

for private industry, cut-rate convict laborers is one of the worst things in the world that a state can do. In the south they used it to build roads. There was an incentive to put people in the penitentiary to provide a work force and there were certain large business interests in the southern states who had contracts and they had exclusive right to the cut-rate convict labor. The convicts were more answerable to the private employer than they were to the state. I think that if we as members of the Legislature are going to put into statute a convict labor program involving private industry, we should not subsidize industry and cut the throat of people who are working at that particular site, nor should we put an additional injustice on the convict. If you were behind walls you would do almost anything to come from behind those walls; maybe in some cases work for next to nothing. We should not take advantage of peoples' extremity to subsidize private industry. If one of the aims is to provide restitution, allow the convict to make the amount of money that will make the program have some degree of credibility. I hope you will adopt this amendment. I feel for sure that 319 is going to pass. I have only one other comment to make. Senator Schmit has stated time and time again that if any provision in this bill turns out not to work properly, he would be willing to come back at a later time and change it. I just told Senator Schmit that in my opinion business has the power to coerce the Legislature in certain situations and that if they can profit enough from the cut-rate convict labor, business will not allow the Legislature to do what is just. Business will not permit it. In the same way that the doctors ran through a medical malpractice bill, the manufacturers intimidated by the insurance companies ran through a limitation on product liability recovery. I read an article not too long ago by a columnist dealing with LB 518. So we can see that business interests are capable of coercing this Legislature. While you have a degree of moral freedom to place an act which would be proper and just, before business wakes up and realizes that they are being given a large pool of cut-rate convict labor, we should build some protections and some justice into this bill. Senator Kahle, I recognize that when a person goes to the penitentiary they forfeited certain rights, but the Supreme Court and intermediate courts have ruled time after time that a person does not cease to be a citizen nor a human being by virtue of entering a correctional facility. So I think this matter of justice, so that it would not degrade the concept of labor, should be built into this bill...equal pay for equal work. We don't say short people should receive less. People say, although it is not practiced, that