



Proposition 6: Banning Forced Labor in California State Prisons

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California's Proposition 6 seeks to amend the state's constitution to prohibit involuntary servitude as punishment for crime. If the bill is passed, it will prevent retaliation against inmates who refuse to work and ensure those who do work are compensated commensurably. If approved, California would join seven other states that have already eliminated language permitting indentured servitude from their state constitution—Colorado (2018), Utah and Nebraska (2020), and Alabama, Oregon, Tennessee, and Vermont (2023).

Historical Context

Prison labor in the United States is a product of the history of slavery and the convict leasing system. In 1865, the 13th Amendment abolished slavery following the Civil War—"except as punishment for crime." This legal loophole allowed Southern states to transition their economy from slave labor to new forms of racial and economic oppression within the criminal legal system. Codifying the link between Blackness and criminality, Southern states began implementing "Black Codes," which criminalized everyday behaviors of newly emancipated Black men and women. This process of criminalizing through biased legal frameworks and social narratives led to policies that were rooted in systemic racial oppression as detailed by Khalil Gibran Muhammad in *the condemnation of Blackness: Race, crime, and the making of modern urban America*. Once incarcerated, individuals were leased to private enterprises and subjected to brutal labor conditions, often comparable to **slave labor**. The convict leasing system generated substantial profits for both the state and private enterprises, and enabled the Southern economy to rebuild at the expense of Black labor, marking the early stages of what would become **mass incarceration**.

California's Labor System

Although California's history of prison labor differs from that of the South, it also reveals a pattern of economic exploitation. Beginning in 1851, California authorized private lessees to operate its prison system. Prisoners were leased to private contractors, who used their labor for activities such as construction and agriculture. However, in 1857, opposition emerged in labor markets in San Francisco, where free laborers perceived convict labor as unfair competition. In response to this growing criticism, the state gradually took over the administration of prison labor in the late 19th century. Unlike the South, where convict labor was predominately leased to private enterprises, California's system increasingly focused on public works projects—**large-scale infrastructure efforts** funded by the state, such as road construction and bridge building.

While exploitative labor is not the root cause of mass incarceration, the revenue it generates today helps mask the extensive and hidden costs of an **overburdened and overcrowded prison system**. As a result, incarcerated

individuals have become a source of cheap labor, taking on low-wage, labor-intensive jobs with minimal legal protections. This exploitation continues the legacy of forced labor in prisons, thus perpetuating racial and economic inequality.

Current Prison Labor Practices and Impacts on Prisoners

In California, nearly 70% of incarcerated individuals are assigned to work, performing tasks that range from janitorial duties to firefighting. The widespread reliance on prison labor highlights the system's dependence on incarcerated workers to maintain prison facilities, provide essential services, and generate revenue for state programs. Although some may view prison labor as rehabilitative, the reality is that incarcerated individuals often work under coercive and exploitative conditions. The jobs offer little to no skill development or opportunity for future employment outside of the prison, and workers who refuse to accept or perform a work assignment face severe penalties, including loss of visitation rights and forfeiture of earned sentence reductions. In more severe cases, these punishments can become prolonged and permanent, potentially impacting parole outcomes. This coercion ensures that incarcerated workers feel they have little choice but to comply with labor assignments.

Wages and Working Conditions

Incarcerated individuals in California are subjected to exploitative wage rates, earning between \$0.08 and \$1.00 per hour. These wages are grossly insufficient to meet basic needs within the prison system, such as hygiene products, phone calls, or additional food from the commissary. Furthermore, many incarcerated workers face mandatory deductions from their wages, with up to 80% withheld for fines, restitution, and room and board fees. As a result, incarcerated individuals struggle to support themselves, placing **additional financial burdens** on their families outside prison.

Incarcerated workers are also excluded from key federal labor protections, such as the Fair Labor Standards Act (FLSA), the National Labor Relations Act (NLRA), and protections provided by the Occupational Safety and Health Administration (OSHA). This exclusion exposes them to **hazardous working conditions** without minimum wage protections, workplace safety standards, or collective bargaining rights. For instance, during the COVID-19 pandemic, incarcerated workers in California produced over 1.4 million masks and sanitizers. Despite the significance of their work, they were paid only a few cents per hour and **denied access to the very protective equipment they** produced.

Another example, incarcerated firefighters, who make up 43% of California's wildfire force, risk their lives battling the state's wildfires for as little as \$1 per hour. They often work in life-threatening conditions without adequate safety training or compensation. Despite multiple fatalities and injuries, they remain excluded from OSHA protections, which would ensure basic safety standards. In addition, workers are also excluded from workers' Compensation, preventing **claims for wrongful injury or death**, and benefits such as Social Security, Medicare, disability insurance, and unemployment insurance.

Racial Disparities in Prison Labor

Black and Brown individuals are disproportionately assigned to the lowest-paying and most dangerous jobs within the prison system. According to **researchers**, Black incarcerated individuals are more frequently placed

in low-paying or unpaid labor positions, often arbitrarily or as a form of punishment, compared to their white counterparts. This disparity mirrors the lower-status labor historically assigned to Black individuals both in and outside of prison. White men, on the other hand, are more likely to be assigned to higher-status jobs such as public works, which offer more opportunities for skill development. These disparities are indicative of broader racial divisions in the labor market, where men of color, particularly Black men, are often relegated to the least desirable positions.

Social and Economic Impacts of Ending Forced Labor

The passage of Proposition 6 would have significantly impact both incarcerated individuals and the state prison system by prohibiting forced labor and requiring fair compensation.

Positive Impact

The most immediate benefit would be the increased agency for incarcerated individuals, such as an opportunity for fairer wages, negotiating reduced sentencing, or choosing alternative rehabilitative programs such as education.

- Incarcerated individuals who choose to work would be entitled to fair wages, improving their ability to support themselves and their families.
- Fairer wages would also alleviate the financial burden placed on families supporting their loved ones, assist with paying restitution or fines, and reduce post-incarceration financial strains.
- Revamping the prison labor program might also incentivize the state to shift toward providing incarcerated individuals with opportunities for meaningful vocational training and licensing for post-release employment. Developing marketable skills could significantly reduce recidivism rates and improve reintegration outcomes, benefiting both the individual and broader society.

Challenges and Considerations

Despite these benefits, the proposition raises several economic challenges, particularly around the increased costs of running jails and prisons. The state would need to allocate additional funds to compensate incarcerated workers at market or near market wages. This increase in labor costs could pose a financial burden on a prison system already strained by overcrowding and underfunding. However, it is important to note that while increasing wages may raise costs initially, much of the money incarcerated individuals earn would flow back into the prison and state economies. By circulating money back into the prison economy, higher wages could help mitigate the overall cost increase while providing incarcerated individuals greater financial autonomy and dignity.

Proposition 6

Proposition 6 offers significant benefits by improving the agency of incarcerated individuals through fair wages and alternative rehabilitative options, potentially reducing recidivism and easing financial burdens on families. Balancing these factors will be crucial to implementing a system that promotes dignity and economic reintegration while addressing budgetary constraints.