



# Senator Sydney K. Kamlager (District 30)

## ACA 3: The California Abolition Act

### IN BRIEF

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The California Constitution prohibits slavery and involuntary servitude “*except to punish crime.*” ACA 3, the California Abolition Act, would amend the California Constitution to remove such conditional language, abolishing slavery and involuntary servitude without exception.

### BACKGROUND & PROBLEM

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California’s first constitution was adopted in 1849, ahead of its attainment of statehood. California then joined the Union as a “free state” through the Compromise of 1850. The Congressional series of bills also granted concessions to the South, such as the Fugitive Slave Act, requiring government officials and everyday white citizens to actively assist in recapturing enslaved people who escaped from slave-holding jurisdictions. Under this law, any person brought to California before statehood as a slave would remain a slave in the eyes of the law.

In 1855, the first Colored Convention of California was held to mobilize and unify under the shared causes of abolishing slavery, instilling voting rights for Black men, and repealing laws banning Black and Native Californians’ court testimony against whites.

Ten years later, the U.S. House of Representatives passed the Thirteenth Amendment in 1865, codifying the “outlawing” of slavery and involuntary servitude nationwide. California was the second state to ratify the amendment. However, conditional language remains in both the federal constitution and that of our state.

After the Civil War and continuing through the early 1940’s, incarcerated individuals were “leased out” to plantation owners and manufacturers as cheap labor. This leasing system was replaced by “chain gangs.” Many states profited from this dehumanizing practice, California included. The legacy and remnants of slavery have been imbedded and woven in our prison system.

Over 94,000 Californians are currently incarcerated in state prison. African Americans account for 28% of the prison population and less than 6% of California’s overall population. Although no courts explicitly include

labor as a condition of criminal sentencing, there is an expectation that many incarcerated people will perform labor—oftentimes for as little [8 cents an hour](#).

The psychological effects of modern-day slavery and involuntary servitude [are well documented](#). The lack of personal choice inherent in both conditions can lead to a diminished sense of self, as well as issues with autonomy, self-efficacy and ability to relate to and trust others.

Today, **12** states prohibit enslavement and involuntary servitude, but exception provisions for criminal punishment remain; **9** states permit involuntary servitude as a criminal punishment - California being one of them.

### SOLUTION

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Dissolving the remnants of slavery and racial inequality is more important now than ever before. In 2018, Colorado passed a ballot measure that removed slavery and involuntary servitude as a criminal punishment from its state Constitution. In 2020, voters in Nebraska and Utah voted to remove prison slavery from their state Constitutions. That same year, U.S. Senator Merkley (Oregon) introduced a resolution to remove involuntary servitude as a punishment for crime from the U.S. Constitution.

The California Abolition Act would amend Article 1, Section 6 of the California Constitution to prohibit slavery and involuntary servitude without exception.

### SPONSORS

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The 10P Program, The Abolish Slavery National Network, The Anti-Recidivism Coalition, Anti-Violence Safety and Accountability Project, Bend the Arc, The Center for African Peace & Conflict Resolution-California State University Sacramento Courage Campaign, EMPACT, Fair Chance Project, F.U.E.L., March On, Pride and Truth, Prison from the Inside Out, The Village Advocates, Uncommon Law, The Young Women's Freedom Center

### FOR MORE INFORMATION

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