

Three Pieces on Unions and Prisons

Part 1: What Kind of Job

Queercreek County in central/western Pennsylvania was briefly in the news in the summer of 2002 as the country followed rescue efforts for nine miners trapped underground after a mine collapsed. It was an inspiring story, people at their best, working hard, working together, saving lives. Underneath the headlines, however, was another story, one too- long ignored, that deserved equal attention. The county in which the disaster occurred was once a thriving industrial area, a coal mining center for decades – yet today only 300 miners remain out of a local population of 80,000. All non-union, those 300 average \$35,000 per year for work that is skilled, and difficult. Wages which are too low, wages that are amongst the best to be found thereabout.

A story little different from that of other steel and mining communities in the region, other once thriving industrial towns; jobs have been lost never to be replaced. Coal mining is inherently dangerous work, change could have been beneficial if new skilled jobs were created that provided young men and women with opportunities now lacking. Instead what came are the Walmarts, the McDonalds, the low-wage assembly plants that provide laid-off workers little with which to build a foundation to regain what has been lost, new workers little with which to build a future. Except in surrounding towns like Schuylkill, McKean, White Deer, where other kinds of jobs can be found – jobs in a sector of the economy that continues to grow even as others decline – jobs as prison guards.

Prison seems to have become, in more ways than one, part of society's "answer" to unemployment, a trend likely to continue with the jobless rate remaining too high (and for which the combination of military adventure abroad, tax-cuts for the already wealthy at home, offers little in the way of a solution). The numbers locked up alone are so high that the national unemployment rate would be about 1% higher were prisoners counted as part of the labor force. Beyond which over 250,000 people are now employed turning that key in those locks in federal, state, and county systems. Odd that in a country founded in a rebellion for freedom, a country in which progress had been built on industrial and technological innovation, that the engine of job creation should now come from denying others' freedom. As a job, though, working in a prison is better paid than Walmarts, more secure than Manpower – aside from which, in tough times a job is a job, having one better than not. But one question should be asked: What kind of jobs is our prison explosion creating?

The answer: work that is for the most part boring, time-killing – characteristics not unknown in other employment except that in prison it is generally accompanied by an undercurrent of tension. Although not as common as sensationalist TV images project, the potential for violence is an ever-present reality and would be wherever too many are confined for too long in a small place. Certainly prison is not a worksite where a parent

would want (or be allowed) to bring their child to visit. Reflective of this reality, prison by nature is an authoritarian institution; the inherently unequal guard-inmate relationship finding echoes in tensions permeating internal relations among staff, between staff and their management.

Some prison employees are conscientious, strive to be helpful, to make something out of their work. But circumstances are against them, the structure of prison life, the emphasis on security/punishment not education/rehabilitation, the overcrowding that turns most facilities into something akin to a human warehouse make such efforts unlikely of success and so ever less likely to be tried. Others, unsurprisingly, act in contrary fashion, taking advantage of the power of command over those with few, if any, rights (and little recourse when what rights as do exist are violated) to allow the worst aspects of who they are to come forward. The majority, however, don't fall into either category, the job simply a paycheck, something to put up with until retirement. That – like boring, time-killing – are words that could apply to other work as well, but other work doesn't exist in the gray area between free and unfree. Though an analogy that might not be appreciated, there is a good deal of similarity between those locked-in at night and those doing the locking, each stuck in a situation with few good choices apart from getting out.

More profoundly, those jobs, the prison industry itself, is unproductive in any meaningful sense of the word. Not productive as a contribution to making our streets safer for crime rates rise or fall far more due to the state of the economy than due to the vagaries of sentencing laws. Keeping "bad" people behind bars is, in any event, at best a temporary solution, for unless the sentence for every crime is life imprisonment/death penalty, then those going in – for better or worse – are going to come out again. Yet prison is not productive in the sense of making better citizens of those arrested, the entire atmosphere pushes people in the opposite direction. Finally, not productive in economic terms, prison spending is a dead weight, unable to stimulate self-sustaining growth that could help provide a future for today's young other than standing inside razor -wire enclosures.

Without a change in our nation's priorities, the number in prison, the number working in prison, undoubtedly will continue to grow. Pro-business conservatives' willingness to "throw money" into more police, more prosecutors, as a solution to crime stands in stark contrast with the reluctance to "throw money" into improved schools, affordable housing, increased health care accessibility, job training/retraining programs, or any other unmet social needs. Needs which if met would be far more effective in reducing crime than current policies – and which would provide more resources toward creating the kind of fruitful, beneficial jobs that too many now find out of reach.

What can be done to bring about that change, create those opportunities? One alternative to prison as a place of employment is to look back at labor's response to the plant shut-downs and rising unemployment during the Reagan Administration (whose policies previewed those Bush is implementing today). At that time various AFL-CIO departments, individual unions such as the UAW and, most comprehensively, the IAM in its Rebuild American Act pointed to the road not taken by our political leaders, the road to reviving the dignity of work, reinvesting in the creativity, skills, desire to learn that is

the true source of our society's strength. If instead of the glorification of law and order policies that deny freedom and serve as a twin to the criminal violence it allegedly opposes, such labor programs of the 1980s were recalled and revised for today, we might be able to create better alternatives for the people of our country than that of jailed or jailor.

Part 2: Labor, Free and Unfree

"Arbeit macht frei" – work makes you free – these were the words which greeted prisoners entering a Nazi concentration camp, prisoners who, if not killed outright, found themselves being worked to death. Yet this cynical use of words by a regime that treated people as slaves did mask a truth, work can make one free but only if those who labor have rights, rights they can exercise. Absent that, work, be it performed by a concentration camp inmate or a plantation field hand in the pre-Civil War south, by itself bring one no closer to freedom. For that matter, free workers employed 12-hours a day, 6-days a week in Pittsburgh steel mills or New England textile factories prior to unionization found that they gained little from their toil other than age. The struggle to organize was (is) a struggle by those who work to be treated, to be able to live, as free people.

All this might seem like problems of other places, other times, but only if we close our eyes to the rebirth of unfree labor in the US today. As the numbers of those locked up in our nation's prisons rises so too do the numbers doing jobs that would otherwise be handled by people able to pick and choose where they go each morning. In some states private companies can and do hire workers who return to jail each evening when their shift is over – even a company (a "feel good" company) like Starbucks has taken advantage of this kind of arrangement. Federal inmates can find themselves employed at Unicom, the federal prison industrial concern which directly competes with businesses that hire free labor. Conditions faced by these workers are, it should be unnecessary to add, not remotely as bad as those faced by people who had to fear the gas chamber or the overseers whip – rather they are preferred jobs for prisoners, for although pay and conditions are below those of the worst-off workers outside, they are much better-paid jobs than the 10¢ to 25¢ per hour prisoners otherwise earn working in the institutional kitchen or laundry. Not, however, that much better paid, employers use prison labor because it is cheap, one-half, one-quarter, one-fifth of minimum wage.

Still, the rationalization that working in and of itself is a step toward freedom, makes one "fit" to re-enter society, remains. The illogic of that logic has always been contested by organized labor, abolition of prison labor (alongside a shorter workday and free public education) was among the initial demands of unions when they were first organized two hundred years ago. This not only because of fear of competition from substandard wages, but also because it was seen as something that robbed workers of their dignity and self-respect. Far from enabling people to become free, early 19th century unionists saw prison labor for what it was, as a way of making people used to a condition of servitude.

Despite this history, many do accept the argument today that prison labor is about rehabilitation not extra-profits, that it is a way to teach the "criminal class" the value of a hard day's work, provide prisoners with marketable skills in order that they might find employment and live productive lives upon release. That is what its advocates claim, a claim especially noteworthy as there is otherwise little pretense of any serious effort at rehabilitation within the prison system. The emphasis on punishment not correction that has dominated criminal justice policies at least since the Reagan-era has meant cuts or the elimination of most previously existing educational, training and counseling programs. Overcrowding and lack of resources make most of those which survive, barebones.

Thus a degree of suspicion as to whether rehabilitation is the true motive for the use of prison labor seems to be in order; it is difficult to accept as pure coincidence that the only program seriously pushed within the system to prepare people for life outside just happens to also provide cheap labor. True, there are prisoners who are trying to change direction in their lives and take the system's claims at face value. Unfortunately, for many who do see prison labor as a path to re-enter society as well as a means to learn skills that might facilitate finding a job upon release, that hope is often a false one.

This, in part, because most prison jobs are anything but a replica of normal factory life, antiquated equipment frequently used to take advantage of low labor costs, supervision always more focused on security than production. More to the point, those jobs are of far less value than claimed when it comes to improving inmates prospects for finding a job when they are no longer inmates. Most employers when casting around for whom to hire tend to hesitate upon seeing the box checked yes in response to the question, "have you ever been convicted of a felony?" – no matter what prison work experience has been gained, no matter what kind of recommendation comes from a foreman who also carries handcuffs.

Unless, that is, the employer is looking for what is hoped to be docile workers. The key to prison labor lies in that distinction as for those so-employed the reality of being a prisoner is more important than the tasks each is assigned to do; workers are judged by how well they obey, more than by how well they perform. The implications for unions ought to be clear, organized labor is not only threatened by the low pay prisoners earn, they are also threatened by the business outlook that finds it acceptable to use workers with no right to strike, file a grievance, quit, even to call in sick. One suspects that such managements like to envision a workforce filled with "rehabilitated" employees who are grateful for any work they get, afraid to use any rights they might have.

Which is why the key question to answer when evaluating rehabilitation efforts ought to be, rehabilitation to what purpose? To be free men and women, conscious of their rights (and therefore also of responsibilities, for the two are intimately connected), or to be kept in the margins, lacking a sense of what those rights are (or, more importantly, unable to exercise them), ever subject to the good graces or ill whims of authority. It is not a coincidence that the recent growth of prison labor has gone hand-in-hand with the decline in prison education programs – they reflect the same policy of keeping down those who are already down.

Prisoners do need to work, do need a chance to earn an income so that they don't walk out at age 30, 40, 50 with nothing to their name and no prospects for the future. Unable to find a path to self-sufficiency they perforce most become a burden to their families or society. That path won't be viable, however, as long as business interests are allowed to exploit others' misery for their own profits. Far better would be work-release programs, union-run training and apprenticeship programs; jobs geared to meeting unmet needs (and any look at inner-city or rural areas can find plenty of unmet needs) jobs which allow prisoners to further develop skills they already have, jobs which for those who are unskilled provide a ladder to become skilled – jobs which don't compete with existing jobs, but complement and add to them. To this should be added the need for real education programs, the establishment of ties to community groups, to local universities. The importance paid to learning in official pronouncements needs to be matched in deeds, in resources.

Inevitably objections will be voiced to this, some will ask why prisoners should benefit from opportunities unavailable to law-abiding citizens. The answer: they shouldn't – shouldn't not by denying prisoners' needs because of other's lack of opportunity but rather by taking a similar approach to meet the needs of all. Programs aimed in particular to help young people to develop their abilities, to have more opportunities for meaningful work, would help them become more integrated with society, would mean fewer winding up in our nation's prisons. The money spent to do this could come out of our enormous criminal justice budget, it would be a far more productive use of resources than having it as now, poured into the widening revolving door of prison, release, prison.

To be meaningful, job programs – including those for prisoners – need also include rights on the job, union rights and protections, for those rights alone allow for the difference between work that is degrading and work that can be uplifting, rights that alone can make of a job something upon which to build a life. Arrest, conviction, sentence mean a denial of liberty – no one who has experienced these three steps, no matter under what conditions, could understand incarceration as anything other than painful. The denial of liberty contained in such punishment ought not, however, mean a complete loss of rights as therein lies one of the differences between tyranny and democracy, for if the latter is not universal, the former becomes more powerful. Acting on that understanding, making democracy real in all aspects of social and working life, could make of "Arbeit Macht Frei," not a cruel, bitter, joke, but a way to build a better world that excludes none.

Part 3: Subject or Citizen

Late in the year 2002 the high court in Canada reaffirmed the right of all Canadian prisoners to vote in their federal elections even while still incarcerated. The ruling was in response to an attempt to restrict the franchise of those with sentences of more than seven year (the vote for those doing less time was never called into question). Behind such a

decision lay a basic principle, voting is not a privilege for good behavior but a right and responsibility open to all. It denotes the difference between a society composed of citizens able to act on their own behalf and a society of subjects dependent on the good graces of government authority.

Quite a contrast to the current situation in the U.S., voting rights for prisoners nowhere on the radar screen, its struggle enough to ensure that ex-convicts be allowed to go to the polls. Many states bar people from voting for a number of years upon release, in a few that bar can last a lifetime – one such state being Florida, a fact that has more than a little to do with George Bush now occupying the White House. With over 2 million people currently in prison, on parole or probation, this is a question of every-increasing importance, after all most prisoners do eventually become ex-prisoners. Criminal justice policies pursued over the last two decades has resulted in the U.S. now having 13 million felons, nearly 7 percent of the entire adult population.

Voting restrictions are only one of the many restrictions former prisoners face when re-entering society, numerous categories of employment as well as various types of social programs may also be denied them. Be the crime of greater or lesser consequence the penalty is not just a sentence, it is a lifetime disability that can never be fully expiated. To those who work hard to make a living this may appear to be a matter of little concern, a question solely of people getting their just deserts. Ignored in that attitude is the reality that the degree to which people are unable to fully re-integrate themselves into society upon release is the degree to which arrest and conviction make society less, not more secure.

Similarly, the degree to which anger over crime is turned into acceptance of the federal government vesting in itself ever greater arbitrary power is the degree to which even the most law-abiding may find their freedom undermined. The prohibitions, the denial of possibilities, which those once imprisoned find greeting them when they are again free is more than matched by current civil liberties restrictions, the climate in which suspicion replaces probable cause as the basis for ever-greater government intrusiveness into private life. Increased police power has done little to prevent street crime, drug use or 9/11. What it has done is create the potential for serious damage to our democracy.

Too many people too easily forget that laws against preventative detention, against unreasonable (let alone secret) searches of homes or possessions, against forced confessions were not imposed upon us by activist liberal judges, the ACLU or 60s radicals. The 4th Amendment which protects our privacy, the 5th Amendment which protects criminal defendants against self-incrimination were principles felt as necessary to ensure freedom by those who made the American Revolution as were the rights to assemble, to speak, to have a free press. The arbitrary authority of the British monarchy against which the colonialists fought was not only one that taxed without representation, not only one that imprisoned people for what they wrote – it was also a government which would oversee the execution of a poor pickpocket while giving the rich and noble license to act as they please.

In the years since it has been mainly due to efforts of unions, of movements for equality, for social justice that those rights enunciated in the Constitution have been defended in practice. Not because of an unconcern, of being "soft" on crime – working people, the poor, women, tend to be its principal victims. Rather, it reflects a recognition that "tough" on crime policies have tended to have less to do with public safety than they do with weakening public rights. This is a line of reasoning that ought to be familiar with unionists, it is the logic behind the activity of every shop steward filing a grievance, defending the rights of each in order to preserve them for all.

Management will, after all, frequently seek to discipline a worker in a way that might set a precedent weakening the contract, thus obligating the union to defend the member even if he or she was engaging in conduct of which other members are critical. Employers will then frequently charge that the union by defending someone who perhaps is often late, doesn't work safely, is somehow otherwise disruptive, is jeopardizing others on the job, holding back productivity, possibly costing jobs. That however, is almost always a lie – managers can function within the rules and keep their business running efficiently if they so desire; all too often, instead, they prefer to force unions to choose between fighting for someone who perhaps is a poor worker or allowing a contract provision to be violated. If the local is weak and, following the company's lead, ignores negotiated language, eventually all members will suffer the consequences. So too with the Bill of Rights, once any right is weakened, no matter the reason, all of us may suffer.

Labor's approach also differs from our society's treatment of those who violate the law after their sentence is complete – at some point the worker who loses a grievance, who is disciplined, is made whole again; two classes of union members can't indefinitely work side-by-side without the lower standard bringing down the higher. Moreover, unions often try to get beyond punishment, beyond simply defending members, by working to resolve underlying problems. Someone who is too often late or absent from the job, for example, may prove to have a problem with drugs or alcohol, may be facing too much stress at home. Union-sponsored Employee Assistance Programs exist to deal with this, initiating pro-active measures that focus on rehabilitation, on addressing issues at their root.

In fact the baseball players union recently proposed that Employee Assistance Programs be used for players who abuse steroids. This was in response to management's use of government pressure as an excuse to demand that a recently signed contract be renegotiated to include a "three-strikes-you're out" provision. For management the answer to drug abuse is to deny an athlete his livelihood, for the union the answer is treatment and rehabilitation.

Which brings us back to the different attitude shown in Canada as compared to the U.S. when it comes to giving prisoners the rights to vote. Their approach reflects a way of seeing the conviction as a sign of an aspect of a person's behavior not the essence of someone's character. Their path is one that aims at rehabilitation, at making people "whole" in respect to their rights upon release. We might learn from labor's practice while taking a page from our northern neighbor by allowing prisoners (or, to start, at the very

least, all ex-prisoners from the moment they walk out the door) to participate in the electoral process. A conviction in court ought not call into question citizenship rights for once any citizen becomes subject every other citizen can also be so-treated.

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