



International Monterrey Model United Nations Simulation

American School Foundation of Monterrey



The United States Senate

Topic: Protecting the rights of incarcerated workers / addressing prison labor (13th amendment)

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I. Committee Background

The Senate of the United States is the heart of the legislative branch of the American government. It acts as the upper chamber of Congress, while the House of Representatives acts as the lower chamber. Every act and bill passes through Congress before it goes on towards the President of the U.S. for approval, or veto. Senators are familiar with having a heavy influence in the government. They play a vital role through the debates and decisions the country faces every day. First coming together in 1789, the US Senate was built to be a more elaborate and sophisticated version of the House. Having less members in the chamber helps with the bigger sense of community and unity between its members, while granting these very senators a tenure of six years in order to better discuss the issues that pertain to the nation. The Senate underwent significant modifications of procedure during Wilson's presidency, some of which provided for the election of senators by vote, instead of an appointment by the state legislatures. The title of Senate Majority Leader was also created, he or she would be the person that would guide each party through debate. The leader would be a person of seniority and great eloquence. Delegates will have the opportunity to work with peers across the aisle, hopefully supporting bipartisan agreements that will prevail and transcend beyond us. You will participate in debates on the most pressing issues that are facing the nation, trying to balance what your senator believes in, and what one has to compromise to let matters move forward in a democratic way.

II. Introduction

Description and Definition of the Topic

Over the past few years, concern regarding the prison system in the United States and the rights of incarcerated workers has exponentially risen among inmates and activists alike. This is credited to the fact that the 13th amendment of the Constitution protects every American citizen from being subject to forced labor with the exception of convicts. Word by word, the amendment in question says that “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction” (“The 13th Amendment of the U.S. Constitution”). Taking that into account, the United States prison system is legally protected when they allow the inmates to be leased out by the state to private corporations who would take advantage of their labor for little or no pay (Johnson, 2018).

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Throughout the years, controversies regarding the rights of prison workers have developed. For example, claims regarding the low-pay for these laborers have emerged as well as their rights to speech and religion. The wage of a prisoner who works for “a state-owned business is \$0.33 to \$1.43” on average (*Is prison labor slave labor?*, 2020). The pay for those who are forced to work within the prison is way below the minimum wage, which is close to nothing when deductions regarding court costs are added. Although some use this as a valid argument when protesting against prison-labor, the Vera Institute of Justice claims that these menial wages are justified when considering the expenses prisoners don't cover, including housing, food, and medical-care, so the need of a higher pay is considered invalid. At the same time the conditions of these laborers has come into question as with many prisoners being forced to work in poor and sometimes outright dangerous works. California's prison fire camps have become a highly example of this often being seen in mainstream media for its exploitation of inmates. Having prisoners handle California's wildfire problem seems like a very inhumane way of using inmates to labor, although, only a very small percentage of California's prison population actually works in these fire camps. About 4,100 inmates across forty-two fire camps, and they are mostly tasked with doing vocational grade labor, not fighting fires.

The Problem

Statistics shown in APA.org(American Psychology Association) shows how even though the United States only holds 5% of the world's population, 25% of them are prisoners which is about 2.2 million people. The incarnation policy that the United States utilizes has very few benefits. The system has too many effects on the country's economy, and is a heavy influence of millions of American families. The United States currently has the highest incarceration rate in the world. This topic has been developing throughout the years, starting in the 1960's with a rate of 75,000 Americans being locked up daily. Another statistic proven by APA.org which sustains the importance of this topic is “One out of every 100 American adults is incarcerated, a per capita rate five to 10 times higher than that in Western Europe or other democracies, the report found. Though the trend has slowed in recent years — from 2006 to 2011.”

There are millions of incarcerated workers affected by a lack of rights and protections. There are also formerly incarcerated people who want to work, but face structural barriers to securing employment, particularly within the period immediately following release. For those who are Black or Hispanic — especially women — status as “formerly incarcerated” reduces their employment chances even more. This perpetual labor market punishment creates a counterproductive system of release and poverty, affecting everyone involved: employers, the taxpayers, and certainly formerly incarcerated people looking to break the cycle.

It is crucial to clarify that approximately 55% of prisoners in America work while serving their sentences either in prison support work, which includes maintenance work, food preparation, and laundry services, or correctional industries, in which inmates sew military uniforms and make license plates. Currently, with the United States attempts to reduce Covid-19 transmissions, more than a dozen states are relying on their inmates for the manufacture of

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protective equipment against this unprecedented pandemic. More specifically, it is the prisoners in the correctional industry jobs who are the ones being deployed to help out with the worldwide health crisis. In states like Louisiana, Arkansas, and Missouri, some prisoners are earning approximately \$0.30 an hour, while others go uncompensated for their labor to manufacture toilet paper, hand sanitizer, face masks, and protective gowns for their states. It is hypocritical that prisoners are working in crowded areas without necessary protection against Covid-19, endangering their physical safety, in order to produce for others the same protection they are lacking (Eisen, 2020). As stated before, the 13th Amendment excuses forced labor if imposed as punishment for the convicted, yet the current health emergency is accentuating whether or not the rights of incarcerated workers should be altered.

III. History of the Topic

Chronological History of the Topic

The roots of prison labor in America date back to the seventeenth Century in Pennsylvania, and further developed during the next century under the speculation that labor leads to individual moral prosperity. After the Civil War, prison labor undertook very definitive racial undertones. For instance, the Thirteenth Amendment to the U.S. Constitution ratified on December 6, 1865, abolished slavery, yet made an exception for prison labor: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” During the Reconstruction Era following the Civil War, “vagrancy laws made it a crime for a person to wander from place to place without visible means of support.” In other words, it made it illegal to be homeless. Therefore, Southern States commenced exploiting the exception in the 13th Amendment by selectively applying the Vagrancy law to African Americans. This allowed a form of prejudice and forced labor to persist even after slavery was abolished. During the Jim Crow era, late 19th century, Vagrancy laws increased and labor conditions worsened as Southerners began to contract out culprits and move them to their secluded entities (Armstrong, 2020). It is said that “Death rates were shockingly high, for the private contractors had no interest in the health and well-being of their laborers, unlike the earlier slave-owners who needed their slaves, at a minimum, to be healthy enough to survive hard labor” (Alexander, 2017). In 1901, Louisiana became the first state to outlaw leasing convicts. That same year, the Mississippi state Penitentiary, also known as the Parchman Farm, earned \$185,000, equivalent to \$4.9 million today, solely from Parchman’s farm’s prisoner operations. In 1923, Alabama created an office of prison inspectors after discovering the vile working conditions of the convicts. After five years of attempted reforms, Alabama was entitled as the last state to prohibit convict leasing. Shortly after, the stock market crashed, leading up to the Great Depression. Manufacturers, employers and labor leaders who felt they could not compete with the prisons pushed for the Hawes-Cooper Act in 1929; legislation that interdicts the interstate trading of prison-made goods, a way to not undermine free labor. Soon after Franklin D. Roosevelt took office, in 1934 he passed an Executive order establishing the Federal Prison Industries now

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known as UNICOR, taking the form of a wholly-owned corporation of the U.S. However, right before WWII, the Circular 3591 act abolished convict leasing amidst concern that racial inequity would be used against them in propaganda during the war. Prison labor might have been forgotten during the postwar era, nonetheless, it did not take long for social movements to give way.

In the early 1960s, a movement known as the Prisoner Rights Movement developed and promoted multiple strikes. This movement came as a result of the Supreme court case of Jones v. Cunningham (argued in 1962, decided in 1963), which argued that “state inmates had the right to file a court order of *habeas corpus* and challenge both the legality of their sentencing and the conditions of their imprisonment” (O’neil, 2015). After the Jones v. Cunningham case, a vital case for prisoners rights followed, known as the Cooper v. Pate (1964) case. The Supreme Court decided that the Bill of Rights, consisting of the first 10 amendments of the U.S Constitution, was to be enforced inside prisons. The Cooper v. Pate case further investigated the allegations of Thomas Cooper, who was an Illinois prisoner that claimed he’d been denied access to purchase Black Muslim publications, as well as the Quran. Although Cooper’s claims were dismissed by the Seventh U.S. Circuit Court of Appeals in 1963, the Supreme Court brought back his case, naming it the Cooper v. Pate file, which earned prisoners their rights under the Civil Rights Act of 1871. (THE FIRST AMENDMENT ENCYCLOPEDIA, 2014). Following these events, courts developed more tolerance for inmates, which earned their constitutional rights in further cases. This increase in tolerance from courts further enforced the purpose of the 13th Amendment, ratified in 1865, which was to secure the civil rights of all Americans, and the equality of all citizens. Although The Supreme Court of the United States (SCOTUS) made revolutionary actions from the 60’s to the 80’s, permanently altering the quality of life and rights of inmates for the years to come, mass levels of incarceration began to rise in the US, causing greater conflicts with regards to the rights of inmates.

Up until the year 2000 there was a consistent trend of steady growth in the penal labor industry as the prison population in the United States rose exponentially through the 90’s. In the early parts of the decade inmates openly worked for countless companies producing things like office furniture, military helmets, and data entry apart from maintaining the prisons and other jobs in the agricultural sector. Wages in the early ’90s varied within each state (that is if they paid, considering that some prisons offered no monetary compensation) but the average in the nation was less than a dollar per hour ranging between 20 and 80 cents rewarding 6 to 8 hours of work 5 days a week (“Prisoner Labour, Perspectives of Paying the Federal Minimum Wage” 1993). However, there are a lot of events worth mentioning that have led to the current situation regarding prison labor. In 1991, the International Labor Organization ratified Convention No. 105, prohibiting the use of forced or prison labor for economic development (“The Exploitation of Prison Labour” 1997). However, after the ratification of Convention No. 105 prison labor steadily continued to grow with no improvements to the inmates’ living conditions. A report issued by the United States General Accounting Office in 1993 states that “inmates may be required to work and are not protected by the constitutional prohibition

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against involuntary servitude” later adding on that prisoners did not have an employee status and consequently are not required to be paid minimum wage for their labor (“Prisoner Labour, Perspectives of Paying the Federal Minimum Wage” 1993). From 1998 to the year 2000 there was a 14% increase in inmates employed by the Federal Prison Industries with a wage as low as 21 cents an hour (Whyte et al 2000). It was reported that in that same year 80,000 inmates in the US were employed in commercial activity, practically doubling since 1995 (Leonhardt 2000). The year 2000 was also an important year when discussing penal labor because it triggered the creation of the Federal Inmate Work Act of 2001. This happened as a result of the US government heavily criticizing The People’s Republic of China for its employment of prison labor while virtually ignoring the growing industry in their own country. After heavy criticism, congress drafted the Federal Inmate Work Act of 2001 which would “create an experimental program that would allow private companies to employ federal prisoners to produce goods currently made outside the United States” (Boushey 2002). The employment of inmates continued to expand and when the US faced its economic crisis of 2008 prison labor was a handy asset. In states like California, the response to their limited budget was hiring inmates to replace well-paid government employees with low-paid prisoners (LeBaron 2015). In 2010 one of the first prison labor movements with enough momentum to captivate the national eye was formed in Georgia, where 6 prisons went on a week-long strike calling for better conditions and compensation for their labor by refusing to leave their cells or complete their jobs (Wheaton 2010). After this protest many followed in suit, and as many as 24 prisons across the US and more than 24000 inmates participated (Kutsch 2016). The most recent massive protest in regard to prison labor was the 2018 prison strike, which consisted of countless prisons across 17 states (Lewis 2018). In recent years, “it is apparently no longer desirable to publicly acknowledge or highlight the use of prison labor in supply chains. While open to a national supply of vendors, prison industries have been deeply buried within the supply chain, with sub-vendors shrouded in secrecy” (Goodridge et al 2018). As for the payment, an inmates wage has not radically changed in the past 30 years, the average wage ranging from 25 cents to 2 dollars (Goodridge et al 2018). As for the goods produced, according to a report published by Northstar Asset Management, there is a wide variety of merchandise including dorm beds, foot-wear, clothing, dental laboratory equipment, a wide assortment of agricultural produce, and many others. On that note, the COVID-19 pandemic has put prison labor in the spotlight once again. Prisoners are being employed in a similar sense to the 2008 economic crisis, with the whole nation depending on them to produce hand sanitizer, toilet paper, masks, and other essential supplies while simultaneously endangering the inmate’s health with little to none monetary compensation (Eisen 2020).

Historical Case Study

Fast Food Industry

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Because of the cheap labor that employers found within prison labor, fast food corporations are not an exception to those who have exploited the industry. According to an article published by The Public Broadcasting Service (PBS), companies that operate at a world-wide level have used inmates to work for them while paying under minimum wage for their work. Some of these companies include McDonald's, who use "inmates to produce frozen foods [...] process beef for patties, [...] process bread, milk and chicken products" (Shabazz). Additionally, Wendy's also uses prisoners to process their beef patties and reduce the cost of operations similarly to Starbucks, who "hired Washington state prisoners to package holiday coffees" (Shabazz). Reports of prisoner's working in the fast food industry trace back to the popularization of leasing inmates to powerful corporations in the late 90's and early 2000's. Though these three restaurants have been heavily linked to inmate work in the fast food industry, there could be more who turn a blind eye to using prison made products or have done so unknowingly. For example, "inmates may harvest potatoes that are sold to a manufacturer that transforms those potatoes into a component such as potato starch which then is incorporated into a prepared food item and then sold to a distributor before finally showing up as an ingredient in a product on store shelves", highlighting the difficulty of holding those companies who employ prisoners accountable (Goodridge et al). Inmates were leased to countless corporations for very little monetary compensation, and their wages remained below the minimum wage of the United States.

Retail

Huge companies and businesses have profited from mass incarceration in multiple countries. These businesses decide to use incarcerated workers for the multiple "benefits" they'd gain which consist of the following: Payments between 90 cents to 4 dollars a day, no requirement of health insurance, along with not having to consider family time for their employees (Malta Justice Initiative, 2020). Amongst the thousands of areas where prison labor is enforced lies the fashion supply chain. Ever since the 1700's, inmates were forced to work arduously to "mass-produce low-value items at scale" (New York Times, 2019), where if they were lucky, they got paid a couple of cents. Then, in the 90's, as the number of incarcerated people increased, so did the number of prisoners being employed by private companies. This labor included the production of clothes, mattresses, road signs, and many other materials. Amongst the thousands of American businesses who rely on prison labor to reduce their production costs, lies Victoria's Secret, Whole Foods, and Walmart. Although companies like these have attempted to defend their prison labor by stating they're "providing job opportunities", citizens have decreased consumerism, and corporations, such as Victoria's Secret, have cut the use of prisoners to sew their garments and manufacture products.

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Aerospace and Car Industry

Japanese automaker “Honda” had used prison workers to make their car parts, paying them next to nothing. People were paid only \$2 per hour to do the same work a civilian auto worker would do for roughly 10 or 15 times that much. Now 2 dollars per hour may sound low, but considering the average amount prison workers make while serving prison labor, it’s actually a comparatively higher wage. They use inmates from Ohio Mansfield Correctional Institution to make some of their car parts, which saves them an outstanding amount of money in the long run. They work in average conditions in Honda factories, which is pretty good considering they are in prison, where living conditions aren’t exactly ideal. Boeing, the aerospace company founded in the United States in 1916, also uses prison labor, according to an article published by “Prison Legal News” found that in China, where Boeing sold 10% of its planes between 1993 and 1995, the company operates at a fraction of its costs compared to the US. According to the Seattle Times, ““Employees live mostly on or next to the factory premises. Workers receive a salary of about \$50 a month. They are forbidden to form independent trade unions. For those who step out of line on the shop floors in China, there is the notorious Lao Gai 'reeducation through labor' prison work camps". What this is saying is that Boeing’s prison workers live in unhealthy and abusive environments, since they need to live in or next to the factories. Eventually, they can work their way up to earn about \$7 per hour, unlike machinists at Boeing’s Everett plant that earn about \$30 per hour.

Past Senate Actions

The First Step Act was introduced for prisoners who have committed "covered" offences under the Fair Punishment Act, and are entitled to specifically order a judge to review their sentence. It was originally published on December 21, 2018 by the 115th congress under President Donald Trump. The bill’s two main goals are to cut tedious, unnecessary federal terms and strengthen federal prison standards. The First Step Act is the culmination of years of lobbying across the political spectrum. In 1865 the "loophole" written in the 13th amendment started to be abused by Southern legislatures and they resorted to jail labour as a way of preserving the free labor force pre-abolition. The 1865 bill clearly states “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction” (*Lichtenstein, 1*). This relates to the bill due to it is its main argument of development and justice. As a matter of fact, in 2015, a somewhat related bipartisan bill almost passed, but was weighed down by the politics of the upcoming election year. Its sentencing overhaul elements reduced federal jail terms and gave people more opportunities to circumvent harsh mandatory punishment by increasing a "safety valve" that requires a judge to enforce a penalty shorter than the prescribed required in certain situations. By making the Fair Sentencing Act retroactive, the First Stage Act resolved it. The 2015 bill is associated with prison labor because of the fact that it guides the Department of Justice to create a Post-Sentencing Risk and Needs Evaluation Framework to determine the risk of inmate reoffending, to guide lodging, placement, and

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activity assignments. The bill also promotes and rewards involvement and fulfillment of services to minimize recidivism. As of May, nearly 3,000 people serving extended penalties for hard drug offences have since been sentenced to reduced jail terms, according to the Justice Department. Reduced or bypassed minimum sentence thresholds indicate that an extra 2,000 offenders each year will earn 20 percent less jail terms than they originally would have.

The menacing conditions that convicts are facing when forced to work during the inopportune spread of Covid-19 have brought Sen. Jeff Merkley (D-OR) to persistently voice the need to eradicate decades of enforced labor in American prisons. He is currently subsidizing a petition “calling for a constitutional amendment to the 1865 loophole that permits “involuntary servitude” for those convicted of a crime” (Bilyeau, 2020). Nonetheless, two-thirds of the Senate and two-thirds of the House must vote for his proposal, and a majority of the states to ratify. It is important to emphasize that Sen. Merkley does not oppose work in prison, as he feels it keeps them motivated and can provide convicts with estimable skills and working habits for future use. However, he debates whether the work is involuntary, compensated daily, and performed under safe conditions. California's state assembly member, Eloise Reyes, has recently proposed a bill which would enable ex-inmates to actively assist and be employed as firefighters. On September 11, 2020, Gov. Gavin Newsom assuredly signed the bill, allowing convicted firefighters to continue doing their jobs upon release by clearing their records. This does not include prisoners convicted of violent felonies such as murder, kidnapping, and or sex offenses, being that they were priorly ineligible to fight fires as inmates, thus also excluded from the AB 2147 (Bil Text, 2020).

Recently, Senator Elizabeth Warren from Massachusetts, Senator Cory Booker from New Jersey, and Congresswoman Nanette Diaz from California introduced a bill against the federal prison system's approach to COVID-19. Due to the dangerous consequences that the virus has on incarcerated people and prison workers, the Federal Correctional Facilities are willing to do free COVID-19 testing for incarcerated people and employees. This will keep prisoners and employees safe and provide accurate data of what the inmates and staff are facing. Moving forward, it is up to the Senate to continue taking measures to ensure incarcerated people and staff are in safe hands. Congress has now allowed state officials to collaborate with private industries, allowing prisoners to work while serving their sentences and earn market wages in private sector jobs. Congress is still working to encourage more states and governments that have not achieved this yet, to continue establishing employment opportunities for prisoners.

IV. Key Players and Points of View

Cory Booker

Democrat Cory Booker has currently gathered three democratic candidates in order to improve the criminal justice system in the United States of America. Cory Booker states that prison labor is happening around the country, and he considers it a national crisis that has to be solved immediately. At the Eastern State Penitentiary, a community of formerly incarcerated persons, and the Marshall Initiative, was held attended by senators Booker, Kamala Harris ,

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billionaire Tom Steyer and prisoners who have already served their time in jail. They collaborated by answering questions from MSNBC. A strong phrase used during the town hall was "We are human beings.... We are Americans. We are voters and our needs, our opinions, matter." As mayor of Newark, N.J., Booker, whose social justice policies were a central component of his campaign, championed his time when he set up youth and drug courts and the city's first reentry office. Booker is adamant about what he terms the prison system's excesses. He said, "This is a country that tortures people in jail." I'm not using that word loosely — juvenile solitary confinement, pregnant women's shackling. This is a spiritual problem which is a disease of our country's soul." Booker said, "There are 100 things I should do that would be more motivating than battling something that we don't have the Political Party on board," pressed to justify his aversion to returning civil rights for convicted criminals (he favors it for others that have been incarcerated for nonviolent crimes).

Ron Johnson

Ron Johnson, a Republican senator from Wisconsin, has used prison labor workers in some of the companies that he owns. He employed nine work-release inmates whose health care was paid for by state taxpayers. This was never private information, as he campaigned that the private sector, and not government, is the best method for creating jobs. The 2 companies that employed these inmates are Pacur Inc. and Dynamic Drinkware LLC, both which have been employing prison labor since 1998, state records show. The workers are still under the custody of the state Department of Corrections and are paid by the two companies, but their health insurance and health care is taken care of by state taxpayers. Campaign spokeswoman Sara Sendek said, "Saving money was not a factor by any means, the factor was, this is a way to help put these people on the path back to recovery so they could contribute and work their way back into society." What Johnson meant when he said this was that he in no way wanted to treat these prison inmates unfairly, but instead give them a chance to make money while in prison.

Dick Durbin

Illinois Democrat Dick Durbin announced that he will be introducing a new legislation along with Senator Amy Klobuchar (D-MN) to initiate an independent ombudsman to oversee federal detention facilities and move towards justice. On March 23, Durbin along with Senator Chuck Grassley (R-IA) and the creators of the First Step Act (FSA) guided 12 of their colleagues in a bipartisan letter directed to the Trump Administration to take the imperative steps for the federal prison inmates health and wellbeing using their authority under the FSA. As a result of this, thousands of federal inmates have been released. On September 11, 2020, he was also part of a legislation that "Seeks to better protect the right of all Americans against unjust imprisonment by changing the presumption of pretrial detention." Durbin noted, "When we turn the key in the lock on the door of a prison or a detention facility, we put our collective knees on the necks of the most vulnerable people in America. The question is will we be listening to their pleas for life?" He has been working to create law enforcement development training

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programs as well as requiring state and local law enforcement to report use-of-force data. Durbin believes in releasing as many individuals as possible, mainly those who are vulnerable to serious health complications or death from COVID - 19 due to underlying health conditions.

Jeff Merkley

Oregon Democrat Jeff Merkley “is preparing to introduce a Constitutional Amendment to end forced, unpaid labor” (Koin 2020). Though Senator Merkley is not against the practices of labor themselves, he is a strong advocate for fair payment and compensation for working inmates. As of right now, the democrat is in the first stages of putting the amendment together, and he will then seek bipartisan support to eventually make this amendment a reality. Though the amendment proposal is still in its early days, Senator Merkley is still fighting for the rights of the incarcerated. Not only is he working diligently on his proposal but he has worked with other senators and voted in favor of protecting and respecting inmate’s rights. One example is he voted in favor of the First Step act, which is said to be one of “the most significant criminal justice reform legislation in years” (Lopez 2019). Senator Merkley also introduced two bills that would allow inmates to keep their federal benefits making it possible for inmates to “access their Medicare, state Medicaid plans, veterans health benefits, or in the case of juvenile defendants, the Children’s Health Insurance Program” (Wilson 2019). The legislator’s work with inmates and attempting to improve their living conditions is evident through Merkley’s voting record and future plans.

V. Possible Solutions

A potential solution to protect the rights of incarcerated workers is paying prisoners a minimum wage for their work, and ensuring that they are able to transition into society once they are released by making sure that the employment options inside their prisons are designed to expand inmates’ opportunities. Also, it is essential that prison staff or people that lead these prison reforms are carefully selected, supervised, supported and properly trained. Enhancing capacities of prison staff through delivering and developing training modules will help them be able to effect change within their own institutions and make sure that their decisions are well aligned with the human rights standards and the principles of the Rule of Law. Prison leaders and staff should be aware of the safety and security of certain vulnerable groups such as elderly, mentally - ill, and other prisoners who may require special protection.

Moreover, prison labor is not the only factor that needs to be acknowledged. The opportunity to find work after serving their time is equally as important. Formerly incarcerated people need stable jobs for the same reasons as everyone else: to support themselves and their loved ones, pursue life goals, and strengthen their communities. After collecting data from over 5 million formerly incarcerated people living in the United States, the evidence suggests that they are currently unemployed at a rate of over 27%; higher than the total U.S. unemployment rate during any historical period, including the Great Depression. Our evaluation of the unemployment rate establishes that former convicts want to work, as priorly shown in prison,

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but face significant barriers to securing employment after their release. The status of being “formerly incarcerated” exponentially reduces their employment chances creating a perpetual counterproductive system of release and poverty.

Protecting the rights of incarcerated workers is relevant in regards to the social and economic factors of the country. It is important to address a solution to this problem in order to improve the treatment for the people being affected. Prison rehabilitation programs are a solution that would contribute to the cause because they help reduce recidivism. Enhancing prison workers training practices on the basis of education and competence requirements could also contribute to enhancing rules, prison ethics and prisoners' human rights. This issue is affecting prisoners, citizens, and the economy due to its social and monetary facets which is why the solutions stated above not only highlight the importance of the problem, but also the urgency to solve it.

VI. Current Status

As mass incarceration is an ongoing issue throughout the United States, a rise in job offers within prison facilities has increased. Prisons became a place where convicts contribute to a bigger picture with their participation in massive business chains. While unprecedented wildfires have taken over California during the past couple of years, prisoners have risen to the occasion, and have contributed to controlling fires and helping out firefighters carry out their job, winning the title of an “incarcerated firefighter”. The pay is still minimum, to around 1 dollar per hour, not including the Prison Industries Enhancement Certification Program, implemented in the US, where “up to 80% of wages can be taken from workers” (Stein, 2012) for prison taxes and maintenance. States are not required to pay prisoners for their work, as well as the forced labor itself being justified under the Thirteenth Amendment.

The Covid-19 pandemic has not come easy to inmates in the US, seeing as in 20 states across the country prisoners are being forced to work in factories despite the pandemic. Incarcerated workers are making hand sanitizer, facemasks, and protective gowns at prison manufacturing facilities. In Indiana, they’re making plastic face shields. In Oregon, they’re doing hospitals’ laundry. Most of these workers are getting paid between \$0.14 and \$1.50 per hour, that is if they are even getting paid at all, and no laws or FEMA guidelines require that those rates increase in case of emergency, for instance the pandemic we are in right now. Now there are some states that have increased their pay during this pandemic, for example, New York, which has increased their rates up to \$6 per hour.

While prisoners are being employed to produce items to counter COVID-19 inmates are offered little or no protection against it. Because inmates are excluded from the U.S. Occupational Health and Safety Administration protections employers are not required to provide a safe working environment. In a report by the Brennan Center for Justice as of April 2020, “many prisoners are working without any mandated protections” and in large groups despite contagion risks (Eisen 2020). In the month of October in various interviews with inmates of the California Institution for women, the LA Times found that inmates are forced to

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work with prisoners from other facilities with “questionable infection control” increasing the risk of contagion (Feldman 2020). The following month, inmates in El Paso, Texas were hired to move deceased bodies of virus victims from hospitals and into morgues. Protection is provided by one of the aforementioned facilities inmates are compensated with a meager wage of 2 dollars per hour, but it is imperative to understand the many threats against prisoner’s rights especially amid a global pandemic. The growing concern for safety is why the Senate’s responsibility to protect the rights of inmates trapped in the exploitative world of prison labor.

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