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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 80 Session of  
2021

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INTRODUCED BY KINSEY, ROTHMAN, WEBSTER, RYAN, SANCHEZ, KIRKLAND,  
HOHENSTEIN, HILL-EVANS, BURGOS, SCHWEYER, SCHLOSSBERG,  
MALAGARI, WARREN AND STAMBAUGH, MARCH 18, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 18, 2021

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A RESOLUTION

1 Urging the Congress of the United States to pass a  
2 constitutional amendment that provides that neither slavery  
3 nor involuntary servitude may be imposed as a punishment for  
4 a crime.

5 WHEREAS, Ratified in 1865, the Thirteenth Amendment to the  
6 Constitution of the United States states, "Neither slavery nor  
7 involuntary servitude, except as a punishment for crime whereof  
8 the party shall have been duly convicted, shall exist within the  
9 United States, or any place subject to their jurisdiction;" and

10 WHEREAS, The exception clause in the Thirteenth Amendment  
11 created a loophole that has allowed for legal slavery to persist  
12 in the United States of America; and

13 WHEREAS, After ratification of the Thirteenth Amendment,  
14 states exploited this loophole by enacting laws, now commonly  
15 referred to as "Black Codes," that allowed them to arrest and  
16 imprison African Americans for minor offenses; and

17 WHEREAS, In addition, states engaged in convict leasing, a  
18 practice where states leased prisoners to private contractors in

1 exchange for revenue; and

2 WHEREAS, The exception clause in the Thirteenth Amendment  
3 facilitated and incentivized the over-incarceration of African  
4 Americans and has led to our present moment where African  
5 Americans are incarcerated at more than five times the rate of  
6 White Americans; and

7 WHEREAS, Even as states have phased out convict leasing,  
8 Federal law still requires all able-bodied Federal inmates to  
9 work, pushing nearly 900,000 individuals into forced labor; and

10 WHEREAS, In recent years, voters in Colorado, Utah and  
11 Nebraska have all overwhelmingly approved ballot measures to  
12 remove provisions in their respective state constitutions that  
13 allowed for slavery and involuntary servitude as a punishment  
14 for crime; and

15 WHEREAS, On December 2, 2020, United States Senator Edward J.  
16 Markey, United States Senator Jeff Merkley and United States  
17 Representative William Lacy Clay introduced a proposed amendment  
18 to the Constitution of the United States that reads, "Neither  
19 slavery nor involuntary servitude may be imposed as a punishment  
20 for a crime;" and

21 WHEREAS, It is time for our nation to close this racist  
22 loophole in the Constitution of the United States and end legal  
23 slavery; therefore be it

24 RESOLVED, That the House of Representatives of the  
25 Commonwealth of Pennsylvania urge the Congress of the United  
26 States to pass a constitutional amendment that provides that  
27 neither slavery nor involuntary servitude may be imposed as a  
28 punishment for a crime; and be it further

29 RESOLVED, That a copy of this resolution be transmitted to  
30 the President of the United States, the presiding officers of

1 each house of Congress, and each member of Congress from  
2 Pennsylvania.