

House Memorial

A memorial to the Congress of the United States,
 urging Congress to propose to the states an amendment
 to the Constitution of the United States to delete the
 "Punishment Clause," from the Thirteenth Amendment to
 the Constitution of the United States.

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

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26 | drove the over-incarceration of Black Americans, and especially
 27 | Black men, and

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

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

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

37 | WHEREAS, the use of forced labor in American prison systems
 38 | undermines our international human rights and gives our foreign
 39 | adversaries propaganda that they can use to challenge the
 40 | legitimacy of American leadership abroad and Americans' trust in
 41 | their government at home, NOW, THEREFORE,

42 |
 43 | Be It Resolved by the Legislature of the State of Florida:

44 |
 45 | That the Congress is urged to propose to the states an
 46 | amendment for ratification that would, strike the Punishment
 47 | Clause from the Thirteenth Amendment to the Constitution of the
 48 | United States, closing this loophole that has been used for a
 49 | century and a half to perpetuate mass incarceration and allow

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50 | others to profit from the forced labor of their fellow
51 | Americans.

52 | BE IT FURTHER RESOLVED that the Secretary of State dispatch
53 | copies of this memorial to the President of the United States,
54 | the President of the United States Senate, the Speaker of the
55 | United States House of Representatives, and each member of the
56 | Florida delegation to the United States Congress.