



The League of Women Voters of Oregon is a 101-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

February 24, 2021

To: Senate Committee on Judiciary and Ballot Measure 110 Implementation
Senator Floyd Prozanski, Chair

Re: [SJR 10](#) and [SJM 2](#) – Related to constitutional amendments prohibiting slavery - **Support**

The League of Women Voters of Oregon strongly supports the passage of SJR 10 and SJM 2, which correct a long-standing injustice in the Oregon and US Constitutions. The injustice exists because of language embedded in these documents regarding the prohibition of slavery—an exception that permits slavery and involuntary servitude in cases of criminal punishment. We base our support on two national League positions: one in support of individual liberties and the other in opposition to all forms of human trafficking.

Although the Thirteenth Amendment to the US Constitution, ratified in 1865 in the aftermath of the Civil War, abolished the institution of slavery, it contained a caveat: “except as a punishment for crime, whereof the party shall have been duly convicted.” This was inserted for the purpose of continuing the widespread practice of convict leasing, where prisons or jails provided convicts to private parties for free labor in exchange for payment for their food, clothing, and housing. This loophole inevitably paved the way for the enactment of “black codes,” used in former slave states to make newly freed slaves subject to arrest for vaguely worded minor offenses, such as vagrancy, loitering, and malicious mischief. A similar loophole was inserted into the Oregon Constitution, which added this phrase to the provision prohibiting slavery: “otherwise than as a punishment for crime, whereof the party shall have been duly convicted.”

The practice of using inmate labor continues to this day, and in many instances can be viewed as a form of labor trafficking, defined by the Trafficking Victims Protection Act of 2000 as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.” The Oregon Constitution mandates that “all inmates of state corrections institutions shall be actively engaged full-time in work or on-the-job training” and may include boot camp prison programs. It also mandates that “taxpayer-supported institutions and programs shall be free to benefit from inmate work” and “designed and carried out to achieve savings in government operations, so as to achieve a net profit in private sector activities or so as to benefit the community.” Thus, it would seem that the profit motive embedded in the wording accords with the definition of labor trafficking. When we hear of prison labor camps in other countries around the world, our first thought is to condemn the practice, yet here in the US we have enshrined the practice in our Constitution. We believe that criminal justice reform efforts must include a complete reevaluation of our prison labor system.

Given the fact that African Americans and other minorities are greatly over-represented in prison populations, the existence of this clause continues the pattern of minority marginalization and dehumanization and has no place in the inclusive society we aspire to be. We join with those who are committed to diversity, equity, and inclusion in Oregon. The League believes that we must do all we can to remove remaining vestiges of slavery and racist policies from our nation’s past and urge passage of SJR 10 and SJM 2.

Thank you for the opportunity to discuss this legislation.

Rebecca Gladstone
LWVOR President

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LWVOR Action Committee