

**DRAFT**

CITY ATTORNEY'S OFFICE

**OAKLAND CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

**INTRODUCED BY COUNCILMEMBER CARROLL FIFE AND  
VICE MAYOR KAPLAN**

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**RESOLUTION SUPPORTING ASSEMBLY CONSTITUTIONAL AMENDMENT 3 (KAMLAGER), REMOVING THE LANGUAGE “EXCEPT TO PUNISH CRIME” FROM THE CALIFORNIA STATE CONSTITUTION, TO PROHIBIT SLAVERY AND INVOLUNTARY SERVITUDE WITHOUT EXCEPTION; AND DENOUNCING STRUCTURAL RACISM AND ANY VESTIGES OF SLAVERY**

**WHEREAS**, Article 1, Section 6 of the California Constitution states that there shall be no slavery in this state; nor involuntary servitude, unless for the punishment of crime; and

**WHEREAS**, Black, Latinx, Asian, Pacific Islanders, and Indigenous people, and other people of color have been disproportionately affected by these laws and, at current, have the highest incarceration rates across the nation and within the State of California; and

**WHEREAS**, incarcerated people in California are subject to inhumane forced labor and exploitation, including fighting wildfires and manufacturing and packaging products that benefit our own state agencies, including the Department of Motor Vehicles and the Department of Health Care Services, and more; and

**WHEREAS**, incarcerated people are not properly compensated for their labor and are forced into dangerous working conditions under threat of punishment; and

**WHEREAS**, California has a history of sanctioning slavery and involuntary servitude, such as forcing the return of enslaved people back to slave owners in states where slavery was legal through the Fugitive Slave Act, and enacting laws that created and allowed a slave labor system to permeate throughout the state during the Gold Rush; and

**WHEREAS**, California has adopted racist stances throughout its history, including refusing to ratify the 14th and 15th Amendments of United States Constitution, passing the Act for the Government and Protection of Indians, which established the legal slavery and involuntary servitude of Indigenous children, the internment of Japanese citizens during World War II, and the constitutional ban on employment of Chinese or Mongolian descent; and

**WHEREAS**, California has repealed these laws and amendments as a recognition of the racism and immorality of these laws and declared that these provisions are relics of the past that have no place in California’s legal code and Constitution; and

**WHEREAS**, it is clear that the language in Article 1 Section 6 the California Constitution is not consistent with the current legislative, judicial, and executive intent of modern California law and fails to unequivocally prohibit the inhumane practice of slavery and involuntary servitude; and

**WHEREAS**, we seek protections for incarcerated people, to be free of oppressive constitutional statutes, and to eliminate the exception of using slavery and indentured servitude as punishment for crime; and

**WHEREAS**, we seek to update and remove outdated constitutional language to better reflect California’s spirit and values, freedom and liberties and end the vestiges of slavery that continue to put Black, Latinx, Indigenous, Asian, Pacific Islanders, and other people of color into involuntary servitude in California; and

**WHEREAS**, Assembly Constitutional Amendment 3 (ACA 3), introduced by Assemblymember Sydney Kamlager, would amend Article 1, Section 6 of the California Constitution to remove the language “except to punish crime” and prohibit slavery and involuntary servitude without exception; be it

**RESOLVED:** The Oakland City Council hereby supports ACA 3 to amend the California Constitution, and urges both houses of the California State Legislature to move this forward to the people of California for a vote; and, be it

**FURTHER RESOLVED:** The Oakland City Council formally denounces structural racism and any vestiges of slavery operating within its jurisdiction and commits to working with local, state, and national mechanisms reasonably employing means to create and maintain an equitable, healthy, and safe environment for all Californians.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California