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Urging the U.S. Congress to pass Joint Resolution 21, known as the "Abolition Amendment," to strike the "Slavery Clause" from the 13th Amendment and end the loophole in the U.S. Constitution that allows forced labor to continue in United States prisons "as a punishment for crime."

WHEREAS, The 13th Amendment abolished slavery after the Civil War and freed millions of enslaved people, who were largely of African descent. The liberation dealt a severe economic blow to Southern states whose agricultural economies had been built on the backs of Black people held in bondage for generations. However, lawmakers left a loophole, also known as the "Punishment Clause," within the 13th Amendment that outlawed slavery "except as a punishment for crime whereof the party shall have been duly convicted"; and

WHEREAS, Immediately following the ratification of the 13th Amendment, beginning during Reconstruction and accelerating after Reconstruction ended, Southern jurisdictions arrested Black Americans in large numbers for minor crimes codified in new "Black Codes," like loitering or vagrancy. Sheriffs would exploit the Punishment Clause to lease out incarcerated people to work landowners' fields-in some cases on the very plantations where they had previously been enslaved; and

WHEREAS, The later introduction of racist policies like Jim Crow laws, the "war on drugs," and "three strikes" laws dramatically expanded the U.S. prison population from 357,000 in 1970 to 2.3 million by 2020. In combination with severe plea deals and harsh mandatory minimums, these policies facilitated generations of poverty, broke up families, and incentivized the over-incarceration of Black people in the United States; and

WHEREAS, To this day, many states and the federal government exploit the 13th Amendment loophole by mandating that all able-bodied incarcerated people work. According to the Bureau of Justice Statistics, 900,000 incarcerated people in the United States are forced to work. Incarcerated people engaged in forced labor are not protected by minimum wage and workplace safety laws that help keep other Americans safe on the job; and

WHEREAS, Even today, 155 years after slavery was supposedly abolished in the United States, private prison corporations and the companies that sell their goods profit from forced labor, contributing to the growth of an $80 billion detention industry; and

WHEREAS, In five states, prisoners are not paid at all for their labor, and in most others including Pennsylvania, wages are less than $1 per hour, implying that the labor of incarcerated people is not worth payment. This forced poverty exacerbates instability for many Philadelphians re-entering society, who are often excluded from the traditional workforce upon their release. All the while, prison owners continue to maximize profits and keep the cost of operation low for the jurisdictions that fund them; and

WHEREAS, 97% of incarcerated people never stood trial, many of whom were coerced into plea deals for non-violent offenses. Defendants who are unable to post bail-disproportionately low-income Americans and people of color-feel much greater pressure to reach plea deals than defendants who are able to await trial outside of jail; and

WHEREAS, Since 2018, Nebraska, Utah and Colorado have amended their state constitutions to close the loophole that allows forced labor if an individual has been convicted of a crime; and

WHEREAS, On June 17, 2021, U.S. Senator Jeff Merkley and Congresswoman Nikema Williams re-introduced Senate Joint Resolution 21 and House Joint Resolution 53, proposing a constitutional amendment-known as the Abolition Amendment-that would strike the clause of the 13th Amendment that allows slavery or involuntary servitude to continue in United States prisons; and

WHEREAS, The Abolition Amendment would close the 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, disproportionately Black Americans and people of color; and

WHEREAS, The 13th Amendment's Punishment Clause is indisputably racist in origin and in impact. There should be no exceptions to a ban on slavery. The Federal Constitution should reflect the values of Pennsylvanians and the many other states seeking to end all forms of slavery. It is time to end forced labor as punishment once and for all; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Hereby urges the U.S. Congress to pass Joint Resolution 21, known as the "Abolition Amendment," to strike the "Slavery Clause" from the 13th Amendment and end the loophole in the U.S. Constitution that allows forced labor to continue in the United States "as a punishment for crime."

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