



Legislation Text

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Res. No. 181

Resolution calling upon Congress to propose an amendment to the Constitution of the United States Section 1 of the 13th Amendment, to prohibit slavery and involuntary servitude as a punishment for a crime.

By the Public Advocate (Mr. Williams) and Council Members Cabrera and Powers

Whereas, According to the Bureau of Justice Statistics, nearly 2.3 million adults and youth are incarcerated in United States federal and state prisons, and county jails; and

Whereas, The prison population in the United States is largest in the world, accounting for nearly 25% of the worlds prisoners; and

Whereas, The Thirteenth Amendment to the United States Constitution, enacted in 1865, abolished slavery and involuntary servitude, except as a punishment for a crime that a person has been convicted of; and

Whereas, Pursuant to this amendment, persons incarcerated in prisons can be forced to work as punishment for their crimes; and

Whereas, Under the Federal Bureau of Prisons, which oversees all federal inmates, all able-bodied sentenced inmates are required to work, except those who participate full time in education or other treatment programs or who are considered security risks ; and

Whereas, New York City Charter Section 625 also requires that every sentenced inmate under the authority of the commissioner should be employed and the products of their employment should be utilized in the institution or by another agency; and

Whereas, While inmates can be assigned maintenance jobs such as food service, laundry, plumbing, painting or grounds keeping, prisons around the nation also have convict-leasing programs; and

Whereas, As part of the convict-leasing program, prisons, for a leasing fee, lease out the labor of

incarcerated workers as hired work crews; and

Whereas, While these leasing programs promise to enhance inmates' employability after being released and to reduce recidivism, the exploitation of prison labor is a growing national concern; and

Whereas, Nearly one million inmates in the United States make office furniture, work in call centers, fabricate body armor, and manufacture textiles, shoes, and clothing; and

Whereas, Several industries profit from prison labor, as they often compensate inmates between approximately 93 cents and \$4.73 per day for full-time work; and

Whereas, In federal prisons, inmates are compensated to a much lesser degree, often between 12 and 40 cents an hour; and

Whereas, Many companies that utilize prison labor can receive up to 40% of the money they pay incarcerated workers in taxpayer-funded reimbursements; and

Whereas, While private companies utilize prison labor and make substantial profits, the United States government has also procured prison- made goods; and

Whereas, In 2013, the New York Times reported that the United States Department of Defense used federal prison labor, where wages are under \$2 per hour, to cut the cost to manufacture uniforms; and

Whereas, Inmates in federal prisons stitched more than \$100 million worth of military uniforms in 2013, and received a fraction of that in wages; and

Whereas, If inmates refuse to work they can be punished with solitary confinement, loss of earned recreational time, or have their family visitation revoked; and

Whereas, While the United States has substantial labor laws, courts have ruled that because the relationship between prisons and inmates is not that of an employer and a worker, these protections are not extended to prisoners; and

Whereas, For example, in *Hale v. Arizona* (1992) the court ruled that the Fair Labor Standards Act, which establishes minimum wage, overtime pay, record keeping, and youth employment standards effecting the

private sector and in government jobs, was not intended to include prisoners; and

Whereas, In September 2016, inmates across the nation participated in the largest prison strike in history, refusing to work in protest of what many consider modern day slavery; and

Whereas, The strike was held on the 45th anniversary of the Attica prison revolt, when prisoners took control of a maximum-security correctional facility in Buffalo, New York demanding better conditions and an end to their brutal treatment; and

Whereas, The 13th Amendment should be amended, as it can be and is interpreted to permit the exploitation of inmates; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to propose an amendment to Section 1 of the 13th Amendment of the Constitution of the United States to prohibit slavery and involuntary servitude as a punishment for a crime.

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CMA