

H A R L A N R I C H A R D S

January 22, 2013

Involuntary Servitude:
The Only Constitutional Exception

The 19th century abolitionists realized that there was no legal means by which they could eliminate the heinous reality of slavery. Enshrined in the constitution, upheld by conservative supreme court justices and conferring a financial benefit on a large portion of the free population, it would be impossible to abolish slavery through the political process. So they resorted to grass roots organizing to create a groundswell of support to end slavery. Harriet Beecher Stowe's novel, Uncle Tom's Cabin, was the critical tipping point in the controversy. People read of the atrocities perpetrated in the name of slavery and an outcry resulted which ultimately led to the civil war and the abolition of almost all slavery.

But the 13th admendment left one exception:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

It's time to eliminate all involuntary servitude in the United States. The last bastion of mindless oppression is our archaic prison system which warehouses millions of citizens under horrendous conditions. Countless states have created nightmare prison systems where our citizens are raped, brutalized and held in subhuman living conditions for decades. Prison Legal News has profiled countless atrocities in American prisons, often detailing how the perpetrators received a slap on the wrist or got off scott-free.

We need a prisoners' bill of rights which mandates that all prisoners be housed in the least restrictive conditions possible and serve the least amount of time necessary to protect the public. The burden should be on prison officials to prove beyond a reasonable doubt that each restriction they impose is necessary to the protection of the public. No longer should they have free reign and given deference by conservative right-wing judges to do whatever those officials feel like doing.

I have encountered literally tens of thousands of prisoners in the last 28 years. The majority of them could have been safely housed in segregated community residential confinement centers. There is no reason why the men and women in prison should be forced to live in harsh, restrictive environments that isolate and destroy them. Prisoners should have the right to live with their families, earn a living and be granted unfettered access to information. Prisoners housed in community residential centers (with their families if their family members so choose) should be permitted to live normal lives which are only restricted in movement out in society. There is no legitimate reason to subject prisoners to inhumane conditions. It harms the prisoner, costs millions of dollars and does not benefit anyone.

The low standards our society sets for treatment of prisoners bleeds over into treatment of free citizens. Police have broad powers to stop and search and detain innocent civilians. Once those citizens are taken to a jail, they are treated just as poorly as their incarcerated brothers and sisters.

If a society is judged by how it treats its poorest and most oppressed citizens, then our country ranks as one of the worst regimes in the world.