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Aramark and the Prison Industrial Complex

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ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

Abstract

This paper will examine how Western Washington University is directly tied to the unethical practices of the Prison Industrial Complex through their dining services contract with Aramark. The Prison System exploits marginalized communities, specifically Black communities and lower class Americans, rendering them second class citizens in order to create profit for the companies involved.

Keywords: Aramark, Prison Industrial Complex, Western Washington University

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

INTRODUCTION:

The 13th Amendment, ratified in 1865 during the Civil War, is considered one of the most monumental moments in the history of the United States of America. While it was undeniably a victory against the horrors of slavery, many people are unaware that there is still an exclusion within the amendment that legalizes slavery in one circumstance. The Constitution states “Neither slavery nor involuntary servitude, *except as a 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). This exception provided the government the opportunity to move away from more obvious forms of discrimination against the Black community – like legalized slavery and Jim Crow segregation – instead achieving similar results through the criminal justice and prison system. This paper will outline the major issues directly caused by the prison systems that parallel past systems of oppression against the Black community: the loss of voting rights, economic mobility, and social status. It will then showcase how companies like Aramark intentionally cause further harm to these vulnerable populations in order to profit themselves, and why Western Washington University’s partnership with Aramark is unethical in addition to violating the university’s values and goals.

SECTION I Voting Rights, Economic Mobility, and Social Status:

“...mass incarceration in the United States had, in fact, emerged as a stunningly comprehensive and well-disguised system of that functions in a manner strikingly similar to Jim Crow.” -Michelle Alexander, author of “The New Jim Crow”

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

The right to vote is viewed as one of the most important rights in our democratic country. Although it may seem like discriminatory voter disenfranchisement ended centuries ago, it still exists today. In 2020, 5.2 million Americans were unable to vote due to a prior felony. In 11 states, voting rights for individuals with a conviction are lost permanently even after they have served their prison sentence and are no longer on probation or parole. A misconception is that most of the disenfranchised population are currently behind bars, however 75% of them have completed their sentence or are on probation or parole (Chung, 2021). Progress has been shockingly recent. In Washington State, all previously incarcerated individuals will have their right to vote restored automatically at the end of their sentence. With this right, the individual will still need to re-register to vote. This mandate did not go into effect until January 1st of 2022 (Felony Convictions and Voting Rights, 2022). Additionally, these changes typically get passed only during times of Democratic party majority; even in states with the most lenient voting laws there are strong voices of dissent from Republican state legislators despite the fact that their political party may possibly benefit from increasing voting rights (Beckwith, 2021).

Furthermore, it can be incredibly difficult finding employment after serving time because of the record of conviction. Under the Equal Employment Opportunity Commission, discrimination on the basis of a criminal record is not technically illegal because it is not specifically listed within the Civil Rights Act of 1964. However, the policy does state that “an employer's neutral policy (e.g., excluding applicants from employment based on certain criminal conduct) may disproportionately impact some individuals protected under Title VII ... [Because] National data supports a finding that criminal record exclusions have a disparate impact based on race and national origin” (Enforcement Guidance on the Consideration of Arrest, 2012).

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

Unfortunately, discrimination in employment still occurs, and proving it can be very difficult. First, concrete and even circumstantial evidence can be difficult to come by. For example, an applicant doesn't have access to information about other applicants or the hiring process. An employer can also always provide another reason why an individual wasn't hired such as lack of qualifications, education, or fit within the organization. As of 2018, the unemployment rate among formerly incarcerated people is almost 5 times the national average (Couloute & Kopf).

In addition to the record of conviction, there are an endless number of barriers that prevent people from being successful once they are released such as a lack of resources, lack of marketable skills, lack of understanding of technological changes, and mental health issues. A personal story from Larry who was in prison for twenty-two years demonstrates just how difficult it can be to transition into a normal life. Upon his release, Larry was excited to be a part of society again and rebuild his life. But he quickly learned that this new society was unmanageable. "He did not comprehend how to use an alarm clock... Larry told me he wept when he walked into a public men's restroom as he did not know how to operate the faucets. Larry also wondered where all the public telephones had gone... he had no concept of high definition technology, smartphones, Wi-fi, and communication software" (Sawyer et. al., 2014). Most of our justice system is focused on punishment. If you do the crime, you do the time. But we neglect to acknowledge that nearly all prisoners are released at some point having received almost no rehabilitation support.

According to the Federal Bureau of Prisons, "sentenced inmates are required to work if they are medically able" and are paid only 12¢ to 40¢ per hour (Work Programs, n.d.). Even the higher end of wage rates like \$3 per hour is nowhere near enough to afford basic necessities in a society where the federal minimum wage won't keep you above the poverty line. Moreover,

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

prisoners are not considered employees by the Fair Labor Standards Act because the “relationship between the penitentiary and the inmate worker is not primarily economic.” This prevents inmates from being able to sue for minimum wage, safety laws, or labor protections (Benms, 2015). It is important to note that as stated in the 13th Amendment, it is perfectly legal to utilize prison slave labor although the general population does not view it favorably.

In addition to difficulties of getting a job, adjusting to major societal changes, and having no savings to rely on, there are also very few sources of government support for people with a conviction record. Even if one wanted to begin the path to higher education, they would not be eligible for student loans. Despite the high likelihood of being unemployed and having nearly no savings, they may not be eligible for welfare like Medicaid, food stamps, or public housing. In 1996, former President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act which would impose a denial of federal benefits to people convicted of felony drug offenses (Mauer & McCalmont, 2013). States were given the opportunity to opt out, as of 2022 29 states have done so for SNAP benefits. The rest uphold the full or modified ban. These modifications can range anywhere from a 6 month waiting period to receive benefits, a mandatory drug training, or allowing only people with drug possession charges to apply but not manufacturing or distribution charges (No More Double Punishments, 2022). Whatever form these modifications take, at the end of the day the government is still denying food to people in immediate need.

It’s clear that there is a devastating economic loss that results from the time that an individual is in prison and the externalities that result from being classified as a felon. But innocent people can have their lives ruined too by the ineffective processes of our justice system. Courts are notoriously over capacity; the average time to deposition is 256 days for a felony case

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

and 193 days for a misdemeanor (Ostrom et. al., 2020). Those that are able to post bail can return to their normal lives until their trial date, but those that do not have thousands of dollars on hand are forced to wait in jail for over half a year. Consequently, this results in a loss of employment and separation from children and family. Inmates must then weigh the risk of going to trial and facing a maximum sentence (the probability of being acquitted is only 14% with a jury trial) versus taking a plea deal which guarantees a shorter sentence and bypasses the waiting period . 97% of people accept the plea bargain from their prosecutor (Gramlich, 2019; Mathews & Curiel 2019).

SECTION II Discrimination:

Clearly any association with the criminal justice system can be life changing, and not for the better. But how is the system being used to perpetuate racialized social control? Black people make up 12% of the United States adult population but represent 33% of the prison population (Gramlich, 2019). This statistic is frequently wielded by white supremacist groups as evidence of inherent criminality or inferiority. The truth is that this is reflective of the intentionality of the criminal justice system in targeting Black communities.

The School to Prison Pipeline explains how discipline in schools disproportionately introduces Black kids into the criminal justice system, later setting them up for future problems. “Once in this system, it is more likely that youth will be pushed out of school permanently, fail to graduate, be re-arrested, and end up in juvenile or adult prisons.” Currently, 48% of schools are policed and schools with a higher percentage of students of color are more likely to have a school resource officer present. These officers have the ability to issue arrests even for

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

non-criminal activities and unsurprisingly Black students are arrested, suspended, and expelled at disproportionate rates to their white counterparts (Washington, 2021).

As adults this pattern continues in every aspect of the criminal justice system. Black male offenders receive sentences that are 19.1% longer on average than similarly situated White male offenders. Even when offenders are offered sentences that are shorter than the federal mandatory minimums, Black males have a sentence that is 16.8% longer than White male offenders (Demographic Differences in Sentencing, 2017). There are many more ways that Black people are targeted, for example the criminalization of non-violent drug use or possession that began during the war on drugs. This topic will not be explored in this paper, but is a noteworthy subject for future research.

SECTION III Aramark:

While these systems are woven into the fabric of our society and can not easily be solved, there are clear villains within this story. Aramark is a private company that provides food service to over 500 jails and prisons in the United States (Associated Students, 2020). Yet this is not a fact they like to advertise. On their website Aramark states, “We serve over 500 million meals annually to approximately 5 million students at colleges, universities, and K-12 schools. We service over 2,000 healthcare facilities... [and] We cater to approximately 100 million sports fans annually through our partnerships with 149 professional and collegiate teams” conveniently leaving a key demographic (Company Profile, n.d.).

“Profits over people” is a phrase that has entered the mainstream as more and more businesses are being exposed for their unethical practices. And it certainly applies to Aramark; as of 2021 they had revenues of \$12 billion which were earned from operations in places like

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

WWU and the 500 prisons they contract with. The Prison Industrial Complex continues to thrive because there is the opportunity to make money, even at the expense of others. Aramark has never acknowledged the harm they are causing even when confronted with evidence of their inhumane treatment of inmates.

There are three separate instances of maggots being in the food served. Food that had been previously thrown in the trash or eaten by rats was apparently not any health concern and was also served to inmates. There are reports of raw and undercooked meat. Employees have confessed they were ordered to alter expiration dates on food. Records about dishwasher temperatures and quality of cleaning solutions were falsified, and some kitchens did not have hot water or soap, or even refrigerators that could store the food at a safe temperature. There are several instances of portion sizes being below the required amount in order to cut costs. On top of that, there are numerous ongoing lawsuits over employees not receiving wages, being forced to work off the clock, and enduring unsafe working conditions (Kelkar, 2017; Hayhurst, 2018; McKirgan, 2013). The long laundry list of claims of harm is likely only the tip of the iceberg.

SECTION IV:

Western Washington University entered into a ten year contract with Aramark in June of 2011. When the contract was set to expire in September of 2019, there was hope that the university would transition to a local community based food system. However, the decision was made to renew the contract for an additional 2 years until September 2023. This decision was supposed to be made with substantial input from the Associated Students (AS), the Shred the Contract Club, and the Residence Hall Association, who are most directly impacted by the dining system as they are required to purchase a meal plan. Despite the positive support for ending

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

Aramark's contract with Western indefinitely, top leadership decided to renew it citing the high cost and working restrictions of the COVID-19 pandemic (Dining Transitions, 2021). While it is acknowledged that ending the contract and transitioning to a new system is not an easy feat, not doing so goes against the very values that WWU has sworn to uphold and of course contributes to the oppressive Prison Industrial System.

Western very clearly states their values, "As a community, we uphold certain basic values. These include:

- Commitment to equity and justice, and respect for the rights and dignity of others
- Integrity, responsibility and accountability in all our work" (Mission & Strategic Plan, n.d.)

Similar messaging is present in the University Strategic Plan and Sustainable Action Plan which indicates that these are supposed to be essential to the mission of the University. The four tenets of Western Washington University's Strategic Plan are based on the core values that the University has committed to uphold and strive towards through every decision that is made. The fourth goal in particular states that "Western will pursue justice and equity in its policies, practices, and impacts" (Mission & Strategic Plan, n.d.). A subset of the Strategic Plan is the Sustainable Action Plan. This plan was adopted by the institution in September of 2017 and states that they will provide "meals that... support socially- and economically-just and ecologically-responsible food production and delivery systems" (Mission & Strategic Plan, n.d.).

Western's contract with Aramark directly goes against these values. Aramark's profiteering and mistreatment of the vulnerable and marginalized populations in prison is clearly unjust and without any respect for the rights and dignity of others. Western's active involvement

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

with such an organization communicates that they are willing to support human rights violations for the continued convenience of the status quo. Acting with accountability would be acknowledging the harm that Aramark – and Western by association – has caused. Acting with integrity would mean being transparent with all students, faculty, and staff and acting decisively to end the contract this fall.

ARAMARK AND THE PRISON INDUSTRIAL COMPLEX

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