American Correctional Association

SUPPORTING CLARIFICATION OF THE ‘EXCLUSION CLAUSE’ IN SECTION 1 OF THE THIRTEENTH AMENDMENT OF THE U.S. CONSTITUTION

2016-2

WHEREAS, Section 1 of the Thirteenth Amendment of the U.S. Constitution provides that “neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States”; and

WHEREAS, the American Correctional Association decries the historical applicability of slavery an involuntary servitude as acceptable punishment for those convicted of crimes; and

WHEREAS, in its “Code of Ethics” the American Correctional Association expresses that it “expects of its members unfailing honesty and respect for the dignity and individuality of human beings”; and

WHEREAS, the “Declaration of Principles” of the American Correctional Association stipulates that we have “a special responsibility to protect from harm those who are involuntarily under our care and control,” and that “contemporary standards for health care, offender classification, due process, fire and building safety, nutrition, personal well-being and clothing and shelter must be observed”; and

WHEREAS, the American Correctional Association believes that periods of incarceration should be utilized to provide activities that promote pro-social behaviors, community integration and economic status through work, education, vocational training, counseling, medical, mental health care and restorative justice programs; and now

THEREFORE, BE IT RESOLVED that the American Correctional Association finds the ‘Exclusion Clause’ of Section 1 of the Thirteenth Amendment of the U.S. Constitution implying that work performed during incarceration is equivalent to slavery to be inconsistent with its basic founding principles and standards.
This resolution was adopted by the American Correctional Association Delegate Assembly at the 146th Congress of Correction in Boston, MA on August 9, 2016. It was last reviewed, amended and reaffirmed at the 2019 ACA 149th Congress of Correction in Boston, MA on Aug. 3, 2019.