

TESTIMONY IN SUPPORT OF SJM 2

Dear Members of the Senate Judiciary Committee,

The Thirteenth Amendment abolished slavery and involuntary servitude, except as punishment for a crime. Immediately after its passage and through the present day, this "criminality clause" has been exploited to a full and grotesque extent.

When the Thirteenth Amendment was first passed, the South was in need of a way to rebuild its economy. What was their solution? To arrest Black people in huge numbers -- often for very minor crimes -- and use the "criminality clause" to abuse their labor as prisoners. This was our country's first "prison boom."

As time went on, Black men were defined as criminals, rapists, and non-humans. They were subjected to lynchings and other forms of horrific racial violence, in addition to continued imprisonment. Segregation and Jim Crow laws further institutionalized racism and made Black people second class citizens. As the civil and human rights movements progressed, Black leaders and activists were killed, exiled, and -- of course -- imprisoned.

When crack cocaine emerged, an all-out "war on crime and drugs" was launched by the U.S. government. "Crime" and "drugs" became synonymous with Black men and a nationwide fear of Black bodies ran rampant. Mandatory minimum sentencing, three strikes, truth in sentencing, and other federal criminal justice legislation absolutely devastated Black communities. A huge portion of Black men were absorbed by the system of mass incarceration.

Today, the U.S. population is home to 5% of the world's population, but 25% of the world's prisoners. It incarcerates more people and at a higher level than any other country on earth. It also has more people in solitary confinement, which is known to inflict particularly deep suffering, than any other nation. One in three Black men in the U.S. will be imprisoned at some point in their lives. Black men makeup over 40% of the U.S. prison population, but only 6% of our country's total population.

Studies show that incarceration has negative effects on both the physical and mental health of inmates. It increases mortality, shortens life expectancy, worsens mental health issues, and exacerbates racial and health disparities. After being released from prison, individuals face job and housing discrimination and are prohibited from voting and accessing crucial safety-net services, such as public housing and food subsidies. Even after their release, former inmates are denied opportunity and citizenship.

The criminality clause in the Thirteenth Amendment and the subsequent mass incarceration of Black men has allowed our nation's shameful legacy of slavery to continue. This clause must be removed! We are very pleased to see that the Oregon Legislature is considering SJM 2, which urges the U.S. Congress to omit "except as punishment" from the Thirteenth Amendment and explicitly declare that neither slavery nor involuntary servitude may be imposed as a punishment for a crime. We implore you to act quickly on and pass SJM 2.

Sincerely,

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