



**City of Rochester, NY**  
**Rochester City Council**

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290

James Patrick Smith, Chief of Staff to Rochester City Council

May 25, 2023

Hon. Kathy Hochul  
Office of the Governor  
New York State Capitol Building  
Albany, New York 12224

RE: Memorializing Resolution File #0002-23 ***May Day, International Workers Day Resolution calling on the NY State Legislature to end prison slavery by passing the “No Slavery in NY Act (S.225/A.3412) and “Fairness and Opportunity for Incarcerated Workers Act” (S.416A/A.3481B)***

Dear Governor Hochul:

Attached is Memorializing Resolution File Number 0001 of 2023 which was recently submitted to the Rochester City Council. This item is entitled: ***Memorializing the Governor, Members of the State Senate and Assembly, with a May Day, International Workers Day Resolution calling on the NY State Legislature to end prison slavery by passing the “No Slavery in NY Act (S.225/A.3412) and “Fairness and Opportunity for Incarcerated Workers Act” (S.416A/A.3481B).***

Please note: Memorializing Resolution File Number 0002 of 2023 was signed by all nine of Rochester’s nine Members of City Council.

Respectfully Forwarded,

A handwritten signature in blue ink, appearing to read "James P. Smith".

James Patrick Smith  
Chief of Staff

attachments





**Memorializing Resolution of the City Council #0002-23**

Sponsored by: **Stanley Martin** Councilmember, At-Large; **Mary Lupien** Council Vice President, East District;  
**Kim Smith** Councilmember, At-Large; **Jose Peo** Councilmember, Northwest District

May 1, 2023

To The Honorable  
Rochester City Council  
30 Church Street  
Rochester, New York 14614

***RE: Memorializing the Governor, Members of the State Senate and Assembly, with a May Day, International Workers Day Resolution calling on the NY State Legislature to end prison slavery by passing the “No Slavery in NY Act (S.225/A.3412) and “Fairness and Opportunity for Incarcerated Workers Act” (S.416A/A.3481B).***

Honorable Council Members:

We ask you to join us by signing your name on this Memorializing Resolution to urge New York State leaders to support the “No Slavery in NY Act (S.225/A.3412) and “Fairness and Opportunity for Incarcerated Workers Act” (S.416A/A.3481B) and, in doing so, to collectively **State and Resolve:**

**Whereas**, We, the undersigned members of Rochester City Council, in the Spirit of Frederick Douglass, call on New York State Legislature to pass and the Governor to sign the “No Slavery in NY Act” (S.225/A.3412), and the “Fairness and Opportunity for Incarcerated Workers Act” (S.416A/A.3481B).

**Whereas**, Although the U.S. Congress ratified the 13th Amendment to the United States Constitution in 1865, ostensibly abolishing slavery and involuntary servitude, 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 allowing the exploitation of incarcerated individuals.

**Whereas**, According to Article III Section 24 of the New York Constitution, 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.”

**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.

**Whereas**, Between 1991 and 2021, Corcraft, the State-run industry program operated within the New York State Department of Corrections and Community Supervision, sold \$2 billion worth of goods and services by using incarcerated workers labor to provide a range of services, from answering calls in a call center, stamping license plates and building furniture.

**Whereas**, Incarcerated workers often earn nominal pay for their labor yet must pay for food, clothing, toiletries, and phone calls to maintain contact with family, friends, and their attorneys.

**No Slavery in NY Act and Fairness and Opportunity for Incarcerated Workers Act  
Rochester City Council Memorializing Resolution 0002-2023**

**Whereas,** The current system of little or no pay for those working while incarcerated allows for unfair profiteering, and furthermore, drives communities of color into debt as evidenced by reports indicating one out of three families supporting an incarcerated loved one go into debt.

**Whereas,** The “No Slavery in NY Act” (S.225/A.3412), and the “Fairness and Opportunity for Incarcerated Workers Act” (S.416A/A.3481B [2022]), sponsored by Senator Zellnor Myrie and Assemblymember Harvey Epstein, would provide labor protections to incarcerated workers as well as fair wages, allowing them to become financial contributors to their families and community.

**Whereas,** The population of roughly 31,000 New Yorkers in State prison is getting older and sicker by the year because of this system of compulsory labor and slavery.

**Whereas,** Investigations by New York Times, Amsterdam News, and Democrat & Chronicle documented sharp racial disparities in parole release determinations, with Black and Latino people far less likely to be released. The Times Union specifically found that, if Black and Latino New Yorkers were granted parole release at the same rate as white New Yorkers, there would be 675 fewer people behind bars.

**Whereas,** Rochester is usually not thought of as a “prison town,” but for many reasons, it should be. Geographically, Rochester is at the center of the punishment regime known as “mass incarceration.” Within 90 minutes of the city are 35 state prisons (including the historic Auburn and Attica), federal prisons, county jails, and immigrant detention centers.

**Now, Therefore, be it Resolved,** That in the Spirit of Frederick Douglass, the Rochester City Council calls on the New York State Legislature to pass and the Governor to sign the No Slavery in NY Act and the Fairness and Opportunity for Incarcerated Workers Act.

Sincerely,



**Stanley Martin**, Councilmember  
At-Large Representative



**Mary Lupien**, Vice President  
East District Representative



**Kim Smith**, Councilmember  
At-Large Representative



**Jose Peo**, Councilmember  
Northwest District Representative

**No Slavery in NY Act and Fairness and Opportunity for Incarcerated Workers Act  
Rochester City Council Memorializing Resolution 0002-2023**


The following Councilmembers join their colleagues in support of Memorializing Resolution 0002-23:



**Miguel A. Meléndez, Jr.**, President  
At-Large Representative



**Mitch Gruber**, Councilmember  
At-Large Representative



**LaShay Harris**, Councilmember  
South District Representative



**Willie Lightfoot**, Councilmember  
At-Large Representative



**Michael Patterson**, Councilmember  
Northeast District Representative