

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

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The Last Vestige of Slavery

When slavery was said to be abolished after the Civil war, it really wasn't. It abolished the practice of enslaving an entire race of people but kept slavery as a punishment for crime. The 13th amendment to the U.S. Constitution states:

"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."

Article I, Section 2 of the Wisconsin Constitution states:

"There shall be neither slavery, nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted."

Notice the wording. Anybody convicted of a crime can still be enslaved. That's why the state and federal governments are permitted to treat prisoners harshly. It is why we are not allowed to vote. It is why we don't have the protections free citizens have.

It is fortunate that in the past many United States Supreme Court Justices had adopted the theory of evolving standards of civilized society. It means they view the Constitution as a living document which must be interpreted in relation to the current standards of our society. If not for this, we would be subject to 18th century standards of what constitutes humane treatment.

Right-wing ideologues don't seem to understand what it means when they put an "original interpretation" justice on the bench. That judge believes that we are frozen in 1789 and are not permitted to advance our society or standards of behavior beyond what existed when the Constitution was ratified.

That's what makes justices like Scalia so terrible. When you have a judge claim to be a "Scalia Justice" you know that person is unfit to be a judge. Another key phrase to watch for is when a judge claims to be a "strict constructionist." It's like George Orwell's "1984." It's a euphemism that means the opposite of what they say. A strict constructionist will claim to be narrowly interpreting the law as it is written when actually he or she is twisting its meaning to suit their own conservative agenda.

I review the Wisconsin Supreme Court decisions issued each week. I can't say I read them because each of the 5 conservative Scalia clones write such appalling drivel all I have to do is read the dissent (written by one of the two rational judges) to see what the decision should have been. Sometimes, several judges write separately to put forth their own version of what they think the law means. It is clear evidence to me that they are not ruling on the law but announcing what they personally think. If there was a rational basis to their opinions, there would be more agreement. Instead they will twist any facts, case law or statutes to justify the outcome they want.

Actually, I'm way off point on the subject of this essay. What I meant to be talking about was how slavery still exists and that we need to abolish slavery completely. All humans are entitled to live comfortable, self-actualizing lives in America regardless of whether they are in prison. Amend the Constitution to remove the last authorized form of slavery so our prisons can become place to repair and heal broken people before returning them to their rightful place in society.