

By Senator Powell

24-01441-24

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Senate 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 that "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 to the
present day, in which communities of color are

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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 undercompensated 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,

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

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45 That the Congress of the United States is urged to propose
46 to the states an amendment for ratification which would delete
47 the Punishment Clause from the Thirteenth Amendment to the
48 Constitution of the United States, closing this loophole that
49 has been used for over a century and a half to perpetuate mass
50 incarceration and allow others to profit from the forced labor
51 of their fellow 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.