



Your Valentine, Made in Prison

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With Valentine's Day approaching, perhaps you're planning a trip to Victoria's Secret. If you're a conscientious shopper, chances are you want to know about the origins of the clothes you buy: whether they're sweatshop free or fairly traded or made in the USA. One label you won't find attached to your lingerie, however, is "Made in the USA: By Prisoners."

In addition to the South Carolina inmates who were hired by a subcontractor in the 1990s to stitch Victoria's Secret lingerie, prisoners in the past two decades have packaged or assembled everything from Starbucks coffee beans to Shelby Cobra sports cars, Nintendo Game Boys, Microsoft mice and Eddie Bauer clothing. Inmates manning phone banks have taken airline reservations and even made calls on behalf of political candidates.

Still, it's notoriously difficult to find out what, exactly, prisoners are making and for whom. Most of the time, inmates are hired by subcontractors who have been hired by larger corporations, which are skittish about being associated with prison labor. Paul Wright, an expert on prison labor with sources inside many prisons, has broken many labor stories in his newspaper, *Prison Legal News*. It hasn't been easy. "As a general rule, you'll have an easier time finding out who Kim Jong Il's latest mistress is than finding out who these guys are working for," he says. (Starbucks, Nintendo, Eddie Bauer and Victoria's Secret did not return requests for comment; Microsoft declined to comment.)

Advocates of prison labor programs describe the arrangement as win-win: inmates keep busy and stay out of trouble, and employers get low-cost labor with little or no overhead. But critics, from labor unions to prisoner rights advocates, raise a host of concerns about exploitation and unfair business competition.

In 1979 Congress created the Prison Industry Enhancement Certification Program (PIECP), which provides private-sector companies with incentives to set up shops in prisons using inmates as employees. States offer free or reduced rent and utilities in exchange for the decreased productivity that comes with bringing materials and supplies in and out of a secured facility and hiring employees who must stop working throughout the day to be counted and who are sometimes unavailable because of facility-wide lockdowns.

Prisoners are often grateful for the work; when the system is working, they can learn marketable job skills and save money. "It provided a sense of independence," says Kelly DePetrìs, who worked for eight years in California state prisons at Joint Venture Electronics, doing everything from assembly to administrative jobs to materials control.

"You don't have to ask people for things," she says. "I have a son, so it was nice to send home money to help with little things--school clothes, things like that." As a Joint Venture employee, DePetris made about \$1.74 per hour after deductions, compared with the thirty cents she estimates she might have made working in the prison laundry. When she was released last May after serving fourteen years, she had saved \$16,000, with which she bought a used car, clothes and health insurance. "It's really come in handy," she says.

Relatively speaking, PIECP accounts for a tiny fraction of the number of inmates in US prisons and jails. Some 5,300 of the 2.3 million inmates nationwide work for private-sector companies. "It's a small piece, but it's a significant piece" of the overall prison labor system, says Alex Friedmann, who served ten years in a Tennessee prison in the 1990s and worked making Taco Bell T-shirts in a PIECP silk-screening shop.

PIECP rules stipulate that work must be voluntary, that workers be paid a wage comparable to what free-world employees doing similar work are paid and that the program not compete unfairly with companies on the outside. But labor unions and companies on the outside have argued that this is impossible: there is no way for a company that pays no rent to compete fairly.

Talon Industries was a Washington State-based water-jet company whose competitor, MicroJet, had a PIECP shop inside a state prison. Rick Trelstad, a partner at Talon, contended that his company shut down in 1999 at least in part because MicroJet consistently underbid him for work. (He and an association of his colleagues successfully sued the Washington State Department of Corrections to shut down PIECP, but voters reinstituted it last year.) Lufkin Industries, a Texas-based maker of tractor-trailer beds, claims it was run out of business because its competitor, Direct Trailer & Equipment Company, paid only one dollar per year for factory space in the local prison and so was able to offer much lower prices for the same product.

David Lewis, vice president and general manager of Joint Venture Electronics and Kelly DePetris's former boss, acknowledges that the setup has been great for his business. "They get no holiday pay. They get no vacation pay. There's no medical, dental: all that's paid for by the state," he says. What's more, if the company has to downsize, as it did recently, laid-off prison workers have few other places to look for work. When business picks up again, employees who on the outside would have found other jobs are still in prison, just waiting to be rehired. The waiting list for work at Joint Venture is up to 200 people long.

Advocates for prisoners' rights take issue with what they see as an inherently exploitative situation. Courts have consistently found that prisoners are not protected by the Fair Labor Standards Act. So they may not unionize. They can't agitate for better wages or working conditions, because any threats to walk off the job would ring hollow--where would they go?

What's more, by law, as much as 80 percent of PIECP employees' paychecks is deducted for room and board, taxes, family support, victims' compensation or charity. The National Correctional Industries Association, the nonprofit organization that certifies PIECP programs, found that participants kept only about 20 percent of their wages in the past two quarters. Friedmann, for instance, worked for two years in the late 1990s in the silk-screening shop. He estimates that after deductions for fines, fees and other charges, he left prison with \$30. "So while businesses get

rent-free space, prisoners are paying for their 'room and board,'" says *Prison Legal News's* Paul Wright, who himself served seventeen years in a Washington prison. "Prisoners pay their boss's rent."

So this Valentine's Day, if your shopper's conscience leads you to check labels, don't bother looking for "Made in Prison." Of all the hundreds of goods and services produced by prisoners with taxpayer subsidies, only one is labeled as such: a line of jeans and denim work shirts made at the Eastern Oregon Correctional Institution. It's called Prison Blues.

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