

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2018-D013
TITLE: Eliminate the Provision for Legal Slavery in the U.S. Constitution
PROPOSER: Ms. Deborah Stoke
TOPIC: Human Rights

Directly Related: (Attached)

2006-A123 Study Economic Benefits Derived from Slavery

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

2015-A183 Encourage Study of the Issue of Mass Incarceration
2015-D068 Support Ministries Against the School-to-Prison Pipeline
2006-A127 Endorse Restorative Justice and Anti-Racism
2006-C011 Support Legislation for Reparations for Slavery
2009-A144 Reaffirm a Resolution on Truth, Reconciliation and Restorative Justice
2009-A143 Extend 2006 Resolution to Examine and Repent for Complicity in Slavery

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1976 through 2015, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.

D013 Eliminate the Provision for Legal Slavery in the U.S. Constitution

Proposer	Ms. Deborah Stokes
Endorsed by	Jackson, The Rev. Paula; Zacharia, The Rev. Canon Manoj Mathew
Sponsored by	
Page numbers	Blue Book: p. N/A; Constitution & Canons: p. N/A
HiA / Leg. Cttee	/
Current Status	Pre-Filed Resolution
Version	Original (as filed)
Review Status	Not yet reviewed

RESOLUTION TEXT

- 1 *Resolved*, the House of _____ concurring, That this 79th General Convention affirm the dignity of every human being created in the image of God and is therefore against all human slavery at any time, in any form, under any circumstance; and be it further
- 2 *Resolved*, That this 79th General Convention urge the Presiding Bishop and President of the House of Deputies to appoint a task force of twelve people, consisting of theologians, constitutional law experts, litigators, legislative procedure experts, leaders and representatives from civil rights organizations, returning citizens, and criminal justice scholars knowledgeable of the history, content and lingering effects of Transatlantic slavery; and be it further
- 3 *Resolved*, That the task force develop strategies to remove the loophole language of Amendment XIII to the U.S. Constitution authorizing legal slavery past 1865; that reads, “Neither slavery nor indentured servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction...”; and be it further
- 4 *Resolved*, That the task force work with the Episcopal Church Office of Government Relations to collaborate with the Episcopal ecumenical/interfaith partners to support efforts in offering new constitutional language ending slavery ‘without exception’; and be it further
- 5 *Resolved*, That the General Convention request the Joint Standing Committee on Program, Budget and Finance to consider a budget allocation of \$30,000 for the implementation of this resolution.

EXPLANATION

In 1861 when the Civil War broke out, there were more than 4 million people held as slaves in 15 southern and border states. They were considered chattel and lived in conditions that dehumanized them by denying basic rights. They were under complete control of their owners and as such could not speak their native language, could not learn how to read or write, marriages were banned and children were often taken away from parents and sold to the highest bidder, sexual assault of enslaved women ran rampant, the work was long and hard, and violence was a way of life.

In 1865, Congress passed the 13th Amendment to the U.S. Constitution to abolish slavery. In this statement, it abolishes slavery except for punishment for a crime where of the party shall have been duly convicted. Consequently, this left the door open for African Americans to continue to be enslaved by another name. They were at risk of being arbitrarily arrested and hit with court fines that had to be worked off for them to be released. In addition, there was the matter of the Black Codes. As Michelle Alexander states “Clearly the purpose of the black codes in general and the vagrancy laws in particular was to establish another system of forced labor. In W.E.B. Du Bois’ words: ‘The Codes spoke for themselves...No openminded student can read them without being convinced they meant nothing more nor less than slavery in daily toil’.” (Michelle Alexander, *The New Jim Crow*, 2010, The New Press, p. 28)

During the Reconstruction Era, the Black Codes were overturned, and legislation was passed to protect the freed slaves. This Era was short-lived. It was replaced by laws that would soon be known as Jim Crow of which vestiges remain today. Jim Crow laws destroyed everything that had been put in place in support of African Americans, establishing a system that reasserted the white hierarchy placing African Americans in a position of being accused and convicted of a crime. In fact, the strides that African Americans made were replaced with convictions under vagrancy laws and other menial laws created to disenfranchise. Consequently, they found themselves having to serve out the costs and fines to secure their release. As prisoners, they were sent out to do forced labor by working on the railroads, farms, plantations, and so forth. With no other recourse, they exchanged one form of slavery for another.

The use of state-sanctioned slavery continues today as a New Jim Crow throughout the United States. As Michelle Alexander states “The criminal justice system was strategically employed to force African Americans back into a system of extreme repression and control, a tactic that would continue to prove successful for generations to come.” (Michelle Alexander, *The New Jim Crow*, 2010, The New Press, p. 32). In short, the exception to the 13th Amendment is being used to promote and maintain the world’s highest mass incarceration rate and prison-for-profit in our country today.

It is so crucial an imperative for the Church as the children of God to stand up for the rights of human beings both in the United States and around the world. But, we must begin here, in our nation at this time. Our Baptismal Covenant commits us to strive for justice and peace among all people, and to respect the dignity of every human being. Addressing a constitutional exception clause with our best scholarship and dedicated partners will help to bring about justice and restore the dignity of countless thousands of people who continue to be consigned to slavery, legally, in the United States of America.



Resolution Number: 2006-A123
Title: Study Economic Benefits Derived from Slavery
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 75th General Convention of The Episcopal Church declare unequivocally that the institution of slavery in the United States and anywhere else in the world, based as it is on “ownership” of some persons by other persons, was and is a sin and a fundamental betrayal of the humanity of all persons who were involved, a sin that continues to plague our common life in the Church and our culture; and be it further

Resolved, That The Episcopal Church acknowledge its history of participation in this sin and the deep and lasting injury which the institution of slavery and its aftermath have inflicted on society and on the Church; and be it further

Resolved, That we express our most profound regret that (a) The Episcopal Church lent the institution of slavery its support and justification based on Scripture, and (b) after slavery was formally abolished, The Episcopal Church continued for at least a century to support de jure and de facto segregation and discrimination; and be it further

Resolved, That The Episcopal Church apologize for its complicity in and the injury done by the institution of slavery and its aftermath; we repent of this sin and ask God’s grace and forgiveness; and be it further

Resolved, That the 75th General Convention of The Episcopal Church through the Executive Council urgently initiate a comprehensive program and urge every Diocese to collect and document during the next triennium detailed information in its community on (a) the complicity of The Episcopal Church in the institution of slavery and in the subsequent history of segregation and discrimination and (b) the economic benefits The Episcopal Church derived from the institution of slavery; and direct the Committee on Anti-Racism to monitor this program and report to Executive Council each year by March 31 on the progress in each Diocese; and be it further

Resolved, That to enable us as people of God to make a full, faithful and informed accounting of our history, the 75th General Convention of The Episcopal Church direct the Committee on Anti-Racism to study and report to Executive Council by March 31, 2008, which in turn will report to the 76th General Convention, on how the Church can be “the repairer of the breach” (Isaiah 58:12), both materially and relationally, and achieve the spiritual healing and reconciliation that will lead us to a new life in Christ; and be it further

Resolved, That to mark the commencement of this program the Presiding Bishop is requested to name a Day of Repentance and on that day to hold a Service of Repentance at the National Cathedral, and each Diocese is requested to hold a similar service.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Columbus, 2006* (New York: General Convention, 2007), pp. 664-665.