

Slavery and Involuntary Servitude

The Thirteenth Amendment of the Constitution, adopted at the end of the civil War in 1865, abolished slavery, but this same amendment expressly permits prison slavery and involuntary servitude.

AMENDMENT XIII – SECTION 1

Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The United States has less than 5 percent of the world's population and almost 25 percent of the world's prisoners. Are Americans more criminal than other folks? Or are there incentives that give the US the dubious honor of leading the world in prison population.

Prison labor has its roots in slavery. After the 1861–1865 Civil War a system of "hiring out prisoners" was introduced in order to continue the slavery tradition. Freed slaves were charged with not carrying out their sharecropping commitments (cultivating someone else's land in exchange for part of the harvest) or petty thievery – which were almost never proven – and were then "hired out" for cotton picking, working in mines and building railroads.

The tradition continues. The nation needs a way to fill the prisons which provide a source of cheap labor. Surely the criminal justice system can be of help here, and indeed they are. Gerry Spence, the famed criminal lawyer, in his book *From Freedom To Slavery*, tells us: "I found that the minions of the law – the special agents of the FBI – to be men who proved themselves not only fully capable, but also utterly willing to manufacture evidence, to conceal crucial evidence and even to change the rules that governed life and death if, in the prosecution of the accused, it seemed expedient to do so."

Well surely the court judges are concerned with justice? Spence: "We are told that our judges, charged with constitutional obligations, insure equal justice for all. That, too, is a myth. The function of the law is not to provide justice or to preserve freedom. The function of the law is to keep those who hold power, in power."

Now the law enforcement authorities don't do this all by themselves. For one thing, they have onerous laws to help them. It is instructive to look at the state of California in this regard.

The California Prison system is the third largest penal system in the country, costing \$5.7 billion dollars a year and housing over 170,000 inmates. Since 1980 the number of California prisons has tripled and the number of inmates has jumped significantly. In the past few years controversies involving prison expansion, sky-rocketing costs, and claims of mismanagement and inmate abuse have put the California prison system under heightened public scrutiny.

What caused prisons to be a growth industry in California? Did Californians suddenly become lawless? We need look no further than the CCPOA, the California Correctional Peace Officers Association. "The Power this prison guards' union wields inside our prisons, legislative chambers and governor's office disturbs me. It should disturb every citizen." ~ Judith Tannenbaum, formerly an English teacher at San Quentin State Prison

The CCPOA is the biggest contributor to political campaigns in California. The CCPOA gives twice as much in political contributions as the California Teachers Association, yet it is one-tenth its size. In 1998, the CCPOA gave over \$2 million to Governor Gray Davis, \$763,000 to the media, and over \$100,000 to Proposition 184, the 3 Strikes law. The 3 Strikes law mandated that convicted felons with one prior felony got twice the normal sentence for their 2nd strike, and convicted felons with two or more prior felonies would get at least 3 times the normal sentence or 25 years (whichever is more) for their 3rd strike. The CCCPOA has a vested interest in locking up more and more Californians for longer sentences.

The California prison guards union has grown from a fledgling group of fewer than 2500 members in 1978 to a powerhouse of 31,000 members who contribute \$21.9 million dollars a year. The union employs a 91 person staff including 20 full-time attorneys and uses the services of five lobbyists and a team of public relations consultants, housed in the 62,000 square foot CCPOA headquarters. The state hiring office for prison guards brags that the job has been called the greatest entry-level job in California – and for good reason. "Along with the great salary," one of their ads notes, "our peace officers earn a retirement package you just can't find in private industry."

California prisons are managed by an agency with 60,000 employees, including the 30,000 in the prison guards' union. California's fourth prison chief in a row, Jim Tilton, is leaving earlier than planned

from a meat-grinder of a job reputed to be among the toughest in state government. So what makes the incoming Matt Cate think he can depart on his own terms? "This mission is where my heart is," said Cate, named by Gov. Arnold Schwarzenegger to the \$225,000-a-year job running the state's massively challenged prison agency. "Public safety has been my career because I care about it."

Currently California is in a fiscal crisis, so Governor Schwarzenegger is proposing the early release of some 22,000 inmates and eliminating about 4,500 prison guard positions to help shave \$400 million from the budget of the state corrections department. The guards' union is unhappy with that scenario, and has allied with victims' associations to fight it. Meanwhile overcrowding in state prisons results in violence. A stabbing attack on four guards at one overcrowded state prison and a racially sparked brawl at another mark the type of violence that guards, inmates' attorneys and Schwarzenegger have been worried about for years.

What to do with all these prisoners? A US prison population of over 2 million people – mostly Black and Hispanic – are working for various industries for a pittance. For the tycoons who have invested in the prison industry, it has been like finding a pot of gold. They don't have to worry about strikes or paying unemployment insurance, vacations or comp time. All of their workers are full-time, and never arrive late or are absent because of family problems; moreover, if they don't like the pay of 25 cents an hour and refuse to work, they are locked up in isolation cells.

Private companies, now numbering 135, began using prison labor in the 1970s. Microsoft, McDonalds, TWA, IBM, Victoria's Secret, AT&T and Toys R Us are just some of the companies that use prisoners to cheaply produce products or provide services. While the rate of pay may vary from state to state, the constant is that the great majority of the money that the companies pay goes to the state in which the prisoners are incarcerated.

For instance, in California prisoners receive the "minimum wage" on paper, but the state takes 80 percent for state restitution, anti-drug campaigns, victim's rights organizations and a prisoner "trust fund."

The state of Colorado employs prison labor for everything from agriculture, which includes running a fishery, dairy farm and harvesting grapes, to making furniture and firefighting. Colorado legislators recently passed some of the most restrictive immigration laws in the country following a massive mobilization for immigrant rights. The new laws scared away workers, causing many crops to spoil in the fields for lack of farm workers. The Colorado farm owners' answer to this crisis is to find labor even more exploitable than immigrant workers – prison labor "chain gangs." And the need for more prisoners is thereby increased even more.

The prison industry complex is one of the fastest-growing industries in the United States and its investors are on Wall Street. This multimillion-dollar industry has its own trade exhibitions, conventions, websites, and mail-order/Internet catalogs. It also has direct advertising campaigns, architecture companies, construction companies, investment houses on Wall Street, plumbing supply companies, food supply companies, armed security, and padded cells in designer colors.

The federal prison industry produces 100% of all military helmets, ammunition belts, bullet-proof vests, ID tags, shirts, pants, tents, bags, and canteens. Along with war supplies, prison workers supply 98% of the entire market for equipment assembly services; 93% of paints and paintbrushes; 92% of stove assembly; 46% of body armor; 36% of home appliances; 30% of headphones/microphones/speakers; and 21% of office furniture. Airplane parts, medical supplies, and much more: prisoners are even raising seeing-eye dogs for blind people.

It might be a good idea to get away from these public union-driven prisons. How about private prisons? The number of prisoners in private prisons grew more than 3,000 percent between 1987 and 2004, soaring from 3,122 to 98,700.

Two companies dominate the for-profit incarceration industry – Corrections Corporation of America (CCA) and the GEO Group, formerly known as Wackenhut Corrections. These two companies control 75 percent of the for-profit incarceration market. The highest-paying private prison is CCA in Tennessee, where prisoners receive 50 cents per hour for what they call "highly skilled positions."

The problem with prison privatization is that Corporate-owned prisons need a steady flow of inmates to maintain profits. To protect their profit margins, prison companies exert political influence by contributing thousands of dollars to state political campaigns. Lobbyists for private prisons support tough-on-crime legislation that ensures the continued need for prison space, including mandatory minimum sentences, life terms for "three strikes," and sentencing juveniles as adults.

We're back where we started, with the private corporations doing what the California union is doing – promoting the supply of more inmates in more prisons with longer sentences.

So there we have it. America, with one-quarter the population of China, has 500,000 more prisoners than China and many of them are hard at work. US citizens are placed in long-term involuntary servitude with the help of law enforcement and onerous laws pushed by a prison workers union and private prison corporations, and it's all constitutional.

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