

of depression and unemployment of 1913 and 1914, and the survey and report on unemployment by the Commission of Immigration and Housing in 1914.

Since the act of 1915 we have had both permanent and seasonal offices in various parts of the state. These offices compete with the private agencies and must furnish, therefore, an efficient service in order to obtain patronage. The records show that although the private agencies are not being driven out of the state, the free bureaus are getting a large portion of the employment business. This business conducted by the state saves the California workers many dollars every year. After fifteen years of operation, it is reasonably safe to conclude that the good accomplished by the bureaus justifies the expense incurred in operating them.

The History of California Labor Legislation, 1910-1936.

Chapter ~~XII~~ ^{XIII}
~~Consolidated Labor Laws~~
~~The Regulation of Convict Labor.~~

Status of Convict Labor in 1910.

By 1910, convict labor was restricted and regulated to the general satisfaction of the mechanics and farmers of the state. Prison labor was confined to the production of goods used within the penitentiaries* and to the manufacture of Jute

bags:

*The most important industry in the Folsom Prison was the quarrying of granite rock to be used in the prison buildings.

bags at San Quentin for sale direct to the farmers of the state. There was no longer cause for complaint of the competition with prison labor in any of the skilled trades, and the farmers were sure of a good supply of the sacks which were necessary for the handling of their grain crops.*

*see Lucile Eaves, History of California Labor Legislation, 1910, p. 368.

According to the State Board of Prison Directors, however, there were some disadvantages connected with the California plan for dealing with prison

labor. Many of the convicts were idle, few of them learned a useful trade, and the jute industry had not proven very profitable because of the low price charged for the bags and the high price paid for the raw material which had to be purchased in India.*

*California State Board of Prison Directors Report, 1910, p. 10.

The Jute Bag Industry at San Quentin.

The jute mills have continued to operate. This is the only prison industry of California in which the products may be sold in direct competition with those made by free labor under the guidance of private capital. Jute bags, however, must be stamped "prison made".*

*For a history of the beginning of the jute mills at San Quentin see, Lucile Eaves, History of California Labor Legislation, pp. 362-368.

The fiscal year ending June 30, 1925, showed an average of 952 men employed in the industry.* The

*California State Board of Prison Directors Report, 1926, p. 48.

labor unions of the state do not object to this comp-

289
etition because it is doubtful whether private capital^{ital} would manufacture jute bags were they given the opportunity.

The latest amendment regulating the terms and conditions under which bags may be sold was passed by the Legislature in 1927.* *Merely a few unimportant changes were made.*

*Calif. Stats., 1927, Ch. 637, pp. 1068-1069.

The State-Use system of Prison Labor.

Because of the general dissatisfaction among the people of California regarding the idleness of the prisoners of the state an agitation began for an expansion of prison labor to new industries. The most feasible plan seemed to be the adoption of the "state-use" system of prison labor. By the "state-use" system is meant the production by the prisoners of commodities needed by the state or its political subdivisions. Such commodities are not sold privately but are furnished to and used by the state, counties, school districts, ~~and~~ etc. It does not do away with the competition between free and prison made goods, but makes such competition indirect.

The State Board of Prison Directors* and the

*Reports for 1904, 1910.

State Board of Charities and Corrections* recommend-

*Report for 1911.

ed the adoption of this system of prison labor. In 1911, the agitation for such prison reform was taken up by the new Progressive Party. Governor Johnson worked for the passage of a state-use law.*

*see San Francisco Chronicle, Feb. 1, and 2, 1911, also, Hiehorn, Franklin, Story of the California Legislature of 1911, pp. 17-18.

The reasons given by Governor Johnson were as follows: (1) such a system would furnish appropriate and rational employment which would do away with idleness and would teach the prisoners a trade, thus rehabilitating them, (2) the prison would be made self-supporting, and (3) the prison-made goods would not compete with those made by free labor because the articles would be sold to the state and its subdivisions.

A bill (A. B. 888) was introduced in the ²Legislature by Assemblyman Gerdes on January 31. Organized labor endorsed the Gerdes Bill but later decided that the evils outweighed the benefits derived from a state-use system of prison labor and worked against the measure.* The bill was passed, however,

*Report on Labor Legislation, Proceedings of the

Twelfth Annual Convention of the California State Federation of Labor, 1911.

The American Federation of Labor later approved of the state-use system and even formulated a model law similiar in many respects to that of California's.

without delay by both houses and became a law with almost record breaking speed, the bill being signed by Governor Johnson February 23, just twenty-four days after it was first introduced.*

*Calif. Stats., 1911, Ch. 56, p. 71. The act *authorizes* ~~provides that~~ the Board of Prison Directors ~~is authorized~~ to employ priseners in the state prisons in the production of supplies that may be needed by the state or any political subdivision thereof, or that may be needed for any state, county, municipal, school or other public use. No goods may be sold for private use or profit.

The price of sale of the products shall be as near the prevailing market price as possible.

All articles shall bear the stamp of the prison in which they are made.

Jute products and crushed rock are exempt from the provisions of the act.

The report of the State Board of Prison Directors of 1912 shows that there had been established at San Quentin under the measure, ~~x~~ tailor, tin, machine, and printing shops and a furniture factory. Warden John E. Hoyle reported that the state-use system was working very satisfactorily. A few years later there was established a flag factory. The state-

use system has never been instigated at Folsom Prison.*

*An insignificant percentage of the prisoners are engaged in farming and horticulture, but most of the products are consumed within the prison by the inmates. See, Report of the State Board of Prison Directors, 1924, p. 11.

There seems to be two principal defects in California's state-use law. First, there is no adequate provision for marketing the goods. The state as well as its governmental subdivisions has not cooperated very well in buying the prison made products, and it is urged that its patronage be made mandatory rather than permissive.* Second, there is

*Ibid., 1928; John M. Peirce, "Marketing of Prison Made Goods", The Tax Digest, Nov. 1930, p. 410; also, "California's Prison Labor Problem", by the same author in The Tax Digest, Jan. 1931, p. 20.

no provision for an earning system for the prisoners. In every report of the California State Board of Prison Directors since 1912, it has been recommended that the men who do good work be paid at least a small wage. It is urged that such a policy would induce a prisoner to do better work, it would permit him to contribute to the support of his ~~loved ones~~ ^{dependents} and might even, because of savings, enable him to

make a proper start along honest paths after he leaves the prison.

Prison Labor on Public Highways

While the state-use system was being tried out a new method of employing convicts in the state prisons gradually developed. As early as 1903, an act had been passed authorizing the Board of Prison Directors to employ at least twenty prisoners daily in constructing and repairing the public roads in Marin County extending from San Quentin to the surrounding territory, providing that no work be done beyond six miles from the prison buildings. Twenty men from Folsom were to be employed on the roads of Sacramento County under the same conditions.*

*California Statutes, 1903, Ch. 116, p. 127.

The benefits derived from the act were not very great but the possibilities of employing large numbers of convicts on the roads were seen by Warden Johnston of San Quentin, ^{consequently,} and, in 1914, he recommended that the law of 1903 be amended by removing the six mile limit and allowing the prisoners either money or

extra credits as rewards for work done on the roads.*

*Report of the Cal. State Board of Prison Directors, 1914, p. 15.

Despite the protest of organized labor throughout the state* the ^eLegislature of 1915 ~~acted upon~~ ^{accepted}

*Labor leaders objected to the Convict Highway Labor law because it was believed that free labor would be driven out of employment.

Paul Scharrenberg, Secretary of the California State Federation of Labor, worked hard for the defeat of the Meek-Owens bill of 1915. In the Labor Clarion of April 16, he wrote, "This act will seriously aggravate the unemployment problem, which even now, during the best time of the year, confronts our state. But this is not the worst feature of this pernicious money-saving scheme. When men are unemployed for any length of time they become penniless. When men are penniless, roaming the country for work, they are classed as vagrants. And as vagrants they are liable to arrest and to enforced labor on the very roads which they would otherwise build or repair as freemen at stated daily wages."

For other arguments see, Report on Labor Legislation, "1st Session of Legislature", issued by the Cal. S. F. of L., 1915; Coast Seamen's Journal, May 5, 1915; and, Labor Clarion, June 4, 1915.

the recommendations of Warden Johnston. An act was passed and approved by the Governor authorizing the Department of Engineering to employ convicts in the state prisons in constructing and maintaining state highways. The Department of Engineering was to supervise all the road work and provide road camps for

the convicts, while the State Board of Prison Directors was to have full jurisdiction over the discipline and control of the men. The Board could grant additional good time allowance for obedient and good behavior, not to exceed one day for each two days the convict was absent from prison.*

*Calif. Stats., 1915, Ch. 124, p. 218.

In 1923, the act was amended. The new law provided that all convicts working on state highways were to be paid not more than two dollars and fifty cents per day. From the wages thus received, the prisoners were to pay for transportation, meals, clothing, medical and dental care, camp management, guarding, payments of rewards for the capture of escapees from road camps, and the cost of small tools. After these items were deducted, the prisoners were permitted to retain a maximum of seventy-five cents per day, per man, provided each could save that much.*

*Calif. Stats., 1923, Ch. 316, p. 667.

The Convict Highway Labor law has proven very successful. It has been highly praised by the Board of Prison Directors in every report since the law

was passed in 1915. The advantages derived are many. The prisoner is provided with a healthful occupation in which he can regain the strength and vigor lost while in prison. The convict's pride and self-confidence is restored, for the law allows him to earn wages and pay for his own wants. It allows the convict a surplus with which he can help those dependent upon him and build up a reserve to help him while on parole.*

*In 1930, the average net wage to the prisoners amounted to approximately thirty cents per day. This sum may not seem large, but it is interesting to note that most of the prisoners leave the camps with a substantial sum of money and adequately outfitted as compared with the ten dollar bill and suit of prison made clothes given them when released from the penitentiary. ~~The records show that prisoners have saved as high as \$660 on this work.~~ It is also worthy of note that prisoners on road work during the biennial period ending June 30, 1928, assigned \$19,021.22 to be given for the support of dependents.

See, B. B. Meek, Prison Labor on California State Highways, The Tax Digest, February 1931, p. 49.

It gives the convict an incentive to do his best, for he receives a money reward for his labor as well as a reduction of his sentence. Finally, it fits him for freedom, for in the camp he is on his honor, only slightly guarded, and is working at honest work for honest pay.

Under the act of 1923, there was a great fluctu-

ation from year to year in the number of convicts employed on ~~our~~ ^{California} highways. This was because the funds available for such road work were not stable. The condition was remedied somewhat by an act passed in 1927^x authorizing the Board of Prison Directors, with the approval of the Department of Finance, to transfer \$100,000.00 of prison funds to the Highway Commission to pay prisoners for their road work.*

*Cal. Stats., 1927, Ch. 653.

On January 1, 1931, there were eight prison road camps in California, in which 670 prisoners were working.* The maximum number of prisoners that

*E. B. Meek, "Prison Labor on California State Highways", The Tax Digest, Feb. 1931, p. 52.

can be sent to the road camps is not large enough to affect the labor market adversely.* It has been

*Limiting factors in the use of prisoners are the number of men in prison physically adapted for this work, the prison records of the men, the amount of money available for prison camps, and the availability of projects properly located for convict construction.

the practice of the Board of Prison Directors to

have the convicts build and repair roads in out of the way places where free labor ordinarily does not want to work. As a consequence, ^{organized labor in} the ~~the~~ Labor Movement of California is no longer actively opposed to the administration of the highway convict labor law.

Prison Made Goods in Interstate Commerce.

The skilled trades suffered for years because of the sale of prison made goods brought in from other states and sold in California. This has been particularly true in regard to the garment and clothing workers. Repeatedly, at the annual conventions of the California State Federation of Labor, the United Garment Workers' Union has sponsored resolutions petitioning the Legislature to prevent or regulate the sale of prison made goods which have been shipped into the state.* The publicity department

*Proceedings of the Annual Convention of the California State Federation of Labor, 1910, Resolution No. 3; 1912, Resolution No. 27 and No. 58; 1924, Resolution No. 25.

of the United Garment Workers' Union published articles on the subject in the labor papers of California.*

*See, Labor Clarion, February 20, 1925, p. 4.

The California ² Labor ~~Movement~~ ^{leaders} took up the fight and as a result in 1917, an act was passed requiring the labeling "Prison Made" on articles offered for sale and intended for personal wear, manufactured in prisons outside of California. It was also required that a conspicuous notice be posted, stating that such goods were on sale. The enforcement of the act was in the hands of the district attorney of each county.*

*Cal. Stats., 1917, Ch. 164, p. 249.

The law was but feebly enforced, however, and agitation from the workers and manufacturers kept up until another act was finally passed in 1929, placing the administration of the law under the supervision of the State Superintendent of Weights and Measures. The new ^{statute} ~~law~~ is more exact in its wording and provides more severe penalties for offenders.*

*Cal. Stats., 1929, Ch. 88, p. 1062.

The same year, on January 19, President Hoover signed the Cooper-Hawes Convict Labor Bill. This act divests convict-made goods of their interstate character. The goods are to be subject to the laws of the state

where they are consumed and may be treated as if they had been produced in the consuming state. The law will not take effect until January 19, 1934, five years from the date of its approval.*

*U. S. Stats., 1929, Ch. 79, p. 1084.

See, Federal Convict Labor Act of 1929, Monthly Labor Review, ~~March 1929~~, p. 126. *march 1929.*
Vol. 28,

Through the efforts of organized labor, California as well as the Federal Government has gone far toward overcoming the evils of competition between convict and free laborers. It remains to be seen, whether the present laws will be enforced or not.

Recent Demands for a Change in ^{the} ~~our~~ Prison
Labor Laws.

A significant step was taken in California in 1927. In that year, the Legislature appointed a Prison Labor Commission, consisting of three senators and two assemblen, to investigate the advisability of a more extended employment of prisoners and to report to the Legislature in 1929.* This Commission submitted a com-

*Cal. Stats., 1927, Senate Concurrent Resolution, No. 29, p. 2385.

prehensive report to Governor Young and the Legislature in 1929 outlining the results of its study, together with conclusions and recommendations. Among other things, the Commission recommended the enactment of bills to provide for the extension of the industrial activities of the state prisons, to require prisoners to earn their support while in prison and *to* give them the chance to share in the proceeds of their productive labor above the cost of their support so that they will be able to pay part of their earnings to their dependents.* The Crime Commission was re-

*Report of Prison Labor Commission, Journal of the Senate, 1929, p.217/

appointed in 1929 to report again in 1931.*

*Cal. Stats., 1929, Ch. 545, p. 950.

We can rest assured that the California workers will be on hand, as they have been in the past, to oppose any prison labor laws that might be detrimental to free labor within the state. The major proposal* of

*The recommendation that the prisoners share in the earnings of their productive labor.

the Crime Commission, however, meets with the approval of organized labor.