

# SLAVERY AFTER THE CIVIL WAR

# MLL

middle level learning



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# The Convict-Lease System, 1866–1928

## “It Makes a Long-Time Man Feel Bad”

Christine Adrian

Students often think that history is not relevant to their lives and the issues of today. Current events and hot-button issues—which do grab their attention—can be a starting point for a lesson about history. Students can experience for themselves how history—learning about people and events; comparing sources and evidence; and asking critical questions—can provide them with a deeper understanding of today’s challenges.

For an example of a hot-button issue, here is a passage from the *Washington Post* published in February 2008<sup>1</sup>

With more than 2.3 million people behind bars, the United States leads the world in both the number and percentage (1%) of residents it incarcerates, leaving far-more-populous China a distant second, according to a study by the nonpartisan Pew Center on the States.<sup>2</sup> The growth in prison population is largely because of tougher state and federal sentencing imposed since the mid-1980s. Minorities have been particularly affected: One in nine black men ages 20 to 34 is behind bars [or 11%].

These statistics immediately inspire questions. Why is the United States number 1 in imprisoning its citizens? Why are young black men represented disproportionately in U.S. prison populations today? Do events that happened in the past have anything to do with this situation?



### MIDDLE LEVEL LEARNING

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Our students might also raise “media literacy” questions, or we can prompt them to do so. Where did these numbers come from? More generally, are advancements and achievements covered as well as social problems? How does the media report on black youth? On African American communities?

### Echoes from History

These are vital questions that have no simple answers. And yet the future health of our society depends on addressing these statistics and exploring the possible causes of our national troubles.<sup>3</sup> As teachers (and concerned citizens) we wonder what might we do to guide young people so that they do not end up serving time in prison.

A good way to begin to acquire a basic understanding of a social problem is to investigate its history. Many aspects of U.S. history are relevant to the current issues surrounding our prison system, and one of them is the legacy of the convict-lease system, recently featured in a PBS documentary based on the Pulitzer Prize-winning book *Slavery by Another Name*.<sup>4</sup>

### Three Lessons

A unit of study on Reconstruction in a U.S. history class could include one or more of the three lessons below, which can be taught over three days. The lessons and handouts provide information about the convict-lease system of the Reconstruction Era. The activities challenge students to examine the historical record. The teacher can help students read and compare accounts from Virginia, Georgia, and Louisiana, and begin to form their own opinion about what happened between 1866 and 1928, why it happened, and why the system persisted for so long. Students can reflect on current issues in light of their new knowledge and, if they wish, engage in further study and research.

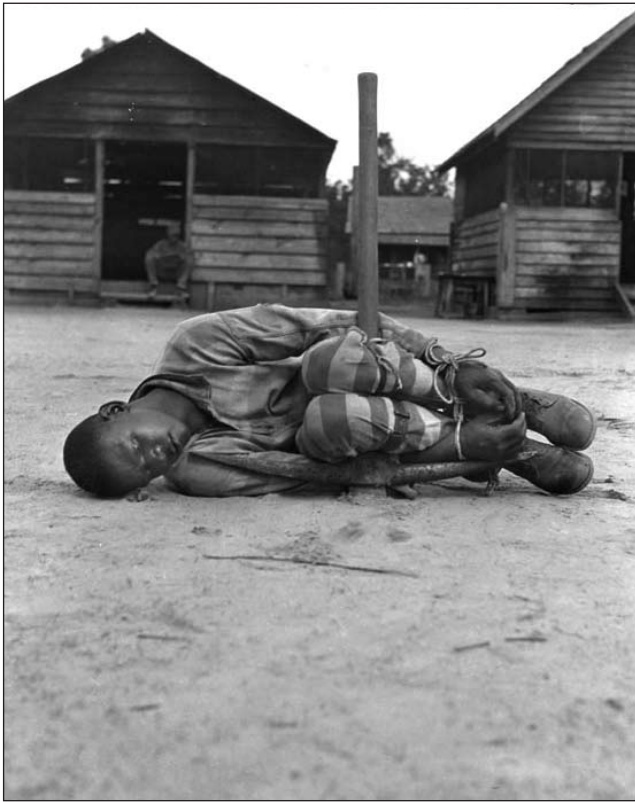
**ON THE COVER:** Juvenile convicts at work in a field, likely in Louisiana. (ca. 1903.) Detail from a photograph at the Library of Congress website, [www.loc.gov/pictures](http://www.loc.gov/pictures). See page 12.

## Teaching a Difficult Topic

The crimes committed under the convict-lease system were horrendous, as briefly described in the handouts. For example, at the *Slavery by Another Name* website, photographs of a young man hogtied in the dirt are heart-rending.<sup>5</sup> Convict-lease is certainly a “difficult topic” for any teacher to teach about, and yet a unit of study on the Reconstruction Era would be remiss if failed to deal with it directly.

In a recent issue of *Social Education*, which had the theme “Teaching Difficult Topics with Primary Sources,” Lee Ann Potter (director of the Educational and Volunteer Programs at the National Archives) pointed out that, if teachers address difficult subjects like these “in the safety of a classroom through carefully constructed lessons,” rich discussions can result. Such lessons provide students “with evidence that each generation confronts issues similar to those faced by preceding generations.”<sup>6</sup>

Harry Ransom Humanities Research Center, University of Texas at Austin



Punishment in a forced labor camp, Georgia, 1930s

## Convict Lease in Historical Context

In his Pulitzer-prize winning book *Slavery by Another Name*, Douglas Blackmon argues that the convict-lease system, or neoslavery, was more than a horrific example of racism—it was central to the whole web of repression that kept African Americans impoverished, disenfranchised, dependent, and terrorized in the South during the Reconstruction Era and for years after that.<sup>7</sup>

The readings for students (in the lesson that follows) are based on the work of historians and journalists. Our students

need to examine and interpret such materials before they can articulate their own thoughts, engage in discussion, and arrive at an informed opinion. These lessons aim to empower students to do that. There is much historical primary source material now available online, such as folk songs, prison records, and photographs, for those who wish to study them.<sup>8</sup>

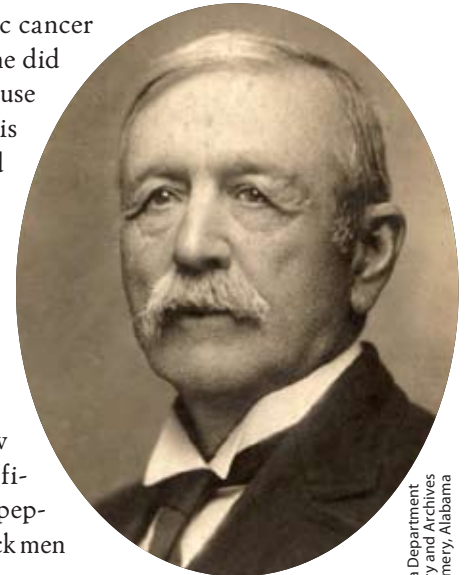
## Teaching in My City

The Illinois school district in which I teach has its own legacy of discrimination. From 2002 to 2010, it followed a court-ordered plan to “accelerate the progress of African American students,”<sup>9</sup> who comprise about one-third of the children in my classes.

Our corner of the metropolitan area of Urbana-Champaign is still recovering from an incident in 2009 in which a 15-year-old black youth was shot and killed by a police officer. Kiwane Carrington and his friend were confronted as they “tried to break into a house.”<sup>10</sup> Kiwane’s mother had died of pancreatic cancer the year before. Kiwane did not have a key to the house where he was staying, his school was canceled that day, and it was raining, so Kiwane and his friend were trying to force their way in. And there are other disturbing incidents. Recent videos posted online show Champaign police officers choke-holding or pepper spraying young black men under arrest.<sup>11</sup> Questions about racial profiling and police brutality are often in the local media, and often on the minds of my students.

In this context, for me to teach about this nation’s history of violence toward African Americans might seem provocative, leading to outbursts (or sullen quiet) in the classroom, but that is not what I have found. Rather, it sparks a need for investigation in my students; they are often observed trying to reconcile a narrative in which slavery was legally abolished, and yet forced labor and attitudes of racism persisted for decades. Illustrating counter narratives of our history gives students a purpose for investigation, which my students overwhelmingly meet with a sense of professionalism and passion.

As a teacher, my goal is not to tell students what to think, but present a set of problems in which they have to think for themselves and attempt to come up with reasoned theories regarding their conclusions. If it is explained to parents that you are promoting students to think for themselves, then parents,



W. D. McCurdy, Alabama  
Plantation Owner, 1911

Alabama Department  
of History and Archives  
Montgomery, Alabama

teachers and students can be on the same page that learning history is not memorization of stories. When we analyze the good, the bad, and the ugly in our histories, we become better critical thinkers who make up their own minds about their past, present, and future. 📖

**Notes**

1. N. Z. Aizenman, “New High in Prison Numbers,” *Washington Post* (February 29, 2008), [www.washingtonpost.com](http://www.washingtonpost.com).
2. Pew Center on the States, “Pew Report Finds More than One in 100 Adults are Behind Bars,” (February 28, 2008), [www.pewcenteronthestates.org](http://www.pewcenteronthestates.org).
3. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012).
4. Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (Norwell, MA, 2009). Visit [www.pbs.org/sban](http://www.pbs.org/sban). The newly launched PBS website has three grade 9-12 history lessons with video clips, including “The Price of Labor,” which examines the vital role that labor played in the development of the South after the Civil War as it moved towards industrialization.
5. “Photo Gallery: An Age of Neoslavery,” [www.slaverybyanothername.com](http://www.slaverybyanothername.com).
6. Lee Ann Potter, “Teaching Difficult Topics with Primary Sources,” *Social Education* 75, no. 6 (November/December 2011): 284-290. It’s in the NCSS Publications Archive, [www.socialstudies.org/publications/archive](http://www.socialstudies.org/publications/archive).
7. Blackmon.

8. “It Makes a Long-Time Man Feel Bad” is the title of a prison song. The prisoner’s family members do not know where he is, so he receives no letters. Lyrics at [www.library.pitt.edu](http://www.library.pitt.edu). Learn more at the Smithsonian’s Folkways Collection, [www.folkways.si.edu](http://www.folkways.si.edu).
9. US District Court of Central Illinois, *Johnson v. Board of Education Champaign Community Unit School District #4* (2006), [www.ilcd.uscourts.gov/Champaignschools.htm](http://www.ilcd.uscourts.gov/Champaignschools.htm).
10. [socialistworker.org/2009/10/20/why-was-kiwane-killed](http://socialistworker.org/2009/10/20/why-was-kiwane-killed); “Unity March Honors the Memory of Kiwane Carrington,” Urbana-Champaign Independent Media Center, [www.ucimc.org](http://www.ucimc.org).
11. This case inspired a book on relationships between black youth and police, *Shattered Relations: Recounting the Death of Kiwane Carrington*, (Champaign, IL: News Gazette, 2011), [www.smashwords.com/books/view/86984](http://www.smashwords.com/books/view/86984).

**CHRISTINE ADRIAN**, a National Board Certified Teacher (Social Studies-Early Adolescence), teaches in the eighth grade at Jefferson Middle School in Champaign Unit #4 School District, Champaign, Illinois. Christine was awarded the 2011 NCSS Outstanding Middle Level Social Studies Teacher of the Year and has received numerous other recognitions: Illinois History Teacher of the year from Gilder Lehrman Institute for American History; Splash Grant (3 years) from the Champaign Urbana Schools Foundation; Outstanding Mock Election Project, Illinois, from The League of Women Voters and National Mock Election; and Grand Prize Winner, Lincoln Lesson Plan Contest from The History Channel. She is an active member of the Illinois Council for the Social Studies and National Council of History Educators as well as NCSS.

**Children with an Incarcerated Parent** Steven S. Lapham, editor, *MLL*

Teachers should be aware that about three million children now have a parent in jail or in prison. The average age of a child with an incarcerated parent is eight years old.

The topic of this lesson in this issue of *MLL* may be emotionally challenging for a student with an incarcerated parent. A teacher could speak to the whole class, inviting any student who would like to talk about any aspect of prisons, parole, or the justice system, to meet with you during lunch or after school. That announcement might open the door to useful discussions. You could contact guidance counselors to inquire whether any students in your classes have a parent who is incarcerated.

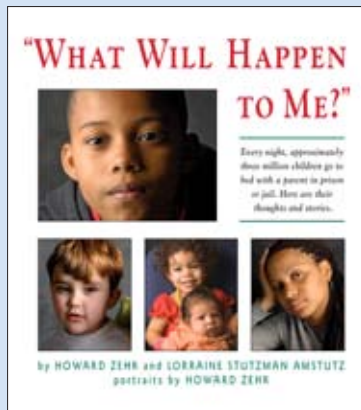
*What Will Happen to Me?* a book by Howard Zehr and Lorraine Stutzman Amstutz, offers advice for caregivers (often grandparents) and legal practitioners. The book’s opening section comprises the words of children and grandparents (who are often the caretakers of such children). It also features large, attractive, color photos of the children being quoted. The book closes with “thoughtful proposals for how to apply restorative justice and respect for relationships when faced with the difficult situation of parental incarceration.”

The middle section of the book, “Ten Questions Often Asked by Children Whose Parents are in Prison,” may be especially valuable to teachers who are preparing for one-on-one discussions with a student.

Just having this book as part of you classroom library could open the door to helpful conversations. As the authors relate, “Some of the questions [these children] ask are straight forward. But sometimes their questions come out indirectly or in their challenging behavior. Incarcerated parents, as well as other caregivers of children or other adults in their lives, often have to answer their uncomfortable questions.” (p. 60)

First author Howard Zehr is professor at the Center for Justice & Peacebuilding at Eastern Mennonite University, Harrisonburg, Virginia. Lorraine Stutzman Amstutz is co-director of Mennonite Central Committee’s Office on Justice and Peacebuilding, and has served on the international Victim Offender Mediation Association Board.

The authors let the reader know about their professional experience and opinions right at the start (p. 3). “We believe that people of color are over-represented in prison primarily because of law enforcement and sentencing policies that impact communities of color most heavily. However, the impact of incarceration on children, no matter their race or cultural background, is profound, and many of the issues they face are universal.” 📖



**Notes**

1. Howard Zehr and Lorraine Stutzman Amstutz, *What Will Happen to Me?* Intercourse, PA: GoodBooks, 2011. Paper binding. 94 pages. \$14.95. [www.GoodBooks.com](http://www.GoodBooks.com).

# The Convict-Lease System, 1866–1928 (Three Lessons)

Lesson Plans by Christine Adrian

## Grade Levels

Middle School/High School

## Duration

Three class periods of 50 minutes each, over three days

## Prerequisites

These lessons could be taught as part of a unit of study on the Reconstruction Era. Students should be familiar with the history of slavery in the United States—including knowing the states in which slavery existed at the start of the 1860s, as well as understanding what life was like for enslaved Americans, and how they were resisting. Students should have been introduced to the challenges facing the whole nation after the Civil War. (Also please see the preceding pedagogical article.)

## Purpose

The lesson has two goals: To show how the convict lease system was integral to the climate of repression imposed on black Americans during the Reconstruction Era; and to help students come to understand that there is a history of abusive and at times false incarceration, based on skin color, that haunts the memories and lives of many Americans today.

## Essential Questions/Enduring Understandings

- How is our past connected to our present?
- How do we know what happened in a specific time and place?
- How can the evidence of history be covered up? And how can we recover lost history?
- In what ways do attitudes that people held in the past live on today?
- What are some of the ways that attitudes and behaviors change?
- How can laws protect (or fail to protect) the rights of a minority in a democracy?

## Assessment

The teacher will analyze student understanding by evaluating their answers on worksheets (see pages 15 and 16) as well as their statements during class discussion. 🗣️

**CHRISTINE ADRIAN**, a National Board Certified Teacher (Social Studies-Early Adolescence), teaches in the eighth grade at Jefferson Middle School in Champaign Unit #4 School District, Champaign, Illinois.

## Procedures: Lesson 1

Start the class by reading aloud from a current news article that has to do with racial profiling or incarceration, such as an article about the arrest in 2009 of Harvard Professor Henry Louis Gates, Jr. as he attempted to break into his own home, having forgotten his keys ([www.boston.com/news/local/breaking\\_news/2009/07/harvard.html](http://www.boston.com/news/local/breaking_news/2009/07/harvard.html)), or provide some statistics about America's current prison population, as quoted in my *MLL* article on page 2.

Ask students if they have heard about these issues before, and what they think of it all. Does race play a factor in whether you are suspected or arrested for a possible crime?

Explain that many times when a controversy arises in the news, there is a history behind the issue that can help us to understand the conflict. Such may be the case for incarceration based on racial profiling. Tell students they will be investigating part of this history.

Ask students if they can explain what the topic of the 13<sup>th</sup> Amendment is.

*continued on next page*

## Procedures: Lesson 1 (cont.)

Post the text of the 13<sup>TH</sup> 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, or any place subject to their jurisdiction.” (Adopted 1865)

Ask students if they perceive a loophole in the law. What part of the wording of this amendment might be an opportunity for former plantation slaveholders?

Distribute **Reading 1** (an overview of the convict-lease system) to students. Have them read it silently, or one student may read it aloud while others follow along.

Invite students to discuss some of these questions in light of their reading: Did racism vanish as the Civil War ended? Did the desire for cheap (or even free) labor vanish away after the war? How did plantation owners and corporation managers get away with “slavery by another name” in the post-war South?

Have students postulate how they might have tried to deal with these issues in the South after the Civil War ended, knowing the phrasing of the 13<sup>TH</sup> Amendment.

## Lesson 2

The next day, distribute **Readings 2, 3, and 4** to students. You could have all students read all of the handouts, or break the class up into three groups, each group reading one handout. Then the groups could present what they have learned to each other. The readings describe the convict-lease systems in Virginia, Louisiana, and Alabama.

Invite students to summarize what they have read. Do these descriptions fit with (or contradict) the overview they read yesterday?

Who wrote these descriptions? (The source of each reading is cited at its end.) Are the descriptions believable? Do the authors seem credible?

Distribute **Worksheet A** (page 15). Allow students four or five minutes to fill it out, and then discuss the topic: What were some of the similarities and differences between slavery and the convict-lease system?

*Similarities* included lack of compensation for workers; economic benefit for the oppressors; absence of legal protections for laborers; use of physical punishment; and social reformers frustrated by the slow pace of any improvement. Convict lease was *different* from slavery in several ways, including the public (state and county) and private partnership that kept it going; the sections of the U.S. Constitution that were used to “justify” the practice; and the near-total *absence* of any “financial value” of the laborer to his overseer.

Have students discuss which they think is worse: a system that punished criminals too harshly, or a system that forced innocent people to work against their will.

## Lesson 3

The third day, distribute all three readings to each student and **Work Sheet B** (page 16). Allow students 10 to 15 minutes to fill out this worksheet, listing details of how different states exploited the convict lease system.

Invite students to share their work. What were some of the similarities and differences in the convict-lease system as it was practiced in different states? For example, the work might involve agriculture in one state and coal mining in another.

Inform students that the convict-lease system ended by 1930, when press reports finally resulted in nationwide revulsion. Businesses could no longer hire gangs of state prisoners. However, state elected officials, prison administrators, and guards continued to treat prisoners—in many ways—as if they were slaves.

Finally, you may ask students to compare past eras with our present time and touch upon current events. An investigation into the causes of today’s issues and troubling prison statistics is beyond the scope of these history lessons, but such topics are never taboo in a social studies class. America moves forward when we solve problems, not when we cover them up. It’s always useful to ask, “What are some of the ways that attitudes and behaviors change over time?” Your students have taken an important step if they have grappled with this difficult episode in American history: the convict-lease system of the Reconstruction Era.

# The Convict-Lease System During Reconstruction

## A Loophole in 1865

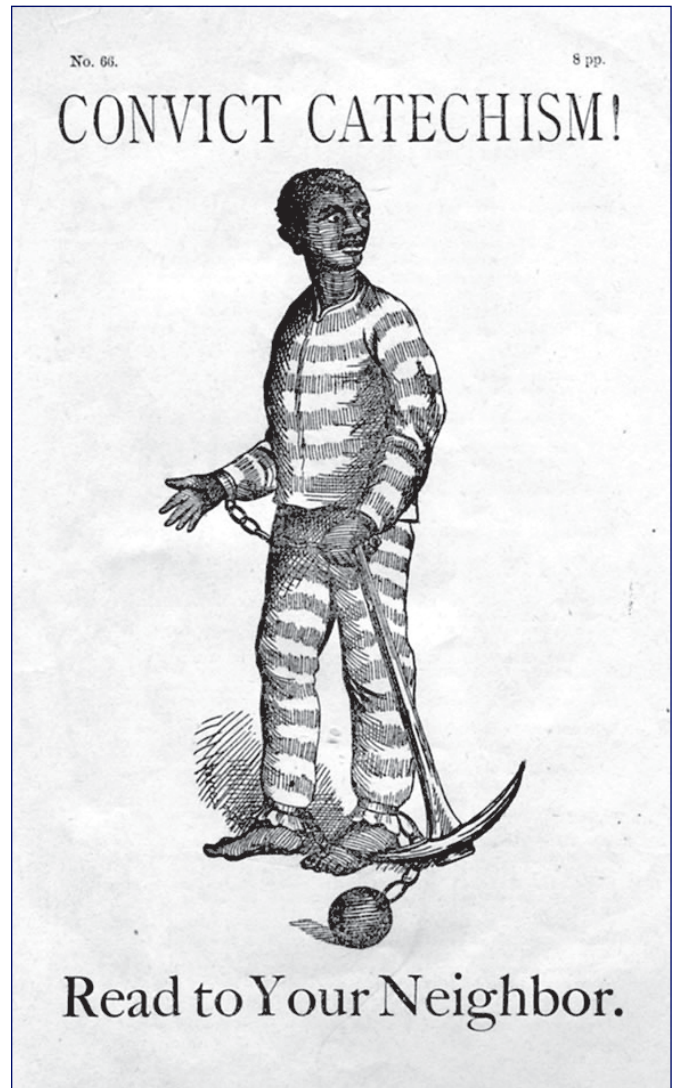
While the 13th Amendment legally abolished slavery and involuntary servitude, a loophole allowed the widespread continuation of slavery in the Southern states—slavery as punishment for a crime. The 13th Amendment reads,

Neither slavery nor involuntary servitude, *except as punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States, nor any place subject to their jurisdiction.”

The italicized phrase is the obvious loophole. Some states used these words not only to treat their prisoners like slaves, but to lease them to a corporation or wealthy family that would use them to mine coal, dig railroad tunnels, cultivate and harvest crops, or work in a factory.

## Income for the States

Take Alabama, for example. Convict leasing actually began in Alabama before the Civil War, in 1846, when most convicts in the state were white. By 1883, about 10 percent of the state government’s total revenue was derived from convict leasing. This figure increased to nearly 73 percent of total revenue by 1898. Right after the Civil War, most of the leased convicts were former slaves.



Anti-slave labor pamphlet, Georgia, 1880s

Convict labor was a benefit to the wealthy because it provided cheap workers and depressed the social movement for labor unions. Convict labor was popular with taxpayers because it reduced the costs of running prisons. Indeed,

it often produced profits for states that were still recovering from the devastations of the Civil War. Thus, for the white upper class, the convict lease system worked just fine.

For African American men, convict labor could be worse than slavery. A slave owner might be reluctant to destroy his own “property” (that is, a slave). But a gang boss could face little or no punishment for murdering a convict. “If one dies, get another.”

### Reconstruction or Re-enslavement?

African American men were in constant danger of being arrested on a trumped up charge such as vagrancy (not having a job), and then saddled with court fees and other fines to be “paid off” with hard labor. Innocent men, caught up in the convict-lease system, might be prisoners for years.

A company or plantation that used convict laborers was not concerned about rehabilitation of convicts. In fact, the lessee had few incentives to provide the most basic necessities. Plantations and prison yards commonly kept secret graveyards containing the bodies of prisoners who had been beaten, tortured to death, or died from diseases that swept through work camps. Convicts would be made to fight each other, sometimes to the death, for the amusement of the guards and wardens. The legendary John Henry was probably a convict laborer who was forced to work in deadly conditions (See Reading 2). Death rates among leased convicts were approximately 10 times higher than the death rates of prisoners in non-lease states. In Alabama in 1873, for example, 25 percent of all black leased convicts died.

Not all convict laborers were black. For example, about half of Texas inmates were black. In that state, however, blacks were sent to sugar plantations, where the work was both brutal and dangerous.

### Public Awareness and Reform

Newspapers at the time did report on this abusive system. Labor unions criticized the cruelty and unfairness. Reformers brought the shocking truths before the eyes of the world. In Southern states, the evils of convict labor and abuses were generally described and debated during each election cycle. And, for decades, little changed.

Beginning in 1900, many states moved toward ending the convict leasing system. The system, however, was not abolished, but merely transformed. Prisoners who had labored for private companies and landowners now labored for the public sector. The chain gang, overseen by state employees, replaced plantation labor.

The convict lease system was slowly phased out, and ended by 1930. The turning point may have been in 1923, when Florida governor Cary A. Hardee ended convict leasing in his state after the case of Martin Tabert, a young white man from North Dakota, received national attention. Tabert had been arrested merely for riding a freight train in Tallahassee and was flogged to death. Coverage of Tabert’s killing brought the Pulitzer Prize for Public Service to the *New York World* newspaper in 1924.

Although the convict lease system, as such, disappeared, yet other forms of convict labor continued in various forms in the state prisons. These other systems included state-owned plantations, industrial prisons, and the infamous “chain gang.”

**SOURCES:** University of Houston, “Convict Lease System,” *Digital History*, [www.digitalhistory.uh.edu](http://www.digitalhistory.uh.edu).

Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Charleston: University of South Carolina Press, 1996).

Visit *SLAVERY by Another Name*, [www.pbs.org/sban](http://www.pbs.org/sban).



# Was John Henry a Convict Laborer in Virginia?

The ballad “John Henry” is the most recorded folk song in American history. John Henry—the mighty railroad man who could pound through rock faster than a steam drill—is a towering figure in our culture.

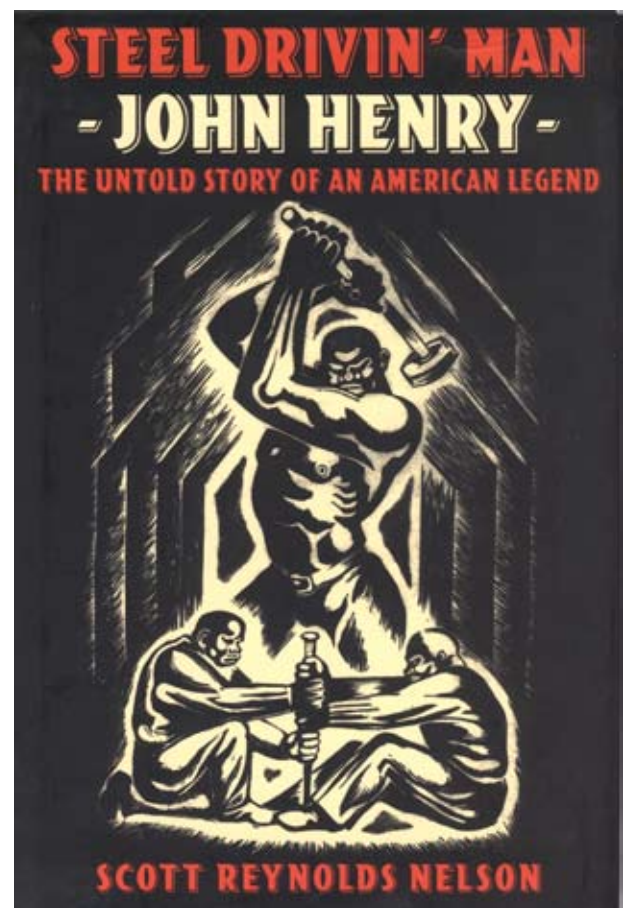
Scott Reynolds Nelson was curious about the song, and he began researching this question: What could have happened to John Henry? Using census data, penitentiary reports, and railroad company reports, Nelson discovered records of a “John Henry” who, victimized by Virginia’s notorious Black Codes, was shipped to the infamous Richmond Penitentiary to become prisoner number 497. John Henry was forced to labor on the mile-long Lewis Tunnel (between Talcott and Millboro, Virginia) for the C&O railroad in 1872. The tunnel was cut through solid rock.

## Silicosis

Why did John Henry die? Engineering reports from construction of the Lewis railroad tunnel state that steam drills and men were tested against each other. It is easy to imagine that he somehow drove himself to a heart attack. But there is more to the story.

Working in tunnels is dangerous, but not because of large rocks so much as microscopic ones. Hammering on rock kicks up dust, and power drills are the worst. We know today that unless miners are careful, and unless the company takes precautions, workers in the mines breathe in a dust

made up of small, sharp fragments of rock. This mist causes various diseases including silicosis and black lung, and has killed miners throughout



The illustration on this book jacket is by Frank W. Long, from the collection of Warren and Julie Payne

the world. The deadly mixture can cause a lingering slow death over four or five years, or kill you right away. Anyone working side by side with a steam drill in a closed tunnel was doomed. So John Henry may have died as his heart struggled to get oxygen. His lungs were probably congested

(filled with fluid) due to fine, sharp particles of the mineral silica that he had breathed in.

## Work 'til You Drop

The C&O Railroad Company was working against a deadline. If the tunnel was not finished by 1872, then the company would not be granted the rights to the whole run from Richmond to the Ohio River. (Such forced-labor contracts are illegal today.) So, the C&O company leased convicts, bought steam drills, and then its bosses worked men and machines as hard as they could.

When they hired the convicts, the C&O had promised to pay a large fine if the prisoner, or his body, did not come back at the end of the job. This kept the company vigilant to prevent runaways. The C&O gathered the bodies of the men killed by dust in Lewis Tunnel and sent them back to the Richmond Penitentiary. Prison administrators did not want anyone to know about all those deaths, so they dug holes and buried 300 bodies in the sand. That's how John Henry's body came to be buried on prison property.

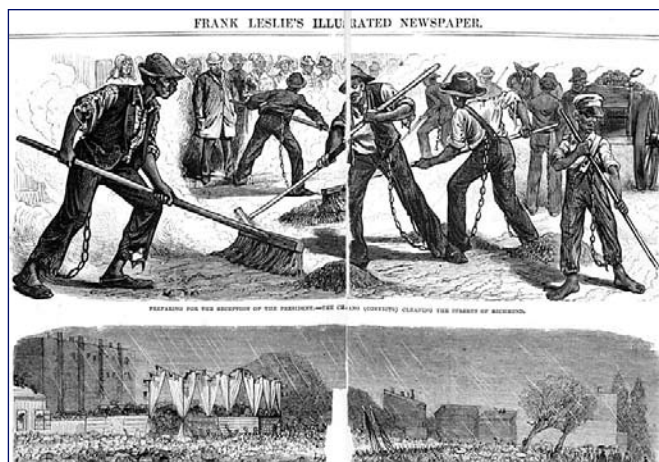
## Evidence in a Song

No wonder the Board of the Virginia Penitentiary was alerted in 1872: Hundreds of prisoners were dying from breathing the dust in the Lewis Tunnel. That year, one out of every ten men in the prison died. Working on the railroad was killing prisoners at a terrible rate.

The tunnel was built on time, and the prisoners were buried. John Henry simply vanished from the prison record in 1873 as if he had disappeared into the air.

But not everyone died, and not everyone was forgotten. Cal Evans was a cook who had worked

at the camps beside the construction sites. He kept telling everyone stories about John Henry. And then there was a waterboy, whose name is lost to history, who knew more than a hundred verses of songs about John Henry. Cal and the boy took the story and song with them, taught it to others, and soon other people were singing the song and adding their own variations to it.



Convicts cleaning street of Richmond, Virginia, 1877

**SOURCE:** This reading is adapted from *Steel Drivin' Man: John Henry, the Untold Story of an American Legend*, by Scott Reynolds Nelson (Oxford University Press, 2008) and an interview posted at [www.ibiblio.org/john\\_henry/nelson.html](http://www.ibiblio.org/john_henry/nelson.html).

*Ain't Nothing But a Man: My Quest to Find the Real John Henry*, by Scott Reynolds Nelson and Marc Aronson (National Geographic Children's Book, 2007) was a 2008 Notable Social Studies Trade Book for Young People:

Hear the song, from the Library of Congress Folkways collection, at [xroads.virginia.edu/~ma01/grand-jean/hurston/LOC/music/JohnHenry.html](http://xroads.virginia.edu/~ma01/grand-jean/hurston/LOC/music/JohnHenry.html). Zora Neale Hurston, working as an anthropologist, captured the recording.

Visit *SLAVERY* by *Another Name*, [www.pbs.org/sban](http://www.pbs.org/sban).

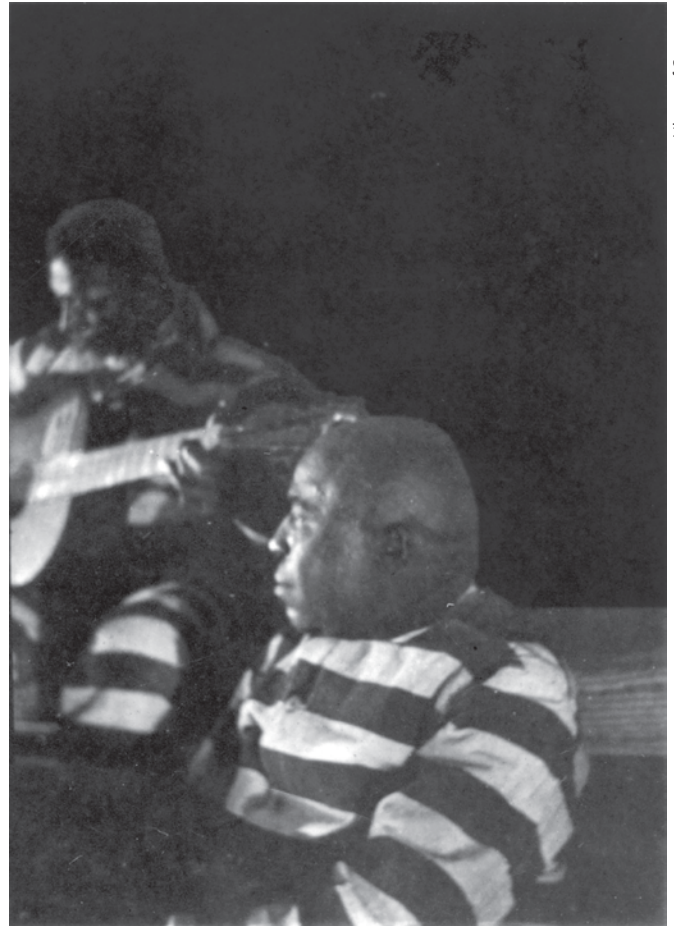
# The Convict-Lease System in Louisiana

After the Civil War, Louisiana's prison system saw two important changes.

The first change was the lease system, through which convict labor was leased to private contractors. Convict leasing began in Louisiana in 1844, in direct response to citizens' complaints about the cost of operating the Baton Rouge penitentiary. Taxpayers would not have to pay for prisoners' food, shelter, and supervision if private companies could lease (that is, rent) prisoners from the state and use these men to do labor.

The second change was the influx of African Americans into the prison population. Before the Civil War, the great majority of Louisiana's convicts were white men who labored at the craft and industrial jobs common to other walled prisons. The Civil War freed the slaves and granted them the rights of citizenship, but it also imposed on them one of the liabilities of citizenship: imprisonment at hard labor for convicted felons.

Overnight, in Louisiana and the other Southern prisons, the prison population became predominantly black. These young black men were mostly accustomed to agricultural labor. In Louisiana (and in the other states that established large prison farming operations), "convict," "slave," "Negro," and "farm work" became synonymous terms in the public and political mind.



Foreground: Blues musician Huddie William Ledbetter, aka Leadbelly (1888-1949), in Louisiana in 1934

Library of Congress

## A Plantation Prison

Samuel L. James stepped forward to lease prisoners in 1869. Major James, who had served briefly in the Confederate Army, began to relocate the great bulk of Louisiana's convicts from Baton Rouge to



Child workers in fields and textile factories were common until the Fair Labor Standards Act of 1938. The children in this photo were probably not paid for their work. They were forced laborers. Probably Louisiana, about 1903. Visit [www.loc.gov/pictures](http://www.loc.gov/pictures) and search on “juvenile convicts.”

his own large plantation on the Mississippi River. The year was 1870, and the plantation was called Angola.

Major James ran what has been called “the most cynical, profit-oriented, and brutal prison regime in Louisiana history.” Convicts worked on private property—both Major James’s and that of other plantation owners who sub-contracted their labor—for the profit of Major James. They did farm labor and cut timber. They performed as household servants. They travelled on Major James’s steamboat, repairing and building levees in the never-ending struggle to contain the Mississippi and protect the rich farmland.

The convicts lived in camps, open wooden buildings with bunk beds (much like the Florida road camps of the 1940s depicted in the movie *Cool Hand Luke*), built along the river and around the plantation. Angola covered about 13 square miles, and the convicts shared the land with black sharecroppers, several hundred families of free blacks. They paid rent for their land and house, bought their supplies at the two plantation stores, and settled up at the end of the year when their crops came in.

## A Brutal Period

The *Annual Report of the Louisiana State Penitentiary*, from 1901, suggests that the last seven years of the lease, from 1894 to 1900, were likely the most brutal of its entire history: about 732 convicts, averaging over 100 a year, died during this period.

When Major James’s lease expired in 1901, the State of Louisiana again took custody of its prisoners. Unfortunately, little changed. The prisons simply became a state-operated, for-profit business enterprise. If the ghost of Major James had returned to walk around Angola in 1969 (one hundred years after he bought the lease), he would have found that conditions had not changed greatly since his time. The prison was in a remote part of the state, away from urban areas, and shielded from visits by anyone who might have been critical of prison practices. Outsiders were never welcome at the old Angola.

**SOURCE:** Adapted from “Plantation Days at Angola” (1993) by Burk Foster, online at [www.burkfoster.com/plantationdays.htm](http://www.burkfoster.com/plantationdays.htm). Professor Foster recently retired from his post as Visiting Professor of Criminal Justice at Saginaw Valley State University in Michigan. From 1974 to 2005 he was an associate professor of criminal justice at the University of Louisiana-Lafayette.

Visit *SLAVERY by Another Name*, [www.pbs.org/sban](http://www.pbs.org/sban).

# Discovering a Mass Grave in Alabama

In Alabama, the convict lease system was central to the web of restrictions that kept free black men from enjoying full citizenship. In 1900, a black man could be charged with “vagrancy,” even if he had committed no true crime. Vagrancy, the offense of a person not being able to prove that he or she is employed, was a new and flimsy concoction.

Typically, a man would be found guilty in a swift appearance before a county judge and immediately sentenced to a thirty-day term of hard labor. Unable to pay the array of fees assessed on every prisoner—fees to the sheriff, the deputy, the court clerk, the witnesses—the prisoner’s sentence could be months of hard labor. Once caught in the system, a prisoner could be caught in it for years.

Alabama Department of Archives and History, Montgomery, Alabama

TABLE IV, PART 1.—A copy of the Physical Record when received from Jail.  
 Table of Deaths of State and County Convicts at Pratt Mines, and of Convicts at the Walls.

Personal History.							Pathological and Surgical History.		
Race.	Sex.	Age.	Kind of con-vict.	Time when received.	Time in jail.	Occupation.	Habits.	Diseases.	Injuries.
Cape Wells	B.	M.	37	January	90	1 mo.	..	Pulmonary disease	
Wm. Robinson	..	..	25	February	90	3 w'ks	..	Had fits and pock.	Cut on neck.
Robt. Harris	..	..	26	April	89	3 1/2 m.	Laborer	Sick in jail, and dyspepsia	
Peter Calhoun	..	..	21	October	88	3 w'ks	Farm	Sore eye, and chronic cough	
Ben Haygood	..	..	15	October	89	7 mos.	..		
Chas. Smith	..	..	56	January	90	1 w'k.	..	Stricture, clapp, pneumonia	Right eye out.
Andrew Jackson	..	..	23	"	"	2 mos.	..	Typhoid fever, pneumonia, etc.	
Sam Madden	..	..	18	February	90	4 mos.	..	Cough and clapp	Cut in side and back.
Turner Jackson	..	..	49	April	90	5 w'ks	Carpenter	Pneumonia and dropsy	
Prince Mathews	..	..	35	"	"	2 mos.	Farm	Pneumonia and fever	
Wash Wilder	..	..	38	December	88	1 1/2 m.	..	Rheumatism, clapp, pock	
Peter Young	..	..	48	January	90	1 1/2 m.	..	Pneumonia	
Sam Wadsworth	..	..	40	April	90	4 mos.	..	Pneumonia	
Robt Willingham	W.	..	28	Sta. June	88	7 mos.	Carpenter	Temp Yellow fever, clapp and syphilis	Hurt in back
Henry Garrett	B.	..	48	Nov.	87	8 w'ks	Farm	Rheumatism, and clapp	
Thos. Phillips	..	..	52	October	88	2 mos.	..	Intem Vertigo and clapp	Skull fractured.
Anthony Martin	..	..	35	August	87	1 mo.	..	Temp Congenital rupture	
Furlow Johnson	..	..	27	Nov.	88	3 1/2 m.	Blacksm't	Pneumonia, typhoid fever, etc.	
Jas. Carter	W.	..	22	August	87	6 mos.	Farm	Pneumonia and skin disease	Cut in hand.
Simon Jeter	B.	..	29	January	88	2 mos.	Carpenter	Pneumonia and typhoid fever	
Robt. Robinson	..	..	19	December	88	4 mos.	Farm		
Alex Abrahams	..	..	21	October	88	3 1/2 m.	R. R.	Pneumonia and chronic cough	Cut and gun shot.
Malachi Coleman	..	..	16	May	88	4 mos.	Bricklay'r	Typhoid fever and dispepsia	Leg mashed.
Antony Garrett	..	..	40	April	88	5 mos.	Farm	Pneumonia and clapp	
Henry White	..	..	19	July	88	5 mos.	..	Pneumonia, pleurisy, typhoid fev	
Johnny Johnson	..	..	17	December	88	6 mos.	Laborer	Dropsy, clapp, and typhoid fever.	
Jesse Gaines	..	..	"	Nov.	88	"	..		
Hilliard Floyd	..	..	19	"	"	2 1/4 m.	Drayman	Rheumatism	
Thos. Bowen	..	..	"	"	1885	"	..		
Wm. Mize	..	..	21	May	88	4 1/2 m.	Farm	Pneumonia	
Will Payne	..	..	24	December	88	4 mos.	..		
Geo. Campbell	..	..	33	Nov.	87	4 y'rs.	..	Cough	Dislocation and fract.
Geo. Turner	..	..	23	April	89	5 1/2 m.	..		
Swan Gardner	..	..	25	June	88	6 mos.	..	Clapp, pock, and rheumatism	

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Death Registry, 1888, showing deaths at Pratt Mines, Birmingham, Alabama

Under an agreement between county governments and U.S. Steel Corporation, sheriffs turned young men over to the company for the length of their sentences. In return, the U.S. Steel's subsidiary (Tennessee Coal, Iron & Railroad Company), would give a county \$12 a month to pay off a prisoner's fine and fees. This helped the county balance its budget. What the company's managers did with thousands of black men they purchased was entirely up to them.

### Into the Coal Mine

Thousands of prisoners were sent into the darkness of tunnels on the edge of Birmingham known as the Pratt Mines. There, they were chained inside a long wooden barrack at night and required to spend nearly every waking hour digging and loading coal. A required "task" for one prisoner might be to remove eight tons of coal from the mine every day.

The lightless caves of black rock were packed with hundreds of desperate men slick with sweat and coated in pulverized coal. Prisoners could be whipped for failure to dig the requisite amount. They were at risk of physical torture for disobedience.

Waves of diseases such as pneumonia and tuberculosis ripped through the population. In the month in one mine known as Slope 12, almost 60 men died of disease, accidents, or homicide in 1908.

### Hiding the Evidence

Most of the broken bodies, along with hundreds of others before and after, were dumped into shallow graves scattered among the refuse of the mine. Others were incinerated in nearby ovens



Courtesy Douglas Blackmon

U.S. Steel mine workers, Alabama (undated)

used to blast coal into coke—the carbon-rich fuel essential to U.S. Steel's production of iron. Forty-five years after President Abraham Lincoln's 1863 Emancipation Proclamation freeing American slaves, more than a thousand black men toiled under the lash at Slope 12. They were slaves in all but name.

Today, on an overgrown hillside five miles from the bustling downtown of contemporary Birmingham, there is a dense thicket. But beneath the undergrowth, the faint outlines of hundreds upon hundreds of oval depressions still mark the land. Spread in haphazard rows across the forest floor, these are the sunken graves of the dead from nearby prison mines once operated by U.S. Steel. Here and there, headstones jutted from the foliage. No signs mark the place, and no paths lead to it.

**SOURCE:** This reading is adapted from the introduction to the book by Douglas Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, published by Anchor Press in Norwell, Massachusetts. The book won the Pulitzer Prize in 2009. Blackmon has been a writer and editor for *The Wall Street Journal*, and is now Chair of the Forum Program at the Miller Center at the University of Virginia.

Read the entire Introduction at [www.slaverybyanothername.com/the-book/excerpt](http://www.slaverybyanothername.com/the-book/excerpt).

Visit *SLAVERY by Another Name*, [www.pbs.org/sban](http://www.pbs.org/sban).

**Compare and Contrast: Slavery and the Convict-Lease System**

**Similarities**

CATEGORY or FEATURE	SLAVERY	CONVICT-LEASE SYSTEM
<b>Example:</b> <i>Compensation for work performed</i>	<i>Enslaved people got no wage or salary.</i>	<i>Convicts got no wage or salary.</i>

**Differences**

CATEGORY or FEATURE	SLAVERY	CONVICT-LEASE SYSTEM

## Worksheet B

# Compare and Contrast: Convict-Lease System in Three States

State	Type of Work	Typical Lessees	Treatment of Convicts
Virginia			
Louisiana			
Alabama			