

INMATE LABOR

FROM PRISON TO PLATES: OUR HIDDEN WORKFORCE

Some make pennies producing America's food, while many make nothing at all

Robin McDowell and Margie Mason
ASSOCIATED PRESS

ANGOLA, La. – A hidden path to America's dinner tables begins here, at an unlikely source – a former Southern slave plantation that is now the country's largest maximum-security prison. • Unmarked trucks packed with prison-raised cattle roll out of the Louisiana State Penitentiary, where men are sentenced to hard labor and forced to work, for pennies an hour or sometimes nothing at all. After rumbling down a country road to an auction house, the cows are bought by a local rancher and then followed by The Associated Press 600 miles to a Texas slaughterhouse that feeds into the supply chains of giants like McDonald's, Walmart and Cargill.



Prisoners harvest turnips at the Louisiana State Penitentiary in Angola, La., in 2014. Within days of arrival, they head to the fields, sometimes using hoes and shovels or picking crops by hand. GERALD HERBERT/AP

Intricate webs, just like this one, link some of the world's largest food companies and most popular brands to jobs performed by U.S. prisoners nationwide, according to a sweeping two-year AP investigation into prison labor that tied hundreds of millions of dollars' worth of agricultural products to goods sold on the open market.

They are among America's most vulnerable laborers. If they refuse to work, some can jeopardize their chances of parole or face punishment like being sent to solitary confinement. They also are often excluded from protections guaranteed to almost all other full-time workers, even when they are seriously injured or killed on the job.

The goods these prisoners produce wind up in the supply chains of products found in most American kitchens, from Frosted Flakes cereal and Ball Park hot dogs to Gold Medal flour, Coca-Cola and Riceland rice. They are on the shelves of virtually every supermarket in the country, including Kroger, Target, Aldi and Whole Foods. And some goods are exported, including to countries that have had products blocked from entering the

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U.S. for using forced or prison labor.

Many of the companies buying directly from prisons are violating their own policies against the use of such labor. But it's legal, dating back largely to the need for labor to help rebuild the South's shattered economy after the Civil War. Enshrined in the Constitution by the 13th Amendment, slavery and involuntary servitude are banned – except as punishment for a crime.

That clause is being challenged on the federal level, and efforts to remove similar language from state constitutions are expected to reach the ballot in about a dozen states this year.

Some prisoners work on the same plantation soil where enslaved people harvested cotton, tobacco and sugarcane more than 150 years ago. In Louisiana, which has one of the country's highest incarceration rates, men

working on the "farm line" still stoop over crops stretching far into the distance.

Willie Ingram picked everything from cotton to okra during his 51 years in the state penitentiary, better known as Angola.

During his time in the fields, he was overseen by armed guards on horseback and recalled seeing

men, working with little or no water, passing out in triple-digit heat. Some days, he said, workers would throw their tools in the air to protest, despite knowing the potential consequences.

"They'd come, maybe four in the truck, shields over their face, billy clubs, and they'd beat you right there in the field. They

beat you, handcuff you and beat you again," said Ingram, who received a life sentence after pleading guilty to a crime he said he didn't commit. He was told he would serve 10½ years and avoid a possible death penalty, but it wasn't until 2021 that a judge finally released him. He was 73.

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Inmates

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The number of people behind bars in the United States started to soar in the 1970s just as Ingram entered the system, disproportionately hitting people of color. Now, with about 2 million people locked up, U.S. prison labor from all sectors has become a multibillion-dollar empire, extending far beyond the classic images of prisoners stamping license plates, working on road crews or battling wildfires.

Though almost every state has some kind of farming program, agriculture represents only a small fraction of the overall prison workforce. Still, an analysis of data amassed by the AP from correctional facilities nationwide traced nearly \$200 million worth of sales of farmed goods and livestock to businesses over the past six years – a conservative figure that does not include tens of millions more in sales to state and government entities. Much of the data provided was incomplete, though it was clear that the biggest revenues came from sprawling operations in the South and leasing out prisoners to companies.

Corrections officials and other proponents say not all work is forced and that prison jobs save taxpayers money. For example, in some cases, the food produced is served in prison kitchens or donated to those in need outside. They also say workers are learning skills that can be used when they're released and given a sense of purpose, which could help ward off repeat offenses. In some places, it allows prisoners to also shave time off their sentences. And the jobs provide a way to repay a debt to society, they say.

While most critics don't believe all jobs should be eliminated, they say incarcerated people should be paid fairly and treated humanely and that all work should be voluntary. Some note that even when people get specialized training, like firefighting, their criminal records can make it almost impossible to get hired on the outside.

"They are largely uncompensated, they are being forced to work, and it's unsafe. They also aren't learning skills that will help them when they are released," said law professor Andrea Armstrong, an expert on prison labor at Loyola University New Orleans. "It raises the question of why we are still forcing people to work in the fields."

A shadow workforce

In addition to tapping a cheap, reliable workforce, companies sometimes get tax credits and other financial incentives. Incarcerated workers also typically aren't covered by workers' compensation and federal safety standards. In many cases, they cannot file official complaints about poor working conditions.

These prisoners often work in industries with severe labor shortages, doing some of the country's dirtiest and most dangerous jobs.

The AP sifted through thousands of pages of documents and spoke to more than 80 current or formerly incarcerated people, including men and women convicted of crimes that ranged from murder to shoplifting, writing bad checks, theft or other illegal acts linked to drug use. Some were given long sentences for nonviolent offenses because they had previous convictions, while others were released after proving their innocence.

Reporters found people who were hurt or maimed on the job, and also interviewed women who were sexually harassed or abused. Reporters also spoke to family members of prisoners who were killed.

One of those was Frank Dwayne Ellington, who was sentenced to life in prison with the possibility of parole



Members of Brevard County's chain gang take a water break from picking up trash in Titusville, Fla. Participation in the chain gang, created by county Sheriff Wayne Ivey, is voluntary and sometimes has a waitlist to join. REBECCA BLACKWELL/AP

– a result of Alabama's habitual offenders act – for stealing a man's wallet at gunpoint. In 2017, Ellington, 33, was cleaning a machine near the chicken "kill line" in Ashland at Koch Foods – one of the country's biggest poultry-processing companies – when its whirling teeth caught his arm and sucked him inside, crushing his skull. He died instantly.

During a yearslong legal battle, Koch Foods at first argued Ellington wasn't technically an employee, and later said his family should be barred from filing for wrong-



Frank Dwayne Ellington was killed in 2017 at Koch Foods in Ashland, Ala., while cleaning a machine near the chicken "kill line." ALABAMA DEPARTMENT OF CORRECTIONS VIA AP

ful death because the company had paid his funeral expenses. The case eventually was settled under undisclosed terms. The Occupational Safety and Health Administration fined the company \$19,500, saying workers had not been given proper training and that its machines had inadequate safety guards.

"It's somebody's child, it's somebody's dad, it's somebody's uncle, it's somebody's family," said Ellington's mother, Alishia Powell-Clark. "Yes, they did wrong, but they are paying for it."

The AP found that U.S. prison labor is in the supply chains of goods being shipped all over the world via multinational companies, including to countries that have been slapped with import bans by Washington in recent years. For instance, the U.S. has blocked shipments of cotton coming from China, a top manufacturer of popular clothing brands, because it was produced by forced or prison labor. But crops harvested by U.S. prisoners have entered the supply chains of companies that export to China.

While prison labor seeps into the supply chains of some companies through third-party suppliers without them knowing, others buy direct. Mammoth commodity traders that are essential to feeding the globe like Cargill, Bunge, Louis Dreyfus, Archer Daniels Midland and Consolidated Grain and Barge – which together post annual revenues of more than \$400 billion – have in recent years scooped up millions of dollars' worth of soy, corn and wheat straight from prisons, which compete with local farmers.

The AP reached out for comment to the companies it identified as having connections to prison labor, but most did not respond.

Cargill acknowledged buying goods from prison farms in Tennessee, Arkansas and Ohio, saying they constituted only a small fraction of the company's overall volume. It added that "we are now in the process of determining the appropriate remedial action."

McDonald's said it would investigate links to any such labor, while Archer Daniels Midland and General Mills, which produces Gold Medal flour, pointed to their policies in place restricting suppliers from using forced labor. Whole Foods responded: "Whole Foods Market does not allow the use of prison labor in products sold at

our stores."

Bunge said it sold all facilities that were sourcing from correction departments in 2021, so they are "no longer part of Bunge's footprint."

Big-ticket items like row crops and livestock are sold on the open market, with profits fed back into agriculture programs. For instance, about a dozen state prison farms, including operations in Texas, Virginia, Kentucky and Montana, have sold more than \$60 million worth of cattle since 2018.

As with other sales, the custody of cows can take a serpentine route. Because they often are sold online at auction houses or to stockyards, it can be almost impossible to determine where the beef eventually ends up.

The rise of prison labor

Angola is imposing in its sheer scale. The so-called "Alcatraz of the South" spans 18,000 acres – an area bigger than the island of Manhattan – and has its own ZIP code.

The former 19th-century antebellum plantation once was owned by one of the largest slave traders in the U.S. Today, it houses some 3,800 men behind its razor-wire walls, about 65% of them Black. Within days of arrival, they typically head to the fields, sometimes using hoes and shovels or picking crops by hand. They initially work for free, but then can earn between 2 cents and 40 cents an hour.

Calvin Thomas, who spent more than 17 years at Angola, said anyone who refused to work, didn't produce enough or just stepped outside the long straight rows knew there would be consequences.

"If he shoots the gun in the air because you done passed that line, that means you're going to get locked up and you're going to have to pay for that bullet that he shot," said Thomas, adding that some days were so blistering hot the guards' horses would collapse.

"You can't call it anything else," he said. "It's just slavery."

Louisiana corrections spokesman Ken Pastorick called that description "absurd." He said the phrase "sentenced with hard labor" is a legal term referring to a prisoner with a felony conviction.

Pastorick said the department has transformed Angola from "the bloodiest prison in America" over the past several decades with "large-scale criminal justice reforms and reinvestment into the creation of rehabilitation, vocational and educational programs designed to help individuals better themselves and successfully return to communities." He noted that pay rates are set by state statute.

Current and former prisoners in both Louisiana and Alabama have filed class-action lawsuits in the past four months saying they have been forced to provide cheap – or free – labor to those states and outside companies.

Civilian workers are guaranteed basic rights and protections by OSHA and laws like the Fair Labor Standards Act, but prisoners, who are often not legally con-

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