

**Support for an Amendment to the Constitution of the United States to Remove the
“Punishment Clause” from the Thirteenth Amendment.**

WHEREAS, section 1 of the Thirteenth Amendment to the Constitution of the United States which was ratified in 1865, provides “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction,” and

WHEREAS, this amendment left a loophole for those convicted of crimes, known as the “Punishment Clause,” and as a result of such loophole slavery was not outlawed in prisons, and

WHEREAS, during Reconstruction and accelerating after Reconstruction ended, southern jurisdictions arrested Black Americans in large numbers for minor crimes codified in new “Black Codes,” such as loitering or vagrancy allowing sheriffs to exploit the Punishment Clause to lease out the imprisoned individuals to work landowners’ fields, and

WHEREAS, by facilitating and incentivizing the conviction of Black Americans for minor crimes, the loophole within the Thirteenth Amendment to the Constitution of the United States drove the over-incarceration of Black Americans, and especially Black men, and

WHEREAS, this pattern has continued unbroken through the present day, in which communities of color are disproportionately incarcerated, and

WHEREAS, private prison corporations profit from forced labor, as do companies that sell their goods, which are made by forced labor from under-compensated individuals to unsuspecting consumers, and

WHEREAS, the United States bans imports of goods produced with forced labor in other nations, and

WHEREAS, the use of forced labor in American prison systems undermines our international human rights and gives our foreign adversaries propaganda that they can use to challenge the legitimacy of American leadership abroad and Americans’ trust in their government at home, and

NOW, THEREFORE, Be It Resolved by the National Organization of Black Elected Legislative (NOBEL) Women that the United States Congress take all necessary steps to propose to the states an amendment for ratification that would, strike the Punishment Clause from the Thirteenth Amendment to the Constitution of the United States, closing this loophole that has been used for a century and a half to perpetuate mass incarceration and allow others to profit from the forced labor of their fellow Americans.