

6.2abc Delegates to the 1856 Utah Constitutional Convention debate whether Utah will apply as a slave or free state.

Documents

6.2a. Orson Pratt, March 22, 1856, before the 1856 Utah Constitutional Convention, Church History Department Pitman Shorthand transcriptions, 2013-2021, Addresses and sermons, 1851-1874, Utah Constitutional Convention, 1856 March, CHL

6.2b. Minutes of Utah Constitutional Convention, Council House, March 21-27, 1856, MS 2988, CHL.

6.3c. Historian's Office General Minutes, 1839-1877, March 23, 1856, CR 100 318, CHL.

a. Convention delegate and Latter-day Saint apostle, Orson Pratt speaks out against slavery, March 22, 1856.¹

Orson Pratt

As the subject of slavery has been before the house, I feel disposed to make a few remarks upon the same subject. For one, as an individual, I can state my opinions in regard to slavery: that in one sense of the word it is right and proper—[in] one species of slavery—and in another sense it is not right nor proper. I will endeavor to define my views upon this subject: there is [no] doubt in my mind, Mr. President, in one sense, that slavery is of divine institution, or that it has been authorized by him in early ages of the world. I might sight your mind, Mr. President, to a declaration in the scriptures. Perchance it is not there [stated that] slavery is of divine institution or not. But the amendment, perhaps, Mr. President [could be improved]. It may be added that if we had lived in former ages of the world [that slavery was of divine institution]. But it may be a matter of consistent controversy² whether they have a divine right [to practice slavery today]. If I considered I had a divine right, it [would] matter not what the North or South would say. If we had no divine right [then we] should go against slavery and then [the] question might arise upon the policy of the thing, whether we had a right to adopt the privilege by our

¹ Orson Pratt, March 22, 1856, before the 1856 Utah Constitutional Convention, Church History Department Pitman Shorthand transcriptions, 2013-2021, Addresses and sermons, 1851-1874, Utah Constitutional Convention, 1856 March, CHL; Facsimile transcript, CR 100 912, CHL.

² Written *controversy*; obvious intent is *controversy*.

[illegible] commandment but by mortal dictate or [by the] rights of the people. If it be decided, however, that it be not necessary to decide whether it be a divine precedent, I would like the members to consider Mr. Blair's amendment about the African slavery, [whether he is in favor of it] or not. If he is in favor of it, I would like to know. But for him to speak, and then the convention not to know how he [stands on this issue; whether he] is in favor [of it or not, is not right].

I do not know how I can express my mind without using some arguments against or for it)³. We will moot⁴ the arguments that might be drawn from scripture, whether it is a divine right and whether it should be adopted in this [constitution] or not, and we will come to our own age and day and see if there be any principle [which has] emanated from that Being whom we profess to worship and whose revelations and principles we respect, whether there has been anything emanated from him in this day that speaks perhaps to the honorable member on my right.

We are here, sir, to know the wishes and the views of our constituents of this territory. We may then inquire, What are their views upon this question of slavery? I know of no other way [to ascertain this], only to appeal to their principles and covenants. I read in the book called the Book of Doctrine and Covenants, [a book accepted as scripture by our constituents] with [the] exception of a few individuals who may not agree with the mass[es]. I read, sir, in that divine book [that] "it is not right that any man should be in bondage."⁵ You will find it, sir, in a

³ There was no opening parentheses recorded in the shorthand.

⁴ Word could also be read *mute*.

⁵ Here Pratt quotes from Latter-day Saint scripture, a revelation Joseph Smith claimed to receive at Kirtland, Ohio on December 16 and 17, 1833, which was included in the Doctrine and Covenants as section 101. Pratt quotes verse 79, ("Therefore, it is not right that any man should be in bondage to one to another") a verse historians have suggested was likely aimed at debt bondage, but here Pratt explicitly uses it to reject human bondage. It is the only known instance of a Latter-day Saint leader citing the verse against slavery and was previously unknown to scholars. For prior assertions regarding this verse and debt bondage see Matthew L. Harris and Newell G. Bringhurst, eds., *The Mormon Church and Blacks: A Documentary History* (Urbana: University of Illinois Press, 2015), 16-17; Lester

revelation to the people whom we call our constituents that elected us to this convention. It will be found in a revelation that was given in December some 23 years ago, contained in that book, [which is] believed in by the most of our constituents, that “it is not right that any man should be in bondage to another.” This being the views then of the constituents [whom we represent], I feel to have this boldness to come before this honorable body and advocate the views of this [revelation to this] honorable body. If it be not right that one man should be in bondage to another then I am opposed sir to adopting this [in our constitution]. It is contrary to the views of our constituents that we should adopt this. Our constituents that ~~are~~ have sent us here sir would not accept the constitution if we were to adopt views which they as a great mass do not believe.

It has been said that slavery is a constitutional principle and that of propriety slavery is institutional, but I have heard no arguments from the gentleman who has spoken that slavery is a constitutional principle, and I doubt very much whether that gentleman or any other gentleman can show one clause that will permit us to adopt slavery into our future state. I know, sir, that it is said by many of the honorable members of Congress that it is constitutional. It is easy to assertion,⁶ but it is not so easy to support. I never sir have found that man with all his talents that have been poured forth that has been able to show that it is a constitutional principle. And until it can be shown [that it is a constitutional principle], I shall raise upon the same principle that there is guaranteed unto all men the rights and liberties of acquiring and possessing property. I think, sir, that we have this spirit in them⁷ not to [illegible]. And so long as I see that principle in the United States as well as in the present article under discussion—so long as I see these things

E. Bush Jr., “Mormonism’s Negro Doctrine: A Historical Overview,” *Dialogue: A Journal of Mormon Thought* 8 (Spring 1973), 56; Lester E. Bush Jr., “A Commentary on Stephen G. Taggart’s Mormonism’s Negro Policy: Social and Historical Origins,” in Lester E. Bush Jr. and Armand Mauss, *Neither White nor Black: Mormon Scholars Confront the Race Issue* (Midvale, Utah: Signature Books, 1984), 34.

⁶ Written *assertion*; probable intent is *assert*.

⁷ Word may be crossed out. Transcription of word is somewhat uncertain.

staring me in the face, I do not wish to grant⁸ them a principle contrary to religious liberty as well as religious liberty.⁹ I include them both together as one. I do not feel to grant to any person by his assertion, that is, [that] slavery is a constitutional right, that it is in the Declaration of Independence, and the spirit of it [is] in the Constitution.

We sir have adopted the same principle in our constitution and have declared, as has been referred to, that it is the privilege of all men to be free [and] that it is the privilege of all not only to possess and acquire, but to defend their lives and property. And inasmuch as we have adopted this [principle] which is in accordance with the great principles of the republican government, I for one feel to [illegible]¹⁰ them. I do not wish, as I presume it is not the wish of the president or the members of this convention, that I should say much in relation to slavery, on the matter before us. I do not feel that I should be distressed in the enlarging upon it. (President:¹¹ I presume that the feelings of the convention are with me, that they have no light upon them. [They] will be willing to ramble off as members, though I think we might sit here six months.¹² [I have] not, have [not] done [this or do not] do so, as this is the first time that I have spoken off. I am not in the habit of rambling over the subject. My mind is too much trained in the mathematical subjects to ramble. It was my intention to show that slavery was introduced [in earlier ages] and that it was generally [accepted] and that in consequence of the circumstances that had [been in] existence, [it had] been done away [with] and that we and our constituents, the great mass of them, believe that it is [now] done away [with] and [then]¹³ to prove it from the

⁸ Transcription of word is somewhat uncertain.

⁹ Shorthand records “religious liberty” twice even though the context suggests that Pratt referred to two types of liberty, perhaps personal liberty and religious liberty.

¹⁰ Word is illegible but from the context of the sentence *support* or *uphold* are two possibilities.

¹¹ Jedediah M. Grant was president of the convention. Parentheses () typically enclose very brief comments spoken from the audience; here, only the opening parentheses is given and it is difficult to determine where the president’s words end and Orson Pratt’s words resume.

¹² This is probably the end of the president’s comments.

¹³ Written *he* or *the*. Apparent intent is *then*, or Long missed reporting a word or words.

books that our constituents believe [in] and that have emanated from heaven, that the principle of slavery is done away and is not right. It has been reckoned [with] long [ago, though] not upon this question.

Indeed, [I] do not argue that slavery should not¹⁴ exist, because there was a curse pronounced upon some of the human family, [and] that certain individuals [were] to [to be slaves by] divine designs, [and that they] should become “servants of servants.”¹⁵ Now sir there may be many curses pronounced that we may not have a right to exercise.¹⁶ Sir, there were curses pronounced upon the house of Israel in former days, and it was predicted that they should be brought into bondage and chastened and afflicted, [even] to suffer. Were their enemies justified¹⁷ in coming upon the people of God to use them as servants of¹⁸ slaves? They were not, sir, because there were a prediction upon that people, [and they] had been chastised by¹⁹ persons, to come in and execute that, for, sir, we are told their oppressors that executed this chastisement should in their turn feel the ratchet, [and] in their turn there may be a judgment fixed upon their posterity.

And there may be judgments that we have no right to seek, when we have no proof that the Africans are the descendants of old Cain, who was cursed. And even if we had that evidence, we have not been ordered to inflict that [curse] upon that race. Consequently, it is no argument for me to establish slavery because those persons are to be slaves.²⁰ It is no evidence that we are

¹⁴ Written *not should*. Obvious intent is *should not*.

¹⁵ Here Pratt quotes Genesis 9:25.

¹⁶ Transcription of word is somewhat uncertain.

¹⁷ Written *chastised*; apparent intent is *justified*. Orson Pratt used this same argument in his anti-slavery speech to the 1852 Utah Territorial Legislature.

¹⁸ Written *of*; possible intent is *or*. Another possibility is that Orson Pratt made an intended paraphrase of *servants of servants*, saying instead, *servants of slaves*.

¹⁹ Transcription of word is somewhat uncertain.

²⁰ Pratt did not accept the circular argument that enslaving people of Black African descent was justified because people of Black African descent were cursed to slavery.

any different, [or that we] have any right to do it. And I very much doubt that if this nation that [has] executed [this curse] upon the descendants of Ham, I very much doubt if they will not be brought into judgment; [the same judgement] they executed [will be] the judgment pronounced upon them.

Sir, I am against the motion [and I am] against them [who support it]. I do not know that I could have taken up the subject so pointedly had we not agreed to take all men [and] guarantee them freedom—if we had not already said that all men should be free. But in order to be free and consistent with matters and with the principles that we have already said we have adopted, and with principles that we have, [which have] emanated from the Being that we profess to believe in. And I [hereby] give [you these words from revelation]: “it is not right”—that is the way that the sentence commences—“it is not right that any man should be in bondage to another.” [four words illegible]²¹ On these grounds therefore, I shall oppose the motion that is before us.

b. The delegates at the constitutional convention vote on the slavery proposal.²²

Council House, Saturday, March 22nd 1856, 9 A.M.

The Convention ~~next~~ was called to order by the President.

Roll called, quorum present.

Prayer by the Chaplain.

Minutes of yesterday read, and accepted.

The consideration of Mr. Blair’s motion which was under discussion on the adjournment last evening was resumed, namely: That the third section of Article 2 shall read as follows: “The people of this State do adopt and will regulate African Slavery as they in their wisdom may deem proper.”

On the question being put, it was negatived. J.F. Kinney called for the ~~Ayes~~ yeas and nays to be entered in the Journal: the following was the result.

~~Ayes~~
Yeas

~~No~~
Nays

²¹ Phrase could possibly be read: *Whose word have [we] read.*

²² Minutes of Utah Constitutional Convention, Council House, March 21-27, 1856, MS 2988, CHL.

Almon W. Babbitt	(GSLC) ²³	Daniel H. Wells	(GSLC)
Seth M. Blair	(“)	John F. Kinney	(“)
Thomas S. Williams	(“)	William Bell	(“)
George P. Stiles	(“)	Garland Hurt	(“)
George A. Smith	(Iron)	William H. Hooper	(“)
		Orson Pratt	(“)
		Parley P. Pratt	(“)
		Jesse C. Little	(“)
		Samuel W. Richard	(“)
		Lorin Farr	(Weber)
		Chancey W. West	(“)
		Lorenzo Snow	(“)
		Jonathan C. Haight	(“)
		Joseph Holbrook	(Davis)
		James Leithead	(“)
		John D. Parker	(“)
		George A. Smith	()
		Isaac C. Haight	(Iron)
		John D. Lee	(Washington)
		Ezra T. Benson	(Tooele)
		Leonard C. Harrington	(Utah)
		James C. Snow	(“)
		Madison D. Hambleton	(Juab)
		Isaac Morley	(San Pete)
		George Peacock	(“)
		Samuel P. Hoyt	(Millard)
		Enoch Reese	(Carson)

In recording their votes, Mr. Hurt and Mr. Hooper stated that if the question was for or against the principle of slavery they ~~sho~~ would have voted in favor of slavery; but being in favor of leaving the question of adoption or non-adoption to be settled by the people, they so voted against the motion.

c. Brigham Young and George A. Smith take opposing positions on Utah’s application for statehood and slavery.²⁴

B.Y. When you have exhausted all your gas on this constitution you will not get one any better than the original Deseret [constitution].²⁵ I don’t care what you get up; if they

²³ Great Salt Lake County.

²⁴ Historian’s Office General Minutes, 1839-1877, March 23, 1856, CR 100 318, CHL.

²⁵ Young here refers to the Latter-day Saints’ original application for statehood in 1849 as the state of Deseret. He does not believe that the 1856 convention needs to write an entirely new constitution but that it could use the

will give us a State we will soon make a constitution to suit ourselves. If George A. [Smith] is going in for [a] Slave State, he must not go to Washington. George A. did not believe it, but he has harped upon it and I do honestly believe he don't believe a word of it. If the people voted this a Slave State they would vote themselves a low mean pusilanimous [sic] set. He commenced it with policy and has argued himself into the belief. I would not rest myself on that ground a single moment..... Kinney put that Section on Slavery in to prop up the Douglass party [as] if it is only to put a straw[man in] to prop it up.²⁶ . . .

[George A. Smith arrives at the meeting]

B Y Brother George it is said you believe that this ought to be a slave state.

G A S If I had to make a Constitution I would adopt it as a Slave State.

B Y Give me you the reasons.

G A S I don't consider that any one has made slaves in a right way. But laws should be thrown around the Slave and we should have it in the Constitution and they should be protected as slaves. If this is a free state you could not hold slaves.

B Y In Illinois they abolished Slavery by their laws not by their Constitution.

original Constitution of the State of Deseret with some modification. That constitution was silent on the question of slavery. See Dale L. Morgan, *The State of Deseret* (Logan: Utah State University Press, 1987).

²⁶ Young here refers to Chief Justice John F. Kinney of the territorial supreme court who was a delegate at the constitutional convention. Young suggests that Kinney only entertained Blair's proposed amendment at the convention to "prop up the Douglas party," a reference to Senator Stephen A. Douglas from Illinois, who was a Democrat and the most prominent proponent of popular sovereignty in Congress.

G A S This Cato Drummonds would be made free in Kentucky on account of having been taken to California.²⁷ If I went to Washington I should tell them this ought to be a Slave State and I would have the State admitted under that head.

B Y I was just telling the brethren if that was your opinion, I did not want you to go. If men bring slaves they must not sell them but treat them well and send them to school. I don't want one word about it in the Constitution. Don't mouth it one way or the other. I wish you to define your position on Slavery.

G A S I want it so that my brother in Kansas can bring his slaves here and have his right preserved to him.²⁸ When you take away the liberty of man you want it in the Constitution. I wish them to regulate Slavery by their laws. When the Convention voted they did not want slavery; it was an end to me.

B Y One [line²⁹] is the traffic in slaves, to buy and sell [them] and if a black man strikes a white man he can be killed without any law. Then there is the abolition question. The children of Ham were trafficked in as slaves. Do we want the Southern Slavery, the Northern abolition, or the decree of God? The children of Ham will be in perpetual slavery.

G A S Unless you have slave laws, you cannot sell them.

B Y It is a curse to any community to have them [slaves] in it. Keep the blacks out and let the white men do the work and the people will rise. We won't have them here. I wish we were rid of them. I would not feed and clothe the best black man for what he can do. Let them stay in the

²⁷ Smith here refers to Cato who was a man enslaved to William W. Drummond, a federally appointed judge in Utah Territory and seems to believe that Cato had been taken to California, a free state, at some point.

²⁸ Smith is likely speaking of a hypothetical "brother" in this instance, used to indicate a fellow Latter-day Saint, not a biological brother.

²⁹ *Line* is a potential reading of this word.

South or buy a place in Missouri to accommodate the slaves and have black rule and be done with it. [As for the] whole dispute that old Father Ladd don't make his own slaves, [well] we have yellow ones enough.³⁰ . . . If you were to carry out Slavery as they do in the South and it would soon sink us. They are a curse to any men.

³⁰ It is not clear who Young is referring to when he mentions "old Father Ladd." There were no known enslavers in Utah Territory with the last name of Ladd. It could have simply been a colloquial phrase used to indicate a slave holder. In any case, Young signals his awareness of race mixing and the fact that some enslavers fathered children with enslaved women. "Yellow" was the color designation sometimes used in the nineteenth century to indicate people of mixed racial ancestry. For examples of race mixing in Utah Territory, see Tonya Reiter, "Redd Slave Histories: Family, Race, and Sex in Pioneer Utah," *Utah Historical Quarterly*, 85 (Spring 2017): 109-126.