



Assemblymember Lori D Wilson, 11th Assembly District

ACA 8 – End Slavery in California Act

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Background

History of Slavery in California

The legacy of slavery and forced labor runs deep in California's history, from the exploitation of Indigenous people in Spanish missions to Black people who were enslaved and forced to mine for gold. This legacy goes as far back as the [first iteration of the California State Constitution](#), introduced in 1849, that stated: "Neither slavery, nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State" (Article I, Sec. 18). The following year, the racist [Indian Indenture Act](#) criminalized everyday behavior in CA, allowing any white man who "found" an "Indian" loitering, unemployed, frequenting public places where liquor was sold, begging, or leading an "immoral" life to take that charge before a judge. The judge would then order the Indian seized and sold at public auctions (Provision 20).

In 1850, the federal [Fugitive Slave Act](#) required governments and any white person to recapture people who escaped from slave-holding jurisdictions – meaning any person brought to California before statehood as a slave would legally remain a slave. California additionally passed its own [Fugitive Labor Act](#) in 1852, essentially suspending the state constitution's anti-slavery clause, allowing free Blacks to be re-enslaved.

In 1855, the [Greaser Act](#) legalized the arrest of individuals with "Spanish and Indian blood" who were perceived as violating California's anti-[vagrancy](#) statute. Although CA joined the Union as a "free state," a [slave market flourished](#) here from 1850 to 1870. While slave trafficking faded out in the 1870s, it was tragically in large part due to the genocide of Native Americans.

In 1865, Congress passed the [13th Amendment](#), which ended [chattel slavery](#) nationwide but allowed slavery to exist in other forms. This slavery "exception clause" remains in both the U.S. Constitution and our State Constitution.

Modern-Day Slavery in California

Slavery did not end after the Civil War. Continuing through the early 1940s, African Americans were "leased out" to plantation owners and manufacturers as cheap labor. This leasing system was replaced by "chain

gangs" – a dehumanizing practice of chaining together incarcerated people to perform manual labor – that many states including California profited from.

The practice of forced prison labor and remnants of slavery are embedded throughout California's system of incarceration today. Although no courts explicitly order forced labor at criminal sentencing, finding authority in the constitution, it is standard practice to force incarcerated people to perform labor, often in dangerous conditions, against their will.

More than [95,000](#) Californians are currently incarcerated in our state prison system with significant racial disparities. African Americans account for 28% of the prison population but are less than 6% of California's overall population. In addition, the lifetime chances of a person going to prison are higher for Blacks (16.2%) and Latinos (9.4%) than for whites (2.5%).

At the beginning of the COVID-19 pandemic in 2020, the State leaned on incarcerated workers to produce hand sanitizer, soaps, and masks. Incarcerated people were not allowed to use the products they made to keep themselves safe. Any concerns raised about endangering their own health and their lives were met with threats of harsh punishment. In fact, incarcerated people have long faced cruel treatment for any work absences: physical violence, solitary confinement, denial of phone calls and family visits, and limiting participation in self-help groups, and disciplinary write-ups that result in longer prison terms. Such punishments, or threats of such punishments, are often issued even when absences are due to illness or injuries sustained through the work.

Furthermore, research illustrates the [well-documented](#) psychological and emotional trauma laid by the hands of modern-day slavery and forced labor. Survivors of modern slavery experience post-traumatic stress disorder, lack of autonomy, and diminished sense of self.

Dissolving the remnants of slavery and racial inequity is more important now than ever before. California is only 1 of 16 states that still allows legalized constitutional slavery – and it lags behind other states in removing slavery from its state constitution. In 2022, Alabama,

Oregon, Tennessee, and Vermont joined other states that had recently passed state constitutional amendments prohibiting both slavery and involuntary servitude (Nebraska and Utah in 2020; Colorado in 2018). In 2020, U.S. Senator Merkley (OR) introduced a resolution to remove involuntary servitude as a punishment for crime from the U.S. Constitution.

Solution

The End Slavery in CA Act would allow Californians the opportunity to vote to amend Article 1, Section 6 of the State Constitution to prohibit slavery and involuntary servitude without exception.

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The 10P Program

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