

Rethinking Working-Class Struggle through the Lens of the Carceral State: Toward a Labor History of Inmates and Guards

Heather Ann Thompson

Penitentiaries, prison farms, and other institutions of incarceration have long been places of production as well as punishment. Notably, however, this fact has tended to register in the public consciousness only at specific moments in American history when workers in the “free world” were facing serious under- or unemployment. While employers were making record profits because they had turned, quite legally, to prisoners to make their goods. When employment was particularly scarce for the American working class right after the Civil War and during the Great Depression, discussions regarding what prison labor might have to do with the hardships faced by workers on the outside were plentiful. By the time of the New Deal, these discussions led to significant federal restrictions on private companies’ ability to profit off of incarcerated laborers.

However, such barriers to the private sector’s use of prison labor were short lived. In the 1970s, business interests mobilized to regain access to inmate workers, and by the close of the twentieth century, they had succeeded in reopening penal facilities to myriad employers who sought to maximize profit margins as well as increase their control over the productive process. In this essay, I suggest that it is time once again for the American working class to pay attention to penal facilities as sites of productive labor and wage competition and to recognize that its destiny is tied in subtle but important ways to the ability of inmates as well as prison guards to demand fair pay and safe working conditions. Similarly, it is time for scholars to probe this historical relationship more carefully. To an extent that few have yet appreciated, America’s inmate population and its many prison guards have a very rich labor history, and this “hidden” labor history is important not only because it broadens our understanding of what constitutes the American working class and working-class struggle over the nineteenth and twentieth centuries but also because it helps us to better under-

stand many issues, including why this nation's penal institutions experienced so much upheaval in the 1960s and 1970s and why the free-world working class faced an uphill battle to secure (and keep) decent-paying, safe jobs from the 1970s onward.

The Incarcerated Working Class and the Free-World Working Class: 1865–1945

A number of historians have already done invaluable work on prison labor, particularly as it existed in both the South and the North in the wake of the Civil War.¹ These rich studies make it clear that after 1865 inmates were forced to labor under some of the harshest conditions faced by any group of American workers—toiling in mines, on railroad lines, in cotton fields, in turpentine forests, as well as in dank prison factories. In some cases, local and state authorities leased prisoners out to private companies that in turn took them to remote locations to be exploited for profit. In others, private enterprises brought their business into the prison itself so that they could take advantage of the captive workforce already there. In still other cases, those convicted of crimes were placed on chain gangs and in plantation fields, or locked into prison workshops, by state governments eager to make money while they meted out punishment.

That forced labor was a profitable form of punishment in the postbellum period is indisputable. In the wake of the Civil War, southern whites were determined to maintain their racial and political dominance as well as their unlimited access to black labor. These goals very quickly led to new laws specifically intended to criminalize the newly freed African American community, which, in turn, led to the imprisonment of record numbers of black men and women who could be used as a de facto slave labor force in the region. Unsatisfied even with this plentiful supply of convict laborers, southern sheriffs literally kidnapped countless poor black men off of the streets and charged them with phantom crimes to meet local business elites' demand for black men they could work as they wished.²

Once convict laborers were secured on their property, such businesses relied on their overseers to exact production with the whip and other equally barbaric torture tools. At the Tennessee Penitentiary in Nashville, for example, prisoners who were unable to “get their task done” were whipped as many as sixty times at once.

1. Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century American South* (Oxford: Oxford University Press, 1984); Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865–1900* (Richmond: University Press of Virginia, 2000); Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (London: Verso, 1996); David M. Oshinsky, *Worse than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1997); Rebecca McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (Cambridge: Cambridge University Press, 2008); Douglas Blackmon, *Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World War II* (New York: Doubleday, 2008); Talitha LeFlouria, “Convict Women and Their Quest for Humanity: Examining Patterns of Race, Class, and Gender in Georgia’s Convict Lease and Chain Gang Systems, 1865–1917” (PhD diss., Howard University, 2009).

2. Blackmon, *Slavery by Another Name*, 127.

Because the whip itself had four strips, this amounted to more than 240 excruciating lashes.³ Convicts regularly were “whipped until they evacuated their bowels and bladder,” and rather than face such punishment, men were known to beg their keepers simply to “shoot their brains out.”⁴ Notably, conditions for convicts forced to haul coal and timber in New York were also grim. African Americans were singled out by the criminal justice system in the North also and given similarly brutal treatment. Northern inmates regularly endured the lash and could be beaten to death for being too “lazy.”⁵

The fact that state governments and private companies abused inmates and subjected African American prisoners in particular to barbaric treatment in order to extract their labor was of little concern to the free-world working class of the late nineteenth and early twentieth centuries. The organized working class was overwhelmingly a white working class, and as scholars such as David Roediger and Grace Hale have argued, the politics of whiteness blinded it to the struggles of potential class allies of color.⁶ What did come to trouble white workers, however, was that public and private employers’ ready access to prisoners was driving down free-world wages and taking away needed free-world jobs. In a document submitted to the International Prison Conference meeting in October 1910, members of the National Committee on Prison Labor described the situation this way: “the prison manufacturer gets his factory building as a rule, rent free and tax free; he often gets heat, light, and power free; he gets labor power, if he is a contractor, for an average of fifty cents a day; while if the state engage[s] in manufacture it gets this labor for nothing,” which, in turn, led “workingmen” to “claim that the competition of penal labor exerts a depressing influence upon their wages and their standard of living.”⁷

As free-world workers increasingly saw prison labor as a scourge on their own livelihoods, they mounted various efforts to regulate, if not eliminate, private employers’ ability to utilize the incarcerated as forced laborers. In states that depended heavily on an industrial workforce for their economic health, labor leaders could find politicians sympathetic to their argument that unfettered business access to prison

3. “Revelations of a Hell-Hole: Flogging by the Wholesale,” *National Police Gazette*, October 26, 1867.

4. Ibid.

5. “The Murdered Convict: Brutality of Prison Keepers Strong Testimony against the Warden and His Assistants,” *New York Times*, September 5, 1875.

6. David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 2007); Grace Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York: Pantheon Books, 1988). For more on the debates surrounding “whiteness” as an explanatory concept, see Eric Arneson, “Up from Exclusion: Black and White Workers, Race, and the State of Labor History,” *Reviews in American History* 26, no. 1 (1998): 146–74; Peter Kolchin, “Whiteness Studies: The New History of Race in America,” *Journal of American History* 89, no. 1 (2002): 154–73.

7. “The Importance of the Prison Labor Problem,” report submitted to the International Prison Congress, National Committee on Prison Labor, 1910, pamphlet 5001, box 6, 5–6, Kheel Center Archives, Cornell University, Ithaca, NY.

labor posed a very real problem of unfair competition. In Michigan, for example, labor-movement pressure led the governor to advocate doing “away with the leasing or private contract system” so long as the state was still allowed to work prisoners to recoup the costs of their confinement.⁸ Other states, however, were determined to allow private firms to utilize their prisoners for profit and rebuffed organized labors’ criticism of this practice. As a result, at one Ohio penitentiary alone, “there were four separate firms engaged in the manufacturing business as follows: The Columbus Bolt Works, manufacturing bolts and nuts. The E. B. Lanman Co. manufacturing washers, stamps and nuts. The P. Hayden Saddlery Hardware Co., manufacturing harness hardware. The Baldwin Fording and Tool Co. manufacturing agricultural implements.”⁹

Undaunted throughout the late nineteenth and early twentieth centuries, labor groups continued to express their concerns about prison work by regularly issuing statements and declarations to the public as well as by testifying before various governmental commissions. As workers in Philadelphia announced in 1890, “the labor organizations of this city and state are about to commence a crusade against the system of convict labor. The Granite Cutters, Marble Cutters, and Marble Polishers Unions have decided to take decisive action and will send a delegation to Harrisburg during the next session to petition the Legislature against the further employment of convict labor in the manufacture of any goods not required by the prison.”¹⁰

Officials could not help but notice such concerted opposition to prison labor. One New Jersey official stated that “the agitation of the subject of convict competition with free labor” was always increasing, and although he felt that “such competition was more imaginary than real,” he conceded that such labor activism was very effective. He noted, “Legislature after legislature was beset by the opponents of mechanical labor in the prison, and in 1881 a [state] law was passed prohibiting the employment of more than 100 men in any one branch of industry.”¹¹ When pressuring state politicians did not net sufficient reform in a given state, workers in both the North and South withheld their own labor, hoping that their strikes against companies that used prison labor would call attention to the prison labor problem.¹²

8. Governor Fred M. Warner to the Forty-fifth Legislature of Michigan, message relative to the employment of convict labor, March 17, 1909, pamphlets, box 6, Kheel Center Archives.

9. “Special Report on Prison Labor by the State Bureau of Labor Statistics, Ohio,” 1910, pamphlets, box 6, 8–9, Kheel Center Archives.

10. “Against Convict Labor: Pennsylvania Workingmen to Appeal to the Legislature,” *New York Times*, December 27, 1890.

11. A. S. Meyrick, in *Prison Labor: With Tables Showing the Proportion of Convict to Citizen Labor in the Prisons of the State of New York, and of the United States*, ed. John S. Perry (1885; repr. White Fish, MT: Kessinger Publishing, 2010), 44.

12. Kate Richardson O’Hare, *Prison Labor for Private Profit: Survey and Report on the Prison Labor Situation: Submitted to the Joint Committee on Prison Labor of the Union-Made Garment . . . and the United Garment Workers of America*, *Daily News Record* (New York, NY), June 29, 1925; the most famous strike may well be that of coalminers in the state of Tennessee. See Karin Shapiro, *A New South Rebellion: The Battle*

With the economic collapse of the Great Depression, however, came the realization that even the most determined labor movement efforts to regulate prison labor at the state level had hardly solved the prison labor problem. As one editorial in *New York* stated, “Undoubtedly the directors of Sing Sing prison are to be congratulated for their business acumen for being able to make a profit of \$258,593 on products manufactured by the inmates of that institution. But this does not present such a pretty picture when one realizes that business totaling approximately \$3,500,000 has been diverted from legitimate enterprise solely in need of this trade, and more than 800 law abiding citizens are being deprived of a livelihood.”¹³ In the 1920s and 1930s, free-world workers began calling on the federal government itself to regulate private access to prison labor. Eventually such unremitting agitation led to substantial federal legislation relating to prison labor, and for the first time, private employers faced meaningful barriers to utilizing inmates when they sought to drive down labor costs.

First, the Hawes-Cooper Act of 1929 ensured that all prison-made goods transported into another state would be governed by the laws of the state receiving those goods. This was important because it meant that states with a well-organized working class were, for all intents and purposes, off limits to any company seeking to sell prison-made, mined, and tapped products.¹⁴ Second, the Walsh-Healey Act of 1936 prohibited even state governments from utilizing prisoner labor if the contract they had secured with a penal facility exceeded \$10,000.¹⁵ Finally, the Ashurst-Sumners Act of 1940 made it a federal offense to transport prison-made goods *within* a state for private use, which made it wholly unfeasible for private employers to use prison labor.¹⁶ By World War II, it appeared to the overwhelmingly white labor movement in America that the prison labor problem had been solved.

Although new federal regulation had indeed insulated workers in the free world from prison labor’s competitive threat, prison labor itself had not been abolished and, to citizens locked behind iron bars in the penal institutions of the North or held captive on the prison farms of the South—overwhelmingly citizens of color—exploitation and abuse remained serious problems.¹⁷ In short, the Thirteenth Amendment still contained the provision that those convicted of a crime could be treated as slaves, and eighty years after Emancipation, white Americans on the whole still found it

against Convict Labor in the Tennessee Coalfields, 1871–1896 (Chapel Hill: University of North Carolina Press, 1998). For some examples of labor’s efforts to call attention to the unfair competition posed by unfettered access to prison labor, see “The Competition of Free Labor,” *New York Times*, October 1, 1879; and *Report of the Industrial Commission on Prison Labor, Prepared in Conformity with Act of Congress Approved June 18, 1898, Volume 3 of The Commission’s Reports* (Washington, DC: U.S. Government Printing Office, 1900).

13. David Siller, “Prison-Labor Competition,” *New York Times*, January 30, 1933.

14. *Hawes-Cooper Act*, Public Law 669, 70th Congr. (1929).

15. *Walsh-Healey Public Contracts Act*, Public Law 846, 74th Congr., as amended (1935).

16. *Ashurst-Sumners Act*, Public Law 215, 74th Congr. (1935).

17. The idea that prison labor ceased to be a problem in America after World War II is a central tenet of Douglas Blackmon’s award-winning study of convict leasing, *Slavery by Another Name*.

acceptable that African Americans were disproportionately robbed of their civil and labor rights.

While free-world workers did not want any job or wage competition from the incarcerated, many of them were sympathetic to the idea that prisons should pay for themselves, and to the extent that prisoners were working to offset the cost of their own keep, forced labor was not a problem. As one editorial explained, “The taxpayer must be considered too. If we send men to prison, and don’t let them work, the taxpayer must foot the entire bill.”¹⁸ This sentiment ensured that federal measures to regulate prison labor did not eliminate it altogether. Franklin Delano Roosevelt recognized that appeasing labor leaders’ fears about prison labor competition did not preclude a more formalized process by which federal and state governments could still use prisoner labor to ease the costs of incarceration.

In the early 1930s, and on the heels of the Hawes-Cooper Act’s passage, FDR began working to get the American Federation of Labor (AFL) to support a government corporation called Federal Prison Industries (FPI), which would regularize the public sector’s use of inmate labor and put state and federal prisons in the business of manufacturing clothing, furniture, and other items for use by state and federal government agencies throughout the postwar period.¹⁹ At first the AFL leadership, and particularly its president, William Green, voiced opposition to this plan because they believed that free-world workers might still suffer financial losses from even this limited arrangement. FDR persevered, however, and ultimately prevailed. According to the official history of the FPI, FDR called Green to the oval office in 1934, “greeted the labor leader with a hearty ‘Hello, Bill,’” and said, “‘We have a little problem here that we want you to solve for us.’”²⁰ After FDR successfully drew out “Green’s objections to the proposed legislation as well as his suggestions for improvement,” the AFL stood behind the FPI, and on December 11, 1934, FDR issued Executive Order 6917, which made this proposed entity an institutional reality.²¹

The FPI officially commenced operations on January 1, 1935, and its \$4 million budget allowed for a substantial expansion of industrial operations within prisons across the country. By 1936, it had created “a clothing factory on Alcatraz Island, a homespun woolen industry at the El Reno (Okla.) reformatory, and a chair factory at Chillicothe, Ohio.” These facilities joined thousands of prison operations that had already been providing “foundry work, garments, brushes, brooms, mattresses, metal transfer cases, shoes, textiles, and other products to government bureaus and other

18. “Plan a New Factory for Alcatraz Prison: Federal Officials Also Will Extend Plans for Convict Labor to Other Centers,” *New York Times*, June 14, 1936.

19. “Factories with Fences: 75 Years of Changing Lives” (Lexington, KY: UNICOR, 2009), www.unicor.gov/information/publications/pdfs/corporate/CATMC1101_C.pdf (accessed April 28, 2011).

20. “The Birth of Federal Prison Industries,” www.unicor.gov/about/organization/history/birth_of_fpi.cfm (accessed April 28, 2011).

21. *Ibid.*

departments.”²² Neither the American public in general nor the American labor movement specifically had any idea what went on in the nation’s vast prison factory and prison farm network, and now that “free-world” workers no longer feared wage competition from prisoners, any abuse or exploitation inmates might still suffer was no longer their concern.

Struggling against Exploitation: America’s Inmates, 1945–80

Prisoner networks, however, remained deeply concerned with how corrections officials treated them—particularly fearing and loathing the abuses they endured on state-run plantations and factories. Like other American workers, these inmates routinely resisted the exploitation of their labor, and their largely hidden struggles are a crucial element of this nation’s working-class history. From the early nineteenth century, when prisoner-weavers’ “concerted effort of sabotage and mutual protection” led them to be “committed to the ringbolt” (a heinous torture device particularly favored by prison administrators when dealing with rebellious inmates), to the early twenty-first century when prisoners still risked severe retribution to file suit against states that forced them to work when it was not safe, America’s inmates have fought hard to be treated humanely while incarcerated.²³

After the Second World War, prisoner labor protests rocked penal facilities across the nation. In 1947, more than 500 inmates at the Danbury Federal Reformatory in Connecticut conducted a work stoppage, 69 Wisconsin prisoners held an eight-hour sit-down strike in Waupun prison, and inmates at Auburn prison in upstate New York also remained “in their cells instead of going to work.”²⁴ On March 23, 1949, more than 600 prisoners in Cleveland, Ohio, “went on a sit-down strike” and demanded that the warden talk with the “complaint committee” that they had formed to “settle their grievances.”²⁵ On August 18, 1950, more than 570 prisoners at the Great Meadows prison in Comstock, New York, organized a ten-hour sit-down strike.²⁶ In 1951, prisoners in both Angola, Louisiana, and at the State Rock Quarry in Buford, Georgia, engaged in mass mutilations, slitting their heel tendons so that they could no longer work the endless hours forced upon them.²⁷ In 1953, more than

22. “Plan a New Factory for Alcatraz Prison: Federal Officials Also Will Extend Plans for Convict Labor to Other Centers,” *New York Times*, June 14, 1936.

23. Larry Goldsmith, “‘To Profit by His Skill and to Traffic in His Crime’: Prison Labor in the Early-Nineteenth-Century Massachusetts,” *Labor History* 40, no. 4 (1999): 448; Squire Servance, “*Jones V. Bock*: New Clarity under the Prison Litigation Reform Act,” www.law.duke.edu/journals/djclpp/index.php?action=downloadarticle&id=60.

24. “550 on Food Strike at Danbury Prison,” *New York Times*, May 6, 1947; “Guards Captured in Prison Strike,” *Los Angeles Times*, November 25, 1947; “Some Inmates Strike at Auburn Prison,” *New York Times*, March 29, 1947.

25. “Cleveland Warden Quits in Sit-down Strike,” *New York Times*, March 24, 1949.

26. “Clubs Quell Riot in Upstate Prison: 18 Hurt as Guards, Troopers Subdue Convict Mutiny at Great Meadows,” *New York Times*, August 19, 1950.

27. “10 Cut Heels Again in 31 Convicts’ Protest: Louisiana Officials Deny Guards Beat Them,” *New York Times*, February 27, 1951; “30 Georgia Convicts Cut Heels in Protest,” *New York Times*, December 27, 1951.

120 inmates launched a four-day sit-down strike in protest of the long hours they were forced to labor in the sugarcane fields of Louisiana.²⁸ In 1959, 300 inmates at New Jersey State Penn stopped working and demanded higher wages in that prison's license plate shop when they were forced to meet a massive rise in plate production.²⁹

Throughout the 1960s and into the 1970s, prison strikes continued to erupt regularly and, to the alarm of corrections officials, the labor protests of the incarcerated had grown even more militant. On September 2, 1960, 102 inmates at the Minnesota state prison held a fifteen-hour overnight sit-down strike on that facility's ball diamond, and, by 1968, more than 850 inmates were striking over higher wages in Richmond, Virginia.³⁰ In 1970, a particularly well-organized strike of more than 450 inmate-workers erupted in the metal shop of the Attica State Correctional Facility because they were forced to work every day in the prison factory but still did not have enough money to afford necessities such as soap. In their view, "working at Attica is tantamount to slavery."³¹ Earning between \$0.06 and \$0.29 per day, the Attica prisoners struggled to cover the cost of toilet paper, while the metal cabinets and lockers they made sold for \$60 to \$70 apiece.³² Between 1969 and 1970 alone, Attica's prison factory netted the State of New York almost \$1.2 million in sales revenues.³³

Not only did America's prisoners engage in numerous work stoppages throughout the postwar period, but they also tried desperately to unionize.³⁴ Whereas inmates in other countries such as Mexico had attempted to unionize in much earlier decades of the twentieth century, in the United States the most sustained agitation for union recognition took place in the 1960s and 1970s.³⁵ Talk of organizing inmates into unions particularly escalated after a series of work stoppages rocked the California prison system in these decades. In 1963, a large strike erupted at Folsom prison and spread to San Quentin; in 1970, another series of strikes exploded in that state's penal system.³⁶ Folsom prison witnessed an unprecedentedly long work stop-

28. "17 Convicts Slash Arms: Repeat Act of August to Avoid Work," *New York Times*, November 15, 1953.

29. George Cable Wright, "Strike by 300 Jersey Prisoners Halts Making of Auto Plates," *New York Times*, January 31, 1959.

30. "Fixed Bayonets Back Ultimatum to Rebellious Minnesota Convicts," *Los Angeles Times*, September 4, 1960; "Virginia Prison Strike Ends," *New York Times*, July 19, 1968.

31. Testimony of William Jackson, April 12, 1972, 82. McKay transcript. The New York State Special Commission on Attica. In the Matter of the Public Hearings at Rochester, New York. Before: Robert B. McKay, Chairman and Board. Transcript. SUNY-Albany University Library, Government Publications. Hereafter referred to as "McKay transcript."

32. Testimony of David Addison, April 17, 1972, 93. McKay transcript.

33. *Ibid.*

34. "Bargaining in Correctional Institutions: Restructuring the Relation between the Inmate and the Prison Authority," *Yale Law Journal* 81, no. 4 (1972): 726–57; Alan Bailey, "Prisoners' Unions" [unpublished paper], August 6, 1973, Antioch Law School, North Carolina Prisoner Rights Union Collection, Special Collections, Atkins Library, University of North Carolina, Charlotte.

35. "A Convicts' Union: 14,000 Members," *Observer (London, UK)*, March 5, 1933.

36. Heather McCarty, "From Con-Boss to Gang Lord: The Transformation of Social Relations in California Prisons, 1943–1983" (PhD diss., University of California, Berkeley, 2004).

page that year when more than twenty-four hundred inmates “held out in their cells for nineteen days, without food, in the face of threats and intimidation” for a variety of demands, “including several related directly to labor issues and one calling for the right of inmates to form and join labor unions.”³⁷

Ultimately state officials crushed the strike at Folsom, but this did not stop California inmates from forming a labor organization. Calling their group the United Prisoners Union (UPU) and choosing “Power to the Convicted Class” as their organizing slogan, prisoners from this state not only began agitating throughout the California system but also set about trying to contact incarcerated laborers around the country so that the UPU could be a national organization.³⁸ To aid in this endeavor, the UPU incorporated as a nonprofit association and published its own newspaper, *Outlaw*.³⁹ According to scholar Susan Blankenship, the UPU ultimately succeeded in spreading to “several different state prison systems and its membership levels approached 23,000 including both men and women.”⁴⁰ Organizers’ determination to win the minimum wage and workmen’s compensation benefits for all inmates who, at least in California, were currently earning between \$0.02 and \$0.16 an hour, struck a responsive chord in penal facilities as far away as New York. The fact that this union was led by African American prisoners equally interested in fighting the racism that flourished in the nation’s criminal justice and prison system was also deeply attractive to scores of black prisoners around the country, who were singled out for the worst prison jobs and the most vicious treatment from prison officials. More than eighteen hundred prisoners at the Green Haven correctional facility in that state were so inspired by the UPU that they “signed authorization cards for union membership.”⁴¹

The UPU was only one of several prisoner labor unions formed in this period. One of the nation’s most successful inmate labor organizations, the National Prisoners’ Reform Association (NPRA), came together on March 29, 1972, at the Adult Correctional Institution in Cranston, Rhode Island. Not only did the NPRA manage to secure an office in the prison, but it also landed a telephone line to the outside, which it used to reach inmates in other state prisons and grant them charter memberships.⁴²

37. Howard Zinn, *A People’s History of the United States* (New York: HarperCollins, 2003), 515; Bailey, “Prisoners’ Unions,” 2.

38. Everett R. Holless, “Convicts Seek to Form a National Union,” *New York Times*, September 26, 1971. For a critical view on the formation of prisoner unions in the California prison system, see Eric Cummins, *The Rise and Fall of California’s Radical Prison Movement* (Stanford, CA: Stanford University Press, 1994), chapter 8.

39. Holless, “Convicts Seek to Form a National Union.”

40. Susan Blankenship, “Revisiting the Democratic Possibilities of Prisoners’ Labor Unions,” in *Crime and Punishment: Perspectives from the Humanities*. Studies in Law, Politics and Society, vol. 37, ed. Austin Sarat (Bingley, UK: Emerald Publishing, 2005), 241–65.

41. Bailey, “Prisoners’ Unions,” 5. Blankenship, “Revisiting,” in Sarat, *Crime and Punishment*; David Rudovsky, *The Rights of Prisoners: The Basic ACLU Guide to a Prisoner’s Rights* (New York: Avon Books, 1977).

42. Bailey, “Prisoners’ Unions,” 5.

By September of that year, the NPRA had expanded into a powerful organization at the Massachusetts Correctional Institution at Walpole prison. The goal of the NPRA at Walpole was not simply to exist but to become a meaningful collective-bargaining unit. The Massachusetts Department of Corrections actively challenged the NPRA's right to exist, but prisoners took their case directly to the State Labor Relations Commission (SLRC). NPRA officials argued that, "regardless of their respective convictions for crimes," it was "indisputable" that "the prisoners did perform work for which they were paid by the state."⁴³ The SLRC acknowledged that "of the 575 prisoners, 400 were working" at Walpole and went on to catalogue "31 specific work assignments, ranging from the industrial jobs in the foundry and the print shop to custodial jobs such as corridor maintenance," for which inmates were paid \$0.25 to \$1.25 a day.⁴⁴ Eventually, the NPRA became "a recognized bargaining unit, democratically elected by prisoners—the workers" at this facility.⁴⁵

On May 1, 1973, prisoners in Ohio's London Correctional Institution also formed a labor organization: the Ohio Prisoners' Labor Union (OPLU). That Labor Day, organizers signed up hundreds of inmates and then promptly submitted a "request for recognition" to the governor. To underscore their commitment to organizing prisoners as workers, the OPLU subsequently launched a one-day strike and, in a remarkable show of solidarity, 60 percent of the facilities' inmates participated in the protest and signed union authorization cards.⁴⁶ Then, on March 14, 1973, 540 of North Carolina's Central Prison's 700 inmates created and joined their own new union, the North Carolina Prisoners' Labor Union (NCPLU).⁴⁷ According to the NCPLU, North Carolina's incarcerated laborers intended to "seek through collective bargaining . . . to improve . . . working conditions" and "to serve as a vehicle for the presentation of union grievances."⁴⁸ This platform quickly attracted thousands of prisoners throughout that state, and the NCPLU's remarkable success left the North Carolina Department of Corrections scrambling to find a way to dismantle it.⁴⁹

By 1973, prisoners had formed unions in states across the country, including Delaware, Maine, Massachusetts, Michigan, Minnesota, North Carolina, Ohio, Pennsylvania, Washington, DC, and Wisconsin.⁵⁰ These unions were overwhelmingly formed and run by African American inmates, and they repeatedly connected

43. Jamie Bissonette, *When the Prisoners Ran Walpole* (Cambridge, MA: Southend Press, 2008), 97.

44. *Ibid.*, 134.

45. *Ibid.*, 11.

46. Bailey, "Prisoners' Unions," 6–7.

47. For more on the North Carolina Prisoners' Labor Union, see Series 1: North Carolina Prisoners' Labor Union (1972–77), T. J. Reddy Papers, 1967–85, manuscript collection 79, Special Collections, Atkins Library, University of North Carolina, Charlotte; and Donald F. Tibbs, *From Black Power to Prison Power: The Making of Jones v. North Carolina Prisoners' Labor Union* (University of Georgia Press, forthcoming).

48. Clair Cripe and Michael G. Pearlman, *Legal Aspects of Corrections Management*, 2nd ed. (Sudbury, MA: Jones and Bartlett, 2004), 157.

49. *Ibid.*, 157.

50. Bailey, "Prisoners' Unions," 8–11.

the problem of their labor exploitation to that of their racial subjugation. The prisoner labor activism of the 1960s and 1970s was part and parcel of the broader prisoner rights movement that was challenging correctional systems across the nation. As Loïc Wacquant notes, the militant prisoners' rights movement included "drives to create inmates' unions and to foster convict self-management, and the spread of full-scale carceral uprisings throughout the United States."⁵¹

Struggling against Exploitation: America's Guards, 1865–1980

Just as the labor history of inmates is largely unknown to scholars, particularly as it unfolded outside of the South and into the twentieth century, so too is the labor history of prison guards. Although prison guards clearly were members of the American working class, rarely have historians studied them as such.⁵² As with policemen, the nature of correction officers' work seems to have rendered their on-the-job concerns less sympathetic to scholars. Since 1865, Americans who have taken jobs as prison guards have done so reluctantly, largely because they possessed few job skills and heralded from areas of the country with few attractive employment alternatives. This dependence on prison employment rendered guards a segment of the working class that state employers could pay little but work hard.

Turn-of-the-century guard salaries were so low that public officials remarked on their pay as part of a "prison labor problem" in 1910. According to one survey of corrections wages, "guards and keepers average from \$800 to \$900 a year."⁵³ In the wake of both World Wars I and II, guard salaries were still abysmally low, and they had far fewer benefits than other workers in the public sector. Correction officers were also acutely aware that they made less than factory workers were earning in cities such

51. Loïc Wacquant, *Prisons of Poverty* (Minneapolis: University of Minnesota Press, 2009), 135.

52. There is much historical as well as contemporary debate regarding whether employees charged with maintaining production in and control of the workplace are members of the working class. Within the auto industry, for example, foremen tried to unionize as workers but they were eventually prevented from doing so by law. The position of prison guards has been more legally ambiguous in no small part because those they control are themselves not considered part of the working class. In this essay, I suggest that unlike auto plant foremen, prison guards are not part of management and indeed their interests are diametrically opposed to those of prison managers, and thus they are part of the American working class. This is the position that organized labor ultimately took as well. By 1946, for example, the Rochester, New York, AFL Organizing Committee had explicitly committed itself to organizing prison guards. See "Welcome to Rochester Labor Council History: 1855–2005," www.rochesterlabor.org/rhc-history/index.html. For more on the historical and contemporary debates regarding foremen, guards, and the working class, see Samuel Gompers and William Green, *American Federationist* (American Federation of Labor), vol. 28 (1921): 214; Nelson Lichtenstein, "Auto Worker Militancy and the Structure of Factory Life, 1937–1955," *Journal of American History* 67, no. 2 (1980): 335–53; Richard S. Halpern, "Employee Unionization and Foremen's Attitudes," *Administrative Science Quarterly* 6, no. 1 (1961): 73–88; Paul Kivel, *You Call This a Democracy?: Who Benefits, Who Pays, and Who Really Decides?* (New York: Apex Press, 2006).

53. "The Importance of the Prison Labor Problem," 4, Kheel Center Archives.

as Detroit.⁵⁴ Not only were people not “beating down the doors to get jobs as guards because of the low pay,” but the schedules state departments of correction expected guards to work were also hard on families. One New Jersey guard explained, “All starting guards went on the night shift and worked six-days a week.”⁵⁵

Being underpaid and overworked bothered prison guards around the country, but of far greater concern to them was prison management’s practice of placing guards in potentially life-threatening situations because management refused to hire more personnel for round-the-clock monitoring of inmates. Throughout the nineteenth and twentieth centuries, to labor as a keeper in a prison meant dealing with extremely high job stress—a degree of anxiety that made it much harder for guards to do their jobs both effectively and humanely. When corrections officer John Stockholm came to work at the Attica State Correctional Facility, he was one of the youngest guards in the facility, yet management immediately placed him in charge of approximately sixty to seventy inmates at one time. “Sometimes,” he pointed out, “we would take up to 120 inmates to breakfast.”⁵⁶ While one officer at Attica “could be required to run as many as three companies,” at other prisons such as Walpole management had hired only “240 officers but needed 300 . . . [and], as a result, regular officers worked long hours in an inadequately supervised environment.”⁵⁷ According to one senior officer at Walpole, “The consequences could be lethal.”⁵⁸ Without adequate personnel, prison guards could face serious injury from angry and frustrated inmates as well as from fellow guards who were themselves fed up and on a short fuse.

When prison guards were injured on the job—either in a physical altercation or because they slipped on a wet floor—they got little sympathy from prison management. At Walpole, whether a guard was stabbed or threw out his back while securing a cell door, contractually he was entitled to “Industrial Accident pay.”⁵⁹ Yet, according to one prison employee there, an injured guard “usually would not receive it for months . . . [and] during this time he was forced to go without income.”⁶⁰ Should a corrections officer complain about such treatment, management retaliated in subtle but effective ways. Such “uncooperative officers could find themselves pulled off their bid job (an assignment won by seniority) and assigned to another post that did not offer the best days off.”⁶¹ Unsurprisingly, such working conditions created an envi-

54. Harry Camisa and Jim Franklin, *Inside Out: Fifty Years behind the Walls of New Jersey's Trenton State Prison* (Windsor, NJ: Windsor Press, 2008), 6.

55. *Ibid.*, 6.

56. Testimony of John Stockholm, public hearing conducted by Governor George E. Pataki’s Attica Task Force, May 9 and 10, 2002, Rochester, NY, 6.

57. Testimony of James Cochrane, April 13, 1972, 36. McKay transcript; Michael McLaughlin, Russell S. Dynda, and Warren Jamison, *Screw: The Truth about Walpole State Prison by the Guard Who Lived It* (Far Hills, NJ: New Horizon Press, 1989), 65.

58. McLaughlin, Dynda, and Jamison, *Screw*, 65.

59. *Ibid.*, 64–65.

60. *Ibid.*, 64–65.

61. *Ibid.*, 65.

ronment in which corrections officer “morale remained low” across the country, and these employees purportedly suffered the “highest rates of divorce, heart disease, and drug and alcohol addiction—and the shortest life spans—of any state civil servants due to the stress in their lives.”⁶²

Although prison guards were locked far away from traditional hotbeds of union activity, sustained exploitation and unsafe working conditions inspired them to take collective action. As labor scholars Lynn Zimmer and James Jacobs have noted, “Like coal miners, loggers, and longshoremen, prison guards tend to . . . work under conditions of constant danger” and thus they are primed for “frustration, discontent, and collective protest.”⁶³ In 1953, even though guards at Sing Sing were prevented by the Condon-Wadlin Law from striking, they nevertheless affiliated with the American Federation of State, County, and Municipal Employees (AFSCME), believing that this labor representation would help them fight their “deplorable, even primitive, job conditions.”⁶⁴ In 1954, Indiana State Penitentiary guards walked off the job, demanding the right to unionize. When prison management retaliated by suspending forty-six guards for ten days, the rest of corrections workforce boycotted the prison the next morning at 8:00 a.m.⁶⁵

The decade of the 1960s was even more tumultuous. In 1965, New York’s prison guards were still barred from striking so officers from fourteen state prisons took their “free time” at work to protest pay scales, a lack of collective bargaining, and the Condon-Wadlin Law.⁶⁶ In 1968, so many correction officers at both Trenton and Rahway prisons called in sick to protest low wages and lack of benefits that Mercer County, N.J., Judge A. Jerome Moore signed “a permanent injunction barring . . . walk outs by guards.”⁶⁷ The guard labor mobilizations of the 1970s were even more militant. In that decade, Ohio’s guards courted the Teamsters, AFSCME, and also state civil-service organizations such as the Ohio Civil Service Employees Association to represent their needs on the job while states such as New York continued to be rocked by numerous and often illegal guard labor protests.⁶⁸ In August 1970, for example, twenty-seven hundred members of guard organizations such as the Cor-

62. Ibid., 64; Ted Conover, *New Jack: Guarding Sing Sing* (New York: Vintage Books, 2001), 20.

63. Lynn Zimmer and James Jacobs, “Challenging the Taylor Law: Prison Guards on Strike,” *Industrial and Labor Relations Review* 34, no. 4 (1981): 532.

64. “Guards at Sing Sing Join Union That Bars Strikes,” *New York Times*, April 29, 1953.

65. “Prison Guards Strike,” *New York Times*, October 7, 1954.

66. Council 82, Security and Law Enforcement Employees, American Federation of State, County, and Municipal Employees (AFSCME) Records, 1968–1989, M. E. Grenander Department of Special Collections and Archives University Libraries / University at Albany, State University of New York, Albany, NY; Lynn Zimmer and James B. Jacobs, “Challenging the Taylor Law: Prison Guards on Strike,” *Industrial and Labor Relations Review* 34, no. 4 (1981): 531–44.

67. “Jersey Writ Bars Strikes by State Prison Guards,” *New York Times*, August 25, 1968.

68. Paul D. Staudohar, “Prison Guard Labor Relations in Ohio,” *Industrial Relations* 15, no. 2 (May 1976): 177–190.

rections Officers Benevolence Association picketed city hall over serious personnel shortages and overwork at Manhattan's city jail, known as the Tombs, and only one month later guards initiated a major "sick call" at the penal facility on Rikers Island.⁶⁹ By 1971, guards at Ohio's main state penitentiary were also protesting forced overtime, and three years later guards in seven Ohio prisons went on strike to raise their pay from \$3.52 per hour.⁷⁰ In 1977, guards in ten Connecticut prisons represented by AFSCME Council 16 went out on strike, and two years later, on April 18, 1979, almost seven thousand prison guards in New York State, representing thirty-three penal institutions, engaged in their own illegal strike for better wages, better seniority rights, and a better workers' compensation leave policy.⁷¹

The Strengths of Labor Agitation behind Prison Walls: Inmates and Guards, 1865–1980

Without question, prison guard activism netted tangible gains—particularly during the 1970s. When guards across New York State decided to ignore the legal mandate preventing public-sector workers from engaging in work stoppages and initiated their sixteen-day system-wide strike in 1979, for example, they ultimately secured better working conditions.⁷² Not only did correction officers around the country take action in ways that prevented various state departments of corrections from ignoring their workplace concerns—from walking off the job, to engaging in "sick outs," to filing complaints with local and state officials—but also they were able to file grievances, negotiate better contracts, and keep prison management in check at the level of committee meetings thanks to large labor unions such as AFSCME.⁷³ As a result of being affiliated with this union, prison guards in the State of New York, for example, came to have some of the best pensions, overtime pay, job training, and grievance procedures of any correctional employees in the country.

Although they also endured extraordinary repression, inmate labor actions netted some important gains during the 1960s and early 1970s as well. After the dramatic metal shop strike at Attica, for example, prison officials eventually agreed to increase the range of wages that had previously been \$0.06 an hour to \$0.25 as well as

69. Michael T. Kaufman, "Sick-Out at Rikers; City Prisons to Get 300 More Officers," *New York Times*, September 3, 1970.

70. "Ohio Prison Guards Strike," *New York Times*, January 26, 1971; "Strike in Ohio Spreads to a 7th Prison," *New York Times*, July 15, 1974.

71. Lawrence Fellows. "Guards at 10 Prisons out in Connecticut: Strikers Defy a Restraining Order of Court; State Police Help Keep 3,200 Inmates Orderly," *New York Times*, April 5, 1977; Zimmer and Jacobs, "Challenging the Taylor Law," 537.

72. Council 82, Security and Law Enforcement Employees, American Federation of State, County and Municipal Employees (AFSCME) Records, 1968–1989, M. E. Grenander Department of Special Collections and Archives; Zimmer and Jacobs, "Challenging the Taylor Law."

73. See Series 2: Subject Files, 1968–1987, boxes 2 and 3; Series 3: Legal Files, boxes 1 and 4, Council 82, Security and Law Enforcement Employees, AFSCME Records, 1968–1989, M. E. Grenander Department of Special Collections and Archives.

raised the wage ceiling from \$0.29 per day to \$1.00.⁷⁴ After Attica's prisoners engaged in a dramatic four-day rebellion in which they took complete control of the institution, not only demanding a minimum wage but also other vital civil rights reforms, in September 1971 the State of New York went even further and implemented a uniform pay schedule in all correctional facilities.⁷⁵ In other prisons, inmate protests helped pave the way for regulation requiring that penal facilities provide critical protective gear on industrial jobs, and in some prisons they led to inmate-run grievance committees and advisory boards. At Walpole prison, for example, prisoner activism eventually resulted in an unprecedented level of inmate self-governance and a remarkable degree of inmate participation in important matters regarding how the institution itself was run.⁷⁶

Of course, as "slaves of the state," with virtually no legal claim to work under safe conditions or to receive any pay, prisoners' ability to exact concessions from management was situational at best. Unlike correction officers, prisoners were not able to engage in system-wide protests, and they rarely enjoyed public support. Time and again inmates who dared to refuse to work or who launched a protest against the abusive or exploitative conditions under which they labored suffered time in solitary confinement as well as physical retaliation. Although the Attica prisoners' dramatic 1970 metal shop strike eventually won inmates real wage gains, it also resulted in prison officials locking the most outspoken of the protesting inmates up in their five-by-eight-foot cells, for the indefinite future, and they transferred many of the "troublemakers" to other maximum-security facilities.⁷⁷ Their 1971 prison takeover ended far worse, with scores of prisoners shot to death and hundreds of others severely wounded and tortured.⁷⁸

The Decline of the Labor Movement behind Prison Walls

Even though federal and state corrections officials still wielded enormous power over both inmates and guards, the postwar upsurge in prison labor activism had greatly unnerved them. As one labor scholar has pointed out about the rise of inmate labor protests, "by demonstrating the ability to organize and alter institutional practices—however slight this may have been compared to the power of prison administrators—prisoners' unions presented a challenge to the control of prison administration."⁷⁹ Even though prisoner labor actions rarely netted a specific gain, this labor unrest accompanied and was part of a broader prisoner-rights movement to human-

74. Testimony of David Addison, 94. McKay transcript.

75. See the New York State Special Commission on Attica, *Attica: The Official Report of the New York State Special Commission on Attica* (New York: Bantam, 1972).

76. Bissonette, *When the Prisoners Ran Walpole*.

77. Federal Court, Western District of New York, *Stephen Merkle et al. v. Vincent R. Mancusi, superintendent of Attica Correctional Facility*. Archives, Attica State Correctional Facility, Attica, New York.

78. For more on the Attica prison uprising of 1971 and its legacy, see the forthcoming history by the author.

79. Blankenship, "Revisiting," in Sarat, *Crime and Punishment*.

ize penal institutions and to end justice-system racism very specifically.⁸⁰ While prison officials strongly disliked dealing with prisoner protests over wages and working conditions, they were infuriated by the rulings in critical inmate-initiated court cases ranging from *Cooper v. Pate* in 1964, which guaranteed black Muslim inmates access to the Koran, to *Ruiz v. Estelle* in 1980, which censured an entire state correctional system for its abuse of inmates and violations of their civil rights.⁸¹

In response to the escalation of inmate activism of the 1960s and early 1970s, prison officials had begun expending enormous energy trying to regain complete command of their facilities. They attempted to ban meetings of inmates within prisons. They tried to forbid the sending or receiving of union-related materials through the prison mail system. They also singled out specific prisoner labor leaders for time in segregation. However, the biggest thorn in their side was inmate claims to the right to unionize. If inmates could join a union, then they would have rights. If they had rights, then prison officials would no longer have *carte blanche* to extract prisoners' labor as they saw fit.

Ultimately, prison officials in North Carolina fought inmates on this very issue in a case called *Jones v. North Carolina Prisoners' Labor Union* (1977).⁸² After a landmark victory in this case, state governments across the nation were given the legal support they needed to ban prisoners from soliciting other prisoners to join a union, holding union meetings in prisons, and sending or receiving bulk mailings relating to union activity. In essence, when a court ruled that prisoners did not have the same First Amendment protections enjoyed by other citizens, the prisoners' labor movement in America suffered a major setback, and federal and state officials were given a green light to run prison workplaces as they saw fit.

At the same time as prison officials sought legal backing to prevent the growth of the new prisoner labor movement, conservative politicians worked with private business to beat back much of the regulatory apparatus that had been erected by postwar liberals. From education to social services to healthcare to corrections, free-market boosters argued throughout the 1930s that excessive governmental regulation was hindering their ability to make money. Business's desire to privatize the public sector dovetailed in interesting ways with prison officials' desire to prevent prisoners from having a say in the productive process. In 1979, the combination of conservative lobbying efforts and prison systems' wish to have complete control over the incarcerated labor force led to a complete overhaul of the most significant regulations on the

80. For more on the ways in which inmates' working and living conditions generated protest that later resulted in monumental legal victories for inmates in general, see Robert Chase, "Civil Rights on the Cellblock: Race, Reform, and Violence in Texas Prisons and the Nation, 1945–1990" (PhD diss., University of Maryland, 2009).

81. *Cooper v. Pate*, 378 U.S. 546 (1964); *Ruiz v. Estelle*, 503 F. Supp. 1265 (S.D. Tex. 1980). For more on the Ruiz case, see Chase, "Civil Rights on the Cellblock," particularly chapters 7 and 8.

82. *Jones v. North Carolina Prisoners' Labor Union, Inc.*, 433 U.S. 119 (1977).

use of inmate labor, which had been in force since the New Deal.⁸³ That year, Congress passed the Justice System Improvement Act of 1979, which, among other things, created something called the Private Sector/Prison Industry Enhancement Certification Program (PIE). PIE provided particular incentives for private companies to partner with prisons to manufacture goods and provide services.⁸⁴ Together, these revolutionized the rules governing prison labor. Notably, just as the Justice System Improvement Act became law, the nation itself was entering its second major incarceration boom—one as dependent upon criminalizing spaces of color as had been the original imprisonment explosion of the late nineteenth century. This was not insignificant because employers' pool of potentially exploitable prisoner laborers was almost 1.3 million people deep by the close of the twentieth century.⁸⁵

After 1979, previous barriers to having prisoners work for outside interests on site were substantially weakened, and correctional systems' desires to ship prison-made goods between states and in some cases to sell prison-made products in the free-world marketplace (rather than to only governmental agencies) were facilitated. Indeed, the Justice System Improvement Act undermined both the Hawes-Cooper Act and the Ashurst-Sumner Act. Once these federal regulators were undermined, private interests pushed for even greater access to prison labor. In 1994, for example, private enterprises came together with various politicians again and successfully repealed a key provision in the Walsh-Healey Public Contracts Act. With the new Federal Acquisition Streamlining Act, legislators effectively took the teeth out of Walsh-Healey by eliminating its caps on prison contracts, which gave manufacturers even greater access to prison labor and its profit-expanding potential.⁸⁶

It was clear to correctional systems across the nation that private enterprises were clamoring to regain access to prisoner workers precisely because they believed such a workforce to be both docile and predictable, and thus prison officials had even more reason to make it so. Both state and federal prisons worked hard to sign contracts with outside employers, and beating back guard labor demands and unrest was now as important as eliminating those of inmates.

States' new determination to contain guard labor agitation was evident in the way that they responded to the technically illegal strike New York guards initiated the same year that privatization lobbyists secured passage of the Justice System Improvement Act. Not only did New York State retaliate against this labor action swiftly and aggressively by calling in the National Guard to work as scabs in the prisons, but even when the strike had ended, the state continued to go after the guards'

83. The Justice System Improvement Act of 1979 as well as the Federal Acquisition Streamlining Act revolutionized the rules governing prison labor.

84. Public Law 96-157 (codified at 18 U.S.C. 1761(c) and 41 U.S.C. 35).

85. Alan Beck and Jennifer C. Karberg, "Prisoner and Jail Inmates at Midyear 2000," Bureau of Justice Report, www.aegis.com/files/usdoj/pjimoo.pdf.

86. Public Law 103-355 (108 Stat. 3243), Bureau of Justice Assistance (2004). Prison Industry Enhancement Certification Program, *Program Brief* (Washington, DC: U.S. Department of Justice, 2004).

union, AFSCME. First, state officials voted to suspend the union's dues check-off rights for three months, and then they fined the union \$2.5 million for contempt of court under New York's Taylor Law.⁸⁷ A new day had clearly dawned in the labor history of guards as well as inmates.

Although it was important that the Justice System Improvement Act of 1979, and the integrated efforts of governmental and private interest entities, had further emboldened corrections officials vis-à-vis their inmate and guard challengers, more crucially they paved the way for a more entrenched system of prison labor as well as a new era of prison privatization. Each would have dire long-term implications not only for inmates and guards but also for the rest of the American working class.

Expanding Prison Labor: The Federal Correctional System

Anticipating the passage of the Justice System Improvement Act, the FPI created by Roosevelt in 1934 underwent a major transformation. In 1977, FPI branded itself with the trade name UNICOR. To publicize that it was in the business of producing goods at great prices, it adopted a new corporate logo and called upon its new corporate marketing office "to develop a nationwide marketing strategy."⁸⁸ By the 1990s, UNICOR had completely overhauled its textile line, making it a major new textile manufacturer in the United States, and had "enhanced its metal and wood furniture lines and its electronic product lines" while simultaneously developing "new lines in stainless steel products, thermoplastics, printed circuits, modular furniture, ergonomic chairs, Kevlar-reinforced products (such as military helmets), and optics, and it introduced state-of-the-art production techniques (including the use of modern printing equipment for the automated production of Government forms)."⁸⁹

By the dawn of the twenty-first century, federal prisons had come to rival the nation's largest private corporations in terms of the sheer number of products manufactured and services offered. Prisoner labor was the foundation upon which this productive empire had been built. Ultimately, UNICOR would boast everything from a clothing and textiles business group that provided uniforms for members of law enforcement, hospitals, and the military as well as "custom-made draperies and curtains" to an industrial products business group that manufactured "dorm and quarters furnishings" as well as safety and prescription eyewear.⁹⁰ Other lucrative divisions included a services business group that provided inmates for "distribution and order fulfillment" as well as "assembly, packing and services," "call center and help desk support," "printing and creative design services," and "laundry services."⁹¹ Whereas

87. Council 82, Security and Law Enforcement Employees, AFSCME Records, 1968–1989, M. E. Grenander Department of Special Collections and Archives; Zimmer and Jacobs, "Challenging the Taylor Law."

88. "Factories without Fences," 28.

89. Ibid., 30. Also see UNICOR, "Marketing the Product and Selling the Program: UNICOR since 1980," www.unicor.gov/about/organization/history/unicor_1980.cfm.

90. UNICOR Products and Services, www.unicor.gov/prodservices/prod_dir_schedule/

91. Ibid.

sales of federal prison goods totaled only \$29 million in 1960, by 2002 its sales were \$678.7 million.⁹²

Expanding Prison Labor: The State Correctional System

Following the FPI's lead, state prisons across the country also adopted new corporate logos and aggressive plans for marketing their prison-made products. The industrial wings of almost every major state correctional system modeled themselves on private factories both in terms of setting production goals and implementing quality-control measures. New Jersey Department of Corrections' factory division, DEPTCOR, decided to market its products with the catchy slogan "And you thought we only made license plates," while Kentucky Correctional Industries sold its prison-made products as "Kentucky's best kept secret."⁹³ This state's prisoners made literally thousands of products for local and state institutions, including "hardwood office suites, metal office systems, bedding, janitorial supplies, signage, embroidery and silkscreen, furniture, refurbishing/reupholster, custom wood, metal storage units, office seating, modular office systems, institutional clothing, institutional furniture."⁹⁴ By 2000, the California Prison Industry Authority, a "\$153-million-a-year conglomerate," held "a virtual monopoly on supplies to state offices ranging from furniture to bumper stickers . . . a vast industrial operation that markets a line of 1,800 products."⁹⁵ The pay that inmates received working for state prison industries varied greatly, but most pay rates hovered around \$0.20 an hour.⁹⁶

In addition to revamping their preexisting prison factories that already sold goods to the public sector, over time an increasing number of state correctional facilities enticed private employers to move their own full-scale manufacturing and service enterprises into penal facilities and run these new factories with prison labor, or to keep their original enterprises but outsource certain tasks to prisoners on a contractual basis. Such private company access to prison labor was allowable only under specific contracts approved by the PIE program. This program mandated, among other things, that inmates who labored for a private enterprise were to be paid at least the federal minimum wage while the state, in turn, was allowed to deduct taxes, room and board, contributions to a victims' compensation program, and family support from those wages.

From the states' perspective, these arrangements were perfect, and the good news for them was that "all States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and all units of local government authorized

92. K. Daniel Glover, "Prison labor program under fire by lawmakers, private industry," *National Journal*, April 12, 2004.

93. DEPTCOR, www.state.nj.us/deptcor/index.html.

94. Kentucky Correctional Industries, kci.ky.gov/kci_products.htm.

95. Mark Gladstone, "California and the West: The Debate over Jobs in Prison," *Los Angeles Times*, April 3, 2000.

96. T. Chang and D. Thompkins, "Corporations Go to Prison: The Expansion of Corporate Power in the Correctional Industry," *Labor Studies Journal* 27, no. 1 (Spring 2002): 45–69.

by law to administer prison industry programs are eligible to apply for [PIE] program certification.”⁹⁷ For the private companies, the benefits were equally clear. One report published by the National Institute of Justice explained that “some positive features of these collaborations [between private industry and prisons] include: A cost-competitive, motivated workforce. . . . Financial incentives, including low-cost industrial spaces and equipment purchase subsidy, that are offered by corrections officials. . . . Safe work environment due to the presence of security personnel and a metal detector that keeps weapons out of the shop area.”⁹⁸

The New Era of Prison Privatization

Not only did the 1979 revolution in prison-related legislation fundamentally alter the way in which federal and state prisons operated and intersected with for-profit businesses, it also paved the way for prisons themselves to be privatized and operated as for-profit entities. As states began to feel the financial pinch of the incarceration boom of the 1980s, contracting with private companies both to build new prisons and to manage facilities became increasingly attractive.

One of the first major private companies to get into the prison-building and management business was Corrections Corporation of America Incorporated (CCA). The CCA was founded in 1983 but very quickly became the sixth largest corrections system in the nation, behind only the federal government and four states. CCA was also one of the first to create labor partnerships between private prisons and private manufacturers via PIE. According to CCA, it developed “work programs that offer offenders meaningful work and employment opportunities that enhance existing skills and teach new ones that are especially marketable in today’s workplace.”⁹⁹ Between 1996 and 1997, “CCA’s revenues increased by 58 percent, from \$293 million to \$462 million. Its net profit grew from \$30.9 million to \$53.9 million.”¹⁰⁰ By 1997, this private corporation was “managing more than 50 percent of all beds under contract with such providers in the United States.”¹⁰¹

One of CCA’s closest competitors, Wackenhut Corrections Corporation (WCC), became the nation’s second-largest for-profit prison operator in 1984, and by the close of 2002, it “had received 59 awards/contracts representing 69 correctional/detention facilities in the United States” and other countries.¹⁰² By no means were

97. Bureau of Justice Assistance fact sheet, Prison Industry Enhancement Certification Program, November 1995, www.ncjrs.gov/txtfiles/pie.txt.

98. George Sexton, *Work in American Prisons: Joint Ventures with Private Sector* (Washington, DC: National Institute of Justice, U.S. Department of Justice, Office of Justice Programs, 1995).

99. “Corrections Corporation of America on Pre-release and Reentry Services,” www.correctionscorp.com/static/assets/09-0910-ResearchInstitute-WhitePaper.pdf.

100. Angela Y. Davis, “Masked Racism: Reflections on the Prison Industrial Complex,” *Color Lines*, September 1998.

101. “About CCA,” www.correctionscorp.com/about/.

102. Wackenhut Corrections Corporation, Organizational Profile, April 14, 2003, www.psir.org/justice/PPR155.1.htm.

WCC and CCA the only private companies profiting from incarceration and prison labor in the late twentieth century. The first private prison complex actually dated “to 1975, when RCA (now General Electric) established the Intensive Treatment Unit, a 20-bed, high security, dormitory style training school for delinquents at Weaversville, Pennsylvania.”¹⁰³

Still other private-sector companies decided to partner with various governmental interests to build prisons rather than run them. One of the largest prison-building joint ventures in the private sector, leading to a “\$40 million medium-security prison in Colorado,” took place “between American Correctional Systems, Inc. (design and management), the huge Bechtel Group, Inc. (construction), South Korea’s Daewoo International Corporation (finance), and the international finance company Shearson Lehman Brothers, Inc. (underwriting).”¹⁰⁴ By the 1990s, a host of investment houses were in the business of financing the private prison boom at both the state and federal level. Firms such as Goldman Sachs, Merrill Lynch, and Lehman Brothers were underwriting “between two and three billion dollars in prison construction bonds” every year of the 1990s.¹⁰⁵

The Return of Prison Labor and the Fate of the American Working Class

Together, new legislation such as the Justice System Improvement Act, new federal programs such as PIE, and state and federal corrections systems’ new desire to privatize their prisons created a new era of forced labor for America’s inmates. Its fundamental elements, however, eerily echoed the previous exploitative and brutal era of prison labor that had flourished in America from 1865 through the New Deal. In one PIE program run out of San Diego’s Richard J. Donovan State Correctional Facility outside San Diego, prison laborers who sewed “T-shirts for Mecca, Seattle Cotton Works, Lee Jeans, No Fear, Trinidad Tees, and other U.S. companies” felt that the California Department of Corrections was “operating a sweatshop behind bars.” Not only were these inmates forced to work in cramped quarters that harkened back to those suffered by textile workers in the nineteenth century, but these prisoners reported that they were often not paid what they were owed and, worse, that they were being forced to commit illegal acts—replacing “Made in Honduras” labels sewn to already-made garments with “Made in U.S.A.” tags before they went out for sale in stores around the country.¹⁰⁶ Inmates were forced to endure dangerous working conditions as well. Prisoners at the Elmore Correctional Facility in Alabama were told to

103. Charles Van Eaton, “Current Private Sector Involvement in the Corrections System,” April 1, 1989, Mackinac Center for Public Policy, www.mackinac.org/6301.

104. Dana Joel, “A Guide to Prison Privatization,” Heritage Foundation, May 24, 1988, 4.

105. Christian Parenti, “The Prison Industrial Complex: Crisis and Control,” *Corpwatch*, September 1, 1999; Karen Juanita Carrillo, “Locking Away Profits: Capitalizing on Immigrant Detention Centers Had Turned into a Booming Business for Lehman Brothers,” *Color Lines*, September 2002.

106. Julie Light, “Look for that Prison Label—Inmate Work Programs Raise Human Rights Concerns,” *Progressive*, June 2000.

handle hazardous materials with their bare hands without access to the “puncture-resistant gloves, face masks, eye goggles and tools” that the Occupational Safety and Health Administration (OSHA) required for workers on the outside.¹⁰⁷

The re-embrace of prison labor, both in the American criminal justice system and in the private sector, had negative consequences for prison guards as well as inmates. They, too, found themselves scrambling to maintain decent working conditions, and they also had watched their power erode. Take, for example, the situation faced by prison guards in UNICOR facilities that had partnered with companies such as Dell to recycle computers. At its Marianna, Florida, facility, neither inmate workers nor guard foremen were protected by basic OSHA standards in the prison workplace, and thus both were surrounded by serious toxins on a daily basis. As several labor journalists reported, prisoners were told to take truckloads of computers and “break them down for parts that could be reused or sold, such as processors or cathode ray tubes (CRTs).” However, no one provided them with the proper tools or protective gear, so “often the computers or monitors would have to be broken apart with hammers to retrieve salvageable parts, which released a thick cloud of dust” so pervasive that corrections employees could “write letters on our [car] hood and on our back” outside in the prison parking lot.¹⁰⁸ This dust was filled with cancer-causing and radioactive poisons that were, in time, making guards as ill as prisoners.

Not only did guards as well as inmates suffer the poor working conditions, which too often became synonymous with running prison factories for profit, but they also felt the pinch as state and federal prisons grew increasingly interested in balancing budgets and cutting costs. These cuts exacerbated already stressful work lives. Rather than authorizing much needed overtime pay, “the Department has recently been taking steps in the opposite direction, trying to cut back on its overtime budget. This only puts officers in more danger,” one guard pointed out.¹⁰⁹ An important aspect of the American correctional system after 1979 was that it shared with private enterprises an antilabor, anti-union worldview and had, like private-sector employers, been seeking to weaken guards unions for decades.

Thanks to the antilabor pressures of private corrections employers, at Walpole prison the guards union was a shadow of its former self by the 1980s, and it lost more ground thereafter. Many officers had come to view it as little more than a “toothless puppy” in part because the union had been forced to sign contracts with management that overtly “favored the state, undermining the bargaining position of its employees.”¹¹⁰ One guard discussed the contract that AFSCME Council 93 had negotiated

107. Bruce Geiselman, “Working Conditions to Improve for Alabama Prisoners,” *Waste News*, January 21, 2002.

108. Brendan Sample, “Prisoners Exposed to Toxic Dust at UNICOR Recycling Factories,” *Prison Legal News*, January 2009; Anne-Marie Cusac, “Toxic Prison Labor,” *Progressive*, March 2009; Elizabeth Grossman, “Toxic Recycling,” *Nation*, November, 21, 2005.

109. McLaughlin, Dynda, and Jamison, *Screw*, 88.

110. *Ibid.*, 35, 77.

for its forty-eight thousand members: “This contract is a disgrace. . . . It erodes our ability to negotiate on wages, benefits, and safety.”¹¹¹ Guards in federally run institutions increasingly found themselves facing worsening conditions, and their union leaders had tougher challenges as well. Bryan Lowry, president of the American Federation of Government Employees, Council of Prison Locals, noted, “We are short almost 15 percent in the amount of staff working in our nation’s prisons. Budgets always seem to be tight. While other law enforcement agencies such as the FBI, Border Patrol, Ice and others have grown, funding for the Bureau of Prison’s has stayed relatively flat in the amount of staff to handle the increasing numbers of inmates.”¹¹²

Interestingly, guards employed by private prisons seem to fare worse than those employed by the public sector. According to the studies done by the National Council on Crime as well as figures posted in *Corrections Yearbook*, “the average turnover rate for correctional officers in for-profit prisons was 41.2 percent, compared to 14.9 percent in publicly run prisons,” in part because “for-profit prisons have lower staffing, lower salaries, and higher rates of assaults on staff and inmates than public facilities.”¹¹³ Private prisons actively sought to keep out guard unions and instead lured corrections officers away from state-run facilities with offers of “short-term bonuses and pay raises.” As one AFSCME official noted sadly, private prisons offer new guards “five thousand dollars up front; five thousand if they stick it out for a couple years. That buys a pickup truck. The young ones, not thinking about retirement, they’re easy prey.”¹¹⁴ Notably, “unlike the unionized state prison guards,” these private prison guards would never see things like “a generous, and guaranteed, pension package.”¹¹⁵

In ways that have been slow to see, the post-1970s backlash against labor activism in prisons, and the subsequent public and private employer recommitment to prison labor, also had dire implications for the rest of the American working class—both unionized and unorganized. As had happened when private enterprises partnered with public correctional systems to exploit a largely African American prison workforce for profit in the first three decades after the Civil War, four decades after the Second World War America’s working class paid a price when this partnership was resumed and prisoner workers were once again considered profit-generating gold.¹¹⁶

111. *Ibid.*, 78.

112. American Federation of Government Employees, Council of Prison Locals, Bryan Lowry, president, opening testimony before House Appropriations Subcommittee, CJSS, March 10, 2009, www.cpl33.org.

113. Camille Camp and George Camp, *The Corrections Yearbook* (Middleton, CT: Criminal Justice Institute, 1998), 150, 401; “The Record: For Profit Prisons Threaten Public Safety,” AFSCME, www.afscme.org/private/evid06.htm.

114. Sasha Abramsky, “Incarceration, Inc.: Private Prisons Thrive on Cheap Labor and the Hunger of Job-Starved Towns,” *Nation*, July 19, 2004.

115. *Ibid.*

116. Timothy Flanagan and Kathleen McGuire, “A Full Employment Policy for Prisons in the United States: Some Arguments, Estimates, and Implications,” *Journal of Criminal Justice* 21, no. 2 (1993): 117–30. Also see Darren McDermott, “Economists Join Debate on Prison Work—Conference to Mull Social, Economic Sides of Issue,” *Wall Street Journal*, May 20, 1999.

South Carolina was one state that increasingly courted private employers after the 1970s at the expense of jobs for workers on the outside. When an Ohio-based Fortune 500 company, Escod Industries, opened a manufacturing facility in South Carolina's Evans Correctional Facility, its inmate-workers "assembled \$1 million worth of electronic cables" in one year alone, which otherwise would have been made by workers on the outside. Escod sold these cables to "corporations like IBM and the Canadian-based Northern Telecom Corporation."¹¹⁷ Jostens, Inc., the company that provides graduation paraphernalia to educational institutions all over America, also opened a plant in South Carolina. This plant was inside of a women's prison, and thus inmates, rather than members of the International Ladies Garment Workers Union (ILGWU), would "sew, inspect, sort, and package graduation gowns . . . [working] a 40-hour week, 8 ½ hours a day Monday through Thursday, and 6 hours on Friday."¹¹⁸ Other potential ILGWU jobs went to prisoners in South Carolina's Leath Correctional Facility, which had lured Third Generation, a garment manufacturer that made clothing for large retail firms such as JC Penney and Victoria's Secret, with promises of a reliable and inexpensive workforce. Prisoners made that company \$1.5 million worth of attire.¹¹⁹ Construction workers also lost jobs to prisoners in a South Carolina facility when Anderson Hardwood Floors opened a factory inside of the Tyger River Correctional Institution. The company CEO stated, "Turnover used to be a huge problem for us . . . [and] in prison we hardly have any."¹²⁰

Prisons in the West also expanded their productive capacity dramatically as the twentieth century wound down, making goods that for decades had been made by factory workers on the outside. According to Jobs with Justice, these goods included "all the furniture (including desks and chairs) in our public higher education system (UW, WSU, TESC, etc.), the signs at Safeco field (Microjet, Monroe), United Airlines reservations (Monroe), Levis Jeans (Clallam), Starbucks packaging (Monroe), Nintendo packaging (Monroe), Sees Candies, Western Optical Eyeglasses, Mortgage Lending, Duffle Bags, Jostens' caps and gowns, Chairs (Compuchair, Monroe), [and] Bob Barker shoes (Monroe)."¹²¹ Service-sector businesses also gravitated to prisoner-workers instead of workers on the outside. Trans World Airlines, for example, decided to move its reservations center into the California Youth Authority's Ventura Training School for youthful offenders after it saw how successfully Best West-

117. Sexton, *Work in American Prisons*, 7.

118. *Ibid.*, 10.

119. *Ibid.*

120. Nicholas Stein, "Business behind Bars," *Fortune*, September 15, 2003, 161–66; H. Miller, "Inmates Build New Lives from the Floor Up: Anderson Hardwood Floors' Partnership with a South Carolina Prison Gives Prisoners a Chance to Gain Woodworking," *Wood and Wood Products*, June 2003, 65–71.

121. "Criminal Justice Reform," Washington State Jobs with Justice, www.wsjwj.org/priorities/criminal_justice.asp; Caroline Winder, "Lingerie and Bullwhips: A Peek at the Fruits of American Prison Labor," *Mother Jones*, July/August 2008, 55.

ern hotels utilized prisoner workers in the Arizona Correctional Facility for Women in Phoenix.¹²²

In the Midwest and Northeast, partnerships between state departments of corrections and private companies resulted in job losses for workers on the outside as well. In Michigan, workers who had jobs making furniture for \$5.65 per hour at the Brill Manufacturing Company furniture plant lost their positions when the company realized that it could hire state prison inmates for \$0.56 to \$0.80 an hour instead.¹²³ In Connecticut, the correctional institution at Somers successfully persuaded the nation's largest emblem embroiderer, Lyon Brothers Manufacturers, to have its inmates make the thousands of baseball caps (worn by Midas Muffler mechanics, police officers, and Little League World Series players around the country) rather than rely on workers on the outside.¹²⁴

This new era of prison labor not only increased the profit margins of private companies but also greatly facilitated their efforts to undermine free-world workers' attempts to unionize. One poultry company that faced the possibility of its employees unionizing turned to inmates at the Angola State Penitentiary in Louisiana to debone their chickens for \$0.04 an hour instead.¹²⁵ In Arizona, already unionized jobs were jeopardized when commissioners in one county considered a plan to have inmates do one-third of the janitorial work at county buildings, landscaping and mowing at fifty locations, and all of the window cleaning and pressure washing. If that proposal had been enacted, twenty-five to thirty union janitors employed by Everclean Maintenance and ServiceMaster and represented by SEIU Local 49 would have been laid off, as would have a number of maintenance workers represented by AFSCME Local 88.¹²⁶ In Illinois, representatives from the Food and Commercial Workers (UFCW) Local 881 and Electrical Workers (IBEW) Local 701 charged that retailer Toys "R" Us's "use of prison labor denied job opportunities to law abiding citizens in an area with high unemployment. It also gave the store an unfair advantage because the prisoners require no benefits."¹²⁷

In effect, by the late twentieth century, prisons had become the new American sweatshops—low-cost workplaces where employers could exploit a contained and more docile workforce and avoid the tariff and transportation issues of sending

122. Sexton, *Work in American Prisons*, 11–12.

123. "Prison Labor, Prison Blues," AFL-CIO label letter, December 16, 1995, www.hartford-hwp.com/archives/45b/153.html.

124. Sexton, *Work in American Prisons*, 13.

125. Ray Jones, "U.S. Prison Labour—A Return to Slavery?," *New Worker Features*, February 26, 2010, <http://newworkerfeatures.blogspot.com/2010/02/us-prison-labour-return-to-slavery.html>.

126. Don McIntosh, "Sheriff Noelle Wants County Prisoners to Replace Union Janitorial Workers," *Northwest Labor Press*, June 6, 2001.

127. "Prison Labor, Prison Blues," AFL-CIO label letter, December 16, 1995, www.hartford-hwp.com/archives/45b/153.html.

their manufacturing or service tasks to China or India. In a discussion of an embroidery factory in a Georgia prison run by textile maker Exchange Group, Inc., labor-movement critiques noted that the law gives “companies that hire prisoners a huge competitive advantage.”¹²⁸ Simply put, “the 23 cents to a few dollars per hour that inmates are paid for data entry is nothing compared with the \$8 to \$12 per hour that workers in the free world get to do the same job.”¹²⁹

From the Labor History of Inmates and Guards to the Future of the American Working Class

Although inmates, guards, and the American working class in general paid a high price once prison labor again became an important feature of the American economy, there is some evidence to suggest that the seeds are already being sown for a new era of resistance to this inherently exploitative labor system. From inmates’ renewed efforts to be heard as prisoner-workers, to public-sector unions’ renewed commitment to serving guard needs, to organized labor’s increasing recognition that it has a stake in addressing the prison labor problem, to community activists’ efforts to bring greater attention to what goes on behind prison walls, it is clear that the issue of prison labor is once again on the national radar screen.

Although they have not yet succeeded, it is important to point out that inmates are again trying to form inmate unions in states including Ohio, Texas, and Missouri. Inmates in Missouri formed an organization called the Missouri Prison Labor Union. Although it is not a formally recognized bargaining agent for inmates, nevertheless it had attracted five hundred members by the year 2000. One of this group’s most central demands was that inmates be paid the federal minimum wage for the labor they perform while incarcerated.¹³⁰ Similarly, prisoners in Texas have formed an organization called the Texas Prisoners Labor Union so that they might “provide Inmate Laborers with a social and political forum from which to promote principles of social justice in a manner consistent with unions rights . . . [and to] negotiate collective bargaining for improved working and living conditions, wages, and rehabilitative programs.”¹³¹ Prisoner laborers are also engaging in collective work stoppages once again, and at times they have even found some support from activists on the outside. When prisoners working for the Minnesota Department of Corrections’ industrial division, MinnCor,

128. Pat Beall and Chad Terhune, “Job Program at Prison Draws Fire,” *Wall Street Journal*, January 15, 1997.

129. Kim Nash, “Prison: Employment Opportunities of the Future,” *Computerworld*, www.worldfreeinternet.net/news/nws108.htm.

130. Carlos Tejada, “A Special News Report about Life on the Job—and Trends Taking Shape There,” *Wall Street Journal*, August 22, 2000.

131. Ricky L. Long, “The Texas Prisoners Labor Union,” www.lampofhope.org/tdrj7g.html.

went on strike in the 1990s, for example, they “were supported by the A Job Is a Right Campaign, which also passed a resolution supporting prisoners’ unions.”¹³²

Guards have also been trying to change the course of their labor history. Frustration with the lukewarm support they received from public-sector unions in the 1980s led many guards to abandon the labor movement and misguidedly join correctional officer associations that supported “tough on crime” conservative politicians in an effort to protect their own jobs. However, other guards remained with public-sector unions and redoubled their efforts to hold on to decent wages, solid pensions, and safe and humane working conditions.¹³³ When guards who worked for the private prison chain CCA were forced to work off the clock, for example, they immediately initiated a class-action lawsuit that eventually netted them a \$30,000 settlement.¹³⁴

Public-sector unions such as the AFSCME and the SEIU have noticed that prison guards are newly determined to improve their working conditions, and thus these organizations in turn have begun to support such efforts. In 1993, the AFSCME formed AFSCME Corrections United (ACU), a new unit specifically committed “to representing 60,000 corrections officers and 23,000 corrections employees in their fight for rights on the job and in the political sphere.”¹³⁵ Its mission is to join “forces in a labor union to fight for better pay and benefits, for safe workplaces, and to uphold the standard of professionalism in our field,” which meant, among other things, lobbying for federal legislation that would force “all states to create a mechanism to allow public safety officers, including corrections staff, to unionize and bargain collectively.”¹³⁶ The AFSCME has also begun working hard to bring state legislatures’ attention to the fact that “low pay and fear are driving guards to quit, leaving fewer guards, and causing more fear and more walk-offs in an increasingly dangerous cycle.” In states such as Texas, they have fought to “get a raise for the guards,” who earned a yearly salary of only \$26,727 in 2000.¹³⁷ Correction officers have noticed these efforts. One

132. Source quoted in Blankenship, “Revisiting,” in Sarat, *Crime and Punishment* (A Job Is a Right Campaign, n.d.).

133. The two best examples of this were the New York guards, who had for years been in Council 82 AFSCME but eventually left for the more conservative New York State Correctional Officers and Police Benevolent Association (NYSCOPBA), and the California guards, who had been represented by California State Employees’ Association since the 1950s but in the 1980s reorganized themselves as the far more conservative California Correctional Peace Officers Association (CCPOA); see www.nyscopba.org/home and the Institute of Governmental Studies, University of California, Berkeley, “California Correctional Peace Officers Association,” www.igs.berkeley.edu/library/research/quickhelp/policy/social/ca_prison_union.html#Topic2. For a recent treatment of one of the nation’s largest guard unions to have taken a more conservative path than traditional guard unions, see Joshua Page, *The Toughest Beat: Politics, Punishment, and the Prison Officers Union in California* (New York: Oxford University Press, 2011).

134. Matt Kelley “Prison Company Settles Labor Suit,” Change.org, September 6, 2009, http://criminaljustice.change.org/blog/view/private_prison_co_settles_labor_lawsuit.

135. AFSCME Corrections United, www.afscme.org/workers/67.cfm.

136. Ibid.

137. Molly Ivins, “Prison Riots Wait for No Candidate.” Working for Change, www.workingforchange.com/printitem.cfm?itemid=677.

correction officer from Waupun prison in Wisconsin was particularly grateful to the AFSCME for giving guards “the necessary resources and manpower to aggressively fight privatization.”¹³⁸

The SEIU has also stepped up efforts to represent correction officers. The SEIU worked hard to get Wackenhut Corporation to recognize it as the “exclusive” collective-bargaining representative for corrections personnel in that company. When Wackenhut “decline[d] to enter into such an agreement,” the SEIU refused to back down. Prison employee members of SEIU Local 1000 see the union as their protection against department of corrections officials’ efforts to make their jobs harder and more dangerous. Tom Colpitts, a supervising cook at a California youth facility, claims, “Everything is a fight. We have to fight our own managers just to be able to do the work we’re supposed to do.”¹³⁹ At another youth facility, nurse Sean Gruell, concurred. “Administrators force us to do duties outside of our job classification and in some cases our safety is compromised.”¹⁴⁰ California Department of Corrections teacher Virginia McGregor joined the SEIU because “we can’t express our opinions or disagree with administrators without fear of retaliation. They act like they own us.”¹⁴¹ Over time, SEIU Local 1000 has come to represent more than eleven thousand workers in nine separate bargaining units.¹⁴²

The American Federation of Government Employees (AFGE) is also a newly powerful labor organization for prison guards—in this case, those who work for the Federal Bureau of Prisons. The AFGE became “the largest federal employee union, representing 600,000 workers in the federal government and the government of the District of Columbia,” and the AFGE Council of Prison Locals 33 represents correction officers specifically. This union became particularly concerned about how much forced overtime Bureau of Prisons correction officers endured and took this up as a major issue with prison management. One AFGE article explained:

In no other profession is there such a high turnover rate requiring so much forced or mandatory overtime on its personnel. It was not uncommon for the entire third shift officers to be mandated to stay for the entire first shift 5 days a week making for an 80 hour work week. 40 plus hours of overtime a pay period was the normal not the unusual and after a while you began to hate telephone calls after 4:00 in the morning. . . . Many correctional professionals will attest that sleep deprivation from shift work may lead to occurrences that jeopardize not only themselves, but also other officers and inmates. . . . Shift working correctional officers affected by sleep deprivation experience a greater incidence of diarrhea, constipation, ulcers, and heartburn. As if this were not enough, their risk of cardiovascular disease is increased

138. “What ACU Has Done for Us,” www.afscme.org/acu/testify.htm.

139. “CDCR Workers Speak Out,” SEIU Local 1000, http://111.seiu1000.org/cdcr_pages.cfm.

140. *Ibid.*

141. *Ibid.*

142. *Ibid.*

by [*sic*] to 50 percent. . . . So administrators you now have to calculate more than the financial cost of forced or mandatory overtime at your facilities.¹⁴³

Not only have public-sector unions stepped up their efforts to represent prison employees so that they can better withstand exploitation from departments of correction, but at least some segments of the American labor movement have come to see their own stake in regulating prison labor and have begun to mobilize against both prison labor and prison privatization. Washington State Jobs with Justice began a major criminal justice reform campaign in the mid-2000s, for example, that focused particular energy on the problem of prison labor for the American working class. As this organization noted, “Fifteen private companies are currently operating within the state prison system and using inmate labor. . . . Our state legislature has set ever higher annual benchmarks of recruiting corporations to use prison labor [but] taxpayers subsidize the companies in the program, which aren’t required to pay for inmates’ housing, living costs, health insurance, or retirement. Company costs for electricity and water are also covered by the state.”¹⁴⁴ This, they argue, “unfairly takes jobs from the free world working class.”¹⁴⁵ In November 2001, Jobs with Justice “helped to sponsor and organize a regional summit conference to begin building a coalition” that included “over 250 committed activists attending, 50 endorsing and sponsoring organizations, and 30 presentations on a wide variety of criminal justice issues.”¹⁴⁶ The Seattle Construction Building Trades Council participated in that summit, pitching “apprenticeships as alternatives to incarceration.” The American Federation of Teachers (AFT) Local 1789 and the Coalition of Labor Union Women (CLUW) also took part, as did the King County Labor Council (KCLC), the Out Front Labor Coalition, the Asian Pacific American Labor Alliance (APALA), and SEIU Local 6.¹⁴⁷ Nationally, the AFL-CIO has begun to speak out against the competitive threat of prison labor, as has the Coalition of Black Trade Unions (CBTU).¹⁴⁸

Community activists have also been increasingly active in the fight against exploitive prison labor and privatization. In 2003, for example, an activist organization called Critical Resistance held a conference in New Orleans that attracted more than fifteen hundred people. At this gathering, “proposals for how to collectively resist this

143. Tracy E. Barnhardt, “Mandatory Overtime = Sleep Deprivation,” *Corrections.com*, January 11, 2010, www.corrections.com/articles/23187-mandatory-overtime-sleep-deprivation.

144. “Criminal Justice Reform,” Washington State Jobs with Justice, www.wsjwj.org/priorities/criminal-justice.asp.

145. *Ibid.*

146. *Ibid.*

147. *Ibid.*

148. Mike Hall, “AFSCME Blocks Prison Privatizing Profiteers,” January 19, 2010, <http://blog.aflcio.org/2010/01/19/afscme-blocks-prison-privatizing-profiteers>; Stefanie Kelly, “Nothing to Lose but Their Chains: Prison (and) Labor,” *Color Lines*, September 1998.

nation's reliance on prisons, policing, and forms of surveillance . . . were explored and debated through over 100 workshops, caucuses, performances, films, exhibitions, and informal discussions."¹⁴⁹ That same year, community activists, including environmentalists, protested prison labor outside of the Consumer Electronics Show in Las Vegas because Dell was using prisoners to recycle their computers and those inmates suffered terrible working conditions in the course of that labor. These protesters pointed out that these jobs could have been done by workers on the outside, but Dell would have had to provide a safer workplace.¹⁵⁰

College campuses have also become new sites of anti-prison-labor activism. On March 13, 2000, representatives of Not with Our Money!, a coalition of students opposed to prison profiteering, met with officials from Sodexho Marriott Services to announce that this company would have to stop investing in private prison companies such as CCA or students would prevent it from doing business with universities, from which it makes more than \$1 billion in annual revenues.¹⁵¹ Backing up their claim, students initiated anti-Sodexho campaigns on fifty U.S. and Canadian campuses that contract with Sodexho Marriott Services, such as the State University of New York at Albany, Evergreen State College (Washington), Goucher College, and James Madison University. They also bombarded publications such as the *Observer* (London), the *Nation*, *Mother Jones*, the *Village Voice*, and *Dissent* and wrote "dozens of stories in local and campus papers" to publicize that investing in prisons would be costly for any company that also made money in institutions of higher learning.

Rethinking Working-Class Struggle through the Lens of the Carceral State

Beating back the horrific prison labor practices of the post-1865 United States depended on this very sort of inmate, guard, labor movement, and community activism, and such concerted agitation will be necessary to beat these practices back again. Regulation and reform could not have happened in the mid-twentieth century without inmates fighting back, without prison guards insisting on decent working conditions, without the American labor movement seeing that it was harmed when states and private companies could exploit inmates at will, and without the nation as a whole becoming educated about and speaking out against the abuses that flourished behind prison walls. Inmates and guards have always been workers, members of the broader American working class, and thus their labor history was and still is inte-

149. Rachel Herzing and Melissa Burch, "Challenging the Prison Industrial Complex," *USA Today*, November 2003.

150. Laurie Flynn, "Technology: Dell Stops Hiring Prisoners for Its Recycling Program," *New York Times*, July 4, 2003.

151. Response to Sodexho Alliance Chairman Pierre Bellon from Not with Our Money!, www.uvm.edu/sparc/nwom/sodexho/nwom_release_10102000.html; "Students Win First Round against Prison Investor Sodexho," Press release, Not with Our Money! October 10, 2000, www.uvm.edu/sparc/nwom/sodexho/nwom_release_10102000.html (accessed April 28, 2011); Jennifer Gonnerman, "Food Fight: Students Boycott Campus Dining Halls to Protest Prisons," *Village Voice*, April 12–18, 2000; Carolyn Bigda, "College Students Oppose Private Prisons," *Dollars and Sense*, September–October 2001.

gral to the labor history of all workers in the United States. The time has come to probe more carefully what the labor history of prisons can tell us about the fate of the world's working class. As this essay makes clear, the "hidden" labor history of inmates and guards is a crucially important history that not only allows us to better understand what constitutes the American working class and working-class struggle over time but also helps us to better make sense of why this nation's penal institutions experienced so much upheaval over the course of the twentieth century, why workers outside of prison walls faced an increasingly uphill battle to access and keep decently paying and safe jobs, and what possibilities exist for the American working class as the twenty-first century continues to unfold. ■

