

Prison Work Notes

Neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States.

--Amendment XIII, Constitution of the United States

I am for the abolition of prisons--period. The basic questions I deal with, therefore, are how to conduct a struggle in the squeezed circumstances of incarceration and how these struggles can help bring down the system that makes prisons seem necessary so that part of us locks up another part of us. That discussion can be a part of later Notes. For now I will discuss some aspects of work in prison.

The legalization of slavery in the Constitution means that the state may require convicts to work in prison and may punish them for refusal to work. Generally, the courts have held that prison work assignments do not raise constitutional issues unless prisoners are required to do work that is medically inappropriate, beyond their physical capabilities, or contrary to their religious beliefs. The Constitution is not violated by long hours, low or no pay, disparities in hours or rates of pay, denial of work, removal or reassignment without a hearing. Noted one judge, "The administration of prison work is best left to the reasoned discretion of prison officials." In the states, job safety issues have generally been treated as common-law torts, which state prisoners must pursue in state court, while federal prisoners generally must use the Federal Prison Industries Inmate Accident Compensation System. In both cases, courts have been reluctant to find constitutional violations in the area of work safety.

What prisoners do for work varies from state to state to federal, from prison to prison. Commonly, they work for the prison (e.g., kitchen) or the government (e.g., making license plates, stationary, clothing, furniture). The quantity of work varies greatly. Job shortages are common, leading to jobs being handed out as rewards, taken away as punishment. For decades, due to union pressure, prison production has not competed with 'free' labor. More recently, private corporations have begun to utilize convict labor, paying prisoners "prevailing market wages" for jobs including computer parts assembly. (Business Week, 4/16/85:51) While corporations presumably like to use slave labor, prisons also have been pushed to expand industries by court orders to upgrade rehabilitation efforts--though other courts have ruled prisoners have no right to rehabilitation. What must be in doubt is the ability to extract an 'adequate' profit from cons, a generally work-resistant group.

Why, given low wages and onerous conditions for work, and 'free' meals and bed whether one works or not, do not most prisoners refuse to work? How, that is, do the prisons

make prisoners work?

Most prisoners do not have any money or outside family or support teams, so they have to go all out to get a paying job even if the job pays only pennies an hour. Most smoke cigarettes: a pack can cost more than a days wage. Cable TV, greeting cards, extra food, etc., all cost. Since prison wages don't enable purchase of much of this, many prisoners have to hustle: sandwiches, wine, drugs, porn, prostitution, etc.

All this takes place with the approval and complicity of the prison staff. Who else can smuggle in drugs, cash, etc.? The staff knows full well that, as in 'my own' prison, with only a few jobs and an overwhelming surplus labor force, they can be selective in hiring. They place the slaves who show the promise of peaceful, disciplined workers into the better paying jobs. Once in the job, a lot of cons become pro-institution and put out more work to please the boss.

If a prisoner receives a disciplinary report, the first and foremost thought that pops up in the mind of the person is "I'll lose my job." This fear has become the dominant calculated move by the staff in an attempt to discipline an often hostile, unsure, unskilled labor force. Prisoners who are not part of the 'elite' are not protected in their jobs; the elite are those useful to the staff because of their education, use as informers, help in running daily operations or role in running rackets together with the staff.

But the need for income or retention of 'privileges' is not enough of a weapon for the staff. Most all prisoners are concerned about gaining release. Losing a job means a lessened chance for release or a delayed release. The resulting fear and tension, fights over jobs, etc., enables the guards to keep the prison running with the least amount of trouble.

Prisoners who refuse to work may face consequences beyond those already noted. In Angola, Louisiana, refusal to work on the plantation (literally: sugar helps the state balance its budget) means one is confined to a cell 23-24 hours per day, 7 days a week, years on end. Other prisons are not so severe. But a refusal to perform slave labor marks one as a 'hard core uncooperative potential troublemaker.'

(These prison work notes have been edited from many sent by an incarcerated friend in an east coast prison. May freedom soon come.)