

SLAVERY IS ALIVE AND WELL IN TEXAS,

9-13-15

and Constitutionally legal in the United States.

When I was convicted in April 2011, I was taken to the Middleton Transfer Unit, Texas Dept. of Criminal Justice, for processing. Within minutes of stepping off the bus, I was told, loudly, "YOU ARE NOW PROPERTY OF THE STATE OF TEXAS!" I thought, really? I didn't know a person could be the property of someone since the 13th Amendment was ratified on 12/18/1865 (by 27 of the 36 States; Texas ratified it on 2/18/1870), ending slavery. I suppose a "person" doesn't own me, the State of Texas does, like it owns a building, or a plastic spork in the chow hall. So does this mean the State of Texas has to pay property tax on all 150,400 inmates? Highly unlikely.

West's Texas Digest 2d, Vol 45 defines "Slaves" as "Persons held as property or in peonage." That certainly describes me. Section 1994 of Title 42 of the U.S. code discusses "involuntary servitude or peonage." The Anti-peonage Act states; "The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall ~~be~~ hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service of labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void."

I am forced to work a job I do not want to, for no pay. Based on a Prison Legal News article from September 2014, Texas, Georgia, and Arkansas do not pay inmates for work. They noted in

(2)

NY in 1995 an inmate earned \$10.50 for 30 hours of work per week, and in NC in 1999, \$15.00 per week. In 2012, a MA inmate could earn \$20.00 per week (highest job) or \$2.00 per day working in the Kitchen. The State would have to pay \$9.22 per hour to hire someone to do that job the inmate receives \$2.00 per day for. They found median wages for inmates at State prisons to be 20¢ per hour, Federal prisons 31¢ per hour. Texas pays nothing.

At the unit I am on, the garment factory makes the commissary bags inmates statewide buy for \$3.25 each. Even the unpaid laborers who make the bags have to buy them at commissary at \$3.25 each. We have a "bus barn" where unpaid laborers repair and restore school busses, inside and out, used in Texas public schools. I believe TDCS gets paid for the work, the inmates don't. At the Hobby unit, the female inmates make greeting cards sold on commissary for 40¢ and pads of writing paper sold on commissary for \$1.85. They do not get paid for their labor and have to purchase the products as well. I could go on, but readers should see the problem by now. How is this not slavery or peonage?

When I've raised the question, I'm told the work is punishment. OK... so why am I being punished while others, older and younger than me, who are in here for the same crime are not punished?

They may have some medical condition or restriction, real or fake, nobody knows, but they get to sit and read, watch TV, take naps, etc., as I work, as I am punished, but they are not. Additionally, the hours worked vary from job to job, department to department.

I work less hours than the bus barn inmates, so are they punished more than me for no reason?

As I researched law further, questioning this whole "punishment" concept, I found the 13th Amendment to

TDCS
Logo

Hobby Unit

the United States Constitution reads, "Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States."

There is always an exception. Slavery is allowed in the United States." The Emancipation Proclamation did not free all the slaves.

The question does remain, however, as one compares the 13th Amendment to the Anti-peonage act, the Anti-peonage act points out "in liquidation of any debt or obligation, or otherwise, are declared null and void." As inmates we are paying our debt to society, but the Anti-peonage act says we cannot be forced labor as liquidation of debt, so why am I working in a job I do not want to be in, as my peers kick back and relax, or my peers in other states get paid doing the same forced labor punishment?

This is in no way meant to be offensive to any readers who have slavery in their ancestry. It's just pointing out similarities with what the citizens of the United States thought was abolished 150 years ago.

Submitted by Russell McElvain #1709041; Ellis Unit-TDCJ,
1697 FM 980; Huntsville, Texas 77343.

You may include my name and address in the publishing of this article.

Russell McElvain