

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D. C.

December 12, 1941

CIRCULAR NO. 3591*Superseded by
order # 40-54,
dated Feb. 9, 1954.*TO ALL UNITED STATES ATTORNEYS:Re: Involuntary Servitude,
Slavery, and Peonage

A survey of the Department files on alleged peonage violations discloses numerous instances of "prosecution declined" by United States Attorneys, the chief reason stated as being the absence of the element of debt. It is apparent that these determinations were reached after considering the facts at hand only in accordance with the case law under Section 444, Title 18, U.S. Code, which holds that debt is the "basal element of peonage." It is further disclosed that only in a negligible number of instances was consideration given these complaints in the light of:

- (a) Section 443, Title 18, U.S. Code, which punishes for causing persons to be held in involuntary servitude, regardless of the existence of a debt.
- (b) Section 51, Title 18, U.S. Code, which punishes for conspiracy to deprive citizens of rights secured to them by the Constitution, particularly the right to be free from slavery and involuntary servitude.
- (c) Section 52 Title 18, U.S. Code, which punishes persons vested with official authority who aid or cause others to suffer deprivation of rights secured to them by the Constitution, particularly the right to be free from slavery and compulsory servitude.
- (d) Section 88, Title 18, U.S. Code, the general conspiracy statute, which may be employed in combination with Section 443 or Section 52.

It is the purpose of these instructions to direct the attention of the United States Attorneys to the possibilities of successful prosecutions stemming from alleged peonage complaints which have heretofore been considered inadequate to invoke federal jurisdiction. It is requested that the spelling out of peonage under Section 444 be deferred in favor of building the cases around the issue of involuntary servitude and slavery under Sections 443, 51 and 52, disregarding entirely the element of debt. If, however, it is found that a claimed debt is the basis of the intimidation to compel one to the service of another, a separate count under Section 444 should be included in the