas had more in common with the South than with the United States of America and should "as speedily as practicable consummate

68 Ibid.
69 Ibid.
the connection of Texas with the provisional Government of the Confederate States."70

Roberts reinforced the cohesiveness of his followers with symbolic appeals as well, including a number of tactics which Bowers and Ochs describe as "essentially reinforcing rather than persuasive in their relationship to ideology and group membership."71 Roberts and the secessionists used symbols, slogans, and other propagandistic materials to increase the responsiveness to their wishes. They accomplished this both in the convention and through their in-group publications used to promulgate their message.

Roberts had warned the North for over a decade that the Lone Star Flag, the symbol of Texas independence, was always there, ready to replace the Star Spangled Banner if Texas rights were violated. On February 1, 1861, the secessionists unfurled the Lone Star Flag in the Convention, not as just a warning, but as a symbol of defiance, separation, and independence. Roberts received the specially-made Lone Star Flag after the Ordinance of Secession was passed. He described the ceremony:

After the tumultuous cheering which greeted the announcement [secession] had ceased, a number of ladies, preceded by George M. Flournoy, entered the hall, waving over their heads a beautiful 'Lone Star Flag.' The enthusiasm was now renewed, and


the building resounded with cheer after cheer as the party proceeded to the centre of the hall. Mr. Flournoy, in an animated, brilliant, and soul-stirring address, presented the flag to the convention in behalf of the ladies of Austin. . . . The flag [was] placed in full view at the stand . . . .

The Texans were very proud of their flag with its white five-pointed star in a field of blue with a sheet of white and red and guarded it zealously. When Louisiana adopted a flag with similar colors and design in 1861, Texans objected and pointed out the long history of the Lone Star as their symbol.73

Military leaders, such as John S. Ford, also used the flag as a sign of militancy. Whenever they occupied a U.S. fort, the first order of business was the raising of the Lone Star along with another symbol of militancy, a gun salute. Ford reported to the convention when he took over the U.S. fort at Brazos Santiago: "a salute of 33 guns was fired and the Stars and Stripes were lowered," and then "the Lone Star Flag was hoisted and cheered with enthusiasm and was saluted by 22 guns."74 To cement further Texas and the


74 John S. Ford to the Committee on Public Safety, 22 February 1861 in Winkler, Journal of the Texas Secession Convention, p. 325.
South, the Texas secessionists added the Bonnie Blue Flag of the Confederacy as a unifying symbol. 75

The slogans which the secessionists used in 1861 also reflected the militant atmosphere in the state. They still shouted "Secession, not submission," "Damn the Yankees," and "Damn the Union." But they added the militant calls "Texans, to your rifles" and "Whip the Yankees." Whenever Houston spoke of saving the Union, Texans shouted "Three Cheers for South Carolina," "Three Cheers for Rhett," or "Three Cheers for Yancey." 76 After the ratification of the Confederate Constitution, Texans added the symbols and the slogans of the South to their own.

As another solidifying tactic, the secessionists continued to spread the literature of southern propaganda. They added to their list of reading George Fitzhugh's Cannibals All! or, Slaves Without Masters, Thomas Kettrell's Southern Wealth and Northern Profits, William L. G. Smith's Life at the South: or, "Uncle Tom's Cabin" As It Is, or David Brown's The Planter, none of which possessed literary merit. A few read and shared the southern romantic novels of William Gilmore Simms or the realistic novels of


Augustus B. Longstreet or Joseph G. Baldwin. 77 Didactic poetry often carried a message such as the following:

Sons of the South, awake to glory!
Hark! Hark! what myriads bid you rise.
Your children, wives, and daughters hoary,
Behold their tears and hear their cries.

To arms! to arms! ye brave,
Th' avenging sword unsheath! 78

Roberts took advantage of the unrest and the confusion of the times to solidify his followers into an activist group. The people wanted leadership and a plan of action. Roberts gave it to them. When he pointed out their common goals, interests, images, and ideas, he was able to establish con-substantiality with the delegates and all Texans to commit them to deeper devotion and further action in the cause. With propaganda tactics, Roberts and the other secession leaders increased the pride and dedication of the group.

Polarization

Since the Texas-New Mexico boundary dispute in 1850, Roberts had been polarizing the North and the South. He had blamed the North for all of Texas' economic, political, and social problems and touted southern allegiance as the solution to these problems. In 1850 he declared that the Federal Government, encouraged by northern liberals, had

77 Craven, Growth of Southern Nationalism, pp. 407-408; Parrington, Main Currents in American Thought, pp. 125-136, 166-179; and Proctor, Not Without Honor, p. 124.

confiscated land that was legitimately theirs and that the Nashville Resolutions which threatened secession were the answer. In 1865 he used the Know-Nothings as a scapegoat to polarize the North and South and again praised the southerners as the true patriots. Once again, in 1860, he blamed northern aggression for the "impending crisis" and advocated a union with the other southern states. In 1861 Roberts completed the schism with every public word he uttered and every public act he committed.

He divided Texas from the North when he convinced the people to vote for a secession convention over the objections of Houston and the pro-Unionists. He further divided them when he became the president of that convention and openly urged the people to withdraw from the Union. He polarized the two when, in an official statement of causes of secession, he named the northern states and the Republicans as the cause for the division. He completed the fracture when he conducted the election for delegates to Montgomery, urged ratification of the Confederate Constitution, and began negotiations with the Provisional Confederate Congress. He had urged separation for over a decade but had been ahead of the times. On March 4, 1861 Roberts was finally able to make the ultimate polarizing statement:

I, therefore, as president of the convention, on behalf of the people of Texas, do declare the State of Texas to be a free, sovereign and independent nation of the earth, and that her citizens
are absolved from all other allegiance than to her as such.\textsuperscript{79}

On March 23 Roberts finally was able to announce that the southern union he had been advocating so long was a reality. He declared that Texas was officially a part of the Confederate States of America.\textsuperscript{80} Due to his position, Roberts had the "honor" of being the one to declare that Texas' ties with the northern states were severed and that a new liaison with the southern states was in effect.

Roberts was able to complete the polarization in 1861 through the use of an emotionalized flag issue, a flag organization, and a flag individual. These tactics were issues, groups, or individuals "especially susceptible to the charges made against the establishment by the agitator's ideology."\textsuperscript{81} To force uncommitted Texans into the secessionist camp and to gain a large vote for secession, Roberts warned the people that their very security and safety were in danger. He reiterated the danger of loss of property and rights and added the emotionalized inference that not only were their rights, property, and mode of life in danger but that their


\textsuperscript{81} Bowers and Ochs, \textit{The Rhetoric of Agitation and Control}, p. 27.
very lives might be in jeopardy. By using such terms as "crisis," "emergency," "security," "safety," and "defence," Roberts sought to convince the Texans that they would be safer to unite with the South than to stay in a union with the "fanatical" northern aggressors. "They have invaded southern soil and murdered unoffending citizens" and "they have sent hired emissaries among us to burn our towns and distribute arms and poison to our slaves for the same purpose." He presented to the uncommitted Texans one last choice: they could lose their property, their sovereignty, their way of life, and perhaps their very lives if they remained under northern domination or they could retain all of their rights and be safe and secure if they joined in an equal union with the other southern states.

To polarize further the two sections, Roberts placed the "Black Republican" Lincoln and the "submissionist traitor," Houston, in one camp. Lincoln represented the evil and aggressive abolitionists and would force the South to her knees, he warned. The northern-loving cooperationist, Houston, would stand aside and allow him to do it. Roberts feared and despised Lincoln because of his ideas on slavery and because of his powerful official position and vowed never to live under his domination. But Houston was the immediate obstacle to Roberts' success. During the convention,

82Winkler, Journal of the Texas Secession Convention, pp. 17, 64, 85, 119.
Roberts never stooped to vilify Houston publicly; he called him "Governor" and "Your Honor" as he devastated him politically and personally. Because Houston refused to cooperate, Roberts devised other ways to remove the opposition. First, he defeated him at the polls on the issues of the legality of the convention and on secession. Then he refuted Houston's claim of limited power for the convention and officially won full powers to do as he saw fit. Finally he managed to dispose of him entirely by requiring the oath of allegiance to the Confederacy for all state officers. Roberts would have liked Houston as an ally because of Houston's reputation and his position as Governor. However, Houston remained firm in his support of the Union causing Roberts to use more drastic measures to effect "the dramatic situational change" he desired.

Roberts again used the northern Republicans and the Texas Unionists as the groups who were vulnerable to his accusations. The Republicans were vulnerable because of the abolitionist activities in Texas and because their views were in opposition to the vast majority of Texans, especially slaveholding Texans. The Unionists were susceptible because they could be placed in the same position as the northerners with accusations of abolitionist-lovers and weak submissionists. Since the Texas Unionists, except for Sam Houston,

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83 Ibid., pp. 119, 178-179.
were of little importance, Roberts and the delegates used the Republicans as the major flag group.

By the use of the polarizing terms, "we" and "they," Roberts was able to make the choice easier for the uncommitted Texans. "They" have trampled upon "our" rights, stolen "our" slaves, invaded "our" soil, impoverished "us," enriched "themselves," and elected a president who will ruin "us." On the other hand, "we" have patiently borne these wrongs for years, but now "we" must rise up and protect "our" rights. Roberts again presented them with an ultimatum; they could follow Lincoln, the Republicans, Houston, and the Unionists to economic and social destruction, or they could follow Roberts and the secessionists and their southern allies to happiness and prosperity.

Escalation/Confrontation

Since 1850 Roberts had been using a series of tactics designed to goad the Federal Government and the North into a confrontation. He had come near to his goal in the hot summer of 1860 when he encouraged Texans in their violent retaliations against the abolitionists' activities in Texas. Although many northern leaders sanctioned the abolitionists' actions, the Federal Government denied involvement and therefore did not resort to a violent confrontation with the agitators. Disappointed, but determined, Roberts continued to utilize the tactic of "threatened disruption" and added

Ibid., pp. 63-65.
another tactic of "token violence" or actual, physical disruption in 1861 to escalate the tension and lead to a physical confrontation.

In the anticipation that the Federal Government would resort to violent suppression, Roberts made calculated, uncompromising threats. Claiming that he had exhausted all efforts at reasoned discourse, Roberts threatened: "The time for argument on this question has passed. The unmistakable voice of the people in the late overwhelming vote sanctioning us in our acts precludes it." If he had to resort to violence, he implied, he would be representing the wishes of the people. To show the North just how far he was willing to go with his threats, Roberts warned that he was prepared to protect the rights of the people of Texas and of the South "at all hazards, and to the last extremity." For the first time, Roberts articulated overtly what he had been hinting at for years. He was willing to back his threats with his life and the lives of his comrades. To protect his state and his section from northern domination, he was willing to cause a civil war if necessary. He was prepared to support it "to the last extremity."

On January 30, two days after the convention began, Roberts appointed the powerful, militant Committee on Public

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85 Bowers and Ochs, The Rhetoric of Agitation and Control, pp. 36-37.

The committee, in turn, appointed Colonels Ben McCulloch, Henry E. McCulloch, and John S. Ford as field officers. The duties of this committee were to protect and control the state during the recess of the convention, to raise military forces, and to confiscate all arms and property in possession of the Federal Government. They had no difficulty raising forces as numerous troops had already volunteered their services to the convention. For financial support, Roberts arranged for a loan of $95,000.00 to be used under the direction of the Safety Committee. Roberts also superintended the disbursement of the funds.

On February 16, with five hundred Texas volunteers, one hundred fifty members of the militant Knights of the Golden Circle, and approximately three hundred citizens from the area, Colonel Ben McCulloch surrounded the arsenal, the ordnance, the Alamo, and the commissary buildings occupied by the U.S. troops in San Antonio. The U.S. officer in charge, General Twiggs, surrendered all munitions and property, which McCulloch confiscated in the name of the convention.

The activities of the Committee on Public Safety, which were known only to Roberts, the Committee, and the military officers involved, are recorded in "Reports of the Committee on Public Safety," Winkler, Journal of the Texas Secession Convention, pp. 262-404.

On February 21, Colonel John S. Ford captured the U.S. fort at Brazos Santiago and later the small federal garrison at Brownsville, thereby securing the lower Mexican border. By late March all U.S. forces had received General Twigg's order to evacuate and had abandoned all U.S. military posts in Texas. As the U.S. forces withdrew, the Texas volunteers took their places.

Through physical disruption under Roberts' direction, the convention now possessed all the arms in Texas. To supplement their munitions, Roberts sent J. H. Rogers to Louisiana to procure more arms. Governor Thomas O. Moore of Louisiana promptly sent one thousand stands of muskets to the troops in East Texas. Under Roberts' guidance, the Texas secessionists now stood ready to join their southern cohorts in a final violent confrontation with the North.

If it had not been for Sam Houston, the Civil War may very well have started in March, 1861 in Texas. By mid-March President Lincoln had sent Houston at least two offers of military assistance. Lincoln offered Houston the aid of seventy thousand men and means to sustain them in a fight against Roberts and the secessionists. Although Houston deplored the actions of the convention and denounced the Committee on Public Safety as "the committee of danger," he feared a civil war in his own state. Therefore he refused

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89 Ibid.
Lincoln's offer. Violent confrontation was once more postponed. Because of Houston's refusal of federal military aid and because of the peaceful surrender of U.S. posts to the Texas forces, the secessionists were able to take over the state without bloodshed. Roberts had escalated the tension in Texas to the breaking point, but he would have to wait for the violent confrontation until after April 12 when Fort Sumter was fired upon.

Effects

As a result of his rhetorical strategies, Roberts was imminently successful in 1861 with both the convention delegates and the Texas public. Because he was a respected Supreme Court judge and president of the Texas Secession Convention as well as an intelligent and persuasive speaker he convinced his listeners to do as he asked.

On February 23, following Roberts' speeches urging a large secession vote, Texans voted overwhelmingly for secession. They cast 44,317 votes for secession and 13,020 votes against. After the votes were tabulated on March 4, the date of Lincoln's inauguration, Roberts fulfilled a long-term major goal: he was finally able to make the extreme polarizing statement that he, as president of the convention, on behalf of the people of Texas, declared the

90Friend, Sam Houston, pp. 340-341.
State of Texas to be a free and independent sovereignty.\(^9\)

Also during the convention, Roberts fulfilled another major objective: on March 5 he announced passage of the ordinance uniting Texas with the Confederate States and on March 23 he announced the ratification of the Confederate Constitution.\(^9\)

Another of Roberts' goals in 1861 was to diminish the power and influence of his old adversary, Sam Houston. Because of Roberts' increasing political power and persuasiveness, he was able to accomplish this goal. Since Houston stubbornly stood by the Union and refused to capitulate or adjust to Roberts' requests and demands, Roberts devised a plan to render him powerless and transfer that power to himself. First, he offered the resolution declaring full powers for the convention. He then "dethroned" Houston by requiring an oath of allegiance to the Confederacy which Houston refused to take. Then he swore in a fellow secessionist as governor thereby completing his plan.\(^3\)

Personally Roberts achieved much of the fame which he had sought. Because of his position as president of the convention, he was known not just by the leading citizens


\(^3\)Winkler, Journal of the Texas Secession Convention, pp. 101, 235.

\(^9\)Ibid., pp. 178-184.
who were delegates, but by all Texans throughout the state. He was no longer just an influential judge and one of the leaders of the states' rights Democrats. He was now the foremost leader of the states' rights-secession movement in Texas. In fact because of changing events and changing sentiment, Roberts was more powerful at this time than the governor or any other state official. Roberts also became known more widely throughout the South. Because of his position in the convention and because of his correspondence with other southern leaders, he built a reputation with influential southern politicians as well. George Flournoy, the attorney-general and one of the secession leaders, gave a clear picture of Roberts' prestigious role and effect in the convention. After the convention, he wrote to Roberts:

The public knew you in public action. . . . I knew you as a private worker who did more than any other to promote concert of action. I know that I was as early as the earliest in the fight and I know further that the sharpest weapons I wielded, had received their burnishing touch from you. . . . Posterity shall rank you in the position you deserve to occupy, in the memory of that great movement, of a great people.94

The results of the convention did not happen spontaneously or accidentally. Roberts was a calculating and reflective thinker. He planned his words and actions carefully. The strategies which he used during the convention brought about the results which he sought. With the strategy of

94George M. Flournoy to Roberts, 8 July 1861, Roberts Papers.
objectification, he convinced the Texans that the North was fully to blame for the crisis. Through legitimization he convinced them that the convention was both legal constitutionally and justified. He romanticized the southern cause and the white race by the use of mythication and convinced the people that the emancipation of inferior blacks would be unwise and unsafe. Through the strategy of solidification he persuaded the Texans to join the Southern Confederacy and achieved his goal of a united southern front. Through his tactics of polarization, Roberts persuaded his state to disassociate completely from the northern enemy by seceding from the Union of the United States, thus completing the secession of the lower South. By further escalating the tense hostilities between the two sections, Roberts helped the South prepare for a physical confrontation. He justified these more drastic strategies because, through petition, he had attempted to persuade Houston to call a convention through normal channels and had met with avoidance and attempted suppression. His strategies were successful with the public partially because he was able to effectively promulgate the secession message. Through the strategy of image building, Roberts acquired a reputation equal to that of the Governor and, for the first time, brought himself to the attention of secession leaders throughout the South.

At the close of the convention, Roberts laid down his gavel and returned to the court. For a few months after the convention, Roberts aspired to become a senator in the
Confederate Congress. Once again he was disappointed in his ambition to be a congressman. When Wigfall chose to run for reelection to the Congress in Montgomery rather than entering the military full-time, Roberts withdrew his name.\textsuperscript{95} As zealous as he was in the southern cause, Roberts could not sit by idly and watch others fighting the northern enemy. With the avenues to political service closed to him, he resigned his seat on the bench, personally raised a regiment, the Eleventh Texas Infantry, and became its Colonel. He was an excellent soldier and became somewhat of a hero in the Battle of Bourbeaux. Upon the death of Chief Justice Wheeler, while Roberts was still with his command in Louisiana, he was elected Chief Justice of the Texas Supreme Court. He returned to Texas and held the office of chief justice until the collapse of the Confederate cause in 1865.\textsuperscript{96}

\textsuperscript{95}Thomas J. Devine to Roberts, 27 August 1861; John C. Robertson to Roberts, October 1861, Roberts Papers; and King, \textit{Louis T. Wigfall}, p. 135.

CHAPTER VII

CONCLUSIONS

The rhetorical strategies which Roberts used to achieve his goals brought about five major results or effects. First, he helped to keep the states' rights Democrats in power during this decade. Contemporaries attested to the fact that no Democrat did more than Roberts to defeat the Unionists and to assure the political supremacy of the states' rights Democrats. By continually objectifying the Unionists, he was able to defeat them. By polarizing "them" and "us" he convinced uncommitted Texans to join the Democratic cause. Roberts labored diligently to keep the Democratic Party the ruling party in Texas and to assure that the states' rights wing controlled the Democratic Party.

Secondly, Roberts justified secession to the Texans. Roberts repeated his public explanation and justification of the compact theory of states, or states' rights, so often that he convinced the majority of Texans that it was the "true theory" of government. Of the nine agitational strategies, Roberts used legitimation most frequently. Whenever an action occurred which needed to be justified to maintain the movement's legality, Roberts produced a defense. A master of constitutional legitimation, he used it not only in
reaction to the opposition's accusations, but in anticipa-
tion of their charges of prejudice, violence, and treason. 
With his repeated, unrelenting legitimation, Roberts also 
escalated the tensions between the two sections and led to 
the final violent confrontation. He convinced the Texans 
that even civil war was justified because it was constitu-
tionally "legitimate." Obstinate in his legitimation, 
"Roberts held to the doctrine of states' rights as tenacious-
ly as Calhoun ever did."³ On March 4, 1861, Roberts real-
ized the fruits of his justificatory tactics when he an-
nounced that the people of Texas had voted to secede from 
the Union of the United States.

Thirdly, Roberts unified the Texans into an organized activist group and convinced them to join with other southerners in a Confederate Union. In urging both secession and southern unity, Roberts was ahead of most Texans in his thinking. When Roberts first warned them, Texans saw no need for the threat of disunion or for a unified southern front. As times and events changed, Roberts became more powerful and more persuasive. He never relented in his plea for southern unity. Taking advantage of the emotional events of 1860, he convinced the public that the time had come to demonstrate southern unity and strength. To solid-
ify the Texans, he progressively appealed to their pride and promulgated southern propaganda. He persuaded them that

³Editorial, Weatherford (Texas) Times, 1 June 1878.
as white southerners with a proud common heritage and common attitudes, interests, and goals, they had more in common with the Confederate States than they did with the United States. For Roberts, this rhetorical goal came late. But he did finally solidify the Texans and the southerners in "the glorious cause." Not really believing that it would lead to war, Texans blindly followed Roberts out of the Union and into the Confederacy. On March 5, 1861, Roberts accomplished this rhetorical goal when the Convention passed the ordinance uniting Texas with the Confederate States and on March 23 when they ratified the Confederate Constitution.

Fourthly, Roberts ruined Sam Houston politically. Although Roberts refused to stoop to personal vilification, he took every opportunity to objectify the Unionists and their leader, Houston. Whatever group Houston was affiliated with, whether it be the Know-Nothings or the Unionists, Roberts placed squarely in the pro-North, pro-abolition camp in opposition to the South. By thus polarizing the two sections and identifying Houston with the enemy, he damaged Houston's reputation with the Texans and the southerners. When Houston made a comeback in 1859, Roberts used drastic measures to rid the state of the one obstacle to Texas secession. Wooten attests to Roberts' skill in ruining Houston's career:

... In the delicate and difficult tactics required to out-general Governor Houston, his [Roberts'] shrewdness, firmness, and political
sagacity were eminently exhibited. It is a fact not generally known that he might have been one of delegates to the Provisional Government of the Confederate States, . . . but he declined, saying that it would require no small effort to counteract Governor Houston's powerful opposition at home, and that he preferred that task. How he managed the maneuver and achieved his purpose, is one of the most curious and thrilling episodes in the political history of the State.

On March 16, 1861 Roberts achieved this rhetorical goal and ended Houston's political career. Two years later during the war which he had warned would be the inevitable result of secession, Houston died.

Fifthly, Roberts built the image of a wise and selfless leader of his state. He established a reputation in the state as an astute politician and an articulate spokesman who was, at the same time, a "servant of the people." Through petition, he took great care to show that he always tried to go through normal channels of persuasion first before resorting to his tactics of agitation. Each time he spoke, he also pointed out that he was speaking for the people at their request. Thereby he anticipated any charges of political ambition. Through his leadership in the Texas agitation, he also built a reputation as a courageous leader of the Cause among the other southern secessionists. To a large extent, it was his image or reputation which compelled the Texans to believe whatever Roberts told them.

Dudley G. Wooten, "The President's Annual Address: The Life and Services or Oran Milo Roberts," The Quarterly of the Texas State Historical Association 2 (July 1898): 14.
Roberts had not achieved his rhetorical goals without an active opposition. Smith states that "agitation depends on active opposition for its success because only with massive and intense opposition can the inactive masses see the clear outline of the situation." Roberts' local opponents were Houston and the Unionists or, as in 1855, the Know-Nothings. His larger and more distant opposition was Lincoln and the "North," i.e. the northern states, Republicans, Federalists, and abolitionists. Bowers and Ochs maintain that "when the agitators confront the regulatory agency with proposals which require change in the establishment's structure, policy, ideology, or power, it can adopt one of four rhetorical strategies: avoidance, suppression, adjustment, or capitulation." Since the principles involved were so fundamental to them, the establishment figures refused to adjust or to capitulate. Instead they chose the control strategies of avoidance and suppression. At first Lincoln and Houston attempted to ignore and avoid the rumors, petitions, and threats directed to them. When that became impossible, they resorted to suppression. Suppression led to physical confrontation. In fact, the larger establishment in power, the North, had to resort to war to suppress completely the southern agitators. Lincoln and the northern

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leaders used the means at their disposal to defeat what they viewed as stubborn, arrogant, inhumane, small-minded southern slavocrats in general. More specifically, Houston's target was Roberts and the Texas secessionists. Houston was an excellent speaker and a master of acrimony and invective. He "harangued" and "clamored" against Roberts and the states' rights men calling them "traitors," "demagogues," and "howling jackals." He compared them to the ram who butted himself all away except the tail but still kept in motion. He opposed them fervently and faithfully to the bitter end.\(^5\) Roberts was able to defeat Houston by becoming himself the spokesman for a regulatory, establishment agency, however extralegal or revolutionary it may have been.

The only goal which Roberts failed to achieve with his agitational strategies was to become a Texas senator. Roberts' Democratic colleagues invariably chose Wigfall over Roberts because they viewed Wigfall as the more "eloquent" orator. For over a decade, Roberts had used his keen mind, his training in elocution and debate, his legal knowledge, and his exalted position to lead his state. However, he would never realize his personal ambition to be a Congress- man. Even when he was finally elected to represent his state in the U.S. Congress following the Civil War, the

\(^5\)Llerena Friend, Sam Houston: The Great Designer (Austin, Texas: University of Texas Press, 1954), pp. 239, 246, 251 and Amelia W. Williams and Eugene C. Barker, eds., The Writings of Sam Houston (Austin, Texas: University of Texas Press,), Vols. 6, 7, 8, passim.
Reconstruction Congress refused to seat him because of his active role in secession and the war.6

Texas historians have been kind to Roberts. Both his contemporaries and later Texas authors have added to his good reputation. Roberts rates little mention in national histories, but the Texas historians praise him eloquently. In the style of nineteenth century historians, Lynch wrote of Roberts:

Here genius, once fledged in the nest of morality, leaps forth like a young eagle from its eyrie, and spreading the wings of resolution, soars away to the heights of its ambition and capacity. Here honor and distinction demand no glittering armorial, wealth no splendid heirloom of inheritance, and eminence no pomp of pride or lictorial badge. Here fame requires no arbitrary circumstances, depends upon no golden opportunities, and exacts no impersonal qualifications; but only that he who would reach its realms shall be girded by the beacons which it has established along the sacra via of its glory.7

In a typical historical estimate, Norman G. Kittrell writes:

Perhaps no man was ever better known in Texas since Sam Houston than Oran Milo Roberts, and no man was more deeply entrenched in popular confidence and respect. He was a singular combination of intellect and almost childish simplicity... He was popular, yet he had none of the arts of the demagogue... Every man who heard him knew there was behind what he said, that which must be behind every speech if it has any weight, or in anywise influences popular action, namely--a man.8

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7 James D. Lynch, Bench and Bar of Texas (St. Louis: Nixon-Jones Printing Company, 1885), pp. 273-274.


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Historians describe Roberts in generally laudatory terms such as the foregoing or they praise his actions as an able jurist and frugal governor. Rarely do they discuss him as a spokesman for secession. This writer found only one description of Roberts in history books which was in the least derogatory. Wentworth Manning describes Roberts as "a slave propagandist of the Calhoun school of politicians" and states that his speeches are full of "more fire than eloquence."\(^9\)

Although historians do not discuss his role as a secession agitator, Roberts himself felt compelled to justify his secession activities. For the rest of his life, he continued to legitimize secession and to defend his earlier words and actions. As governor from 1879-1882,\(^10\) as law professor from 1883-1893,\(^11\) and as a popular speaker in


\(^10\)"Standing in this place on the 4th day of March, 1861 as the president of the seceding convention, and acting by their authority, I proclaimed Texas a free and independent state. I did it in good conscience, believing it to be right. I now, with the same good conscience, as the governor of the State, declare Texas to have been in good faith reconstructed." (Roberts, First Inaugural Address as Governor of Texas, 21 January 1879, Austin, Texas, Roberts Papers.)

later life, Roberts defended his role as secession leader.

In her dissertation on Roberts, Bailey states that Roberts was a great leader, organizer, and philosopher who "relied, in putting over measures, on reflective thinking rather than on prejudice and passion." Evidence indicates that, as a jurist and as a governor, Roberts did rely on reason and evidence when making a decision. However, as a secession speaker, he seems to have relied more on prejudice and passion. His prejudice and his passion were not expressed in an overt, emotional manner, but in a calm, deliberate, and dignified way. As a secession leader, Roberts was a product of his southern birth, education, and training. In this phase of his life, he seems to have been ruled more by his emotions than by his logic.

Because of his long and varied career, Roberts defies further labeling and classification. At various times during the secession campaign, Roberts was called a "fire-eater." In many ways he was like the southern fire-eaters and in some ways he was not. Like the fire-eaters, Roberts' pleas of protest and his rhetoric was a rhetoric of despera-


tion. He shared with the fire-eaters the common theme that "the South must resist unconstitutional exploitation or suffer the loss of her way of life." Like the fire-eaters, his speeches and writings were highly logical in tone with strong undertones and his language was predominantly simple. He, too, based his conclusions on premises widely held in his region and was single-minded in his efforts to preserve the culture and traditions of the South. He considered himself a noble white Anglo-Saxon born with the mission to protect the peculiar institution from the North. Like the fire-eaters, Roberts was devoted to the cause, consistent, dignified, intense, learned, and unquestionably honest. On the other hand, unlike the fire-eaters described by Perritt, Roberts held a high political position and had led his state out of the Union and into the Civil War. Contrary also to the fire-eaters, Roberts did not force the Texans into what they would consider premature action. Although he warned them early and consistently, he rode the crest of opinion until the time was ripe. Because he acted "for" the people, not in spite of them, and because he redeemed himself after reconstruction, Roberts has not been discredited by historians. Roberts did not have the reputation with the people as being arrogant, impulsive, intransigent, or doctrinaire. Probably the most obvious difference between Roberts and most fire-eaters was the absence of vilification or invective. Although replete with the other agitational strategies, Roberts' public speaking is surprisingly void of any
personal vituperation. Although a master at the use of objectification, he refused to use personal epithets or name-calling of any kind. On the whole, then, Roberts possessed some of the characteristics of a "southern fire-eater" but is more appropriately classified as a states' rights agitator.

As a public speaker, Roberts was simple, clear, and forceful, more like a Calhoun than a Webster. He was not a flamboyant orator. He had none of the characteristics usually attributed to the nineteenth-century "eloquent" orator such as golden tones, rapid speech, or elegant gestures. But Braden warns us that the idea of the 'typical' grandiloquent, bombastic pre-war southern orator who "soared in oratorical flight" is more myth than reality.\(^\text{15}\) In reality Roberts was an effective agitator who held firmly to the beliefs in slavery, states' rights, and an agrarian society. His effectiveness was a result of his position and reputation, the strategies which he used, and his ability to present his ideas to his audience in a clear and forceful manner. As an effective agitator, Roberts took advantage of his audience's feelings of "distrust, dependence, exclusion,"

anxiety, and disillusionment.\textsuperscript{16} at just the right moments in history. The long-range failure of his case was brought about by the outcomes of the Civil War, by the impact of the Industrial Revolution, and by the resulting changes in American culture.

Because Roberts was an important and influential spokesman for the states' rights-secession movement in Texas and because historians and rhetoricians have neglected this aspect of his career, this study has attempted to fill a small void in the history and criticism of public speaking in Texas.

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