

# **An Analysis of the Current State of Prison Labor in the United States**

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Prisons and labor have been intricately linked since the very conception of prisons emerged. Within the United States in particular, the modern state of prison labor emerged in the mid-1860s following the abolition of slavery. Since then, prison labor has evolved but continues to exist for the same purpose: exercising punishment and taking advantage of cheap labor. Today, prison labor takes many forms, from partnerships with private corporations to state- and Department of Correction (DOC)- owned industries to internal prison jobs, all ranging from working in fields to call centers to factories. The current state of prison labor exploits incarcerated individuals under the protection of historical, social, and political justifications. However, these justifications should not and cannot be blindly accepted and call for a reexamination of the current state of prison labor.

First, we must establish what the current state of prison labor is. In 1979, the Justice System Improvement Act was passed, ushering in the modern era of prison labor and cementing the intricate and convoluted relationship between the prison system and profit-driven industries, known as the prison-industrial complex. This act includes the Prison Industry Enhancement Certification Program (PIECP); PIECP “is designed to place inmates in a realistic work environment, pay them the prevailing local wage for similar work, and enable them to acquire marketable skills” (“Prison Industry Enhancement Certification Program” 1). However, corporations lobbied to pass a law that allows them to exploit a loophole in PIECP to avoid paying incarcerated workers the prevailing wage. Rather than paying the “prevailing local wage” entirely to the incarcerated workers, wages can be redirected elsewhere, such as building work facilities within prisons and other similar incentive-based options, making prison labor a cheaper alternative in private industry than having to pay the prevailing wage to workers (Thompson 41).

More specifically, the 1995 Prison Industries Act created the “private sector prison industry expansion account.” This allowed money to be deducted from incarcerated workers’ salaries to be reinvested into the growing prison industries. This money could be used to create work facilities, recruit new companies to partner with, and pay for the costs of implementing and growing the program. Thus, corporations using prison labor are able to claim they are paying the prevailing wage but redirect part of that wage towards growing the relationship between prisons and industry and create future opportunities for more prison laborers (Elk 1). Additionally, there are other loopholes that companies are able to take advantage of to pay below the prevailing wage.

For example, many companies will separate workers into two groups, one small group that is formally a part of PIECP and the other that is not a part of PIECP and thus has no legal obligations regarding wage. Further, employers will extend the training period beyond what is necessary, during which they are not required to pay the prevailing wage, and then transfer incarcerated workers to a lower paying job immediately after their training is complete and they would eligible for the prevailing wage (Goodridge 22). Even if incarcerated workers are paid a reasonable wage, they do not see the vast majority of that money due to Legal Financial Obligations (LFOs), in which their wage has to be given, at least in part, to programs such as victim restitution funds, family support, and offsetting their own cost of incarceration, including room and board (Elk 1).

Additionally, there are no federal protections regarding wages paid to incarcerated workers, so each state is able to make its own standards and regulations regarding wages paid to incarcerated workers for jobs within the prison and state-owned businesses. Some states, such as Alabama, do not pay for regular non-industry prison jobs (Sawyer 1). In 2017, the average across

all states for incarcerated workers was 0.14 cents per hour to 0.63 cents per hour. For jobs in state-owned businesses, called “Correctional Industries,” average wages were only slightly higher, ranging from 0.33 cents per hour to \$1.41 per hour (Sawyer 1).

In addition to little to no wages and lack of federal minimum wage protection, incarcerated workers are not protected by other federal labor standards, such as the Civil Rights Act, the Fair Labor Standards Act, and the National Labor Relations Act because prisoners are not legally recognized as “employees” (Benns 1); courts have justified this by claiming that the relationship between incarcerated workers and their prison-affiliated employers is not purely economic in nature and thus is not the nature of employer-employee (Benns 1). This lack of legal recognition as employees has far-reaching consequences. For example, in the case of *Alexander v. Ortiz*, Kendall Charles Alexander, Sr., a Black incarcerated man, claimed that his workplace supervisor discriminated against him on the basis of race. However, the judge never even brought the case to trial because Alexander was an incarcerated worker and consequently did not have the protections afforded to non-incarcerated workers because he was not legally an “employee” (Blanchard 1).

Another challenge related to this lack of recognition as an employee is the inability to organize due to the threat of harsh punishment because the ability to organize is protected by these federal labor statutes. There have been attempts at organizing for fair labor standards and wages by incarcerated workers but most have been met with backlash. For example, the Free Alabama Movement is a movement started by three incarcerated workers that led the 2016 U.S. prison strike in conjunction with the Incarcerated Workers Organizing Committee; 24,000 prisoners in 24 states participated in the strike against prison slavery, making it the largest known prison strike in U.S. history (“Free Alabama Movement” 1).

Many individuals have been placed in solitary confinement following this, likely as a result of their involvement with the Free Alabama Movement, as they were moved to solitary confinement without a stated reason or infraction other than “preventative measures.” The “Free Alabama Movement 3” helped start the movement by leading the first work-stoppage strikes and publicly shared videos regarding abusive conditions in their Alabama prison in the beginning of 2014; they were placed in solitary confinement “indefinitely” following the strikes and are still currently in solitary confinement today (Hedges 282). Additionally, as recently as April of 2019, 10 Alabama prisoners involved with the movement were inexplicably transferred and then placed into solitary confinement (Rakia 1). Thus, it is clear that though incarcerated workers may take the initiative to organize and protest unfair work conditions, doing so is an incredible risk due to the possibility of harsh punishment, such as solitary confinement, due to the nature of the prison environment and lack of protections for incarcerated workers.

Another key component of modern day prison labor system is the prison-industrial complex as a whole, in which the government and corporations use prison labor to increase profits, and citizens have no choice but to use and buy the products that this labor produces. Due to cheap labor and the lack of protections for workers described above, prison labor is often an attractive choice for corporations who are concerned about profits and their bottom line. Companies such as IBM, Microsoft, AT&T, Hewlett-Packard, Macy’s, and Target rely on prison labor to increase their profit margins and keep their products relatively inexpensive (Peláez 1). In addition to private corporations, the government also makes money off of prison labor, with many states having “Correctional Industries” (CI); CI is typically a bureau within the state’s DOC that is a “unique blend of business and government” and sells products made by incarcerated workers to nonprofits and government agencies (“Welcome to West Virginia

Correctional Industries” 1, “Pennsylvania Correctional Industries” 1). Incarcerated workers typically make cents per hour, as discussed above, yet the products are sold for much higher rates; the profits go directly back to the DOC and specifically the CI.

For example, in Washington state, Washington CI generates up to \$70 million in sales per year with around 1,600 incarcerated workers, making it the 4th largest prison labor program in terms of revenue (Berens 1). Many of these items, primarily furniture, are marked up and sold to customers who do not know the source of such products. Additionally, in Washington there is a law that mandates that state agencies and public universities buy furniture from CI, further driving up revenue that the state’s DOC keeps (Berens 1). Another example is in Pennsylvania, where Pennsylvania CI produces the state’s license plates in the State Correctional Institution (SCI) Fayette. Incarcerated workers produce the state’s aluminum license plates in the CI License Plate Factory as of 2003, which are then sold to the Pennsylvania Department of Transportation (“SCI Fayette” 1, Malawcksey, “License Plate Factory” 1). To be registered in Pennsylvania, cars must have an official Pennsylvania license plate. As a result, consumers have no choice but to contribute to the prison-industrial complex by buying a license plate and registering their car. Similarly, in Washington, state agencies and publicly-funded universities are required to purchase furniture from CI, giving them, and the individuals who use the furniture, no option but to contribute to CI’s revenue and the prison-industrial complex as a whole.

In order to understand what allowed for this modern state of prison labor to emerge and continue to grow, we must now direct our attention to the historical, social, and political justifications for the system. The concept of prison labor in the United States emerged primarily during the Jim Crow era, directly following the abolition of slavery. Prison labor was seen as a

way to continue to subjugate Black individuals as well as an attempt to continue to make money off of former slave plantations that were previously highly profitable (Browne 78-79).

Black Codes were used to criminalize otherwise legal activity specifically for Black individuals so they would be forced into the prison system; for example, many Black people were arrested for walking at night on the grounds of “loitering” and “breaking curfew.” Once in the prison system, they would be forced to do labor, often on old slave plantations, through convict leasing. Convict Leasing was a formal program through which those who were incarcerated were viewed as property of the state and could be formally leased out to outside organizations to live and work, many on former slave plantations. Bidders paid an average of \$25,000 a year to the state in exchange for virtually complete control over the lives of all of the incarcerated workers that they “purchased” (Browne 79).

Convict Leasing, not unlike slavery, was an incredibly abusive, harmful, and exploitative system; between 1877 and 1879, the death rate of prisoners leased to railroad companies through the Convict Leasing program was as high as 45% in South Carolina (Browne 79). As stories of the violence and harm that was innate to Convict Leasing were exposed, organizers joined together to ban Convict Leasing on a state-by-state basis by the 1930s. Though Convict Leasing was outlawed, exploitative and dangerous prison labor continued in different forms, especially in the south, such as through chain gangs. Chain gangs constituted incarcerated workers being chained together by the ankles while they worked, ate, and slept, often doing labor intensive work such as road construction (“Chain Gangs” 1). By the 1950s, every state had abolished chain gangs (Browne 80).

However, prison labor standards relaxed in the 1970s once again with the Justice System Improvement Act as the U.S. sought to find cheap domestic labor to compete with foreign

manufacturers who were becoming more globally competitive (Rice 1); this effectively ushered in the modern prison-industrial complex and the modern state of the prison labor system, as described above (Rice 1). Thus, the historical justifications for prison labor are largely rooted in racist ideology and an attempt to perpetuate the system of slavery under a different name.

Next, there are several social justifications that explain the current state of prison labor. One of the most common justifications is that, in becoming incarcerated, prisoners deserve punishment and are consistently viewed as less than human (Simon 1). Within the United States, there is a constant debate over whether the purpose of prisons is rehabilitation or retribution or some combination of the two; do prisons exist to help incarcerated individuals get a second chance, or do they exist as a means of punishment for the crime that was committed (Collica-Cox 41)? For those that stand on the side of retribution, many see what occurs behind prison walls as “just punishment” and “satisfying societal needs,” causing “remorse, introspection, and reflection” of the actions committed (Collica-Cox 41).

Many argue that because those who are incarcerated chose to commit a crime, it is justified to either eliminate or greatly reduce constitutional guarantees in terms of rights and freedoms (Snead 1). When prisoners commit a crime, they bring this punishment and decrease of rights upon themselves and, because of their actions, they “do not deserve society’s implicit trust.” Further, the burden of proof rests entirely on the incarcerated to prove that they do deserve their rights and society’s trust (Snead 1).

If the goal of prison is retribution, which results in a lack of rights and trust, then prison labor fulfills this need. Looking at the above description of the current state of prison labor, this becomes clear: Rights afforded to non-incarcerated citizens are not extended to incarcerated workers; there is the threat of severe punishment, such as solitary confinement, for lack of



cooperation and following direct commands; the burden is entirely on the incarcerated to prove their worth; the incarcerated see little, if any, reward for their labor in terms of wages; the incarcerated take their wages and are forced to contribute it elsewhere, such as to victim restitution funds and offsetting their own costs of incarceration; the incarcerated typically perform low-level labor; the incarcerated prove their work ethic and contribute the products they make to society as a whole, repaying “social needs” and working towards regaining trust. Thus, if the goal of prison is punishment and retribution, prison labor as it currently stands helps advance those goals.

Another social justification for prison labor takes the opposite perspective, arguing that prison labor is a form of rehabilitation. At every level of prison labor, from contracts with private corporations to Correctional Industries to internal jobs, individuals argue that prison labor as it currently stands advances goals of rehabilitation. For example, in defense of Colorado Correctional Industries selling products to Whole Foods, an individual argues that such programs promote “rehabilitative incarceration” because “prisoners are taught teamwork and getting job training” (Aubrey 1). Similarly, after highlighting that incarcerated workers are not considered employees and are not afforded any benefits provided to public workers, the Idaho DOC claims that prison labor provides several benefits. Prison labor of all levels keeps incarcerated individuals “busy” and teaches job skills that many incarcerated individuals lack; these skills include following instructions, putting forth “earnest effort,” and learning to work with others. These skills that they gain through their labor are necessary and valuable to be successful after release (“Offenders at Work” 1).

Similarly, in Pennsylvania, the program director of the license plate factory at SCI Fayette claims that the labor program “offers training and certification courses” for incarcerated

workers, with the goal being to “train inmates and give them life skills” (Malawskey, “Fayette State Prison” 1). With these skills, they will be more prepared when they re-enter society and have access to a marketable skill. Further, in Idaho, state Senator Patti Anne Lodge created a program for prison laborers to fill the need for more fieldworkers on Idaho’s farms through Idaho’s Correctional Industries Program (Abbott 1). Recently, in working to expand the program she argued on the Senate floor that “the main goal of this program is to reduce recidivism” (Russell 1). She continued by arguing that the program, and especially the expanded model, would give incarcerated laborers valuable skills that will help them upon release and allow them to earn money towards “restitution, court costs and re-entry.” Lodge also specifically highlights that the program through Correctional Industries is not a work program but rather a training program (Russell 1). Thus, it is clear that the current state of prison labor has social justifications on many sides of the debate, existing as an example both for those who claim to value retribution and for those who claim to value rehabilitation.

Next, in addition to the above historical and social justifications, there are also several political justifications. First, the direct justification for the current state of prison labor is the 13th Amendment of the U.S. Constitution, which was initially intended to abolish slavery. The 13th Amendment states: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction” (*U.S. Constitution*, Amend. XIII). The key phrase of this amendment is “except as a punishment for crime.” With this language, convicting someone of a crime, no matter how petty the crime may be, essentially serves as a loophole to justify punishment and brutality in relation to labor practices and ensure its legality (Benns 1), and incarcerated individuals have no right to dispute such punishment. Consequently, with the

passage of the 13th Amendment, incarcerated individuals could legally be forced to work with little to no compensation or protections.

Another political justification used to explain the current state of labor within prisons is the desire for politicians to appear “tough on crime.” In the 1980s, Democrats, eager to gain and maintain votes, were fearful of appearing “soft” on crime following a high-profile drug overdose (John 1). In 1986, Len Bias, a college basketball star who was drafted to the Boston Celtics, died from a cocaine overdose just two days after the draft. With midterm elections quickly approaching following the 1984 re-election of Reagan, Democrats were eager to appear “tough on crime,” especially drugs, and surpass Republicans in this area. The Speaker of the House at the time of Bias’s overdose was “Tip” O’Neill, a Democrat from Boston. O’Neill noticed the effect that Bias’s overdose had on his constituents, especially given the fact that Bias would have played for their hometown team; he realized the effect and power an anti-drug campaign, led by the Democrats, could have on their midterm elections (Seitz-Wald 1).

In response, O’Neill pushed the Anti-Drug Abuse Act of 1986, colloquially known as the Len Bias law, through the House so that it would pass before midterm elections in November. This Act established new and more severe mandatory minimum sentences for drug cases as well as life imprisonment for distributors of drugs if using those drugs resulted in death. The Anti-Drug Abuse Act of 1986 passed in the House with a resounding 378-16 vote by mid-October, helping the Democrats appear like they were leading the charge on being “tough on crime” (Seitz-Wald 1).

For Democrats, appearing “soft on crime” meant that they would not be appealing to the public, as politicians and the media began to push the narrative that the majority of the public wanted safer streets through increased presence of law enforcement and stricter sentences

(Curley 1). Being “tough on crime” became an easy way to appeal to voters on a surface level by furthering the narrative that prosecuting and convicting more individuals and expanding the prison population meant that crime levels would decrease and safety would increase (John 1).

Crucial to this “tough on crime” approach was valuing retribution and punishment over rehabilitation, as being “tough on crime” also means being tough on those who were convicted of a crime to further emphasize the message that crime, and consequently criminals, were being treated as a consistent and widespread threat. As politicians increasingly began using “tough on crime” rhetoric and passing legislation in response, public opinion began to shift in the early 1990s, with far more Americans believing prison was meant to punish rather than rehabilitate (John 1). In relation to prison labor, as described above, the current state of prison labor can be viewed as punishment mainly due to lack of employee protections. Thus, the current state of prison labor can be politically justified by a desire to appear “tough on crime” and emphasizing punishment within the prison system.

Through the above historical, social, and political justifications for the current state of prison labor, it is clear why individuals believe that prison labor as it currently stands is justified. However, I argue that the current state of prison labor is unjustified and rather is an exploitation of incarcerated individuals. To begin, the historical justifications described above largely speak for themselves. Historically, prison labor was rooted in racist ideology that was born out of slavery as a way to subjugate and exploit Black individuals and continue to make a profit off of southern slave plantations. If one believes that racism and Jim Crow era laws following the abolition of slavery are unjust and discriminatory, then the historical justifications hold no weight as the entire foundation of the argument is deemed incorrect.

Next, there are two key social justifications analyzed above. First, some argue that criminals deserve punishment and the purpose of prison is to carry out such punishment, and the current state of prison labor is a form of that punishment. I am in agreement that prison labor as it exists is a form of punishment, which I will discuss more below. However, where this argument fails is in the premise that prison should be focused on punishment rather than rehabilitation. For the sake of argument, I will assume that punishment falls in line with the “tough on crime” policies and ideology, as “tough on crime” policies are most commonly associated with retribution, as discussed above.

Regardless of if prisons as a whole should prioritize rehabilitation or retribution, most on either side of the debate can agree that the goal for those who have sentences that allow them to re-enter society is to have the formerly incarcerated become productive members of society; this involves contributing to communities and the economy and not re-offending. Whether one values rehabilitation or retribution within prison, this is a common goal because it allows for the existence of productive citizens and ensures that society is safer by not having re-offending individuals. For those who are in prison for life, the goal still remains for these individuals to be productive by contributing to society and the economy positively even while incarcerated. For those who value retribution, they see individuals who are in prison for life as needing to repay a debt owed to society for their crime that was committed, and economic and societal contributions help fill this need. For those who value rehabilitation, being productive members of society even behind bars helps give individuals purpose.

However, a “tough on crime” approach is in direct opposition to the above goal and the two cannot coexist. U.S. prisons as they currently exist, built by “tough on crime” policies and legislators, have a recidivism rate of nearly 70% within three years of release, nearly 80% within

six years of release, and over 80% within nine years of release (“Recidivism Is a Core Criminal Justice Concern” 1). Additionally, many studies show that punishment within prisons that “tough on crime” policies advocate for do not deter or reduce crime (Kelly 1). For example, in “Deterrence in the Twenty-First Century,” Daniel Nagin argues that “lengthy prison sentences and mandatory minimum sentencing cannot be justified on deterrence,” as imprisonment does not have a significant deterrent effect (Nagin 199).

This means that the prison system in the U.S. as it currently stands, built by “tough on crime” policies, does not serve as a deterrent for criminal activity, and high recidivism rates show that it may even cause increased criminal activity upon release. Thus, prisons that adopt “tough on crime” policies fail to minimize recidivism rates because programs, such as education and skills training, are not provided to set incarcerated individuals up for success after release (Flores 56). Consequently, a prison system that is “tough on crime” and values retribution does not accomplish one of the key goals of prison, which is allowing for productive citizens who do not reoffend upon release, meaning such systems are ineffective and counterintuitive. As a result, the social justification that, as a society, the U.S. needs to be “tough on crime” and focus on punishment in prison does not hold.

Second, some argue that the current state of prison labor is in fact a form of rehabilitative justice. However, prison labor as it exists is instead a form of punishment. Because incarcerated workers are not classified as employees, they do not receive any employee protections, such as the right to unionize or receive a fair wage. Labor laws exist to protect employees from unfair working conditions, exploitation, and discrimination. For example, the National Labor Relations Act in particular is meant to “protect the rights of employees...encourage collective bargaining, and to curtail private sector labor and management practices, which can harm the general welfare

of workers” (“National Labor Relations Act” 1). Because there was found to be a necessity for such laws and protections to exist, one can assume that it is likely that without such protections, exploitation of workers is likely to occur.

Within the prison setting, however, these protections do not exist, meaning exploitation is likely to occur. If workers try to speak out, they face harsh consequences, such as solitary confinement; many who have experienced prison labor first-hand claim that it is “modern slavery” (Johnson 1). In some states, labor is able to be forced on incarcerated individuals if they are able-bodied, with the possibility of no pay (Benns 1). Anything with apt comparisons to slavery and exploitation at its core, as exists within the current prison-labor model due to forced work, little to no pay, harsh punishment, and lack of protections, cannot and should not be seen as rehabilitation. Any positive benefits that incarcerated workers derive from labor programs in prisons are far outweighed by the exploitative model that serves as a foundation for such programs.

This is because rehabilitation must treat the incarcerated individuals as human beings. Otherwise, they are merely programmed to view themselves as less than human and as someone who deserves and is meant to be exploited; the expectation is that they cannot contribute to society in a positive manner out of their own volition, which will not set themselves up for success upon release. Rather, this psychological reprogramming that someone is less than and does not deserve the same protections that others have and are guaranteed is a form of punishment; it strips the necessary protections and rights and in doing so reinforces the idea that incarcerated workers are undeserving and less than other human beings. Thus, any system that is based on exploitation, as the current prison labor system is, is not a form of rehabilitation but rather punishment.

Lastly, there are two political justifications analyzed above. Some argue that the language used in the 13th Amendment serves as a justification for the current state of prison labor. The 13th Amendment does legally justify prison labor as it exists because it essentially allows slavery and involuntary servitude to be legal if an individual was convicted of a crime. However, as described above while analyzing the historical justifications, this amendment came about as a way to fill a void left in the market in the South by slave plantations and as a way to continue to exploit and subjugate Black individuals (“Prison Labor and the Thirteenth Amendment” 1). Consequently, while the 13th Amendment may justify prison labor from a legal perspective, knowing its history is rooted in racism during the Jim Crow era reveals that this justification cannot and should not be upheld by those who are anti-racist.

Additionally, some argue that it is necessary and beneficial for politicians to be “tough on crime” and perpetuating the current state of prison labor is a way to do so. I have already demonstrated above that “tough on crime” policies are ineffective at deterring crime and reducing recidivism rates, meaning that such policies are ineffective in accomplishing one of prison’s main goals of producing productive citizens in those who are released. This argument, though, adds an additional layer that it is beneficial to politicians to appear “tough on crime.” While this may have been true in the past, especially during the 1980s and 1990s, it appears that the tide is changing and being “tough on crime” is no longer a way to guarantee votes and may do the exact opposite (Haggerty 1, Trimm 1).

In 2017, the ACLU estimated that 91% of Americans support criminal justice reform, demonstrating the change in attitudes from the “tough on crime” era and the likely change in attitudes in policies and laws created by politicians looking to secure votes (“91 Percent of Americans” 1). As a result, more politicians are turning towards a reform-based approach now,



with prison reform becoming a bipartisan issue (Astor 1). Thus, not only are “tough on crime” policies ineffective, they also no longer guarantee votes and go against the opinions of a vast majority of Americans, deeming this political justification irrelevant.

As can be seen from the above, neither the historical, social, or political justifications serve as actual justifications for the current state of prison labor. Rather, these arguments are largely rooted in racist, exploitative, and fear-driven ideology. With these justifications no longer standing, the question remains, though, how can labor exist within the prison system in a way that provides dignity to incarcerated workers, if at all?

On the one hand, those who are prison abolitionists argue that there is no level of reform that can fix the problems within the current prison system. Thus, even if the prison labor system was reformed to be a more rehabilitative model that provided employee protections to incarcerated workers, such solutions do not go far enough to address the core of the problem; the racist past and present of the criminal justice system, human beings being confined to cages, and the prison-industrial complex as a whole would still exist. For those who support prison abolition, there is no solution that exists within the current framework, and rather to look towards true rehabilitation and an end to the prison-industrial complex, they argue we must look outside of imprisonment (“What is the PIC?” 1).

On the other hand, there are those who believe reform can occur within the existing prison system. From this perspective, one clear step would be to classify incarcerated workers as employees. Because they would then legally be recognized as employees, incarcerated workers would have to be paid the federal minimum wage and have full protection under the law regarding discrimination and ability to organize. In theory, this sounds as if it would solve many of the problems described above, yet it still leaves many questions up for debate. For example, if

workers are paid minimum wage, will money still be deducted from that wage for things such as a victim restitution fund and their own cost of incarceration? Wage garnishment is used not just for those who are incarcerated but also for those on the outside, but within prison there is not even an opportunity for higher paying jobs to offset the up to 80% wage garnishment, signaling that this question likely deserves greater scrutiny (“Inmate Worker Wages” 1).

Additionally, though incarcerated workers may have the right to organize, how can it be ensured that they do not face harsh punishment or receive disciplinary write ups for such actions? As in the case of Alabama described above, many organizers were moved to solitary confinement under the guise of some unrelated minor infraction. If the law protected incarcerated workers and allowed them to unionize and organize, there would need to be some additional level of accountability to ensure that actions are not taken out against organizers under a different name, particularly that solitary confinement would not be a punishment for incarcerated workers taking action and speaking out.

Further, even with incarcerated workers being legally recognized as employees, the question of the prison-industrial complex still remains: So long as the government and private companies profit off of prison labor, it is likely that the issues described above will persist in some form because both of the aforementioned parties will try to drive the costs of labor down in order to increase profit. If incarcerated workers are required to be paid minimum wage without a loophole to redirect wages elsewhere, this would at least partially solve the problem of corporations using prison labor solely as a way to find cheap labor. However, the prison-industrial complex would still exist in the sense that private corporations and the government profit off of prisons because of prison labor.

One possibility to minimize the power and effect of the prison-industrial complex is to do away with prison labor as a whole. Perhaps the prison labor system cannot be reformed and needs to instead be eliminated. However, this begs many questions. Will incarcerated individuals still be able to receive job training? How will prison labor be phased out? What other industries and groups will take over the production of products currently made through prison labor? Can it be guaranteed that those industries will not use an exploitative model of production? What will incarcerated individuals do with the increased amount of idle time in prison? This proposal likely brings up many more questions than answers, yet it may be necessary as simply reforming prison labor by recognizing incarcerated workers as laborers still leaves room for exploitation and lack of enforcement of labor laws.

Thus, prison labor as it currently stands within the United States prison system is a largely exploitative model rooted in racist and fear-driven ideologies. The historical, social, and political justifications for the existing system do not hold up under close scrutiny, suggesting that the model fails to provide rehabilitation to the incarcerated but rather works as the system was originally intended to by subjugating and exploiting workers. Though it is clear that the system fails on several fronts and cannot and should not continue in its current form, it is challenging to determine steps forward in changing the system because of how ingrained it is within the prison system and the prison-industrial complex as a whole. The incarcerated deserve their basic human rights, and the current state of prison labor calls them into question at every level. While it may be challenging to modify, or potentially even eliminate the system, it is necessary to do so and must be made a priority.

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