



End the Exception – Dignity of Work

The 13th Amendment that abolished slavery after the Civil War includes an “Exception Clause” within the Amendment that outlaws slavery *“except as a punishment for crime whereof the party shall have been duly convicted.”* Leaving this exception in our founding document runs counter to our deeply held American values, leaving a loophole for bad actors to physically harm prisoners with impunity.

The *End the Exception Amendment*, led by Senators Jeff Merkley and Cory Booker and Rep. Nikema Williams (GA-05) would remove the Exception Clause from the Constitution, implementing the will of lawmakers and voters across the political spectrum. Over a dozen states have pursued changes to their respective state Constitutions. So far, a mix of red and blue states—Colorado, Nebraska, Utah, Alabama, Oregon, Tennessee, and Vermont—have successfully amended their state Constitutions to remove extremely similar language.

The vast majority of prisoners want to engage in productive work while they are incarcerated. They want to work so they can buy items from the commissary and learn marketable skills that will help them find employment and independence after their release. This amendment is an opportunity to make prison work a dignified experience that facilitates rehabilitation and ultimately reduces recidivism when prisoners can support themselves through consistent work after their release.

The *End the Exception Amendment* would make the 13th Amendment’s text clearly and completely ban slavery by removing the confusing and historically misused Exception Clause. This change would not hinder in any way current state or federal work programs, community service, or civic engagement offered as alternatives to incarceration or other forms of punishment. Additionally, the *End the Exception Amendment* would not impact prison wage litigation, as these cases fall under the scope of the Fair Labor Standards Act (FLSA), rather than the 13th Amendment. Because FLSA protections apply only to workers who are ‘employees’—and courts have consistently rejected arguments that prisoners could be employees—the *End the Exception Amendment* would have no impact on minimum wages for prisoners.