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# Incarcerated Individuals and the Food System: The Silent Rise of a New Labor Force

Collin Towensend

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Incarcerated Individuals and the Food System: The Silent Rise of a New Labor Force

A Capstone Project Submitted in Partial Fulfillment of the  
Requirements of the Renée Crown University Honors Program at  
Syracuse University

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and Renée Crown University Honors  
Fall 2017

Honors Capstone Project in Food Studies

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## Abstract

The explosion of the prison population over the past three decades, and the rise of privatized prisons with little governmental oversight, has opened the doors for Transnational Corporations to tap into this new source of cheap labor.<sup>1</sup> Incarcerated individuals, barred from the protection of labor laws in the U.S., are at the will of these large corporations. Colossal supermarkets, such as Whole Foods<sup>2</sup> and Walmart have recently come under scrutiny for their use of prison labor in producing food items, which raises an interesting question: is using prison labor in the food industry necessarily a terrible thing?

Incarcerated individuals supposedly have the right to rehabilitation; and to learn new skills that will better help them integrate into a community and that community's economy post-release. However, the rise of privatized prison systems within many counties have clouded the understanding of what these prisons intend to do with incarcerated individuals in the food system and whether their intentions are to truly teach and rehabilitate. Interviews with post-release individuals now working in the restaurant industry and corporation representatives from Walmart and Whole Foods will help answer the many questions surrounding this new and silent labor force: Incarcerated individuals.

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

-Thirteenth Amendment to the Constitution of the United States of America

**Key Words: Incarcerated Individuals, Prison Labor, TNCs, Whole Foods, Labor Rights, Prisoner Rehabilitation, Private Prisons, Prison Economy, Prison Industrial Complex**

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<sup>1</sup> Patel, 2013

<sup>2</sup> Kim, 2015

## Executive Summary

The industrial food system, within the United States, has produced many wonders for the world. It has brought food to the starving and it has helped make the United States one of the most powerful nations on the planet. Yet, with all its benefits, there is a dark underside. Transnational corporations (TNCs), through sheer buying power, have consolidated businesses within the agricultural and processing sectors of the country, creating an oligopoly— a market structure in which a few firms dominate—within the food system.<sup>3</sup> This has led to the relentless drive to produce more products with cheaper inputs, and in the name of profit, has resulted in questionable practices concerning labor. Across the U.S., TNCs are searching for new sources of cheap labor. Horrible working conditions and low wages for immigrant workers have been in the news and activists have rallied behind their cause, but now, TNCs have found a new group of unprotected, cheap labor, in the form of incarcerated individuals.

The explosion of the prison population over the past three decades, and the rise of privatized prisons, with little governmental oversight, has opened the doors for TNCs to tap into this new source of cheap labor. Prisoners, barred from the protection of labor laws in the U.S., are at the will of these large corporations, making as low as \$.80 for a full day's work.<sup>4</sup> Colossal supermarkets, such as Whole Foods and Walmart have recently come under scrutiny for their use of prison labor in producing food items, but could these corporations be providing a valuable service to incarcerated individuals? Prisoners supposedly have the right to rehabilitation; and to learn new skills that will better help them integrate and benefit a community and that

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<sup>3</sup> Patel, 2013

<sup>4</sup> Personal Interview, 2017

community's economy. However, recent policy changes within the newly privatized prison systems have shifted the prescribed treatment away from rehab and more toward punishment.<sup>5</sup>

This project explores the history of how government policy helped shape the industrial food system and gave power to TNCs. I look at the effects of corporate deregulation during the 1970s and 80s and how the result gave corporations the power to self-determine the own set of standards and policies regarding food safety and labor. Further, I address how these practices lead TNCs to adopt a theory of productivism, the belief that measurable economic productivity and growth are the purpose of human organization (e.g., work), and that "more production is necessarily good."<sup>6</sup> Finally, I analyze how these issues combined with the explosion of the prison population during the 1990s and the privatization of prisons in the 2000s, gave corporations a workforce that has no legal rights to unionize, no rights to minimum wage, and little to no protection.<sup>7</sup>

Building on the foundational literature review, interviews with key stakeholders in the advocacy, academic, and private sectors, the project will analyze the risks posed to incarcerated individuals, but also the potential these labor programs have as rehabilitation tool to lessen the chance of recidivism. After collecting and coding all available data from the interview process it is my hope that a fruitful discussion can take place, reviewing materials and exploring possible avenues moving forward.

This final project is the culmination of two years of research and interviews. Following my acceptance into the Renee Crown Honors program, I began working with Dr. Laura-Anne Minkoff-Zern and Dr. Evan Weissman, considering the potential of developing a large-scale

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<sup>5</sup> Cullen, et al., 2000

<sup>6</sup> Horn, 2013

<sup>7</sup> Chang, et, al, 2002

research project involving prison labor and the food industry. With the Whole Foods prison labor controversy trending in the news, the time seemed appropriate for further research. The following year was spent researching, developing, and presenting the first chapters of my work to the Food Studies department in Falk College as my undergraduate research project.

During the process of writing the literature review, I was also drafting a full board review proposal for Syracuse University's Institutional Review Board (IRB), attempting to get permission to interview incarcerated individuals directly. For the next six months, I went through three revisions, one full board review, and finally approval to begin the interview process. However, I was not granted permission to interview incarcerated individuals directly. The reasoning behind the IRB's decision reflects many of the issues that researchers face when trying to gain access to prison populations. The primary apprehension among the board members was the condition of anonymity that most incarcerated individuals would not have if they participated with my interviews. Their concerns were fair, considering the somewhat sensitive nature of my research topic. The second issue was obtaining permission from the warden and sheriff of the jail and county where my research was due to take place, Boulder, Colorado. I attempted to make contact via email numerous times; however a response was never received. This points to another difficult issue researcher's face when targeting prison populations; the institutions and agencies that run these prisons and jails are on high alert when it comes to research being done in their facility. While I knew from the beginning of the project that gaining access to incarcerated individuals would be difficult, it was still disheartening being unable to gain their insight.

The project continued over the summer of 2017, with over thirty requests sent out, via email, to corporations, advocacy groups, and academics all located within the United States. In my final semester, fall 2017, phone-interviews were conducted and data from interviews was

scrubbed and coded. The result of the process follows, beginning with a short introduction and literature review to set a foundation for my research and frame my research question. It is my hope that this project can be used as a vehicle to discuss incarcerated individuals labor rights, including salary, hours worked, and health and safety conditions, but also, highlight the question regarding the rehabilitative purposes working in the food industry has for incarcerated individuals.



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## Preface

Labor in the food system is a strong area of interest for me, especially considering my background as a chef. For the past decade I have worked in the restaurant industry as a dishwasher, prep cook, line cook, and finally chef. Throughout my career I have met many people from all different walks of life but one group I always connected with, was people post-incarceration. Their personal experiences had made them unique from most individuals I dealt with on a day to day basis and, I felt, allowed them to be brutally honest, with no hesitation to point out something wrong.

Re-entering school two and a half years ago in Falk's Food Studies program, I continued to pursue aspects of labor, primarily restaurant based. However, during a documentary showing at Maxell Hall, a panelist brought up the issue of using prison labor to produce and harvest food. That moment opened my eyes to an entirely new area of study, and only a few months later I was accepted into the Renee Crown Honors Program and was given the opportunity to focus my full attention on the prison labor in the food system.

The subject of prison labor has an interesting duality which fascinates me. On the one hand, modern day labor programs using incarcerated individuals is a relatively new phenomenon. However, using prison and forced labor to produce and process foodstuffs is nothing new on this continent. In the same vein of the idiom "history repeats itself" I worry that the industrial food complex may be moving towards a system where an incarcerated individual is not seen as people but merely cheap labor.

This is merely beginning of a project I hope to continue throughout graduate school, focusing on the effect prison labor work programs have on every participant, not just incarcerated individuals. The following chapters will set the foundation and introduce key

themes present in the current industrial food system and how stakeholders view incarcerated individuals' role within it.

## **Acknowledgements**

I would like to extend my thanks to the Renee Crown Honors Department, specifically Hanna Richardson, Kate Hanson, and Karen Hall for helping accomplish all the requirements necessary to graduate with honors in the five semesters I was in the program. In addition, a heartfelt thanks to the Food Studies Department in Falk College, including Dr. Rick Welsh and Dr. Anne Bellows who helped extend resources to aid my research. Finally, to Dr. Evan Weissman and Dr. Laura-Anne Minkoff-Zern who mentored and guided me through the difficult process of IRB approval, data gathering, and finalizing the finished research project. Without the help of these individuals and Syracuse University, this project would not have been possible.

## **Advice to Future Honors Students**

Undertaking a Renee Crown Honors Program capstone project can be daunting. However, if there is one thing that I learned from this entire experience it is the sense of accomplishment and personal gain you feel after completing it. While there were many, many, times I contemplated giving up on the project because of school and personal stressors, having the wherewithal to stick it through to the end is something you can admire and feel true pride about. For anyone currently on the fence about whether to continue in honors due to the capstone project, remember one thing, this project is all about you. You get to choose the topic and you get to choose the content. In the end, this project truly is the culmination of your undergraduate time at Syracuse University, and you can make it as special as that time was.



## Chapter 1

### Introduction

#### OUT OF SIGHT, OUT OF MIND

Over the past few decades consumers have begun asking more questions about the food they are eating. Where it was produced, how far it traveled, if it was organic, grass-fed, and humanely raised. However, one aspect of food production seems to escape the newly opened dialogue surrounding peoples concern about their food; who produced, processed, packed, and shipped it. Labor in the food system continues to be a dark area for consumers, with most subscribing to an “out of sight, out of mind” opinion on the human cost that went into food arriving on their plate.

Interestingly, labor movements have made national news in more recent years. These movements have advocated for immigrant and low-income worker wages such as the penny per pound campaign and the fight for \$15. However, the current issue is that most of food system advocacy revolves around the physical food items and animals, not humans. The reason for the continued absence of an exclusively labor focused movement is difficult to ascertain. Over a hundred years ago labor movements spread across the United States, demanding fair wages, health and safety.<sup>8</sup> Yet, following the labor reforms in the early 20<sup>th</sup> century, food system workers are still fighting today for rights guaranteed to them decades ago. Wages have stagnated

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<sup>8</sup> Clapp, 2012

for decades and protections for workers have been repealed.<sup>9</sup> While these issues have persisted, the fight against corporations for better working environments and protections has created consumer disdain for large corporations. This consumer contempt, resulting in profit loss, has driven certain businesses and organizations within the food sector to look for alternative means of labor, specifically one they do not need to provide wages and protections granted to ordinary civilians.

### **AN IDEAL POPULATION**

Enter the prison industrial complex. The United States of America holds the distinct rank of having the highest incarceration rates on the planet.<sup>10</sup> With nearly 1% of its total population behind bars,<sup>11</sup> the United States prison population is roughly the same size as the entire country of Jamaica. In addition, it just so happens that the two million people that are currently incarcerated in the United States fit the private firms and corporations needs for the perfect labor force.

Upon imprisonment, individuals lose many rights and specifically, they lose rights pertaining to work.<sup>12</sup> The loss of these rights creates a population that is vulnerable to potential abuses from outside influence they desire to save money on labor. Generally, oversight from government agencies such as the Department of Corrections (D.O.C) have acted as a buffer between outside interest and the prison population. However, the growing trend of local

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<sup>9</sup> Mishel, 2015

<sup>10</sup> International Centre for Prison Studies

<sup>11</sup> Ibid

<sup>12</sup> Prisoners' Rights, ACLU. 2016.



municipalities releasing the management of jails and prisons to privately owned organizations<sup>13</sup> has jeopardized this protection.

Coinciding with the increasing privatization of jails and prisons has been the reemergence of prison labor programs, designed to rehabilitate inmates by teaching them basic life skills that they can use upon release. This narrative is not unique to the modern day and existed during the early 20<sup>th</sup> century when chain-gangs sprawled across southern states, working on infrastructure and building projects. Framing this type of labor as rehabilitation is problematic since it assumes that inmates are lacking basic social skills, while not investigating the larger societal issues that may have forced them into the current situation they find themselves in.

Focusing on the broader issues, such as socio-economic barriers and structural racism can help shed light on the situations which help foster the growing incarceration rate from low-income and minority communities. In addition, the increasing influence large corporations and businesses have on the public sector creates an atmosphere which may encourage incarceration rates to stay high and allows detrimental social structures, like the school to prison pipeline, to affect children and introduce them to the industrial prison complex at a young age.<sup>14</sup> This introduction can trigger a cycle of recidivism for an individual that can continue for the remainder of their life

The culmination of these social factors, private sector influences, and the United States prison industrial complex has created a “perfect storm for incarcerated individuals” and has helped make them a primary target for food system work. The ability to tap into a massive labor force, consisting of over two million Americans, while paying an hourly wage of up to \$.10 an

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<sup>13</sup> Friedman, 2013

<sup>14</sup> Heitzeg, 2009

hour, creates a workforce that can undercut and over produce any group of workers in this country. Having no ability to unionize; having no guarantee of salary; having no assurance of safety; incarcerated individuals are the ideal workforce for the American industrial food system.

Directly after the introduction, in chapter two, a foundational review of the creation of the industrial food system will help provide understanding into how we have reached the current situation we find ourselves. A critique of transnational corporations (TNCs) follows, introducing how these TNCs gained so much power and how they began to wield it to control the public sector do to an era of deregulation during the 1980s. Alongside the critique is a short outline of the prison industrial complex and why TNCs have shifted towards using incarcerated labor for foodstuff production over traditional groups of workers.

Chapter three and four include extensive methods used to gather primary research performed through interviews with key stakeholders in different sectors of society, which provides valuable insight into prison labor in the food system. Analysis and critiques of the interview participants including academics, advocates, and business owners, will then formulate the discussion section in which reoccurring themes seen throughout the interviews will be examined and expanded upon.

Chapter five will conclude the current research project, reviewing the scope of the project and making any necessary recommendations. A key aspect of the conclusion section will attempt to answer the questions of how to keep this conversation open and how to make the prison system and these labor programs more transparent. By trying to answer this question, suggestions can be made to future individuals interested in researching not only prison labor in the food system, but the broader topic of labor in the United States.

A necessary point to note about this research project is that it is still a work in progress. It is my goal to continue this research throughout graduate school and gain access to incarcerated individuals who are currently working in the food system in one aspect or another. The only regret about this project is that their voices are still silent. While interviews with them may not have been possible for the portion of the paper, it is important that I stress that they are the key focus of the research project. Examining and finding out firsthand how this type of work affects them is crucial to moving forward and will be necessary when making any serious recommendations regarding prison labor in the food system.

## Chapter 2

### Literature Review

#### POST-WORLD WAR II AND THE RISE OF INDUSTRIAL AGRICULTURE

While the use of prison labor in agriculture is not inherent to just present day (i.e. slavery, indentured servitude, and reconstruction era) the beginning of what led to modern day prison labor began directly following World War II. The end of World War II put much of the world in a dire situation. Europe was decimated from years of war, and their agricultural sector was destroyed. However, the United States came out of the war almost entirely unscathed. In fact, was going through a substantial economic surge. With a rejuvenated labor force in returning G.I.s, and factories shifting from wartime to peacetime production the United States experienced yet another boom, in the form of new farming technology.<sup>15</sup> It would seem that the name for this generation, “boomers,” was quite appropriate.

One of the first international priorities of the U.S. was immediately starting regular shipments of food aid directly to its wounded allies. The creation of public policy P.L. 408 institutionalized Food Aid, and encouraged farmers to produce large amounts of foods, to feed the people at home, but more so, abroad.<sup>16</sup>

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<sup>15</sup> Gardner, 2002.

<sup>16</sup> Clapp, 2012

As United States continued to encourage farmers to ramp production of grain, wheat, corn and soybeans, the agricultural sectors' economy exploded. New jobs were being created and farmers were finally making a good living.<sup>17</sup>

All this technological and economic prosperity in the United States helped make us a world superpower and it is what came along with this newfound status that helped shape the food system into what we have today. The continued progression of technological advancement and the need for more production to continue to enjoy the economic prosperity the agriculture sector experienced during the 1950s helped cultivate the seeds for transnational corporations to take root. With the Green Revolution on the horizon, the food system was about to undergo an even greater change than it saw during the post-World War II era boom and with it, the social responsibilities of the corporations who were pushing this agenda drastically changed.

## **THE GREEN REVOLUTION**

As Food Aid opened new trade routes, the United States began investing enormous amounts of money and research into finding new and better ways to create higher yield crops with the least amount of money. The proliferation of this research and development culminated in the Green Revolution during the 1960s.<sup>18</sup> This new age of agriculture was marked by the proliferation of commercially produced hybridized seeds—the product of a controlled method of pollination which results in a seed with selected traits—and chemical pesticides and herbicides. Farmers quickly adopted these new agricultural inputs across the United States, and record years in production followed. Due to the seemingly miraculous results of the Green Revolution, the

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<sup>17</sup> Cochrane and Runge, 1992.

<sup>18</sup> Clapp, 2012

United States changed its policy regarding agriculture for the first time in American history. Earl Butz, the Secretary of Agriculture under President Nixon, reversed almost two centuries worth of policies promoting small-scale farming. In their place, he promoted programs that encouraged methods and practices of large-scale farming. Butz did away with sustainable agricultural practices, and programs, which paid farmers to not plant fields out of fear of surplus and changed the way in which farmers across the United States had been caring for the land for generations.<sup>19</sup>

## **SUBSIDIES AND TRANSNATIONAL CORPORATIONS**

With the Green Revolution and a change in US agricultural policy came a massive economic and production boom to the agricultural sector, and for the first time in human history, enough food was produced to theoretically feed every person on the planet, although not every person was fed.<sup>20</sup> As surpluses began to rise to new levels, the United States quickly began looking for new ways to unload extra agricultural produce quickly and cheaply. It is at this point we begin to see TNCs, especially in the food-processing sector of the food system, take the initiative. TNCs began investing large sums of money into research and development to figure out the U.S. food surplus issue,<sup>21</sup> and soon began marketing new types of snack food, and sodas. It was around this time, in the early 1970s that a breakthrough was made on what to do with the high level of corn surplus and the TNCs solution was high fructose corn syrup (HFCS).<sup>22</sup>

After the development of HFCS, the food processing industry grew quickly. Sugar, was almost completely abandoned in favor of HFCS. The highlight of HFCS is that it solved two key

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<sup>19</sup> Wender, 2011

<sup>20</sup> Pingali, 2012

<sup>21</sup> Clapp, 2012

<sup>22</sup> Patel, 2012

problems within the industrial food system: the cost of production (extremely low) and the rate of production (extremely high). With HFCS championing their cause, TNCs began expanding into new food markets, and found a need for new sources of cheap labor.<sup>23</sup>

This innovative use of the corn surplus was a turning point for the food industry. Traditionally, in capitalist systems, suppliers dictate the price of a commodity, which is usually based off market demand. However, now TNCs, controlled such a large consumer market space, they could dictate to the supplier how much they wanted a commodity for.<sup>24</sup> This tactic, also known as price setting, had a large impact of the labor force within the agricultural sector. The buyer, setting the price as low as they do want (food processor), the supplier (farmer) had no other options than to cut labor or go out of business, which a lot did. This process, took its toll throughout the late 1980s and 1990s, until much of the smaller farms were bought out, or completely left the agricultural business.

These large corporations quickly began vertically and horizontally consolidating power within their particular industry—food processing, agricultural inputs, or retailing—to maximize profits, and importantly, create uniformity within the products.<sup>25</sup> Arguably, it was this drive for a consistent and uniform crop, which could be transformed into a mass produced commodity that forced the food processing industry to undergo rapid modernization of machinery, but also fueled the need for a new, cheap, labor force.

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<sup>23</sup> Pelaez, 2008

<sup>24</sup> Clapp, 2012

<sup>25</sup> Carlton, 2014

## REAGAN AND DEREGULATION

During the 1980s and 90s the United States was going through many different domestic and global policy changes. Ronald Reagan, along with U.S. allies in Europe, began to roll back regulations on large TNCs, to promote economic growth. From 1980-1988 Reagan's administration and their strict "devotion to the economic beliefs of Milton Friedman" (Kleinknecht, 2009) helped push through many measures which directly impacted both Wall St and the economic stability of the finance, transportation, and most importantly, the agricultural sector.<sup>26</sup>

The same year Reagan entered office, 1981, the United States Farm Bill was set to expire. This gave Reagan the perfect opportunity to make well on his promises to roll back regulations of big government, specifically in the environmental sector. This was in direct contrast to the previous president, Jimmy Carter, who had been a staunch supporter of environmental regulation and helped push through policies to protect it. All this culminated in Reagan's successful campaign of keeping federal regulation out of agriculture, and his election.<sup>27</sup>

With a Republican controlled Senate in 1981,<sup>28</sup> Reagan found little resistance to pass the Farm Act of 1981. The passage of this act alone changed how agriculture and food was viewed in the United States. Not only were programs like Food Stamps massively reduced<sup>29</sup> but it also promoted a focus on maximizing profit through United States exports of monocrops (i.e. sugar wheat and corn).<sup>30</sup>

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<sup>26</sup> Kleinknecht, William. 2009.

<sup>27</sup> Ward, Jay 2008

<sup>28</sup> 97<sup>th</sup> United State Congress

<sup>29</sup> USDA Legislative Timeline. *From Food Stamps to the Supplemental Nutrition Assistance Program*. 2010.

<sup>30</sup> Ward, Jay. 2008.



While some heralded Reagan's promotion of maximizing profits through the Farm Act of 1981, not everyone was happy. As Jay Ward summarizes in his thesis paper, from hearings on the General Farm Bill of 1981, Reagan's approach to agriculture was that he: <sup>31</sup>

*"...did not care about the nuts and bolts of agriculture policy. He was only interested in agriculture as it impacted the general economy. He wanted to sell as many agricultural products as possible abroad to pay for the large debt incurred from the importation of foreign oil"* <sup>32</sup>

-John R. Block

Much like the TNCs goal of productivism, Reagan's goals of maximizing profits can be directly linked to the shift in agriculture during the 1980s away from the individual and uniqueness to the uniform and consolidated.

As discussed in an early section, the need for consolidation and uniformity within the agricultural sector to maximize profit can be easily correlated to the rise in use of immigrant labor. While immigrant labor had always existed, the deregulations of industries under Reagan allowed producers to fully embrace immigrant and illegal immigrant labor is the primary resource for work.

## **IMMIGRANT LABOR**

Once consolidation and uniformity within the food system had reached the desired level, the need for cheaper and cheaper labor began to become a priority. TNCs, arguably, have profited from immigrant and illegal labor in the food system for the better part of a century.

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<sup>31</sup> Ibid.

<sup>32</sup> John R. Block, General Farm bill of 1981: Hearings before the Committee on Agriculture, House of Representatives, Ninety-seventh Congress, First Session, Serial No. 97-G, Washington D. C.: GPO 1981

However, when the issue of illegal immigration became a tense political issue in the late 1990s and early 2000s they had to find a new way to produce food cheap and fast. Naturally, they looked to a work force, which had been largely untapped within the food industry for the last half-century: prisoners.

Interestingly, the use of prisoners as a cheap source of labor has alarmed some economists. Specifically, how a large-scale shift towards using prisoners as a main labor force would affect economy. Economists argue a shift away from a more traditional workforce, such as immigrant or illegal immigrant labor, could have an immense effect on the entire food system, beginning at the production level. For TNCs, this is arguably the smartest business decision to make. Currently immigrant and illegal workers make up over two-thirds of the agricultural workforce, making roughly \$9 a day with horrible working conditions and almost no protection under United States Law.<sup>33</sup> In addition, the current political climate surrounding the use of immigrant and illegal labor has led to many different advocacy groups and food movements working towards legitimizing labor rights for foreign labors regardless of their immigrant status. This coupled with consumer backlash at supermarkets across the country could lead to profit loss and in turn, price hikes for the consumer.

## **INCARCERATED INDIVIDUALS IN THE FOOD SYSTEM**

In past centuries, prison labor has been used as a vital resource to help build nations infrastructure, as well as, their agricultural sectors. Prison chain-gains and other types of line-work dominated agricultural landscapes of the south during the late 19th centuries, and early 20th. These practices were, in fact, forced labor camps, with no benefits granted to the

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<sup>33</sup> NFWM, 2016

prisoners.<sup>34</sup> Following prison reform in the mid-20th century, prison labor within the food industry, diminished. However, as privatization of the prison system began to take hold in the early 2000s, data shows that the rise of prison labor within the food industry has occurred again.

From what is currently known incarcerated individual's role in the food system is primarily in the production and processing sectors of the food system. Jobs within the production sector usually entail planting seeds, picking and harvesting crops and gleaning. The processing sector generally refers to physical change of crop to food therefore examples jobs would be: washing harvested food, fabricating food items, and making cheese.

Interestingly, their food sector work is not as easily identifiable as many other sectors of industry that they work in, the most common being carpentry and production of office supplies. This is due, in part, to less access and oversight of incarcerated individuals. However, what is already known about the current food system leaves many questions as to how incarcerated individuals would be integrated, protected, and reimbursed. With the current state of U.S. agriculture dominated by a few select TNCs<sup>35</sup>, the question arises: Do incarcerated individuals have any protections under United States law regarding the use of their labor while imprisoned?

## **REACTION, PROTECTION, AND REHABILITATION V. PUNISHMENT**

Unlike the chain-gangs of the early 20th century, prison laborers now are compensated for their work, albeit, nowhere near the federal or state minimum wages in which the work.<sup>36</sup> The federal protection of workers and labors explicitly states that incarcerated individuals do not

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<sup>34</sup> Dubofsky, 2014

<sup>35</sup> Drabentott, M 1999.

<sup>36</sup> Kim, 2015

have rights regarding wage protection and shockingly, incarcerated individuals have no Constitutional protection from forced labor, as the 13<sup>th</sup> amendment clearly states:

*“Neither slavery nor involuntary servitude, **except as punishment for crime whereof the party shall have been duly convicted**, shall exist within the United States, or any place subject their jurisdiction.”<sup>37</sup>*

It should come as no surprise then that incarcerated individuals also have no ability or right to unionize.<sup>38</sup> Simply put, these basic rights, which all individuals and workers have, are stripped from incarcerated individuals upon conviction, which subsequently means that they have little protection within the eyes of the law. In addition, while it is initially their choice to apply for work detail, once it begins they cannot leave because risk of incurring administrative punishment. This, coupled with the fact that privatized prisons—prisons that are run by a third party that is contracted by a government agency and then paid monthly rate, either for each prisoner in the facility, or for space, whether occupied or not<sup>39</sup>—have little, to no oversight from government agencies leaves prisoners incredibly vulnerable to outside actors (TNCs).

Shifting the workforce to the prison population could alleviate issues that TNCs have recently come under fire for. A paper written in 2004 researched how the introduction of prisoner labor into the unskilled job market, i.e. food production, would affect the surrounding community economies. Surprisingly, the study found that there was no effect on the communities’ economy and the shift to using prison labor had no negative economic impacts.<sup>40</sup>

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<sup>37</sup> U.S. Constitution. Amend. XIII, Sec. I.

<sup>38</sup> Prisoners’ Rights, ACLU. 2016.

<sup>39</sup> Freidman, 2013

<sup>40</sup> Derrick, et al., 2004

This is a very significant finding because of the implied results. Like immigrant and undocumented workers, prisoners have relatively the same rights and make very little pay. In addition, they have little to no protection against poor working conditions. This would allow TNCs to change their primary workforce from immigrant and illegal labor to prison labor, with the consumer being none the wiser.

There is an argument for prison labor being used as a rehabilitation technique. Advocates for this approach argue that prisoners are a drain on the economy, and if they are not learning any skill or techniques that will help them when they get out they do not want to shoulder the cost. For example, a single prisoner costs taxpayer in NYC \$167,731 annually.<sup>41</sup> When prisoners are released, if they have not learned any type of skills in prison, the chance of recidivism.<sup>42</sup> This lack of skill building begins a cycle of incarceration for many individuals that is seemingly impossible to break. This would arguable not be the case for prisoners that worked on the farms Whole Foods bought from. According to the article, prisoners were making a good living, and learning skills, which could then be used outside of prison, to help them add something, back to the community and better their lives.

However, with the recent influx of privatizations of prisons across the country, and prisons shifting away from rehabilitation to purely incarceration, newly released ex-convicts have no skills to offer the job market. This creates a dead space within a community and that community's economy. With no useable skills, said individual will not be able to get a job, resulting in a much higher chance of recidivism. With opportunities like the one offered at the prison in Colorado, individuals would learn a niche market skill within the food system, such as

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<sup>41</sup> NYCIBO, 2013

<sup>42</sup> BOJ, 2014

cheese making, and once they are released from prison, would have the chance to utilize that knowledge to better the community and the economy they settle in.

These examples bring up one of the more sensitive aspects of the prison labor debate: prisoner and ex-convict treatment in the United States. Unfortunately, the current narrative among the middle class of the United States is that prisoners and ex-convicts are not to be trusted.<sup>43</sup> Due to this, it is extremely difficult for recently released ex-convicts to find steady jobs and work. Historically, the food system has always been very welcoming of people, especially ex-cons, if they had a work ethic and basic understanding of the specific job they are working, which normally was gained inside prison.

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<sup>43</sup> Giguere, R 2002

## Chapter 3

### Methods

#### OVERVIEW

Using incarcerated individuals, whether it be forced or punishment, as a labor force has existed for as long as human civilization. However, the modern use of incarcerated individuals within the food system by governmental and non-governmental agencies is a new issue. Unfortunately, since this is such a new area of research, the literature surrounding the issue is somewhat scarce. Therefore, to be able to understand the full scope of using this new form of labor I feel there are three main question that must be answered: What the current roles of incarcerated individuals in the food system; how does this work affect the incarcerated individuals; and how does it affect the consumers and society.

To answer these questions primary research must be conducted. Using a mixed methods approach, performing both qualitative and quantitative research, a literature review of existing research was performed to fully understand the different arguments and findings. To gain a better knowledge of the issue interviews with corporate representatives, incarcerated individuals advocates, academics, and private business owners was conducted to understand each stakeholder unique view point and experiences.

Finally, through data analysis, common themes, issues, and arguments will be compiled to help formulate the conclusion of the research. Due to the nature of working with and around

incarcerated individuals, confidentiality was prioritized, real names were never recorded and any specific information that could lead to identification was generalized in written records.

## **SCOPE**

Beginning in the summer of 2017, a master list of organizations, businesses, and people was created using public information available online. The parameters to qualify as a stakeholder were defined as; employing incarcerated individuals doing food related work, i.e., government agencies or private businesses; contracting work done by incarcerated individuals for food related purposes; researching any subject regarding incarcerated individuals; or advocating for incarcerated individual's rights. By setting a clear definition framed in food system work the project was able to focus on a unique subsection of prison labor currently being used in the food system.

Using an IRB approved email script (Appx. 4), twenty-one potential participants were contacted, with an expected response rate of 40%-50%. Of the twenty-one potential participants two were TNCs; ten were academic's, affiliated with a university or college doing research or work with incarcerated individuals; six were advocates working or representing incarcerated individual's rights both during and post release; two were private business owners that contracted incarcerated individuals labor for food related items; and one was a privately-funded government agency that managed the daily work of incarcerated individuals.

Immediately following the initial round of emails, difficulties were encountered. The primary issue was getting responses from the potential participants, primarily TNCs and private business owners. This problem is not inherent to this project, and in general is an issue regarding interviews and surveys, however, a certain amount of leeway was given to the potential



participants in light of the sensitive nature of the topic and the need for participants to not feel pressured into answering.

The second issue was hesitation on the part of the potential participants to be interviewed about the use of prison labor to create foodstuffs, most notably from advocates and their affiliated organizations. For reasons that can only be speculated on, participants expressed concern about answering questions regarding prison labor. Fear of their names being released, jobs being affected, or personal security could all play a role in their decisions to not participate. Moreover, seeing as advocacy groups chose not to respond may imply they feared for incarcerated individuals safety if they discussed matters regarding their work inside prisons and jails. Losing participants due to this issue stressed the importance of confidentiality throughout the remaining research process.

Finally, while ten people did respond to the initial emails they were almost all academic and advocates, creating a difficult situation for the research since there was a serious potential for one narrative to dominate the conversation if no other participants from the private sectors were willing to be interviewed. This was one of the primary issues I worried about at the beginning of the research project due to the delicate nature of incarceration in this society. In addition, a strong bias towards one type of reasoning would diminish the purpose of this research and alienate the corporate, private, and government sectors that were so needed to create an open dialogue.

A second round of emails followed, primarily targeted at the corporations and private business owners, but also a few academic and advocacy groups. This round of emails was more successful, garnering responses from both corporations and one of the privately-owned businesses that buys foodstuffs produced by prison labor. However, while the business owner

was receptive to setting up an interview, the two TNCs sent generic responses from their public relations department, stating they were unable to comply with my request.

A third and final round was aimed at all participants who had not responded to the first two emails, as well as the two TNCs that denied my earlier requests. While this round did receive replies from both TNCs they, again, denied my requests, with one adding a personalized statement saying “Thanks for reaching out and thinking of us for your project. Unfortunately, we aren’t able to help you out with this request.”<sup>44</sup> Six other individuals, including academics, advocates, and a private-business owner failed to respond to any of the three rounds of emails.

In total, there were fifteen responses to the three rounds of emails, including at least one response from each of the four different sectors the project was focusing on. Following initial contact with each stakeholder, a response was issued including the option of participating in a one on one interview with the student researcher, or responding to the IRB approved questions correlating to their specific area of expertise (Appx. 2 & 3). Following this correspondence, five participants failed to respond. This dropout rate seemed high, especially after corresponding through the first rounds of emails and it can only be assumed that it was due to the questions themselves, which were only made available after the first three rounds of emails. Fortunately, the nine remaining participants (one participant dropped out, but did respond, detailed below) still covered the four areas of expertise the project was hoping to have to complete an unbiased analysis of the data.

As mentioned above, one participant was unique out of the fifteen respondents. The government agency which managed the incarcerated individuals daily work and helped obtain contracts with privately owned businesses to sell foodstuff produced with their prison labor was

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<sup>44</sup> Email Correspondence, Corporation 1, 2017

responsive to the first round of emails. One individual even went as far to contact and leave a voicemail on the student researcher's cellphone. However, following a list of events which included the distribution of the IRB approved questions and following an interview with one of the owners of a privately-owned firm that contracted with said government agency, they dropped out of the interview process and instead reported the research project to their states Department of Corrections, which concluded that a research proposal needed to be sent to them before any government official would be allowed to speak on record. While it was unfortunate to lose this contact, as having the insight of the organization that manages and negotiates these contracts would be invaluable, it did not come as a surprise considering the difficult nature any researcher has obtaining data or interviews from government agencies regarding prison labor.<sup>45</sup>

## **INTERVIEWS**

Out of the nine participants that were willing to be interviewed, three opted for the one on one telephone interview, and six opted for the written responses to the emailed questions. After finalizing dates and the interview structure consent forms were emailed to be signed either physically or digitally using Adobe Sign or Fill (Appx. 1).

The written responses were scrubbed at once and coded. Each interview provided valuable insights into the participants areas of expertise and reoccurring themes appeared quickly throughout. Surprisingly, the written responses were quickly returned and provided clear, concise answers that made analyzing them simple. The telephone interviews proved to be more challenging, mostly due to time constraints. The three participants that opted for the telephone interview represented three different areas of expertise; one was an academic affiliated with a

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<sup>45</sup> Tulson, et al. 2004

college; the second was an advocate who had worked with incarcerated individual for over two decades; and the third was a private business owner who bought foodstuffs produced with prison labor. These three participants were different in every sense of the word, and rescheduling was a constant issue. After completing two of the interviews, it took nearly a month to finally complete the third and final interview, due to shifting schedules for both parties.

Each telephone interview was conducted from a secure and private line on Syracuse University's campus, with only the student researcher present in the room. Each interview followed the IRB approved questions pertaining to their specific area of expertise, and all responses were hand written. Each of the three interviews lasted for over an hour, with each participant greatly expanding on each question and offering a unique take on every aspect of incarcerated individuals working in the food system. It should be noted that each participant was very willing and open, however, each needed continual assurance that absolutely no traceable identifiers to their specific interview would reach the final project.

Following each phone interview, the transcribed conversation was immediately scrubbed and then coded to ensure maximum confidentiality. The phone interviews were then matched with the written interviews, with the hope to find reoccurring themes across areas of expertise, but also within them. The process was extremely rigorous and at times daunting, but it did result in eye-opening data, specifically regarding how specific areas view their role working with incarcerated individuals, and just how beneficial that role is to not only the individual, but consumers, the economy, and in some cases, society as whole.

## CODING AND ANALYSIS

As discussed above and below, many re-occurring themes occurred across sectors and stakeholder with extremely different viewpoints. Due to this and the biases that were present within the email and phone interviews, coding presented a challenge. The unfortunate issue of being the interviewer and coder is that even in the best case, you remember which interviewee said what. This creates an issue when trying to present an unbiased research project. In order to create an environment where bias was kept to a minimum the coding process entailed following a specific procedure.

Upon receiving or after finalizing transcription of an interview the researcher saved the document to a secure computer drive. From there the document was labelled in accordance to the participants' field of expertise, such as academic 3. The document was then scrubbed of any and all identifiers that could compromise the identity of the interviewee. After completion, the scrubbed document was left alone for a few days, if able, in order to try and create some type of unfamiliarity with it upon analysis. While this may not be the optimal way to code and analyze, it was deemed necessary due to the makeup of the sample size.

The coding and analysis process followed another set of procedures. Questions for academics and advocates were coded first. Each interview was read and issues that seemed important, such as exploitation and labor rights, were noted. Following the first read through, responses were highlighted with a specific color, which referenced a theme was stored on a master key excel document. The same was process was done for private business. After these themes were identified they were then compared to each other and analysis of exactly what each participant had in common then shaped the following discussion.

## Chapter 4

### Discussion

#### ADDRESSING SLAVERY

It would be gravely irresponsible to not immediately address the striking parallels a reader could draw regarding the use of prison labor in the food system within the United States. With 40% of all incarcerated individuals being black<sup>46</sup> there is no questions that these similarities are very real. Grappling with the overwhelmingly black incarceration rates and the historical context of slavery and the food system can make it difficult to present an unbiased opinion of what is currently happening today in the food system regarding the use of incarcerated individuals as a labor force. However, with a historical foundation to frame the discussion, and the reoccurring themes present in the interviews that were obtained, while many researcher believe that it is impossible to be completely unbiased, I feel it is possible to present a clear and relatively unbiased opinion on the benefits and drawbacks of using incarcerated individuals as a labor force; any potential abuse incarcerated individuals may face; and any rehabilitative outcomes these programs may have on the incarcerated individual both during his sentence, and post-release.

Framing this conversation requires us to look at what led us to the situation we currently are in regarding incarcerated individuals. It should come as no surprise that prison and forced labor in the North American agricultural system has existed in one form or another since the

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<sup>46</sup> Carson, 2016

arrival of Europeans on the continent in the 16<sup>th</sup> century. As the United States was formed, the southern states relied heavily on a slave economy, centered on agriculture. Following the formal end of slavery in 1865, forced prison labor was even written into states' constitutions to preserve a lucrative labor force.<sup>47</sup> However, the shift from the archaic forced labor of the 18<sup>th</sup> century to what today would be considered willful participation in the labor force did not exist until the mid-20<sup>th</sup> century.

### **THE MODERNIZED LABOR FORCE**

Large trans-national corporations can directly link the causes of this change to the transfer in both world global powers post World War II and the growing drive to push United States agriculture into a lucrative, multi-national industry. This ambition to keep profits and production high is where market forces pushed TNCs to begin using incarcerated individuals to keep labor costs low and profits high. It is at this point that we find a new type of labor forming, and with this, new questions arise.

During the post-World War II era, the agricultural sector exploded and with it brought new technological advancements and a need for rapid production to supply our allies and push American influence across the world. With this explosion, the food system transformed from the Jeffersonian democracy ideal of the yeoman farmer to a consolidated and industrious business.<sup>48</sup> This shift is what directly effects the labor force within the food system.

Unlike pre-World War II prison labor, where prisoners and slaves were forced to build roads or till fields, now they are compensated with some form of salary and perhaps even gain

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<sup>47</sup> Yale Law School

<sup>48</sup> Ward, Jay. 2008.

good standing with the guards, which could grant them leeway with certain infractions and help their time in incarceration pass more smoothly. In addition, the intent of the labor has changed. Prior to what is described as modernized prison labor, prisoners were primarily used to benefit the state. Whether it is making license plates or desks for public schools, prison labor was primarily seen as a way for the government to benefit from prisoner labor in return for the cost to maintain them and pay their dues to society. Now however, the prisoner may not even be controlled by the state, but rather an outside corporation hired by the state to run the prison. Not coincidentally, the actors who now run the prisons may not feel the same need for incarcerated individuals to repay their dues to society, but rather, to the corporation.

The cause and effect that led to the privatization of prisons, and in turn, the newfound use of incarcerated labor in the food system can be argued. There is no single “silver bullet” that a person can point at and say this directly caused the introduction of incarcerated individuals to the food system. However, as discussed above, I posit the deregulation of markets globally had a direct effect on corporation’s ability to enter into new realms, which had previously been untouched, by the market.<sup>49</sup> In addition, privately-owned businesses and TNCs that had already had a share in the agricultural industry began massively transforming their businesses to take advantage of new deregulated markets.

This leads us to today, with a tense political climate and president who seems, like Reagan, very willing to deregulate anything standing in the way of free enterprise. With the new stream of policies rolling back protections what little protections workers and immigrants had in the food system, it seems fitting that the interview process took place during this period. Moving forward, I examine stakeholder’s viewpoints from their unique position as academics, advocates,

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<sup>49</sup> Mattera, Philip, et al., 2001



business owners, and public-sector workers and then try to tease out all commonalities seen across the societal lines.

## **ACADEMIA**

Academics interviewed for this project are considered experts in their field. Among the interview respondents the highest rates hailed from higher education. While their insight is incredibly valuable, it does come from individuals that live in a world far different than an incarcerated individual in Colorado. Each of the participants interviewed via email and phone were incredibly articulate and nuisance regarding each question, clearly taking the time to formulate and answer they felt someone like myself would appreciate. The interviews themselves provided a wealth of material that may have led to more questions than answers.

The opening questions for each participant were simple and straightforward; what the nature of their relationship to incarcerated individuals. The overwhelming responses were either working directly with incarcerated individuals in a classroom setting or researching prison populations for a specific project. Many of the people interviewed had worked the same position in the same prison or jail for multiple years, getting to know many of the individuals incarcerated in these facilities and the troubles they face day to day, lending credibility to their first-hand accounts and in some cases speaking for incarcerated individuals.

Moving to questions regarding labor rights led to one of the most reoccurring themes throughout not just the academic circles, but the interviewees as whole. Statements from numerous participants unanimously agreed that inmates had almost no rights to be heard of, and that most incarcerated individuals were in a very vulnerable position. One participant who was very passionate about the subject laughed and flatly stated “they have no labor rights, ridiculous,

it's an affront. They say they have labor rights but look at Colorado, they make a maximum of \$.60 a day, and most people make less than \$.60.”<sup>50</sup> This sentiment was echoed by every academic interviewed, some less passionately than others.

Another contentious question was that of prison labor being a form of rehabilitation. Out of all the questions, across all interviews, this was the most talked about and divisive among the different stakeholder's areas of expertise. Academics interviewed were nearly all in agreement that framing prison labor as a rehabilitation method or job training skill was, as one participant put it, “a line they use to justify their exploitation of labor.”<sup>51</sup> Across the board it was argued that any type of benefit an incarcerated individual may gain from a labor program is far outweighed by the affect prison labor as a whole has on surrounding areas, communities, and nationwide.

Take for example a community that has a functioning rural economy, based around dairy. It survives on the delicate balance of everyone within the community, whether they work in the milking plant or produce inputs such as feed for the cows. People are paid a fair wage and receive a fair price for goods. The opening of a prison labor program in a community similar to this would devastate the local economy and community members. Milk production by incarcerated individuals working for \$.10 cents an hour would undercut every dairy farmer in town. The ripple effect would reverberate through the community affecting not only processors and retailers, but also normal people who work outside the food system, but still rely on it.

It is this scenario that academics sight as one of the most problematic issues with using prison labor in our current system. There is no regulatory agency protecting these individuals and

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<sup>50</sup> Personal Interview, Academic 1, 2017.

<sup>51</sup> Ibid

with no right to unionize or even wage protection rights, they are unable to demand fair pay for their work. While this argument is based purely in the economic realm it is important to note the growing impact that jail and prison labor programs in the food system can have on the rural economies that most of these prisons and jails are located within.

The other more interesting aspect of the rehabilitation question pertains to an incarcerated individual experiencing personal growth due to a prison labor program. The argument for labor programs as a form of rehabilitation are generally framed as a way for these individuals to learn valuable life skills that resulted in their incarceration. Again, this argument is clearly debunked by academics, citing numerous reasons for people being incarcerated including socio-economic barriers, structural racism, and the school to prison pipeline.<sup>52</sup> Another interesting point made by a participant was that while incarcerated individuals may learn job skills in a labor program, there is no system set up once the individual is released. To quote the participant, “Any type of job, you’re gonna [sic] learn something. But, where is your job placement program? There is none. You get out, they tell you to fuck off. It’s pure labor exploitation.”<sup>53</sup>

## **ADVOCACY**

People who are part of advocacy groups which fight for the rights of incarcerated individuals generally have a personal connection to the prison population. They may have a loved one who experienced incarceration, or they themselves may have been incarcerated. These personal experiences clearly create a bias towards supporting incarcerated individuals. One respondent during the first round of emails replied saying they would not be able to take part but

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<sup>52</sup> Personal Interview, Academic 4, 2017

<sup>53</sup> Personal Interview, Academic 1, 2017

that I should “keep fighting the good fight for these people being abused”<sup>54</sup> assuming that the research being done for this project would be wholly in support of incarcerated individuals.

Noting the subjective nature these interviews may have, I still find that they have value in the overall discussion regarding prison labor in the food system.

Following in mostly the same vein as the academic participants, advocates for incarcerated individuals were passionate about the lack of labor rights for incarcerated individuals. One of the reoccurring comments among advocacy groups was the clear notation within the 13<sup>th</sup> amendment that states incarcerated individuals can be forced into labor, i.e., slavery. While this is consistently noted throughout the literature review, it was striking to realize that this statement, which I believed to be relatively obscure, was a primary example advocates used to rally change.

Similarly, the framing of labor programs as a means to rehabilitate incarcerated individuals was vehemently rejected and, among the advocates interviewed, considered a racist narrative.<sup>55</sup> The theme of racism and structural barriers was a primary focus of advocates, citing, among many other factors, white supremacy as a primary cause for the overwhelmingly black prison population. An interesting theory one participant shared was the idea of a school to prison pipeline. This idea proposes that the socio-economic barriers and structural racism present in many low-income areas foster an environment that encourages zero-tolerance policies with harsh repercussions for offenders.<sup>56</sup> These youth, facing these struggles every day, end up incarcerated often, leading to drop out rates rising and education lowering in these areas.<sup>57</sup>

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<sup>54</sup> Email Correspondence, 2017

<sup>55</sup> Personal Interview, Advocate 2, 2017

<sup>56</sup> Heitzeg, 2009

<sup>57</sup> Ibid

Interestingly, this theory compliments a common theme present in the academic interviews. One participant cited that the current system utilizing prison labor is so cheap and efficient that it may create an environment where law enforcement officers and judicial officials could be encouraged to raise incarceration rates by outside influences in order to supply the growing demand.<sup>58</sup> While this may just be conjecture since there is no hard evidence of this occurring, scandals have occurred like the Kids for Cash scheme, where two judges willingly handed out harsh sentences to juveniles in return for monetary gain from privatized, for profit jails.<sup>59</sup> This particular scandal highlights just how profitable the prison industrial complex is becoming, and how the potential for abuse is extremely high.

### **PRIVATELY-OWNED FIRM**

This sector had a small sample size at the beginning of the interview process and dwindled to one respondent by the end of the third round of email requests. While the sample size is small, the one respondent is one of, if not the primary expert of using prison labor. The insights garnered from the almost two-hour long interview were invaluable to the research project and helped shed light on the capitalist approach to harnessing this new labor force.

The sole participant owns a privately-owned firm that produces foodstuffs for the general public's consumption. Through contracts with a government agency that manages a prison labor program, the participant can procure a food item at extremely low prices, which is then processed at their facility. Following the IRB approved questions for businesses and corporations (Appx. 3) I asked a series of inquiries regarding their views on incarcerated individuals and their

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<sup>58</sup> Personal Interview, Academic 1, 2017

<sup>59</sup> Frank, 2009

rights to work, salary, and rehabilitative programs. In addition, a series of questions were asked regarding public knowledge of the food items produced at their facility.

Almost all the participants' answers varied greatly from the academic and advocate's, showing the stark contrast that a middle, to upper class business owner has regarding not only prison labor, but the individuals themselves. A truly shocking moment came about when they were asked to discuss their views on incarcerated individual's labor rights, responding:

*"I think that they're in a situation where they don't have rights. They made a mistake and they have to serve their time. I wouldn't expect any pay. If they have grievances they can take up with the prison...they get free room and board. Why are we even paying them? Why aren't we paying people in college, they're actually working their asses off. They're learning a trade, I don't think of it as a right. It's not a right."*<sup>60</sup>

- Private Business Owner 1

No guiding on my part was necessary for the participant to candidly open up regarding their views on incarcerated individuals and it continued for the remainder of the interview. The participant's views were completely in line with capitalist ideologies and were rational in a capitalist ideology.

When asked whether or not they viewed labor programs as a means of rehabilitation the participant response was, again, shocking, saying:

*"Let's think about that. If you wanna be real narrow minded, the answer is probably no. But if you wanna look at it from the perspective where these guys are coming from, they're learning basic skills me and you take for granted. Going to work every day, taking orders, meeting needs for company, working as a team, working with coworkers. They are learning behavior partners they probably never learned before. They may never get a job [cleaning food items], but they learn how to clean, they learn how to take orders"*<sup>61</sup>

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<sup>60</sup> Personal Interview, Private Business Owner 1, 2017

<sup>61</sup> Ibid

The frank honesty and agreement with both academics and advocates that prison labor programs are not a useful form of rehabilitation was something that had not been expected on my part, however the way he justified the continued use of it was both reaffirming and problematic. A common theme mentioned by academics and advocates was that people who supported these prison labor programs did so with the whole-hearted belief that they were performing a benevolent duty. By giving incarcerated individuals a task to complete they were learning basic life skills such as “taking orders” and “working as a team.” The participant even displayed his bias against incarcerated individuals by saying “they’re learning basic skills you and me take for granted” assuming that because I was an academic was of a “higher status” than the individuals that produce food items for their company.

This narrative of separation between us and them in reference to incarcerated individuals permeates every form of dialogue regarding this research project. It is a stigma that follows incarcerated individuals even post-release and helps create the cycle of recidivism seen across this country. This particular stigma against incarcerated individuals led to the one question that Private Business Owner 1 was reluctant to discuss; whether the general public was fully aware of who helped produce the product they sold.

Questions posed to the participant regarding consumer knowledge about his product were vague and generally deflected, with the participant trailing off on a separate argument. At one point I repeatedly asked the same question, asking if consumer know and the participant responded they “do tours 3 or 4 times a month, and I’ve never had a single person tell me to my face that I’m an idiot for saying [government agency] helped the inmates and people of [the state], in fact they agree that it’s a good program once they become educated.”<sup>62</sup> While it is clear

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<sup>62</sup> Personal Interview, Private Business Owner 1, 2017

that this particular question is a sensitive topic it does provide a valuable insight into the participants ideology and perhaps the private sector as a whole. Despite the fact that privately owned firms greatly benefit from using the labor of incarcerated individuals, and believe that these programs are beneficial to everyone, they seem hesitant to be completely transparent about their practices when it comes to the consumer.

### **TNCs, LARGE CORPORATIONS, AND HISTORY**

Due to many varied factors including time, resources, and simple unwillingness to discuss the subject of prison labor, this research does not have any primary data regarding TNCs and large corporations' views on the use of prison labor in the food system. While it does a handful of generic computer-generated emails and a single (apparent) personal response from the Whole Foods Public Relations department saying "thanks for reaching out and thinking of us for your project. Unfortunately, we aren't able to help you out with this request"<sup>63</sup> it should come as no real surprise that pushback was the hardest from this sector. Following three rounds of email requests the response quoted above was finally sent by Whole Foods and a response from Walmart was never received.

Discussing the key points of large corporations' policies and attitude towards prison labor occurred in earlier chapters, and while there is no primary data confirming arguments posited in this project there is a wealth of secondary research that has been done regarding large corporations' exploitation of vulnerable workforces. In particular regards to prison labor in the food system, I believe the interview with the owner of the privately-owned firm helps shed even

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<sup>63</sup> Email Correspondence, 2017



more light on how people with a personal stake in the capitalist model of the industrial food system view incarcerated individuals.

The belief that they are performing a benevolent act to justify using the labor of an incarcerated individual mirrors the Western world's reasoning for slavery and colonization in the 19<sup>th</sup> and 20<sup>th</sup> century.<sup>64</sup> By showing people, unlike you and me, how to act as we do, then their culture will benefit. However, this line of thinking believes that their culture, and their beliefs are inherently backwards. Claiming an action, such as forced labor, is benevolent because an authority is granting knowledge to a powerless individual is extremely problematic and concerning. And yet, this may be the position that incarcerated individuals currently face.

## **PUBLIC KNOWLEDGE ABOUT PRISON LABOR**

The specific questions regarding the general public and their knowledge of foodstuffs being produced by incarcerated individuals garner attention among all respondents. I felt it was an area in which further examination should be done. There were two conflicting trains of thought regarding this subject. On one hand academics and advocates fully believed that much of the public was unaware of the practice and if they found out they would be disgusted. On the other was private business, which believed the public was aware, and that once they discovered the beneficial nature of labor programs for the inmates and themselves they would be in full support.

In hindsight, a mass survey asking the general public if they had any knowledge about the use of prison labor in the production and processing of foodstuffs for their consumption would have been beneficial, but is not available at this time. However, after a speaking with a small

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<sup>64</sup> Kohn, 2006

amount of professors and students at Syracuse University it would appear that even people in higher education are unaware that these type of labor programs exist in the United States, although one student did mention they believed that other countries utilize prison labor.<sup>65</sup> While this, of course, is a large generalization, it does confirm both the academic and advocates ideas concerning the public's knowledge about prison labor.

Interestingly, among the academics and advocacy participants there seems to be an ever further delineation of why the general public would be disgusted. The advocacy participants point to the idea that consumers would have a moral disagreement with using labor that is akin to slavery to produce foodstuffs.<sup>66</sup> An academic proposed a different idea, saying the public would be disgusted with foodstuffs made with prison labor because of the belief that the product would be tainted.<sup>67</sup>

This idea that incarcerated individuals are in some way unclean lends itself to many different narratives brought up throughout the interview process. All of the respondents noted a stigma around incarceration among the American public, and an uneasiness discussing the subject. Private business owner 1, outwardly displayed his discomfort with incarcerated individuals during the interview process, which was fascinating since they purchase foodstuffs made with prison labor.

This entire belief that incarcerated individuals are different than non-incarcerated individuals is an interesting dynamic among the American public. It is difficult to ascertain why there is such a distinct feeling of separation between two citizens of the same country, however, I

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<sup>65</sup> Personal Interview, Student 1, 2017

<sup>66</sup> Personal Interview, Advocate 2, 2017

<sup>67</sup> Personal Interview, Academic 1, 2017

posit that is the structural racism still omnipresent in today's American society which perpetuates the belief that incarcerated individuals are lesser citizens.

This narrative, as mentioned before, enables abuses to occur within this prison populations and helps suppress transparency among the organizations that manage incarcerated individuals daily lives. In addition, the consumer's lack of knowledge or unwillingness to address the subject of incarcerated individuals allows their current labor standards to continue without any type of action or research being done.

## **MOVING FORWARD**

The different arguments surrounding the use of prison labor within the food system is passionate, and yet cold and calculated. On the different sides, there are advocates for basic human dignity, consumer rights and safety, and proponents of the free market system. Prison labor within the food processing industry is a complex issue. It weaves together political, economic, and societal narratives which can be at odds with each other. It appears, based on research and data currently available, that prison labor is here to stay within the current model of the food industry. The vast population of cheap labor is exactly what TNCs need to thrive, and to continue to push forward their productivism agenda. However, good may come out of it. Prisoners are learning valuable skills, which in turn, may lend them the tools to thrive in the outside world. The most concerning issue comes down to how the American public will view the increasing role prisoners will play in the food that they eat.

Whatever the outcome, a new dialogue is beginning to start between consumers and producers. For far too long the food system has had an opaque veil shrouding the inner workings of how and where our food is produced. Now that new information is becoming known about the

different types of decisions TNCs are making, all in the name of profit, consumers can begin to question whose interests are really at stake. The use of prison labor within the food processing industry is just one, of many different areas that benefit from this silent prison labor force.

However, food is an inherently unique commodity. It is an item necessary to all human life on this planet, and because of that characteristic, it needs to be treated in a delicate manner. The general population is protective of where and who processes and sells their food.<sup>68</sup> The slightest discomfort regarding it can send a backlash so strong through the market that large corporations backpedal immediately, much like what happened in the case of Whole Foods, where the corporation quickly removed cheese produced from prison labor from its shelves. Transparency of U.S. corporations and TNCs practices within the food system is vital to the continuing process of making the food system a working and sustainable part of the future of humanity. The result may be that the food system, ranging from production to processing, will play a critical role in helping rehabilitate prisoners within the United States, and in turn, transform them into valued components of society.

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<sup>68</sup> Feenstra, 2002

## Chapter 5

### Conclusion

At the beginning of this project, researching and conducting interviews with people who have worked with or studied incarcerated individuals seemed like a fantastic idea. The project could be used to shed light on a possible benefits or abuses and help add to the collective literature on the subject. However, as the project progressed it soon became clear that literature was severely lacking surrounding the issue of incarcerated individuals and food, and it was clear more research was necessary into this specific field of prison labor. The complicated history the United States has with forced and incarcerated labor in the food system makes this subject a difficult but necessary area of study. To prevent history from repeating itself, transparency among the actors who control incarcerated individual's day to day workload need to be a priority. The difficulties faced trying to access incarcerated individuals seemed unnecessarily difficult considering the scope of this research project.

In addition, transparency among agencies and organization regarding this particular area of work in prisons and jails must be stressed. While incarcerated individuals have always performed jobs within prisons and jails, the use of their labor for foodstuffs being sold to the public is a very new area with little data. The affect it has on not only the inmate, but on the economy, consumer, and the food system is not yet fully understood and therefore should advance with caution.

Considering that this type of work in the food system by incarcerated individuals is still so new, there is a chance that something beneficial can come out of these programs. However, at the current time, the lack of oversight and lack of transparency from organizations and government agencies that contract out prison labor is alarming. Finding hard quantitative data on the impacts prison produced foodstuffs have on local and state economies is extremely difficult to come by, adding to the troubling fact that they seem to be unwilling to discuss matters about prison labor.

The stark contrast between private sector, academic, and advocate interviews highlights the fissured ideas that stakeholders knowledgeable about this subject currently hold. Hearing a passionate plea from one academic regarding corporations exploiting these men in prison for purely economic gains shifts your bias completely to the side of believing any type of labor program is nothing more than an abusive practice. However, speaking with a private business owner and listening to them explain how this program not only benefits their company and employees, but also the incarcerated individuals by learning useful skills can shift any person's beliefs to the other side of the spectrum. These contrasting views highlight the need for transparency from agencies and organization, and also how important having direct access to incarcerated individuals is to any type of discussion.

The use of prison labor in the food system is a difficult subject to broach. Many individuals within the general society find the entire subject of prisons and incarceration unpalatable.<sup>69</sup> To add on top of the taboo nature surrounding incarcerated individuals there is the striking parallels to slavery and issues about race. In today's world, these issues are even more prevalent and addressing them is necessary to fully understand this subject. However, while

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<sup>69</sup> Behrens, 2004

researchers and prisoner advocates try to make this system more transparent, push back from correctional institutions and participants in the prison labor system make it difficult to gain access to the knowledge which is needed to fully grasp the impact programs like CCI are having on incarcerated individuals, the general population, and the economy.

After conducting the five interviews over this year long period it has become painfully clear that the structural roadblocks in place to stop certain types of research are evident. The barrier placed before researchers in order to interview government agencies are burdensome and for many people would be the end of their interest. For example, I had an open dialogue with a member of a government agency for nearly a month, corresponding via email and cellphone. After rescheduling numerous times, the Department of Corrections contacted me requesting that I cease all conversations with government officials until I filled out a 12-page request for research form to be reviewed twice every month. Only after their approval was I then allowed to resume communications with said individual.

This intentional handicapping of obtaining valuable insight and data was not unique to just the public sector. Numerous people, working in advocacy, academic, and private arenas expressed hesitation speaking with me about the subjects I was researching. All interview participants, regardless of sector, needed to be reassured numerous times during interviews that their names were not being recorded and that all data regarding them was to be scrubbed.

This fear is telling of the general atmosphere regarding prisons and jails in the United States. Many people consider the entire matter an “out of sight, out of mind” subject. While corporations, like Whole Foods and Walmart, which responded directly to my interview requests

with a bland “unfortunately, we aren’t able to help you out with this request”<sup>70</sup> statement, it was surprising to hear hesitation from academics and advocates.

I am in no means advocating for or against the use of prison labor in the food system. However, the lack of data regarding the effect it has on participants leaves incarcerated individuals working in the food system vulnerable. As shown throughout the literature review, there is strong historical evidence showing ignorance towards the agricultural sectors and the labor groups that work within it and, unfortunately, the prison population has even less labor protection than most of those group. This trend, starting with the post-World War II era and the governments’ push to rapidly reform the agricultural sector to take advantage of the dire situation the world faced after World War II; to the deregulation that happened in the agricultural sector under the Reagan administration has shown something disturbing. The unfortunate reality that there is a common theme of profit over compassion has surfaced which raises alarming questions on what the government, corporations, and TNCs really have in mind for our food system.

While using incarcerated individuals may in fact be beneficial towards rehabilitation and potentially disseminating useful skills to people who will be released back into the general population, this alone cannot be the only reason to employ these individuals in the food system. As shown, there is historical evidence, which implicates the very actors who control these individuals’ day-to-day lives and shows that corporate entities within the food system may not always follow the same social responsibilities that the general population does.

Incarcerated individuals are present in the food system. Their presence is something that, I posit, will continue to grow as more states move prisons towards privatization in the attempt to rid themselves of responsibility and balance their own states budget. TNCs, with their devotion

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<sup>70</sup> Email Correspondence, Corporation 1, 2017.



to profit, will continue to seek out the cheapest labor force possible to maximize profit.

Fundamentally, their combination makes sense in an economic textbook, but if history tells us anything, more research must be done before their presence is silenced and forgotten.

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## **Appendices**

### **Appx. 1 Informed Consent**

#### **Description, Risks, and Payment**

My name is Collin Townsend and I am a student at Syracuse University. I am conducting a research study in collaboration with my faculty advisor Evan Weissman, about looking at the use of prison labor in the food system.

This research will document incarcerated individuals' personal experiences, stories and their opportunities and challenges working as laborers within the food system in the United States. In order to understand detriment, restrictions and potential opportunities for incarcerated individuals, interviewing food corporations, consumer watchdog organizations, and prisoner advocacy group representative's is imperative to fully understand all sides of the issue.

If you agree to participate in this study, you will be asked various questions regarding your experience working with incarcerated individuals employed in the food system in a one-time interview that will last approximately one hour over the internet via email.

There are no direct benefits to participants in general. However, participants do benefit indirectly by adding a prisoner's point of view, seen through food corporation/watchdog/advocacy group representatives, to the use of prison labor in the food industry. Additionally, this research may open more discussion regarding pay, hours, and working conditions of prisoners.

The only risk involved is a potential breach in confidentiality (interview data being leaked). In order to prevent this from happening, I will delete all identifiable information upon completion of the project and until then keep them in a secure and locked location. Research records will be kept secure and only the researcher, Evan Weissman and his research assistant, Collin Townsend, will have access to these records. Otherwise, the risks involved in participating are not greater than would be encountered beyond risks associated with being interviewed about personal experiences. You will not be paid for your participation in this study.

#### **Confidentiality**

Whenever one works with e-mail or the internet; there is always the risk of compromising privacy, confidentiality and/or anonymity. Your confidentiality will be maintained to the degree permitted by the technology being used. It is important for you to understand that no guarantees can be made regarding the interception of data sent via the internet by third parties.

It is also your option if you would like to have your name used, or if you would like for all your answers to be kept confidential. You may wish to have your name used if you would like to have your business or organization recognized in publications of this work. If you choose to keep your name confidential, publications from this research will not include information making it possible to identify you.

### Right to Withdraw

Participation in this research project is strictly voluntary. You may choose to withdraw from the study at any time. You have the right to withdraw consent and discontinue participation in the research project without prejudice. You also have the right to refuse to answer any questions at any time.

### Voluntary Consent

1. I have read the information above and have freely volunteered to participate in this study.
2. I understand that all aspects of this project will be carried out in the strictest of confidence and in a manner in which my rights as a human subject are protected.
3. I have been informed in advance as to what my task(s) will be and what procedures will be followed.
4. I have been given the opportunity to ask questions, and have had my questions answered to my satisfaction.
5. I am aware that I have the right to withdraw consent and discontinue participation at any time, without prejudice.
6. My signature below may be taken as affirmation of all the above, prior to participation.

Contact Information: If you have any questions, concerns, complaints about the research, contact the primary investigator, Dr. Weissman at eweissma@syr or the student researcher Collin Townsend at cjtownse@syr.edu. If you have any questions about your rights as a research participant, you have questions, concerns, or complaints that you wish to address to someone other than the investigator, if you cannot reach the investigator, contact the Syracuse University Institutional Review Board at 315-443-3013.

**All of my questions have been answered, I am 18 years of age or older, and I wish to participate in this research study. I have received a copy of this consent form and understand the risks outlined above. By signing my name below, I understand my rights as a participant and volunteer to participate in this research.**

\_\_\_\_\_  
Signature of participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of participant

\_\_\_\_\_  
Signature of researcher

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of researcher

I agree for you to use my name.

I do not agree for you to use my name.

## Appx. 2: Interview Questions: Academics and Advocacy

### Interview Questions

1. What is the role of your organization regarding prisoners?
2. What is the role of your organization regarding prison labor?
3. What are your views on the current state of:
  - Prisoner labor right
  - Prisoner salary
  - Using work as a form of rehabilitation
4. Do you think the number of hours they work correlates with the amount they are paid?
5. What are your views on using prison labor to produce food items for consumer consumption?
6. How do you think incarcerated individuals feel about producing food items for consumer consumption?
7. Have you found that the public (consumers) are ok with the use of prison labor to make food items?
8. Do you think this form of labor (i.e. creating food) will help incarcerated individuals when they are released from jail?
  - Will it give them a hireable skill?
9. Have you found that the public (consumers) are ok with the use of prison labor to make food items?
10. If there is anything that you would like to add from experience or knowledge on this subject, please feel free to add it.

## Appx. 3: Interview Questions: Business

Interview Questions

1. What is the role of your organization regarding incarcerated individuals?
2. What is the role of your organization regarding prison labor?
3. What are your views on the current state of:
  - Incarcerated individual labor rights
  - Incarcerated individual's salary
  - Using work as a form of rehabilitation
4. Do you think the number of hours incarcerated individuals work correlates with the amount they are paid?
5. What are your views on using prison labor to produce food items for consumer consumption?
6. How do you think (or know from firsthand accounts) incarcerated individuals feel about producing food items for consumer consumption?
7. To what degree could you rely on traditional labor?
8. Do you think this form of labor (i.e. creating food, learning food related techniques) will help incarcerated individuals when they are released from jail?
9. What role does it have in regard to producing food or food items for consumer consumption?
10. Does your organization, or has it ever, used prison labor to produce food items for consumer consumption?
  - Did you have any guidelines in place for prisoner-produced food item? What were they?
  - Did you have a selection process for who could work at the sites that produced food?
  - Did you consider any prison labor rights when contracting them?



11. What was the food item that was produced?
  
12. Was there any way for consumers to find out their food items were produced using prison labor?
  - If so, what was there reaction?
12. Do you feel that incarcerated individuals benefited/benefit from working to produce items for your organization?
  - Do you think they gained a valuable skill from working to produce items for your organization?
  - Do you think it will benefit them upon their release from jail?
13. Will you continue to use prison labor to produce food items?
  
14. Is your organization completely transparent on the issue of using prison labor to produce food items?
  
15. Have you found that the public (consumers) are ok with the use of prison labor to make food items?
  
16. If there is anything that you would like to add from experience or knowledge on this subject, please feel free to add it.

## Appx. 4: Email Script

My name is Collin Townsend and I am a student at Syracuse University. I am conducting a research study in collaboration with my faculty advisors Evan Weissman, about the use of prison labor in the food system. All the research will be done on campus at Syracuse University and will be obtained through email interviews with people like you. If you are interested, I would like to ask you about your experiences regarding this subject.

This interview will be a brief list of questions that should take no longer than an hour to complete via email or phone. We would like to know more about the role that [your organization] plays in the [use/protection] of incarcerated individuals, or if [your organization] does any research regarding the use of incarcerated individuals in the food system. The purpose of this project is to develop a more concrete knowledge of how prison labor is used and what effect it has on incarcerated individuals. If you are interested in participating in an interview, please let us know by replying to this email at: [cjtownse@syr.edu](mailto:cjtownse@syr.edu) and [eweissma@syr.edu](mailto:eweissma@syr.edu). Thank you for your time.

Best regards,

Collin Townsend