

The 13th Amendment: Anomaly or Lingering Contradiction?

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The extent of brutality and unwarranted measures as punishment is, to a certain degree, outlined in the Eighth Amendment which intelligibly declares that all individuals are protected from cruel or unusual penalties. At face value, the Eighth Amendment shields those subject to punishment from excessive bail and fines, and corrective procedures that veer away from the well-being and regeneration of a just society. The margins that this amendment resides within are a possible point of contention, notably when regarding the Thirteenth Amendment, which states that “involuntary servitude” is a possible punishment for crime. The following will set forth the most accurate interpretation of the Eighth Amendment, based on historical and current political perspectives. This will encompass accounting for constitutionality and the development of modern circumstances in which it would be applied, and the subsequent rationale as to why the Thirteenth Amendment should be deemed unconstitutional. From there, the Thirteenth Amendment draws nearer to align more efficiently and morally with the contemporary standard of “cruel and unusual.”

The Eighth Amendment of the United States was primarily instituted as guaranteed protection of citizens from cruel and unusual acts of punishment, a major concern of the Founding Fathers when the Bill of Rights was first drafted. The addition of this amendment would, in retrospect, mirror the security of a citizen from certain penalties—as it had in the English Bill of Rights in 1689. This note, however, will assess the amendment beyond face value, and consider its implications on amendments to the Constitution that precede it. This analysis will employ past Supreme Court cases that provide a more streamlined definition of the

Eighth Amendment, as well as the original interpretations it was designed to fall under.

These original interpretations were shaped by the Founding Fathers, when the Bill of Rights (first ten amendments) of the Constitution were appended to the initial document. In regards to the Eighth Amendment specifically, it was constructed to take into account the anticipated advancement of law and social norms. In translation, the framers of the amendment accounted for the plausible development of what was deemed excessive in the court of law over years of judicial review — which often revealed conflicting sentiments of what “excessive” truly was — largely correlating to the Thirteenth Amendment. One such instance of judicial review was exhibited in the Supreme Court case *Weems v. United States* (1910). Paul A. Weems, an American disbursing officer in the Philippines who was convicted of falsifying public records, was sentenced to not only fifteen years in prison but forced labor (including the chaining of his wrists and ankles). The Supreme Court looked favorably upon Weems, ruling that the proposed punishment was disproportionate to his crime, and that the punishment could be classified as cruel and unusual (hence in violation to the Eighth Amendment), if current societal sensibilities were taken into account. These current societal norms are key factors in honorable modern interpretations of the Constitution, notably for the Eighth Amendment— which derives what punishments are just or unjust based on present day beliefs of the nation.

The precedent of developing societal norms and maturing perspectives of “cruel and unusual” penalties was therefore established, the Supreme Court instituting the ideologies of the growing political beliefs of the nation that the Eighth Amendment was originally created to appease. With this precedent founded openly, discrepancies among the Bill of Rights (the Eighth

Amendment, concerning cruel and unusual punishments) and amendments that followed, notably the Thirteenth, arose thereafter. Another remarkably prevalent Supreme Court case that built and upheld the idea of a progressing community and the subjective (to the current political state) relevance of the Eighth Amendment, specifically relating to the Thirteenth Amendment, was *Trop v. Dulles* in 1958. Albert Trop, a US army private, deserted in 1944 during World War II, which he was convicted of by the court-martial — and henceforth not only had to endure a three-year prison sentence but also the forfeiture of his citizenship. The Court, however, deemed this punishment unconstitutional and out of proportion to his conviction, further establishing the ongoing relevance of the Eighth Amendment. This perpetual relevance is a key factor as to why the Thirteenth Amendment cannot coexist as is with the Eighth, openly violating the ideals it puts forth by propagating for a punishment (“involuntary servitude”) that is much out of proportion with any offenses a modern-day citizen could impose.

Furthermore, the true significance of *Trop v. Dulles* was conveyed via the message that the Court upheld — that the definition or elucidation of the Eighth Amendment was derived from not entirely original intent, but rather the evolving standards of decency when in correlation to punishments. In regards to this ruling (among others) the Thirteenth Amendment can be viewed as primitive and subsequently violating the clearly established principles of the Eighth Amendment. In other words, the allegedly excusable prison labor practices that the Thirteenth Amendment permits are, in truth, a contravention of the standards founded within the Eighth Amendment, and push far past the boundaries outlined via aforementioned Supreme Court case rulings and modern interpretations of the amendment’s implications. These more latter-day perspectives include evolved borders encompassing “cruel and unusual” punishments, such as

the prohibition of penalties that are significantly larger than their traditional counterparts.

Overall, it is readily apparent that the protective measures within the Eighth Amendment are designed to develop in accordance with the government's (and hence the people's) beliefs regarding the application and validity of punishments.

A multitude of prisons, as a direct result of Supreme Court rulings regarding the Eighth Amendment's application in current day penalties for crimes, have undergone rehabilitation or correction of their policies to more accurately adhere to the ideals outlined in it. Thus, as aforementioned, the Thirteenth Amendment's incomplete abolishment of slavery/involuntary servitude, in preserving it as a possible punishment for crime, should be expanded upon and revised to align more accurately with the current, less traditional and more principled standard of "cruel and unusual."

The Thirteenth Amendment, in full, does not abide by the or serve for the protection of citizens from "cruel and unusual punishments," and its alteration should be readily executed for it to work alongside the progressing implications of the Eighth, foundational, Amendment. Ultimately, while both the Thirteenth and Eighth Amendment primarily protect certain individual rights, their foundational purposes contradict in effect. This contradiction brings forth the unjust punishment of involuntary servitude within the aThirteenth Amendment, which should be voided. Such measures have already been put in place, namely in Chicago 2018 when slavery or involuntary servitude of all forms was abolished explicitly, without any exceptions. If other states and foundations continue in this manner, individual freedoms and rights will be further secured, and the additional security from brutality or unproportionate penalties guaranteed within the Eighth Amendment (and Bill of Rights collectively) will be provided.

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