

Asm. Kamlager Announces ACA 3: The California Abolition Act to Abolish Involuntary Servitude

Thursday, March 4, 2021

(SACRAMENTO) -- Assemblymember Sydney Kamlager today announced Assembly Constitutional Amendment 3 (ACA 3), the California Abolition Act, which will amend the Constitution of California to end involuntary servitude in California.

Article 1, Section 6 of the California Constitution currently allows the practice of involuntary servitude as a means of punishing crime. The euphemistic language of “involuntary servitude” masks what this nefarious practice is in plain language: forced labor.

California’s incarcerated people have no practical ability to refuse to work. For example, Samuel Nathaniel Brown, the original author of ACA 3 and a person incarcerated at California State Prison, Los Angeles County, has had to sanitize the cells of incarcerated people infected with COVID-19 with insufficient personal protective equipment (PPE). Refusing his assignment would expose him to being “written up” by prison guards, which could jeopardize his chances of receiving early release.

“It’s unacceptable that California’s constitution still carries this language in the year 2021. In our great state of California— often touted as one of the most progressive states in the country— this cannot stand,” said Assemblymember Sydney Kamlager and the legislative author of ACA 3. “By removing this language from our constitution, we are moving our state into the 21st century and taking steps to ensure that no Californian is ever put in a position of involuntary servitude again. Dissolving these remnants of slavery and racial inequality is more important than ever before.”

Assemblymember Kamlager was joined by Assemblymember Ash Kalra, members of the California Abolition Act Coalition including coalition chair Jamilia Land of the Anti-Violence, Safety, and Accountability Project (ASAP), Mr. Brown (via phone), Legislative Manager Shay Franco-Clausen, April Grayson of the Young Women’s Freedom Center, Maria Estrada of the Native Women Unity Association, Sam Lewis of the Anti-Recidivism Coalition, Porsche Taylor of

Prison From The Inside Out, Sylvester Ani of The Love We Don't See, Molly Watson of Courage California and Allegra Taylor of The Village Advocates.

"Now, more than ever, it's critical that the language in our constitution reflect our values and our humanity," said Ms. Land. "Any clause that permits involuntary servitude should not exist in 2021 and ACA 3 is a key step towards establishing a more just criminal justice system."

"I am proud to coauthor the California Abolition Act and take a stand against the inhumane treatment of incarcerated individuals," said Assemblymember Ash Kalra (D-San Jose), who is also Chair of the Assembly Committee on Labor and Employment. "Involuntary servitude is a fundamentally and historically racist practice that has no place in any society, and it is due time that our state abandons this archaic concept once and for all."

The California Abolition Act builds upon successful efforts to abolish involuntary servitude in Colorado, Utah, and Nebraska. There are similar efforts ongoing at the federal level through U.S. Senator Jeff Merkley's office and at the state level in over a dozen other states.

"Any laws, policies or practices that permit any form of slavery, even as an exception, in modern time in our society cannot be termed anything other than anachronistic, racist, inhumane, and uncivilized," said Ernest Uwazie of the Center for African Peace & Conflict Resolution. "Abolition of such statutes is both compelling for justice and serves as a modest response to the George Floyd moment for anti-racist, accountable, fair justice system."

California's first constitution was adopted in 1849, ahead of its attainment of statehood. California then joined the Union as a "free state" through Congressional legislation, known as the Compromise of 1850. The series of bills also granted concessions to the South, such as the Fugitive Slave Act, requiring government officials and everyday white citizens across the nation to actively assist slaveholders 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.

The ratification of the Thirteenth Amendment in 1865 codified what is commonly considered the outlawing of slavery and involuntary servitude nationwide and California was the second to ratify the amendment. However, conditional language allowing involuntary servitude to punish crime remains in both the federal Constitution and most state constitutions to this day.

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 and California is no exception. Today, incarcerated workers earn as little as .08 cents an hour and are

expected to work. While no stipulation of federal or state sentencing forces people to work, physical labor is expected of all able bodied people while incarcerated.

Currently, there are over 94,000 Californians incarcerated in state prison. But there remains a huge racial disparity in the state's prison system. African Americans account for 28% of the prison population and less than 6% of California's overall population. The legacy and remnants of slavery have been imbedded and woven in our prison system. ACA 3 will abolish slavery and involuntary servitude without exception from California's Consitution.

If passed by the California legislature, ACA 3 will create a ballot measure in 2022 where Californian's can vote to remove slavery from our Consitution and ensure the State reflect our values and push for racial equality.

"ACA 3 is a massive step in California's quest to end systemic racism," said Sam Lewis of the Anti-Recidivism Coalition. "The Constitution of the State of California should espouse true equality for all people, and not perpetuate the lineage of American slavery."

ACA 3 is sponsored by the California Abolition Act Coalition, a campaign by and for Californians directly impacted by involuntary servitude.

###