



**SUPPORTING REPEAL 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 to be inconsistent with its basic founding principles and standards; and now

*THEREFORE BE IT FURTHER RESOLVED* that the American Correctional Association supports amendment of the U.S. Constitution to repeal the 'Exclusion Clause.'

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This resolution was adopted by the American Correctional Association Delegate Assembly at the 146<sup>th</sup> Congress of Correction in Boston, MA on August 9, 2016.

**AMERICAN CORRECTIONAL ASSOCIATION  
PUBLIC CORRECTIONAL POLICY ON  
CORRECTIONAL INDUSTRY PROGRAMS**

**Introduction:**

Correctional industry programs, whether operated by the public or private sector, help enhance public safety, reduce recidivism, lower prison operating costs, save taxpayers' dollars, provide offenders with job skills and training, develop offenders' work ethic, promote restorative and/or reparative justice, reduce offender idleness and add value to the local community.

**Policy Statement:**

ACA fully supports correctional industry programs at the federal, state and local levels designed for the training and skill development of offenders working in correctional industry programs and the employment of ex-offenders returning to the community, and opposes legislation that would limit or restrict legitimate work training opportunities for offenders without offering new authority to create additional training opportunities. Correctional industry programs, using sound business practices, should:

- A. Promote and adhere to statutes and regulations regarding the development, manufacturing, marketing, distribution, and delivery of correctional industry products and services;
- B. Support legislation encouraging the employment of offenders during and beyond their period of correctional supervision;
- C. Promote collaboration with employers, labor organizations, and other relevant agencies and organizations to overcome barriers to successful reentry;
- D. Recognize that the goals of industry programs include:
  - 1. Developing offender work ethic and employability skills;
  - 2. Professionally managing programs that replicate the private sector as closely as possible;
  - 3. Promoting career development and employment opportunities for offenders that allow for self-sufficiency upon reentry; and
  - 4. Improving safety in institutions for staff and offenders by reducing offender idleness.

E. Support investment of revenue to improve and/or expand overall correctional industries operations, maintain and upgrade equipment and help support offender training programs that lead to employment upon reentry;

F. Create a mutually supportive environment between correctional industry programs, both public and private, and the host institution;

G. Provide opportunities for offenders that promote good work habits, career development and other learning experiences that can lead to employment upon reentry to support themselves and their families;

H. Provide working conditions that mirror the private sector regarding both training and safety, ensuring that all federal and state mandates in that regard are met, if not exceeded;

I. Ensure that business practices in an industry operated by either the public or private sector are comparable to those in the industry at large; and

J. Recognize that offenders in correctional facilities are excluded from coverage under the Fair Labor Standards Act and therefore cannot claim entitlement to minimum wage under the act (except those inmates employed in the Prison Industries Enhancement and work release programs); nevertheless, correctional industry programs should aspire to achieve productivity-based wage rates.

**ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS  
RESOLUTIONS**

**Resolution # 20 - Correctional Industries**

**Introduction**

Correctional Industry programs, whether operated by the public or private sector, aid correctional systems by providing job skills training to inmates, reducing inmate idleness, and lowering operating costs.

**Resolution**

WHEREAS Correctional Industry programs provide offenders real world work training experiences that teach transferrable job skills and a work ethic that enhances their ability to secure and maintain employment upon release to the community;

WHEREAS Correctional Industry programs have been proven to reduce recidivism and increase the likelihood of a successful transition for offenders upon release to the community;

WHEREAS Correctional Industry programs can support job creation in the domestic economy (both for industry supervisors inside the prison, as well as support jobs through our business partners, e.g., in areas such as technical assistance and oversight, marketing, quality assurance, transportation and logistics) by repatriating work that would otherwise be performed outside of the U.S.

WHEREAS Correctional Industry programs increase the safety and security of correctional institutions for the community, staff, and inmates by reducing inmate idleness;

WHEREAS Correctional Industry programs reduce the costs to the taxpayer for incarceration by generating revenue (funds generated from sales of products and services) to support their operations);

WHEREAS Correctional Industry programs help reduce the costs of products and services they provide to the customer, while maintaining the integrity of personal and sensitive information;

WHEREAS Correctional Industry programs reduce the costs to society of crime by compensating inmates (compensation is typically used to pay fines, restitution and other court ordered financial obligations);

WHEREAS Correctional Industry programs attempt to minimize impact on private sector business and labor through collaboration and transparency in the conduct of its operations;

WHEREAS Correctional Industry programs provide financial support to local communities, via their purchase of raw materials, equipment, and services related to the industrial programs they operate;

THEREFORE BE IT RESOLVED THAT ASCA fully supports the Correctional Industry programs at the Federal, state and local levels and supports programs designed to train more inmates in Correctional Industry programs;

And that ASCA supports legislation encouraging both (1) the training and skill development of inmates working in correctional industry programs; and (2) the employment of ex-offenders returning to the community;

And that ASCA opposes legislation that would limit or restrict legitimate work training opportunities for inmates without offering new authority to create additional training opportunities for them;

BE IT FURTHER RESOLVED THAT ASCA urges Federal, state and local governments to enact legislation and take other action to expand voluntary and productive work for training prison and jail inmates;

And that ASCA supports collaboration with community employers, labor agencies and organizations to overcome barriers to successful reentry for ex-offenders.

*Adopted by the Association of State Correctional Administrators – May 30, 2008.*

George M. Camp, Co-Executive Director  
Camille G. Camp, Co-Executive director

