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My name is Viday Guzman. I am a formerly incarcerated person and the founder of the Fix The 13th NY campaign. Our campaign is led by formerly incarcerated individuals like myself who have been forced to work for as little as 16 cents/hour in New York State prisons.

Thank you for the opportunity to testify regarding the Jails to Jobs legislation that was included as part of the governor's proposed executive budget. Although well-intentioned, this legislation will bring us back to the time of convict leasing, the system that allowed private corporations to profit by using the forced labor of incarcerated persons, whom they paid pennies an hour for their work. So exploitive, dehumanizing and unfair was that system that New York outlawed it in its state constitution over one hundred years ago.

Apparently though, convict leasing 2.0 is back in town, in the so-called most progressive state in the country. It isn't progressive when you create opportunities for private sector corporate actors to come into our prisons and jails, benefiting off the labor of the incarcerated.

It isn't about being progressive when those who are being taken advantage of through this exploitative situation are disproportionately Black, Latinx and other oppressed people. In New York State, Black New Yorkers make up 18 percent of state residents, but 50 percent of those who are incarcerated. Latinx individuals make up 22 percent of the incarcerated population.

The private sector knows that they can pay people incarcerated less than those who are free. They know they do not have to worry about providing health care to people who are incarcerated. Incarcerated people are forced to work without standard federal and state



employment protections, including minimum wage, paid sick leave, mandatory overtime for unsalaried employees, OSHA protections, or unionization rights.

We are working to ensure incarcerated individuals receive all of these protections -- and are treated like all New Yorkers. We want to ensure incarcerated individuals:

- are paid the minimum wage, as others in the state are, without substantial amounts being deducted;
- receive the same protections and benefits as all other workers, including worker safety protections and overtime;
- have the right to unionize, giving them a voice at the table like other workers in New York, the most union dense state in the country;
- receive real training opportunities that will prepare them to transition to jobs in their communities when they leave.

If we are serious about providing a real workforce and reducing the recidivism rate, then we must pay people incarcerated the minimum wage here in New York state, as Nevada is trying to do. In Nevada, community members, elected officials and directly impacted individuals are working together to pass [SB140](#), a bill that would require Nevada prisons to pay detainees an hourly wage that is equivalent to the state minimum wage.

When corporations can come into prisons and jails and not pay people the minimum wage, and not give people health care -- that is called exploitation, not rehabilitation. We have to end the penal labor system based on human exploitation by the private sector.

While the '[Jails To Jobs](#)' proposal looks good on paper, in reality it's just investing in corporations, not investing in our community members who are incarcerated.

It's not the "Tale Of Two Cities" anymore. Now we have the "Tale Of Two States," where corporations are benefiting and growing fat off policies from our own elected officials, while incarcerated people are experiencing convict leasing 2.0, and getting underpaid for their hard work. This is why the #FixThe13thNY & 13th Forward campaigns are working to end legal slavery by making sure people who incarcerated aren't conscripted into forced labor, receive the minimum wage, and most importantly, have the power to unionize. That will make sure incarcerated people have a voice at any table where their lives are being talked about.