

## Prison Labor

### Definitions.

- Confinement: The state of being confined.  
Imprisonment: The state of being imprisoned.  
Incarceration: The state of being imprisoned or confined.  
Penal Servitude: Imprisonment together with Hard Labor.  
Hard Labor: Compulsory labor imposed upon criminals in addition  
to Imprisonment.

Note that "Penal Servitude," that is, slavery imposed as a punishment, has two components: "Hard Labor" and "Imprisonment." If either component is absent, "Penal Servitude" cannot exist. Compare the two prongs of Strickland v. Washington, 466 U.S. 387. Both prongs must be satisfied. Note also that "Hard Labor" is a punishment of compulsory labor in addition to "Imprisonment." A sentence of "Imprisonment" may be adjudicated non inclusive of compulsory labor, but a sentence of "Hard Labor" necessitates the inclusion of imprisonment.

The Thirteenth Amendment of the Constitution of the United States proclaims:

Section 1: "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."

Section 2: "Congress shall have power to enforce this article by appropriate legislation."

To cognize this text accurately, one must understand the indubitable importance of language in the architecture of law, and its importance cannot be understated. And what is the Constitution but the supreme law of the land.

Let us now turn our attention to how this Amendment is used—misused, as it turns out—by the prison institution to exploit prisoners by coercing them to labor. As an example, let us consider my personal circumstance. Having been

judge guilty, I was sentenced to serve thirty years confinement (with no possibility of parole). Citing the Thirteenth Amendment as its authority, the prison institution, under threat of disciplinary action, compels me to labor—uncompensated by any means—even though I was not sentenced to "Hard Labor" by the sentencing court. Recall that "Hard Labor" is compulsory labor in addition to confinement. Nowhere on the court Order committing me to prison are found the words "Hard Labor" (nor labor of any character), "Penal Servitude" or slavery; rather my sentencing judge adjudicated my sole punishment to be "Confinement." I would postulate, in fact, that no prisoner in modern day America has been sentenced to hard labor. Compelling a prisoner to labor, therefore, most especially in the absence of fair and just compensation, is a crass violation of constitutional law, unless that prisoner has been sentenced by the court to "Hard Labor"—the appropriate legislation for such compulsion. It is worth noting here, however, that, even in the presence of compensation, compulsion to labor, in the abandon of appropriate legislation, would remain a violation of law, as the Thirteenth Amendment's address, both by the letter of the law and by its spirit, lies with the compulsion of labor and not with the compensation for doing so.

If the Court's intent is to commit one into slavery or servitude, as authorized by the Thirteenth Amendment, the appropriate legislation to accomplish this intent is a punishment sentence of "Hard Labor." Absent this sentence one must conclude and concede that "Penal Servitude" was not the intent of the Court. A sentence of "Confinement" alone is inappropriate legislation for such a purpose, as it is not inclusive of the compulsory labor component required to constitute "Penal Servitude."

The Court would decree a fine be paid if such was its intention. The Court would dictate restitution be paid if such was its intention. And likewise, the Court would order "Hard Labor" is such was its intention.

The moral of this story is that slavery or involuntary servitude, as authorized by the Thirteenth Amendment, can only exist as the progeny of the conjugal relationship between "Imprisonment" and "Hard Labor."

Interestingly, the language of the Thirteenth Amendment also illegitimizes the military draft, for what is the military draft but compulsory military service. What does this mean? It means that every person who has been compelled (i.e., drafted) to serve in the U.S. military since the enactment of this amendment, in 1865, has been so compelled illegally, unless such compulsion was decreed as a punishment for crime whereof the subject had been duly convicted. Note: This does not affect those who registered for the Draft or Selective Service but were never inducted into service.