

Utah's state constitution bans slavery — mostly. And Rep. Sandra Hollins says mostly isn't good enough.

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Not surprisingly, the Utah Constitution forbids slavery and involuntary servitude.

Shockingly, to state Rep. Sandra Hollins and others, that general prohibition is accompanied by the word “except.”

The state constitution ratified in 1895 reads: “Neither slavery nor involuntary servitude, except as a punishment for a crime, whereof the party shall have been duly convicted, shall exist within this State.”

Hollins is sponsoring a bill in the upcoming legislative session aimed at striking this exemption from the state's founding document.

“It's taking away language out of our constitution that is hateful. Slavery should not exist in any form, even in our prison system, as the constitution suggests that it should,” Hollins, D-Salt Lake City, said in a Friday phone interview.

Hollins' bill is still being drafted, and a copy was not available Friday. But to change the state constitution, her proposal would have to pass both sides of the Legislature by a two-thirds majority. Voters statewide would then decide on the constitutional amendment during the 2020 elections, Hollins said.

Hollins said she learned about the slavery exception from an ABC4 news report last year. When she's told other people about her proposed bill, most have reacted with shock that the slavery language is still on the books.

“People are surprised that it is part of the Utah Constitution,” said Hollins, the only African-American member of the Utah Legislature.

Other state constitutions — those in Oregon and Nevada, for instance — also contain wording suggesting convicted criminals can be enslaved, reflecting a provision originally included in the 13th Amendment of the U.S. Constitution.

Voters in Colorado last year stripped the exception from their state constitution, after a previous push to remove the clause had failed. In 2016, Colorado voters rejected the first attempt to strike the slavery language from their constitution, although some surmised this was because of the ballot question's convoluted wording.

Expunging the slavery exception from the Utah Constitution would be a symbolic act, but it would also recognize the nation's history of using the criminal-justice system as a tool for racial oppression, said Jason Groth, smart justice coordinator for the American Civil Liberties Union of Utah.

“It would be a way to start reconciling how criminal-justice practices have been used in the past and acknowledging the way they have continued to this day,” Groth said.

After the Civil War, former slave states leapt to take advantage of the exception carved out by the 13th Amendment, the ACLU of Colorado explained last year in its case for amending the state constitution. African Americans were imprisoned and forced to labor in convict leasing programs that pumped money into the state coffers; more than 70 percent of Alabama’s revenue came from the practice in 1898, the ACLU reported.

Groth pointed out that minorities made up about 43 percent of new prison commitments in fiscal 2017, according to the Utah Commission on Criminal and Juvenile Justice. That’s despite the fact that non-Latino whites account for more than 78 percent of the state population, U.S. Census estimates show.

Utah Sen. Jacob Anderegg said he’s generally opposed to resolutions and symbolic bills, believing they’re a waste of time and taxpayer dollars even if he agrees with the underlying message. But he’d support Hollins’ suggested change, he said.

“Honestly, I am shocked,” said Anderegg, R-Lehi. “Slavery is so reprehensible, I would completely support it even if it is a message bill.”