



CONSENT CALENDAR  
July 12, 2022

To: Honorable Mayor and Members of the City Council  
From: Councilmember Taplin  
Subject: Support for Assembly Constitutional Amendment 3

### RECOMMENDATION

Send a letter of support for ACA-3 to members of the state legislature including Senator Kamlager (D-Los Angeles), Senator Skinner (D-Berkeley), and Assemblymembers Kalra and Wicks.

### FINANCIAL IMPLICATIONS

None.

### BACKGROUND

The California Constitution currently prohibits slavery, but includes an exemption for involuntary servitude as punishment for a crime. Assembly Constitutional Amendment 3, introduced by then-Assemblymember Kamlager, would remove this exemption. California was originally admitted to the Union as a “free state” under the Compromise of 1850, with federal legislation requiring that free states observe the Fugitive Slave Act and return escaped slaves to slaveholding states. Involuntary servitude as a punishment for crimes was used after 1865 to continue to restrict the freedom of African Americans and provide cheap labor to plantation owners.

Today, incarcerated workers earn as little as 8 cents an hour and are expected to work, a form of “modern-day slavery.”<sup>1</sup> According to Kamlager, 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.

In 2019, California had a total incarcerated population of 204,637, a rate of 310 per 100,000 residents.<sup>2</sup> The incarceration rate for Black Californians was nearly 10 times as high as the rate for white Californians. African Americans account for 28% of the prison population and less than 6% of California’s overall population.

<sup>1</sup> Silva, G. (2021). Inmates in California prisons making 8 cents an hour, senator calling it ‘Modern Day Slavery’. *Fox LA*. Retrieved from <https://www.foxla.com/news/inmates-in-california-prisons-making-8-cents-an-hour-senator-calling-it-modern-day-slavery>

<sup>2</sup> <https://www.sentencingproject.org/the-facts/#map>

ACA-3

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If passed by the California legislature, ACA 3 will create a ballot measure in 2022 that would prohibit involuntary servitude for prisoners if passed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

1: Letter

The Honorable Sydney Kamlager  
State Capitol  
Sacramento, CA 95814

July 12, 2022

**RE: Support: Assembly Constitutional Amendment 3: Involuntary servitude.**

Dear Senator Kamlager,

The City Council of the City of Berkeley is proud to support ACA-3, the constitutional amendment you introduced in the Assembly to fully prohibit involuntary servitude in the state of California.

While initially introduced to the Union as a “free state,” the so-called Compromise of 1850 was one of many injustices committed against African Americans under the guise of political moderation and consensus. Even after the Civil War, exemptions to the abolition of slavery were pervasive in the criminal justice system, providing a cudgel for white supremacist terror groups after the demise of Reconstruction governments and ensuring that white elites could always procure underpriced Black labor from state prisons. We must no longer compromise in our struggle for racial justice.

With California’s large prison population being disproportionately African American, involuntary servitude in state prisoners furthers these deep injustices and exacerbates the racial wealth gap, often compensating workers as little as 8 cents an hour when their economic opportunities were already limited before entering the prison system. Until we abolish this form of modern-day slavery, we are complicit in perpetuating it. We stand in full support of your effort to right this grave wrong immediately.

Thank you for your tireless courage and leadership.

Sincerely,

The Berkeley City Council  
2180 Milvia St  
Berkeley, CA 94704

cc:

Assemblymember Buffy Wicks  
Assemblymember Ash Kalra  
Senator Nancy Skinner

