

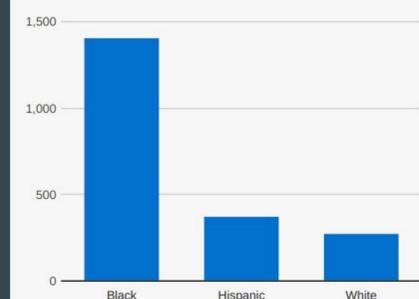
“..Except As A Punishment For Crime..”



Today's current model of long term incarceration as criminal punishment is not beneficial to either prisoners or society. Recidivism rates in the U.S. were 83% over a 9 year period for State prisons, according to a U.S. Department of Justice report from 2018. If rehabilitation is the goal, this method is clearly not working. So, where does it stem from?

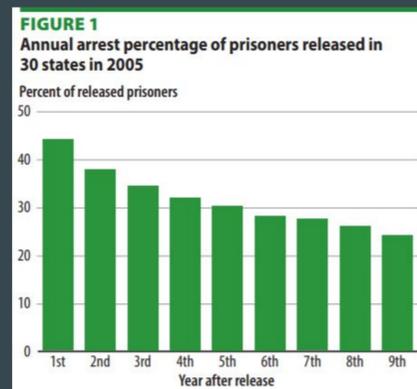
In short, our current system evolved from Convict Leasing; a program that began after the Civil War to re-enslave the workforce lost by the signing of the 13th Amendment. While the Amendment ended slavery, it contained a clause that allowed wealthy southerners to maintain their ability to secure cheap labor and continue to subjugate an entire race. Clinging to the phrase, “...except as a punishment for crime...,” southern States created, “Black Codes,” which became the foundation for Jim Crow. These laws applied only to Blacks and were used to ruthlessly re-enslave the population. For the first time in the United States there were more imprisoned African-Americans than whites; a trend that continues to this day. As prisoners were leased to plantation owners and industrialists, they became responsible for their housing and food; an expensive the State no longer had to pay. Additionally, those holding the leases had even less of an incentive to provide for the well-being of their prisoners. They could always get more at no additional cost.

Figure 1. Average rate of incarceration by race and ethnicity, per 100,000 population



Data source: United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *National Prisoner Statistics, 1978-2014*. Bibliographic Citation: ICPSR36281-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2015-10-09; U.S. Census Bureau (2013). *2013 Population Estimates. Annual estimates of resident population by sex, race, and Hispanic origin for the United States, states and counties: April 1, 2010 to July 1, 2013*. Washington, DC: U.S. Census Bureau.

The most recent reincarnation of convict leasing is also the most alarming, largely due to it's striking similarity. Studies have shown that privately run prisons make their money by holding the most amount of prisoners possible for the longest amount of time possible. Indeed, many even contain language that will fine the State or Federal government if the private prisons are not provided enough prisoners yearly. This type of capitalist ideology, that uses human lives as bottom lines, has clear roots to Convict Leasing and Beloved



In *Beloved*, Paul D falls victim to Convict Leasing and, on pages 125 to 131, the reader is given explicit insight into the horrors suffered by these convicts through the eyes of Paul D. In the book, Paul D. is forced to work at back breaking labor from sunup to sundown, live in a cage built into the ground among rats and vermin, and endure sexual abuse from the guards. And yet, inmates almost 150 years later share a plight all too similar. In January of 2014, the Justice Department released a statement detailing their findings of abuse allegations at Tutwiler Prison for Women. The abuse of prisoners by staff ranged from forced voyeurism to rape. However, months after the findings were revealed, the abuse continued. Indeed, the women who originally spoke to investigators became the subject of increased abuse during that time.

Works Cited

Morrison, Toni. *Beloved*. 1987. Vintage Books, 2004.

“Convict Leasing.” *Equal Justice Initiative*, 1 November 2013. <https://eji.org/news/history-racial-injustice-convict-leasing/>. Accessed 21 October 2020.

Detroit Publishing Co. *Juvenile convicts at work in the fields*. c1903. Lib. of Cong., Washington D.C. Lib. of Cong. Web. 21 October 2020. <https://lccn.loc.gov/2016818521>.

“Tutwiler Prison for Women.” *Equal Justice Initiative*, <https://eji.org/cases/tutwiler/>. Accessed 24 October 2020.

“Convict Leasing.” *PBS*, <https://www.pbs.org/tpt/slavery-by-another-name/themes/convict-leasing/>. Accessed 24 October 2020.

Works Cited and Further Reading

United States Department of Justice. *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)*. Bureau of Justice Statistics: May, 2018.

“Prison Conditions.” *Equal Justice Initiative*, <https://eji.org/issues/prison-conditions/>. Accessed 24 October 2020.

Conover, Adam. “The Shocking Way Private Prisons Make Money.” *YouTube*, uploaded by truTV, 23 November 2016, https://www.youtube.com/watch?v=yqQa_OgM6hg

“Slavery by Another Name.” *Films For Action*, <https://www.filmsforaction.org/watch/slavery-by-another-name/>. Accessed 24 October 2020.