

Testimony in support, SJR 10
House Committee on Judiciary
Thursday May 6, 2021, 1:00 PM

Chair Bynum, Vice-Chairs noble and Power, Representatives Dexter, Helm, Kropf, Lewis, Morgan, Wallan, and Wilde,

My name is Dr. Angela E. Addae, and I am a member of the Oregon Commission on Black Affairs (OCBA). The OCBA's role is to work toward economic, social, political, and legal equity for Oregon's Black community. We do this through advocacy, public policy research, leadership development, and partnerships.

Today, I write to strongly urge you to **SUPPORT** Senate Joint Resolution 10, which proposes amendment to the Oregon Constitution to prohibit slavery and involuntary servitude in all circumstances.

As you know, our nation has a harsh and dispiriting legacy with chattel slavery and its aftermath. In 1865, two years after the Emancipation Proclamation, Congress passed the 13th Amendment with a 2/3rds majority vote—marking a watershed moment in American history. That year, the requisite number of states ratified the following language:

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.

Legal historians mostly agree that the 13th Amendment outlawed chattel slavery completely and outlawed involuntary servitude—except as punishment for a crime. Legislative history also supports the view that, in 1865, some states fulfilled structural needs by forcing convicted persons to build roads or otherwise engage in menial labor.

However, as you likely know, many states exploited this “loophole” in outlawing slavery to enact Black codes to criminalize frivolous conduct and to employ convict leasing systems. Observers recognized the use of these deplorable practices as the reiteration of slavery endorsed through this constitutional loophole.

The time has come to remove the “punishment clause” from the Oregon Constitution. In 2021, states can no longer justify a need to force individuals into labor for public works. The punishment clause has allowed slavery and involuntary servitude to persist amongst a specific class of individuals in our nation: prisoners. And, within that class, Black Americans are disproportionately represented—essentially recreating the very institution that the 13th Amendment sought to abolish.



For incarcerated persons that are forced into unpaid or low-paid labor, this has devastating consequences on themselves and on their families. The punishment clause permits the exploitation of free labor, precluding incarcerated persons from supplying basic needs or communicating with loved ones. In addition to such indignities, the economic consequences are similarly disastrous. Upon release, incarcerated individuals are sent home upon release penniless, or worse, owing money for their incarceration.

I invite each of you to imagine a world where Oregon strikes the punishment clause from the state constitution. Imagine, a state that pays prisoners a fair wage for their work, allowing them to purchase bare necessities from commissary or make a phone call to their children. Imagine, a world where incarcerated individuals are treated humanely as citizens of this state. I urge you to support Senate Joint Resolution 10.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angela Addae".

Dr. Angela Addae, OCBA Commissioner

