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Surrogate Arguments in the Controversy Over the Annexation of Texas to the United States

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ABSTRACT: Surrogate arguments stand for other arguments that it is undesirable to make explicitly. They are selected through topical choice, a mode of strategic maneuvering. In the 1840s controversy over the annexation of Texas, the argument to avoid was that annexation would extend slavery. The need for strategic topical choice is illustrated by the failure of a prominent counter-example. Then three surrogate arguments are examined: nationwide economic benefits, thwarting a conspiracy, and respecting public opinion. Surrogate arguments also refuted reinstatements of the original argument.

KEYWORDS: abolitionism, annexation of Texas, British conspiracy diffusion theory, election of 1844, expansionism, joint resolution, sectionalism, slavery, surrogate arguments, topical choice

1. INTRODUCTION

Of the modes of strategic maneuvering (van Eemeren, 2010), topical choice is of special interest. Choosing one topic rather than another to support a given standpoint can alter perceptions of what an argument is “about.” The topos one would prefer to avoid is replaced by a topos one would prefer to use. In this way, one argument can become a surrogate for another. Multiple argumentation is the most clear-cut type permitting topical choice. Each of the supporting topics does the same dialectical work of justifying the standpoint. But their persuasiveness may be much different because selecting one rather than another will lead to different views of what the argument is really about. For example, climate change, economic efficiency, and conservation of raw materials may all be good reasons to accelerate the shift to electric-powered vehicles. But selecting one may produce an argument about the environment, another about personal finances, and another an argument about sustainability.

Coordinative argumentation is similar, except that topical choice will increase or decrease the perceived strength of the standpoint more than the perceived subject of the argument.

2. HISTORICAL BACKGROUND

In the Texas controversy, the objective of the advocates of annexation was to win enough support in Congress, especially from northern Democrats. Those pushing for annexation, having settled Texas on a slave-labor basis, took it for granted that it would come into the Union with slavery. Northern Democrats were relatively indifferent about slavery. They chose to live in free states, but if Southern states preferred slavery, that was their business. They were troubled, however, about enhancing the political power of slavery. So for the pro-annexationists to gain the northerners’ support, better to develop surrogate arguments and keep slavery out of the picture.

In the early 1820s, Mexico, having won its independence from Spain, invited Americans to settle in today's east Texas, provided that they would observe Mexican law. By 1830, a significant number of settlers had come to live in this part of Mexico. Although Mexico by then had abolished slavery, this prohibition was largely ignored in the faraway province of Texas. When Mexico began in the mid-1830s to enforce the law, the American settlers, who still thought of themselves as Americans, rose in revolt. In a surprise victory at the battle of San Jacinto in 1836, the Texans prevailed and forced Mexican recognition of the Republic of Texas. For the next eight years, the Republic and the United States went back and forth about whether independence or annexation was the Republic's goal. There was insincerity in the arguments on both sides. Pro-annexationists asserted that Mexico was about to resume the war and that annexation was necessary to forestall this plan—even though Mexico was too weak to make good on these threats. Anti-annexationists asserted that the Republic could defend itself adequately—even though it was virtually bankrupt and unable to afford its own defense. But military, financial, and political considerations tipped the scale by 1844, when U.S. President John Tyler appointed negotiators who produced a draft treaty that Tyler submitted to the Senate for ratification.

It was generally understood that ratification would help the South politically, relative to the North. It would yield one or more new states, adding to the South's representation in Congress. Some or all of the new states would be slave states, reflecting the economy and culture of the South. Southern power would be further augmented by counting in their census totals 3/5 of the slave population, though of course the slaves could not vote.

Slavery, then, was the “elephant in the room.” All understood that it would be the result of annexation, but few wanted to say so explicitly. Doing so would strengthen the deepening polarization between North and South, making it harder to obtain the necessary votes for the treaty in the Senate. Better to find other, also relevant, arguments for Texas annexation.

A fuller discussion of the historical background of this controversy may be found in Silbey (2005) and Haynes (2022).

3. VALUING STRATEGIC TOPICAL CHOICE: A COUNTER-EXAMPLE

The rhetorical value of topical choice is made clear through consideration of the most prominent counter-example, John C. Calhoun. Although a distinguished orator, Calhoun was interested in ideological purity, not rhetorical success. Calhoun would have been opposed to the very idea of strategic maneuvering. He wanted Texas annexation, but only if people understood that it was being undertaken in order to promote the spread of slavery and approved it for that reason. Calhoun was named Secretary of State in March 1844, following the death of Abel P. Upshur. Entering office, he found an unanswered letter from the British minister to the United States, Richard Pakenham. Pakenham had written in reply to an official American inquiry about British intentions regarding slavery in the New World. Pakenham had expressed hope that someday slavery might be eliminated all over the world, but beyond that, he made no statement of British intentions and specifically denied that Britain would intervene in any way in the affairs of the Republic of Texas.

Although Pakenham's letter probably was intended to be conciliatory, Calhoun took it as incendiary. It gave him a loose pretext to defend American annexation of Texas specifically in order to spread slavery. Calhoun not only sent his reply off to Pakenham; he included it in the packet of documents he sent to the Senate along with a draft of an annexation treaty he encouraged Senators to ratify. Why he wrote the letter, and why he circulated in this way, have been objects of speculation ever since.

Calhoun was not a rhetorical strategist. But if he had been, he, like others, would have realized that he blundered badly in the response to Pakenham. With this move, the cat was out of the bag. Efforts to argue on other grounds for annexation were exposed, to many different

audiences, as nothing but a veneer. The true cause for annexation was revealed to all as the desire to spread slavery. Moreover, as Secretary of State, Calhoun was presumed to speak for the administration. Together with northerners' unhappiness that their preferred candidate, Martin Van Buren, had lost the Democratic nomination for the presidency to James K. Polk (Haynes, 2022, p. 335), Calhoun's letter helped to coalesce northern Democrats against the treaty. It was defeated by a vote of 35 against and only 16 in favor, far short of the two-thirds vote required for ratification.

4. TOPICAL CHOICE IN CONGRESSIONAL DEBATE

Many thought the defeat of the treaty was the end of the matter, but not the intrepid President Tyler. He now maintained that annexation did not require the treaty anyway. He took advantage of an ambiguity in the U.S. Constitution. Ratifying a treaty with another nation required a 2/3 vote of the Senate but did not require the consent of the House of Representatives. The power to admit new states depended on majority vote, but a majority of both houses. Tyler's proposal did both; which took precedence?

Tyler proposed to admit Texas immediately as a state, without its needing to go through the normal territorial period first. This enabled him to maintain that, although the Republic of Texas was a foreign nation, no treaty was required since the task at hand was admitting a new state.

Accordingly, Tyler resubmitted the defeated treaty as a proposed joint resolution. Legislative debate took place in both houses. The Senate added a new issue – whether the House had any role to play in foreign affairs – but that question did not receive much attention. For the most part, the issues were similar to those of the Senate debate the previous spring. Supporters of annexation exercised topical choice in one or more of three ways.

4.1 *National benefits to annexation*

First, advocates sought to mitigate the claim that annexation was an unjustified benefit uniquely for the South by maintaining that *every* region would benefit. For example, Congressman George A. Caldwell, Democrat of Kentucky, spoke of the “almost incredible” quality of agricultural production, which would benefit the entire nation. He neglected to mention that maintaining this system of agriculture depended heavily on slave labor. He also noted that, if Texas were annexed, under existing revenue laws, “we would receive from her a full and adequate supply of sugar for the whole Union,” thereby saving “the millions that are annually sent abroad for sugar” (Caldwell, 1845). Citing specific examples, Democratic Congressman Moses Norris of New Jersey pointed out that both the North and the West would gain economically from the annexation of Texas, and added that the demand would increase because of anticipated population growth (Norris, 1845).

4.2 *Thwarting a British conspiracy*

A second topical choice was to focus on an alleged British conspiracy involving Texas – perhaps British annexation, perhaps use of Texas as a corridor for a renewed British attack on Texas (reopening the War of 1812), but usually an imagined special economic or commercial relationship between Britain and Texas, undercutting the United States. Some advocates of this view believed that Britain had paid a price for her abolition of slavery a decade earlier: the British West Indies no longer could sell cotton so cheaply to manufacturers abroad. In particular, Britain was undercut by the American slave states, where the cost of labor was negligible. This proved, proslavery Southerners believed, the superiority of slave labor over free labor. But it also created a British motive to induce others to abolish slavery in order to create a level playing field. Thus the imagined plot: commercial benefits for Texas in return for

Texas's abolition of slavery. Never mind that Britain responded to official inquiries by disclaiming any such intention; isn't that just what you would expect a wily conspirator to do?

To avert the plot of this imagined conspiracy, the United States must annex the Lone Star Republic. And it had better do so quickly, before the currently secret plot would have a chance to hatch. This topos transcended the issue of slavery and focused instead on the existential level of national survival. Congressman Norris, cited above, asserted that British subversion of the United States already had begun, claiming that the motive was "to foment the spirit of political abolitionism in the United States, to array the North against the South, and thus to weaken the ties that bind us together, and finally consummate her long cherished desires by a dissolution of the Union, and prostrate forever her great and rival antagonist in commerce, manufactures, and the arts" (Norris, 1845). This line of reasoning appealed to what Chaim Perelman (Perelman and Olbrechts-Tyteca, 1969) called the "locus of the irreparable": the situation was urgent; fail to act now and the opportunity might well be lost.

Not all who felt threatened by Britain necessarily imagined such ultimate consequences, but dismissal of such extreme positions probably helped more moderate positions, such as fear of a commercial treaty, appear more reasonable. One prominent figure profoundly affected by anti-British fears was former president Andrew Jackson. Now in his eighth year of retirement and in failing health, he nevertheless remained active and influential in the Democratic party. He took unsubstantiated rumors of conspiracy as literal truth. When he learned of them, he wrote to friends and allies emphatically urging immediate annexation in order to frustrate the British design. He jettisoned former president Martin Van Buren, the front-runner for the 1844 Democratic nomination, when Van Buren refused to go along.

Consequently, one variation on the anti-British argument was the entotic claim that Texas should be annexed as an act of homage to Andrew Jackson. In the Senate, Democrat Levi Woodbury of New Hampshire gave voice to this plea: "There dwells at this moment in the shadow of the Hermitage, an aged and hallowed veteran in his country's service, whose lamp of life is fast burning out, while we tarry. He looks anxiously to this great consummation of his patriotic hopes" (Woodbury, 1845). Three days later, Democratic Senator Walter T. Colquitt paid at least as effusive a tribute to Jackson (Colquitt, 1845). For men such as these, Jackson's passionate commitment to annexation was in itself good reason for patriotic Democrats to support it.

4.3 *Public opinion as warrant*

The final example of topical choice to be discussed here is the claim that annexation is warranted by public opinion, as measured by the results of the 1844 presidential election. This claim figured prominently in the Congressional debates of early 1845. The election had featured James K. Polk, a Democrat who favored immediate annexation, and Henry Clay, a Whig running for the third time, who temporized about when and under what circumstances annexation might be feasible, but who maintained that it would not be prudent at present, largely because it would reopen the war with Mexico.

Polk won the most popular and electoral votes. His victory was regarded by both Democrats and Whigs as a mandate for annexation. Democratic Congressman A.P. Stone of Ohio put it simply: "The two great political parties of the country, in the late campaign, went before the people upon this issue [of Texas annexation], if upon no other. The people have rendered up their verdict, and it is our duty, as faithful representatives, to carry it into execution" (Stone, 1845).

Topical choice had shifted the focus from slavery to majoritarianism. Whig Congressman A.H. Chappell of Georgia pronounced the matter closed: "That people had passed solemnly and deliberately on the question. It was no longer an open and undetermined question . . . the popular voice had been pronounced – the popular seal had been set in regard to it, in a manner not to be forgotten or erased, and certainly in a manner not to be misunderstood or lightly treated..., by the servants and representatives of the people" (Chappell, 1845).

5. RECALCITRANT OPPOSITION

Despite the seeming finality of these pronouncements, however, it was far from settled that election results constitute policy mandates. Congressman J.P. Kennedy, Whig of Maryland, put the matter succinctly: “From all I can gather on this point, one thing I am sure has been decided: that Mr. Polk has been elected President of the United States. Nothing else, as far as I can see, has been settled” (Kennedy, 1845).

Subsequent action by Congress was hardly automatic. The House favored annexation by a joint resolution; the Senate favored renegotiating the treaty. The deadlock was broken by a compromise allowing the president to choose the method of annexation, and even *that* barely passed the Senate, 27-25. It passed despite the insistence of Whigs such as Congressman Robert C. Winthrop of Massachusetts, who proclaimed, “I shall oppose the annexation of Texas, now and always, upon the ground that it involves an extension of domestic slavery. No considerations of national aggrandizement; no allurements of northern interest and advantage, were they even as real as in this case they are specious and delusive, will ever win my assent to an enlargement of the slaveholding territory of my country” (Winthrop, 1845). For those whose minds were set as firmly as Winthrop’s, there was no more opportunity to be persuaded. But positions similar to his provided one more option for topical choice, as a means of refutation. Several supporters of annexation developed what would be called the “diffusion theory.”

6. THE DIFFUSION THEORY

The premise of the theory was that whether or not Texas came into the Union, the total number of enslaved persons would remain the same. If more were taken to Texas, they would have to be taken from somewhere else, where the slave population would correspondingly decline. Hence the same number of slaves would be “diffused” over a wider geographic area. Not only that, but the states “losing” slave population eventually might find slavery itself to be an unworkable economic system and become free states. Hence Texas annexation could support the expansion and the limitation of slavery at the same time.

This theory might strike us as specious, as it made no allowance for increases in the slave population, whether through breeding or through smuggling from abroad. Except for one thing: it was a reasonably accurate historical account of how slavery was eliminated in the middle Atlantic states in the later years of the 18th century. Slavery became unprofitable in Pennsylvania, New York, and New England, but land far more fertile and suitable for slave-based agriculture was available further south, in Alabama and Mississippi. So what became the Southwest Territory was settled by “diffusing” the enslaved population over a wider area. Given the historical record, why could the diffusion theory not succeed again in Texas?

Elements of this theory were appealed to during the Congressional debate of 1845. Observing that the direction of diffusion was southward, Democratic Congressman Chesselden Ellis of New York predicted, “A single generation will not pass away if [annexation] be accomplished, before the States of Delaware, Maryland, Virginia, Kentucky, and Missouri join their sisters of the North in emancipation.” He explained, “The diffusion of slavery does not increase the number of slaves... Remove them from Virginia to Texas; you diminish their number in the one place as you increase it in the other...” (Ellis, 1845).

7. CONCLUSION

Not everyone was taken in by the diffusion theory, of course. It is noteworthy, however, that relatively few Members of Congress followed in the path laid by Congressman Winthrop. Nor

is it likely that the diffusion theory changed many votes. But then it did not need to. Only a simple majority in each House was needed to adopt the joint resolution. It is likely that the various topical choices had a role to play in the evolution of this controversy. And a granular examination of texts revealing one form of strategic maneuvering helps to show how widespread it is throughout a historically significant controversy. In the case of topical choice, the analysis shows how strategic maneuvering reframes the conflict without changing the standpoint at issue or the dialectical responsibilities of the advocates.

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