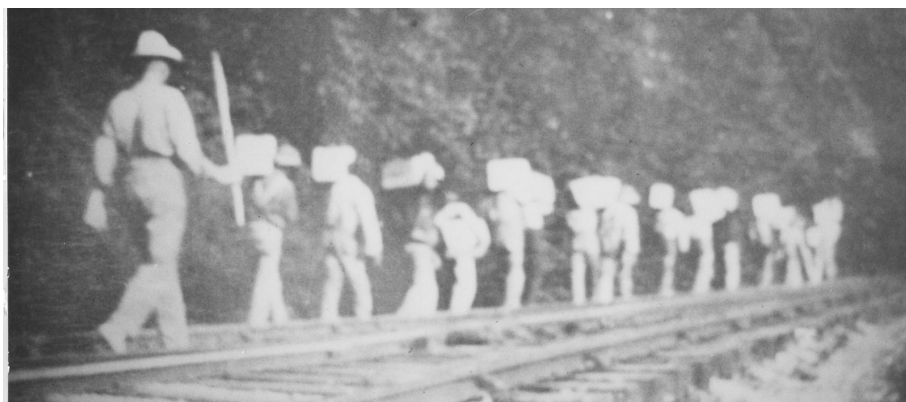


# Spotlight on the Exception Clause

**“Slavery and involuntary servitude in this State are forbidden, except as a punishment for a crime, whereof the party shall have been duly convicted.”**

**“Slavery** is the status or condition of person over whom any or all of the powers attaching the right of ownership are exercised.” (Bellagio-Harvard guidelines on legal parameters of slavery).

**Involuntary servitude** is forced labor, which erases self-agency and thus eliminates any possibility for rehabilitation potential.



Convict leasing: men on their way to do railroad work for the benefit of the state's finances.

**Punishment** refers to slavery and involuntary servitude, the most severe of all punishments except for death, and provides no parameters on the severity that will be inflicted. These punishments are more than punishment according to the UN Declaration of Human Rights. They are crimes against humanity.

**Crime** means any offense, whether there were victims or not, and regardless of whether it was a felony or misdemeanor.

**Party** refers to anyone, young or old, new offender or repeating offender.

**Have been** sets a beginning point at the time of conviction with no end point to the punishment.

**Convicted** does not account for plea bargain arrangements or availability of adequate legal counsel. All convictions, including wrongful convictions, prompt the beginning of second class citizenship.

The clause is ineffective as punishment because severe punishment is not necessary and can cause a backlash of undesirable behaviors.

Abolish Slavery KY is a 501(c)(3) organization focused on education about the exception clause in the KY Constitution that allows and potentially perpetuates legal enslavement and involuntary servitude for those who have been convicted of a crime. Abolish Slavery KY is a member of the Abolish Slavery National Network.

## What the Exception Clause Does

- Retains enslavement as a possibility
- Shifts ownership from individuals to the State
- Positions crimes against humanity at the foundation of criminal justice
- Over-rides judicial discernment in the practice of punishment

## Statistics at 1<sup>st</sup> Booking

- 12% were unemployed
- 36% had annual incomes under \$10,000
- 22% had mental health disorders
- 36% had a problem with addiction
- 23% had no health insurance
- 22% were homeless

## Collateral Damage to Families and Communities

- 13% of Kentucky children are impacted by having an incarcerated parent. These children are at higher risk for problems at school, addictions, and incarceration their own incarceration..
- Families of those who are incarcerated have higher rates of chronic health disease than the general population.
- Financial distress



**Families are broken, yet all members are adversely affected by the exception clause.**

## What Crimes Against Humanity Do

- Target civilians, affecting many
- Traumatize whole populations
- Create ongoing collateral consequences
- Shorten life spans for the targeted population
  - For every one year of incarceration, life span is reduced by 2 years
  - Correlation between rise in prison population and rise in deaths of women and Black people in the surrounding community.

## Statistics After Incarceration

- 27% unemployed
- 49% had annual incomes under \$10,000
- 55% report mental health problems, 26% have received professional help
- 85% have an addiction or were incarcerated for a crime involving drugs
- Obtaining health care is fraught with challenges
- 10 X more likely to be unhoused
- Life expectancy reduced by 2 years for every year of incarceration

## Problems with the Clause

- Ineffective as punishment
- Detrimental to the ideals of justice
- Can create unnecessary problems for those convicted of a crime.
- Can be damaging to families and communities

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