Prison Labor

For as long as the United States has had modern prisons, it has had prison labor. First implemented at Auburn Prison in New York State in the 1820’s, prison labor has taken different forms including convict-leasing, chain gangs (which were originally intended as a reform, since they were run by the state and not private individuals), and prison factories. While the image of prisoners in black-and-white stripes breaking rocks with sledgehammers may seem anachronistic, it is in fact not far from today’s reality. Chain gangs saw a brief resurgence in Alabama in the mid-1990’s, and Arizona Maricopa County Sheriff Joe Arpaio is proud to run chain gangs for men, women, and juveniles who have been convicted as adults to this very day—in the county jail, where many people are held pre-trial.

About half of all people in federal and state prisons have a work assignment, and all able-bodied people incarcerated in federal prisons are required to work. The most common jobs are those involved in running the prison; after that come public works, like park and road maintenance, followed by prison industries. One in six prisons places incarcerated people in agricultural work. Prison labor produces a wide range of products sold on the commercial market—including, surprisingly, hormone-free tilapia sold at Whole Foods.

In all fields, people “labor largely outside the workplace protections that shield civilian workers in the United States and elsewhere.” Herein lies the real problem. Giving incarcerated people real jobs, where they can learn skills and feel useful—“meaningful work”—helps make prison more tolerable. Unfortunately, most prison labor takes advantage of the people it “employs” and gives them back little of value, along the lines of the workfare model described in the section on Reentry.

Protecting Workers

“The purpose [of Jewish labor laws] is to protect the weaker side in these relationships—the worker who is exposed to injustice and exploitation by the stronger party—the employer. We can say that the labor laws attempt to correct the socio-economic discrimination that exists in society against workers by instituting a legal discrimination against employers.”

— Rabbi Shillem Warhaftig, contemporary expert on work in halacha, Dinei Avodah b’Mishpat ha’Ivri vol. 1, p. 2

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332 http://www.salon.com/2012/04/19/21st_century_chain_gangs/
333 http://www.pbs.org/ptp/slavery-by-another-name/themes/chain-gangs/
337 Gottschalk, p. 57
338 http://www.prisonpolicy.org/prisonindex/prisonlabor.html
340 Gottschalk, p. 60
Prison labor also often falls short of its alleged rehabilitative goals. Formerly known as Federal Prison Industries, Inc, UNICOR is a government-held corporation that employs people in federal prisons and sells goods and services mainly back to the government. UNICOR’s website boasts of [providing] offenders the opportunity to develop the work and life skills needed to secure stable, adequate sources of income after prison… The very cornerstone of our existence—a strong work ethic—is ingrained in our culture… This foundation is often absent or limited for those who enter the prison system.\textsuperscript{342}

Despite this lofty assertion, only 24\% of those who had worked for UNICOR during their time in prison were employed within two years of release.\textsuperscript{343}

Facts and Figures

1. An estimate from 2000 puts the annual value of US prison industries at over $2 billion.\textsuperscript{344}

2. Average earnings behind bars:
   - Federal prison, maintenance: between 12–40 cents per hour.\textsuperscript{345}
   - UNICOR: Between $0.23–$1.15 per hour.\textsuperscript{346}
   - State prisons, average daily wage, maintenance: $0.93.\textsuperscript{347}

3. UNICOR is now advertising itself as an alternative to overseas outsourcing, with all the benefits of domestic labor at offshore prices. See for yourself: https://firstlook.org/theintercept/2015/04/17/prison-labor-company-features-promo-video-touting-best-kept-secret-outsourcing/