

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 labor³³² 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)³³³, 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's³³⁴, and Arizona Maricopa County Sherriff 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^{335, 336}.

About half of all people in federal and state prisons have a work assignment³³⁷, and all able-bodied people incarcerated

in federal prisons are required to work³³⁸. 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.³³⁹

In all fields, people “labor largely outside

the workplace protections that shield civilian workers in the United States and elsewhere.”³⁴⁰ Herein lies the real problem. Giving incarcerated people real jobs, where they can learn skills and feel useful—“meaningful work”³⁴¹ — 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

332 http://www.salon.com/2012/04/19/21st_century_chain_gangs/

333 <http://www.pbs.org/tpt/slavery-by-another-name/themes/chain-gangs/>

334 <http://www.nytimes.com/1995/03/26/us/chain-gangs-to-return-to-roads-of-alabama.html>

335 <http://www.usatoday.com/story/news/nation/2013/05/09/state-highlight-florida/2148733/>

336 <http://www.cnn.com/2003/US/Southwest/10/29/chain.gang.reut/>

337 Gottschalk, p. 57

338 <http://www.prisonpolicy.org/prisonindex/prisonlabor.html>

339 <http://www.governing.com/topics/public-workforce/working-prisoners-saves-taxpayers-money.html>

340 Gottschalk, p. 60

341 <http://www.jfa-associates.com/publications/srs/UnlockingAmerica.pdf>, p. 17

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.*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.³⁴³

342 <http://www.unicor.gov/Anniversary.aspx>
343 http://www.unicor.gov/FAQ_General.aspx
344 <http://www.prisonpolicy.org/prisonindex/prisonlabor.html>
345 http://www.bop.gov/inmates/custody_and_care/work_programs.jsp
346 http://www.unicor.gov/FAQ_General.aspx#4
347 <http://www.prisonpolicy.org/prisonindex/prisonlabor.html>
348 Gottschalk, p. 38.

Facts and Figures

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

2. Average earnings behind bars:

- Federal prison, maintenance: between 12-40 cents per hour³⁴⁵
- UNICOR: Between \$0.23 \$1.15 per hour³⁴⁶
- State prisons, average daily wage, maintenance: \$0.93³⁴⁷

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/>

“The rabbis who work for the Department of Corrections consult an outside halachic authority that makes halachic rulings for the system. There is a ruling that says matzah qualifies fulfilling the mitzvah of challah. The state prefers this ruling because it’s cheaper. If they have to give every inmate a challah roll, as opposed to matzah, it’ll cost them more. The inmates know they are eating *lechem oni* [bread of affliction]. They know that what they’re getting is *lechem oni*, and it’s so psychically messed up, I can’t tell you what it does to them. They see how enslaved they are every Friday night when they look at that matzah. The women at Bedford Hills get paid slave wages, cents per hour, for their work. Slave labor—the Constitution allows it—and then they get matzah for Shabbos? And there’s nothing to be done about it.”

**– Rabbi Joanna Katz, Jewish Chaplain,
Bedford Hills Correctional Facility for Women**

“The interstate commerce in prison-made goods...is more tightly regulated than the business of exporting and importing prisoners between states.”³⁴⁸