



Legislation Text

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Res. No. 576

Resolution calling on the New the New York State Legislature to pass, and the Governor to sign, S225/A3412, known as the No Slavery in New York Act.

By Council Members Cabán, De La Rosa, Rivera, Richardson Jordan, Louis, Restler, Hanif, Avilés, Krishnan, Nurse, Marte and Williams

Whereas, Incarcerated people are human beings, worthy of respect and dignity; and

Whereas, While the U.S. Congress ratified the 13th amendment to the United States Constitution in 1865, ostensibly abolishing slavery, the 13th amendment language, “except as a punishment for crime whereof the party shall have been duly convicted” has been criticized by civil rights and criminal justice groups for creating a loophole that has led to incarcerated individuals being exploited; and

Whereas, Incarcerated labor is designed to benefit primarily public entities that capitalize on a vulnerable population that is a captive labor force market according to Beth Schwartzapfel, Taking Freedom: Modern-Day Slavery in America’s Prison Workforce; and

Whereas, This captive market is compelled to work through two forms of coercion, coercion through the threat of punishment and through deprivation; and

Whereas, Coercion through deprivation compels an incarcerated individual to work because it is the only way for them to pay for basic necessities or is the only alternative to being confined in their cells according to an inmate written survey response; and

Whereas, In letters to legal advocates, former incarcerated individuals have described retaliation and severe punishments, including solitary confinement, for refusing to work dangerous jobs or assignments for which they have no training; and

Whereas, Coercion through the threat of punishment like solitary confinement for refusing to work has been upheld in federal and state court such as in *Mikeska v. Collins*, 900 F.2d 833, 837 (5th Cir. 1990) establishing that any unjustified refusal to follow the established work regime is an invitation to sanctions; and

Whereas, According to the New York Constitution Article III Legislature Section 24, the New York State Legislature shall by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State; and

Whereas, While Section 24 explicitly rejects the use of incarcerated labor for the profit of private business, it allows for the State to profit on incarcerated labor through State run business entities like Corcraft, the industry program within the New York State Department of Corrections and Community Supervision (“DOCCS”); and

Whereas, S225 sponsored by State Senator Myrie, and A3412, sponsored by Assemblymember Epstein, seek to prohibit involuntary employment of prisoners; and

Whereas, S225/A3412 amends article 1 of the New York State Constitution to forbid forced labor of incarcerated individuals in any state prison, penitentiary, jail, or reformatory; and

Whereas, S225/A3412 mandates that no prisoner shall be compelled to provide labor against his or her will by actual or threats of force, threats of punishment, or any means to cause the incarcerated individual to believe that if they did not provide such labor that they or another person would suffer serious harm or physical restraint; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New the New York State Legislature to pass, and the Governor to sign, S225/A3412, known as the No Slavery in New York Act.

CMB
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3/14/23