



SLAVERY

by Another Name

A HISTORY OF FORCED LABOR

GRADE LEVEL: 9–12

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OVERVIEW

This activity guide focuses on the specific types of forced labor systems used in the South after the Civil War. Students will research and prepare presentations about these systems in addition to making connections between this little-known history to events, dates, and historical figures from America's more familiar history.

BACKGROUND

For a period of nearly eighty years, between the Civil War and World War II, Southern blacks were no longer slaves, but they were not yet free. Generations of black Southerners lived in the shadow and under the threat of being forced to labor against their will.

Legally, slavery was outlawed by the Thirteenth Amendment in 1865, “except as a punishment for crime,” and even before Reconstruction ended in 1877, many Southern states began enacting a series of laws intended to re-subjugate newly freed blacks and provide cheap sources of labor. Vagrancy, loitering, riding the rails, changing jobs, even talking too loudly in public — these behaviors and more — all became crimes carrying stiff fines or sentences. Although these statutes made no mention of race, Southerners knew that they were intended as instruments of white control. The result was a huge increase in the numbers of blacks arrested and convicted.

Peonage or debt slavery, an illegal but widespread practice, flourished. Many black men were picked up for these minor crimes or on trumped-up charges. When faced with staggering fines and court fees, these men were then forced to work for a local employer who would pay their fines for them.

Others were victims of laws that made it a crime to leave employment for another job, keeping many blacks working under intolerable conditions as sharecroppers or elsewhere, rather than face the terrifying possibility of being arrested and sent to a forced labor camp. In other cases, workers would become indebted to planters (through sharecropping loans) merchants (through credit) or company stores (through living expenses). The workers were often unable to re-pay the debt, and found themselves continuously forced to work without pay.

Convict leasing, a form of forced labor that was legal, occurred in concert with Southern state and county governments. These governments realized they could lease their convicts to local planters or industrialists who would pay minimal rates for the workers and be responsible for their housing and feeding — thereby eliminating costs and increasing revenue. Soon markets for convict laborers developed, with entrepreneurs buying and selling convict labor leases.

The victims of forced labor were disproportionately black and poor. Ostensibly developed as a social solution to prison costs or insolvent debtors, in reality, forced labor was tightly bound to systems of racial oppression, and its abolishment accompanied the growth of a greater public concern for fairness and equality.

Additionally, the history of forced labor in the South is connected to a number of major events in American history ranging from Reconstruction to the New Deal. Today, forced labor, in various forms, continues to exist around the world.

For additional background, visit the following from the *Slavery by Another Name* Theme Gallery:

Labor Types:

<http://www.pbs.org/tpt/slavery-by-another-name/themes/labor-types/>

Convict Leasing:

<http://www.pbs.org/tpt/slavery-by-another-name/themes/convict-leasing/>

Slavery versus Peonage:

<http://www.pbs.org/tpt/slavery-by-another-name/themes/peonage/>

Sharecropping:

<http://www.pbs.org/tpt/slavery-by-another-name/themes/sharecropping/>

ESSENTIAL QUESTIONS

1. In what forms has forced labor been practiced in the past?
2. How is the forced labor that was practiced in the American South after the Civil War connected to broader American history?
3. What impacts did the use of forced labor have in the American South? Do these impacts continue to affect us today?

ENDURING UNDERSTANDING

The impact of forced labor reaches far and wide within history. While it takes on many forms, such as the convict leasing system or peonage, at its core, it's exploitative labor that preys upon the world's most vulnerable citizens.

SUGGESTED ACTIVITIES

ACTIVITY: PEONAGE IN THE AMERICAN SOUTH

Materials

- The Connected History of Peonage
1. Prepare to view “Reflections on Peonage” by facilitating a discussion using the pre-viewing questions. Provide background on the clip for students. After viewing, facilitate a discussion using the post-viewing questions.
 2. Next have students summarize, in their own words, what peonage is and how it operated in the South after the Civil War. Explain to students that this forced labor system operated in the South for a period of eighty years after emancipation up to WWII. It wasn’t until the 1940s that the federal government stepped in to enforce the law against the use of peonage.
 3. Tell students that they are going to hear about how a 23-year-old was forced into peonage. Prior to viewing “Reflections on Robert Franklin,” provide background on the clip for students. Then play the clip.
 4. Prepare to listen to “The System at Work” by facilitating a discussion using the pre-listening questions. Provide background on the clip for students. After listening, facilitate a discussion using the post-listening questions.
 5. Next, tell students that they are going to explore how the illegal practice of peonage in the American South is connected to a bigger, more well-known history.
 6. Distribute “The Connected History of Peonage” to students. Read together as a class. While reading, have students underline any dates, historical figures, events, organizations/entities or laws that they come across. If there is any term that is unfamiliar to the class, this is a good time to provide an explanation.
 7. Facilitate a discussion that positions the practice of peonage in the American South within the larger history. Ask students the following questions about peonage. Record answers on a class board.
 - a. When did it take place? What was going on then at the time?
 - b. Where did it take place?
 - c. Who was involved?
 - d. What factors contributed to its existence?

- e. How was it able to continue for so long?
 - f. What impacts might this history still hold today?
8. Next, tell students that they are going to create a mind map to graphically illustrate the interconnectedness of peonage to America's broader history. Prior to having students create their own maps, model a map for them using a term or concept that they are familiar with. Then, using the overview they've just read and the knowledge they've gained through discussion, have students develop a mind map for peonage that includes important events, terms, dates, and figures. Students can also refer to the *Slavery by Another Name* website (www.pbs.org/sban) as an additional reference. For examples of mind maps, see Additional Resources in this guide.
 9. As an extension activity, have students write a one-page response based upon their mind maps that further develops the relationships between peonage and key figures and events in history.

ACTIVITY: CONVICT LEASING IN THE AMERICAN SOUTH

Materials

- Excerpt from "Hard Time: From Alabama's Past, Capitalism and Racism in a Cruel Partnership" by Douglas A. Blackmon
1. Prepare to view "Convict Leasing" by facilitating a discussion using the pre-viewing questions. Provide students with a background on the clip. After viewing, facilitate a discussion using the post-viewing questions.
 2. Distribute "Excerpt from 'Hard Time: From Alabama's Past, Capitalism and Racism in a Cruel Partnership.'" This article was written by Douglas A. Blackmon and provided the springboard for his subsequent book *Slavery by Another Name*.
 3. Read the article as a class. Then facilitate a discussion about how the convict leasing system worked. Mention that it was a very popular practice in the New South up until 1928.
 4. Have students go through the article independently and highlight or underline sections that help to explain convict leasing.
 5. In small groups or individually, instruct students to script an explanation about how the convict leasing system worked and the impact it had on the South, as well as any contemporary impacts that they can make connections to. They should use information and quotes from the article to support their explanation. Encourage students to make

any connections between convict leasing and the current prison system.

6. If technology is available, use a platform like iMovie, Windows Movie Maker, or Stupeflix (www.stupeflix.com/), to have students create digital presentations based on their scripts. Use the clip “Reflections on Peonage” as a model for developing an explanation as well as pair pictures and audio to create a digital presentation. Students can use and download images that they find on the *Slavery by Another Name* website (www.pbs.org/sban) and its Historic Image Slideshow (<http://www.pbs.org/tpt/slavery-by-another-name/themes/slideshow/>). Provide students with time to edit and revise their presentations. As an alternative, students can use an online service like [Google Search Stories Video Creator](#), which creates mixed media presentations that include text, images, video, and search results, based on important keywords.
7. Allow students to present their digital presentations and scripts. If technology is available, consider posting student work in an online classroom space such as a blog platform like Tumblr (www.tumblr.com) or WordPress (www.wordpress.com).

ACTIVITY: THE OTHER SIDE OF SHARECROPPING

Materials

- Sharecropping Contract
1. Prepare to view “Reflections on Sharecropping” by facilitating a discussion using the pre-viewing questions. Provide background on the clip for students. After viewing, facilitate a discussion using the post-viewing questions.
 2. Then prepare to view “Sharecropping” by facilitating a discussion using the pre-viewing questions. Provide background on the clip for students. After viewing, facilitate a discussion using the post-viewing questions.
 3. Divide students into groups. Distribute “Sharecropping Contract.” Have students work in groups to analyze the contract and highlight terms that favor the landowner.
 4. Tell students that in their groups they are going to act as a legal defense team to develop arguments to defend a family of sharecroppers who signed the contract that they just analyzed. Their arguments should expose the ways in which the contract favored the landowner. Review the process for developing effective arguments.
 5. Have each group present their defense arguments. Play the role of a “judge” by evaluating their arguments, but also challenging them with inquiries like:
 - a. Why didn’t the sharecropping family just leave?

- b. Why didn't they revolt?
 - c. Why didn't they just purchase their own farm?
6. As a class, debrief about how sharecropping was a form of forced labor. Discuss answers to the questions that you posed to the defense teams. Explain that because of the debt that sharecroppers acquired from their employers, they were bound to the farm. In addition, because some laws enacted in the South required people to prove they were employed, many families didn't want to risk getting arrested. Lastly, many sharecroppers didn't readily have the resources to purchase their own farms.

MULTIMEDIA CLIPS

Reflections on Peonage

<http://www.pbs.org/tpt/slavery-by-another-name/themes/peonage/video-reflections-peonage/>

The following excerpt is from a StoryCorps oral history that features Kate Willis and her cousin Susan Burnore, descendants of John Williams, a plantation owner who practiced peonage. In this clip Willis, who wrote a high school paper about peonage and her family's connection to it, defines the practice as well as discusses how it operated and how it differs from slavery.

Pre-Viewing Discussion Questions

- 1. Have you ever owed anyone money? How do you pay off a debt to someone? Is working for them for free fair? What if you were forced to do so?
- 2. Have you heard of peonage before? If so, in what context? If not, why don't you think you've heard about it?

Post-Viewing Discussion Questions

- 1. What is peonage and how does it operate?
- 2. How is peonage different from the slavery that existed in the South prior to the Civil War? How is it similar?

Reflections on Robert Franklin

<http://www.pbs.org/tpt/slavery-by-another-name/themes/storycorps-stories/video-reflections-robert-franklin/>

The following excerpt is from a StoryCorps oral history that features Robert Corley, a descendant of Robert N. Franklin, a white shop owner who benefited from forced labor. Here

Corley, an historian, talks about how he felt to find out about his great-grandfather's role in the illegal practice. Corley discusses John Davis, a 23-year-old black sharecropper who after encountering Franklin, was fraudulently charged, imprisoned, and subsequently forced into labor while traveling in Alabama. As an historian, Corley also provides context regarding forced labor and racial attitudes of the time.

Note to Educators: This clip contains offensive language. Educators are encouraged to review "Ten Tips for Facilitating Classroom Discussions on Sensitive Topics" from the *Slavery by Another Name in the Classroom* homepage (www.pbs.org/tpt/slavery-by-another-name/classrooms).

Pre-Viewing Discussion Questions

1. Is it important to know the truth about historical events? Why or why not? How can we determine truth in history?
2. Why are some histories difficult to believe? Why are some histories difficult to share?

Post-Viewing Discussion Questions

1. How was John Davis forced into labor?
2. In what ways is Corley trying to reconcile his family history?
3. How can knowing history be used as motivation to make a difference?

The System at Work

<http://video.pbs.org/widget/partnerplayer/2195252508/?w=400&h=224&chapterbar=false&autoplay=true>

In this book excerpt from the book *Slavery by Another Name*, author Douglas A. Blackmon writes about how an intricate system of forced labor, supported by local criminal justice systems, operated in the American South, by examining the inner workings of the farm of John Pace, who used forced labor.

Pre-Listening Discussion Questions

1. Have you ever signed a contract? Did you read it completely? Did you sign it even if you thought that it was unfair? Why would someone sign an unfair contract?
2. How can contracts be used to take advantage of someone?

Post-Listening Discussion Questions

1. How was the criminal justice system manipulated to aid forced labor?
2. What role did contracts play in forced labor? How were contract terms extended?
3. How were men bought and sold through forced labor?

Convict Leasing

<http://www.pbs.org/tpt/slavery-by-another-name/themes/convict-leasing/>

In this video clip, scholar Khalil Muhammad explains the convict leasing system, a legal labor practice in which state and local governments leased convicts to private companies for profit. Private companies would use convict labor in a number of industries including coal mines, brick making factories, farms, where the conditions were horrid. Often these convicts were convicted of minor or falsified crimes, but unable to escape the convict leasing system once they had been forced into it.

Pre-Viewing Discussion Questions

1. Should states be able to make money from leasing those who are imprisoned to private companies for labor?

Post-Viewing Discussion Questions

1. How did convict leasing work?
2. What role did convict leasing play in the South after emancipation?
3. How was convict leasing in conflict with the promises of emancipation and Reconstruction?
4. What impact do you think convict leasing had on blacks in the South?

Reflections on Sharecropping

<http://www.pbs.org/tpt/slavery-by-another-name/themes/sharecropping/video-reflections-sharecropping/>

This excerpt is from a StoryCorps oral history that features Michelle Clemon and her father U.W. Clemon, whose relatives were sharecroppers. Sharecropping was a common practice in the American South after the Civil War and up until the 1950s before it largely disappeared.

Pre-Viewing Discussion Questions

1. What employment opportunities were available to slaves after Emancipation Proclamation?

2. Why do you think so many blacks remained on plantations for work after slavery was abolished?

Post-Viewing Discussion Questions

1. What do you think are the impacts of sharecropping on families like the Clemons?
2. How was sharecropping another form of forced labor?

Sharecropping

<http://www.pbs.org/tpt/slavery-by-another-name/classrooms/history/>

This film clip from *Slavery By Another Name* explores the post-slavery, exploitative practice of sharecropping, a common practice in the American South after the Civil War and up until the 1950s before it largely disappeared.

Pre-Viewing Discussion Questions

1. Are there any jobs or employers that you think take unfair advantage of the employees?
If so, how?
2. Why do people work in environments that are unfair or unsafe?

Post-Viewing Discussion Questions

1. How did the practice of sharecropping keep sharecroppers in debt?
2. In what ways did sharecropping affect the upward mobility of black families?
3. Are there labor practices today that you think are unfair?

ADDITIONAL RESOURCES

Educational Mind Map Examples

<http://www.mind-mapping.co.uk/mind-maps-examples/education.htm>

Resources for Creating Digital Presentations | YouTube

<http://www.youtube.com/create>

STANDARDS

Common Core State Standards

Reading Standards for Literacy in History and the Social Studies

Standards 1 to 3: Key Ideas and Details

Standards 4 to 6: Craft and Structure

Standards 7 to 9: Integration of Knowledge and Ideas

<http://www.corestandards.org/>

IRA/NCTE National Standards for the English Language Arts

Standard 1; Standard 3; Standard 4; Standard 7; Standard 8; Standard 11

<http://www.ncte.org/library/NCTEFiles/Resources/Books/Sample/StandardsDoc.pdf>

National Curriculum Standards for Social Studies

Theme 2: Time, Continuity, and Change; Theme 6: Power, Authority, and Governance

<http://www.socialstudies.org/standards>

National Standards for History

ERA 6 – The Development of the Industrial United States (1870–1900)

Standard 2B; Standard 3A; Standard 3B

<http://www.nchs.ucla.edu/Standards/>

Historical Thinking Standards

Standard 3; Standard 4; Standard 5

<http://nchs.ucla.edu/Standards/historical-thinking-standards-1/overview>

The Connected History of Peonage

By Nancy O'Brien Wagner

Introduction

For more than seventy-five years after the Emancipation Proclamation and the end of the Civil War, thousands of blacks were systematically forced to work against their will. While the methods of forced labor took on many forms over those eight decades — peonage, sharecropping, convict leasing, and chain gangs — the end result was a system that deprived thousands of citizens of their happiness, health, and liberty, and sometimes even their lives.

Though forced labor occurred across the nation, its greatest concentration was in the South, and its victims were disproportionately black and poor. Ostensibly developed in response to penal, economic, or labor problems, forced labor was tightly bound to political, cultural, and social systems of racial oppression.

Setting the Stage: The South after the Civil War

After the Civil War, the South's economy, infrastructure, politics, and society were in turmoil.

Years of warfare had crippled the South's economy; its currency was worthless and its financial system was in ruins. For employers, workers, and merchants, this created many complex problems. With the abolishment of slavery, much of Southern planters' wealth had disappeared. Used to the unpaid labor of slaves, they were now faced with the need to pay their workers – but there was little cash available.

For a brief period after the conclusion of fighting in the spring of 1865, Southern whites maintained control of the political system. Desperate to recreate the previous social and economic system, the white politicians enacted "Black Codes" that denied blacks the rights to testify against whites, to serve on juries or in state militias, or to vote. And, in response to planters' demands that the freed people be required to work on the plantations, the Black Codes declared that those who failed to sign yearly labor contracts could be arrested and hired out to white landowners. Some states limited the occupations open to blacks and barred them from acquiring land, and others allowed judges to assign black children to work for their former owners without the consent of their parents.

Reconstruction and the birth of Convict Leasing and Peonage in the South

In 1866, Republicans took control of the South's political system and in what became known as "Reconstruction," attempted to rebuild the South's economy, politics, and culture. Radical Republicans created the Freedmen's Bureau to offer former slaves food, clothing, and advice on labor contracts. The Thirteenth, Fourteenth, and Fifteenth Amendments were passed in order to attempt to bring equality to blacks. Initially, with federal laws and federal troops offering protection, blacks began to vote and gain political power. The Black Codes were quickly repealed in 1866. But in 1877, in part because of Northern exhaustion and Southern protests, the federal government withdrew from the South, and black disenfranchisement and unchecked oppression quickly followed.

With white supremacists in power, Southern states began to heavily enforce a series of laws that unfairly penalized poor African Americans for crimes. "Pig laws" made the theft of a farm animal worth a dollar punishable by as much as five years in jail. Vagrancy statutes made it a crime not to have a job or be able to show proof of employment. While these laws did not specifically mention blacks, they were rarely enforced on whites. The result was a huge increase in the number of blacks arrested and convicted and pushed into forms of forced labor.

Peonage

Peonage, also called debt slavery or debt servitude, was a system where an employer compelled a worker to pay off a debt with work. Peonage had been in use in New Mexico Territory before the Civil War. Although Congress deemed that peonage was illegal in the Anti-Peonage Law of 1867, the practice began to flourish in the South after Reconstruction. A loophole in the Thirteenth Amendment that declared involuntary servitude illegal except "as a punishment for crime," was used to ensnare blacks into peonage.

In many cases, defendants were found guilty of real or fabricated crimes, and were fined for both the crime and additional court fees. When the men were unable to pay, a local businessman would step forward to pay the fines. The convict would then sign a contract agreeing to work for him without pay until the debt was paid off.

A second method involved a defendant who, when faced with the likelihood of a conviction and the threat of being sent to a far-off work camp, would "confess judgment," essentially claiming responsibility before any trial occurred. A local businessman would step forward to act as "surety," vouching for the future good behavior of the defendant, and forfeiting a bond that would pay for the crime. The judge would accept the bond, without ever rendering a verdict on the crime. The defendant would then sign a contract agreeing to work without pay until the surety bond was paid off.

There was little interest in prosecuting the employers who abused their forced laborers: the employers were rich, white, and often politically connected. Worse, many of the laborers had "agreed" to their unfair treatment when they had signed the contracts to work off their debt. Most were unable to read. Sometimes, the contracts stated that the men agreed to be locked up, to be physically punished, and that any expenses due to health care, new clothing, or recapturing due to an escape attempt could be added to the total.

Progressivism and the Beginning of the End of Convict Leasing

By the 1890s, blacks in the South were suffering the worst treatment they had endured since the end of the Civil War. After the Supreme Court's 1896 *Plessy v. Ferguson* decision, segregation became even more ensconced through a battery of Southern laws and social customs known as "Jim Crow." Schools, theaters, restaurants, and transportation cars were segregated. Poll taxes, literacy requirements, and grandfather clauses not only prevented blacks from voting, but also made them ineligible to serve in jury pools or run for office. "Separate but equal" wasn't just an unspoken custom, but a formal law.

Meanwhile, a new social and political movement was growing in the North. In response to significant economic, social, and political inequalities, “Progressivism” advocated that the government should lead efforts to change society’s ills. When President Theodore Roosevelt took office in 1901, progressivism became a powerful national movement. He advocated for fair trade and pro-labor laws, including a decreased workweek, child labor restrictions, and workplace safety rules. Roosevelt’s attitudes on race fluctuated, though he was generally considered a moderate during his era.

The Final Chapter of Forced Labor

Across the South, new technologies and shifting economic patterns decreased peonage. The dust bowl and Great Depression shifted many sharecroppers off their land. After Franklin Delano Roosevelt was elected, he instituted his “New Deal,” a series of economic programs intended to offer relief to the unemployed and recovery of the national economy. Though blacks were not the intended audience for these programs, they benefitted as many citizens did. However, peonage remained— generally hidden in the rural counties of Southern states. In 1940, with the help of the International Labor Defense (ILD), a group of people in New York and Chicago organized the Abolish Peonage Committee and began to pressure the Justice Department to try cases.

In 1941, in response to the outbreak of World War II, and fears that racial inequalities would be used as anti-United States propaganda, the Attorney General Francis Biddle issued Circular No. 3591 to all federal prosecutors, instructing them to actively investigate and try more peonage cases. Finally, the federal government was willing to act aggressively to protect all its citizens from this forced labor.

Excerpt from “Hard Time: From Alabama’s Past, Capitalism and Racism In a Cruel Partnership”

July 16, 2001

—
Till 1928, Companies ‘Leased’ Convicts, Most of Them Black and Many Doomed

—
Sent to the Mines for ‘Gaming’

—
The Wall Street Journal by Douglas A. Blackmon

BIRMINGHAM, Ala. — On March 30, 1908, Green Cottenham was arrested by the Shelby County, Ala., sheriff and charged with vagrancy. After three days in the county jail, the 22-year-old African-American was sentenced to an unspecified term of hard labor. The next day, he was handed over to a unit of U.S. Steel Corp. and put to work with hundreds of other convicts in the notorious Pratt Mines complex on the outskirts of Birmingham. Four months later, he was still at the coal mines when tuberculosis killed him.

Born two decades after the end of slavery in America, Green Cottenham died a slave in all but name. The facts are dutifully entered in the handwritten registry of prisoners in Shelby County and in other state and local government records.

In the early decades of the 20th century, tens of thousands of convicts — most of them, like Mr. Cottenham, indigent black men — were snared in a largely forgotten justice system rooted in racism and nurtured by economic expedience. Until nearly 1930, decades after most other Southern states had abolished similar programs, Alabama was providing convicts to businesses hungry for hands to work in farm fields, lumber camps, railroad construction gangs and, especially in later years, mines. For state and local officials, the incentive was money; many years, convict leasing was one of Alabama’s largest sources of funding.

‘Assault With a Stick’

Most of the convicts were charged with minor offenses or violations of “Black Code” statutes passed to reassert white control in the aftermath of the Civil War. Mr. Cottenham was one of more than 40 Shelby County men shipped to the Pratt Mines in the winter of 1908, nearly half of them serving time for jumping a freight train, according to the Shelby County jail log. George Roberson was sent on a conviction for “assault with a stick,” the log says. Lou William was in for adultery. John Jones for gambling.

Subjected to squalid living conditions, poor medical treatment, scant food and frequent floggings, thousands died. Entries on a typical page from a 1918 state report on causes of death among leased convicts include: “Killed by Convict, Asphyxia from Explosion, Tuberculosis, Burned by Gas Explosion, Pneumonia, Shot by Foreman, Gangrenous Appendicitis, Paralysis.” Mr. Cottenham was one of dozens of convicts who died at the Pratt Mines complex in 1908.

This form of government and corporate forced labor ended in 1928 and slipped into the murk of history, discussed little outside the circles of sociologists and penal historians. But the story of Alabama's trade in human labor endures in minute detail in tens of thousands of pages of government records stored in archives, record rooms and courthouses across the state.

These documents chronicle another chapter in the history of corporate involvement in racial abuses of the last century. A \$4.5 billion fund set up by German corporations, after lawsuits and intense diplomatic pressure from the U.S. and others, began making payments last month to the victims of Nazi slave-labor programs during the 1930s and 1940s. Japanese manufacturers have come under criticism for their alleged use of forced labor during the same period. Swiss banks agreed in 1998 to a \$1.25 billion settlement of claims related to the seizure of Jewish assets during the Holocaust.

Traditions of Segregation

In the U.S., many companies — real-estate agents that helped maintain rigid housing segregation, insurers and other financial-services companies that red-lined minority areas as off-limits, employers of all stripes that discriminated in hiring — helped maintain traditions of segregation for a century after the end of the Civil War. But in the U.S., recurrent calls for reparations to the descendants of pre-Civil War slaves have made little headway. And there has been scant debate over compensating victims of 20th century racial abuses involving businesses.

The biggest user of forced labor in Alabama at the turn of the century was Tennessee Coal, Iron & Railroad Co., the U.S. Steel unit that owned the mine where Mr. Cottenham died. Dozens of other companies used convicts, too, many of them now defunct or absorbed into larger businesses. Executives at some of the corporate descendants say they shouldn't be asked to bear responsibility for the actions of executives long dead or the practices of businesses acquired decades ago.

U.S. Steel says it can find no evidence to suggest that the company ever abused or caused the deaths of convicts in Alabama. U.S. Steel spokesman Thomas R. Ferrall says that concerns voiced about convict leasing by Elbert H. Gary, the company's chairman at the time, helped set the stage for "knocking the props out from under" the system. "We think U.S. Steel proper was a positive player in this history ... was a force for good," Mr. Ferrall says.

The company's early presence in Alabama is still evident a few miles from downtown Birmingham. There, on a hillside overgrown with brush, hundreds of sunken graves litter the ground in haphazard rows. A few plots bear stones. No other sign or path marks the place. Only a muddy scar in the earth — the recently filled-in mouth of a spent coal mine — suggests that this is the cemetery of the Pratt Mines complex.

"The convicts were buried out there," says Willie Clark, an 82-year-old retired coal miner. He grew up in a house that overlooked the cemetery and the sprawling mine operation that once surrounded it. "I heard my daddy talking about how they would beat the convicts with pick handles. If they didn't like them, they would kill them."

He and other older people living in the ramshackle "Pratt City" neighborhood surrounding the old mining site still call the graveyard the "U.S. Steel cemetery." There are no records of those buried on the hillside. Mr. Cottenham could be among them.

When Mr. Cottenham died in 1908, U.S. Steel was still new to convict leasing. But by then, the system was decades old and a well-oiled machine.

After the Civil War, most Southern states set up similar penal systems, involving tens of thousands of African-Americans. In those years, the Southern economy was in ruins. State officials had few resources, and county governments had even fewer. Leasing prisoners to private individuals or companies provided revenue and eliminated the need to build prisons. Forcing convicts to work as part of their punishment was entirely legal; the 13th amendment to the U.S. Constitution, adopted in 1865, outlaws involuntary servitude — except for "duly convicted" prisoners.

Convict leasing in other states never reached the scale of Alabama's program. By the turn of the century, most states had ended the practice or soon would because of opposition on humanitarian grounds and from organized labor. Convict leasing also wasn't well-suited to the still largely agrarian economies of most Southern states. But in Alabama, industrialization was generating a ravenous appetite for the state's coal and iron ore. Production was booming, and unions were attempting to organize free miners. Convicts provided an ideal captive work force: cheap, usually docile, unable to organize and available when free laborers went on strike.

Under the convict-leasing system, government officials agreed with a company such as Tennessee Coal to provide a specific number of prisoners for labor. State officials signed contracts to supply companies with large blocks of men — often hundreds at a time — who had committed felonies. Companies entered into separate deals with county sheriffs to obtain thousands more prisoners who had been convicted of misdemeanors. Of the 67 counties in Alabama, 51 actively leased their convicts, according to one contemporary newspaper report. The companies built their own prisons, fed and clothed the convicts, and supplied guards as they saw fit.

In Barbour County, in the cotton country of southern Alabama, nearly 700 men were leased between June 1891 and November 1903, most for \$6 a month, according to the leatherbound Convict Record still kept in the courthouse basement. Most were sent to mines operated by Tennessee Coal or Sloss-Sheffield Steel & Iron Co., another major industrial presence in Birmingham.

Sheriffs, deputies and some court officials derived most of their compensation from fees charged to convicts for each step in their own arrest, conviction and shipment to a private company. That gave sheriffs an incentive to arrest and obtain convictions of as many people as possible. They also had an incentive to feed the prisoners as little as possible, since they could pocket the difference between what the state paid them and what they spent to maintain the convicts while in their custody. Some convicts had enough money to pay the fees themselves

and gain their freedom; the many who didn't were instead put to work. Company lease payments for the convicts' time at hard labor then were used to cover the fees.

In 1902 and 1903, the only period for which a complete prisoner ledger survives for Jefferson County, where Birmingham is located, local officials prosecuted more than 3,000 misdemeanor cases, the great majority of them yielding a convict to work in a Sloss-Sheffield mine.

One of those convicts was John Clarke, a black miner convicted of "gaming" on April 11, 1903. Unable to pay, he ended up at the Sloss-Sheffield mines. Working off the fine would take 10 days. Fees for the sheriff, the county clerk and even the witnesses who testified in the case required that Mr. Clarke serve an additional 104 days in the mines. Sloss-Sheffield acquired him at a rate of \$9 a month, Jefferson County records show. One month and three days later, he was dead, crushed by "falling rock," according to the Alabama Board of Inspectors of Convicts, the agency that monitored the system.

A Sharecropping Contract

To every one applying to rent land upon shares, the following conditions must be read, and agreed to. To every 30 and 35 acres, I agree to furnish the team, plow, and farming implements, except cotton planters, and I do not agree to furnish a cart to every cropper. The croppers are to have half of the cotton, corn, and fodder (and peas and pumpkins and potatoes if any are planted) if the following conditions are complied with, but-if not-they are to have only two-fifths (2/5). Croppers are to have no part or interest in the cotton seed raised from the crop planted and worked by them. No vine crops of any description, that is, no watermelons, muskmelons, . . . squashes or anything of that kind, except peas and pumpkins, and potatoes, are to be planted in the cotton or corn. All must work under my direction. All plantation work to be done by the croppers. My part of the crop to be housed by them, and the fodder and oats to be hauled and put in the house. All the cotton must be topped about 1st August. If any cropper fails from any cause to save all the fodder from his crop, I am to have enough fodder to make it equal to one-half of the whole if the whole amount of fodder had been saved.

For every mule or horse furnished by me there must be 1000 good sized rails. . . hauled, and the fence repaired as far as they will go, the fence to be torn down and put up from the bottom if I so direct. All croppers to haul rails and work on fence whenever I may order. Rails to be split when I may say. Each cropper to clean out every ditch in his crop, and where a ditch runs between two croppers, the cleaning out of that ditch is to be divided equally between them. Every ditch bank in the crop must be shrubbed down and cleaned off before the crop is planted and must be cut down every time the land is worked with his hoe and when the crop is "laid by," the ditch banks must be left clean of bushes, weeds, and seeds. The cleaning out of all ditches must be done by the first of October. The rails must be split and the fence repaired before corn is planted.

Each cropper must keep in good repair all bridges in his crop or over ditches that he has to clean out and when a bridge needs repairing that is outside of all their crops, then any one that I call on must repair it.

Fence jams to be done as ditch banks. If any cotton is planted on the land outside of the plantation fence, I am to have three-fourths of all the cotton made in those patches, that is to say, no cotton must be planted by croppers in their home patches.

All croppers must clean out stable and fill them with straw, and haul straw in front of stable whenever I direct. All the cotton must be manured, and enough fertilizer must be brought to manure each crop highly, the croppers to pay for one-half of all manure bought, the quantity to be purchased for each crop must be left to me.

No cropper is to work off the plantation when there is any work to be done on the land he has rented, or when his work is needed by me or other croppers. Trees to be cut down on Orchard, house field, & Evanson fences, leaving such as I may designate.

Road field is to be planted from the very edge of the ditch to the fence, and all the land to be planted close up to the ditches and fences. No stock of any kind belonging to croppers to run in the plantation after crops are gathered.

If the fence should be blown down, or if trees should fall on the fence outside of the land planted by any of the croppers, any one or all that I may call upon must put it up and repair it.

Every cropper must feed or have fed, the team he works, Saturday nights, Sundays, and every morning before going to work, beginning to feed his team (morning, noon, and night every day in the week) on the day he rents and feeding it to including the 31st day of December. If any cropper shall from any cause fail to repair his fence as far as 1000 rails will go, or shall fail to clean out any part of his ditches, or shall fail to leave his ditch banks, any part of them, well shrubbed and clean when his crop is laid by, or shall fail to clean out stables, fill them up and haul straw in front of them whenever he is told, he shall have only two-fifths ($2/5$) of the cotton, corn, fodder, peas, and pumpkins made on the land he cultivates.

If any cropper shall fail to feed his team Saturday nights, all day Sunday and all the rest of the week, morning/noon, and night, for every time he so fails he must pay me five cents. No corn or cotton stalks must be burned, but must be cut down, cut up and plowed in. Nothing must be burned off the land except when it is impossible to plow it in.

Every cropper must be responsible for all gear and farming implements placed in his hands, and if not returned must be paid for unless it is worn out by use.

Croppers must sow & plow in oats and haul them to the crib, but must have no part of them. Nothing to be sold from their crops, nor fodder nor corn to be carried out of the fields until my rent is all paid, and all amounts they owe me and for which I am responsible are paid in full.

I am to gin & pack all the cotton and charge every cropper an eighteenth of his part, the cropper to furnish his part of the bagging, ties, & twine.

The sale of every cropper's part of the cotton to be made by me when and where I choose to sell, and after deducting all they owe me and all sums that I may be responsible for on their accounts, to pay them their half of the net proceeds. Work of every description, particularly the work on fences and ditches, to be done to my satisfaction, and must be done over until I am satisfied that it is done as it should be.

No wood to burn, nor light wood, nor poles, nor timber for boards, nor wood for any purpose whatever must be gotten above the house occupied by Henry Beasley-nor must any trees be cut down nor any wood used for any purpose, except for firewood, without my permission.

Source: Grimes Family Papers (#3357), 1882. Held in the Southern Historical Collection University of North Carolina, Chapel Hill.