



SLAVERY by Another Name

THE ECONOMICS OF PRISON LABOR

GRADE LEVEL: College

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OVERVIEW

This activity guide examines the past and present use of prison labor and its economic implications. Students will investigate the role that state governments, legislation and private corporations played in increasing the use of prison labor after the Civil War, as well as analyze similarities and differences between the use of prison labor then and now.

BACKGROUND

Throughout the 1800s, different efforts were made to oppress and disenfranchise blacks in the South. Immediately after the Civil War ended, Southern states enacted “black codes” that allowed African Americans certain rights, such as legalized marriage, ownership of property, and limited access to the courts, but denied them the rights to vote, to testify against whites, to serve on juries or in state militias, or start a job without the approval of their previous employer. With the passage of the Fourteenth and Fifteenth Amendments during Reconstruction, these codes were repealed as African Americans were granted the rights of citizenship, including the right to vote.

But with the end of Reconstruction in 1877, Southern states began stripping African Americans of their rights and enacted laws that effectively criminalized black life. So called “pig laws” established harsh penalties for petty crimes such as stealing a pig or a fence rail. Vagrancy laws made it illegal to be unemployed. Harsh contract laws penalized anyone attempting to leave a job before an advance had been worked off. Because of these laws, which stayed on the books for decades and were expanded once the Jim Crow era began, the numbers of African Americans in prison rose dramatically.

The growing numbers of people arrested, convicted and sent to prison posed another problem. After the Civil War, the South’s economy, society, and government were in shambles. The prison problem was especially challenging, as most prisons had been destroyed during the war. Previously, African American slaves had been subjected to punishments at the hands of their owners. With government ineffectiveness and an increase in both white and black lawlessness, the problem of where and how to house convicts was significant.

Initially, some states paid private contractors to house and feed the prisoners. Within a few years, states realized they could lease out their convicts to local planters or industrialists who would pay minimal rates for the workers, thereby eliminating costs and increasing revenue. Markets for convict laborers quickly developed, with entrepreneurs buying and selling convict labor leases. Unlike slavery, employers had only a small capital investment in convict laborers, and little incentive to treat them well. Convict laborers were often dismally treated, but the convict lease system was highly profitable for the states and the employers.

In the early 1900s, dramatic stories of the abuse and wretched conditions of convict laborers began to be publicized through trials and newspaper accounts. The egregiousness of the violence and corruption of the system began to turn public opinion against convict leasing. Though many citizens and politicians wanted to abolish convict leasing, the problem of the expense and difficulty of housing convicts remained. As public sympathy grew toward the plight of convict laborers, Southern states struggled over what to do. The loss of revenue would be significant, and the cost of building new prisons would be high. Eventually, many Southern states stopped leasing out their convict laborers, instead putting them to work on public projects in chain gangs.

Chain gangs were groups of convicts forced to labor at tasks such as road construction, ditch digging, or farming while chained together. Some chain gangs toiled at work sites near the prison, while others were housed in transportable jails such as railroad cars or trucks. The improvements they made to public roadways had significant impact on rural commerce, allowing planters to more quickly and easily transport their crops to market.

Chain gangs minimized the cost of guarding prisoners, but exposed prisoners to painful ulcers and dangerous infections from the heavy shackles around their ankles. An individual's misstep or fall could imperil the entire group, and chains prevented individuals from moving away from aggressive or violent prisoners. Chain gangs eventually gave way to work gangs — groups of prisoners who worked off-site and under guard, but not in chains.

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

Black Codes and Pig Laws:

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

Chain Gangs:

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

ESSENTIAL QUESTIONS

1. What role did prison labor play after the Civil War?

2. How did laws like the vagrancy statutes increase the numbers of African Americans in prison?
3. What are some similarities between the use of prison labor after the Civil War and the use of prison labor now?
4. Which sectors of the American economy employ today's prison laborers?

SUGGESTED ACTIVITIES

ACTIVITY: A NEW PROFIT SOURCE

Materials

- The Role of Convict Labor in the Industrial Development of Birmingham
1. Share with students the following text from the Thirteenth Amendment:

“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.”
 2. Facilitate a discussion about the inclusion of “except as a punishment for crime.” Ask students about the implications of this exception.
 3. Prepare to view the film clips, “The Economics of Labor” “Emancipation and the Work Force” and “Black Codes & Pig Laws.” Facilitate a discussion using the pre- and post-viewing questions.
 4. Prepare to view the film clips “Convict Leasing” and “Chain Gangs.” Facilitate a discussion using the pre- and post-viewing questions.
 5. Share the following quote with students. Explain to students that John T. Milner was considered a father of southern industrialization who helped to develop the city of Birmingham, Alabama, and who also used convict laborers.

“Negro labor can be made exceedingly profitable in manufacturing iron, and in rolling mills provided [there is] an overseer – a southern man, who knows how to manage Negroes.” — John T. Milner
 6. Facilitate a discussion about the quote that considers similarities and differences between slavery and convict leasing as labor sources.
 7. Have students read “The Role of Convict Labor in the Industrial Development of Birmingham.” Facilitate a discussion about cheap labor and industrialization using numbers provided in the text to calculate costs to corporations and potential profits to states.

8. Assign students to research and write a report about the rise and use of prison labor in the South after the Civil War that includes origins, information about supply mechanisms, industrialization, decline, and contemporary connections.

ACTIVITY: CASHING IN CORRECTIONS

Materials

- Companies Cashing in on People's Prison Stripes? | NPR
<http://www.npr.org/templates/story/story.php?storyId=90726858>
1. Facilitate a discussion about the use of prison labor today. Inquire about any laws (similar to the vagrancy statutes) that may help to drive the prison pipeline today.
 2. Have students listen to “Companies Cashing in on People's Prison Stripes?” Facilitate a discussion about the present-day use of prison labor and its role in our economic system.
 3. As a class, visit the Corrections Corporation of America’s website (<http://www.cca.com/>). Direct students to CCA’s claims that it is the nation’s largest owner and operator of privatized correctional and detention facilities and one of the largest prison operators in the United States, behind only the federal government and three states. CCA also says it owns and operates more than 60 facilities, with a design capacity of more than 85,000 beds in 19 states and the District of Columbia.
 - a. Next, guide students toward the “Investors” section of the website.
 - b. In the “Recent News” section of the Investors portal, ask students to research the total revenue CCA generated the last calendar year.
 - c. Compare the current year’s total revenue to that of years past, as reported in prior press releases. Ask students to generate a line graph to depict visually CCA’s revenue over the last three years.
 4. Using the “Stock Information” section of the site, ask students to chart the historic prices of CCA’s shares from today’s date, back to that same date three years ago. Ask if the stock price has increased or decreased since then. Ask students to consider who benefits as CCA’s stock value rises.
 5. Facilitate a discussion that compares and contrasts the use of prison labor after the Civil War and the use of prison labor now.
 6. As an extended exercise, ask students to research CCA’s largest shareholders.

ACTIVITY: CONTEMPORARY SUPPLY

Materials

- Prison Economics Help Drive Ariz. Immigration Law | NPR
<http://www.npr.org/2010/10/28/130833741/prison-economics-help-drive-ariz-immigration-law>
 - How Corporate Interests Got SB 1070 Passed | NPR
<http://www.npr.org/templates/story/story.php?storyId=131191523>
 - The Hidden History of ALEC and Prison Labor | *The Nation*
<http://www.thenation.com/article/162478/hidden-history-alec-and-prison-labor>
 - Senate Bill 1070 | State of Arizona
<http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf>
1. As a class, listen to “Prison Economics Help Drive Ariz. Immigration Law” and “How Corporate Interests Got SB 1070 Passed.” These reports discuss Arizona’s passage of controversial legislature that critics say legitimizes racial profiling of Latinos within the state. Ask students what they believe to be the consequences, if any, of this profiling.
 2. Students also should read “The Hidden History of ALEC and Prison Labor,” which discusses the American Legislative Exchange Council’s role in lobbying for tougher incarceration legislature, such as the “three strikes” law, to help ensure a steady flow of convicts to hire. Ask students to draw any parallels they see between how laws like the vagrancy statutes helped to create a steady flow of convict workers.
 3. As a class, review the Senate Bill 1070 that Arizona passed. Have students identify any portions of the law that they see as discriminatory. Ask students to interpret and discuss the following questions:
 - a. How has the ongoing immigration debate shaped this law?
 - b. Do any portions of the law encourage racial profiling of Latinos as possible undocumented workers, as critics allege?
 - c. How might some private prisons use this law to exploit people who look like they might be undocumented workers?
 4. Assign students a research project, in which they investigate which private prisons or nonprofits in their state lease their convict labor to other private companies or to the state, just as the state of Florida awards contracts to PRIDE Enterprises. Tell students to use the Pride Enterprises website (<http://www.pride-enterprises.org/>) as a starting point to help direct them toward possible participating economic sectors within your state. Be sure to have students investigate what kinds of work prison laborers in your state perform.

MULTIMEDIA CLIPS

The Economics of Labor

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

This video clip discusses the economic and political drivers of developing a new labor source after the Civil War.

Emancipation and the Workforce

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

This video clip examines how the black workforce changed after slavery.

Pre-Viewing Discussion Questions for “The Economics of Labor” and “Emancipation and the Workforce”

1. What had been the South’s major labor force prior to the Civil War?
2. What was the economic condition of the South after the Civil War?

Post-Viewing Discussion Questions for “The Economics of Labor” and “Emancipation and the Workforce”

1. How were economics and politics linked to finding a new labor source after slavery was abolished?
2. What role did coercion play in developing a new post–Civil War labor system?
3. How did the black workforce change after going from enslavement to emancipation?

Black Codes & Pig Laws

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

This film clip explains how Southern states enacted laws that criminalized black life.

Pre-Viewing Discussion Questions

1. In what ways are laws connected to labor?
2. Do you know of any specific laws that increase or restrict labor supplies?

Post-Viewing Discussion Questions

1. How did certain laws criminalize black life?
2. How did these laws promote a forced labor market?
3. In what ways were these laws precursors to Jim Crow laws?

Convict Leasing

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

This film clip explains the horrid conditions of convict leasing. Unlike slavery, employers had only a small capital investment in convict laborers, and little incentive to treat them well. Convict laborers were often dismally treated, but the convict lease system was highly profitable for states and employers.

Pre-Viewing Discussion Questions

1. In what ways would convict leasing benefit businesses today?
2. How many people do you think the United States imprisons annually?

Post-Viewing Discussion Questions

1. Why did convict leasing prove profitable for states and businesses in the South?
2. How did states that practiced convict leasing criminalize black life to ensure a steady flow of prisoners for the convict leasing system?
3. In our modern-day society, can you think of any populations whose actions are unfairly criminalized?

Chain Gangs

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

This film clip explains how chain gangs grew in popularity. Chain gangs were groups of convicts forced to labor at tasks such as road construction, ditch digging, or farming while chained together.

Pre-Viewing Discussion Questions

1. Have you ever seen a chain gang or a work gang performing a service?

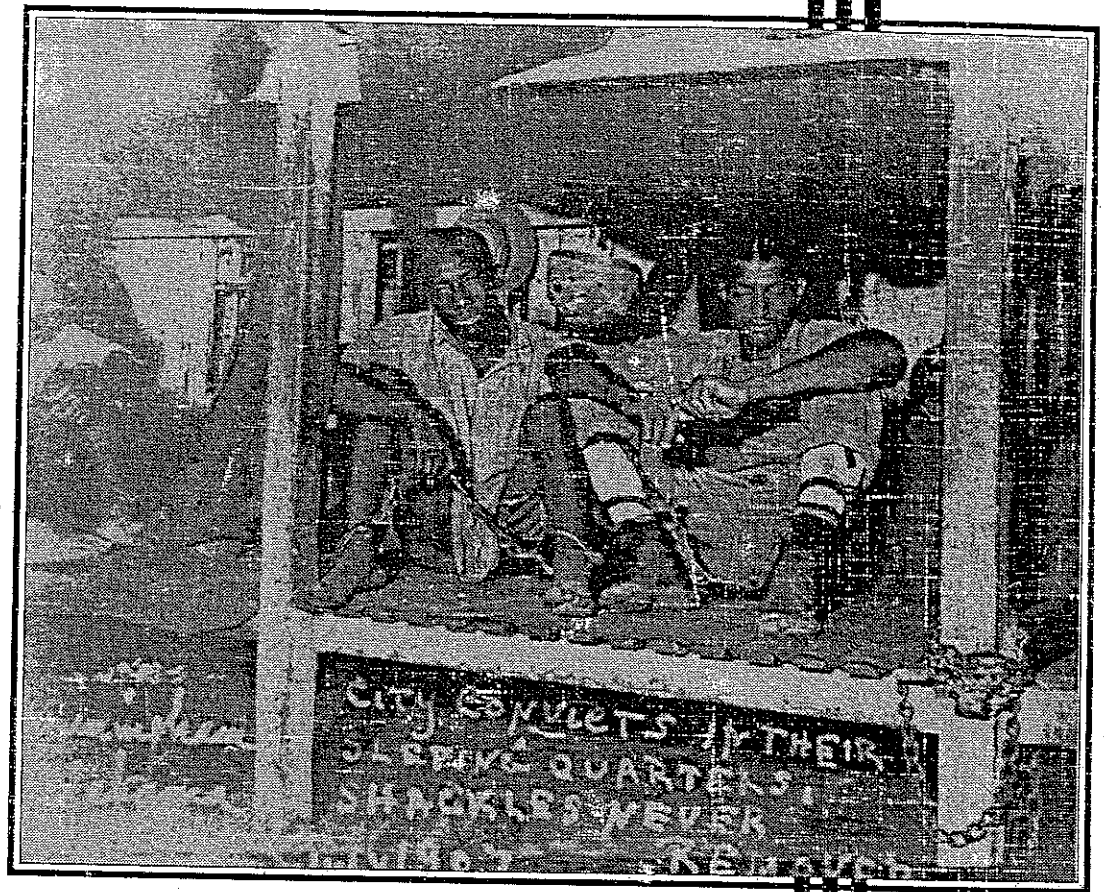
Post-Viewing Discussion Questions

1. What kinds of projects did chain gangs perform?
2. Why did chain gangs prove to be an effective alternative to convict leasing?
3. What perils did one face as part of a chain gang?
4. How have you seen chain gangs portrayed in popular culture? How do those depictions compare to the facts we now know about chain gangs?

ADDITIONAL RESOURCES

The Prison-Industrial Complex | *The Atlantic*

<http://www.theatlantic.com/magazine/archive/1998/12/the-prison-industrial-complex/4669/>



THE ROLE OF CONVICT LABOR IN THE INDUSTRIAL DEVELOPMENT OF BIRMINGHAM

Sponsored by
Sloss Furnaces National Historic Landmark and the
Alabama Humanities Foundation,
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ORGANIZATIONAL PROFILES

Sloss Furnaces National Historic Landmark (SFNHL) serves as Birmingham's museum of industrial history, reflecting the national significance of the structures comprising the old iron-making facility. The purpose of the Sloss Furnaces Museum is to protect the integrity of Sloss Furnaces as a National Historic Landmark, develop educational programming that encourages public understanding and appreciation of Sloss Furnaces, and to provide a center for community events.

SLOSS FURNACES NATIONAL HISTORIC LANDMARK

P.O. Box 11781
Birmingham, Alabama 35202
(205) 324-1911

The Alabama Humanities Foundation (AHF) fosters opportunities for lifelong learning by bringing scholars and the public together in community places to explore the fundamental questions. The AHF is an independent, tax-exempt, non-profit organization governed by a volunteer board of Alabama citizens representing a variety of professions and geographic regions of the state. AHF activities are supported by the National Endowment for the Humanities and State of Alabama appropriations, and by contributions from corporations, foundation, organizations, and individuals.

ALABAMA HUMANITIES FOUNDATION

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The professional guidance of Norwood Kerr from the Alabama Department of Archives and History (Montgomery) and Jim Baggett and Don Veasey from the Linn-Henley Research Library Archives (Birmingham) was an enormous pleasure to receive.

The introductory essay, which was written by William Warren Rogers and Robert David Ward, was meant to be a condensed, yet comprehensive historical examination of the practice of convict leasing in Alabama. It is that, and so much more. Therefore, a huge amount of gratitude is owed to these distinguished scholars and gentlemen. Your commitment to tell Alabama's stories will serve generations to come.

The Alabama Humanities Foundation (AHF) generously awarded the Sloss Furnace Association a grant to support this project and we hope that our contribution assists with the fulfillment of AHF's mission. We wholeheartedly thank the AHF board, staff, and contributors.

Many thanks to anyone and everyone who encouraged and provided us the forum to present on such a controversial subject. Please forgive any inevitable omissions; your help made this possible.

Carolee Smith Rogers
Sloss Furnaces National Historic Landmark

THE CONVICT LEASE SYSTEM IN ALABAMA

The story of Alabama's convict lease system, in effect from 1866 to 1927, is an infamous chapter in the state's history. When Alabama became a state in 1819 it installed the death penalty for an imposing list of crimes including counterfeiting. Lesser punishments ranged from fines to whipping or branding. Reforms came gradually, and on January 26, 1839, the legislature voted to establish a state penitentiary. After much debate Wetumpka was selected as the site. In 1841 William Hogan, the first warden, locked up the first prisoner. Because punishment for slaves was primarily reserved for their masters, most of the prisoners were whites.

Soon known as the Walls, the prison lost money from various manufacturing efforts, and there were numerous escapes. In 1846 the legislature leased the penitentiary for six years. John G. Graham paid the state \$500 in capital improvements and became warden and lessee. His production of saddles, harnesses, and shoes seemed to make a profit, and in 1852 a new lease, under the same terms, was awarded to Dr. M. G. Moore and F. Jordan. This time the manufacturing efforts lost money, as conditions among prisoners deteriorated. Dr. Ambrose Burrows took over in 1858, but his jurisdiction over two hundred inmates ended in 1862 when he was murdered by a convict.

The state took control, naming a previous lessee, Dr. M. G. Moore, as the warden. There were profits because the demand for war goods guaranteed a market. Some of the prisoners were released to enter the Confederate armed forces, so as the conflict continued the number of felons diminished. Union troops released those who remained in the war's last days. The chaotic situation was reorganized with the Penal Code of 1866.

The new laws contained the infamous "Black Codes" that discriminated against the newly freedmen bondsmen, and resembled the "Slave Codes" of antebellum days. Most importantly, the new code enabled county courts to hire out vagrants, mostly blacks, to work out their sentences. Working for the county became the punishment for a number of offenses. Persons guilty of felonies were sent to the state penitentiary, while the county jails housed those convicted of misdemeanors plus costs. From there the prisoners could be leased for "hard labor" either within the county or elsewhere. The Black Codes brought counterattack, but the system remained an accepted and defended mode of punishment and profit.

In 1865 Democratic governor Robert Patton declared that the state's felons, rather than being housed in the penitentiary, should be leased outside the Walls. His rationale was that the blacks, rapidly becoming the penitentiary's majority population, did not regard confinement as punishment, and should feel the hardships of labor in iron and coal mines. Patton leased the state prisoners to two men who were acting for railroad builders and iron and coal entrepreneurs. Paying only a part of what they owed the state, the lessees took over what Patton had created: a leasing system with no state control. Working in the mines was unhealthy and dangerous, and leasing was so abusive that it killed forty-one percent of the prisoners in 1870.

Under convict leasing a few state and county convicts went to south Alabama lumber camps and farms, but for the most part it was tied to industrial and railroad expansion in the north-central mineral counties. By the 1870's Birmingham and Jefferson County took the lead. Deeply involved were such Gilded Age promoters as James R. Powell, Henry F. DeBardeleben, James W. Sloss, John T. Milner, and Truman H. Aldrich. Because convict labor cost less than free labor the industrialists bid for it without flinching. The

penitentiary itself declined, and under Republican governor David P. Lewis (1872-1874), the state purchased a 1,800 acre farm near the prison. During Reconstruction the prison system was full of fraud and chicanery, inventive accounting, and open theft.

When George S. Houston and the Bourbon Democrats took over in 1874, they inherited a convict system that was making no money for the state. Houston decided to lease able-bodied convicts to contractors (those disabled were kept in the Walls) and nominated J. G. Bass as warden. State prison inspectors made cursory inspections quarterly, as exploitation and corruption increased. All the while the number of prisoners, mostly blacks, grew. Leasing made money for the state and for the lessees. Would-be critics in Alabama and those outside such as George W. Cable in his book, The Silent South, went unheard.

In 1878 Governor Rufus W. Cobb (1878-1882) cut Bass out of the bidding and put the convicts in the hands of his political friends. A legislative investigation condemned the system as unacceptable. Bass completed his term and was succeeded by John H. Bankhead as the new warden. Confederate veteran Bankhead served in both houses of the state legislature and senate, and was on the road to Washington, first to the House and then to the Senate. Warden for four years, Bankhead changed the convict system by canceling old contracts and signing new ones of one year's duration. Medical officers whom he sent to inspect the coal mines made highly critical reports. Bankhead denounced the entire system and announced plans to lease the prisoners to one company. The company would build a prison at its mines, and the warden and other prison officials would move there as well. State officials accepted some of Bankhead's suggestions. The Walls would remain, but Bankhead moved most of the state prisoners into coal mining. He did so in 1883, awarding the Pratt Coal Company the prisoners and giving it an automatic edge over competitors. There was collusion in awarding the contracts, and the county convicts were divided among various companies and continued to come from across the state. A new law perpetuated the old system by permitting

counties to use their convicts within or without their boundaries. Such corporations as the Tennessee Coal, Iron and Railroad Company (TCI) and Sloss Iron and Steel Company also used convict labor.

**On April 8, 1911,
THE BANNER MINE BLEW UP
and killed 128 convicts.**

The newly created three-man Board of Convict Inspectors, under its able president R. H. Dawson, inspected the mines, exposed the wretched conditions there, and helped bring passage of the Coleman Act of 1885. It abolished the office of warden, and placed authority in the hands of the Prison Inspectors. County convicts used in coal mining were to be inspected on the same basis as state prisoners. Bass and Bankhead, each marked with the taint of corruption, had proved to be bad wardens. At least a needed reform had been enacted, but convict leasing continued.

The Inspectors presided over a system they knew to be morally corrupt. When the contracts expired, a commission was appointed to reform the system. Political opposition to leasing had come from the weak Republican party, the short-lived Greenback and Independent movements, and, by the 1890's, the Populists who objected on humanitarian grounds and on the practical grounds of attracting free labor, especially organized union labor, to their cause.

In the early 1890's the legislature created a Board of Managers for the prison system, and all convicts, state and county, were to be removed from the mines by 1895. The financial panic of 1893 ruined such plans. The Managers bought a farm of 4,508 acres at Speigner in Elmore County, but the Board of Convict Inspectors was restored, and the lease system was continued.

Early attempts to unionize labor in Alabama had failed, as had early strikes. In the early 1890's the United Mine Workers (UMW) entered Alabama. A strike was called in 1894 when TCI and other operators refused to recognize the UMW as the miners' bargaining agent. Management imported scab (non-Union) laborers, and held out by utilizing convict miners. Governor Thomas G. Jones (1890-1894) employed Pinkerton detectives and called out the state troops. The strike failed, and the UMW's demands, including the end of convict leasing, gained no response. Organized labor gave its votes to the Populist party, but massive fraud at the ballot box enabled the Bourbon Democrats to win the governor's election of 1894.

Democratic governors from 1894 through 1923 were in office during the "Progressive Period," but despite various reforms, blacks and poor whites gained little relief. The new constitution of 1901 actually disfranchised black voters (and later, poor whites). The brutal practice of hiring convicts cried out for reform. Governor Joseph E. Johnston (1896-1900), a Bourbon in Progressive's clothing, appointed Sydeman B. Trapp to head the Board of Convict Inspectors. Under Trapp, Sloss and TCI obtained more favorable contracts than ever, and Alabama operated the most profitable lease system in the nation. Conditions improved marginally in 1901 when the state took over housing, feeding, and clothing the prisoners. The state worked the prisoners and sold the coal they mined to the companies. Yet, shifting the pecuniary motives for exploitation from the corporations to the state did nothing to remove the system's stain of exploitation.

Union efforts were not helped by widespread reports in Birmingham newspapers that strikers were mostly black and that the UMW was promoting social equality.

In 1907 the old hard labor law was revised to make county prisoners subject to the same regulations as state prisoners, which improved efficiency but gave the convicts few benefits. Free labor in general and organized labor in particular still objected to competing with forced labor. The UMW finally gained recognition as the miners' bargaining agent, but an anti-boycott law in 1903 hurt the strike as a weapon. Laws protecting the safety of the miners were diluted, and the financial panic of 1907 caused management to lower wages. At that, the UMW struck in 1908. Management resorted to its proven tactics, and with the aid of governor Braxton B. Bragg (1907-1911), another false Progressive, the strike failed. Union efforts were not helped by widespread reports in Birmingham newspapers that the strikers were mostly black and that the UMW was promoting social equality. The UMW's membership ranks were decimated.

On April 8, 1911, the Banner Mine, located in Jefferson County and owned by the Pratt Consolidated Coal Company, blew up and killed 128 convicts. The men, twelve whites and one hundred and sixteen blacks, were county convicts who had been imprisoned on petty charges. The explosion caused repercussions at the state and national levels. There were demands that the curse of convict leasing be abolished. The Alabama legislature relieved some of the criticism by passing a major mine safety law. Yet the bill of Senator Robert Moulthrop of Barbour County that would have ended the lease system failed. The state was making too much money from leasing, and the mine owners not only increased their profits but used the system as a weapon against strikes. The alternative of using the prisoners for highway work was considered unacceptable.

Governor Emmet O'Neal (1911-1915) adopted the plan of James G. Oakley, president of the State Convict Board. Oakley signed a contract with George B. McCormack, president of the Pratt company, whereby the prisoners used would be state convicts and the state would oversee production. Pratt Company's county prisoners were transferred to other mines. TCI, under President George Gordon

Crawford, had already shifted its emphasis to the concept of "Welfare Capitalism" (providing better wages and social conditions) and abandoned leasing. Sloss continued to use county convicts, although in 1913 Jefferson County ceased leasing to the mines.

Alabama, along with Florida, were the last holdouts. Tennessee abandoned convict leasing in 1893, Louisiana in 1901, Mississippi in 1906, Georgia in 1909, Texas in 1910, and Arkansas in 1913. The move to end the system in Alabama was hastened when Oakley and his aide Theo Lacy were removed from office (Oakley was later acquitted but Lacy went to jail) for embezzlement of state moneys and defalcation of state funds. Governor Charles Henderson (1915-1919) did nothing to end leasing, but Thomas E. Kilby (1919-1924) took action. He reformed the prison system, and another law ended leasing after January 21, 1923. Even so, the statute's wording was ambiguous, and a special session of the legislature moved the date forward to January 1, 1924.

A scandal in Florida ended the system there in 1923. A similar event in Alabama produced cries of public outrage. Under conservative governor William W. "Plain Bill" Brandon (1923-1927) the end was delayed by setting 1927 as the terminal year, and then still another extension made it 1928. Governor Bibb

Graves (1927-1931), whose successful campaign for governor included the promise to end the scandal of leasing, pushed through a law that set the terminal date as June 30, 1928.

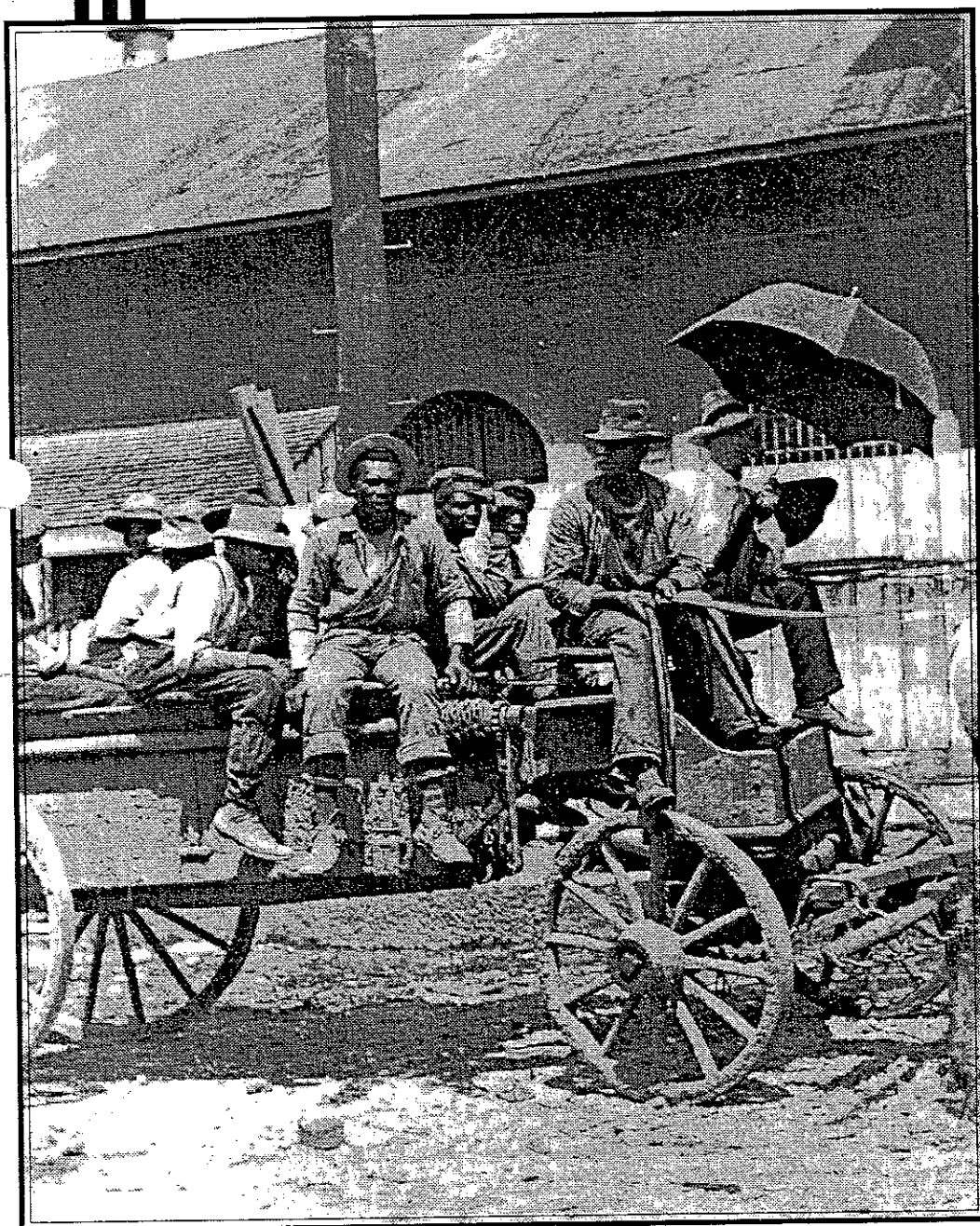
The Alabama convict lease system was finally abolished. As a method of incarcerating and utilizing prisoners, leasing was inhumane and unacceptable. But it was more than that. Instead of simply dealing with prisoners, it created and fostered the use of forced labor. Besides being a penal establishment, it fed favored

interests the cheap labor needed to compete with northern industry. Because it affected so many blacks, convict leasing was an extension of the Black Codes of Reconstruction. It was an alliance of state government and the barons of north Alabama's industrial empire. The evil convict lease system had served government and industry to the great reward of both. It victimized black and white prisoners, kept free and organized labor degraded, and thwarted the efforts of reformers. Its demise was an overdue blessing.

As a method of incarcerating
and utilizing prisoners, leasing was
**INHUMANE AND
UNACCEPTABLE.**

CONVICT LABORERS

on Horse-Drawn Carriage with Guard



Linn-Henley Research Library Archives
Birmingham Public Library

THE PEOPLE WITH VOICES SPEAK

Page 7

Diary of R. H. Dawson

President of the Alabama Board of Inspectors of Convicts

Went to "Thompsons Place" in Macon County. Mr. J.T. McDonald, the Montgomery Co. Inspector went with me. Found things very bad - cells so low that a man cannot stand upright. One 5 ft. high. The other 4 $\frac{1}{2}$. No arrangements for warming. No hospital. No privy. No shoes. Bad clothes and very little to eat....

May 25, 1883

Dr. Henley left me at Pratt Mines where I remained until the 13th examining into the condition of everything...was not pleased with the looks of the men. They are evidently in bad condition. Satisfied myself that the bad air in the mines, the dampness and bad ventilation of the cells are the causes of the great amount of sickness there.

June 11, 1883

Report of the Inspector of Convicts to the Governor

"We occupy a singular position in regard to these county convicts, being required to inspect them and report the condition and treatment, but having no authority to correct abuse, however flagrant, and yet we are held responsible by the public who are not generally aware of the true condition of these matters."

January 1, 1887

Report of Special Committee to Investigate Convict System

Competition with free labor. If convicts were reliable and good working men prior to their conviction, then their work as convicts would not add to their aggregate of labor products; that such is not the case. There can be no question that convicts produce more after than before conviction: the total production of the criminal classes is much greater after conviction than before; were it otherwise, there would be very little crime and consequently very few convicts. Convicts ought to be required to work, not as a punishment, for proper and ordinary labor is not punishment, but as a means of reformation, self maintenance and as far as possible consistent with strict humanity, a source of revenue.

1897

ADVERTISEMENT FOR BIDS FOR THE HIRE OF STATE CONVICTS

1888.

State Convicts For Hire.

Officer of Inspector of Convicts,
Montgomery, Alabama

Sealed proposals will be received at this office until the third day in January, 1888, for the hire of State Convicts to be worked outside the walls of the penitentiary. The number subject to hire is about six hundred. No bid will be considered for less than one hundred, nor for a shorter period than five years, or a longer period than ten years, from the first day of January, 1888, and proposals are invited for both period and also for intermediate periods.

All of said convicts, who are physically able to do so, may be worked in mines, and the proposals shall state the number of convicts wanted the labor to be performed and particular locality of same; and no bid will be considered that does not expressly state the particular place designating the same by name.

Convicts hired to work in mines and able to do so, will be classed by the inspectors into first, second, third, and fourth class, and the proposals shall state the amount offered for each class respectively per month. Convicts capable of performing manual labor, but unable to work in mines, will be hired per capita and proposals in that way are invited for them. No female convicts are offered for hire.

The hire for said convicts shall be due and payable the first day of each month. The hirer shall be required to give bond for the faithful performance of his contract in such sum as may be required by the Governor and with security to be approved by him. The hirer shall conform to all the conditions of law for the hiring of convicts, and their management and treatment, and also to all the rules of the board of Inspectors of Convicts now in existence or that hereafter may be adopted, and to provide suitable rooms, furniture and accommodations for the schools required to be established by the Inspectors. Copies of the contract required to be signed may be obtained by application at this office.

The proposals shall be written or printed and shall be enclosed in an envelope and securely sealed, with no inscription or superscription on the outside of said envelope, except my name and address, and across the left hand of the envelope the following words: "Proposal for Convicts."

Such convicts as may be necessary for the use of the State, or who because of sex, insanity or disease cannot be put at hard labor are reserved.

The proposals will be opened and the bids accepted or rejected at the Executive Office in the State Capitol, on the third day of January, 1888.

The right reserved to reject any and all bids.

R.H. Dawson, President,
Board of Inspectors of Convicts

LIST OF BIDS FOR STATE CONVICTS

Page 9

January 3, 1888

No. of bid.	Name of bidder.	Number Wanted	Kind of labor to be performed	Place of labor	Amount bid per Class.				Am't bid for those unable to cut coal	Term for which bid.
1 (a)	Rouse & Williams	200	Agriculture	Wright and Home place Elmore Co.	—	—	—	—	5 00 per capita	10 yrs.
1 (b)	"	200	"	"	—	—	—	—	5 00 per capita	5 yrs.
2 (a)	Sloss Steel & Iron Co.	200	Coal mining	Coalburg	18 00	14 00	9 00	M'ine	10 50 per capita	10 yrs.
2 (b)	"	200	"	"	18 00	12 00	8 00	"	8 50 per capita	5 yrs.
2 (c)	"	300	"	"	18 00	12 00	8 00	"	8 50 per capita	5 yrs.
2 (d)	"	300	"	"	18 00	14 00	9 00	"	10 50 per capita	10 yrs.
3 (a)	Tennessee Coal, Iron, & R. Co.	600	"	Pratt Mines	17 50	13 00	8 00	"	9 00 per capita	5 yrs.
3 (b)	"	600	"	"	18 50	13 00	9 00	"	11 00 per capita	7 or 8
3 (c)	"	600	"	"	18 50	13 50	9 00	"	11 00 per capita	10 yrs.
4	Jno. T. Milner	100	50 coal mining 50 lumber	New Castle Bolling	18 25	13 25	8 50	"	11 00 per capita	5 yrs.
5	Milner Coal & R. R. Co.	100	Coal mining	New Castle	17 25	13 50	8 00	"	11 00 per capita	5 yrs.
6	Milner, Caldwell & Flowers	100	Lumber	Bolling					11 00 per capita	5 yrs.
7	Milner Coal & R. R. Co.	100	Coal mining	New Castle	18 25	13 50	8 50	"	11 00 per capita	10 yrs.
8	H. F. DeBardelaben & W. D. McCurdy	All	"	Coal C. Mines	25 00	15 00	7 00	3 00	2 00 per capita	5 yrs.
9	"	All	"	"	25 00	15 00	7 00	3 00	2 00 per capita	10 yrs.
10	Coaldale Brick Mining Co.	100	Coal mining and brick making	Coaldale	16 00	12 00	8 00	5 00	10 00 per capita	—

ALABAMA HOUSE JOURNAL

SPECIAL COMMITTEE REPORT.

1889.

Prisons.

On the 1st day of January, 1889, there were on hand 799 State convicts, 655 with the Tennessee Coal, Iron, and Railroad Company at Pratt Mines, and 144 in the walls of Wetumpka.

There were also on hand about 829 county convicts as follows:

Number of County Convicts January 1, 1889.

Milner Coal and Railroad Company, New Castle, 151.

L. H. McCurdy & Bro., Lowndesboro, 37.

Irwin & Smith, Autauga, 5.

R. A. Hardie, Perry County, 25.

Sloss S. & L. Co., Coalburg, 293.

Tennessee C. & L. & R. R. Co., Pratt Mines, 177.

Milner, Caldwell & Flowers, Bolling (about) 30.

J. M. Lovelance, Jefferson (about) 40.

W. D. McCuredy, Lowndesboro, 4.

Hammock & Collins, Montgomery, 9.

J. W. Pace, Chambers (about) 9.

Thos. Williams, Elmore, 9—making a total of 789.

There are hired in counties of conviction to different individuals in such counties about 40—making in all about 829.

These figures were obtained from the records in the Office of the Inspector of Convicts, and of course, vary from day to day. Since this date Hammock & Collins have surrendered their contract, and the convicts held by them—nine in number, from Montgomery county—have been transferred to the Sloss Iron and Steel Company at Coalburg. The same is true of the Autauga county convicts. It was impossible for the committee to visit each camp. They did visit New Castle, Coalburg, and the two prisons at Pratt Mines.

There are certain rules and regulations that these places have in common. The men are required to rise in the morning about day-break. They then breakfast. Each man finds upon his plate his allowance for breakfast and dinner. What he leaves from breakfast he is allowed to take with him into the mines for dinner. The contractors are required to furnish each convict a tin bucket for this purpose. Some of the men have no buckets, and therefore have to go without dinner. We saw at some of the mines, men going in and coming out barefooted and insufficiently clad. Naturally the explanations of these things offered by the contractors and the convicts respectively rarely tallied, and were unsatisfactory to the committee. The same system of punishment—whipping with a leather strap—is observed at each place. The rules of the Inspectors require a complete record to be kept showing date of punishment, cause, and extent thereof. These record show that

an immense amount of whipping is done, though much less at "Slope No. 2"—one of the prisons at Pratt Mines—than at any other prison. Nearly all the whipping is for failure to get task, or for getting slate or rock in the coal.

The system of working in the mines is usually to put from two to four men together, and require of them an aggregate amount of coal. The theory is, that the one who fails to do his part, is punished. But as we found it—the practice is to punish all.

Those who work on the "day shift" are allowed to come out of the mines when they finish their task. The men are called out at four o'clock, but those who have not finished their task by that time are allowed to remain. Thus those men are coming out at all hours of the day. As they come out, they go into the bath room, bathe and put on their cell suits, and go to their cells.

The theory is, that the one who fails to do his part, is punished, But as we found it—
THE PRACTICE IS TO PUNISH ALL.

The "night shift": are all required to remain in the mines until about sun-rise. The Saturday "night shift" are by this rule, kept in the mines until sun-rise on Sunday morning.

The necessary work on Sunday, such as minding the pumps, etc., is voluntary, and the men receive pay for performing it.

The contractors—the men to whom the State and counties hire their convicts—have as little to do with the management and treatment of the men, and perhaps know as little about it as people on the outside. This duty and responsibility is devolved upon their employees, who are entrusted with full authority.

When a convict complains of being sick, he is usually examined by a physician before he is sent to work. If he complains after entering the mines he is sent to the surface. This general rule is not always observed. Sometimes the man in charge of the convicts decides this question upon his own judgment. Among the witnesses examined were several convicts in every prison. Some of them affected to be unwilling to testify, from fear of the consequences if it should be known that they had given information. For this and other reasons, we have condensed the testimony of this class of witnesses and omitted their names.

Your committee saw many cases of seeming violations of the laws and regulations relating to the management of convicts. The authority of the Board of Inspectors to correct these abuses is ample.

EXCERPTS FROM: REPORT ON COALBURG PRISON

Rendered to the Committee of Health of Jefferson County Medical Society

July 27, 1895

Having been commissioned in March last to investigate and report on the conditions that have caused the high mortality and sick rates at Coalburg prison, I desire to submit the following in my report. Recognizing at the first visit the difficulty of the task, the complexity of the problem presented, I have naturally made no haste to submit this report-the more so as one of investigation has suggested others, until now more than four months have elapsed since beginning it, and six visits of inspection have been made to Coalburg.

Tuberculosis, in its varied forms, is the disease that causes the largest sick and death rate in the prison. As to the contagiousness of tuberculosis there can be no doubt, I think, at the present time. Its contagiousness has been too well established to admit of discussion in this report. What are the conditions in Coalburg prison which favor its spread?

In the first place we have the large preponderance of colored prisoners, naturally susceptible to the disease; we have the mental depression incident to prison life; we have men who are underground, shut out from sunlight from nine to eleven hours daily; we have them working six days in every week in the mines. From the mines the men are carried into the prison, where the light is poor and where the breathing space does not exceed 500 cubic feet for each prisoner. On Sundays and holidays they are kept in the prison. In a word, they practically never get into the sunlight.

With these most favorable conditions for the spread of tuberculosis, there are in every ward men suffering from tuberculosis and scattering the seeds which are to grow and flourish in the fertile soil afforded by these prisoners. Little wonder that the crop of tuberculosis should be plentiful. Heretofore the men who worked in the larger mines had to walk through a tunnel for three-quarters of a mile before reaching their places of work and much complaint was made by prisoners, as they were forced on account of the low ceiling of this tunnel to walk in a constrained, bent position.

...During these two years 105 prisoners died. Of these 105 there were 13 who were received in such condition that they were never able to work at all after entrance to prison-a circumstance which tells the sad tale of the way prisoners are treated in county jails.

Ten were killed in the mines or outside, thus leaving deaths among prisoners who were able to work.

Of these 82 who worked, 31 were worked on the outside and were working on the outside at the time of entrance to hospital for final sickness, thus leaving 51 deaths among those who were deemed able to work in the mines.

Thirty are reported to have died of tuberculosis in some form, but 5 cases of delayed pneumonia, and 1 of pleurisy should also be included, making 37 deaths from tuberculosis.

Seventeen deaths from diarrhoea are reported, but as they were but few post mortems made in this class of cases, there is questions as to whether some of these were not cases of intestinal tuberculosis.

Twelve died of typhoid fever. Pneumonia, rheumatism, dysentery, erysipelas, kidney trouble, etc., constitute the other causes of death.

Besides these deaths, 20 were pardoned, most of them on account of poor physical condition.

The death rate for the prison for each of the two years was 90 per 1,000.

The death rate for each year after deducting those who never worked and those who met accidental deaths, was 70 per 1,000.

The death rate among the men who worked in the mines, who were working in the mines at the time they were received in hospital, was 64 per 1,000.

Can a state confessedly place such
A LOW ESTIMATE ON THE LIFE
of her citizens?

Such a death rate, 64 persons per 1,000, among men in the prime of life and in such physical condition as to work in the mines, is simply frightful.

This death of 64 per 1,000 includes only those among the miners who died while in prison, and does not include those who at the end of their terms carried forth into civil life their death warrants in the shape of disease contracted in prison.

In order to demonstrate how high comparatively the death rate really is, I offer the following:

The death rate of Birmingham for 1894 was 13 per 1,000, which included deaths among children and all classes.

The death rate of the English army in 1880 was less than 7 per 1,000.

The official of the Sloss Company urge in extenuation of the excessive mortality among the Coalburg prisoners the number of short term men they have to receive in order to keep up an average of 570; the class of prisoners who commit slight offenses and are sent to Coalburg; and lastly the bad condition of men on entrance as a result of incarceration in the county jails.

After making all possible deductions for these factors, the mortality still remains very great.

I have been impressed with the evident purpose and desire of the Sloss officials to carry out any reasonable suggestion tending to the amelioration of the condition of prisoners. They recognize, like the slave owners of old, that from a commercial point of view, if from no higher, the health of the man is requisite to a full return on the investment. But the evils of the system, like that of slavery, are inherent.

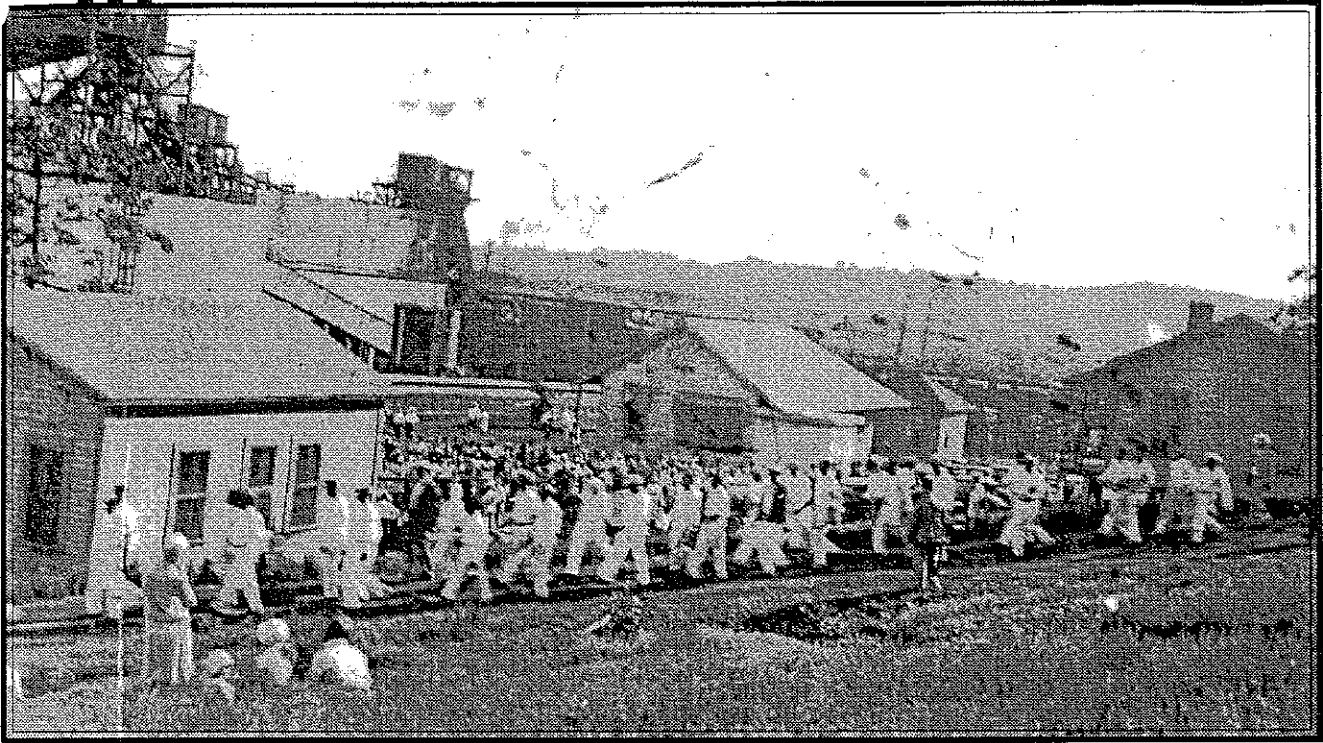
The largest portion of these prisoners are sentenced for slight offenses and sent to prison for want of money to pay the fines and costs. They are not criminals in the sense that term has come to be used by penologists, for they make useful workmen in a large number of instances after being released. There are many of them sentenced to pay a fine of five or ten dollars and the costs of the trial. A fine of five or ten dollars means ten or twenty days in prison to pay the fine, but the cost keeps them in Coalburg in many instances as many as 200 days longer. And this is the secret of their being there, as the men who arrest them derive their fees out of the costs the Sloss Company pays the county of their work.

As long as county sub-officials can get fees out of the prison labor of these men, and sheriffs make a large profit from feeding them, so long will Coalburg prison be kept well supplied.

In the light of utility, social and moral, the question may well be raised whether a sovereign state can afford to send her citizens, for slight offenses, to a prison where, in the nature of things, a large number are condemned to die.

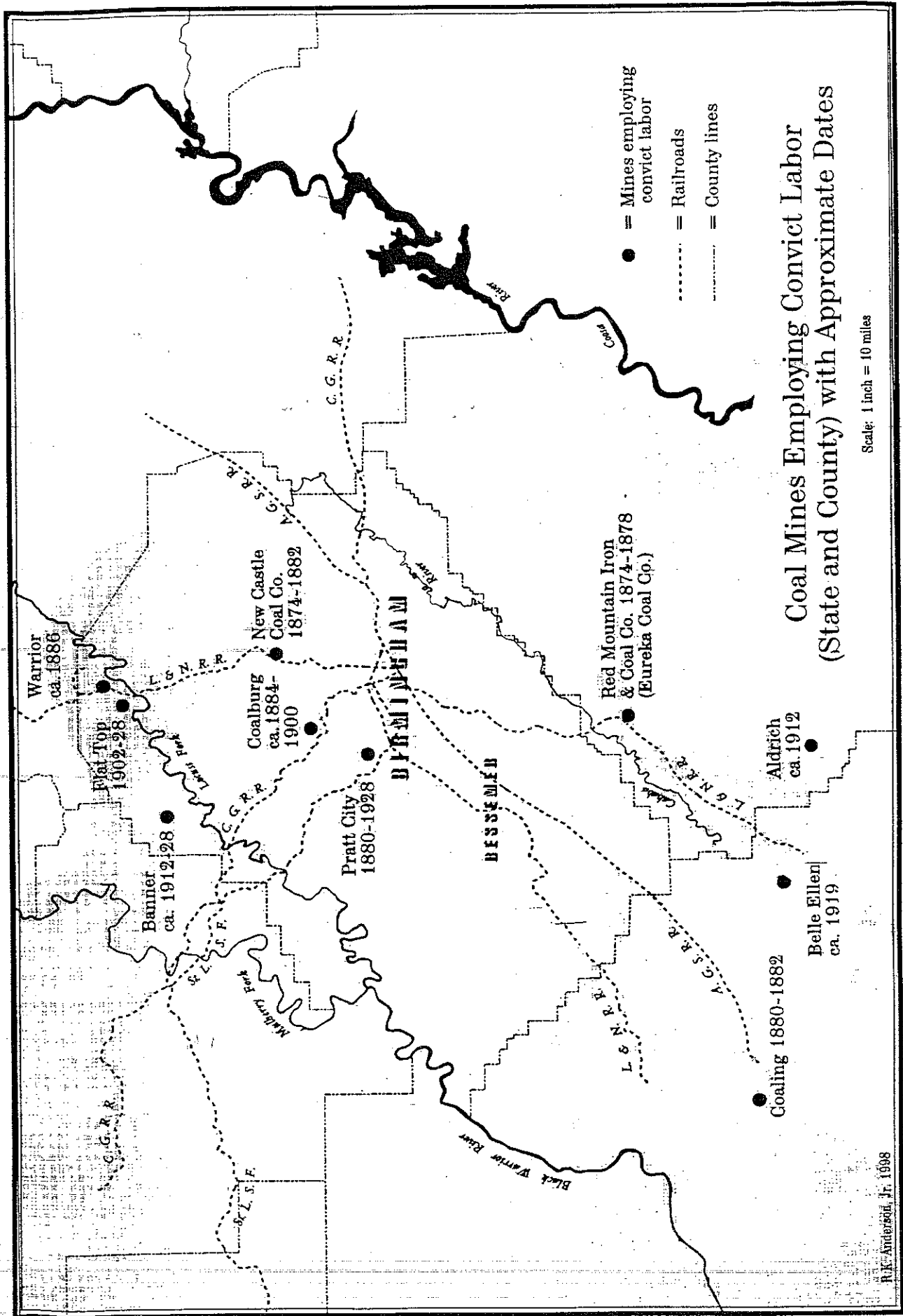
Can a state confessedly place such a low estimate on the life of her citizens?

The legislature, or the proper authorities before it convened should see to it that conditions are changed and ameliorated, or that other arrangements be made for taking care of county convicts.



FLAT TOP MINE.
MINERS LEAVING MINE
TO GO TO FARM.
NORTHWEST OF GRAYSVILLE.

MAP



Coal Mines Employing Convict Labor
(State and County) with Approximate Dates

Scale: 1 inch = 10 miles

EXCERPTS FROM: "ONE DIES, GET ANOTHER" CONVICT LEASING IN THE AMERICAN SOUTH

Alabama's lease history is notable more because of its enormous quantity than its unmixed quality. First of all, Alabama was where leasing lasted the longest, by far. Alabama was one of two Southern states (the other was Louisiana) that initiated a convict lease as a durable policy before the Civil War, and continued it long after other states had found different outlets for convict labor.

Second, it was first in revenue. Alabama was the most successful of all states in negotiating contracts for amounts that were virtually the same as free-wage rates; and what is equally important when one examines leasing elsewhere; it succeeded in actually collecting the moneys due from those contracts.

The prison population in 1873 comprised just 219 convicts, 185 of them black. Forty-seven of them would die that year working in mines and on railroads.

Indeed, Alabama consistently ranked first among all states in revenue from convict labor, and by 1883 at least ten percent of the state's annual revenue derived from this source.

Contracts could be complicated, because the 1879 law resuscitated the old practice from slavery times of classifying slaves as "full," "half," or "dead" hands, and different rates were demanded for each.

The racial composition of the work squads was also of concern. Contracts called for black convicts, who were always seen throughout the South as the preferred race for agricultural labor although it was quickly apparent that, in the event of a shortage, white convicts would do.

Meanwhile a four-man legislative committee investigated allegations of mistreatment. As a rule, the committee found, the convicts were well treated and not overworked-when due allowance was made for whippings and water punishments. The worst feature of the system, the fastidious committee found, was THE ABSENCE OF RACIAL SEGREGATION.

For first class convicts the state received \$18.50 per month; those in the second class fetched \$13.50, those in the third \$9.

In the late nineteenth century, then, most Alabama convicts worked twelve hours a day in wet, suffocating coal shafts far below ground. When they returned to the surface in the evening air, they retired to a two story frame miners' shack that had a rough-hewn table, benches and a stove in the center and bunks along the wall. There they took their meals, and two to a bunk, their rest. Roused up at 5:00, and given twenty minutes to dress and eat, they would then descend to the pits for another day.

Convict miners in Alabama, mostly, but not entirely black men (1,496 out of 1,710 in 1896, a typical year), were assigned specific "tasks" or quotas that they had to fulfill. A first class hand had to send four tons per day to the surface, a second class hand three, a third class hand two, and a fourth class or "dead" hand one.

In the 1930's an elderly guard recalled: "Convicts would be punished for not getting their tasks. The warden and the deputy warden would do the whipping...The whippin' was done with a two ply strap as wide as your three fingers, tied to a staff. The convicts were face down with their pants off. They were whipped on the hips and legs five to twelve lashes." Another old guard interviewed for the Alabama Writers' Project in 1938 remembered whoop(ing) niggers just to have fun...I've seen niggers with their rumps looking like a piece of raw beef."

The miners sing about it:

The foreman he was bank boss
And he knows the rule,
If you don't get your task,
He's sure to report you
And when he does report you,
The warden with a squall,
Bend your knees
Across that door piece fall.

Punctuating the history of Alabama's second forty years of leasing are a series of horrific mining disasters, culminating in the explosion at Banner Mine in 1911, which killed 122 convicts and 6 free miners.

An explosion at the Pratt Mine killed ten men, nine of them convicts, in June of 1891.

When Alabama miners struck in the spring of 1894 to protest a ten percent wage cut, Henry DeBardeleben, the Andrew Carnegie of Birmingham, responded by importing "blacklegs"-African American scab labor.

"I've seen niggers with their
rumps looking like
A PIECE OF RAW BEEF."

Many a Birmingham industrialist nurtured warm feelings toward leasing because of the comparative advantage it conferred in depressing labor costs. And a careful historian of black coal miners succinctly adds a third necessary, though not sufficient reason for the continued grip of leasing on the state-a political reason "leasing, he writes, "constructed the quid pro quo of a compromise between the two

major wings within the Democratic party: the conservative planters of the black belt and 'progressive' industrial promoters of the Birmingham mineral district."...the policy endured because it served a complex combination of interwoven political, economic, and social interests.

"...The convict lease system in the state of Alabama is a relic of barbarism, it is a form of human slavery, it is next to impossible for the average citizen unfamiliar with the conditions to grasp or comprehend the horrors attendant with such a system."

"...The prisoner was strapped down, a funnel forced into his mouth and water poured in. The effect was to enormously distend the stomach, producing not only great agony but a sense of impending death, due to pressure on the heart." This ancient form of punishment had found its way along the intricate byways of Southern penal practice to become as widespread there as it was little known outside.

...on July 1, 1928 the last convict miners emerged from the mile-long shaft near Birmingham, singing not "The foreman he was bank boss" but "Swing Low, Sweet Chariot."