

Mr. Chairman Clippinger, Vice-Chairman Moon and Fellow Members of the Committee.

I have brought a bill that removes language from Section 9-507(b) of the Maryland Code, Correctional Services, which enables the correctional facility to make it a requirement for any prisoner to labor on road work force. I note that Baltimore City facilities are exempt from this law. The law that applies to the county's states:

"Each male inmate of a State or local correctional facility may be required to work on public roads in accordance with Sections 9-508 through 9-514

My bill strikes from this provision the law the words "be required to". The revision would read as follows:

"Each male inmate of a State or local correctional facility may work on public roads in accordance with Sections 9-508 through 9-514."

Incarceration poses its own hardship and punishment. Requiring workers to do specific work requirements adds another element of punishment if such work is not compensated. The average wage nationwide for incarcerated workers who maintain prison facilities ranges from 13 cents to 52 cents an hour, according to the ACLU and Global Human Rights Clinic. The Division of Corrections has discretion on how it pays workers.

In seven Southern states — Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina and Texas — almost all work by prisoners goes unpaid.

"It's not hard to imagine that's a vestige of slavery," said Jennifer Turner, the ACLU's principal human rights researcher and primary author of the report, "Captive Labor: Exploitation of Incarcerated Workers."

Even if the State of Maryland no longer may adhere to this practice of requiring prisoners to do roadwork, for unfair or low wages, it maintains the power to do so under this law. It still remains that the Division of Corrections has discretion in determining what portion of the payment, made from the State Highway Administration or any other payor for roadwork, goes directly to the wages of the workers.

This law remains which imposes a requirement is a vestige of the post-slavery, reconstruction era. To continue to get the advantage of free labor from prisoners, States created the "chain gang" which forced mostly African American prisoners, often unjustly imprisoned, to do hard labor without pay. To ensure that the practice of cheap or free labor of incarcerated individuals has no opportunity for enforcement by law in this State into the future, we should remove any statutory language that could justify the practice of requiring prisoners to do roadwork.

While this statute limits its application to road work, it hails back to the concept of the chain gang and associates Maryland with the worst practices found in some other states. In Maryland, we pride

ourselves as a forward thinking State that is aggressive in eliminating racial inequality and preserving human rights. As a matter of policy and to ensure that Maryland removes the last vestiges of slavery, I recommend the removal of this statutory language that is applicable to men in the State of Maryland, a State that also has one of the highest rates of incarceration of African American men in the United States.

Respectfully submitted,

N. Scott Phillips