How the U.S. Constitution caused the Civil War

On April 12, 1861, the Civil War began when a Confederate battery in Charleston, S.C., opened fire on Fort Sumter, a federal fort located on an island in the city harbor. Beginning this month we’ll observe the sesquicentennial of the major events of that war and debate yet again the causes of that tragic conflict.

I believe that the principal cause was the juxtaposition of three sections of the original U.S. Constitution. These were the provision declaring slaves to be “three-fifths of a person” for purposes of apportionment of members of the U.S. House of Representatives (Article I, Section 2, para. 3); the provision requiring that any bill “for raising revenue” originate in the U.S. House of Representatives (Article I, Section 7, para. 1); and the provision establishing that the president of the United States be selected by an Electoral College chosen by the states, each state having a number of electors equal to the number of senators and representatives from the state (Article II, Section 1, para. 2).

The first provision is well-known. At the Constitutional Convention of 1787, the Southern states wanted to count slaves as “one person” for purposes of apportionment, while denying them the right to vote. The Northerners did not want to count slaves at all. The compromise was the “three-fifths of a person” rule. The delegates surely knew that this would give slave states great influence in the House. Slaves could not vote, but their masters would be able to wield more power in the U.S. House than if slaves were simply counted as “property” and not partial-persons.

The three-fifths rule affected the other two provisions. Because the U.S. House effectively controls all bills relating to raising funds, the slave states had a disproportionate influence in revenue matters. Until the adoption of the federal income tax in 1913, the principal source of federal revenue was usually tariffs. The federal government needed tariff revenue to support itself. The non-slave states in the North wanted tariffs to be high in order to protect a national market for the goods that Northern factories were producing. The slave states in the South were opposed to tariffs. Their business was agriculture, not factories. They wanted tariffs to be low so they could buy foreign goods more cheaply.

If we examined the voting records of the congressmen between 1790 and 1860, we would almost certainly find that the Southerners voted consistently against increasing tariffs beyond the bare amount needed to support the federal government.

The three-fifths rule also affected the Electoral College. That body elects the president every four years. The number of electors a state sends to the college depends upon the number of senators it has (always two) and the number of representatives it has (varies by population). The three-fifths rule meant that slave states also exercised disproportionate influence in the Electoral College.

If we examined the results of the Electoral College from 1804, when the 12th Amendment was adopted, until 1860, we would see the influence of the three-fifths rule more clearly. The slave masters had a disproportionately weighted voice in choosing the president.

By reading these three constitutional provisions together, we can see how the slave states exercised control over both the legislative and executive branches of the federal government. They determined revenue policy to a great extent and they could, when acting as a bloc, virtually elect the president. Their base of political power in the federal government depended upon slavery and upon the three-fifths of a person rule.

Given that situation, why should the slave states give up slavery? It was not just an economic system; it was also the basis of their power in the federal government. We usually think of the Civil War as a fight over slavery as a moral issue and an economic system. However, it was also — and I think primarily — a fight over slavery as the basis of political influence in the federal government. Three provisions in the Constitution established that power base.

On Dec. 20, 2010, when some moderates in Charleston observed the secession of South Carolina with a “Secession Ball,” one participant made it a point to tell a reporter that the war was fought over tariffs, not over slavery. In a sense, she was right, but slavery gave the South the power to influence tariff policies for several decades.

Ironically, the Constitution helped give the South even more power after slavery ended in 1865. When the federal government abandoned the free slaves to their former masters, the Southern whites ensured that blacks could not vote. Because blacks were counted as a whole person, not a partial person, the South continued to have great influence in the U.S. House and the Electoral College. The Jim Crow system that whites established after the Civil War actually allowed whites even more power as long as blacks could not vote.

It was only when the civil rights movement forced the Southern states to allow blacks to vote that the white Southerners lost much of the power they had effectively held since 1790. The U.S. Constitution was the basis of the civil rights struggle that took place a century after the Civil War. Thus, the Constitution that created the problems that resulted in the Civil War was the same Constitution that helped resolve those problems a century later.

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