

The Middle Period (c.1820-c.1914)

Just as European history has its “Middle Ages” between the Greco-Roman flowering and modern Europe, America has what historians have called a “Middle Period” between its Founding Era and its modern era. By this period, the questions of unity and independence were settled. America would obviously survive as an important country, apart from Europe. Thus the big challenge became how to get rid of slavery. The inclusion of slavery into a nation dedicated to individual rights was becoming unacceptable to more and more Americans. The champions of this change were called “abolitionists.” The Middle Period begins with the failed attempts by the Founders to contain slavery, which led to a growth of the Union without a stoppage of slavery. As this continued, the contradiction in view between “North” and “South” ultimately led to a Civil War to resolve the conflict. Following the “Reconstruction” of the Union, America began to transition into a modern, industrial nation, and become more and more of a democracy.

I. Slavery and the Separation of Powers

A. The Concept of the Separation of Powers

1. When the Founding Fathers created the United States they believed that a government must protect individual rights.
2. To create such a government they fought the British, created a constitution, and added the Bill of Rights to it.
3. Also, the Constitution divided up the powers of the government, assigning it to separate groups. The Founders believed that each group would “check” the power of the other groups and their offsetting powers would “balance” each other. Any one group would thus have a difficult time attacking people's rights. (The “separation of powers” is sometimes referred to as involving “checks and balances.”)

B. The Contradiction

1. The “separation of powers” was a good idea to stop the government from attacking people's rights, however, it did not work well in one case. This was the result of a contradiction in the Constitution.
2. The American government had been created to protect rights, and it was believed that a strong, independent union was necessary to do so.
3. Sadly, the compromise between northern and southern states on slavery that had been necessary to create the union, allowed slavery to continue to exist, and thus to be accepted and protected by the new government.
4. Since slavery is against the rights of the people who are enslaved, this means that a government created to protect rights was in this case attacking them.

C. The Problem of a Constitutional Amendment

1. When the Constitution was created slavery was still considered entirely normal throughout the world. Although some people were beginning to question it, there was no way to convince the majority of Southerners to abandon slavery at the time of the creation of the country.
2. As more and more people came to desire the end of slavery, they found that it would be very difficult to do it, because to legally end slavery in the United States would require an amendment to the Constitution. To create an amendment would require support from 2/3 (a “supermajority”) of the House of Representatives and 2/3 of the Senate, and further, the ratification of an amendment by 3/4 of the state legislatures.

3. The basic hurdle in creating such an amendment was that in the Senate each state had equal representation, regardless of its population, and only 7/13 of the original states would be willing to get rid of slavery. ($7/13 < 2/3$).

D. The Growth of the Union up to 1820

1. Following the creation of the federal government of the original thirteen states, new states began to be added to the union.
2. Vermont joined in 1791, followed by Kentucky and Tennessee. The latter two were slave states, which meant that the union was divided between 8 free states and 8 slave states.
3. It became a pattern of the growth of the union that the addition of a free state would be matched by the addition of a slave state, or vice versa. This kept the original compromise for union alive.
4. By 1820 there were 22 states in all – 11 where slavery was illegal, 11 where it was legal.

E. The Missouri Compromise (1820)

1. The question of whether slavery would be allowed in the Louisiana Territory had never been answered. Now a part of that territory, Missouri, applied for admission to the Union as a slave state.
2. Those who wanted to stop the spread of slavery wanted to have the federal government prevent Missouri from joining the Union as a slave state, but supporters of slavery argued that the federal government did not have this power. Slavery was a matter for states to decide.
3. Since Missouri could not join without the support of the North, a compromise was agreed upon.
 - a) Missouri would be allowed to join as a slave state.
 - b) A new free state, Maine, would be broken off from Massachusetts.
 - c) *All remaining territory from the Louisiana Territory west and north of Missouri would be off limits to slavery.*
4. Since the area off limits was by far most of the territory, this solution seemed like it might be a step towards abolishing slavery. Furthermore, this arrangement established the separation of powers *between the federal government and states* over slavery. The federal government could only legally control slavery in territories that were not states. Sadly, even this limitation failed...