

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice” *Bailey v. Alabama, 219 U.S. 219 (1911)*



The power to create presumptions is not a means of escape from constitutional restrictions.

The words "involuntary servitude" have a larger meaning than slavery, and the Thirteenth Amendment **prohibited all control by coercion of the personal service of one man for the benefit of another.**

While the Thirteenth Amendment is self-executing, Congress has power to secure its complete enforcement by appropriate legislation and the Peonage Act of March 2, 1867, and §§ 1990 and 5526, Rev.Stat., are valid exercises of this authority. *Clyatt v. United States*, 197 U. S. 207.

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is paid, and the fact that he contracted to perform the labor which is sought to be compelled does not withdraw the attempted enforcement from the condemnation of the peonage acts.

The plain intention was to abolish slavery of whatever name and form and all its badges and incidents; to render impossible any state of bondage; to make labor free, by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit, which is the essence of involuntary servitude.

Peonage is a term descriptive of a condition which has existed in Spanish America, and especially in Mexico. The essence of the thing is compulsory service in payment of a debt. A peon is one who is compelled to work for his creditor until his debt is paid. And, in this explicit and comprehensive enactment, Congress was not concerned with mere names or manner of description or with a particular place or section of the country. It was concerned with a fact, wherever it might exist -- with a condition, however named and wherever it might be established, maintained, or enforced.