

Written Statement
Submitted to –
Committee on the Judiciary
Subcommittee of Crime, Terrorism, and Homeland Security

Following Hearing May 6, 2008

“Federal Prison Industries – Examining the Effects of Section 827...”

Submitted by –

International CURE (Citizens United for Rehabilitation of Errants)

Mr. Chairman and Members of the Committee: Thank you for this opportunity to submit written testimony regarding Federal Prison Industries - examining the effects of Section 827 of the National Defense Authorization Act of 2008.

In weakening Federal Prison Industries' (FPI) access to government markets, section 827 of the National Defense Authorization Act of 2008 almost certainly harms the national interest, by reducing Federal inmate work and rehabilitation opportunities, increasing idleness and danger in Federal correctional institutions – for staff and residents alike – and by increasing costs to American taxpayers. Most serious, by undermining a demonstrated effective source of rehabilitation, section 827 will likely have unwelcome consequences for future crime and incarceration.

Nevertheless, although all have valid objectives and legitimate concerns, both time and progress have obsolesced traditional prison industries as well as the unyielding positions of the major stakeholders in the current prison industries debate. For the good of the nation, the time has come for stakeholders to reassess their traditional positions.

Rather than driving offenders further from legal success, the nation and all stakeholders - the economy, business, labor, human rights, taxpayers, and justice - could significantly benefit if Congress facilitated offenders' successful employment in the economy where they normally belong and can best meet their financial responsibilities, contribute to the legal economy, and avoid future crime. Rather than competing unfairly and unproductively at low or no pay in *prison* industries, offenders at all levels of the criminal justice system should remain or become employed in the mainstream economy, under truly “level playing field” normal business and labor law and regulation, by *private and public sector* firms paying market wages and serving all domestic and international markets, public and private. For a level playing field and fair competition, offenders should be employed *as civilian employees* under whatever bargaining agreements and responsibilities apply to the overall employee population; employing firms should be treated identically with other firms. And from their incomes, legitimately earned, offenders should meet their financial responsibilities to victims, taxpayers and communities, to their own children and families, and to themselves.

Furthermore, separate from changes in law, the Bureau of Prisons and FPI should independently begin significant changes in Federal inmate work opportunities, testing

increased productivity and competitiveness, and transitioning toward partnering with private industries and participation in the normal taxpaying, competitive economy. FPI should actively pursue policies assuring a reliable 40 hour work week. At a minimum, (1) hourly pay rates to incarcerated workers should increase and continue increasing significantly, approaching some high proportion of at least the Federal minimum wage, (2) FPI should begin meeting normal social benefit requirements incurred by civilian firms, at least for Social Security premia, and increasingly for other benefits, and (3) FPI should welcome and support some form of worker participation, including welcoming in appropriate ways the involvement of organized labor, perhaps in mentoring, apprenticeships, and other support. FPI should consider true employment opportunities (under normal labor law, pay, and conditions) through partnerships with taxpaying private firms producing services for civilian markets. And FPI should test alternatives moving firms and the workforce toward the civilian marketplace, including limited (and evaluated) test partnerships, investments and proposals permitted under current law.

When offenders become legally successful and responsible, the nation will benefit with additional goods and services and increased international competitiveness, as well as reduced crime, welfare burdens, and tragedy. Domestic employment will expand, increasing opportunities for American business and organized labor. And children, families, and communities will gain resources affording healthier, fuller, and safer lives.

Again, thank you for this opportunity of comment.

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