



# YOUTH LEADERSHIP INSTITUTE

## Use Your Voice

MAY 24, 2022

The Honorable Steve Glazer  
Chair, Elections and Constitutional Amendments  
1020 N Street, Room 410  
Sacramento, California 95814

### **Re: Support for ACA 3 (Kamlager)**

DEAR SENATOR GLAZER AND THE HONORABLE MEMBERS OF THE ELECTIONS AND CONSTITUTIONAL AMENDMENTS COMMITTEE,

I'm writing on behalf of Youth Leadership Institute (yli) to express our strong support of ACA 3 (Kamlager), which would remove involuntary servitude from the California Constitution. We understand that moving this legislation in our State impacts the trajectory of the United States: "so as California, so goes the nation."

The California Constitution mirrors our Federal Constitution by stating, "there shall be no slavery in this state; nor involuntary servitude, unless for the punishment of crime." However, this policy fails to unequivocally prohibit the inhumane practice of slavery by encouraging involuntary servitude, which is slavery by another name. Numerous scholarly writings, documentaries, and hundreds of voices have collectively shared the dehumanizing and impractical impact of these provisions. Statistics lead to the same outcome: Black, Latinx, Asian, Pacific Islander, Indigenous peoples, and other people of color have been disproportionately affected by the color of law and, at current, are of the highest incarceration rates across the nation and within the State of California. The true question is: are We The People listening?

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



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communities caused by chattel slavery and white supremacy, and it's time that our elected officials do their part.

Incarcerated people are not properly compensated for their labor and are forced into dangerous working conditions under threat of punishment, repercussions, and coercion. Despite California's reputation as a progressive state, "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."<sup>1</sup> With its impressive economy, California includes some of the most expensive neighborhoods and the highest rates of homelessness in our nation. It also harbors forced labor.

Reasons for this disparity include policies that maintain classism, racism, and slavery, like the Exceptions Clause. It was not until 1964, almost 200 years after the emancipation clause and within the last 57 years, that Civil Rights legislation became a beacon of hope to many still living the reality of stigmatization, exploitation, and injustice. However, California has yet to make a decision to remove vestiges of slavery, by keeping involuntary servitude — slavery by another name and practice — in its Constitution.

Article 1, Section 6 in the CA Constitution is modeled after the U.S. Constitution's 13th Amendment, which 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 individual ownership of slaves to ownership by the states. In light of the racial disparities of those incarcerated, California is ultimately perpetuating the narrative of structural racism.

*In 2017, 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*

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



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*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.<sup>2</sup>*

In 1974, The California Constitution Revision Commission successfully made edits to Article 1 of our Constitution, including section 6 as it reads now. According to Judge Bruce Sumner, Chairman of the Commission, the goal of all the adjustments was to *“modernize and shorten California's Constitution...mak[ing] sure that your rights are clearly and strongly stated.”*<sup>3</sup> At that time, support came from the League of Women Voters, both Houses of the State Legislature, and other organizations and individuals interested in the protection of our society and the civil rights of all Californians.

Much has changed since 1974, but the diverse support and legislative intent for diversity, equity, and inclusion remains the same. For example, California was the first of six states to extend the franchise of voting to women before the Federal Constitution enacted the 19th amendment in 1911. Recent legislation passed ACA 6 which became Proposition 17 allowing people on parole to vote. Chaptered Bills, such as AB 979 (Holden), aim to ameliorate underrepresentation. It is clear: California wants to be a place of inclusivity and well-being. It is also clear that the language of the California Constitution is not consistent with the legislative, judicial, or executive intent of our modern landscape. As such, there is not a more perfect time for California to act to secure our future while distinguishing ourselves from the past.

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<sup>2</sup> 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>

<sup>3</sup> UC Hastings Scholarship Repository. “Declaration of Rights.” *California Ballot Propositions and Initiatives*, vol. Propositions, 1974.

[https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1789&context=ca\\_ballot\\_props](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1789&context=ca_ballot_props)



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*In 1974, Judge Sumner wrote: "California's history shows that its citizens have the capacity to grow. It also points out that we have made "Mistakes in the past like the internment of our Japanese.. . We have even placed in our constitution provisions that "no corporation now existing or hereafter formed under the laws of this State shall. . . employ directly or indirectly in any capacity any Chinese or Mongolian" and a denial of the right to vote to all who were not "white male(s)". These provisions are relics of the past and have no place in the document that school children look to as a truthful statement of our fundamental rights as citizens. Shame on those that appeal to past bigotries to prevent our constitution from being an accurate statement of the fundamental law of California as it is today. ... If you don't agree, think about it."<sup>4</sup>*

Removing involuntary servitude from California's Constitution is not being soft on crime. It's not a partisan play. Instead, this is a human issue about the redemption of dignity. Currently, children of incarcerated fathers stand a 70% chance of dropping out of education or becoming incarcerated themselves. These statistics impact everyone. Creating and maintaining an equitable, healthy, and safe environment for all Californians - including those impacted by laws and regulations which have been found outside of the spirit of California and its lettered law - is imperative to our well-being and the future of our Golden State.

For the reasons previously stated, yli strongly supports ACA 3 and we respectfully ask for an aye vote.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patty Barahona', with a long, sweeping underline.

PATTY BARAHONA  
CEO, Youth Leadership Institute

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<sup>4</sup> *ibid*