

## The Modern Plantation

In this age of iconoclasy, when monuments to the treasonous leaders of the defeated Confederate states are being pulled down by justifiably fed-up mobs, when heavily militarized police forces are being dismantled and rebuilt in the image of the communities they serve, would it surprise you to learn that slavery still exists in the United States of America -- in fact, right here in New York State?

### Thirteen and Six

The Thirteenth Amendment to the United States Constitution states that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

As any lawyer can tell you, "duly convicted" can mean any number of things, including "factually innocent," especially in New York State, and other states wherein judges and district attorneys are partisan elected officials who often campaign for re-election on the strength of convictions neither moral nor ethical, but numerical. They often enjoy, along with the police, an extraordinary functional immunity from prosecution.

Add to that the well-studied practice by which judges, in collusion with prosecutors, punish accused persons who opt to exercise their Sixth Amendment rights by handing down

consistently harsher sentences to those who choose to go to trial rather than to submit to the pressure to plead guilty. The practice has been decried by jurists and defense attorneys for years as an effective annulment of the right to trial; it is called the "trial penalty." In the queer half-light of the very well-documented racial and socio-economic disparities built into the criminal justice system, what takes shape is an effective procurement regime for the modern plantation.

### Tara

Enter Corcraft, described on the back page of its annually-issued calendar as the "market brand name for the New York State Department of Corrections and Community Supervision, Division of Industries ... Corcraft manufactures a large and diverse array of products, including license plates for New York and other states, school and office furniture, clothing, janitorial supplies, eyeglasses for Medicaid patients, files and lockers and specialized prison equipment."

Corcraft's sales amount to more than \$60 million annually, according to the same company publication. The Division of Industries exploits the labor of "approximately 1900 inmates in 38 of the 54 facilities around the state", and employs hundreds of civilians and prison guards to oversee operations.

Corcraft products "may not be sold to the private sector. Corcraft can only sell to state and local governments and not-for-profit organizations that receive tax dollar support."

Cold comfort for its 1,900-odd laborers. Just think: the very schoolroom desks at which your children sit to learn about the evils of slavery may themselves have been made by enslaved convicts in the next town over, working in dangerous factories on ancient equipment for wages that at most barely exceed \$2 per day.

**"Seven long years penal servitude..."**

Each morning, a convict laborer awakes at seven to the sound of the bell, performs his morning routine, and marches to the factory, there to labor for the State. The work is like any factory work; not especially interesting, not especially dull. There is camaraderie, cigarette-smoking, coffee-drinking and idle chitchat when the boss isn't looking. There are accidents; people have lost fingers and have been gutshot with shattered steel here, but those things can happen in any factory. There is pride of workmanship on display here, too, and skill; there is resentment, there is slovenliness. Orders are received, products are made and shipped.

At midday, the convicts march to lunch in the chow hall and wolf down whatever is on the menu. On the door is posted a memorandum stating that week's bonus pay, an arcane and unpredictable function of work hours and product shipped, usually amounting to an extra dollar or two. By way of comparison, a pouch of Bugler cigarette tobacco, the standard unit of exchange in the prison economy, costs \$4.69 at the commissary.

Conversation rises with blood sugar.

Lunch ends and the convicts march sluggishly back to the shop floor and resume their labors until discharged for the day. When at last they are searched, they march back to the cellblock, file into their cages, and are put away for the afternoon like so many automatons.

I am one of them.

The Corcraft factory in which I work has been closed since mid-March due to the Covid-19 pandemic, but today we convicts -- or half of us, anyway; we have been split into two smaller shifts to facilitate social distancing -- returned to our duties, masks on. The long vacation -- the first I've had in the six years of my Corcraft employment -- is over, but it has given me time to think, and I no longer believe that the bargain we convicts make with our overseers is worth preserving: I will no longer stay silent and play along while the State exploits my skill and work ethic without providing just compensation.

Unlike some of the men in this prison, I was not a professional criminal in the real world. I did not victimize people for a living. I had a contracting business; I swung a hammer to buy my bread. I know the value of my labor, my skillset. Many of the men in my shop do, being incidental rather than professional criminals. But for those who have known no other life but poverty, public assistance, ignorance, and cash-motivated crime -- a significant percentage of Corcraft's workforce -- what lesson does Corcraft employment teach?

Judging from my experience, from what I overhear every day,

the main lesson seems to be "don't get caught." Crime pays pretty well, in these men's estimation: it's getting caught that upsets the gravy boat. And that's true, in comparison to Corcraft employment, which, for many convicts, is their first job-like experience.

This unfortunate attitude is reinforced and exacerbated by the prison labor system, by Corcraft. While Corcraft's convict employees do learn valuable skills in some jobs -- I certainly have, though that is as much due to my own motivation and interest as to Corcraft's provision of opportunity -- where the prison labor system fails its charges is in its refusal to pay a respectable wage for what it takes -- our time, our energy, sometimes our health -- and its refusal to abide by its own rules.

And so, many of Corcraft's convict laborers continue to concern themselves not with learning employable skills, which, in their blinkered experience, net a demonstrably negligible income, but with better ways to rob, cheat, and steal.

The State's failure to take this opportunity to establish in convicts' minds a tangible, cause-and-effect relationship between work and pay is yet another link in the long chain of public policy blunders that starts with neglect of the poor, continues through the underfunded education system, and ends, for many unfortunates, in a State-run prison sweatshop far from home.

**Nuts and Bolts**

The issue of prison wages has been raised a thousand times and more. It is the first question a newly-assigned convict usually asks, when he discovers during his Corcraft orientation that his new job will pay 26¢ per hour. "What about minimum wage?"

The State's answer is that Corcraft is not actually an employer, but a training program.

Corcraft's circumvention of its own rules gives away the lie.

Consider recruitment for Corcraft jobs. Each prison has a "Program Committee" that assigns programs to inmates. Convicts are required to take certain programs according to the nature of their convictions and their assessed educational needs.

For instance, I am convicted of manslaughter, so I have to take an anti-violence program. Rapists and child molesters must complete a sex offender program. High school dropouts have to take GED classes and vocational training. Interestingly, there is no anti-pawning-the-neighbor's-jewelry-to-buy-baby-formula program, nor is there a prophylactic for sticking up convenience stores, or stealing cars.

Now consider that I have a bachelor's degree. I had a job in the real world, a business. I have never been on public assistance. I have every expectation of returning to my work when I return to real life.

Why, then, was I assigned to work for Corcraft's "training program" when there are so many people in here with no high school education, no job history, and no prospect for gainful

employment upon release? Why is the area that houses Corcraft workers the quietest, most peaceful area in general population, much more civilized than the areas that house GED students or vocational program students? What accounts for the fact that a large part of Corcraft's workers are educated, older white people like me, when the prison population skews so much younger and darker-complexioned? What, I wonder, accounts for the fact that Corcraft's minority employees are usually to be found doing the least-skilled work?

I do not believe that the answer is as simple as racism, or classism, though those are certainly factors. I think that Corcraft's administration assigns educated convicts with valuable skills to man its factories out of expediency, because Corcraft is, and I quote once again the back page of its annual calendar (which features photographs of convict laborers at work in its factories and a 1-800 number for its sales department), "... a dynamic organization with fully integrated manufacturing, distribution, and sales."

In other words, a business.

### **Whistling "Dixie"**

The Corcraft administration goes to some length to maintain the fiction that it is a training program on paper, while actively circumventing its own rules to retain valuable convicts for as long as it can. After all, as a "training program," Corcraft is only supposed to "train" a given convict for three

years, after which he is supposed to move on to some other program.

In practice, some convicts work for Corcraft for twenty and thirty years. I have known some of these men.

The Corcraft administration use several tactics to prolong their usage of valuable prisoners. When a convict's three years are up, sometimes he will be given a new job title to reset the clock. Or he will be moved to a different building, or a different stage of the manufacturing process. These men are known colloquially as "essential workers." They often know more about their area of the operation than the civilian "Industrial Training Supervisors" -- the bosses. Sometimes, when there is no other way to get around the time limit, they are even reassigned temporarily to another program for some months and then brought back. More immediately worrisome is the fact that many of these same men work both shifts, thereby defeating Corcraft's facile nod to social distancing by serving as potential transmission vectors between them.

Regardless of how the rules are circumvented, the conclusion is hard to refute: Corcraft workers are employees of the State, not trainees. And the State pays peanuts.

In the prison where I work, there is an additional twist: one of the managers of the Corcraft operation here is also a member of the Program Committee. It is common in this prison for Corcraft convicts' written requests for a change of program to be ignored, especially those who have been "with the company" for many years and have valuable knowledge and skills.



Without the Program Committee's permission, an inmate cannot leave Corcraft's service without violating prison rules, for which he would be punished. In other words, he is a slave.

Plantations were businesses, too. They exploited the labor of slaves and indentured servants to raise cash crops for export, and funded a five-year rebellion on the proceeds. Much like the modern prison labor system, planters treated their labor force like property and used treats and enticements, backed up with deadly force, to break up organized dissent. In the same way that Corcraft uses euphemism and bureaucratic trickery to maintain the illusion that it is a mere training program, defenders of the Confederacy to this day insist that the Civil War was instigated to preserve states' rights, rather than to preserve the lucrative institution of slavery.

If Corcraft's manipulation of its own rules reminds you of Jim Crow laws, poll taxes, and literacy tests, used by the former Confederate states to keep freed slaves from exercising their rights and privileges as citizens, it is because they share a common purpose: to avoid having to give fellow human beings what is due them, be that self-determination, or a reasonable prison wage.

### **The Long and Short**

If Corcraft industry were truly a training program, the focus would be on recruiting and training the maximum number of needy convicts, not on maximizing operational efficiency by

artificially retaining skilled and senior "trainees" and hiring convicts with many years' history of employment.

Actual Department of Corrections and Community Supervision training programs, like Building Maintenance and Small Engine Repair, are still closed due to Covid-19. The State has been cautious, issuing masks, modifying movement rules, closing visitation. So far its mostly-prudent efforts have been successful. There is no pandemic in here, yet.

In the factory, however, convicts interact closely with civilians and guards all day. Social distancing is impossible, and impossible to enforce. Masks slip. People smoke, eat, sneeze. Why is the State willing to risk the life of every inmate in this prison just to re-open a mere "training program"?

If Corcraft industry were run according to its own rules, production would plummet. As the program was forced to take on a much more volatile mix of convicts, one truly representative of the prison population at large, cuttings, stabbings, and fistfights would erupt on the shop floor, as they do in the yards, and accidents would multiply.

One wonders, also, whether civilian employees are awarded bonus pay for meeting production goals, as we "trainees" are. But of course, a slave is not privy to his master's accounts, nor especially to his reasons.

We can, however, guess.

Convicts may be criminals, but we are not stupid. We know we are being exploited unscrupulously by the State. We know we are being lied to. We know that we are partners in our own ill-

usage.

No one used to care, because food and tobacco were cheap. Industry cellblock life was relatively lax and easy, and much less dangerous than in other housing areas. There were plenty of perks to go with the job. It is different now. The Clinton escape changed everything. Covid-19 took care of whatever was left. Perks are mostly gone, food and tobacco prices are sky-high, and fourteen dollars a week, the most a Corcraft laborer will ever realistically make, will no longer buy my silence.

I want out. I want to have time and energy to further my education, to develop creative skills, to write more and better, to broaden my mind, to correspond with friends and loved ones, in whose guiding hands I will be placing myself upon release. My letters to the Program Committee have so far been ignored.

I tolerated penny-wage slavery for six years, all the years I have been in this prison, because it was a good way to make the time go faster. I could eat food fit for an American and a human being, read a book in my off hours in peace and quiet, and I taught myself valuable skills in that factory that I will take with me when I return to real life.

I am grateful for those benefits, and for the honest humanity shown me by most of the staff.

The Corcraft "training program" has served its purpose in my life; I have different priorities now. What about the next man, then, and the next after him? Are they to be denied the tangible benefit of learning new and valuable skills simply because it is cheaper and easier to keep me in my position than to expend time

and energy teaching someone who may prove neither so apt nor so interested a pupil as I?

To state leaders and legislators, I say, pick a side. Lead by example. Be honest; eschew hypocrisy. Corcraft is either a training program, or it is an employer. Either pay me wages commensurate with my skills, or let me move on. I will not be treated like a slave.

I am not asking for minimum wage. I understand that it is expensive to run a factory inside a prison, one whose products cannot be sold on the open market. But prison wages have not changed in decades. Is it not far more expensive, in the long run, to keep recycling the same convicts through the prison system? Is it not more economical, in the long run, to teach them the give-and-take of the legitimately-employed lifestyle?

Three dollars an hour, a cost of living increase much talked about in recent years, is not unreasonable, and would change prisoners' lives. We would be able to afford prison commissary again without our families' help, to save money for release, to buy our children birthday presents, to pay alimony and restitution, to emerge from prison without economic encumbrance, and with a tangible sense of how the legitimate economy works.

More importantly, commitment to a reasonable prison wage would be another incremental movement toward a future in which imprisonment is a punishment of last resort, and slavery is truly abolished.

The State has the authority to imprison: therefore it also has the responsibility to set the moral and ethical tone of its

interactions with us, its wards.

We work hard at Corcraft, believe what you will. Many of us take pride in our work, whether we build precision cutting dies, concoct hand sanitizer, or mop floors. We are brothers, sisters, fathers and mothers, husbands and wives, human beings. Convicts, yes, but people first.

Please treat us as such. In doing so, you give us a better understanding of how to return the favor.

### **Afterword**

It has been only two weeks since I began to compose this essay, and, consistent with the tumultuous nature of the times in which we live, things have changed. I was called before the Program Committee, for one, and successfully made my case for reassignment out of the Corcraft factory. That the woman conducting my interview was baldly surprised that I had been allowed to attend at all, on what she thought was a work day, only reinforces the arguments I have already made. It was pure luck that she did not know about the week on/week off coronavirus schedule.

On the national scene, the recent movement to tear down certain public monuments seems to have lost its focus. Calls to scrap statues of noted abolitionists such as statesman William Seward, who orchestrated the purchase of Alaska from Russia, famous autodidact and former slave Frederick Douglass, whose rise from bondage to erudition stands to this day a moving example of

the power of education to transform lives, and even President Abraham Lincoln himself, have sounded loudly, startlingly, in the press. One must wonder whether there is not some deeper trouble brewing in our land.

The problems facing prisoners in our daily lives seem very small by comparison to the terrific currents roiling American society today. We live in a large country, after all, a complex country with a complex history. The issues that trouble us are many and varied; potential solutions by no means simple. Ironies abound, of which this essay's subject is but one example.

Ten years ago, I had never imagined that such a life as I now live existed. Now its whys and wherefores consume my every waking moment.

In ten more years, I will be freed. What will have passed in this coming decade I can hardly guess at, but I retain faith in the essential goodness of ordinary people. My time in prison has only reinforced that belief, and as I realize this anew each day, it surprises and delights me.

The moral dissonance we inherit from our country's founding continues to present us with thorny problems, of which prison industry is a small and ancient ramification. I remain confident in our collective ability to overcome them, to build a better future for ourselves and our families, as we have always done. We Americans are an inventive bunch. I look forward to seeing what we come up with.