FIRELINE, DIVIDED: LABOR REPRESENTATION OF UNIONIZED AND INCARCERATED FIREFIGHTERS IN CALIFORNIA’S WILDLANDS

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ABSTRACT

In California, up to 40 percent of the state’s firefighters are incarcerated people working in a prison labor program called the Conservation Camp Program at small, rural prisons known as “fire camps.” There are 43 fire camps throughout the state that house up to 4,500 incarcerated people and are largely co-managed by the California Department of Corrections and Rehabilitation (CDCR) and the California Department of Forestry and Fire Protection (CalFire). Each year, California’s incarcerated firefighters provide approximately three million person-hours responding to fires and other emergencies and are paid between $2 a day and $2 an hour when on the fireline.

Historically, the labor movement has opposed the use of prison labor, which was seen as a source of wage competition, job replacement, and strikebreaking “scabs,” but since the establishment of fire camps during World War II, California’s professional firefighters have acquiesced to this pervasive use of prison labor in their otherwise unionized field. As a result, California’s firefighting labor force is divided between free and incarcerated, represented and not represented. Through interviews with unionized and formerly incarcerated firefighters, this thesis interrogates the labor market dynamics that contribute to the acquiescence of organized labor to this prison labor program and articulates the implications of this divided workforce on incarcerated workers who perform dangerous work for the state in a carceral context. As a workforce, California’s incarcerated firefighters face heightened risks and fewer benefits than unionized firefighters, while dramatically reducing the cost of fire protection for the state. The implications of this research also extend to the possible impacts of reliance on this captive workforce on the state’s fire management and criminal justice policy.

Existing scholarship on prison labor endeavors to understand its role as rehabilitation or punishment in the larger system of incarceration. This research seeks to position prison labor as labor, underscoring its impact on the labor market on the “outside” and the critical need for prisoner workers’ representation and workers’ rights, especially in the context of dangerous work.

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CHAPTER 1
INTRODUCTION

"I loved being on crew. I loved working with captains. I loved working on fires and I’m grateful I had that experience, but I think I’m lucky. When I think about the women who were injured, or who couldn’t get the medical care they needed, or just weren’t getting the food they needed... And all of these things were a part of the prison system, generally. I just don’t think that kind of labor should be in a prison."

—Formerly Incarcerated Firefighter for the State of California

"[Incarcerated firefighters] are a large group of people and they are not represented. It was entirely the union that was the moving party in protecting the health and safety of the workforce. The city was only interested in response times and making sure fires went out. People working on the fireline without any representation means their health and safety is likely at risk."

—Unionized firefighter in the State of California

MOTIVATION

In California today, the landscape of the state’s annual fire season is dotted with fire crews battling massive blazes, cutting line, and racing against time and weather to quell fires. And for Californians living in any of the state’s over two million households at extreme risk from wildfires, another common sight among these engines and crews are men and women in full firefighting gear, wearing orange suits emblazoned with “Prisoner CDCR” (Insurance Information Institute, 2017). These are California’s inmate firefighters: thousands of incarcerated people, trained in fire response, who earn a few dollars a day working alongside the unionized professional firefighters employed by county, state, and federal agencies to protect California’s wildlands and communities from the devastation of fire. In a state exceptionally prone to wildfire, these roughly 4,000 incarcerated firefighters make up what one federal firefighter described as the “back bone” of California’s wildfire defense.

California’s inmate firefighters work through a prison labor program known as the Conservation Camp Program (often referred to as “fire camps”), which

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1 In wildland firefighting, “cutting line” or “constructing firelines” is the process of creating a break in combustible material—made by cutting, scraping, or digging—to slow or stop the progress of a wildfire. It can be done by mechanized equipment such as bulldozers, but it is often done using hand tools.

2 Throughout this research, “inmate firefighter” and “incarcerated firefighter” will be used interchangeably. Both refer to people incarcerated in California who work as firefighters through the state’s Conservation (Fire) Camp Program.
consists of 43 adult prisons and one juvenile prison—small, rural facilities that can be found throughout every region of the state (a map of California’s Conservation “Fire” Camps can be found in Appendix i). In contrast to California’s massive walled prisons, which each hold thousands of prisoners, fire camps typically house between 80 and 120 men or women and are largely co-managed by California Department of Forestry and Fire Protection (CalFire) and California’s Department of Corrections and Rehabilitation (CDCR) (Goodman, 2010b). All together, these 44 fire camps have a capacity of 4,600 inmates. Divided into approximately 219 firefighting crews that battle blazes across the state, inmates in fire camps make up roughly 2.5 percent of the total prison population and 40 percent of the state’s firefighting force (Adler, 2015; Goodman, 2010b).

In the United States, convict labor is as old as the nation and has taken on a particularly controversial role in the current age of mass incarceration, but not all prison labor is created equal. And in a wealthy, pro-union state, the sheer pervasiveness of prison labor in an otherwise professionalized, unionized, and dangerous field such as firefighting, seems a concerning, if not downright perplexing, phenomenon.

In understanding this labor system, two questions loom large: First, what compels inmate firefighters to volunteer to do the dangerous and difficult work of firefighting for dollars a day, knowing full well such pay is pennies on the dollar of what a unionized firefighter makes from the state? And second, why do unionized firefighters tolerate the pervasive presence of incarcerated workers in their unionized profession, breaking from over a century of U.S. union opposition to prison labor?

Together, these questions seek to interrogate the motivations of two sides of a divided workforce, whose mutual acquiescence to this labor market arrangement saves the state over a billion dollars a year, seemingly at their own expense (Lewis, 2014).

Through interviews with unionized, currently incarcerated, and formerly incarcerated firefighters, this research explores the diverse perceptions and motivations of these categories of workers in navigating this divided labor market. What this research reveals is that motivations for participation and cooperation in this labor force extend far beyond a narrow conceptualization of wage competition, job replacement, and notions of “just compensation.” Among the state’s unionized firefighters, perceptions of skill, political economic constraints, and the carceral state deeply influence their perspectives on the role of prison labor in the state’s firefighting strategy. For incarcerated firefighters, notions of “just compensation” and motivations for participating in this workforce extend beyond monetary compensation to other tangible and intangible benefits offered by the fire camp program. Together, these perceptions structure the formation of this labor market and the labor conditions of those who find themselves within it.

To understand these perspectives—and their implications—the role of fire camps in California’s firefighting strategy must be contextualized within the broader history of the fire camp system, contemporary debates surrounding prison
labor, contemporary developments in California prison policy, and the current labor struggles of California’s unionized firefighters.

CONTEXT: FIRE CAMPS, PRISON LABOR, PRISON DOWNSIZING, AND UNION STRUGGLES

History of the Fire Camp System

California’s fire camp system has a considerable legacy in corrections and is part of the broader history of prison labor for public works in the United States. Prison labor has long been integral to the development of infrastructure and provision of public services. Like many small, rural prisons across the United States, California’s Conservation Camp Program began in the early 20th century as road camps, putting inmates to work building the state’s roads and highways (Goodman, 2010a; Holmes, 1901; Pratt, 1913; Tynan, 1913; United States Department of Agriculture, 1916). State savings and profit from these road camps encouraged their expansion, which peaked in the 1920s when 12.6 percent of California prisoners worked on state highways (McAfee, 1990a).

Though the demand for road construction waned and pressure to hire free labor grew in the years of the Great Depression, the camps found new purpose during World War II, with the depletion of California’s Division of Forestry firefighters as they were diverted to the war effort (Department of Corrections and Rehabilitation, n.d.). During this time, 41 “interim camps” were founded to provide an able-bodied, trained work force for fire suppression. These camps remain the foundation of California’s fire camp system today. In 1946, shortly after the war, the Department of Corrections and Rehabilitation opened its first permanent forestry camp, Rainbow Camp in San Diego County.

Though the primary work has changed, California’s fire camps today have a surprising degree of similarity with the state’s road camps of the early 20th century. Notably, in exchange for their work, inmate firefighters earn a wage in addition to what are known as “good-time credits,” receiving an extra day off their sentence for each day of work done in a camp (Blue, 2012; Goodman, 2010a). Some key changes do differentiate fire camps from their earlier road camp predecessor, however. In the 1960s, for example, the state also instituted new eligibility criteria for participating inmates to prioritize non-violent offenders and inmates with perfect behavioral records. Around the same time, corrections began to emphasize the camps’ benefits in terms of rehabilitation and skill-building for inmates, rather than primarily as a cost-saving mechanism for the state. Although the camps began to decline in population once again throughout the 1970s, partially due to austerity measures under Ronald Reagan’s governorship, skyrocketing incarceration rates in the 1980s as a result of the War on Drugs led the CDCR to increase the number of camps, including opening five camps co-managed with the Los Angeles County Fire Department, rather than the state agency, CalFire (Goodman, 2010b). Seemingly counterintuitive to the zeitgeist of the day that
emphasized a “tough on crime” mentality, the decline of in-prison rehabilitation programs, and work furloughs for prisoners, this era came with a renewed focus on the ability of fire camps to save the state money and, increasingly, to help relieve prison over-crowding in the state’s walled prisons (Goodman, 2010a).

Today the fire camps remain a stable component of California corrections and are considered by politicians and corrections officers a critical resource for wildland firefighting in California.

**Inmate Firefighting in the Larger West**

California is not alone in the use of inmates as firefighters. Though California’s fire camp program is by far the oldest and largest, nearly every Western state uses inmates to some degree in seasonal wildfire management. However, these programs vary significantly in compensation for participants, work type, and bureaucratic structure.

For example, inmates in California primarily make up what are known as “fire crews” or “hand crews,” while in the early 1990s Utah had perhaps the first inmate “hotshot crew”—slang for the top-ranking Type I classification of training in wildfire suppression. Between 1991 and 2000, Utah’s Flame-In-Go inmate hotshot crew served as an elite firefighting force and was even deployed to out-of-state fires as far as Minnesota. During this time members of the Flame-In-Go crew earned $5.55 an hour, roughly five times as much as other inmate crews, but still a fraction of the $15 a civilian firefighter with the same elite status would have made at the time. After a national shift to strengthen crew qualifications, however, the Flame-In-Go crew was disbanded (Jehl, 2000; National Interagency Hotshot Crew Steering Committee, 2016).

In Arizona, in contrast to California’s system, inmate firefighters do not live in separate facilities or “fire camps” but rather on the same yard of one of the state’s walled prisons. Consisting of 11 wildland firefighter crews of 20 members each who fight over 100 fires a year, Arizona’s inmate firefighters are on call 24/7 and correctional officers have the ability to take crews off the prison grounds at any time of a fire, sometimes requiring crews to remain out of the prison for weeks at a time (Feldman, 2016). While firefighting is a distinct labor program of Arizona corrections that allows inmates out of prison to work, it differs significantly from California’s fire camps in its experience for participants, its bureaucratic management by the state, and its role in managing the prison population within walled facilities.

Cases from across the Western United States demonstrate that while this particular form of prison labor is unique when compared to other current forms of prison labor, it is not unique to California. And though labor politics vary considerably across the region—notably including both union and so-called “right-to-work” states—implications of this research may extend into the prison and firefighting management of other western states facing the similar environmental crisis of escalating wildfires and bloated prison populations as a result of the War
California’s fire camps and inmate firefighting across the West fit into the larger history and debates surrounding prison labor in the United States. Convict labor has been used in the United States since colonial times. Since its inception, the use of convict labor has contended with its role as punishment, rehabilitation, or productive work. Conceptions of the role of prison labor and its relationship to the external economy have shaped the varying relationships between incarcerated and free workers. In order to discuss labor relations based on the salient characteristics of prison labor systems and the economies in which they are embedded, it is necessary to first briefly outline the evolution of prison labor in the United States and its relationship to the dominant political and economic attitudes of its time.

During the American colonial era, social reformers promoted prison labor as a more humanitarian form of punishment than corporal punishments such as death, branding, torture, and other physical punishment common in the American colonies. This shift toward labor and away from corporal punishment was considered both to have reformatory and financial benefits for the state (Kilgore, 2013; Pierson, Price, & Coleman, 2014; Schneider, 1999). Prison officials from the colonial period to the early 1900s also believed that prison labor could enable prisons to become self-supporting or even profitable for the state (Schneider, 1999).

Competition between convict and free labor became apparent and heightened during the Industrial Revolution. The manner of employing prison labor was greatly influenced by industrial development, namely the tendency to conform to the supply chain management of free industry in any given period of the industrial revolution. One factor impacting this new use of prison labor was the changing nature of competition with the introduction of the factory system. Prior to the Industrial Revolution, profit was dependent more on increasing prices than on reducing labor costs. However, with the introduction of factory production, the burden of competition shifted from the quality of goods to their prices, creating pressure to reduce labor costs and a new burden on free workers (Hiller & Hillea, 1915).

It is also critical to note that convict labor/free labor competition and labor price competition became more heightened in this period with the abolition of slavery in the United States and the subsequent shift of the cheap labor pool from enslaved workers to incarcerated workers. Although the legal status of these workers changed, they were in fact often made up of the same groups of people as

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3 "Convict labor" is the term typically used to describe work done by incarcerated people in scholarship and media from the 19th and 20th centuries, though the term "prison labor" is more commonly used today. For the purposes of this research, the two terms are used interchangeably.
the state became extremely punitive to freed African Americans and incarcerated huge portions of them for the purposes of capturing and continuing to exploit their labor. With the abolition of slavery, the Thirteenth Amendment also carved out a exemption, stating, "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 to their jurisdiction" (U.S. Const. amend. XIII, sec. 1, emphasis added). It is this exemption that enables state and federal governments to force incarcerated people to work as punishment for their crimes, at little to no compensation (Benns, 2015). As a consequence, prison labor in the late 19th century, particularly in the South, was made up nearly entirely of African American prisoners and used for agricultural labor as well as mining and railroad construction (Pelaez, 2014). Modern prison labor in the United States therefore has symbolic, historic, and structural connections to slavery.

In the late 19th and early 20th centuries, prison labor was increasingly used for the purposes of public works, particularly the construction of roads in the Western and Southern United States. This practice continued until the Great Depression when pressure from free workers on the public sector to provide work for the masses of unemployed men led to a reduced use of incarcerated workers (Janssen, 2009; Tynan, 1913; United States Department of Agriculture, 1916).

In the later part of the 20th century and early 21st century, prison labor also evolved in the age of neoliberalism and mass incarceration. In the late 19th and early 20th centuries, prison labor was largely regulated—partially due to efforts from labor unions—in order to reduce wage competition from cheap prison labor. Beginning in the 1970s, however, prison labor in the federal system began to be deregulated under pressure from corporate lobbying and shifting governance ideologies. In 1979, Congress created a program that provides incentives to private companies to use prison labor (H. A. Thompson, 2016). Today, federal prison industries produce items as diverse as mattresses and prescription eyewear, and even use inmates as service sector workers by running call centers out of prisons, for example. Last year, federal inmates helped generate nearly $472 million in net sales, but only 5 percent of that revenue went to pay inmates (Vongkiatkajorn, 2016). Individual state policies differ on the regulation and use of prison labor in state facilities. Many states mirror this federal system with the creation of state correctional industries that allow for contracting with private companies, while others use prison labor to help produce state services and products such as furniture for state universities or license plates. With the boom in prison construction and population, prisons have also become reliant on the prisoners themselves for the management and maintenance of facilities in both the state and federal prison systems.

**Prison Labor in the National Consciousness**

In the United States currently, there is a renewed rhetorical and righteous debate over the morality of mass incarceration and the use of prison labor within
the system. The debate over prison labor in the United States has four common schools of thought:

1) The use of prison labor of any kind is immoral and constitutes slavery, because of the restricted rights of prisoners, under-compensation of incarcerated workers, and the racialized system of mass incarceration. (This position is also generally critical of mass incarceration and considers prison labor both a motivation and an enabling force for mass incarceration.)

2) The use of prison labor is acceptable as long as prisoners receive decent working conditions and “just compensation” for performing work while wards of the state. (Those who hold this position often differ in the extent to which they also believe prisoners should be responsible for the costs of their own incarceration and whether their wages should be put toward that purpose.)

3) Prison labor for public use and prison operations is acceptable as it saves taxpayer money and limits conflicts of interest in the management of the justice system, while prison labor for private profiteering is not.

4) Prison labor for both public and private use is acceptable, as it provides a cheap and flexible workforce for both the state and private companies, while preventing idleness and providing “rehabilitation” benefits for prisoners during their time of incarceration.

At times these positions are overlapping or are shared by groups with differing ideologies or political motivations. For example, a common progressive position that inmates receive compensation for work is typically motivated by progressive notions of fairness and workers’ rights, whereas more conservative groups may hold inmates should be paid fair wages in order to compensate the state for the costs of their incarceration, as well as to pay fines to the state and restitution to their victims.

Public perceptions of incarceration and prison labor often go hand-in-hand and evolve with the zeitgeist of the day. Currently, the United States is experiencing the most significant resurgence of criticism of both incarceration and prison labor—as well as resurgence in the resistance of incarcerated workers—since the 1970s.

In the 1960 and 1970s, mass movements against police brutality and racist policing and incarceration resulted in reform and resistance movements to prison labor from workers both inside and outside prison walls (Tibbs, 2012). The Black
Power movement also coincided with the first efforts of groups of predominantly black prisoners to form the first prisoner workers' union within state prisons, supported by both incarcerated and free members of the Black Panther Party in California and other parts of the country. This era also saw the most sustained agitation for union recognition of incarcerated workers in the United States. Work stoppages rocked California's prison system in the early 1960s and again in 1970 with a major work stoppage at Folsom State Prison. Demanding—among other political and workers' rights—the right to form and join labor unions, 2,400 inmates at Folsom held out in their cells and refused to work for 19 days, staging the largest prison labor strike to date. Although this strike was ultimately crushed, California's inmates did form a labor organization, the United Prisoners Union (UPU), brandishing the slogan, “Power to the Convicted Class” (H. A. Thompson, 2011; Tibbs, 2012). Among the objectives of the UPU were winning minimum wage and workmen's compensation for all inmates.

As a black-led union, created partially with the support and intellectual leadership of the Black Panther Party, the UPU struck a chord with black inmates in facilities across the county, who repeatedly connected the problem of their labor exploitation to that of racial subjugation, and began to form prisoner labor unions across the country (H. A. Thompson, 2011; Tibbs, 2012). By 1973, prisoners had formed unions in Delaware, Maine, Massachusetts, Michigan Minnesota, North Carolina, Ohio, Pennsylvania, Washington, DC, and Wisconsin (H. A. Thompson, 2011). One of these, the North Carolina Prisoners' Labor Union (NCPLU), formed in 1973 by 540 of the 700 inmates in North Carolina's Central Prison, came onto the national stage in 1977 after prisoners brought suit against the state for attempting to break up the union. In Jones v. North Carolina Prisoners' Labor Union, the U.S. Supreme Court reversed the lower court's decision when it ruled that neither the First Amendment nor the Fourteenth Amendment was violated by state prison regulations that forbade inmates from soliciting membership in a prisoner labor union and from conducting union meetings (Falkof, 1979; Tibbs, 2012). By declaring that prisoners in the United States do not have a First Amendment right to assemble to form labor unions, the Jones decision critically disabled the movement for prison reform (Falkof, 1979; Tibbs, 2012).

Along with a loss in the Supreme Court, these movements for racial justice and prisoners' rights were met with brutal crackdown by the federal government, local law enforcement, and corrections officials in the form of both direct targeting of movement leaders and the beginnings of mass incarceration through the War on Drugs. This political repression along with a national fervor drummed up by the real and imaginary need to crack down on drug crime, resulted in an explosive growth in the prison population and a relative lull in the public criticism of the prison system and prison labor.

Due to progressive movement building, as well as a growing group of conservatives critical of the unsustainable costs of operating public prisons, mass incarceration and prison labor have entered a new era of debate. In this debate, the future of prisons and prison labor remains deeply contested.
The Movement for Black Lives and years of massive uprisings in Ferguson, Baltimore, and other cities across the county have once again lifted racialized police brutality and the morality of the entire criminal justice system onto the national media and policy arena. Documentary films such as “13th,” bestselling books such as “The New Jim Crow,” and major media outlets, such as Mother Jones and The Atlantic, have also brought debates about mass incarceration and prison labor into the mainstream. These media make compelling moral calls to end the War on Drugs, dramatically reduce the country’s prison population, and eliminate the state’s conflict of interest in profiteering from mass incarceration via prison privatization and the use of the prison labor (Alexander, 2010; Benns, 2015; Coates, 2015; DuVernay, 2016; Ford, 2016; Lay, Western, von Baldegg, & Coates, 2015; Vongkiatkajorn, 2016). With this shift in public awareness and opinion, a growing number of Americans are concerned with the private use of prison labor, as well as the public exploitation of prisoners as ultra low-wage workers (Kilgore, 2016).

A dramatic resurgence in the organization of incarcerated workers also occurred in 2016. On the 45th anniversary of the infamous Attica Prison Uprising of 1971, prisoners across the United States staged the largest prison labor strike in U.S. history. The International Workers of the World (IWW) and the Free Alabama Movement (FAM)—an organization based in Alabama’s Holman Prison that has been mobilizing across the state since 2012—organized the strike (Kilgore, 2016). As many as 24,000 prisoners in 29 different facilities across the country participated in work stoppages in what was known as the “Call to Action Against Slavery in America” to demand fair wages and decent working and living conditions for incarcerated people (Kilgore, 2016; Vongkiatkajorn, 2016).

Of all the free worker unions in the United States, only the IWW publically supported the 2016 prisoner strike (Bozelko, 2017). Although the AFL-CIO has taken public positions on prison labor in the past, including a 1997 statement from its Executive Committee opposing “the widespread use of prison labor through the public and private sectors in the United States in unfair competition with free labor,” organized labor has generally, up until recently, ignored the issue of mass incarceration (AFL-CIO Executive Committee, 1997; Kilgore, 2016).

More radical union representatives, advocates, and academics have called for a renewed labor movement that takes a broad view of working class interests and recognizes prisoners as predominantly working class people performing legitimate work (Kilgore, 2013; H. A. Thompson, 2011). This view calls for unions and labor-oriented organizations to oppose mass incarceration and the criminalization of working class people, in the explicit acknowledgement that criminalization “obstructs working class organization by dividing groups of people with common interests” (Kilgore, 2013).

Some segments of the U.S. labor movement have begun to see their own stake in mass incarceration, such as Washington State Jobs with Justice, which spearheaded a major criminal justice reform campaign in the mid-2000s. For the most part, however, these views are not widely held by the mainstream labor movement, in part because some of the strongest unions in the country and
members of the AFL-CIO are public sector unions representing police and corrections officers, which tend to have conservative union politics and a vested interest in maintaining a large criminal justice system (Kilgore, 2016).

General Public Perception of Fire Camps

The public perception of the fire camp system mirrors much of this national debate on the morality of prison labor. However, due to the structure of the fire camp system and the nature of firefighting work, debate surrounding fire camps may be even more polarized than the generalized debate surrounding prison labor. One on hand, fire camps are generally considered less oppressive environments than walled prisons, inmates are paid relatively more compared to other prison work, and firefighting is seen as having immense public benefit. On the other hand, firefighting is exceptionally dangerous work—in terms of both immediate exposure to risk and potential long-term health consequences of firefighting such as asthma and many forms of cancer—and exposing a captive workforce to this risk in a system that may not be entirely “voluntary” is considered by many to be morally depraved. These two views of fire camps are sometimes competing and sometimes held together in paradox in the public debate surrounding the morality of inmate firefighters.

Those in support of fire camps emphasize that they put prison labor to public use. Because of the critical need for wildfire response and the heroic position that firefighters occupy in the American cultural consciousness, California’s fire camps frequently enjoy headlines applauding the fiscal benefits for taxpayers and rehabilitative benefits for inmates who are “granted” the opportunity to do what is generally considered meaningful work. To the extent that it is covered at all, many local and major national news outlets, such as the New York Times and the Washington Post, also typically highlight the skills-development components of the fire camp program, noting that it is more highly paid and often preferred by inmates to other prison labor programs (Bever, 2015; Jarvis, 2013; Jehl, 2000; Larsen, 2017).

However, fire camps are not immune to public criticism of prison labor as exploitative. Indeed, in many cases, criticism is often more vitriolic due to the nature of firefighting as extremely dangerous and physical work. Environmental justice and racial justice advocates, as well as some more progressive media outlets, such as Think Progress, the Marshall Project, and Prison Legal News, have criticized California’s reliance on this cheap labor pool, as part of the larger prison industrial complex, equating it at times with slavery. While many of these outlets tend to be critical of prison labor in general, they specifically criticize fire camps for their potential impact on slowing sentencing reform efforts in the state, due to fire camps’ reliance on the non-violent offender population to perform firefighting work. These critiques have intensified over the last several years due to increased public focus in the United States on prison labor, the recent deaths of two inmate firefighters, and the controversial role of fire camps in California’s ongoing prison
In February 2016, 22-year-old Shawna Lynn Jones became the first female inmate in state history to lose her life while battling a wildfire. Jones had only been working in the program for a few months before she was fatally struck in the head by a large rock while working a fireline in Los Angeles County. Jones was not the first inmate firefighter to die on the line of duty in California. According to the California Department of Corrections and Rehabilitation, at the time of her death, Jones was the third inmate firefighter to die on a fireline since the camp program began in 1943 (OPEC Staff, 2016a). However, she was also not the only inmate firefighter to die in 2016. In October of that same year, 37-year-old Raymond G. Araujo suffered fatal cardiac arrest during a training exercise on Hathaway Canyon on the Morongo Indian Reservation (OPEC Staff, 2016b). In California, these recent deaths have reignited a debate among prisoner and racial justice advocates, as well as mainstream media outlets, such as the Los Angeles Times, regarding the ethics of subjecting a captive labor force to the strenuous and sometimes fatal work of firefighting (Serna, 2016).

In addition to the tragedies of these premature deaths, the role of fire camps in California’s prison overcrowding and mandated downsizing has also brought public controversy to fire camps on three fronts. First, the state’s consideration of expanding the eligibility criteria for inmates participating in the fire camp system—which has historically been limited to non-violent offenders—stoked public debate and fear regarding the implications of this decision on public safety. Second, contracts with several counties to relocate county prisoners to state prison fire camps has raised ethical and financial concerns for the state. Finally, California’s reluctance to expand parole programs in order to ensure continued staffing of the fire camps has brought to light the state’s reliance on this captive labor force and its potential conflict of interest in linking the criminal justice system to the state’s fire management strategy. This third position has created the greatest controversy among prisoners’ rights advocates and the media. Understanding the moral implications of parole reform in the context of fire camps requires a deeper look at both the characteristics of fire camps that compel inmate participation and California’s prison downsizing policy.

Fire Camps in the Literature

The existing small body of scholarship focused on the experiences of people in California’s prison fire camps elaborates on the moral tension of characterizing fire camps as either a rehabilitative public service or as exclusively exploitative work. Most critical for this research is the existing scholarship documenting the diverse motivations and experiences of incarcerated people who choose to participate in the fire camp program during their term of incarceration.

As a comparatively small component of the system, fire camps receive little attention in scholarly and institutional accounts of California’s prison system. Existing literature on California’s fire camps is limited and comprised of two
primary groups: a historical analysis of the system and a small, but robust series of ethnographic studies conducted with inmates participating in the fire camp system. Historical scholarship on fire camps traces the history of convict labor in California generally, and of the fire camp system specifically (Goodman, 2010a; McAfee, 1990a; Thorpe, 1972). This scholarship typically describes the development of the fire camp system in the context of trends in prison labor in California corrections and the evolving carceral culture and attitude toward labor as punishment, rehabilitation, or a critical component of sound fiscal management of the prison system (Goodman, 2012a, 2012b; McAfee, 1990a).

In addition to this historical scholarship, Dr. Phillip Goodman (of University of Toronto at Mississauga and formerly of University of California Irvine’s Department of Criminology, Law, and Society) has written extensively about California’s prison fire camps. In this research, Goodman uses fire camps as an interrogation of macro-level trends in punishment. Using a multi-methods approach, Goodman conducts historical analysis alongside interviews and ethnographic fieldwork within fire camps to explore labor, race, and rehabilitation in the camps today (Goodman, 2010b). Through this work, Goodman reveals the variegated nature of punishment as well as the deep paradoxes contained in fire camps that serve as both “rehabilitation” and “exploitation,” reinforce identities of both “inmate” and “hero,” and perform simultaneously as both “prison” and “camp” (Goodman, 2010b).

Through extensive interviews with male inmates, officers, forestry crew supervisors, and camp administrators at five fire camps selected for in-depth study, Goodman describes the characteristics of fire camps that distinguish them from walled prisons, earning them a generally more positive perception from both inmates and the public. This research, along with a significant collection of interviews conducted by media outlets with incarcerated firefighters, reveals that primary motivations for inmate participation include quality of life benefits, meaningful work, increased pay, physical safety, and parole benefits.

One important quality of life benefit is the physical differences between fire camps and California’s walled prisons that make them less physically and psychologically traumatic for incarcerated people. Fire camps are typically landscaped, have visible natural surroundings, and lack gun towers, observation posts, and physical walls, making them more closely resemble summer camps or army barracks than the walled mega-prisons typical of the California Department of Corrections and Rehabilitation (Goodman, 2010b). In addition to the physical structures and locations, fire camps offer other tangible benefits when compared to the state’s walled prisons including less overcrowding, a smaller overall population, and better and healthier food compared to the notoriously poor food typical of prisons.

Incarcerated firefighters also describe firefighting work as meaningful and allowing for unique interactions of respect with the public when compared to other work done in prisons. Furthermore, inmates in fire camps have official job assignments, working five days a week at hard manual labor on public land, and
are trained and deployed to work alongside California’s professional firefighting force. Firefighting also pays as much as twice the amount incarcerated people can earn doing other forms of work in the prison system.

In addition to these tangible benefits, Goodman also found that many inmates in fire camps prefer them to the walled prison alternative because the social dynamics of fire camps are less strained and violent than within walled prisons. Based on interviews, inmates consider fire camps to be more relaxed and less plagued with serious violence and racial animus between groups of inmates. They also provide the possibility of more cordial relationships between inmates and staff (Goodman, 2010b). One incarcerated firefighter speaking to the Marshall Project stated, “You’re still counting down the days until you go home; it’s not like you want to stay there. But fighting fires, man, that is so much safer than being in prison” (Hager, 2015).

Finally, many incarcerated people are motivated to join the fire camp program specifically for the parole benefits. Participating inmates earn what are known as “2-for-1” or “good time” credits—for every day they serve in a fire camp without infraction, inmates receive up to two days off their original sentence (Goodman, 2010b, 2014). Thus, working in fire camps enables inmates to be released more quickly than if they had remained in one of California’s walled prisons.

Despite these benefits, Goodman describes the critical and important ways in which a fire camp is “still a prison” and the moral and material ambiguity of these facilities. Although inmates receive quality of life benefits through assignment to a fire camp, these benefits are in exchange for hard, and in many cases dangerous, manual labor. In exchange for the often more meaningful and public serving work of firefighting, fire camps also offer considerably less in the more of vocational, educational, and treatment programming compared to walled prisons. Furthermore, though wages surpass those of other prison work programs, they remain paltry (Goodman, 2010b, 2012b). These carceral realities have led many of the same inmates that express a preference for fire camps to describe the camps as exploitative or even a form of “modern day slavery” (Goodman, 2010b, 2012a, 2012b).

It seems in many cases, the preference for fire camps is not as much—or at least not only—an endorsement of their rehabilitative or quality of life benefits, but rather a condemning statement on the physically and psychologically damaging alternative of life in one of California’s walled prisons. This “constrained choice” conundrum exposed by Goodman’s research and other interviews with incarcerated firefighters plagues the fire camp system and deserves further attention in both scholarship and advocacy activities.

A Critical Labor Force: Fire Camps and Prison Downsizing

As a prison labor program, California’s prison fire camps rely on the availability of incarcerated people as workers. As a result, California’s court-
mandated prison downsizing program over the last six years has both created instability and controversy in the management of fire camps. Prompted by a 2011 decision from the U.S. Supreme Court holding California’s chronic prison overcrowding was in violation of prisoners’ Eighth Amendment constitutional rights to freedom from cruel and unusual punishment, California began to move through a mandatory period of prison downsizing to reach a state prison population of no more than 137.5 percent the designed capacity of the system (Friedmann & Petrella, 2014).

To meet this court-mandated goal, California instituted a number of reforms and corrections management strategies. These included sentencing reforms, shifted jurisdictional responsibility through what has become known as “realignment,” and revisions to parole programs. The most notable of these reforms includes the Public Safety Realignment Initiative (AB 109 and AB 117), which shifted responsibility for new “non-violent, non-serious, and non-sexual offenders” from state prisons to county jails, and the passage of Prop 47, which re-categorized certain low-level, non-violent felonies to misdemeanors.

Sentencing reform and realignment have resulted in a reduced number of non-violent offenders in the state prison population, creating maintenance challenges for the fire camp system which has relied on these same non-violent offenders to fill firefighter positions and beds at fire camps. This was the first challenge to California’s prison fire camps created by prison downsizing. As a result, the CDCR considered expanding the eligibility criteria for participating fire camp inmates to allow some “violent” offenders to participate. This consideration was met with public outcry and sensationalist news stories purporting the possibility of inmates with “violent backgrounds” now being allowed to wield hand tools in this public-facing, minimum security program (Associated Press, 2015). Though the idea was ultimately rejected, it was this possible reform that stoked the first public controversy surrounding fire camps and prison downsizing.

The second controversy came with the review of the role parole programs in the state’s prison downsizing policy. By 2014, California had transferred responsibility for approximately 25,000 prisoners to county facilities, but still exceeded the 137.5 percent capacity target by 9,600 prisoners. To address this remaining overcrowding, the state was granted an additional two years to meet its target prison population, but was ordered to expand parole programs to expedite the release of minimum security inmates.

As previously described, parole programs have been a long-standing and critical component of fire camp work. By working in fire camps, inmates get the opportunity for early release through the system of “good-time” credits. In order to meet its downsizing goals, California was ordered to expand this 2-for-1 “good time” program to other work and rehabilitation programs in the state’s prisons.

In 2014 filings, however, lawyers for the state resisted court orders that they expand parole programs. In a disturbing filing, the Attorney General reasoned that if the CDCR expanded parole programs, the state’s prisons would not have enough minimum security inmates left to perform the inmate jobs that keep prisons
functioning (Flatow, 2014). Evoking fire camps specifically, the state argued that “extending 2-for-1 credits to all minimum custody inmates at this time would severely impact fire camp participation—a dangerous outcome while California is in the middle of a difficult fire season” (Coleman v. Brown, 2014). Ultimately, federal judges were sensitive to California’s expressed need for inmate firefighters and ordered instead that the state offer 2-for-1 credits only to those inmates who weren’t eligible for fire camps. Through this compromise, corrections officers reasoned that inmates who were eligible for fire camps would continue to be incentivized to choose firefighting, while those who weren’t eligible could choose other rehabilitative work programs to reduce their sentences.

This filing laid bare a deep conflict of interest the state faces in a just approach to reducing its prison population while cost-effectively fulfilling its responsibility to prevent and contain wildfires in an era of climate change. The reluctance to expand parole programs evokes the possibility that California’s reliance on incarcerated firefighters results in policies that keep more people incarcerated and for longer in order to serve as a captive workforce for the state. Additionally, it calls into question the “voluntary” nature of fire camp work, in which eligible inmates must now participate if they hope to reduce their sentences and go home—a benefit which could otherwise be fulfilled by less dangerous work.

Despite this reluctance, prison downsizing has resulted in a “shortage” of inmates to serve their time in fire camps, with the camps currently operating at between 80 and 90 percent of capacity (California Department of Corrections and Rehabilitation, 2017). In another attempt to address this shortage, the CDCR has now started relying on prisoners from county jails. As of last year, the state contracted with a dozen counties to pull firefighting inmates from county jails and place them in fire camps to ensure that segment of the prison population remained at “full capacity” in order to fight fires for the state (Serna, 2016). In exchange, counties—many of which now have their own challenges with overcrowding following realignment and the new influx of inmates to county jails—pay the state to house, supervise, and train county prisoners in fire camps. As a result, the state is able to cover the cost of housing these county inmates in fire camps at no cost (and possibly even at a profit) while also using their cheap labor to fulfill its fire suppression responsibilities. Many counties also benefit from this arrangement, as county prisoners are often moved to staff local fire camps that contribute to fire management within the county. Such is the case with San Diego County, which has four fire camps within county, and pays the state $49.19 per inmate per day to house up to 100 county prisoners in fire camps (Jones, 2013).

Although this particular strategy has not yet come under significant public scrutiny, these contracts pose a strange and tenuous response to prison downsizing by passing reforms to send non-violent offenders to county jails, only to contract hundreds of them back into the state prison system as fire camp workers. Together, this diversity of adaptations to prison downsizing reveals the state’s continued reliance on fire camps for fire management influences its management decisions of the state prison system, possibly creating a system of
prolonged incarceration to ensure the continued availability of incarcerated non-violent offenders.

**Labor Struggles of Unionized Firefighters**

The shrinking prison population and moral controversy surrounding prison labor is not the only challenge California faces in fulfilling its responsibility to suppress wildfires. California’s unionized firefighters—the other half of this divided workforce—also occupy a tenuous position in ensuring the staffing necessary to protect the state from wildfires and securing just compensation for workers.

Over the past several years, CalFire IAFF Local 2881—the union representing CalFire’s 5,900 firefighters, engineers, and captains—has faced lagging salaries and loss of workers. During the 2016 fire season, Local 2881 launched a campaign with about six months remaining on its current contract to demand increased salaries, added benefits, and overtime for its members (Ashton, 2016). In this effort, Local 2881 has had some recent victories, including substantial raises of up to 13.8 percent this year and a significant increase in take-home pay for beginning firefighters as a result of California’s adoption of a higher minimum wage. (Two years ago entry-level firefighters were making $8 an hour. This year, they are now making $10.50 an hour.) (Ashton, 2017)

California’s firefighters have also had recent victories in health care coverage, including new protections known as “cancer presumption”—coverage that presumes certain cancers are related to firefighters’ jobs and their exposure to toxic smoke and fumes. This provision means firefighters can become eligible for benefits without needing to prove that the cancer was job-related. The IAFF has also been developing research on firefighters’ rates of PTSD, finding they are not unlike those of combat veterans. After compiling research on suicide, substance abuse, and other issues related to post-traumatic stress, the union has added post-traumatic stress to the list of occupational hazards (KCBS, 2016).

However, the union remains concerned with salaries and pensions, citing a 2014 study that shows that state firefighters’ compensation lags behind that of their counterparts in local fire departments by 33 percent. And their new contract does not close the gap (Ashton, 2017). Salary compaction—a shrinking gap between salaries for entry-level firefighters and more experienced firefighters—is also a persistent challenge. This salary gap and compaction have resulted in a worker shortage. According to the President Local 2881, differences in time off and workload between the state force and local fire departments have made it nearly impossible for CalFire to retain workers who move to other departments, “for a third more money and third less work” (Ashton, 2017). Together, these factors led to a 15 percent vacancy rate during the 2016 fire season as workers continued to abandon the state force for better compensation with county and local firefighting agencies (D. Thompson, 2016a). As of January 2017, CalFire had 77 vacancies among its authorized staff of 331 Firefighter II employees, a vacancy rate of 23 percent (Ashton, 2017).
Exacerbated by drought, an increase in the number and severity of wildfires is expected to be the most likely and devastating climate change impact in the Western United States. In 2015, the Western United States had its worst wildfire season on record, with 8,745 individual fires and 893,362 total acres burned in California alone (National Interagency Fire Center, 2015). Despite this environmental trajectory, however, the state of California has not moved to significantly change land use patterns to reduce vulnerability to wildfires, nor to secure a sustainable and growing funding source commensurate with the growing risk and cost of wildfires.

The lack of such reform has contributed not only to the continued use of incarcerated firefighters, but also to a systemic under-compensation of unionized firefighters resulting in a shortage of unionized firefighters as they defect to work for other jurisdictions, thereby further entrenching the state's reliance on the fire camp system to meet its labor needs. And for those familiar with the history and politics of prison labor, this divided labor market and persistent under-compensation of unionized state firefighters also raises critical questions of wage competition and the possibility of union wages undercut by inmate firefighters, who can be used to fill a labor gap while being paid dollars a day.

DIRECTION: LABOR DYNAMICS OF CALIFORNIA'S PRISON FIRE CAMPS

As the challenges of prison downsizing and CalFire vacancy rates demonstrate, labor supply and just compensation remain critical issues across both the “market” and “non-market” labor forces the state of California relies upon to fulfill its critical function of wildfire suppression. Yet despite these contentious issues of corrections management and just compensation for unionized workers, organized labor continues (at least publicly) to acquiesce to the widespread use of prison labor in their professional field—a dynamic contrary to much of the history of antagonism or solidarity between organized and incarcerated workers.

This research elaborates on Goodman's and others' critical but limited scholarship through a continued documentation of the experiences and perceptions of incarcerated firefighters and an investigation into the role of another set of major actors in this prison labor system: the unionized professional firefighters that supervise, work alongside, and share a labor market with California's inmate firefighters.

Through primary and secondary interviews, this research interrogates the perceptions of choice, decent work, and just compensation among inmate and free labor firefighters in the state's use of “non-market” prison labor to fulfill its firefighting labor needs. Factors explored include perceptions of wage competition, labor supply, and diverse economic and non-economic factors that compel inmates to participate in fire camps and organized labor to accept their participation.

While the objective impact of inmate firefighting on prison reform and the compensation and structure of unionized firefighting work is of critical concern, it is also extraordinarily difficult to discern. Rather, this research focuses on the
perceptions and motivations of each worker group that enable this shared labor market to exist and self-perpetuate. Additionally, this research interrogates the role of worker representation in workers’ conditions and the potential consequences of unions as exclusionary organizations for those not eligible or desirable for their membership base. For California’s inmate firefighters, their challenge as workers is dual: not only are they not represented by a workers’ organization, as prisoners they have still fewer rights than even non-unionized free workers. California’s firefighting workforce therefore is not only divided in the sense that there may be two “competitive” labor forces, but also that the rights and conditions of each of these two worker groups are markedly different.

By using individual workers and worker organizations as the level of analysis, the aim is not to determine the objective material impact of prison labor on this labor system, but rather to understand the material and social conditions impacting worker decisions and worker conditions. This research therefore explores the “constrained choice” conundrum that faces not only inmate firefighters in their choice to participate in the fire camp system, but also the unionized firefighters that participate alongside and passively condone this system.

While Goodman necessarily explores the role of fire camps in California’s carceral culture and their perceived role as rehabilitation or punishment, this thesis interrogates the role of fire camps in the labor market as part of the larger debate: Is prison labor legitimate work? If so, how should this work be used, compensated, and represented by free workers and organized labor? And if not, what are the consequences for both incarcerated and free workers of this divided workforce?

Given the unavoidable and growing need for California to supply the public good of fire suppression in the state’s wildlands, the lack of state revenue or political will to support public sector employees, alongside the legal and moral imperative to reduce the state’s prison population, has placed California’s fire management regime in a tenuous and unsustainable position. By understanding the worker perceptions and motivations that enable the existence of this shared labor market and allow for disparate worker conditions, the implications of this research extend to how this labor system may contribute to the stymied criminal justice reform so desperately needed to end mass incarceration in California as well as to concerns of how the state of California will sustainably and morally rise to the challenge of the increasing risk and cost of wildfire prevention and suppression.

This research will describe the dominant characteristics of this current labor system, explore case-specific factors resulting in the current relationship between unionized and incarcerated firefighters, and describe the implications of this divided labor force on the risks and benefits for unionized and incarcerated firefighters.

Chapter Two will contextualize this case in the broader history of prison labor and organized labor relations and previous resistance and organizing efforts among incarcerated workers. This chapter will identify key characteristics
contributing to either antagonism or solidarity movements between prison and organized labor.

Chapter Three describes the research methodology, contextualized by a description of the structure of firefighting jurisdictions and firefighter labor organizations. It will also describe the process of case selection and interview protocol development for unionized, formerly incarcerated, and currently incarcerated firefighters, as well as secondary interviews drawn upon for this work.

Chapter Four will describe findings from these interviews and explore case-specific factors contributing to the current relationship between unionized and incarcerated firefighters. It will also include a discussion of the role of worker organizations in firefighting and the disparate risks and benefits faced by each group of workers based on their representation.

Finally, Chapter Five will discuss implications of these labor dynamics, provide initial policy recommendations for untangling the state's conflict of interest and the systemic unjust compensation of both unionized and incarcerated workers, and identify areas of necessary future research.
CHAPTER 2
A LABOR HISTORY OF PRISONS, PRISON UNIONS, AND PRISON LABOR RELATIONS

Throughout U.S. history, the relationship between convict labor and free and organized labor has varied across time and circumstance. The emergence of antagonism or solidarity between incarcerated and free workers in historical cases of prison labor may be best understood by seven key factors characterizing the sector, economic conditions, and worker organization culture.

Based on historical literature and labor theory, these seven factors seem to influence how free labor interprets the extent to which incarcerated workers undermine free worker interests by undercutting free labor wages, replacing free labor workers, or limiting union membership, power, and bargaining tactics. They are:

1) **Sector**
The use of prison labor for public purposes, private purposes, or prison operations

2) **Economic Conditions**
The conditions of the economy, in general, and the fiscal health of the state

3) **Skill, Professionalization, and Desirability**
The objective or perceived skill level of work done by incarcerated people and the degree of formalization, professionalization, and desirability of the work in the free labor market

4) **Bargaining Tactics**
The degree of cooperation or antagonism between labor representatives and management, especially the use of strikes and strikebreaking in labor disputes

5) **Worker Identity**
Difference or sameness between free and incarcerated workers in race, class, gender, immigration status, and nation of origin

6) **Wage Disparity**
Differences in pay and benefits between free and incarcerated workers

7) **Union Politics**
Culture, ideology, and politics of rank and file, union leadership, and labor federations

This chapter discusses historical cases of prison labor-free labor solidarity and antagonism in the United States, explaining differing relationships in these cases through these seven characteristics. These characteristics do not uniformly produce the same outcomes in terms of free labor acquiescence or resistance; they are dynamic and interact in combination with one another to produce different outcomes. Thus, these factors should not be considered determinative, but rather
a tool for understanding important characteristics and market context of any prison labor scheme that are likely to influence the reaction of free labor and the public at large.

While this chapter generally centers the experiences and responses of organized free workers to prison labor, resistance to or non-cooperation with such a work system has often originated from incarcerated workers themselves. To a lesser extent, this chapter will discuss the role of resistance and worker organization efforts initiated by incarcerated people in the larger labor history of prisons. In order to interrogate how each of the seven key factors impacts prison labor and free labor relations, cases discussed in this chapter will draw from labor history of the last 150 years, from industrialization and moving into the contemporary period of mass incarceration.

**Sector**

For at least 100 years, trade unions have drawn the distinction between convict labor used by the public sector and that used by the private sector, in the form of convict labor contracted to private companies. This distinction may be the singularly most powerful characteristic of any specific prison labor scheme that influences both free labor and general public support.

The tendency to support public sector work over private sector work derives from the belief that public sector work generates less wage competition compared to the use of prison labor for private sector work. As labor scholars of the early 20th century reasoned, while public sector work may proportionally reduce trade-union employment as free workers are replaced with incarcerated workers, private sector work not only proportionally reduces trade-union employment, but also draws down wages until trade unions may no longer be competitive, thereby possibly wiping out the use of free laborers entirely (Frey, 1913; Hiller & Hillea, 1915; Kilgore, 2013). Trade unions of this time were opposed to forms of prison labor that contracted convicts with private companies, arguing that any prison labor should be done for the state and toward the primary objectives of “reformation” and preventing “idleness.” In keeping with this attitude, most trade unions also opposed the state profiting from the use of prison labor (Frey, 1913; Jackson, 1927; Poe, 2016).

Early actions of unions attempting to limit the competition between free labor and convict labor focused on proposed regulations to move prison labor systems under state control and to limit convict labor to state use (Hiller & Hillea, 1915; Jackson, 1927). Such was the case in California with free labor objections to the state's early forms of prison labor. California's use of prison labor began in 1851, one year after the state's admission to the Union. In keeping with the social philosophy of the time that "the state has the right of turning the punishment of the individual to the greatest legitimate advantage of society," convict labor was used to help make the state prison system self-supporting (McAfee, 1990a).
However, that very year the state passed an act allowing private lessees to run the state’s prison system. At this time, state leadership was not yet concerned with issues of competition between free and incarcerated workers (Poe, 2016). In California, these lessees staffed the facility with guards and provided food, clothing, and medical care for prisoners (McAfee, 1990b). In exchange, lessees could work inmates for their personal profit. This arrangement was particularly egregious as not only did the state’s first lessee, cattle rancher and State Senator James Madison Estill, work prisoners for his own profit, he also received $10,000 each month from the state as payment for maintaining the prison (McAfee, 1990a).

The first conflict between free labor and California’s prison lessee system came in 1857 when San Francisco’s workingmen protested the competition created by the prison laborers at San Quentin State Prison just north of San Francisco. At the time, however, labor did not have the power to determine labor policy. Rather, it was taxpayers’ widely held regard of the lessee system and the monthly payments to Estill as financially imprudent and wasteful that led the state to return the prison to public management. Under this new order, the prison was now state-run, but still allowed the contracting of convict labor to private companies who agreed to conduct work within the walls of San Quentin (McAfee, 1990a).

By 1886, according the U.S. Labor Commissioner Carroll David Wright, there were four different types of convict labor being used in the United States Penal System. The first, the leasing system, was now no longer being used in California. The second, the contract system, in which a contractor employed convicts during the day and had immediate control over their labor and discipline, had now become common in California. By 1872, roughly half of state prisoners were employed by contractors, making products such as saddles, harnesses, furniture, boots, and shoes. With the growth of the contract system grew the protests of free labor against convict labor, claiming it drove down both wages and prices (Poe, 2016). The first groups to rise in protest against this contract system were mechanics and manufactures. They were not protesting the use of convict labor per se, but rather its private use for the “enrichment of heartless capitalists” (Poe, 2016).

By the last quarter of the 19th century, California’s prisoners began working under the other two forms of labor identified by Write in 1886—the piece-price and the public-account systems—two variations on a system wherein raw goods are brought into a prison and manufactured finished goods were either sent back to a contractor or sold on the open market by the state, respectively (Poe, 2016). Under pressure from organized labor, in 1889 the State Legislature tried to address the concern of free labor competition by outlawing the public sale of all prison-made goods within the state. The result was a state financial crisis. In an attempt to resolve the state’s financial woes without provoking free labor, in 1905 the legislature proposed a “state-use” system, which allowed for incarcerated workers to manufacture only those goods that would be used by state institutions (Poe, 2016). One result of this decision was that by the 1920s, 12.6 percent of California’s
prisoners were building highways (Poe, 2016). Thus, the origins of road camps and fire camps in California can be found in 19th and early 20th century labor struggles against all prison labor for private use.

In the contemporary era, criticism of the push toward the privatization of state services has brought some renewed debate to the issue of prison labor for public use. While much of the production taking place in prisons across the country is now for use by the government rather than for private profit, some scholars and social activists criticize the use of prison labor as promoting the cause of “neoliberal economic restructuring” (Kilgore, 2016). While some more progressive labor organizations may hold this viewpoint and are critical of the degradation of the public sphere—along with the degraded power of labor unions—in general, organized labor continues to acquiesce to the employment of prison labor for public use.

**Economic Conditions**

Another significant factor impacting public and free labor opinion of the use of prison labor both for private and state interests is the contemporary economic climate and degree of economic hardship or opportunity faced by free workers. Times of economic hardship tend to heighten free labor opposition to both the private and public use of prison labor. Particularly in extreme circumstances, such as throughout the Great Depression, free laborers condemned the use of prison labor for public works, demanding instead that the state provide employment for unemployed free laborers. Such was the case in the 1930s with California’s road camps, the precursor to the state’s fire camps (McAfee, 1990a). This trend also held true in other parts of the country where the state sought to dole out public work as relief, rather than using “convict road gangs” (Lichtenstein, 2011). The New Deal era also led to significant federal restrictions on private companies’ ability to profit off of incarcerated laborers (H. A. Thompson, 2011). Even with the subsequent return of prosperity in the 1940s and 1950s in California, the foothold gained by organized labor during the Great Depression prevented a revival of the convict road camps (McAfee, 1990a).

Conversely, in times of labor shortage rather than labor surplus, the use of prison labor is often much more accepted by both organized labor and the public. For example, shortly after the bombing of Pearl Harbor and the United States’ entrance into World War II, California saw a mass deployment of men to the front as well as to the booming domestic war effort in the state. The loss of workers in other domestic industries and public agencies led to a resurgence in the use of prison labor, including the founding of fire camps to fight wartime forest fires, as well as the creation of what where known as “harvest camps,” temporary prisons installed in California’s agricultural regions to ensure food production did not drop along with free labor availability (McAfee, 1990a). Throughout the history of prison labor, political economic conditions creating either labor shortages or labor surpluses have significantly influenced free labor’s acceptance of prison labor. Such
is also the case with political economic conditions influencing the availability of taxpayer money available to hire free labor, rather than cheap prison labor, for state functions.

**Skill, Professionalism, and Desirability**

Three interrelated factors—skill, professionalism, and desirability—describe the nature of certain work that often influence the extent to which free, organized labor considers the use of prison labor competitive or unacceptable.

In the United States, for example, one particularly pervasive form of prison labor is for public services such as park and highway clean up. Such work is frequently considered “community service” rather than legitimate work, and when performed by free workers, it is typically low wage work with low rates of worker representation. These forms of prison labor generally aren’t considered “professionalized” or particularly desirable, which enables the widespread use of this form prison labor by the state, with little public controversy or labor dispute.

One important aspect of work desirability is the quality and safety of work conditions. Though prison labor may replace free workers, it may not always be considered unacceptable competition because the conditions of the work may make it undesirable to free laborers. Such is the case with the historical use of the lease system that put prisoners to work in turpentine camps in swamps, in lumber camps, and in some mines and quarries in the later parts of the 19th century. In many cases, this system was less objectionable to many labor unions and trade associations because the work inmates did was so dangerous or strenuous, other workers simply did not want to do it (Pierson et al., 2014). It is important to note that historically the use of prison labor for dangerous work has also been highly racialized, particularly with African American prisoners involuntarily contracted into dangerous and sometimes fatal work in the mining, railway, and the iron and steel industries through the practice of “convict leasing” to private companies in the Southern United States.

**Bargaining Tactics**

In prison labor/free labor relations, another critical factor is the degree of cooperation or antagonism between labor representatives and management, most notably the use of strikes and strikebreaking in negotiations.

A strikebreaker is a person who works despite an ongoing strike. These are usually individuals who are not employed by the company prior to the trade union dispute, but rather hired after or during the strike to keep operations running. The use of incarcerated labor for strikebreaking has been used since the early stages of the U.S. labor movement. For this reason, many labor theorists and unions have regarded incarcerated people as an “aberrant sector of the working class” and “scabs” who undermine hard-won union gains (Kilgore, 2013).
This division between free and incarcerated workers was well understood and exploited by industrialists. For example, in 1889, the vice-president of Tennessee Coal, Iron, and Railway Company (TCI) testified before a state legislative committee that, “convict labor competing with free labor is advantageous to the mine owner. If all were free miners they could combine and strike, and thereby put up the price of coal, but where convict labor exists the mine owners can sell coal cheaper” (Worger, 2004).

Organized labor has had a range of responses to the use of incarcerated workers for strikebreaking, but uniform opposition to its use. In the late 19th and early 20th centuries, organized labor organized against the convict leasing system—the form of prison labor with perhaps the most heightened competition between free and incarcerated workers—fighting for regulations preventing private profiteering from prison labor. However, in one more extreme example from 1890, free miners in Kentucky, represented by the Knights of Labor, led a guerilla-style raid on a prison stockade to free the incarcerated people inside who were being used by TCI to break a mining strike (Kilgore, 2013; Schneider, 1999).

In some sense, the trend of labor/management antagonism in both the private and public sectors continues today. As recently as 2011, for example, some Republican governors antagonistic to organized labor, such as Wisconsin Governor Scott Walker, have used prison labor to replace unionized public employees in a concerted effort to undermine labor’s political power (Elk, 2016). While promoting a law dismantling the collective bargaining rights of the state’s teachers, nurses, and other civil servants, Governor Walker’s administration began using inmates to do landscaping, painting, and other basic maintenance, work that was previously done by unionized county workers (Seitz-Wald, 2011). However, in the contemporary era, the use of strikes as a bargaining tactic has declined across the U.S. labor movement, as has the physically violent antagonism characterizing 19th and early 20th century labor relations. As a result, solidarity actions such as those taken by the Knights of Labor in 1890 would be seen as a radical break from the culture of the mainstream labor movement today, which trends more toward regulatory reform to limit competitive activity than systemic reform to dismantle the existence of an incarcerated underclass.

Nonetheless, the use of incarcerated workers to intentionally undermine worker organization efforts throughout U.S. history continues to have salience today. As a result, the tactics and attitude of both public and private sector employers toward labor organizations influences free labor response to the use of prison labor.

Worker Identity

Historically race, class, and gender identity have significantly influenced the groups that organized labor views as sharing its interests and deserving of its membership and representation.
On their own, race, class, and gender difference and discrimination can be significant sources of division in a labor market of those engaging in the same work. Additionally, the predominant identities of those performing certain work can also influence other important factors of prison labor/free labor relations, notably the professionalization or desirability of the work and the bargaining tactics. For example, in addition to outright discrimination, work performed predominately by women and people of color is often perceived as lower-skill and less professionalized, and therefore lacks representation by mainstream labor organizations. The use of prisoners for strikebreaking also has a deeply racialized history, in which employers have both exploited and exacerbated race-based divisions in the labor movement.

In the context of prison labor, racial identification or difference has functioned in two distinct ways. First, racial difference between free laborers and convict laborers has often exacerbated antagonism, whereas racial identification between these two groups has sometimes led to instances of solidarity. Secondly, racial identification between organized labor and the workers in the market segments experiencing wage or price competition from prison labor often results in increased opposition to the private use of prison labor; conversely, racial difference between organized labor and those facing competition tends to result in more acquiescence (and in some cases even support) from traditional organized labor.

In cases of racial differences between free and incarcerated workers themselves, strikebreaking has been a critical issue for free workers. The frequent exclusion of African American workers and other people of color from labor organizations in many cases undermined organized labor’s power because workforce divisions meant their wages could be undercut or their strikes undermined through the use of non-unionized workers and incarcerated workers. Race also has a significant relationship to historic strikebreaking, through the use of both free and incarcerated workers who were willing to work at lower pay due to structural race-based discrimination in the labor market (Worger, 2004). For example, the American sociologist William Julius Wilson cataloged 25 instances in which African American workers were used as strike breakers between 1916 and 1934 alone and this practice continued throughout the 20th century (Wilson, 1980). This tactic was used not only for strikebreaking, but also to fuel general racial animus that undermined working class solidarity and created competing workforces (Wilson, 1980; Worger, 2004).

In cases of racial or cultural identification between free and incarcerated workers, moments of solidarity have often emerged. Instances of solidarity appeared, for example, in the organizing work of the United Farm Workers, a movement plagued by the use of both incarcerated and undocumented people as strikebreakers. However, both of these often came from the same Latino and Filipino communities as the unionized farm workers and were at times successfully organized by the UFW and refused to work as an expression of solidarity.
Conversely, the frequent arrests of strikers also allowed farmworkers to express solidarity with inmates.

In one such instance, labor leader César Chávez announced that he would be arrested in peaceful civil disobedience to protest attempts by local law enforcement to place an injunction on a strike. Continuing this action the following day, strikers, beginning with an older woman and her children, engaged in civil disobedience to demonstrate that their strike was peaceful and to employ a common civil rights tactic of “filling the jails.” Strikers continued their civil disobedience from inside by refusing to sign forms for their release, knowing the sheriff would be forced to keep the strikers in jail until it filled beyond capacity. Once inside, Chávez began organizing prisoners in jail to demand better conditions, with the sheriff now pleading with them to sign their release forms (Alcala, 2015).

Political decisions regarding what markets are selected to compete with prison labor are also often racialized. For example, in early conflicts between the state of California and organized labor over the use of the contract system of convict labor, protests centered on wage competition created by both incarcerated workers and free Chinese workers. In the 1860s the Mechanics’ League and the Mechanics’ State Council formed and vowed to “protect the workers against convict and Chinese labor” (Poe, 2016) In 1872, the Mechanics’ State Council saw an opportunity to address both of these perceived threats by pitting them against one another, proposing to the State Legislature that the products of convict labor should, “compete with Chinese labor, in cases where they have monopolized any particular branch of business.” In other words, white organized labor was not opposed to all prison labor in the private sector, so long as it only competed in the free market with the manufacture of products that were primarily Chinese-American made, such as cigars and cigar boxes (Poe, 2016).

Thus, though the impact of racial sameness or difference varies by context, race has undoubtedly played a key role in the formation of free labor and prison labor relations, just as it has in relationships between free laborers.

**Wage Disparities**

Because of the primary concerns of wage and price competition, the presence and degree of wage disparities between free and incarcerated workers are critical factors influencing free labor perception.

Historically, the position of organized labor on the use of prison labor has tended toward exclusive support of incarcerated workers for public use. However, in instances of private use of prison labor in which inmates are paid prevailing wage, there is significantly less opposition from organized labor. Indeed, this has often been a demand of organized labor.

The achievement of prevailing wage for incarcerated workers has been rare in the United States. Although minimum wage was a demand of the emerging prisoner workers' movement of the 1960s and 1970s—as well as of many
contemporary prison labor strikes—the loss of incarcerated workers’ right to organize with the *Jones v. North Carolina Prisoners’ Union* decision has significantly limited incarcerated people’s ability to advocate for themselves. Rather, reforms have had to come predominately from outside organizing by prisoner rights advocates and free labor.

Wages earned by incarcerated workers vary by jurisdiction and by work type. In the federal prison system, for example, federal inmates earn 12-40 cents per hour for jobs serving the prison, 23 cents to $1.15 per hour in Federal Prison Industries factors, and more when working for a private company (Decker, 2017).

In 1979, under pressure from organized labor, Congress created the Prison Industries Enhancement Certification Program (PIECP), which banned goods made by prisoners from interstate transport unless inmates were paid “prevailing wages,” or wages comparable to those in the private sector (Decker, 2017). In addition to the minimum wage, the law also requires that local labor union officials be consulted and agree that local free labor will not be affected.

Another challenge in the establishment of a prevailing wage for incarcerated workers is that what is technically “paid” to incarcerated workers is not the wage the worker receives, as a significant portion of these already paltry wages go toward taxes, restitution, room and board, and other costs associated with a person’s criminal processing and incarceration. Together, this can add up to 80 percent of an incarcerated worker’s paycheck (Bozelko, 2017; Decker, 2017). While free labor remains concerned about the prevailing wage paid by employers to incarcerated workers, they are less concerned about the “take home” pay of incarcerated workers. Nevertheless, the cost of incarceration levied on inmate wages raises important moral questions about the just compensation of incarcerated workers.

**Union Politics**

The American labor movement has long been criticized for its failure to root itself in an inclusive “working class struggle” or broader social movements. The scholarship on union history and division is vast. Much of this scholarship argues that the U.S. labor movement has always been defined by a dichotomy of inclusion and exclusion, taking a narrow view of membership and often excluding African American workers as well as other ethnic groups, women, and workers of varying skills and crafts (Fletcher & Gapasin, 2009). Divisions in the labor movement were exacerbated by the purging of the leftist and socialist branches of the mainstream labor movement in the mid-20th century, as they faced persecution and arrest and were forced out of their organizations.

The internal politics of organized labor can be understood partially through the issues that divided labor leadership into dominant and dissident wings in the 20th century. Unions typically divided according to “their tradition of craft or industrial unionism, the industrial sector they organized, the social composition of their membership or workforce, and the preferences of their leaders.” Of the issues
dividing labor in the mid-20th century (which were numerous) one of the most significant was its divided response to the “new social movements” led by youth, people of color, and women, and the movement against the War in Vietnam (Battista, 1991).

Today, unions and the AFL-CIO continue to be divided in their positions on contemporary social issues including immigration reform, mass incarceration, and prison labor. One challenge is that many public sector unions rely on police and prison guards to boost their membership, which limits their ability to take positions on incarceration and prison labor. These internal political differences between more “conservative” or “business” unions and more radical progressive unions such as the International Workers of the World continue to be deeply influential in how these groups of workers respond to the presence of prison labor in general and in their own labor markets.
CHAPTER 3

METHODOLOGY

In order to unveil perceptions and choice-factors, this research is based on primary and secondary interviews with unionized, formerly incarcerated, and currently incarcerated firefighters. In order to understand the case selection protocol, it is necessary to describe the structure of this shared labor market based on the administrative units of the firefighters’ union and firefighting agencies themselves. Although fire camps are administered by the state agency, CalFire, the temporary and consistent sharing of workers across fire management jurisdiction boundaries within California results in a more complex labor market than is immediately obvious. The role of inmate firefighters must therefore be considered within the context of the larger firefighting labor market, beyond that of state-employed firefighters. This chapter describes the reasoning and process for interview selection of both unionized and inmate firefighters, as well as the barriers and shortcomings of this methodology.

UNIONIZED FIREFIGHTERS: CONTEXT AND STRUCTURE

Research on the perceptions of professional unionized firefighters relies on interviews conducted with executive leadership of California’s many IAFF locals and statewide labor representatives. This section describes the jurisdictional boundaries of firefighting and the structure of firefighting labor organizations motivating case and interviewee selection.

Firefighter Unions and Membership Organizations

In California, the majority of firefighting jurisdictions are unionized as locals affiliated with the International Association of Fire Fighters (IAFF). Formed in 1918, the IAFF is affiliated with the AFL-CIO and the Canadian Labour Congress and represents more than 303,000 full-time professional firefighters and paramedics across the United States and Canada (IAFF Firefighters, 2017). All together, IAFF members protect 85 percent of the U.S. population.

In California, jurisdictions organized into IAFF locals include employees of cities, counties, and the state, which has a single local for all CalFire firefighters, Local 2881. In addition to their individual locals, firefighters in California are represented by the California Professional Firefighters (CPF), which has a membership of over 30,000 and is the largest statewide organization representing career firefighters. These paid professional firefighters are members of 175 different IAFF locals across the state (California Professional Firefighters, 2015). The majority of these locals are city firefighting departments. However, 15 of these locals represent county firefighters from 14 different counties.
State and Local Responsibility Areas

In California, responsibility for wildland firefighting falls primarily on three groups: county firefighters, who respond to both structure and wildland fires within a county, and state and federal firefighters who deal almost exclusively with wildland fires and other related natural resource management and emergency management activities.

Management responsibility for wildland fires in California is divided into the Federal Responsibility Areas (FRA), the State Responsibility Areas (SRA), and Local Responsibility Areas (LRAs), which are defined based on land ownership, population density, and land use (CalFire Fire and Resource Assessment Program, 2017). These responsibility areas describe which jurisdictions have the legal and financial responsibility for the prevention and suppression of wildland fires on that land. In California, the SRA includes area in 56 of the state’s 58 counties and totals over 31 million acres for which CalFire provides a basic level of wildland fire prevention and protection services (CalFire, 2016b). LRAs include incorporated cities, cultivated agricultural lands, and portions of the desert, while the FRA is under the protection of a variety of Federal Agencies including the U.S. Forest Service. (Maps of California’s State and Local Responsibility Areas are included in Appendices 2 and 3.)

Mutual Aid Agreements, Cooperative Agreements, and Contracted Counties

These jurisdictional boundaries suggest distinct labor forces for local, state, and federal firefighting agencies. However, in addition to clear jurisdictional boundaries defining federal, state, and local responsibility, the organizational structure of wildland firefighting in California is also significantly influenced by mutual aid agreements, cooperative agreements, and contracted counties. In practice, these three types of agreements blur jurisdictional boundaries and introduce additional complexity into the firefighting labor market.

In emergency services, mutual aid is an agreement among emergency responders to lend assistance across jurisdictional boundaries, particularly if emergency response requirements exceed local resources. Under the California Master Mutual Aid Agreement, CalFire assists other fire departments within the state when departmental resources are available. In turn, CalFire can access local government fire departments through the same agreement for assistance in wildland fire suppression (CalFire, 2017). With a trend of increasingly large and catastrophic fires, mutual aid agreements mean wildfires are increasing multi-jurisdictional in their response and workers are frequently moved across jurisdictional boundaries. As one IAFF representative put it, “no one department has enough to put out every fire, every time.”

During the 2016 Blue Cut Fire—one of the largest of the 2016 fire season—nearly two dozen mutual aid strike teams were deployed and cooperating agencies included the CDCR, which deployed inmate firefighters to the fire in the FRA
under the primary administration of San Bernardino National Forest. Mutual aid is critical to California’s firefighting strategy and is an arrangement that California Office of Emergency Services Director Mark Ghilarducci says is used “every day here in California” (Gudel, 2016).

In addition to these standing mutual aid agreements, CalFire also has Cooperative Fire Protection Agreements with a number of local governments, including 34 of California’s 58 counties, to provide emergency and fire suppression services on a consistent and ongoing basis. Cooperative Fire Protection Agreements mean that LRAs can be protected with state resources and state employees.

Conversely, in what are known as “contract counties,” the SRA can sometimes become the primary responsibility of local fire management agencies. While in most cases the SRA is protected directly by CalFire, in the six contract counties of Kern, Los Angeles, Marin, Orange, Santa Barbara, and Ventura, SRA fire protection is provided by the counties under contract with CalFire. All together, these contract counties protect 3.4 million acres of the SRA. In return, CalFire provides funding to these six counties for the fire protection services including wages for suppression crews, maintenance of firefighting facilities, fire prevention assistants, pre-fire management positions, dispatch, special repairs, and administrative services (CalFire, 2016a).

Notably, Los Angeles County also provides the only exception to fire camps’ co-management by CalFire and the CDCR. Rather, the five fire camps in Los Angeles County are co-managed by the Los Angeles County Fire Department and the CDCR, and inmate firefighters in those camps are supervised by county firefighters rather than CalFire firefighters.

Fire Camps and Responsibility Areas

Although CalFire manages the majority of the state’s fire camps, because of mutual aid, cooperative agreements, and contract counties, inmate firefighters are deployed to a variety of jurisdictions across the state beyond the SRA.

For this reason, county and federal firefighters will also often find themselves fighting fires alongside inmate firefighters, especially on the season’s largest fires that draw from all available resources. Fire camps are seen as a flexible resource to be made available to a variety of agencies. Because of this jurisdictional sharing, as well as firefighter employment mobility between the state and local agencies, this research considers county and state firefighters to exist in a single labor market. As such, both of these groups are potentially impacted by the pervasiveness of incarcerated workers in their field, despite inmate firefighters’ technical status as a CalFire resource (with the exception of Los Angeles County fire camps.)

One interpretation of the wage differentials between state, county and local firefighters is that state employees specifically may have had their wages undercut by CalFire’s use of a “non-market” labor force. However, the presence of
mutual aid agreements, contract counties and cooperative agreement counties suggests that fire camps may impact wages and employment possibilities for unionized workers on multiple jurisdictional levels. For example, as a contract county, Los Angeles County both serves its SRA and manages fire camps, while some cooperative agreement counties, such as San Diego County, have a very small or no county firefighting force and rely on CalFire—and in some cases specifically on the fire camps located in their county—for fire protection services.

The complexity of worker sharing and worker movement in wildland firefighting requires a broader view of fire camps' potential impact on the firefighting labor force and has prompted the inclusion of both state and county firefighters in this study.

UNIONIZED FIREFIGHTERS: CASE SELECTION AND INTERVIEW PROCESS

Case Selection

Of the 14 different counties represented by IAFF locals listed as CPF's Local Affiliates, I contacted via phone and email at least one member of executive leadership of 12 locals—all of those with publically available contact information. Of those 12, 5 responded and 4 were ultimately interviewed for this research. In addition to county representation, I spoke to one current or former member of executive leadership from each CPF, CalFire Local 2881, and the Federal IAFF. Additional and less formal interviews were also conducted with former leadership of an IAFF local representing firefighters of a rural California city, a rank and file firefighter for the U.S. Forest Service, and a volunteer firefighter in Arizona who works alongside Arizona's incarcerated firefighters. While not core to my findings, these additional interviews helped to provide context and shape the direction of my research. In total 10 firefighters, 8 of them current or former union representatives, were interviewed for this research. Of these eight union representatives, all respondents were male career firefighters who served as the either the current or former presidents of their respective IAFF locals.

The 14 counties with IAFF locals affiliated with the CPF are San Bernardino, Kern, Santa Barbara, Ventura, Kings, Monterey, Nevada, Santa Cruz, San Joaquin, Sutter, Contra Costa, San Mateo, Santa Clara, and Los Angeles. The counties contacted and interviewed will remain confidential due to requests for anonymity from participants.

Because this research specifically interrogates the union's organizational position on this form of prison labor, I chose to focus on IAFF leadership rather than rank and file firefighters. Future research could be conducted with California's rank and file firefighters, whose perceptions of the fire camp system and of incarcerated firefighters may differ from that of union leadership.
Interview Process and Design

Interviews with professional firefighters were conducted by phone with conversations typically lasting 45-90 minutes. Interview questions focused on the priorities, successes, and recent campaigns that IAFF locals and state organizations have undertaken on behalf of their members. Additionally, the protocol included questions interrogating challenges facing locals in achieving fair wages and benefits, as well securing adequate funding to support a fully staffed workforce to meet firefighting demands. Interviews also included specific questions regarding the presence and perceived impact of volunteer, private, and incarcerated firefighters in the labor market and the perceptions of wage and employment competition between different categories of workers.

The full interview protocol is included in Appendix 4.

FORMERLY INCARCERATED FIREFIGHTERS: CONTEXT AND STRUCTURE

Context regarding the perceptions of inmate firefighters relies largely on secondary sources from media and previous research and, to a lesser extent, on primary source interviews conducted with currently and formerly incarcerated firefighters. This section describes the limitations posed by logistics and ethical concerns related to conducting research within fire camps and prisons in general. Because of these limitations, the original intended scope of work with currently and formerly incarcerated people has been significantly reduced and some interview data has been removed entirely.

This section will describe how the issues of both the ethics review process and access limitations informed case and interviewee selection. Given limits of sampling, the results of interviews with inmate firefighters will not be included as formal findings, but will be used to frame the implications of findings from interviews conducted with California's professional unionized firefighters.

Ethical Review, Access, and Research in Corrections

Research with currently incarcerated people is notoriously difficult due to both access barriers and ethical concerns. The California Department of Corrections and Rehabilitation has its own research approval process, which reviews research ethics and grants limited access to researchers, typically permitting those researching the CDCR's efficacy in achieving its own institutional mission and objectives.

In addition to this process, the Institutional Review Board (IRB), which reviews and approves human subjects research, also has specific criteria and protections in place for research conducted with prisoners. According the IRB, prisoners are a vulnerable and protected category for the purposes of human subjects research. As a captive population, prisoners face unique risks for participation in research and also have a history of selection as research subjects,
particularly for medical research, due their convenience as an already institutionalized population. Because prisoners may not be free to make a truly voluntary and uncoerced decision to participate as subjects in research, the IRB regulations require prolonged review of research protocols and additional safeguards for the protection of prisoners in research.

Although this human subjects research received approval from MIT’s Institutional Review Board—Committee on the Use of Humans as Experimental Subjects (COUHES)—this research did not undergo review or receive approval from the CDCR’s Office of Research.

Previous Research with Fire Camp Participants

Previous successful research within fire camps and with currently incarcerated firefighters throughout the Western United States is minimal, but has generally followed two approaches: partnership with existing researchers conducting already-approved research within California’s prison system, and researchers becoming firefighters themselves (or, in some cases, firefighters becoming researchers) and conducting research while working alongside inmate firefighters (Feldman, 2016; Goodman, 2011).

This has also been true of much of the ethnographic and scientific research conducted with wildland firefighters in general, not just those who are incarcerated (Center for Occupational and Environmental Health, 2017; Desmond, 2007). Given the timeline and site of this project, this form of more in-depth fieldwork was not possible.

FORMERLY INCARCERATED FIREFIGHTERS: CASE SELECTION AND INTERVIEW PROCESS

As a result of timeline and the identified institutional barriers, I chose to focus on secondary interviews and interviews with formerly incarcerated people who are not considered an IRB protected category and do not require institutional approval from the CDCR in order to participate in research.

Case Selection: Secondary Interviews

Secondary interviews used to contextualize and grapple with the implications of this research include interviews from public media accounts and from existing literature on fire camps.

This work draws particularly on the ethnographic scholarship conducted by Dr. Phillip Goodman. Goodman’s exploration of the deep paradoxes contained in fire camps that serve as both “rehabilitation” and “exploitation,” reinforce identities of both “inmate” and “hero,” and perform simultaneously as both “prison” and “camp,” serve as the partial basis for additional interviews conducted in this research, as well as a motivation for expanding the scope of research to
consider the impact of these moral ambiguities on labor structures beyond California’s correctional system (Goodman, 2010b).

Case Selection: Primary Interviews

Drawing from and building on Goodman’s framing, I also conducted primary interviews with formerly incarcerated firefighters interrogating a similar paradox influencing worker decisions and experiences, while including additional questions related to labor conditions, worker representation, and conceptions of fairness and just compensation.

In this process, one currently incarcerated firefighter was interviewed. Due to ethics and institutional approval concerns, my interview with the currently incarcerated firefighter will not be used as part of this research. However, the interview process and its ethical concerns are described here for the purposes of transparency in social science research challenges.

In addition to limiting my interviews to formerly incarcerated firefighters, this research was ultimately also limited in sample size due to difficulty locating and accessing formerly incarcerated people who had worked in fire camps. In addition to being a relatively small part of the prison population, their information is also not made publically available by the state due to concerns of confidentiality.

This section describes the process of identifying and interviewing currently and formerly incarcerated firefighters.

Interview Process and Design

Interviewees from this group were identified and invited to participate through inquiries distributed on an email listserv of prisoners’ rights organizations and support organizations for formerly incarcerated Californians.

From this inquiry, one formerly incarcerated firefighter contacted me offering an interview. This interview was conducted by phone and lasted approximately 90 minutes. In addition to this formerly incarcerated firefighter who contacted me directly, a prisoners’ rights advocate also contacted me offering to circulate information regarding the research and my contact information with clients inside California’s state prisons.

In order to receive phone calls from currently incarcerated firefighters, I opened an AdvancePay account through Connected Network, Global Tel Link—the Virginia-based telecommunications company that provides information technology services for the majority of jails and prisons in the United States—which is able to receive pre-paid calls from all CDCR-run correctional institutions. Through this process, I received one phone call from a currently incarcerated firefighter. Although the respondent agreed to the informed consent process approved by COUHES, the use of corrections telecommunications for research not approved by the CDCR poses ethical concerns of direct or generalized retaliation, including the possible limiting of incarcerated people’s access to...
telecommunication services. For this reason, information collected from that interview will not be included in any portion of this research.

For all interviews, interview questions focused on inmate firefighters' original motivations for participating in the fire camp programs, perceptions of benefits and fairness of the program before and after participating, and, in the case of formerly incarcerated firefighters, the impact of their participation in the fire camps system on their experience after release. The interview protocol also included specific questions regarding worker representation, any efforts to resist unfair or unsafe working conditions, and perceptions of how their status as an incarcerated person impacted their experience of firefighting.

The full interview protocol is included in Appendix 5.
CHAPTER 4
LABOR MARKET DYNAMICS OF FIREFIGHTING IN CALIFORNIA

Contrary to much of prison labor history and the initial presumptions of this research, interviews with leadership of California’s IAFF locals revealed that they generally do not see inmate firefighters as a competitive labor force. Due to case-specific factors, unionized firefighters in California do not seem to view inmate firefighters as a workforce that undermines free worker interests by undercutting wages, replacing free workers, or limiting union membership, power, and bargaining tactics. According to research participants, inmate firefighters are generally considered a useful but “supplementary” workforce, and are considered neither the source nor the remedy for unionized firefighters’ compensation, benefits, and labor supply challenges. Although there is near consensus among unionized firefighters that inmate firefighters are not a source of wage competition, interviews reveal contradictory views on the state’s degree of reliance on this “supplementary” workforce. Union leaders expressed differing views on the ability of the state to replace inmate firefighters in the case of more significant prison downsizing, as well as differing views on the likely approaches the state would employ to fill this potential labor supply gap. Particularly, while some union representatives believe California’s incarcerated firefighters could be replaced with public, unionized employees, others indicated that the loss of fire camps would make state firefighting vulnerable to privatization. This chapter describes the ongoing labor struggles of California’s unionized firefighters as well as the variety of perceived futures for California’s firefighting labor force, as identified through interviews with leadership of IAFF locals and state associations.

The most central finding of this research is that California’s unionized firefighters do not appear to oppose the pervasiveness of prison labor in their sector and, as a result, the IAFF may be a tenuous partner in a broader social justice coalition seeking significant reform to the systems of mass incarceration and prison labor. The numerous reasons for this perception are described here in the context of the seven relevant labor market factors: sector, economic conditions, skill, bargaining tactics, worker identity, wage disparity, and union politics. Key factors contributing to this finding include the social function of firefighting work, the evolution of firefighting as a profession, and the organization of job functions between worker categories.

LABOR MARKET FACTORS AND CALIFORNIA’S FIREFIGHTING LABOR FORCE

“They provide a public service”—Prison Labor in the Public Sector
One of the most definitive and obvious aspects of California's firefighting labor market dynamics is that firefighting work is both public sector employment and considered a critical public service.

The nature of firefighting as a dangerous but critical public service has the impact of making the public and political process more sympathetic to the firefighters union than might otherwise be the case for a labor organization, while simultaneously making the public and the union more sympathetic to the notion of fire camps as a state use of prison labor toward a public good. As one unionized firefighter explained:

"The state's inmate fire crew program provides a lot of public benefit in terms of: the costs of incarceration are lower, the rates of recidivism are lower of inmates that have come through the program, and they provide a ton of public service at a very low cost compared to what you would pay a non-incarcerated individual... Most firefighters in California recognize the value of the program... The amount of work that they put out is truly impressive."

In keeping with much of the history of prison labor/free labor relations, labor representatives generally accepted the use of incarcerated people as firefighters because it was seen as rehabilitative, providing meaningful work, and performing a service for the public. The nature of firefighting as public work acted as a backdrop for a variety of firefighter views on both the fiscal constraints of their employers—the state and counties—and the degree to which they appeared to interpret the use of incarcerated workers as undermining their political and bargaining power.

"We have to be realistic"—Fiscal Constraints and Firefighting Compensation

Although labor relations history suggests that times of fiscal constraint are typically marked with heightened conflict between free and incarcerated laborers, both the long-term sharing of this labor market and the economic and fiscal realities of the state seemed to make unionized firefighters more sympathetic to the public budget constraints impacting their contracts and to the use of incarcerated workers in particular times of recession.

One significant and chronic fiscal constraint raised in interviews was that imposed by Proposition 13 on the state budget. Proposition 13 was an amendment to the Constitution of California passed in 1978 through a ballot initiative that declared property taxes were to be assessed their 1975 value and restricted annual increases of the tax to an inflation factor. Under this amendment, a reassessment of the property value can only be made when the property ownership changes or construction is done (Legislative Analyst's Office, 2016). Furthermore, the amendment gave the responsibility of distributing the property tax revenues to local agencies and newly required a two-thirds majority vote in both of the state's
legislative houses for future increases of any state tax rates, including income tax rates and sales tax rates. Prior to Proposition 13, the property tax had been a local tax set and levied by local governments for local services within a jurisdiction's boundaries (Legislative Analyst's Office, 2016). The impact of Proposition 13 has been reduced property tax revenues across the state and resulting budget constraints for public agencies.

In more recent years, the 2008 recession was frequently raised as a challenge for public agencies, especially in more economically depressed rural counties where the recession hit harder and recovery has come more slowly. Representatives from these counties reported both chronic understaffing and recent losses of workers to more affluent counties due to workers' willingness to commute long distances to higher paying firefighting jurisdictions. The state also faced hardship from the recession and in 2011 cut CalFire's budget by $34 million, including eliminating 730 seasonal firefighters and one crewmember on each fire engine (AllGov California, 2017). As one leader of an IAFF local reflected:

“We have to be realistic. If the money is not there you can’t get it. We’ve seen too many fire departments go bankrupt. And not just firefighters, but labor unions that don’t look at their constraints. You have to be realistic. In some parts of the state, like Riverside and San Diego, with lots of money coming in, you look good, but in other parts of the state like Humboldt County, there's huge job loss. So, there's just a huge difference in what the incomes are across the state. And then when tax returns drop, the state doesn’t have the money to employ us.”

This emphasis on realism and belief in the fiscal constraints of the state and counties seemed to make union representatives less aggressive in their bargaining and willing to accept less than they might be paid in other, more affluent jurisdictions, or even less than they believed the work should be justly compensated. As public sector employees, firefighter unions are implicitly or explicitly pitted against other public services when pushing for salary and benefits increases. As one respondent said:

“They want to have public safety. Fire and police. But they also want to have schools, they want to have parks, they want to have libraries. Everybody has a wish in these smaller communities, but it’s how you prioritize that. So you just kind of spread this thing out... There's a give and take from a political aspect.

Fiscal constraints in conservative, rural counties have also contributed to the use of semi-volunteer, or 'paid call' firefighters. These firefighters are not part of the union and respond on a call-by-call basis to emergencies, typically only being compensated for travel costs. Many respondents described that these positions are often considered a stepping stone on the way to becoming a
professional firefighter, especially in rural counties where people will work as paid call firefighters for a number of years before being hired as a unionized seasonal or year-round professional firefighter. These paid call firefighters are used to provide emergency services while containing costs, either due to financial constraints of a county or by tradition. Although paid call firefighters are not used by the state, in counties they are sometimes used as a bargaining tactic in forcing trade-offs when the union is negotiating a new contract. As one representative of a IAFF local in a predominately rural county described:

“There’s always the tug of war between the two. Where, if you have a staffed, paid fire department, there is always that response ‘well you’re going to spend us out of our budget and we’re going to have to go to paid call firefighters.’ As part of the negotiations, they’ll go back and forth. They’ll say ‘well, you’re asking for too much money. If you ask for too much money, these people aren’t going to come back and we’ll have to fire you.’... There’s always—in some of the small places—this underlying current of: be careful; if you do this, you’re going to write yourself out of a job.”

Under the fiscal pressures of a state government constrained by conservative tax policy and a recent recession, unionized firefighters seem more to view the use of volunteer and incarcerated firefighters as a means of freeing up additional budget for fully compensating unionized firefighters than as a source of wage competition. While these two “non-market” labor forces may reduce the total number of employed unionized firefighters, under the constraints of the state and rural county budgets, full employment of unionized firefighters was typically expressed more as aspirational than a real political possibility. In this failed aspiration, however, the labor representatives interviewed did not incriminate incarcerated firefighters as the source of their reduced union membership and compensation. If anything, the use of paid call and incarcerated firefighters was seen as implicitly wage subsidizing, or irrelevant to the terms of their contracts all together.

The acceptance of IAFF representatives interviewed for this research of the use of incarcerated workers throughout the recession seems surprising as it demonstrates a break from the larger history of increased antagonism between free and incarcerated workers in times of economic constraint. However, interviews with unionized firefighters revealed that this attitude is partially explained by other characteristics of the labor market, including California’s generally pro-labor attitude, the long-term sharing of this labor market in times of both economic constraint and abundance, and the differential skill levels of free and incarcerated workers. These factors are explained in further depth throughout this chapter.

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In assessing the bargaining tactics of professional firefighters, two main factors seemed to impact the degree of perceived labor/management cooperation. Firstly, as public safety and emergency response professionals, firefighters for the most part do not strike as part of their bargaining strategy or labor disputes. Secondly, California is generally considered a pro-labor state, which significantly reduces the antagonism between state bureaucrats and public sector unions. A number of respondents reinforced this view by asserting that California is a labor-friendly state with a labor-friendly Governor. As an IAFF representative explained:

"I think overall we aren’t fighting many battles, per say. We have some struggles, but overall we’re in a pretty good environment, all things considered... We have a pretty labor-friendly Governor. He doesn’t agree with everything we have to say, but we at least have a good voice with him... We don’t necessarily achieve all of our goals, but they’re not out to harm working people, which is significant."

Partially because incarcerated firefighters in California are not used for strikebreaking or in the context of an anti-labor state administration, respondents did not see fire camps as an attempt to undermine organized labor in general or professional firefighters specifically. Unlike in state administrations with a vitriolic attitude toward labor, such as Wisconsin under Governor Scott Walker, IAFF local representatives participating in this research did not feel threatened or offended by the state’s use of prison labor for firefighting. Rather, they see it as an earnest effort by the state to save taxpayer dollars and provide meaningful work to its prison population.

As both public sector and public safety workers, firefighters enjoy a certain degree of public support that other public employees may not. Firefighting is generally considered critical and heroic work, by both the public and the state, thereby significantly reducing potential antagonism to demands for increased benefits from organized labor.

“We are seen, along with nurses and police, as one of the triad of public safety. And then you bring in the schoolteachers. There has always been a high regard for those rank and file folks in California.”

As a public sector union and a public safety workforce performing a critical public service in a generally labor-friendly state, IAFF local representatives do not see their work as fundamentally at risk of being replaced by incarcerated workers or, indeed, as replaceable at all. In interviews, firefighting was frequently compared to police work in its public safety function and union politics, noting in particular the absurdity of the idea of using incarcerated workers as law enforcement. This comparison was meant to illustrate the impossibility of
firefighting being taken over by an entirely incarcerated workforce, in contrast to manufacturing or other industries, which could feasibly be entirely staffed with incarcerated workers.

This perception that the critical public safety function of firefighting creates a natural limit to the degree of use of prison labor seems to limit free worker opposition to its use. Because of the political environment of support for the union and the perceived limits of the possible use of an incarcerated workforce as public safety workers, the presence of prison labor in their sector is not generally seen as a grave threat to union jobs.

“An axe, or a shovel, or a chainsaw, or a rake”—Skill and Professionalism in the Firefighting Labor Force

Possibly the most significant factors influencing unionized firefighters’ acquiescence to the presence of incarcerated firefighters are the historical evolution of wildland firefighting as a profession, the resulting stratification of skill level across worker categories, and the nature of firefighting as partially episodic work.

These interviews reveal that the division of California’s firefighting workforce between incarcerated and unionized firefighters is embedded heavily in the evolution of firefighting as a technical profession. Incarcerated firefighters provide an essential fire suppression function for the state, but perform work that is considered less technical, less skilled, and evocative of the volunteerism firefighting of the past. The bifurcation of skill and work types between free and incarcerated firefighters contributes both to a belief that incarcerated firefighters are rightly compensated less than unionized firefighters and also that incarcerated firefighters do not pose a fundamental threat to union firefighter jobs.

As a young and primarily rural state in the first half of the 20th century, California faced significant challenges in protecting its low-population density areas from seasonal wildfires. As a result, wildland firefighters were typically low-skill workers drawn from the local population on an as-needed basis. As one respondent describes:

“CalFire was originally California Division of Forestry. When we originally developed the department in the 30s, 40s, 50s, and 60s, we were in the very rural areas managing grass fires. We had no technical training. We were just wildland firefighters. There was no population out there, just a lot of ranches and so the ‘skill level’ was just hiring people off ranches and they were paid accordingly... The job has evolved as the population grew and California grew... People expect different things now when they move to rural areas of the state. When they dial 911, they want emergency response, paramedics, they want rescue squads, they want fire trucks and they want it in 25 minutes.
These record numbers of people made us realize we needed higher skill and higher training and our job became more difficult and technical.”

As California’s rural and overall populations increased, the need for wildland firefighters increased, as did the complexity of the work. Fire suppression in low-density or unpopulated regions was both less urgent and less complicated by human management and the need to protect structures and critical infrastructure compared to wildland firefighting today.

“When I started right out of high school in ’72, you’d have a fire burning 500 acres and you’d have ten engines and some fire crews on that and you’d be out there for 2 or 3 days. But it was all wildlands out there, all trees and brush, maybe one ranch that you had to worry about. But that same 500 acres now has a school and a college and 3000 homes sitting on it. So now we need 200 fire engines out there to protect the homes and then you’ve got twice as many—or three times as many—fire crews. Everything in fire service has gotten so much more technical because we have to deal with the population. We spend a long time telling the public the fire is coming, we spend a lot of time... with the media and dealing with the number of people, animal rescue, law enforcement, the gas company... The fire camps we set up have just gotten huge.4 You get a fire of a couple thousand acres and we have to set up a mini city.”

As the complexity of wildland firefighting and the population of the state population grew, firefighting in California became increasingly professionalized. In 1966, the employees of the California Division of Forestry organized into a statewide organization for the first time. It wasn’t until 1981 that firefighters for the state of California officially affiliated with the IAFF and California Professional Firefighters (CPF)—the statewide association of all IAFF locals representing firefighters of public jurisdictions across the state (CAL FIRE Local 2881, 2017). Thus, counter to much of the history of free labor/prison labor relations, the use of prison labor for this work actually coincides with the formalization and predates the unionization of the work itself. This dynamic was described by one union representative:

“The state has had the inmate fire crew program longer than many agencies had paid firefighters. These systems grew up together. And it’s just the way the business is done. So for most agencies, it just doesn’t cross their mind that it’s a competition environment for those jobs.”

4 “Fire camps” in this context refers to the temporary camps set up near the site of wildfires where fire management operations are conducted and all fire crews—free and incarcerated—are based during their time working on that fire. This is differentiated from the CDCR prison fire camps, which are the permanent housing units for incarcerated firefighters while they are not assigned to a fire.
Partially because of this history, the use of inmate firefighters has become exceptionally normalized among both unionized firefighters and much of the public. One of the few changes in the last several decades that brought public attention to the fire camps was the introduction of three female fire camps in the 1980s, which has also long since become normalized.

“As a workforce, they’re part of it. They come to the fire station. You see them all the time. They come to spring training every year. You pull hose with them. You see them at base camp. It’s not a big deal anymore. In San Diego, they have two female crews. Everywhere you went with those, we had the news media for the first couple years, wanting to know what was happening, but nobody thinks about it anymore.”

The long-term presence of incarcerated firefighters in California’s firefighting workforce contributes to the normalization of this practice. In addition to this long-term relationship, the nature of firefighting as historically volunteer, seasonal, and episodic work also deeply influences the extent to which unionized firefighters interpret the use of an incarcerated workforce as competitive. The use of mutual aid and cooperative agreements also means that nearly all jurisdictions staff under the necessary levels for the largest possible fire events. Thus, the ability to draw upon inmate fire crews during major fire events is seen in a similar light as the ability to draw upon the unionized firefighters of other jurisdictions, and neither of these supplemental work forces is generally seen as a source of labor competition. As one respondent put it:

“It is the nature of CalFire that is responsible for putting together the response to a major wildland fire, and they have huge episodic demand for large numbers of workers. It is very episodic and not something that [unionized firefighters] feel these incarcerated workers are in any way going to take over their jobs.”

This episodic and mobile nature of firefighting also contributes to the perception of inmate firefighters as comparable to historical volunteer fire crews and as a resource to be drawn upon in moments of heightened demand, rather than as a comparable workforce that threatens the employment prospects of unionized firefighters in any given jurisdiction.

Critically, the differential training of incarcerated and unionized firefighters also reinforces this perception of limited competition. Unionized firefighters acknowledge that fire camps are absolutely critical to the work of wildland firefighting, but state that incarcerated workers are not trained in the full range of professional firefighting responsibilities. In California, the work of “fire crews” (what were formerly but sometimes still colloquially known as “hand crews”) is done exclusively by inmates. Fire crews are used to do some of the most physical work of firefighting—cutting line, clearing brush, reducing fuel—while more
technically trained engine crews are staffed exclusively by professional unionized firefighters. As one interviewee put it:

“An inmate firefighters’ tools are an axe, or a shovel, or a chainsaw, or a rake, but if you’re going to work as a Firefighter I, then you’re going to be using fire hoses, handling car fires, hazardous materials, CPR, a whole lot more. It’s a completely different thing.”

Respondents repeatedly reiterated that the more technical training of unionized firefighters essentially makes the work done by incarcerated firefighters an entirely different job. Not only is this work not considered competitive with professionalized firefighting work, some respondents indicated it was also not considered desirable work.

“Most municipal and county firefighters—not all, but most—don’t have an interest in working on a hand crew anyway. So, as a labor leader, we don’t worry about it limiting jobs for our members because the fact is most of our members don’t want to do that work anyway. It’s hard work. It’s is really, really hard work... Most of my members would not want to do the hand crew work of an inmate firefighter.”

Because of the perception that work done by incarcerated firefighters is both lower skill and undesirable, the unionized firefighters interviewed did not view this form of prison labor as competitive or threatening to their union members or as an objectionable component of the firefighting workforce. In this sense, California’s fire camps bear similarity to historical forms of convict labor that used incarcerated people for dangerous and undesirable work, rather than a purely progressive model of skills training or rehabilitation in corrections.

“Cream of the Crap”—Race, Class, and Criminality

While race and class were not explicitly discussed in the interviews, perceptions of criminality and incarceration, which is a highly racialized system in the United States, did seem to influence some participants’ perceptions of inmate firefighters, and their validity or worthiness as workers. While participants nearly universally described inmate firefighters as “hard workers” who do “good work” and are the “back bone” of the state’s firefighting force, inmate firefighters’ status as incarcerated people also seemed to influence unionized firefighters’ perceptions.

Extrapolating on the eligibility requirements for inmates working in fire camps, one participant described inmate firefighters as, “the cream of the crap,” noting that of all the prison population, inmate firefighters have been convicted of the lowest level crimes and generally have near-perfect behavioral records.
“They’re doing time, so as far as what they’re being paid I really don’t have sympathy for them. They’re doing time. They’re also getting their food and everything paid for. They’re there because they did something. But if they’re getting training and can get hired by CalFire after they do their time, then great.”

Such perceptions of criminality and “criminals” as a class of people seem to color unionized firefighters’ perceptions of whether inmate firefighters are legitimate workers deserving of just compensation. Demographic data on the state’s unionized firefighting force and on the current and historic population of the state’s fire camps were not readily available, nor were race and class differences a focus of interviews. Future ethnographic research on the race and class dynamics of prison labor-free labor relations would be illuminating in this case, as well as many others.

“They get paid”—Wage Disparities in Wildland Firefighting

Historically, free labor has fought for the regulation of prison labor wages, demanding parity to reduce competition with free workers. This has been particularly true for private sector work.

As public sector work, a wage disparity between free and incarcerated workers is expected to be of some but lesser concern than in private sector work. Research participants, however, did not raise this issue. Rather, the aforementioned differences in skill level between worker categories and the normalization of this shared workforce seemed to inform a perception that the wage disparity between free and incarcerated workers did not pose a threat to union wages or jobs.

To the extent that the wages of incarcerated firefighters were raised at all, they were often used to highlight the fact that incarcerated firefighters are indeed paid. In some cases, unionized firefighters noted that fire camp participants are paid more than other incarcerated workers in California and that this wage discrepancy between incarcerated workers contributes to some inmates’ preference for firefighting work compared to other prison labor. Evoking the wage discrepancy between different categories of incarcerated workers appeared to be a moral rather than a material distinction, however, as incarcerated firefighters are still paid paltry wages in both absolute terms and when compared to the salaries of unionized firefighters. As such, this distinction alone does not seem to alleviate concerns of wage competition.

Nevertheless, the fact that inmates commonly prefer the fire camp program to walled prisons and that they receive a wage, however low, appears to limit the potential moral opposition of free labor to this program.
“You Carry a Badge”—Business Unionism and the IAFF

In general, the IAFF is considered a more conservative union, more akin to a police officers union than some of the more progressive service workers unions that represent less professionalized, low-wage workers. Some respondents referred to the union as “bipartisan” and able to work with both recent Democratic and Republican governors. Many respondents compared their position in the public eye to that of other public safety professionals such as nurses and police officers. As one respondent noted of himself:

“You have to carry yourself with diligence and respect for what you do. You carry a badge.”

In general the IAFF does not have the same vested interest in incarceration, as do police and corrections officers unions. However, in the case of California, the sector’s reliance on prison labor places the IAFF in a tenuous position in matters of sentencing and criminal justice reform.

Although no respondents referred to directly advocating for maintaining a large population of non-violent offenders in state prisons—nor did the IAFF or Local 2881 take a public position on this issue—respondents did refer to the union representatives taking on an “education” and “advising” role for the state in discussing the likely impacts that sentencing and parole reform would have on fire camp populations and the resulting curtailed ability to address the state’s wildfires in the upcoming fire season.

LABOR STRUGGLES OF CALIFORNIA’S UNIONIZED FIREFIGHTERS

Interviews with representatives of California’s unionized firefighters reveal that their struggles for just compensation, benefits, and protections have been hard fought and have achieved a number of victories, but remain ongoing. Persistent challenges identified by unionized firefighters include understaffing, long workdays and over-work, fair compensation, adequate health coverage, and pensions.

The staffing pressures created by extreme wildfires and state budget constraints led one firefighter to state, “You can’t keep pushing firefighters more and more and more. Eventually you’re going to have to hire more people.” These same constraints have also been exacerbated by a particular approach the state uses to contain the cost of its unionized workforce: longer workweeks. While municipal and county firefighters typically work 56-hour workweeks, state firefighters work a 72-hour workweek. By maintaining a longer workweek, the state can keep benefits and pension costs lower because it hires fewer total workers. As one firefighter described, “One of the reasons why the state is still cheaper than a lot of our unions is because we work a 72-hour work week. You
only need 2.6 or 2.7 people to fill a position. City fire departments need 3 full people for that one position, because they work 56.”

As a result, state firefighters work more and are paid less on an hourly basis when compared to their county and municipal counterparts. “We’re still undercompensated. If you look at the hourly base scale compared to a city firefighter, where we’re working 72 and they’re working a 56-hour week, their hourly rate is more. And you’re working right next to them. You’re working the same fire.” California has also cut back from the national standard of ensuring four fulltime firefighters are staffed to every fire engine, having been cut down during the recession and still not replaced with a permanent funding source.

This understaffing, system under-compensation, and grueling hours place immense pressure on the state’s unionized firefighters, who do extremely difficult and dangerous work, often at the expense of their long-term health.

THE FUTURE OF CALIFORNIA’S FIREFIGHTING LABOR FORCE

When considering the future of California’s firefighting labor force and the state’s ability to meet its firefighting responsibility, professional firefighters differed in their perspective of what were likely or possible futures for the labor market. However, there was unanimous agreement that the need for fire protection is only growing and that California will need to contend with these labor challenges.

With a historically wet year and substantial vegetation growth in 2017, this year’s fire season is expected to bring significant grass fires as this new biomass dries out. After years of record drought, California also has roughly 10 million acres of dead trees—fuel for forest fires—which one firefighter said will take the state five to ten years to fully clear.

As with so much emergency management and climate adaptation work, the costs to the public are inevitable. As one firefighter put it, “You’re going to pay for it now, or you’re going to pay for it later.” According to one interviewee, the cost of fires is ten times the cost of labor. Short-changing professional firefighters and understaffing departments in the long term will be more expensive for the state and likely result in more catastrophic fires. And, as the state’s fire-prone areas become increasingly populated with people and critical infrastructure, firefighting is also expected to become more complex and technical.

When asked if the state could meet its firefighting responsibilities without the use of incarcerated labor, nearly all respondents expressed that replacing this labor force would be a budgetary feat. As one respondent put it:

“The amount of work that they put out, the state doesn’t have the money to hire that many firefighters... It would be a huge shift in budgetary priorities for the state... Anyone who is being honest with themselves in California knows that it is not a realistic possibility that you could get rid of the inmate
hand crew program and replace it with paid firefighters. It is just not an economic or political starter.”

Other respondents stressed that dealing with the loss of an inmate hand crews would be possible, but would result in stress on the entire system because work could no longer be done as quickly or efficiently with significantly reduced staffing.

“They have a role to do. They have a function. They do their job and they do it efficiently... the use of inmate fire crews allows some of the work to be done by them, which allows professional crews to be released from incidents faster and [to be] available for other emergency responses. So if they were eliminated, crews would be out longer and doing more work, and not available for other emergencies, which would put a stress on the entire mutual aid system.”

When responding to the question of how the state would likely replace an incarcerated workforce if it were not longer available, answers varied significantly, but generally focused on three possible strategies: 1) private labor in the form of fire prevention and clean up crews, 2) semi-volunteer labor in the form of the California Conservation Corps, and 3) an increased unionized seasonal professional firefighting workforce.

Private

Some interviewees expressed that one likely trajectory of California’s firefighting forces may be the increased pervasiveness of privatized fire services. This was often suggested in the use of private fire fighters hired by large individual land owners or the state use of privatized fire services for fire clean up and tail-end suppression.

There is significant disagreement on the possibility of privatization of state firefighting forces, many citing a recent court decision that deemed firefighting a critical public safety function and placed strict restrictions on its privatization in California.

Privatization of firefighting services has already occurred to a small degree in California, but is typically contracted by companies and private individuals rather than by state or local governments. In the case of significant fires, for example, large, wealthy landowners have been known to hire private firefighting services to protect their own property. In other instances, one respondent said insurance companies in Southern California were hiring these companies to
protect their high-value assets, particularly multi-million dollar homes on the urban-wildland interface.⁵

Some of the greatest concerns raised by respondents regarding the use of private and part-time paid call firefighters relates to how these firefighters would fit into the public mutual aid agreements of firefighting upon which so much of the state's firefighting operations depend. Private firefighters don't have the same responsibility in the mutual aid system as do public agencies and a shift toward privatization in any jurisdiction impacts the ability of all neighboring jurisdictions to fight major fires.

Semi-volunteer

A number of respondents referred to the California Conservation Corps as a potential partial replacement for fire camps, should the prison population continue to decline. The California Conservation Corps (CCC) is a state agency that trains and manages young people to improve California's natural resources and assist with emergency response, including firefighting. Hiring young people between the ages of 18 and 25 at modest stipend in exchange for a year of outdoor work, CCC's tongue-in-cheek motto is “Hard Work, Low Pay, Miserable Conditions, and More!” (California Conservation Corps, 2017)

Created by Governor Edmund G. Brown in 1976, the CCC has had more than 120,000 young people participate in the program since its founding. Though the CCC had been declining in recent years, the loss of fire camp populations due to mandated prison downsizing and the 2011 gubernatorial election of Edmund G. Brown's son, current Governor Jerry Brown, has led to a resurgent use of the CCC program (D. Thompson, 2016b).

As of 2016, there were about 1,400 participants in the CCC. Despite the increased reliance on this semi-volunteer labor force, however, they are generally less trained than inmate firefighters. Corps members generally do low-skill work such as setting up camps and rolling up hoses. Only a small fraction of the group—about 200 members—are trained in fire response to the same level as inmate firefighters (Serna, 2016).

One unionized firefighter referred to them as “just young urban kids who are put in government programs to get them outdoors, cutting brush,” a far cry from California's highly skilled professional firefighters or even CalFire-trained inmate firefighters. In addition to relying on low skill workers, the CCC also has limited effectiveness as a scalable firefighting workforce due to significant turnover from the programs 1-year terms (Serna, 2016).

⁵ A “wildland-urban interface” refers to the zone of transition between unoccupied land and human development. Communities that are within 0.5 miles (0.80 km) of the zone may also be included. These lands and communities adjacent to and surrounded by wildlands are at risk of wildfires.
Furthermore, although the CCC advertises itself as “hard work, low pay,” participants currently earn California’s minimum wage, $10.50 per hour—roughly five times more than California’s incarcerated firefighters—in addition to medical benefits, vacation, and sick leave (California Conservation Corps, 2017). The labor costs of the CCC when compared to the fire camp program are therefore much higher. A comparison of the overall costs of the two programs, however, remains unclear due to the incredible public expense of maintaining the large corrections system in which fire camps are embedded.

In addition to concerns related to mutual aid responsibilities, differential skill of workers, and the overall costs of scaling private firefighting services and the CCC, neither private nor semi-volunteer firefighters are likely to be unionized. This raises important questions regarding the likely worker protections secured by these workers, as well as the future and overall power of California’s IAFF locals in ensuring just compensation and benefits for unionized firefighters.

Seasonal, unionized workers

Other interviewees, as well as many public reports of California’s firefighting labor challenges, have suggested that the state should aim to fill the current and potential future labor gaps through an increase in the number of unionized, seasonal firefighters. This has been the public position of IAFF Local 2881, which represents CalFire’s professional firefighters.

Although many respondents raised unionized, seasonal workers as a possible and preferable workforce to incarcerated firefighters—regardless of prison downsizing—how the state would pay for this workforce remains in contention. Seasonal firefighters are not considered permanent employees—due to the fact that they are typically hired only nine months out of the year—but they are members of the union and considered full time employees entitled to all regular union salaries and benefits.

In order to secure just compensation and work protections for all state firefighters, it is critical that any workers replacing incarcerated firefighters are represented by IAFF locals. However, of all three of these possible labor forces mentioned to replace incarcerated workers, seasonal employees would be, by far, the most expensive for the state. Few solutions for funding an expanded unionized workforce were offered by participants. Two respondents referred the recent legalization of recreational marijuana and the possibility of taxing marijuana sales as a source of revenue generation for the state and increased funding for firefighters. Others referred to the possibility of locally levied fees.
CHAPTER 5
THE IMPLICATIONS OF A DIVIDED WORKFORCE

Interviews with firefighters demonstrate that unionized firefighters, by and large, do not view the use of prison labor for firefighting as a threat to organized labor. Nor does it appear to be considered morally ambiguous. The implications of this acceptance of an incarcerated labor force for unionized firefighters remain unclear, as was partially revealed by the range of alternative workforces envisioned. However, with the changing landscape of incarceration and the escalating impacts of climate change, California's firefighting labor force must prepare for changes in its labor supply and fire protection strategy.

Interviews with inmate firefighters reveal that the implications of the acquiescence of organized labor to prison labor extend far beyond the impacts on California's unionized firefighters. Incarcerated firefighters face immense risks as a result of this system—risks that appear on the job, as well as structural risks of possible prolonged incarceration resulting from the state's reliance on a captive workforce. The views of unionized firefighters also serve to delegitimize the work performed by incarcerated firefighters as valid labor deserving of just compensation. One implication of this view is that union leadership does not seek to represent the interests of incarcerated firefighters. The lack of conceptual inclusion in the workforce and the lack of worker representation have implications for California's incarcerated firefighters, as well as for the broader population of incarcerated workers in the United States.

This chapter will discuss the variety of risks and impacts faced by each of these groups of workers as a result of their divided workforce, particularly elaborating on specific risks faced by incarcerated firefighters. It will also discuss the relationship of this divided workforce to the moral imperatives of dismantling mass incarceration and of responding to the escalating risks of climate change—two challenges that have become dangerously intertwined in California's fire camp system. Finally, it will conclude with initial policy recommendations for mitigating some of these risks and recommendations for future research.

THE IMPACTS OF A DIVIDED WORKFORCE ON CALIFORNIA'S UNIONIZED FIREFIGHTERS

Firefighters interviewed for this research consistently expressed that they did not view incarcerated firefighters as problematic or wage competitive. However, fire camps do appear to introduce uncertainty into California's long-term firefighting strategy and budget management. The reliance on incarcerated workers links the stability of the workforce to the stability and constancy of California's sentencing policy and corrections system.
While unionized firefighters do not appear to view incarcerated firefighters as a source of job replacement, this perception may not be accurate. Furthermore, the belief that incarcerated firefighters are not wage or job competitive with unionized firefighters may contribute to political apathy on the part of IAFF locals, which might otherwise secure greater union membership by demanding firefighting jobs be provided exclusively to free workers.

Finally, the availability of a cheap labor force to manage the growing risk of wildfires in California may also contribute to stymying forest management and land use regulation reforms that would limit the overall risks and costs of firefighting in the state. Eliminating the availability of a cheap workforce could increase political will for increased fire prevention activities, new land use regulations, and increased revenue generation for firefighting services that would benefit the state's unionized firefighters.

THE IMPACTS OF A DIVIDED WORKFORCE ON CALIFORNIA'S INCARCERATED FIREFIGHTERS

Some of the major successes of California's unionized firefighters, as identified through interviews with and public statements by IAFF representatives, include securing strong health care benefits, cancer presumption laws, and pensions for retired firefighters. These benefits are derived from union representation and their collective bargaining and political power. As the former president of one IAFF local described:

"[Incarcerated firefighters] are a large group of people and they are not represented. It was entirely the union that was the moving party in protecting the health and safety of the workforce. The city was only interested in response times and making sure fires went out. People working on the fire ground without any representation means their health and safety is likely at risk."

As workers, California's inmate firefighters are not represented by the firefighters' union or any equivalent labor organization. The implications of being a "non-market," unrepresented workforce are significant, and exacerbated by the restrictive and punitive context of incarceration that further restricts their rights as workers beyond that of unrepresented free workers.

Benefits and Protections as Incarcerated Workers

As workers not represented by the union and with legal status as inmates under the California Labor Code, inmate firefighters are not entitled to the benefits secured for unionized firefighters by any IAFF affiliates or to the same benefits secured for free workers under state law.
Many of the unionized firefighter respondents discussed the difficulty of protecting workers from the health effects of wildland firefighting because of prolonged exposure to carcinogenic smoke from a number of sources and the limited availability of protective equipment that can prevent its inhalation. While a number of the representatives interviewed expressed that they believed that incarcerated firefighters should have the same safety and health protections, few were aware if they actually did or what the process of achieving these benefits would be. Cancer presumption laws and other protections that help mitigate for the high-risk nature of firefighting work do not extend to incarcerated workers.

Furthermore, although incarcerated workers can legally collect workers’ compensation for injury on the job, incarcerated firefighters still face a number of barriers in securing just workers’ compensation. First, workers’ compensation is typically based on earnings at the time of injury. Workers’ compensation for incarcerated workers is therefore paltry and—in cases of long-term or permanent injury impacting workers after their release from the prison system—cannot adequately replace free labor wages. In a 1977 decision from the Supreme Court of California, for example, the Court determined the proper compensation for a now-paraplegic, former inmate firefighter was the statutory minimum of $35 per week due to the his low earnings at the time of injury and because structural discrimination against formerly incarcerated people in the job market meant a calculation of his future earnings was “speculative” at best (Meredith v. Workers’ Comp. Appeals Bd., 1977). In a dissenting opinion, Judge Mosk stated:

“Petitioner has paid his debt to society and he is totally disabled; thus there is no rational basis for treating him differently from others who have suffered the same disability while engaged in the same activity. To do so is to impose punitive treatment upon this petitioner not merely for the penal term provided by law but for life…. The opinion fails to recognize that petitioner is not now a prisoner, and that his injuries have in fact deprived him of the opportunity for significant civilian earnings for life.”

In addition to challenges of securing a fair level of compensation, workers’ compensation claims by incarcerated workers are also frequently denied. For example, at California’s Sierra Conservation Center state prison (which operates 19 fire camps) 311 claims were filed in 2006, 72 percent of which were denied. In 2005, 296 of the 433 claims filed were denied (Dannenberg, 2007). Some of the injuries covered under these claims included abrasions, burns, bone fractures, heat exhaustion, sprains, dislocations, and poison oak. In 2006, the California State Compensation Insurance Fund paid $5.73 million to the CDCR to cover prisoner workers’ compensation claims. Despite the already high levels of claim denials, some conservative state legislators have attempted over the last 15 years to further limit payouts or exempt prisoners from such compensation altogether (Dannenberg, 2007).
In addition to differences in workers’ compensation, incarcerated firefighters also have additional mental and physical stressors and more limited access to nutritious food and health care, including over-the-counter drugs, than do unionized firefighters. Unionized firefighters cite frequently developing colds or the flu from prolonged smoke exposure after large fire incidences. Accessing even basic over-the-counter medications such as ibuprofen for treating muscle injury or colds is difficult in a carceral context. Female inmates also cited difficulties accessing menstrual products from male corrections officers, who issued them on a purely discretionary basis. In some cases, women resorted to ripping up and using their clothes as menstrual pads—only to face disciplinary action for destroying their clothing. Unlike unionized firefighters, incarcerated firefighters face limited access to basic medical resources, including those that aid firefighters with managing the chronic strenuous nature of the work. Some incarcerated firefighters also cite their inability to keep on weight while working as firefighters because of the strenuous work and poor quality and low calorie counts of prison food. One female inmate firefighter also stated that female firefighters were fed less than their male counterparts, resulting in weight loss challenges and dangerous fatigue in the field.

Overall, incarcerated firefighters have far fewer health protections and rights to compensation than do unionized firefighters, creating increased risks on the job and challenges even beyond their time in fire camps. As one formerly incarcerated firefighter states:

“I think a prison, a California prison, is not equipped to handle the health needs, the injuries of prisoner firefighters. That kind of work? And you're dealing with a population—even if you condition them and train them—I mean, you're coming from prison. You're coming in with illnesses and conditions. Pretty abhorrent conditions in California prisons. Of overcrowding. Of not being able to get medical care, even before you get to fire camp. And there's a little bit of an absurdity to it. That you're taking this workforce and putting them on the fireline... Then what? How do you provide for them? At whose cost? At what impact on their lives? All of these people are going home. And if we want them to be successful in life, we can't expose them to permanent injuries that can't be treated by the same facility that is putting them on the line. And I find that deeply irresponsible.”

Retaliation and Performing Dangerous Work in a Punitive Context

In addition to differential protections, incarcerated firefighters also face heightened risk for self- or collective advocacy as workers as a result of working in a rigidly controlled and often punitive environment.

In keeping with labor history, in which, “time and again inmates who dared to refuse to work or who launched a protest against the abusive or exploitative conditions under which they labored suffered time in solitary confinement as well
as physical retaliation,” California’s incarcerated firefighters also face the looming risks of being sent back to walled prisons or into solidarity confinement for refusals to work or for protesting labor conditions (H. A. Thompson, 2011).

In one instance, a formerly incarcerated firefighter described the process of organizing other female firefighters in the fire camp to file complaints about abuse of power from guards and describes “constantly facing disciplinary actions.” One day, after months of dispute about septic tank backups in the fire camp, the corrections officers demanded the women clean out the camp’s septic tank by hand, calling them “filthy animals.”

“They wanted us to take a rake, climb up onto the septic tank and put the rake in. Your hand had to go into the water. The smell was awful. It was reeking. We asked if we could cover our faces with bandanas and they said it was against regulation. The water was splashing up. There was blood in the water. There were feces in the water... I just rejected it. I said, ‘I’m sorry sir... our crew will not do this.’ And I had checked with our crew. And I looked at them and they shook their heads and said they’re not going to do it... I said, ‘This is punitive. This is not a work detail. This is out of line. This is not per regulation. You cannot assign us to do these things as punishment. Our presence here in prison is punishment... But, to be honest, what really got me was the comment early on about treating us like animals. It clicked in me. I said no, absolutely not.”

As a result, she was sent back to Valley State Prison—a former women’s prison in California—and put in solitary confinement on ground of “refusing order,” “inciting a work stoppage,” and “mayhem.” She was in solitary for eight months.

This woman’s refusal to perform work—work that she was not being paid to do and was punitive, as well as a health risk—resulted in her temporary removal from the fire camp program, loss of her fire camp income and good time toward parole, and being placed in the psychologically devastating conditions of solitary confinement. She appealed the process, claiming she should not have been removed from the fire camp or placed in solitary, and fought to be placed back in the fire camp. The result was more punitive action.

“The lieutenant who was in charge of hearing my case, put his finger in my face and said, ‘If you want to get out, I will let you out and you’re going straight to the fire line.’ He put me on a truck that drove me from VSP to a fire line. And I went from solitary to a fireline... After eight months, it was really a shock for me. And I think he did it on purpose. I think he knew how disturbing that would be to me... I lost so much weight in solitary. I tried to keep up with exercises, doing pushups on the toilet and jumping jacks and stretches, but after several months, I was just exhausted... So when I got to the fireline I was just in shock... I think it was vindictive... It’s an example of
how the punitiveness of this system can really screw with women, even at the fire camp level."

This woman’s story highlights that the punitive and often abusive culture that emerges in prisons—a paramilitary culture with extreme power imbalances—becomes even more dangerous in the context of firefighting work. About her time of incarceration she said, “I had only two goals going into prison. The first was to stay healthy. And the second was to help the women around me.” Her attempts to help herself and the workers around her demand fair treatment and protection as incarcerated workers proved an incredible and dangerous challenge.

**Lack of Employment Pathways**

After release, there is a lack of employment pathways for people re-entering the workforce. Many formerly incarcerated firefighters indicate they had no interest in continuing to work as firefighters, or otherwise felt they had “aged out” of the profession. However, others indicated that they would have liked to continue firefighting, but the lack of a worker pipeline and the realities of release, parole conditions, and discrimination against those with criminal records prohibited them from doing so.

Though it is often touted as “skills training” by the CDCR, and the possibility of becoming a career firefighter is cited as a possibility, in reality, it is incredibly rare for incarcerated firefighters to make the transition from release to professional unionized firefighting jobs. In some jurisdictions, hiring laws actually prohibit the hiring of people with felony records, which, in a deeply poetic injustice, precludes the hiring of the many of the very same people who have already been performing firefighting work for the state. As one formerly incarcerated firefighter says, “That is the incredible single irony of it. We’re being charged to do this labor for the state, but the state won’t have us on the outside.”

One explanation for this disconnect offered by unionized firefighters is the wide skill differential between fire camp firefighters and professional firefighters. This was also highlighted in an interview with a formerly incarcerated firefighter who explained that after release, inmate firefighters have to begin the process of training from scratch. This involves foregoing immediate payment for work to become trained. Yet, when many people are released they often have no money, no car, and sometimes even no place to sleep. The expectation that people can opt into training upon release is unrealistic, and the firefighters’ union in California has not focused on creating a pathway for employment for the very incarcerated workers who they describe as the “back bone” of the labor force. With the stigma of a criminal record and the burden of expensive and time-consuming training, many formerly incarcerated firefighters who might otherwise want to become professional firefighters find they are unable to do so.
MASS INCARCERATION AND FIREFIGHTING IN CALIFORNIA

Whether or not the use of prison labor in fire camps keeps more Californians incarcerated and for longer remains difficult to prove, but regardless of the cause, interviews with unionized firefighters makes one issue clear: in the absence of a large pool of young, able-bodied, non-violent offenders, the state has no clear vision or strategy for replacing this critical workforce and meeting its firefighting responsibility. Thus, whether or not CalFire promotes the continued incarcerated of non-violent offenders, they have become dependent on this status quo.

Progressive visions for dismantling mass incarceration call for sentencing reform, investment in treatment and rehabilitation programs, and alternative justice processes that don’t rely on prolonged imprisonment. One such proposal is the reconsideration of what a new Brennan Center study calls, “unnecessarily incarcerated,” people (Ford, 2016). This report studied the criminal codes, criminal-justice research, and prison populations throughout the country to determine how many people are incarcerated without a justifiable public-safety rational, concluding as 576,000 inmates are currently incarcerated for crimes such as mail fraud, burglary, and non-violent drug offenses. These unnecessarily incarcerated people make up 39 percent of the US prison population (Eisen, Austin, Cullen, Frank, & Chattiar, 2016; Ford, 2016). Based on these findings, the report concludes it is not only possible to safely reduce the prison population, but it would also result in significant savings for state and federal governments and would create better outcomes for people who could be referred to treatment and other kinds of rehabilitation programs rather than prisons and jails. Perhaps most notably, the Brennan Center calls for the elimination of prison as a form of punishment for lower-level crimes—offenses that now account for 25 percent of the prison population (Eisen et al., 2016).

California’s fire camps rely on the very same “unnecessarily incarcerated” people that the Brennan Center identifies. One of California’s formerly incarcerated firefighters reinforces this view, stating:

“A lot of these people who are in fire camps, you should just let them go. A lot of them are in for non-violent drugs. They shouldn’t even be locked up, to be honest. In another country, they wouldn’t be. So the state is paying a lot of money to lock people up for low-level crimes... and then paying us a nominal payment and then most of that money gets taken out for restitution. So, the states paying money to lock us up, then they’re paying us something, then they’re taking that back to pay back the state. It doesn’t make sense. Someone’s making money. I hope someone’s making money off this... I mean, what do they pay to lock up all these people?”
California’s fire camps may not drive mass incarceration and sentencing policy in California, but they certainly appear to depend on it. As one representative of an IAFF local explained:

“We haven’t taken a position on [sentencing reform]. It is, as you know, a pretty volatile situation anytime you talk about the sentencing of inmates, but we have raised consistently the issue of the burden that sentencing reform puts on the mutual aid system... We are one of thousands of voices on this issue. Have they listened to what we’ve had to say? Yeah. Has it affected public policy? It’s hard to say.”

This reliance on an unjust system of incarceration is both morally tenuous and a source of instability for California's firefighting, which itself has a moral imperative to protect residents and natural resources from the devastation of wildfire.

As a result of these policies, California's firefighting strategy relies on the continued incarceration of a substantial number of "unnecessarily incarcerated" people, while simultaneously sustaining the costs associated with maintenance of a massive prison system. It is important to note, however, that the research and framework provided by the Brennan Center diverges from more radical views of prison labor and mass incarceration, which call for prison abolition and an end to the exploitation of prison labor. The prison abolitionist movement recognizes all people as unnecessarily incarcerated, given the structural forces driving crime, the cultural construction of crime, and the inhumane and ineffective "solution" that prisons provide. As the prominent political activist and prison abolitionist Angela Davis asserts, "Mass incarceration is not a solution to unemployment, nor is it a solution to the vast array of social problems that are hidden away in a rapidly growing network of prisons and jails. However, the great majority of people have been tricked into believing in the efficacy of imprisonment, even though the historical record clearly demonstrates that prisons do not work" (Davis, 1998).

Regardless of one's political position on the degree of over-extension of the U.S. prison system, it is apparent that, of all people incarcerated in California, those serving as firefighters pose perhaps the least risk to public safety and—as the state of California's own court filing regarding parole and prison downsizing suggests—would be one of the first populations released in the case of even minor reforms to sentencing and parole policy in the state. This reliance on non-violent offenders has implicated fire camps in the system of mass incarceration and placed them conflict with the broader movement for social justice.

CLIMATE CHANGE AND FIRE CAMPS IN CALIFORNIA

Climate change is exacerbating the already difficult challenge of containing seasonal wildfires in California. Many firefighters describe the changes over the course of their own careers of firefighting in California transitioning from seasonal
to effectively year-round work. Seasonal firefighters are now being brought on earlier in the year, at greater expense to the state. It also means a near year-round reliance on fire camps. As climate change accelerates, the firefighting work that has been considered seasonal and episodic will require an ever larger and more present labor force. As the state's labor needs grow, the need to address the pressing labor challenges faced by both its free and incarcerated workforce is paramount. California cannot ethically rely on a perpetually incarcerated workforce to meet the needs of a changing climate, and its ability to compensate its existing unionized workforce is already stretched thin. Rising to meet the needs of a changing climate and a rapidly developing state will require California to seriously reconsider tax and land use development policy, alongside its labor and corrections management.

POLICY RECOMMENDATIONS

As a structural issue intertwining mass incarceration, the political economy of state service provision, the diminished power of the U.S. labor movement, climate change, and prevailing land use patterns, California's fire camps require policy interventions addressing multiple scales of risk. For this reason, the initial policy recommendations provided here are organized into three categories of intervention: transparency, harm reduction, and structural change.

Transparency

**Disclose Worker Injury and Chronic Health Conditions of Incarcerated Firefighters**

In order to understand and respond to the risks and health conditions suffered by California's inmate firefighters, it is necessary for the CDCR to collect and make publicly available information on fire camp inmate health conditions and workers' compensation claims. This information should be reported on a fire camp-specific level to make clear possible differences in health conditions across camps based on differences in camp conditions, fire exposure, or management (e.g., by CDCR or CalFire staff). These reports should include health reporting for those inmate firefighters sent back to walled prisons due to severe injury sustained while at fire camps to ensure such incidences are not left out of the data explaining the overall health risks and conditions present in California's fire camps.

**Disclose Information on Crew Deployment and Labor Sharing Across Jurisdictions**

In order to understand the impact of and reliance on fire camps in the larger firefighting labor force, CalFire should disclose and make publicly available information on the deployment of fire camp crews, by fire incidence, by county, and by relevant fire “responsibility area.” This information can inform the public understanding of the role of fire camps in the state’s mutual aid system, as well as
the understanding of which jurisdictions are particularly reliant on incarcerated workers for firefighting services. Information regarding the use and deployment of fire camp crews may impact the perceptions of unionized firefighters of this system as well as inform possible efforts to identify and increase revenue sources for firefighting in local jurisdictions currently reliant on fire camps.

**Harm Reduction**

*Broad Worker Protection and Health Benefit Programs for Incarcerated Workers*

While California continues to rely on its incarcerated workforce for firefighting, the state must expand worker protection and health benefits to incarcerated workers, including presumptive health care laws after release and workers’ compensation based on free labor wages, rather than a statutory minimum. The California State Legislature has discretion over the workers’ compensation coverage for the state’s prison population. Progressive leadership should advance an agenda that expands workers’ compensation and health benefits for incarcerated firefighters, and indeed all incarcerated workers, recognizing the legitimate labor they provide to the state and the long-term health consequences of that labor beyond their term of incarceration.

*Create Re-entry and Workforce Development Programs*

To address the challenges of formerly incarcerated people who want to transition into full-time professional firefighting work, California’s IAFF affiliates and the CalFire should work jointly to develop a re-entry and workforce development program that provides the necessary training—beyond basic hand crew work—to formerly incarcerated people while providing compensation or other work necessary for people to support themselves financially and meet their requirements of parole. As part of this program, state and local firefighting jurisdictions should eliminate regulations banning those with criminal records who have served in fire camps from joining local and state firefighting forces. Rather, formerly incarcerated firefighters should be prioritized for employment.

**Structural Change**

*Reform Sentencing and Parole Policies to Release “Unnecessarily Incarcerated” People*

Through reforms to sentencing and parole policies, California should cease to incarcerate non-violent offenders, directing them instead to publicly funded treatment and other rehabilitation programs. Fire camps depend on the non-violent offender population and—while a number of harm reduction measures are critically important—ultimately, broader policy objectives and ethics demand a
reduced reliance on incarceration and greater funding for social services. This structural change would dramatically reduce the prison population overall, and would likely eliminate the fire camps’ existence. Fire camps are often lauded as a progressive component of the state prison system that provides benefits to incarcerated people and is generally preferred to other prison labor. This policy recommendation does not dispute this characterization, but rather asserts that fire camps are a beneficial system only in the sense that they provide one of very few alternatives to the trauma of incarceration in the state’s walled prisons. When freedom becomes an alternative, fire camps should cease to exist.

**Instate Worker Representation and Collective Bargaining Rights for Incarcerated Workers**

Although incarcerated people in the United States lost their First Amendment right of freedom of assembly to hold union meetings with the *Jones v. North Carolina’s Prisoners’ Labor Union* decision, the right of prisoners to form a union has never been challenged in a National Labor Relations Board (NLRB) union certification case. Some scholars believe that prisoners could use this process to push for the right to form collective bargaining units (Elk, 2016). Free labor unions in partnership with unions of incarcerated workers, such as the Free Alabama Movement, which staged the 2016 national prison strike, should jointly explore the possibilities of achieving collective bargaining rights for incarcerated workers in the United States. As workers provide a critical but dangerous public service and are already assembled into distinct minimum-security facilities of a single worker-type, California’s fire camps may be uniquely suited for exploration of the formation of bargaining units of incarcerated workers. Reinstating workers’ rights for incarcerated people is a critical step in broader labor and social movements.

**Regulate Land Use Development and Reform Public Financing of Firefighting Service**

In order to address the long-term budget shortfalls of firefighting, the state should secure funding to support an expanded, fully compensated labor force through land use regulation, tax reform, and usage fees for homeowners living in high fire-risk areas who contribute to the cost of wildfire fighting.

In California, over two million households are located in areas at extreme risk from wildfires, with that number growing as the state’s population increases and more development occurs in rural areas and the wildland-urban interface (Insurance Information Institute, 2017). Land use regulations can also contribute to the containment of firefighting costs by slowing high-risk development. Linkage fees and other local revenue generated from new, high fire-risk development can also be levied to increase local revenue for firefighting services and reduce reliance on incarcerated firefighters through the mutual aid system. As part of the state’s climate adaptation strategy, California should limit low-density development and
critical infrastructure in high fire-risk areas. Reducing the risk of wildfire to property and human life by limiting low-density development in wildfire-prone areas will help to reduce the overall cost of firefighting in the state and make available additional revenue for the just compensation of all firefighters.

RECOMMENDATIONS FOR FURTHER RESEARCH

Gender in Fire Camps

Future research should interrogate the specific challenges and needs of California's female inmate firefighters. Initial conversations suggest that many of the challenges faced by this population are explicitly gendered due to the both the hyper-masculinity of corrections and firefighting, and gender differences between supervisors and female firefighters. The specific risks and experiences faced by female inmate firefighters—as with much of the female prison population—are underrepresented and deserving of future research.

Collective Bargaining Rights of Incarcerated Workers

Further research should investigate the viability of forming collective bargaining units in U.S. prisons and of existing models for the organization of free and incarcerated workers into a single union or bargaining unit, focusing specifically on the benefits of joint representation to both free and incarcerated workers. In Canada, for example, prisoners do have the right to unionize and there is at least one union—a Canadian Food and Allied Workers Union of meatpackers in Guleph, Ontario—that jointly represents both free and incarcerated workers and bargains collective agreements. The contract of these workers ensures that incarcerated people are paid prevailing wage in order to reduce wage competition and that incarcerated workers will not be used for strikebreaking in the case of a free labor strike (House, 2017). The possibility for prisoner unionization and the process and outcomes of its achievement in the United States are important issues for further study.

Health Repercussions of Inmate Firefighting

As described, the health risks experienced by incarcerated firefighters are distinct from those of unionized firefighters. Future research should focus on the health outcomes of inmate firefighters both during their term of incarceration and after release. The possible extension of presumption laws requires more thorough research to understand and track the health impacts and barriers to access to care that currently and formerly incarcerated firefighters face. As formerly incarcerated firefighters are beyond the jurisdiction of the CDCR, additional research on the long-term health repercussions that formerly incarcerated firefighters experience should be prioritized by outside research institutions.
CONCLUSION

Interviews with representatives of California's IAFF locals reveal that unionized firefighters, by and large, do not view California's incarcerated firefighters as either a source of wage competition or a threat to union jobs. However, the response of the U.S. labor movement to the existence and use of cheap prison labor tells only one side of the story of America's divided workforce. California's incarcerated firefighters, and incarcerated workers across the nation, face greater risks and receive fewer benefits for their work than do the free workers they work beside or whose jobs they've replaced.

Solidarity between free and incarcerated workers in the United States will require broad social movement building and, as can be seen in the case of California's IAFF locals, significant internal organizing to create the political and moral imperative necessary for the participation of organized labor in the dismantling of mass incarceration. In this movement, the case of California's fire camps is but one in the larger struggle for the recognition workers' rights and dignity in prisons and jails across the country.
APPENDICES

APPENDIX 1: MAP OF CALIFORNIA CONSERVATION “FIRE” CAMPS

[Map of California Conservation “Fire” Camps with map key]

Map Key
- Adult Conservation Camps
- Juvenile Conservation Camps

Conservation Camps are shown by number and listed on page 2

www.cdcrc.ca.gov/map
(Published 1/7/2013)
APPENDIX 2: STATE RESPONSIBILITY AREA AND FIRE HAZARD MAP

STATE OF CALIFORNIA

FIRE HAZARD SEVERITY ZONES
IN STATE RESPONSIBILITY AREAS
Adopted by CAL FIRE on November 7, 2007

[Map of California showing fire hazard severity zones]
APPENDIX 3: LOCAL RESPONSIBILITY AREA AND FIRE HAZARD MAPS
APPENDIX 4: INTERVIEW PROTOCOL FOR PROFESSIONAL UNIONIZED FIREFIGHTERS

1. Can you describe your role with the IAFF?

2. How long have you worked as a firefighter? Why did you become and chose to stay a firefighter?

3. Can you describe what you believe the role of the IAFF is and the benefit it provides for professional wildland firefighters in the United States?

4. What are the main advocacy battles the IAFF is fighting locally or on the state level to secure fair wages and safe working conditions for wildland firefighters?

5. What do you think are the key victories the IAFF has had recently in terms of the health and safety for wildland firefighters?

6. Have you ever worked as a firefighter for another state, county, or local government?
   a. [If yes] How does your jurisdiction compare to other jurisdictions where you have been a firefighter?
   b. [For state firefighters] Have you ever considered leaving the State firefighting forces to work for a county or city? What were the factors that led you to consider that change?

7. How does your compensation compare to other jurisdictions? Other benefits?

8. Do you think what the County/State pays you is fair? Why?

9. How much do you think you should be paid for this work? Why?

10. Why do you believe that California pays its firefighters less than counties and local jurisdictions pay their firefighters?

11. Can you describe your experiences managing and working with paid call firefighters in California?

12. What do you believe is the appropriate role of paid call fire fighters in wildland firefighting?

13. Is this an issue facing other western states?
14. Can you describe your experiences working with inmate hand crews from the fire camps?

15. What were your interactions, relationships, and day-to-day experiences with inmate firefighters? CDCR officers?

16. Among unionized firefighters, what do you believe is the common perception of the fire camp program?

17. Some people look at the fire camp program and see work that is rehabilitative and teaches positive work ethic. Others see prisoners being exploited, made to do dangerous work with very little pay. What do you think?

18. Do you believe that California's use of inmates as firefighters impacts the pay and benefits of professional firefighters?

19. Do you think what California pays inmate firefighters is fair? Why?

20. What do you believe is fair compensation for firefighters in California? Do you think this should be the same for inmates? Why or why not?

21. Do you believe that inmates have the same health and safety protections as unionized firefighters?

22. Do you believe the State or counties of California could fulfill their fire suppression responsibilities without the use of inmate crews?

23. What do you think is the future of California's firefighting forces and wildfire management strategy?

24. What other questions should I be asking people during these interviews?

25. Do you have any questions for me?
APPENDIX 5: INTERVIEW PROTOCOL FOR FORMERLY INCARCERATED FIREFIGHTERS

1. How long did you work in a California fire camp? Which one(s)?
   a. Before you were incarcerated at a fire camp, where were you housed?
      How many years did you serve, and how many of those were at the
      fire camp?

2. Could you describe for me what a “typical” day at this camp was like for
   you? That is, walk me through your day, from when you woke up to when
   you went to bed. Feel free to start with a weekday, and then tell me how
   weekends differed, if at all.

3. Can you (briefly) walk me through a typical day at the last prison at which
   you were housed before relocating to a fire camp? How did being in a fire
   camp compare to other places you’ve done time?

4. When did you first learn about the fire camp program?

5. What initially motivated you to volunteer to work in the fire camp?

6. Thinking back to that moment, in what ways did the camp program match
   your expectations? How did it surprise you?

7. Do you think it is fair for the state to have incarcerated people work as
   firefighters? Why?

8. Do you think what you were paid for that work was fair? Why?
   a. How much do you think you should have been paid for this work?
   b. Do you think inmate firefighters should be paid the same amount as
      unionized firefighters doing the same work? Why or why not?
   c. Some people said incarcerated people should paid less because work
      is part of repaying their debt to society? What do you think of that
      idea? Why?
   d. Others may argue that it is unfair to put incarcerated people to work
      because it violates their rights. What do you think of that opinion?
      Why?

9. What other types of work have you done while incarcerated? How did your
   work in the fire camp compare? How did the compensation compare?
   Other benefits?

10. What were some of the things you liked about this fire camp? Worst?

11. Did you hope to continue doing firefighting work after your release?
a. Do you think this work prepared you for reentry? In what ways?
b. How does that compare with other work you’ve done while incarcerated?

12. Can you think of a time when you felt you were put in danger while at a fire camp?

13. Have you faced any health issues during your time working as a firefighter or since that time you believe are related to your time spent firefighting?

14. Do you feel that you “volunteered” to be in this camp and perform firefighting work?

15. Do you think that prison labor, like fire camps, impact California’s policing and criminal justice policy? What about its firefighting policy?

16. What other questions should I be asking people during these interviews?

17. Do you have any questions that you would like to ask me?
WORKS CITED


