

Measure 112: Remove Slavery as Punishment for Crime Amendment

OFFICIAL TITLE: Amends Constitution: Removes language allowing slavery and involuntary servitude as punishment for crime

REFERRAL: This measure is a constitutional amendment referred to voters by the 2021 Oregon Legislature with a vote of 51 in favor and 7 against in the House and a vote of 25 in favor, 4 against and one excused in the Senate.

FINANCIAL IMPACT: There is no direct financial impact to state revenue. The impact of the measure will depend on potential legal action or changes to current inmate work mandates.

PROBABLE RESULTS OF “YES” VOTE: If this measure passes, it would amend the Oregon Constitution to remove language allowing slavery and involuntary servitude as punishment for crime, and would add language which allows programs such as counseling, education, work or community service to be ordered as part of sentencing.

PROBABLE RESULTS OF “NO” VOTE: If this measure fails, it would retain current language that prohibits slavery and involuntary servitude in general, but allows slavery and involuntary servitude as punishment for crime.

BACKGROUND: The US Constitution and the constitutions of 19 states, including Oregon, allow involuntary servitude only when used as criminal punishment. Ten of those states, including Oregon, also allow slavery as a form of criminal punishment. Many of these laws were added to state constitutions in the period from the 1850s to the 1890s. Historically, “slavery loophole” language was a compromise that enabled former slave states to re-enslave Black people. These states created “Black Codes” so that newly-freed people could be arrested and pushed back into slavery for vaguely worded minor offenses, such as vagrancy, loitering, and malicious mischief. Because this language no longer reflects the values of Oregon, an increasingly diverse state, a group of Willamette University students with an interest in restorative justice created the volunteer coalition, Oregonians Against Slavery and Involuntary Servitude (OASIS). In 2019 and again in 2021, with the support of US Senator Jeff Merkley, they introduced to the Oregon Legislature a bill to remove our constitution’s language allowing slavery and involuntary servitude. This bill resulted in Senate Joint Resolution 10, which passed the Legislature and was subsequently referred to voters.

PROPOSAL: The Oregon Constitution Article I, section 34, currently prohibits slavery and involuntary servitude but allows an exception as punishment for a crime. Ballot Measure 112 would remove the language that allows slavery and involuntary servitude as a punishment for crime. This ballot measure would work in tandem with Section 41 of the Oregon Constitution, which establishes a work requirement for adults in custody, and is not intended to repeal the work requirement section. Ballot Measure 112 permits a court, or probation or parole agency, as part of sentencing, to order a person convicted of a crime to engage in education, counseling, treatment, community service or other alternatives to incarceration. These activities must be in line with programs that have been in place to provide for accountability, reformation, protection of society, or rehabilitation.

SUPPORTERS SAY:

- We must act on our morals and rid the Oregon Constitution of language that condones the dehumanizing practice of slavery.
- Language that makes exceptions for slavery and involuntary servitude is far out of touch with our values as Oregonians -- and as people.

- Measure 112 would not alter prison work programs, community service and rehabilitation programs. We must continue to offer opportunities for incarcerated persons to be involved in productive activity so that they can successfully re-enter society with practical skills and a viable work ethic.

OPPONENTS SAY:

- There is no organized opposition to this ballot measure, but some oppose any measure that amends the Oregon Constitution.
- Because the language of slavery and involuntary servitude is the same language present in the US Constitution, there is no need to modify the Oregon Constitution.
- This measure could decrease state revenue from convict labor.