

[OVT-027] On Supporting An Amendment to the United States Constitution to Abolish the Exception in the 13th Amendment That Permits Those Who Are Convicted of a Crime to be Enslaved**Source:** Presbytery**Committee:** Unassigned**Event:** 226th General Assembly (2024)**Sponsor:** Northeast New Jersey Presbytery**Type:** General Assembly Full Consideration

Recommendation

The Presbytery of Northeast New Jersey respectfully overtures the 226th General Assembly (2024) to do the following:

1. Encourage the ministries and agencies of the Presbyterian Church (U.S.A.) to be aware of the presence of modern slavery and human trafficking throughout the world and in the United States.
2. Encourage the ratification of an Amendment to the United States Constitution to abolish the exception clause in the 13th Amendment that allows any person convicted of any crime to be enslaved.
3. Encourage the United States House of Representatives to pass House Joint Resolution 72 and the United States Senate to pass Senate Joint Resolution 33, steps that are required before the proposed Amendment can be submitted to the States for ratification.
4. Direct the Office of Public Witness to provide copies of this overture and convey the General Assembly's concerns regarding the exception clause in the 13th Amendment to those members of the United States Senate and the United States House of Representatives, and their staff, as deemed appropriate.

Rationale

As Christians, we have a biblical mandate to establish justice, to care for the powerless, and to break the yokes of oppression (Micah 6:8, Isaiah 58:6). The General Assembly has recognized and affirmed that mandate and has approved reports, statements, and overtures condemning and addressing modern forms of slavery and human trafficking including "A Resolution On Seeking to Eradicate Slavery From the Supply Chains of Vendors and Other Businesses That the PC(USA) and Its Various Bodies Do Business" (222nd General Assembly [2016]), "A Resolution on Developing a Comprehensive Social Witness Policy on Human Trafficking as a Human Rights Issue" (221st General Assembly [2014]), and "A Resolution to Expand the Church's Ministry with and Advocacy Against Human Trafficking" (218th General Assembly [2008]).

The Northwest Ordinance of 1787 prohibited slavery and involuntary servitude in the territory northwest of the Ohio River, except as punishment for a crime. The Northwest Ordinance, which was adopted at a time when slavery and the slave trade were legal, also provided that runaway slaves found in the Northwest Territory could be returned to their masters.

In 1865, just after the Civil War, the 13th Amendment to the United States Constitution was ratified. The 13th Amendment abolished slavery and involuntary servitude but contains the same exception found in the Northwest Ordinance. The 13th Amendment, Sec-on 1, reads as follows:

Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The highlighted language, which has been referred to as the "Punishment Clause," permits any person in the United States who has been convicted of any crime to be enslaved. The Punishment Clause, and the 18th Century and 19th Century philosophies that it embodies, are contrary to the teachings of scripture and are contrary to the values and philosophies of liberty and human rights set forth in the tenets of the Presbyterian Church (U.S.A.).

Joint Resolutions have been introduced in the United States Senate (SJR 33) and the United States House of Representatives (HJR 72) which, if passed and ratified, would amend the United States Constitution to abolish the Punishment Clause.

This Overture asks that the Presbyterian Church (U.S.A.), as followers of Jesus Christ with the desire and intent to ensure that the scourge of modern slavery in all its forms is eradicated from the United States, encourages the members of the United States Senate to pass Senate Joint Resolution 33 and the members of the United States House of Representatives to pass House Joint Resolution 72.