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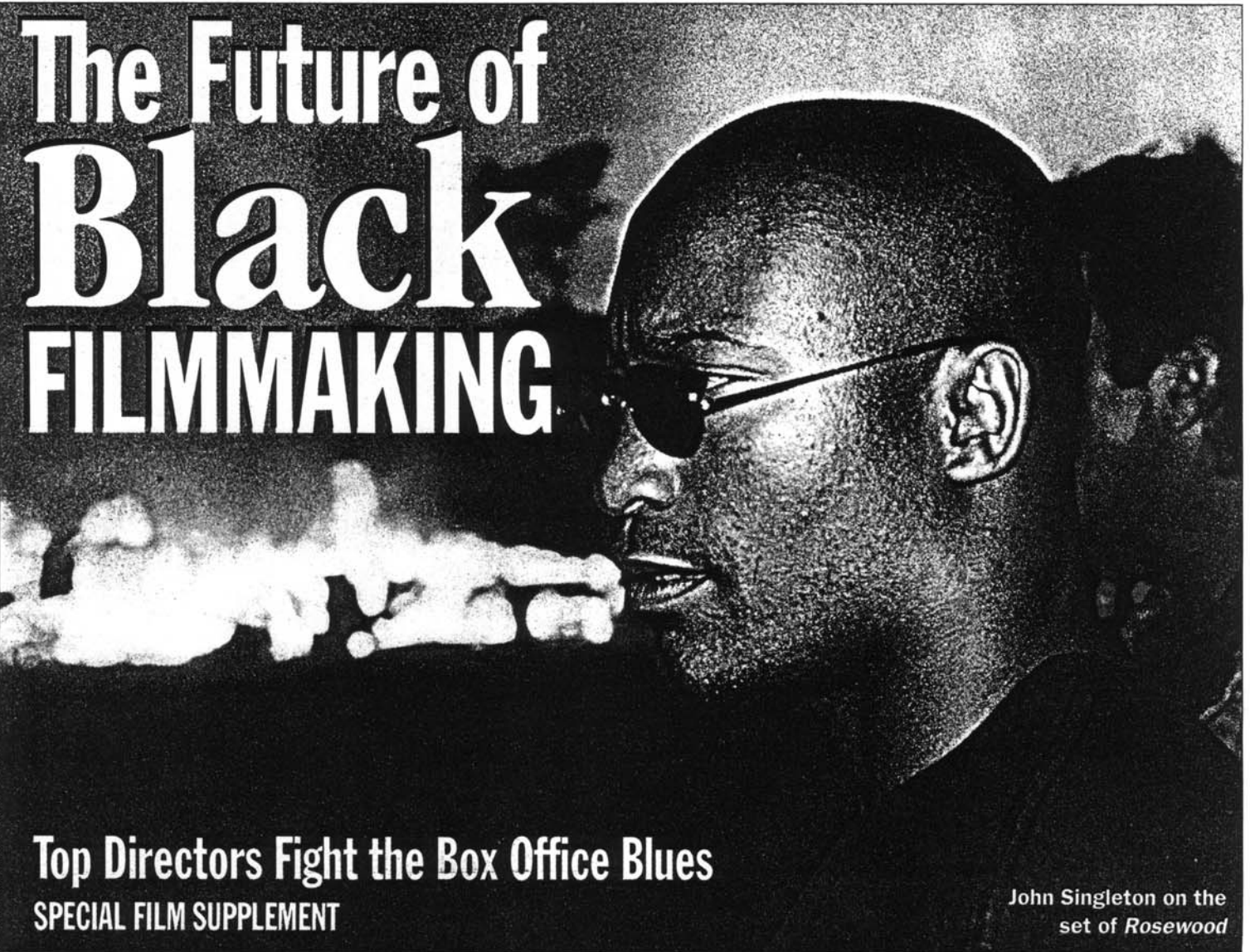
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The Future of Black FILMMAKING



Top Directors Fight the Box Office Blues
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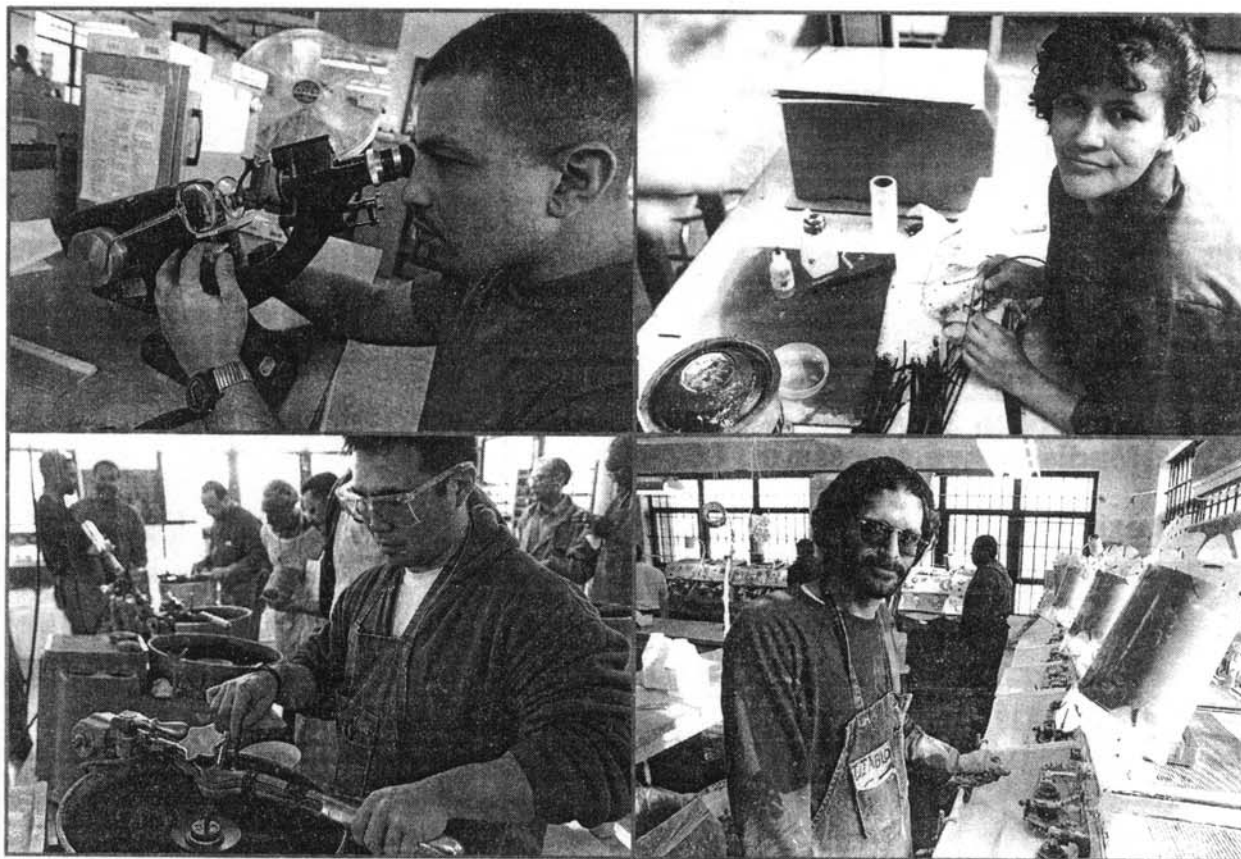
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PRISON LABEL

LOOK FOR THE



AMERICA PUTS ITS INMATES TO WORK

It's midday at the small electric cable factory set in a placid, woodsy nowhere just outside of Danbury, Connecticut. Mayba Hernandez is taking a break from cutting excess plastic off a stack of freshly molded electrical plug endings. Around her, 250-odd other women in khaki uniforms are busy soldering wires and shaping plastic in hot metal presses, making plugs and cables, many for sale to the Department of Defense.

**BY
VINCE
BEISER**

**PHOTOS BY
ANDREW
LICHTENSTEIN**

It's not a bad job, says Hernandez, although she'd rather be working in an office, where it's cleaner. And the pay could be better. Ninety-two cents an hour doesn't go far these days. But then, the employment options are limited where she lives. The factory and Hernandez are both inside a federal prison, where she's doing seven years for conspiracy to distribute narcotics.

Hernandez is a member of a little recognized but rapidly growing contingent of America's workforce: inmate laborers for prison industries. Across the country, thousands of prisoners in state and federal lockups are paid between nothing and \$1.15

an hour to produce well over \$1 billion worth of products and services from office furniture to computer circuit boards to, yes, license plates. Inmates fix government cars in Alaska, paint road signs in Rhode Island, and answer phones for the Department of Motor Vehicles in Manhattan.

A handful of media reports have recently tried to draw attention to the latest wrinkle in convict labor: state prisons have begun encouraging private corporations to get in on the action, with some surprising results. Booked a flight on TWA recently? Your call may have been taken by a young offender in the California Youth and Adult Correctional

Agency. Bought any Microsoft software lately? It may have been packaged by prisoners in Washington State. But private sector prison labor is only the tiniest tip of the iceberg; federal and state governments are far and away the biggest employers of locked-up laborers.

The boom in prison industries echoes the explosion of America's prison population. Driven by massive increases in drug arrests and mandatory sentencing laws, the number of people incarcerated in federal, state, and local correctional institutions has tripled from 500,000 in 1980 to more than one and a half million today. As of June 1995, the state

and federal prisons' population was growing by 245 people *every day*. Roughly in step, prison industries in 1980 employed 31,903 inmates and sold some \$362 million worth of products; in 1994, 72,461 inmates turned out \$1.35 billion worth, according to the Correctional Industries Association.

Corrections officials and supportive pundits and politicians extol prison industries as a

made products on the open market; thenceforth, prison products could only be sold to state agencies. The effect was to all but kill commercial prison manufacturing. It began bouncing back in the early 1980s as corrections officials, scrambling to find ways to cope with the flood of convicts, began expanding their existing industry programs.

In 1984, Congress tentatively reopened the door to the free market by creating the Prison Industry Enhancement Program (PIE). Subject to certain conditions, PIE

allows state-run prison industries to sell their products on the open market, and private companies to hire inmate laborers. Unlike

their jailhouse peers who provide goods for the public sector, inmates in PIE programs must be paid at least minimum wage. But they're not actual-

ly that much better off; most of their earnings are given to victim restitution and family support funds, taxes, and to the prison itself.

This seems like a great deal for businesses: a low-paid, non-unionized workforce that lives right at the factory.

Some also milk it for public relations. "For us it's not an economic issue, it's an

issue of community involvement and doing the right thing," says TWA spokesperson John

MacDonald, enthusing over the valuable training TWA's incarcerated young ticketing agents receive. And in fact, a few companies have given jobs to convicts who worked

for them after they were released.

The prison angle can even be used as a marketing tool, as Oregon's Department of Corrections has discovered. The department's prison industry, UNIGROUP, made \$1 million last year off its line of Prison Blues blue jeans—"made on the inside to be worn on the outside," as their magazine ads say. (Also available: Prison Blues T-shirts with slogans like "Sentenced to Life on Planet Earth.") According to Brian Bemus, administrator for Oregon's inmate work program, Prison Blues are now available in some 300 stores nationwide, and are selling well in Italy and Japan.

Generally, however, the PIE program has attracted less interest than expected. Only about 25 states have so far coaxed private business inside their prison walls (New York is not one of them), and most of those are small local companies making everything from boxer shorts to vinyl waterbeds. All told, 1724 inmates are working for the private sector, generating some \$12 million worth of products, according to Barbara Auerbach.

Prison officials say companies are leery about investing in a production facility inside a prison because of safety and publicity concerns. But the main problem seems to be that, given the extra training and supervision convict workers require, and with lawyer visits, riots, and lockdowns randomly disrupting the workweek, prison labor, even at minimum wage, just isn't much of a bargain. Utah-based Unibase Data Entry, for instance, employs about 100 inmates in Ohio—but more than 1000 workers in Mex-

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way to teach inmates job skills, keep them occupied, and, not incidentally, make some money to pay for the huge costs of incarceration—currently averaging around \$23,000 a year per inmate. "Prison populations are growing like crazy, and so is the urge to keep them busy," says Barbara Auerbach, a consultant to the Justice Department.

Jobs with the industry programs are in high demand among prisoners, enticed by the extra pocket money and a break from the tedium of prison life. "I work overtime every night if I can," says Rosa Francisco, another Danbury inmate doing time on drug charges. "It's something to keep your mind busy. It helps the time go by."

But to labor unions and hundreds of small businesses, prison industries are unfair competition that has already cost them thousands of jobs and millions of dollars in business. Moreover, to some observers, the whole concept of laborers held in confinement looks uncomfortably close to slavery—especially considering that the majority of Americans behind bars are black.

They make millions of dollars off us," says Mayba Hernandez. "For real, I feel we're just helping the government, the army, and the navy. That's who we're working for."

Until the 1930s, almost all American prisoners worked on state-run farms, factories, and public works projects or as laborers hired out to private businesspeople. Under pressure from unions and businesses undercut by unpaid convict labor, however, Congress passed a series of laws essentially forbidding the sale of prison-

ico. "Prisoners are cheaper than civilian workers," says Unibase vice president Lynn Blodgett, "but they're not cheaper than offshore workers."

A growing chorus of conservative zealots wants to change that. Leading the pack is Senator Phil Gramm, who late last year introduced legislation that would have allowed Unicolor, the federal prison industries group, to sell its products on the open market. The legislation wilted in the face of labor and business opposition; undeterred, Gramm tried to make prison industry reform a major issue in his abortive presidential campaign. His approach is simple: abolish all restrictions, including the minimum wage. Let state-run industries sell whatever they can make anywhere they want, and let businesses hire all the convicts they want as cheaply as possible.

"I want to turn every federal prison in this country into a mini industrial park," Gramm thundered in a typical speech at the National Rifle Association's convention last year. "I want prisoners to work 10 hours a day, six days a week and go to school at night. . . Every year, my dear friend Jesse Helms offers an amendment to ban trade with countries that have goods produced by prisoners. And every year I wonder why we can't make our prisoners work."

Advising Gramm on this issue is Andrew Peyton Thomas, a 29-year-old Arizona assistant attorney general who has written a book, *Crime and the Sacking of America: The Roots of Chaos*, on crime and punishment. "No better evidence has yet been adduced to support the platitude that 'idle time is the devil's workshop' than the brutality in U.S. prisons today, where inmates are generally engaged in nothing more ennobling than weightlifting and sodomy," sniffed Peyton Thomas in a *Wall Street Journal* op-ed last spring. "Lots of American companies already employ Chinese prisoners," he says over the phone. "I don't see why they shouldn't hire prisoners here."

These ideas are more popular than one might think. "Many prison industry directors and a lot of state legislators would like to drop the minimum wage requirements," says Auerbach. In 1994, voters in Oregon passed a ballot initiative mandating that every prisoner in the state system be put to work to save the government money, "or so as to achieve a net profit in private sector activities." The Washington State legislature, meanwhile, decreed that the state's prisons must greatly increase their current workforce by the year 2000.

This may all sound good to the righteous citizens of the Pacific Northwest, but such plans are a direct threat to unions and small businesses that make their living from sales to government agencies.

Their top concern is Unicolor, the leviathan of prison industries. Created in 1934, Unicolor now produces more than 150 different goods and services in prisons across the country, from office furniture to pajamas, with sales approaching half a billion dollars annually—double its volume of 10 years ago. This success is no surprise; all federal agencies are legally required to buy from Unicolor if it makes the product they need. Unicolor's board of directors, which is supposed to make sure the group's activities don't overly impact the private sector, recently autho-

rized a further expansion of its output—to the tune of another \$130 million in annual revenue by the year 2000.

Small companies in the government supply business are apoplectic. "This will cause many of our members to lose jobs and several companies to fold up completely, all in the name of keeping prisoners busy," fumes Edward Allen, executive director of the Coalition for Government Procurement, an association of some 300 companies selling primarily to the federal government. "In furniture alone, we've lost over 2000 jobs since the late 1980s. If Unicolor expands as they have proposed, it will cost an extra 3000 jobs. We don't mind fair competition, but it's not fair when your competitor has mandatory preference with the customer and pays their workers less than a dollar an hour."

The Coalition and other groups have lobbied long and hard to limit Unicolor's growth. "Allowing prison-made goods to compete with those made by free labor will inevitably cost money," Segundo Mercado-Llorens, a spokesperson for the United Food and Commercial Workers International Union, told a 1994 congressional hearing. "Every job that is lost by law-abiding citizens due to competition from prison labor means lost tax revenues to the states, increases in some form of public assistance to the unemployed, lost skills to free labor, and heightened cynicism and hostility toward government in general."

Most state governments are similarly required to buy from state-level prison industries, generating the same conflicts on a smaller scale. In Utah, a dozen asbestos-removal companies have filed suit against Utah Correctional Industries for unfairly undercutting their business by snagging a contract to remove all the asbestos

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in a major school district with cheap convict labor. "To me this smacks more of saving the state money than of rehabilitating or training someone," says Steve Crawley, attorney for the asbestos companies. "All they are doing is taking money from one state pocket and putting it in another." In New York, Teamsters chapters have lost highway maintenance jobs to inmates working for Corcraft, New York's state prison industry, says Annmarie Polinsky, director of the New York AFL-CIO's industrial division.

Several union and business groups have suggested prisons move into areas like sorting plastics for recycling, labor-intensive work that is important but almost impossible to do profitably in the free world. "We say it's fine for prisoners to work, but not at the expense of taxpayers," says Sue Perry, executive director of the Prison Industries Reform Alliance, which represents a range of companies and unions dealing with state and federal governments. "We shouldn't punish some woman who has been working at her sewing machine for 30 years so some guy who raped or killed someone can have a job."

Randal Read, a soft-spoken 36-year-old software engineer currently serving three to six years for robbery in upstate New York's Wallkill Correctional Facility, appreciates this point. He likes working in the prison eyeglasses factory but readily admits "the problem with it is we cut into the private market. They pay me 42 cents an hour for what a guy on the outside would get \$15 an hour for. I feel bad about that."

Although all prison industry programs are voluntary, their popularity is growing in part because inmates have fewer options than ever. In an era of hardening attitudes toward prisoners, many educational, drug-treatment, and recreational programs have been slashed or eliminated completely. Work is one of the few alternatives left to sitting in an overcrowded cell all day.

In any case, the Dickensian wages and the fact that the workers are, after all, prisoners, have led some observers to question just what distinguishes prison labor from slave labor. That question took on added bite last year, when the Department of Justice announced that blacks now constitute a majority of the prisoners in state and federal custody.

As City University of New York professor Milfred Fierce spells out in his recent book, *Slavery Revisited: Blacks and the Southern Commitment System, 1865-1933*, around the turn of this century it was common practice for states to lease out their convicts—most of them black—as cheap labor to local employers. When the labor supply ran low it was replenished by simply throwing more blacks in jail on trumped-up charges.

These are more humane times for prisoners, but the parallels are hard to ignore, especially considering the growth of privately run prisons. Private prisons are so far minor players in prison industries, but the whole notion of locking people up for profit sets off alarm bells in the minds of at least some black leaders. Jesse Jackson has taken to inveighing against what he calls the "jail industrial complex." "We must protest prison labor and chain gangs," he told the crowd at the Million Man March.

"Our youth are being locked up for sport and industry." Last December, the Nation of Islam's weekly newspaper, *The Final Call*, ran a front-page article titled "More prisoners, more profits." Black makes hot commodity for corrections industry.

A lot of prisoners buy that. "Most of us in here are minorities," says "Tee," a young black woman doing 10 years for drug trafficking, getting a foot-long screwdriver at her co-workers at the Danbury cable factory. "The government just hauls us in here to make money off us. It's slave labor, exactly. If there were no prison industries, there would be less people getting locked up because the government would just have to feed them."

But isn't she learning valuable job skills that will help her after her release? Tee bursts out laughing at the thought. "I'm not going to do this when I get out!" she says. She was studying business administration before her arrest, she says, and wants to get back into that. "I'm just doing this for the money so I can buy some food that's better than what they serve us here."

Inmates in non-PITF programs around the country have filed numerous lawsuits demanding the minimum wage for their work. All have been rejected by the courts, but the issue has become bothersome enough that Representative Karen Thurman of Florida has introduced a bill to explicitly strip prisoners in state-run industries of the right to a minimum wage.

Nonetheless, prison industries are very popular with prisoners. Most work programs now have waiting lists; currently, around 20 per cent of federal prisoners and 7 per cent of state prisoners work in such programs. The wages may be low, but they are much higher than those paid to inmates doing cleaning, food preparation, or other non-commercial jobs. Most prisoners have a commissary where inmates can buy extra luxuries like sweatpants or candy bars, and many prisoners send part of their earnings home to their families.

Three states even have inmates on death row—presumably in little need of job training—who have opted to work. Twenty-odd death row prisoners do data entry for Tricor, Tennessee's prison industry group. "It's their only chance to get out," explains Patsy Grooms, Tricor's business development manager. "If they don't work, they're locked up 23 out of 24 hours a day. They're the least problematic because they really want to be there."

"The main thing is it keeps you in touch with what it would be like having a job on the outside," says Alfredo Ramirez, a bearded 43-year-old who is serving five to 10 in Wallkill for

assault. Ramirez works in the lens-grinding shop, surrounded by gungling machines fitted with tubes spewing milky water on the whirling metal grinders. Behind him, a barred window looks out over a snowy, tree-dotted field. "Here we feel like we're in the real world

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commercial burglary." "That was all I knew how to do," says Wickers, who sports a tattoo on his arm of a heart with someone's name blacked out. "I came from an abusive family. I was out on the streets at a young age. So every time I'd walk out of here with \$40 in my pocket and the clothes on my back and I'd just wind up back here." Now he's trained in optics manufacture and has saved \$1500. "When I get out I should have almost \$9000," he calculates. "I'll be able to walk out that door, get myself a car and an apartment, and I'll have a foundation to start all over."

The biggest boosters of prison industries, not surprisingly, are prison officials. "The factory is one of the best management tools we could have," says Rick Caron, superintendent of industries at Danbury prison, echoing a point made repeatedly in correctional industry literature. Inmate idleness, it is generally agreed, leads to trouble. "It keeps the prisoners busy and gives them an incentive to behave. If they get into trouble, they lose their job, and the waiting list is one and a half years long right now."

Prison officials also like to talk about how inmates who have worked in prison are more likely to go straight when they get out, although the data to support this idea is hardly overwhelming. The most comprehensive study on the subject shows a 20 per cent lower rate of recidivism among such inmates compared to those who did not work in prison—although prisoners who volunteered for work programs in the first place tend to be the most responsible and stable, exactly the sort who are less likely to return. Defying prison operating costs is also still more of a hope than a reality. Total profits for all prison industries combined in 1994 were only \$27.5 million, a drop in the more than \$20 billion bucket of overall state and federal correctional expenditures. Eleven states actually managed to lose money on their prison industries.

Still, driven by their budgeting inmate populations, prison officials are pushing hard to expand their industries, setting them on a collision course with free labor and business—and an ethical quandary, particularly if Phil Gramm gets his way. "In a seven trillion dollar economy," points out Warren Clinks, a prison labor expert formerly with the Brookings Institution, the billion-plus prison industry output is "a blip. But if you're the one getting shipped, it hurts." And that blip is growing fast.