



A Hidden Workforce: Prison Labor, Human Rights, and the Legacy of Slavery: Communications Toolkit

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Description

The passage of the 13th Amendment following the American Civil War abolished slavery and involuntary servitude, but it included a crucial exception: “except as a punishment for crime whereof the party shall have been duly convicted.” This exception allowed southern governments to institute an early version of prison labor called convict leasing. Black Americans arrested for minor offenses, once imprisoned, were effectively purchased from state and local governments by individuals and companies looking to continue using cheap labor. This allowed individuals and companies to keep slavery in action. Though the practice of convict leasing ended in the mid-20th century, its infamous traits can still be seen in today’s incarceration system.

Today, the majority of incarcerated workers in the US, who are disproportionately Black and people of color, are often required to work or face retaliation such as solitary confinement, denial of opportunities to reduce their sentence, and loss of family visitation. They work jobs that might pay pennies on the hour, if they are paid at all, and are often not protected by labor laws. Many work in dangerous conditions. At the same time, some find deep purpose in their work behind bars, an opportunity to build skills, and support in making a successful transition to life after incarceration. In this first part of a two part series, the Aspen Institute [Economic Opportunities Program](#) will explore the history and conditions of work for incarcerated people and ideas for creating more humane and dignified work for those behind bars. Our second conversation will explore the opportunities and challenges of work for returning citizens after they have been released from incarceration.

For more information about this event, including video, audio, transcript, and additional resources, visit:

<https://www.aspeninstitute.org/events/a-hidden-workforce-prison-labor-human-rights-and-the-legacy-of-slavery/>

Speakers

Andrea Armstrong

Dr. Norman C. Francis Distinguished Professor of Law, Loyola University New Orleans College of Law; Founder, [IncarcerationTransparency.org](https://www.incarcerationtransparency.org)

Andrea Armstrong is the Dr. Norman C. Francis Distinguished Professor of Law at Loyola University New Orleans College of Law, where she teaches incarceration law, constitutional law, criminal procedure, and race and the law. A 2023 MacArthur Fellow, she founded [IncarcerationTransparency.org](https://www.incarcerationtransparency.org), a database and website that documents and memorializes deaths behind bars in Louisiana and supports similar efforts across the US. Her research, which has appeared in *The New Yorker*, *The Atlantic*, *Stanford Law & Policy Review*, and others, focuses on the intersection of race and incarceration conditions, public oversight of detention facilities, and carceral mortality, health care, and labor. Armstrong previously litigated prisoners' rights issues as a Thomas Emerson Fellow with David Rosen and Associates and was a research associate at the International Center for Transitional Justice.

Anthony Cantillo

Deputy Commissioner, Maine Department of Corrections

Anthony Cantillo serves as the Deputy Commissioner for the Maine Department of Corrections. Deputy Commissioner Cantillo held previous roles as the Warden for the Maine Correctional Center and Deputy Warden at the Maine State Prison. Deputy Commissioner Cantillo graduated from the University of Southern Maine's School of Social Work.

Fred Redmond

Secretary-Treasurer, AFL-CIO

Fredrick D. Redmond is the secretary-treasurer of the AFL-CIO. On June 13, 2022, he was unanimously elected to the position as the highest ranking African American officer in the history of America's labor movement. AFL-CIO Secretary-Treasurer Fred Redmond was first elected to this position by the AFL-CIO Executive Council on Aug. 20, 2021. He filled the vacancy of the executive vice president position from March to June 2022. He had previously served on the federation's Executive Council since 2008.

Redmond's path to the federation's second-highest office began in 1973, when he went to work at Reynolds Metals Co. in Chicago and became a member of the United Steelworkers (USW). He was active in his local union almost immediately, serving as shop steward and eventually vice president. He served three terms as local president. In 1996, Redmond joined the USW staff, working with local unions in the Chicago area before accepting a position at the international

union's headquarters in Pittsburgh in 1998. For decades, Redmond served the USW in various staff and leadership roles, assisting local unions, developing and conducting training programs, and bargaining contracts. As international vice president for human affairs, a position to which he was first elected to in 2006, Redmond oversaw the union's Civil and Human Rights Department and worked with USW allies across the country in responding to attacks on voting rights and in combating economic inequality.

Redmond has spent his entire life fighting for racial justice in the workplace and throughout our communities. In 2016, he was appointed to Pennsylvania Gov. Tom Wolf's Advisory Commission on African American Affairs, and in 2020, Redmond was tapped to chair the AFL-CIO Task Force on Racial Justice, a body focused on taking concrete action to address America's long history of racism and police violence against Black people. Redmond has served on the board of directors of Working America, the TransAfrica Forum, the Workers Defense League, the National Endowment for Democracy, the Coalition of Black Trade Unionists, Interfaith Worker Justice and, since 2007, has served as chair of the board of directors of the A. Philip Randolph Institute. In 2021, Redmond was elected president of the Trade Union Confederation of the Americas, a prestigious international post.

Terrance Winn

Prison Reform Advocate;

Founder and Director, Priorities, Intentions, Practical Exchanges (PIPES)

Terrance Winn is a highly respected prison reform advocate and the founder and director of Priorities, Intentions, Practical Exchanges, an organization that advocates for criminal justice reform and supports current and formerly incarcerated people in reaching their full potential.

Winn has testified about his experience in the Louisiana State Penitentiary (also known as Angola Prison) before the United States Senate during a hearing on inmate working conditions and before the United Nations Committee on the Elimination of Racial Discrimination as part of a Southern Poverty Law Center delegation.

Margie Mason (moderator)

Global Investigative Reporter, The Associated Press

Margie Mason is an investigative reporter at The Associated Press who spent nearly two decades as a foreign correspondent. Her work focuses on social justice issues and human rights abuses. She was part of a team that won the 2016 Pulitzer Prize for Public Service for a series of stories about slavery in Southeast Asia's fishing industry, resulting in more than 2,000 men being freed and repatriated. She has also exposed labor abuses in the palm oil industry in Indonesia and Malaysia, ranging from slavery and child labor to rape in the fields.

In the U.S., she has reported extensively on prison labor and its hidden path to some of the world's largest food companies and brands. Her work has led to the freeing of a Minnesota man from prison, the seizure of imported goods at the U.S. border, arrests, convictions and laws being changed.

Matt Helmer (opening remarks)

Managing Director, Economic Opportunities Program, The Aspen Institute

[Matt Helmer](#) is the managing director at the Aspen Institute [Economic Opportunities Program](#) and joined the program in April 2022. Matt's work focuses on developing conversations, tools, and research that advance job quality, equity, and economic security for workers with low and moderate incomes. He worked for the Institute's Workforce Strategies Initiative (WSI) from 2009 to 2014. With WSI, Matt researched community college and nonprofit partnerships and construction pre-apprenticeship and apprenticeship programs, facilitated the Sector Skills Academy, and supported the [Reinventing Low-Wage Work](#) and [Working in America](#) discussion series.

Transcript

Matt Helmer (00:00:07)

Good afternoon everybody. I'm Matt Helmer, the managing director of the Economic Opportunities Program. It's my pleasure to welcome you to today's conversation, the Hidden Workforce, Prison Labor, Human Rights, and the Legacy of Slavery. This event is the first in a two-part series, Work Behind and Beyond Bars, Improving Job Quality During and After Incarceration, in which we examine the working conditions of people who are currently incarcerated and the challenges and opportunities they encounter in the labor market once they're released. And obviously there's some overlap between those two things. So we'll be covering a lot of ground that's connected in those two conversations. This conversation is a part of a larger series we call Opportunity in America that looks at the changing nature of economic opportunity that workers face in the US and how we can create an economy that works for all. Before we start, I just want to say a quick word to our friends, partners and colleagues in Florida and other places affected by the recent hurricanes that you're in our thoughts and on our minds, and we hope you're back on your feet soon.

Just a quick word about the technology we're using today on Zoom. Everyone's muted. Please use that Q&A button to submit your questions. Use the chat box to submit your ideas and resources. If you want to post about this on the social media platform of your choice, our hashtag is #talkopportunity. If you run into any technical issues, message us in the chat or email us at eop.program@aspeninstitute.org. This event is being recorded and we'll share it via email and put it on our website. And finally, closed captions are available. Just click that CC button at the bottom of your screen.

So turning to today's discussion, we're here to tackle a pretty complex issue that touches on a range of issues from economic justice and racial equity to human rights and workers rights and criminal justice reform. And although official job statistics don't count much of the work that goes on in our prisons and jails, I think it's important to recognize up front that the people behind those walls, they're not just inmates or prisoners. They're daughters, their sons, they're parents, they're uncles, aunts, cousins, friends, siblings, and they're also workers.

And our prisons and jails couldn't operate without their work and their contributions make an impact in our economy too and the billions of dollars stretching into almost every industry and sector of our economy. Their work is meaningful in so many ways. Many work as part of our emergency response systems across the country. They fight fires, which means they risk their lives. And I would venture to say that on the ground in Florida and other states today, you can find people who are helping these states recover from these recent hurricanes that are currently incarcerated and playing a key role in helping that. We at Economic Opportunities believe strongly that all jobs should be good jobs. That means work should offer economic security, opportunities for growth and economic mobility and a safe and dignified workplace where workers have a say in the conditions of their labor and are able to shape their workplace.

This is a standard we aspire to for all workers, no matter where they work, what job they do, where they live, or whether they're behind bars or not. But unfortunately, as we're going to explore today, those working behind bars often face conditions that fall short of these standards. The work is sometimes forced or coerced, it's poorly compensated, sometimes not compensated, and it comes with few, if any, protections. So it's evident, I think as well, that some of this forced, underpaid and dangerous work violates some basic human rights. And at its worst, there's probably no other word to describe it than the modern form of slavery, but this is a complex and fragmented system that we're talking about. Conditions vary from state to state, from prison to prison, from jail to jail. There's differences between federal systems and local and state systems, and we know at the same time that work can bring meaning and purpose to those behind bars. And when it's done right, it can offer a path to that second chance that we aspire to give those who've made a mistake.

And there are plenty of communities and correction systems that are working passionately and dedicated to making that happen, but nonetheless, today's prison labor practices and what goes on in our facilities raises some critical questions that we're going to tackle today. First of all, how did we get here? Second, how do we define the value of work and workers in our society? Third, what are some of the consequences and implications of exploiting incarcerated workers, many of whom are people of color? And fourth, how do we build a criminal justice system that provides quality jobs, opportunity and dignity to those in its care at the same time we're trying to do that with our economy overall?

We have a remarkable panel today to explore these questions. One of the most exciting panels I think I've ever had the pleasure of introducing. So let me do that real quick. I'm just going to put names to faces, but you can read all about them in their bios on our webpage. So we have Fred Redmond, the secretary treasurer at AFL-CIO joining us. We have Andrea Armstrong, Dr. Norman C. Francis Distinguished Professor of Law at Loyola University New Orleans College of Law, and the founder of incarcerationtransparency.org. We have Tony Cantillo, the deputy commissioner at the Maine Department of Corrections, and joining us by phone, we'll put up a headshot of

him, we have Terrance Winn, who's a prison reform advocate and founder and director of priorities, intentions, and practical exchanges. Terrance has testified before the US Senate, as well as the United Nations.

And now it's my great pleasure to welcome Margie Mason, who's an investigative reporter at the Associated Press to moderate today's discussion. Margie has been exceptional on this topic, as well as so many others. Again, you can read her bio on our webpage, but she won a 2016 Pulitzer Prize for Public Service for our series of stories that she did about slavery in Southeast Asia. Margie, I can't think of a better person to moderate today's conversation, and I'm going to turn it over to you. Thanks for joining us.

Margie Mason (00:05:55)

Thank you so much, Matt. And thanks to The Aspen Institute for hosting this event and bringing together these great panelists, some of whom I have worked with directly or indirectly during the course of my reporting on this topic. And that's where I really want to start. Robin McDowell and I started looking at prison labor during the pandemic, actually. We wondered why are incarcerated workers being tasked with making things like hand sanitizer and face masks while the rest of America's workers are being told to stay home and protect themselves? And we came up with this question, are there two systems here and why are there two systems? And this actually took us to a stakeout of a prison. That's where we started, and that sounds crazy probably to most people listening to this, but for an investigative journalist that was right up our alley.

And so we went to the Louisiana State Penitentiary. And for those of you who don't know what that is, it's a sprawling 18,000 acre prison farm that was a former plantation. And we waited for cattle that had been raised by prisoners on that farm to leave the gates. We followed that cattle to an auction house in Baton Rouge. From there, we followed a truck 600 miles to a slaughterhouse in Texas. And from there, we learned that the beef was going to companies, including McDonald's and Burger King and Walmart and Sam's Club and Costco. And so that was our first surprise in all of this. Then we started filing all of these public records requests, and we were looking at agriculture because that very much links to the past.

And we wanted to see other prison farms - in Arkansas and in Texas, for instance, there are a lot of big prison farms there. And we found that they were selling grains - so corn, soy and wheat to big multinational companies like Cargill, which is the largest privately owned company in the United States. Tyson Foods, that's another one. And from there, we started looking at the supply chain and we could see the spider web that was literally reaching from these prison farms into virtually every American's pantry or refrigerator through products that are iconic, like Coca-Cola and Medal Gold Flour and Ball Park hot dogs and Cheerios cereal. Then we also started looking at the leasing that's still going on because we have work release programs where you have workers who are still incarcerated, but they're going out and they're in the community working. You might not know somebody serving you at McDonald's is actually incarcerated. And also, a lot of correctional departments also have contracts that are direct with private companies. And so we were seeing people working at dangerous places, like poultry plants.

And then we started asking the question, "Well, what happens if they get hurt or killed on the job?" And we found out that in most cases, they are not eligible for workers' comp or disability.

It's extremely difficult for them to sue through the civil court. And even OSHA and occupational safety organizations or agencies at the state level often do not have jurisdiction to investigate. So in some cases, you might have an incarcerated worker standing side by side at a private company with a worker in the free world, but they have very different rights and protections.

And so I think, again, this goes back to this question of why are there two systems? And I think that's really where I want to start this conversation. And I'm going to turn to Professor Armstrong and ask you if maybe you can tell us a little bit about yourself, but also can you lay the groundwork for this discussion by talking about prison labor and its history and the connection to the 13th Amendment and how that provides a link between yesterday and today, touching on this issue of forced labor and those who are being made to work through hard labor.

Andrea Armstrong (00:10:50)

Thank you so much for that question, Margie. And I'm also really grateful to The Aspen Institute for hosting this conversation. Decades ago, people were talking about this behind bars and advocates were talking about this, but it's a whole nother thing to see it in the Senate, to see it in mainstream conversations. And I'm just glad that we're paying attention because these are, in fact, our institutions. And so it matters what happens within them. So I am a law professor and a researcher. I look at conditions of confinement and what happens behind bars, specialize in a couple of different areas, namely forced labor. I also examine, document and analyze mortality or deaths behind bars. And then I look at healthcare issues behind bars.

So I'd love to start at the beginning because I think it's really critical to understand why these systems operate so differently as Margie just explained to us. So there's one system that applies to people who are in the custody of a sheriff or a warden of some sort, and there's a different set of rules that apply if you're free. And so the question is why? Well, one part for jumping into this conversation is understanding the 13th Amendment. So the 13th Amendment was passed after the end of the Civil War was adopted and ratified by the states. And it said forever that slavery and involuntary servitude were abolished. But within that 13th Amendment, there was also an exception clause. And it says, "Well, if you've been convicted of a crime, well, then we can still force you to work." So involuntary servitude is allowed in those limited cases. And what we found is after the Civil War that states were attempting to maintain the same social and economic systems that they had employed before the Civil War.

So the systems that maintained a population of people subservient and dependent on the white population because our slavery system was in fact race-based. And so after the Civil War when slavery was abolished, we found that there were a number of laws that were passed in order to recreate the secondary status primarily of African-Americans at that point, but also of other racial minorities. We might think about Chinese-Americans, who were coming across predominantly on the West Coast. There's interesting research about Native American populations and the ways in which they also were considered to be enslaved in secondary status. So this 13th Amendment allows for the use of our criminal justice system to essentially recreate systems of forced labor. But that's all that it says.

And so what we saw in that period immediately after the 13th Amendment is the adoption of things like the Code Noir here in Louisiana, or what y'all may know of as the Black codes, which would otherwise take legal behavior and criminalize it. We saw the numbers of people who

were incarcerated skyrocket predominantly of racial minority populations. And we saw that population that was incarcerated increasingly deployed to do major infrastructure work, to be leased out to private owners and to, particularly in the South, operate these penal plantations, which were old plantations that were then purchased either by new owners or sometimes by the state, and then operated in very much the same way, using the same buildings, the same crops, the same tools. So that's just an entry point as to how our history connects us, because what we see in some of the states that Margie mentioned, in Louisiana and Arkansas and in Texas, for example, is that those same spaces are now used as prison farms. And so thinking about that continuity of history really matters in this context.

Margie Mason (00:15:03)

Thank you. Terrance, you spent more than 30 years at Angola, and you have a very clear idea about what forced hard labor really means to those people behind bars. Can you first tell us a little bit about yourself and then explain why it is so important for people on the outside to become aware of this system that has existed there for so long?

Terrance Winn (00:15:30)

All right. Hello. And thank you for having me. I'm Terrance Winn, as you said. I went to prison at 16. I was tried as an adult and I was sentenced to a life sentence at hard labor where I spent all of that time in Angola. And stepping into Angola at the time that I did, it was like taking a step back into history, where when you look at slavery movies and you see how it was portrayed, all that was going on where you have the guards on horse backs with the guns, big walls and tobacco in their mouth, and they're pushing these lines and making people keep working regardless to the conditions, regardless of if their bodies are suffering and can't keep up, you got to keep working.

And so I lived through that. I lived through the cotton picking era in Angola. And I lived through the era where if you didn't work, you was going to get jumped on, you was going to get beat. And a lot of guys didn't want to work, but they was afraid of taking those beatings or afraid of going to solitary confinement for long periods of time because there was a lot more things that was going to happen to you then. So some guys just suffered and just worked. What's important to know about it...

Margie Mason (00:17:24)

Thank you. Secretary-Treasurer Redmond, can you talk a little bit about how prison labor connects to the broader labor movement and the AFL-CIO's work? And also, the US Supreme Court has ruled that incarcerated workers-

Terrance Winn (00:17:39)

...the fact that then you became... So now it's about everybody gaining something off of you because you committed a crime and people are made to think that you're not human because you committed a crime and you went to prison. So people should know that you breathe or that you care or that you hurt or that you laugh or whatever. People are trained not to see those that

are incarcerated as the same human beings that we deal with every day of our life. And so it's made to be right. What's going on with a prison is people have to see it as being a right, because they said that for your crime, this is what's supposed to happen to you. When in actuality, that's not really what's supposed to happen to you. You're doing time, but then you can't... You're working, but you can't get paid for your services in the country that says that you're supposed to get paid for your services.

So the law, it becomes not clear, ambiguous, that's the word I want to say. It becomes really, really ambiguous because on one hand we could say, "This is what the law says, and you got to follow it. If you don't follow it as a business owner, you're going to be penalized for it." But when it comes to this group of people, you can break that law. It doesn't matter. So we're dealing with a country that practices a double standard, even in its handling of its humans because for the same crime I went to prison with and had life in 25, there was a white woman that started a whole riot in our city, she only got 12 years. And the judge told her the only thing you did wrong that day was bought drugs, not that you killed a human being, but you bought drugs.

So going into the prison system, people need to know that race plays a part even within the system because every white person that I entered Angola with, none of those guys had to go into the field to work. When it was time for us to go in the field during our time, you would get at least three days without going into the fields. But when we had to report to the gate, none of the white guys had to go into the field. They were given jobs. They were given jobs out the gate, where every black person that came into Angola, if you don't have a condition where you can't walk or you have one arm or something, you're going into the field. And so it's a different treatment of people based upon their color when you walk through the gates of Angola.

I could specifically speak about the time that I walked in Angola, which is June 24, 1991. Up until I left prison, which was July 1, 2020, Black prisoners got treated differently than white prisoners. But white prisoners will walk in, they already have the advantage of being white, so things were going to be way more easier for them than it would be for a Black person. And those are things that people in the society need to know, how the pass-down system of slavery has never went anywhere. It still exists today, and all you have to do is to look into our prison systems and you would see the exact replica of the systems that was in the place before the Civil War ended in 1865.

Margie Mason (00:22:05)

Thank you, Terrance. Secretary-Treasurer Redmond, I'm just wondering if you could talk a little bit about how prison labor connects to the broader labor movement and the AFL-CIO's work. And also, the US Supreme Court has ruled that incarcerated workers cannot form unions, so they can't protest, they can't organize even against poor working conditions. So given that, do you see two separate systems here and who is profiting from this?

Fred Redmond (00:22:35)

Well, thank you, Margie, and I too want to just thank The Aspen Institute for bringing light to this important subject. Just a little bit about me, I grew up in Chicago, Illinois. I'm a second generation steel worker. I went to work in an aluminum mill where my father worked a long time

ago back in 1970. My father was a union official. I got involved in the union, held various jobs in the local union. I was vice president for two terms. I became president of the local union where I served two terms. I was hired by the International Steel Workers Union where I was hired as a servicing staff rep and went on to hold other positions. I was the director of the Steel Workers Education program. And I was the lead bargainer for different sectors of the steel workers union, our healthcare sector, our container sector, ship building.

And then in 2006, I was elected vice president of the Steelworkers Union. And as vice president of the Steelworkers Union, I directed our work on civil and human rights. And then I was elected to the AFL-CIO Executive Council, the governing body of the AFL-CIO in 2008 to represent the Steelworkers Union. And as a member of the AFL-CIO Executive Council, I was asked to chair some efforts by the AFL-CIO of racial justice. In 2006, I chaired the AFL-CIO's Commission on race where we studied the issue of race within the labor movement and how it affected the labor movement.

And then the most recent work that I've done with the AFL-CIO, specifically on race, I was appointed by the former president, Richard Trumfka, to lead the AFL-CIO's Racial Justice Task Force. And upon his sudden passing in 2021, I was asked by his predecessor, President Liz Shuler, to be the Secretary of Treasury of AFL-CIO. And we were both elected, myself and Liz Shuler, to our current term in 2022.

So with that, let me just say, look, the labor movement has always fought for everybody's rights to have dignity on the job and access to decent and fair wages in exchange for their work. We believe very strongly that all people have the right to share the wealth that they create on the job, or they help to create on the job every day they go to work. And as far as the labor movement's concerned, forced labor is never acceptable. It's a violation of our fundamental human rights. We have a long record in the labor movement of speaking out against forced labor, wherever it exists, whether it's abroad or even at home. And the American labor movement is committed to the advancement of civil and human rights, to the advancement of social and economic justice.

We believe, as Dr. King believed, that an injustice anywhere is a threat to justice everywhere. So when civil rights groups and labor groups, including one of our affiliated unions, the AFL-CIO is a labor federation where we represent 60 national unions in a total of 12 and a half million members. But when one of our affiliate unions, the retail, wholesale and department store union, RWDSU, along with Alabama's current and formerly incarcerated citizens, filed a federal class action lawsuit last December. And we supported the plaintiffs in a lawsuit. And we are committed to fight back against forced labor, as I stated, wherever it goes.

And another thing is this idea of prison labor, the system of prison labor cuts into some of our core jurisdictions that we have through collective bargaining. And when we look at the system in terms of prison labor because of their experience, because of their access to workplaces, and I'm speaking on Alabama specifically, which has, during our research we found, in terms of percentages, they have the lowest parole rate in terms of prisoner release in this country. And a lot of those prisoners, because of their work history, can become qualified to join our apprenticeship programs, to rejoin our training programs. The labor movement, we are the largest employer of trainers in the world. The only people who train more workers than us are the US military. And so we feel as though this system of prison labor is infringing on these prisoners

that are eligible for parole but not being allowed to get parole, the opportunity based on their work experience to further that work and be meaningful and contributing members of society.

Margie Mason (00:28:49)

Thank you. Tony, I want to turn to you and I'm just wondering if you can tell us a bit about your background and your work at the Maine Department of Corrections and how prison labor fits into your state? What do you do to ensure the health and safety of incarcerated workers in Maine and how do you protect them?

Anthony Cantillo (00:29:10)

Sure. And good afternoon. So Tony Cantillo here, I'm the deputy Commissioner for the Maine Department of Corrections. And in that role, I oversee essentially all the operations within the Maine Department of Corrections to include our facility operations and our adult community corrections and juvenile divisions as well. In Maine, we are doing things a bit different. We feel it's our approach in corrections and looking at three real pillars of our model, and that is humanization, normalization and destigmatization. And so one of the big things that we have really traveled down is the value of education and true meeting of needs to the best of our abilities. As we talked about work, work is one aspect, but one thing that we try to strive for is providing education and educational opportunities that lead to pathways for sustainability and increased resources for our residents as they transition back into the communities. That includes being collaborative with our state department of labor in establishing apprenticeships so that there are tangible workflows towards something in a career beyond incarceration.

And not to get too ahead of the questions for the rest of the discussion, but also expanding on how technology can play a role in the expansion of work and career opportunities, much like it is for you and I right now as well. So as I leave with this introduction, our mission statement at the Maine Department of Corrections is to make our community safer by supportive intervention, empowering change, and restoring lives. And so as we look through that lens of our mission statement, we take a look at all aspects in which we could have a positive impact towards that. And as we go on with the topic of today's discussion of being at work, I will go back to how education leads to that and how those opportunities come from just that exposure that education can provide.

Margie Mason (00:31:40)

Thank you so much. Secretary-Treasurer Redmond, I'm wondering if we can, you touched on this just a minute ago, this suit, and for people who are just hearing about this for the first time, I want to spell it out a little bit. The AFL-CIO is part of this class action lawsuit against the state of Alabama, basically looking at the forced labor within its prison populations there. The suit says that the Alabama Department of Corrections denies Black prisoners parole at twice the rate of their white counterparts in order to maintain a cheap labor force through wrongful detention.

So I'm wondering if maybe you can delve into this a little bit deeper and just tell us the union involvement in this. I think the lawsuit itself is very novel in that we're seeing this, although we are seeing a similar lawsuit in Louisiana as well, so these things are popping up. And again, as I

mentioned, incarcerated workers are not eligible. They cannot unionize, they cannot organize, they cannot protest. And if they do, they will be thrown in solitary confinement. They could have their privileges stripped away from them or they could even have time added to their sentences.

So can you just kind of go back to the suit and why it's so important, given what you've just described, your whole life's work is fighting for workers' rights. When you hear that in this country, and I didn't mention either, one of the things that we found is that we know that when goods produced through labor from prisons overseas gets to our borders, it's illegal and those ships are seized. Yet what we found is that goods produced by prison labor here in America, it's being shipped through supply chains all the time overseas. So there seems to be this double standard going back and forth on a lot of things here. And maybe you can touch on that a little bit.

Fred Redmond (00:33:46)

Sure. And look, without no disparagement intended toward a lot of great people in the state of Alabama, the fact of the matter is Alabama became the birthplace of the civil rights movement, not by choice, but by necessity. It was where the currents of racism and segregation and discrimination ran the deepest and Alabama's a place where the right to vote wasn't a right for all of us and where the justice system was most unjust. And in the decades following the Civil War, Jim Crow laws, coupled with a loophole in the 13th Amendment, sentenced young Black men to work on chain gangs and their labor was a major source of revenue for southern states through convict leasing, especially in Alabama. And by 1989, forced labor was the main engine of Alabama's economy, accounting for 70%. I'm going to repeat that, 70% of this state's budget.

Nowadays, the United States is one of 17 countries in the world that still have forced prison labor. And all those several states have passed constitutional amendments in recent years to outlaw slavery as punishment for a crime, including Alabama, there have been reports of coerced labor of the incarcerated and reports that people who have paid their debt to society are being denied paroles, mainly Black Alabamians, who were being denied parole in our study at a two to one rate compared with their white counterparts. Disproportionately denying young Black parole is partially why more Black people account for more than half of Alabama's prison population, though a little over 1/4 of the state of Alabama's population happens to be Black. Alabama prisons are overcrowded, they're understaffed, and they are amongst the most violent and dangerous places in the world now. So denying parole to low-risk, Black incarcerated people with a demonstrated history of safely participating in offsite work programs, ensures that they will remain available to provide labor in a scheme that generates nearly half a billion, half a billion in annual benefits to the state of Alabama.

And this is why Governor Kay Ivey keeps people in prison. The state is profiting from this prison labor, and if these incarcerated people refuse to work, then they are at risk of being put into solitary confinement. So because of our belief that we believe that work should be voluntary and the prisoners should be fairly paid and treated humanely, they should be trained properly and their job should be safe because the fact is that private employers, they tend to assign incarcerated workers to the more dangerous or less desirable tasks because they understand that incarcerated individuals are rarely in a position to say no. Incarcerated workers are limited

in their ability to advocate for improved workplace conditions, to organize themselves and their coworkers, to publicize workplace abuses as you mentioned, or to pursue or participate in wage and other workplace litigation.

So this is what we want for all workers, the ability to raise standards, advance racial justice by allowing workers to freely organize unions and advocate for their rights in the workplace. Now, despite these obstacles, these prisoners in the Alabama prison system have underground collectively organized, amongst themselves, to take on this fight. So the labor movement, after looking at the case, after doing some research, after looking at the other plaintiffs in the lawsuit, we decided to be partners with these prisoners and to fight this injustice.

Margie Mason (00:38:48)

Thank you. Andrea, a common stereotype of prison labor is people making license plates, and they are indeed still doing that in many states as we know. But I'm wondering if you can talk about some of the jobs most Americans would never guess incarcerated workers are doing. And can you touch on how private companies who are short-staffed or desperate for workers are turning more and more to prisons for the answer, including industries that are dangerous, places like meat processing plants, for example, and how can that lead to problems if these incarcerated workers are hurt or killed, given that they are not legally considered employees?

Andrea Armstrong (00:39:33)

So I think it might be helpful to bring together a couple of threads here. And so when I think about prison labor, I think about four distinct elements of it, and I think it's been mentioned by a couple of different people in different ways. The first is that it's involuntary. So unlike you and me, if I don't do a good job in my workplace, my boss can't deprive me of access to my family, deprive me of access to the outdoors, cut off my phone, cut off my pay, cannot punish me in the same way, radically different.

The second feature is that it's unpaid or not fairly paid. And so some of the work that Terrance was talking about, that's two cents an hour. So there's a man who worked for 15 years in a Louisiana prison and when he came home, he could buy his mom a bouquet of flowers. He had \$131. And so it's just not paid in a fair way. There's a small slice of these programs that are.

The third feature that I think is really important that we've talked about is that it's unprotected by legal status. And this is where it gets to the question you had, Margie, about whether or not somebody's considered an employee. So you might go, "Well, wait a minute, shouldn't somebody get the minimum wage because don't we have the Fair Labor Standards Act?" We do have that, but courts, not legislatures, not you and I, not the people we have voted for necessarily, courts have decided that incarcerated people, by and large, not in all cases, are not employees because the purposes of their work, the people that they work for tend to be different. So what that means is so many of our labor laws that protect employees don't protect incarcerated workers. And that's just a matter of interpretation. The fourth feature... and I'm sorry, back continuing with unprotected, they also can't organize. There's no workplace protections. There's no whistleblower protections. So there's a whole range of things that the law just says,

"No, it's not our concern." Workman's comp is another example, and you had mentioned that earlier, Margie.

The fourth is that it's just not related to reentry or rehabilitation. And so this is what people talk to me about where they literally are just picking grass out between slabs of concrete, where the work just seems like more of a punishment than something that is part of a reentry plan or workforce development. So with those four points in mind to understand the differences between the two systems, we can then think about what are the types of jobs that people are doing? And so, so much of this labor is about, in fact, maintaining the institution. This is the kitchen, this is laundry, this is medical orderlies providing care for our aging and graying prison population. They do a lot of the administrative and clerical work that's required to run these institutions.

And so in so many ways, they are taking jobs that could, in fact, be performed by other people, free people in the community who then would have an opportunity to demonstrate the ways in which the free world labor economy works. So there's maintaining the institution. They may work for a private corporation, both behind the wire or outside of the wire. So behind the wire, there's a number of companies that have established mini plants. You think about e-recycling centers, for instance, are one example. And then there are those that, like Tyson, operate meat processing plants on the outside in which incarcerated workers also work. And it's not just private corporations. Baltimore County, for instance, uses incarcerated workers in its recycling plant who work alongside free workers and yet are treated very differently because of their incarcerated status.

So a lot of this work is not just prison-based either. It includes people who are in immigration detention increasingly, particularly those that are privately run. And courts have upheld that as a form of fiscal contribution or as housekeeping duties and responsibilities. But they too can be punished with solitary if they don't complete the job as ordered. Jails, people who are held pretrial are also being forced to work, and then people who are being convicted are also forced to work in a variety of different jobs. Sometimes that job happens in really dangerous situations. And so I mentioned that I work on mortality. I look at deaths. We have workplace-related deaths. For instance, we have deaths of people who were working on boats in the Mississippi River, work that they may not have been trained for, who then drowned as a consequence of being assigned to that job. We have someone who was assigned to check water meters and was riding in the back of a pickup truck. The truck turned, hit a bump, fell out the back and had a traumatic brain injury and died as a result of that job.

What I think is probably one of the more egregious examples is Matt started this conversation about how incarcerated workers have helped in disaster cleanup and work. And I think when I talk to incarcerated people, their ability to help someone in need, to help communities in need is a point of pride, and it's something that they're proud to have done. But because of their incarcerated status, they can be asked to do dangerous things upon pain of punishment that they could not ask a free worker to do. And then when it comes afterwards to sue for damages to get the type of relief that's needed, there's so many barriers to their care.

So I want you to think about the BP oil spill, for instance. Cleaning up that oil from the animals from the beaches was an incredibly toxic experience. We know and have documented

significant lifelong health injuries for people who were involved in that cleanup effort. At the same time, incarcerated workers were sent out there with no safety gear when it came time for the class actions to address that care, they also were not included in those settlement options. They were essentially a forgotten worker force that wasn't included.

And so we need to think critically about when incarcerated labor is appropriate, what choice people have in engaging in that work, and to ensure that they are not put in a position that is more dangerous than a free worker who was trained to do that particular task. I hope that was helpful in understanding the range and the breadth and depth of forced labor because it is literally, as you led us off with, Margie, it is everywhere in the US economy, political and social systems.

Margie Mason (00:47:23)

Definitely a lot more than license plates. Terrance, I'm just wondering if you could kind of paint a picture for us about what it was like to wake up and work in the fields at Angola, to have men with guns on horseback, watching over you in the searing sun, all on a former slave plantation. And what happened when you were asked to pick cotton and what happened if you refused to do it?

Terrance Winn (00:48:02)

You have to think of it from the stance of this, a kid never had a job coming out of a city, you're going into a place where there's nothing but farmland, something you're not accustomed to doing, and you're told you got to meet, you got to go to the gate. And you go to the gate and there's just men everywhere waiting to go out the gate. You get your name called walking through the gates. And then you're going to stand up next to a guy and there's guys in front of you and there's guys behind you. So when everybody comes out, the field farm and the security man that's inside, they're going to walk down and get an accurate count on how many people came through the gates.

The man on the inside is going to go back through the gates and he is going to lock you outside. So now you're locked out of your living area, so you're going to walk to where you got to get your tools. But when I went, you didn't have to get a tool because it was during this cotton time. And so when the cotton time came, I refused to do it. And they was really beating you during that time. If you were to go to work, there was going to be a truck, there was going to be a lot of trucks coming and they was going to handcuff you and they was going to rope you up and they was going to throw you on the back of that truck. Whatever happened to you when you land on the back of that truck, that's what happened to you. And they was going to bring you in and you was going to go to the dungeon, which is administrative segregation.

But if you just stay in the field, I'm going to take you to a different area where you're using a tool, so you can see this picture. Come out, you go get a tool, which is probably a disc plain blade. But one day we got these disc plain blades and we cutting grass that's way over our head. Two guys there got through it. Some guys know what's going on, some guys don't, but one of the guys hit the other guy in the neck with the disc plain blade, and his head literally came off and

everybody that was in the line saw this. His head came off and he died. There's other incidents where you would see guys using the tools to hurt one another because they've gotten into it.

I can recall us working all day and it was 100 and some degrees, it was extremely high. And before we come back in, you'll get some water because we was using blades this day too. And so a guy walked up and said say, "Man, don't line up where you was lining up at because I'm going to do something." And so I didn't line up where I normally line up at. So we walking in and the line turning and the guy runs off the line and hit the guy in the head with the disc plain blade and almost knocked his ear off, but he put a big old gash in his face from his hairline all the way down to his neck and he almost knocked his ear off.

But then aside from the violence, you work in this extreme heat from 7:00 when you're going out the gate at 7:00, you'll make it to your work site probably about 7:30, 7:45. And you working non-stop either cutting grass, high grass down, and at this time you have to make it to where you don't see nothing but dirt. If you have little specks of grass in it, you was going to get a write-up. When you working 7:00 to 11:00, then you come back, you go eat, and at 12:00 you're coming back out and you working from 12:00 to 4:00 and you working hard to where your clothes is literally dripping water, which is your sweat. And then you're dirty because dirt flying in your face and then you're trying to fight to learn low to get yourself out of there.

But you so tired that the only thing you can do is come in, pull your locker boxes out or just get on the floor and just go to sleep. And don't nobody wake you up to go eat and you ain't got no money, you going to miss going to eat because you so tired that you can't get up. And you're in the dormitory at this time where it was 68 men and everybody trying to get in the shower because they want to get out of those wet clothes and they want to get in their bed so they can get some rest. So they got to repeat that process.

And then if you was getting write-ups, you was working to get your weekends off, you wasn't working for the two cents that Professor Armstrong talked about, you was working to get those weekends off because you don't see those two cents. It takes so long for that to build up for you to buy something. But if you got a write-up, you don't much get those two days off. But you would have to work every day, even on the days that you was hoping to get off and you're doing sometimes strenuous work, sometimes tedious work. It becomes tedious when it's cold and you want to do the hard work, but there ain't nothing for you to do but freeze.

And you'd be like, "Man, just let us work, man." He'd be like, "Man, ain't nothing for you to do." So you're just standing out there freezing in 30-something degrees, temperature. The ground is frozen, you can't do nothing. Your hands so cold, they feel like they going to drop. Your toes, feel like they going to break off at any given moment and you just out there standing up because there ain't nothing to do. But when it's hot, you working so hard that you hoping that they slow it down.

And then sometimes the field farmers will be making bets. I bet I make my line. I work your line and things. So when they doing that, you ain't going to get a break. As soon as you get out cut, swing it around. Swing it around means go to another cut. So you swing it around, you swing it and they'll swing and you'll be like, "Sorry, man, stop using [inaudible 00:55:15]." So then he'll call, "You say something else to me, I'm going to hit that button on you. You know what they going to come do." So you checkmate it because you don't want the people to beat you up because

they breaking something on you. They ain't just beating you up and you all right, they beating you up and you got a limb broke, you got cuts in your face and your head. So people trying to avoid that and then you just trying to go through it, it's just extremely awful.

Margie Mason (00:55:50)

Thank you so much for that, Terrance. Tony, I'm just wondering, we mentioned many states are only paying incarcerated workers pennies an hour or nothing at all. And I'm just wondering, as someone who's worked within the system, what do you see as the challenges in changing the labor and work practices of the facilities around the country? And does the overall system need to be changed so that incarcerated workers are treated fairly and humanely and paid a decent wage? And maybe what do you see as Maine doing better? Can you give us some examples of that?

Anthony Cantillo (00:56:27)

Sure. I think that one of the aspects that Maine is trying to improve upon is recognizing the work of residents, excuse my term, but we use the terminology residents, not prisoners or inmates, so residents and how they do contribute back into our facilities and thus their living community. So recognizing that how do we sustain the work that they put into a true translation into skills that they can use upon reentry? So I'm going back to that education piece and going back to partnerships with the Department of Labor Apprenticeship programs so that the experiences that they can put in also translate to true experiences in the workforce and in the community. So I think that's one aspect that takes a lot of investment financially, internally on how that looks like. So one change will obviously require how you look at, prioritize funding to help support that. Other ways, as we know within state governments, that funding is set and limited is exploring opportunities through grants and other partners to see what else is out there to help support opportunities and expand upon what could be resources for the residents.

We recognize that Maine is also different just in our population size. In the state department of corrections, there's only 1800 residents that are currently incarcerated. And our work release facilities are unfenced, so they're very different from what we know from some of our counterparts across the country. And those opportunities lead to work release opportunities for a whole set of diverse employers in which pay is at a competitive rate just like any other individual applying for that. What we have seen, though, as we provide more education on the front end or upstream while they are starting their incarceration, especially if we look at areas like the construction field, if we can provide accredited training, which allows them to be more competitive, they're seeing that benefit while they're still incarcerated, finishing their sentences by being able to show the international accreditation in that field to be a competitive employee with that agency.

We also take a look at individual approaches on work skills that may be more applicable for that particular resident, but also, we're looking at trends within the state as it relates to department of labor statistics. So we recently ventured how do we get residents through CDL courses so that they could, again, get some real work experience at real good wages in a competitive field because we know that our nation relies on trucking for short haul, long haul, and you name it, you name the goods. So it's using data to inform us on what kind of things that we need to be

thinking for in the future and not just those short-term needs or things that we may think that we want, we're also exploring and listening to residents on what they want as well.

Margie Mason (01:00:07)

Thank you. Given the time, we've almost run out of time. This has been a very lively discussion, but I'm just wondering if maybe each one of you can go through and give us one to two minutes of your final thoughts and ideas on this issue of prison labor and these two very different systems, one that is in place for rights and protections for workers on the outside and those who are incarcerated who have a very different system. Professor Armstrong, maybe you can go first.

Andrea Armstrong (01:00:43)

Sure. And thank you so much again. This has been a really great conversation. I've been taking notes, learning so much from my panelists. So I think first, we need to focus on the fact that these are, in fact, our institutions. These are our agencies. They belong to us, we pay for them. And we want to make sure that what we're paying for is an investment in our own safety and in the healing work to decrease crime in the future. And so we want to think about how these places operate. So think about transparency and ask questions. So when you are being confronted with a new opportunity in terms of funding the sheriff or prison construction or the department of corrections, you can ask your representatives, "Well, what is the revenue then from prison labor? What does that look like? And how is that being applied? Because I am paying \$55,000 a year for you to house this person." So one, is I want you to just think about transparency and asking all of the questions.

The second thing I want you to think about, though, is just because the Constitution says we can, doesn't mean that we should. And there's a fundamental difference there. We can force someone to work, but that doesn't mean that we should do it in a way that puts their own health, safety and dignity at risk. And so I really want us to think creatively about what is the world that we want to live in and then take steps to actually build that world. Thank you.

Margie Mason (01:02:20)

Thank you. Secretary-Treasurer Redmond, do you want to go next?

Fred Redmond (01:02:25)

Sure. This has been an exciting discussion. I really appreciate being with all of the panelists. Look, for the labor movement, this lawsuit is a strong first step toward eliminating forced labor in the Alabama prison system and righting the wrongs from this egregious labor exploitation. This is our main priority in this area, but we're going to be looking at other states, also, as we go forward. But as the suit moves through the courts, then I would appeal to worker advocates, union members, anybody who cares at all about human rights and racial and economic justice. They can do a few things to support this work. As people in the labor movement know, we often go toe to toe with well-heeled politicians and corporations. And even though they spend millions in union busting campaigns to delay first contracts and to bargain in bad faith, we win with worker solidarity, with people joining together. And we use our solidarity to hold politicians and

corporations accountable. And that's what we can do here by using our worker solidarity, our union solidarity to advocate for those incarcerated.

So the first way that I would encourage people to get involved is to vote. We need to hold politicians accountable. And while Governor Ivey and the Attorney General are not on the ballot this year, there are important elections for statewide office in Alabama and, of course, for the US House of Representatives and President of the United States. And I've learned through my many years in this movement that when working people elect leaders who share our values, then we're able to influence and advocate for policies that benefit workers and benefit our communities. And at that point, we are able to hold corporations accountable. So I would call on all my labor brothers and sisters and siblings and anybody on this call who consider themselves a proponent for justice and fairness to really get involved in this movement, if it's nothing but writing a letter to your governor, you live in the South where you have prison labor or to your representatives and let them know that work has value and everybody who performs work has value. And these folks need a voice and we can be that voice.

Margie Mason (01:05:22)

Thank you. Deputy Commissioner Cantillo.

Anthony Cantillo (01:05:22)

I just want to thank everyone for joining us this afternoon and I wanted to thank The Aspen Institute for the invitation.

Margie Mason (01:05:36)

And I saved the last spot for Terrance.

Terrance Winn (01:05:37)

I would also like to say thank y'all for this opportunity and thank you for putting this panel together. I think the big thing that I would like to say is we need to remember that just because the crime was committed by someone, that person doesn't lose human dignity, nor do they become separate from the human race. And we got to stop allowing our politicians to get voted in by people and once they get voted in, to take on a whole different ideology than those that they promised during their campaign so that they can stop treating other human beings as less than human beings because they have committed a crime.

Margie Mason (01:06:33)

Thank you so much. I'm being asked to ask one more question, and so I'm going to tap you, Professor Armstrong, one more time because I know you are an expert on this and you've spoken about it a lot with us to help us understand it. Can you maybe walk us a little bit through this 13th Amendment and the movement to remove the exclusionary clause, both from the US Constitution and also language from the state constitutions? What are the implications of this? Why is this being pushed and why is it important?

Andrea Armstrong (01:07:21)

So first, we see this happening in states across the US that they are particularly putting to a ballot. So for a general population vote, the opportunity to amend their state constitutions to eliminate this exception that we started the conversation off with, this exception that allows for involuntary servitude if you've been convicted of a crime. And it's an important conversation. This is an amendment that in many ways is being driven. These correction processes are being driven by incarcerated people who were saying, "Why does the law get to make me a slave again?" And so if we're committed to this work, it means that we are also committed to understanding and listening to the perspectives of people who are in this situation.

That being said, it's also important for us to realize that simply amending our constitutions doesn't change some of the harms that we've talked about today. Those harms are not necessarily tied to the fact that somebody can be forced to work. We, in fact, could choose to protect incarcerated workers to the same extent as we do free world workers. We could, if we wanted to, ensure that our departments of corrections align as Maine does with their department of labor to ensure that the work that people are doing is work that's connected to their reentry and to workforce development. So it's an important conversation. It's one that's driven by concerns of people who are incarcerated. At the same time, we need to realize that that's not the only way that we can address these very real harms. And, in fact, there are things that we can do today, whether or not those amendments pass to make things fair, humane, and dignified for everyone.

Margie Mason (01:09:19)

Thank you and thanks to everybody. This has been, again, a very lively and educational panel. And I've learned a few things today. I thought after two years of immersing myself in this that I knew a lot, but I've learned a lot today as well. So thank you so much.

Fred Redmond (01:09:38)

Thank you.

Matt Helmer (01:09:41)

I want to say thank you to Secretary-Treasurer Redmond, Andrea, Terrance, Tony, and Margie for such a wonderful discussion, very eye-opening. I know we just barely scratched the surface on this, but hopefully we've piqued a lot of your curiosity to learn more, to get involved in your local community, to reach out to some of these great speakers we've had today to tap their expertise for ideas on how we can address this. Again, just thank you to Margie, as well, for moderating this discussion and for all her work to cover this important issue too.

So stay tuned for our next event on October 23rd at 2:00 Eastern. That one is going to be on community benefits agreements, another tool for creating good jobs, and we're going to host that with our colleagues at Jobs to Move America. Jobs To Move America is another organization that's involved in the issue that we discussed today, and another resource for you all that are looking to learn more about it.

I want to thank our great team at the Economic Opportunities Program for pulling together today's event. There were so many people involved over the last several months in learning about this and helping shape it, but special thanks to my colleague Finney, my colleagues, Maxwell and Frances, Tony, Nora, Merit. Thanks to our colleagues at Architex for putting together today's show and thanks to Maureen Conway for all her support, leadership, and guidance on this event in this series. Thanks for joining us. Thanks for being engaged. Thanks for being curious. Hope to see you again. We'll see you next time.