



YOUTH LEADERSHIP INSTITUTE

Use Your Voice

JUNE 10, 2021

The Honorable Reginald Byron Jones-Sawyer, Sr.
Chair, Assembly Public Safety Committee
1020 N. Street, Room 111
Sacramento, CA 95814

Re: Support for ACA 3 (Kamlager) – SUPPORT

DEAR ASSEMBLYMEMBER JONES-SAWYER,

Youth Leadership Institute (yli) is pleased to support ACA 3 (Kamlager), which would place a state constitutional amendment on the ballot to remove the involuntary servitude clause from the California Constitution. It's time for California to join the growing national movement to divest ourselves from all vestiges of slavery.

As an unapologetically anti-racist organization whose staff and youth participants are almost entirely Black, Indigenous and people of color, yli is adamant in our position against involuntary servitude. Our youth wake up fighting everyday to address the generations of harm to their families and communities caused by chattel slavery and white supremacy, and it's time that our elected officials do their part.

California is a progressive state that boasts the 5th largest economy in the world. It currently maintains an exception for involuntary servitude within Article 1, Section 6 of our Constitution. California has an incarceration rate of [581 per 100,000 people](#) (including prisons, jails, immigration detention, and juvenile justice facilities), meaning that it locks up a higher percentage of its people than many wealthy democracies do.¹ This also means that, based on the current phraseology of California's Constitution, those incarcerated are subject to conditions in which they are legally permitted to be enslaved as a result of their crime. This is especially disconnected when considering our nation's history of chattel slavery.

¹ Wagner, Peter, et al. "States of Incarceration: The Global Context 2018." PrisonPolicy.org, June 2018, <https://www.prisonpolicy.org/global/2018.html>.

Chattel slavery ended with the Emancipation Proclamation, but convict leasing would become the next institution to maintain classism, racism, and slavery. Not until 1964, almost 100 years later, would Civil Rights legislation bring a beacon of hope to many still living the reality of stigmatization, exploitation, and injustice. To this date, however, California has yet to make a decision to remove the language of slavery, by keeping involuntary servitude — slavery by another name and practice — in its Constitution. Article 1, Section 6 in our state Constitution is modeled after the U.S. Constitution's 13th Amendment Exception Clause. The federal clause reads, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." This clause legally transferred slavery from individuals' ownership of slaves to ownership by the states.

In light of the racial disparities of those incarcerated and who therefore fall under these provisions, California is ultimately perpetuating the narrative of structural racism:

In 2017, the year of most recent data, 28.5% of the state's male prisoners were African American—compared to just 5.6% of the state's adult male residents. The imprisonment rate for African American men is 4,236 per 100,000 people—ten times the imprisonment rate for white men, which is 422 per 100,000. For Latino men, the imprisonment rate is 1,016 per 100,000; for men of other races it is 314. African American women are also overrepresented. Of the state's 5,849 female prisoners, 25.9% are African American—only 5.7% of the state's adult female residents are. African American women are imprisoned at a rate of 171 per 100,000—more than five times the imprisonment rate of white women, which is 30 per 100,000. Imprisonment rates for Latino women and women of other races are 38 and 14 per 100,000, respectively.²

California's racist policy of using involuntary servitude as punishment for a crime actually predates the U.S. Constitution's 13th Amendment Exception Clause by about 15 years. The Act for the Government and Protection of Indians (1850) legalized slavery in California as punishment for "crimes" such as being homeless, orphaned, unemployed, or loitering³. Indigenous people

² Harris, Heather, et al. "California's Prison Population - Just the Facts." PPIC.ORG, July 2019, <https://www.ppic.org/wp-content/uploads/jtf-prison-population-jtf.pdf>.

³ Public Broadcasting Service. (n.d.). *Act for the Government and Protection of Indians*. PBS, November 2006, <https://www.pbs.org/wgbh/americanexperience/features/goldrush-act-for-government-and-protection-of-indians/>.

were not allowed to vote or testify in court against Whites, so any White man could claim an Indigenous person to be loitering about, and that person would then be jailed and fined. If the Indigenous person could not or would not pay the fine, they would be hired out to the highest bidder on a public auction block to work the fields or in the mines. This law was followed by The Anti-Vagrancy Act (1855), also known as The Greaser Act, which criminalized Latinx people for being unhoused or without regular employment. These racist laws were so effective in implementing de facto slavery in a "non-slave" state that many Southern States used this model in the Black Codes following the abolition of slavery after the Civil War by criminalizing newly "freed" Black people for non-criminal behavior, such as being homeless, unemployed, or loitering, with the sole intent of preserving slavery.⁴

The origin of involuntary servitude has never been based on rehabilitation or justice. It has always been predicated upon the perceived loss of economic power, alongside bitterness and hatred against immigrants, the Indigenous, and ultimately African Americans:

"Almost immediately after the Civil War, laws were enacted to make it easy to incarcerate tens of thousands of black people and force them back onto plantations. Loitering, unemployment and any minor infraction of Jim Crow laws were classified as felonies. Black people were convicted, sentenced, incarcerated and forced to work without pay. The amendment that initially appeared to grant the promise of freedom instead did quite the opposite, facilitating a wave of re-enslavement in the South. It was nothing short of an extended declaration of white supremacy."⁵

The Involuntary Servitude Exception Clause led to the intentional creation of the Black Codes and Vagrancy Laws, which disproportionately impacted Americans who were promised equality. The 1964 Civil Rights legislation, another promise of freedom, was undercut by the crime bills of the 1960s-90s, which disproportionately impacted many people of color and promoted the premise that "criminals" were less than human and deserving of slavery as punishment. There is a direct correlation between the promise of freedom under federal law and the injurious nature of state law disproportionately impacting Black Americans and people of color. When considering the history of convict leasing, it is no accident that Black

⁴ TEDxTalks. (2012, December 31). *The Little-Known History of Slavery in California: Lynette Mullen at TEDxEureka*. YouTube. <https://www.youtube.com/watch?v=REWo21N5LZE>.

⁵ Allen, Kamau. "How Colorado Became the First State to Abolish Slavery."

TogetherColorado.org, 7 June 2019,

<https://www.togethercolorado.org/how-colorado-became-the-first-state-to-abolish-slavery/>.

Americans and people of color comprise the largest demographic serving as “convicts,” both in the United States and in California.

Removing involuntary servitude from California’s Constitution is not being soft on crime or a partisan play to open the prison doors. Instead, this is a human issue about the redemption of dignity. For these reasons, yli is proud to support ACA 3 (Kamlager) and urges the legislature to pass this measure onto the California electorate.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patty Barahona', with a long horizontal flourish extending to the right.

PATTY BARAHONA

CEO, Youth Leadership Institute