

CAPTIVE LABOR ON THE FARM

By Joel Millman
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St. Anthony, Idaho – Weary workers rise at dawn here in the heart of Idaho potato country, eager for another day outside. They're convicts, deployed by Idaho's Department of Correction to pick, sort and pack potatoes during harvest season.

"This is the first year we're doing a harvest," said Steve Little, warden here at the minimum-security St. Anthony Work Camp. Prior to this season, he explained, inmates worked mainly in processing sheds and kitchens, not open fields. But farm labor is so scarce, Mr. Little said, that prisoners now pick as well as pack potatoes.

Despite high unemployment across the U.S., many farmers are struggling to find hands willing to labor in their fields. From Arizona to Alabama, states are cracking down on undocumented migrant labor with legislation that gets tough on employers. One result: some "illegal" farm hands are being replaced by criminal ones.

In fact, there is such demand for Mr. Little's charges that employers here operate under a "use it or lose it" principle: Farms that cut back on prison labor usually can't get more later if they need it.

"They give you an amount of inmates, say 10, and if you can't employ them, they drop them and you'll never get 'em back," said Todd Cornelison of the Idaho Potato Commission. "So you try to keep them employed at any cost."

The trade-off hasn't always gone smoothly. When Georgia faced a looming shortage of farmhands earlier this year in the wake of new employment rules, parolees were sent to fill some 11,000 vacant spots harvesting such things as cucumbers. Probation officers urged their charges to work on farms, and some did. But growers complained many parolees were ill-prepared and quit on them.

This month, Alabama got into the act. With strict new laws chasing many immigrant farm hands from the state, John McMillan, commissioner of Alabama's Department of Agriculture and Industries, announced he would look to prison work-release programs to put workers in the fields.

Idaho's program has been in place more than a decade, but isn't widely publicized, in part to avert criticism that prisoners are taking jobs from the unemployed or, alternatively, that inmates don't deserve a chance to work outside prisons. None of the growers using inmates near here would talk about the practice, though their contracts are a matter of public record. SunGlo of Idaho Inc., Walters Produce Inc., High Country Potato Inc., and Floyd Wilcox & Sons Inc. all have long-term contracts with Idaho's Department of Correction. Each declined to comment.

The inmates themselves are enthusiastic about their jobs. Some cite the chance to earn extra money – but not time off sentences – handling potatoes. Most say wages, as much as

\$7.50 an hour, exceed what prisons pay for "inside" jobs such as laundry or janitorial work, where pay starts at 10 cents an hour. Others emphasize the chance to learn a trade and be around folks who aren't convicted felons.

"The best part is you have the influence of the real world, which eventually we're all going back to," said Thomas Alworth, a 36-year-old convicted of grand theft by possession. Mr. Alworth, who is eligible for parole in a little over three years, also praised the program's mandatory-savings rule, which he calculates will put between \$3,000 and \$10,000 into his account by the time he is released. (Idaho is one of several states that require inmates to save a portion of their pay to support themselves after release.)

Convict labor has a dark history in America, notoriously in the post-Civil War South, when thousands of African-Americans endured what historians say was a kind of de facto enslavement as prisoners on chain gangs.

Today, federal laws restrict the capacity of states – and some counties – looking to deploy inmates with commercial enterprises. Wherever it is allowed, authorities have to certify no other labor is being displaced and that inmates receive prevailing wages. Most states further insist such convicts make some of their pay available to victims whom courts deem eligible for restitution for a prisoner's offenses.

There are other restrictions, too. Inmates have to earn, through good behavior, consideration for an outside job and often must be near the end of their sentence.

For those reasons, finding hands to ease farm-labor shortages is a challenge. Hawaii this year has managed to place just eight inmates packing papayas on the Big Island at a plant owned by Tropical Hawaiian Products, a unit of Calavo Growers Inc., a California-based avocado producer.

The Arizona Department of Corrections, by contrast, has been ramping up its contract work with agricultural employees. The ADC said the number of inmates working for growers fluctuates with the seasons, but the state does keep tabs on inmate man-hours deployed in commercial agriculture. In the just-ended 2011 fiscal year, inmates put in more than 1.3 million hours working for five commercial growers – a 30% increase over 2010's figure.

Although Arizona's prison-to-farm activity predates the state's hard line on undocumented immigrants, growers and prison officials alike agree the climate deterring immigrants from agricultural work makes correction facilities' contribution essential. "The crackdown on immigrants just makes it so hard" to find workers, said Richard Selapack, vice president for labor contracts at the ADC.

"We're fortunate, we're near a prison here," said Frank van Straalen, chief operating officer of Eurofresh Farms, a Wilcox, Ariz., company employing about 1,200 workers in its greenhouses, about a third of them contracted from Arizona Corrections Industries. Mr. van Straalen said that even with wages as high as \$12.50 per hour, few native-born Americans seek jobs in his greenhouses, and the few who do usually quit. Prison laborers are paid around \$7.35 per hour, he said.

Mr. Little, the warden at St. Anthony's in Idaho, can't fathom why farmers are so hard pressed in the current economic environment. "I'm simply flabbergasted they can't get civilians to do those jobs," he said.