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## **Economic Impacts of Convict Leasing in the Different States of the United States**

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**Abstract:**

**Purpose:** *To identified the differences and the similarities in convict leasing among southern states after the Civil War in the USA.*

**Design/Methodology/Approach:** *Literaturate review and comparative analysis among nine southern states.*

**Findings:** *Although there were many similarities we have identified critical differences regarding convict leasing.*

**Practical Implications:** *To be an example on how humans beeings could be considered as animals under slavery.*

**Originality/Value:** *An initial research of this kind.*

**Keywords:** *Convict leasing, economic impact, southern states of USA, Civil War, forced labor, prison labor.*

**JEL Classification:** *N31, J47, K42, L51, P16.*

**Paper type:** *Research article.*

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## **1. Introduction**

Convict leasing, the practice of leasing convicts out to companies for a low price with the expectation of profit, plagued America throughout its early history, garnering injustice and mistreatment from the foundations of the American justice system. In the nineteenth century, and reaching into the twentieth century, convict leasing became increasingly popular in southern states.

These southern states, recently morally and economically wounded from the Civil War, ending in 1866, turned to convict leasing for work on plantations and on larger industrial jobs that required a large and inexpensive labor force.

The racialized prison system during convict leasing has been long forgotten and disregarded, even though this period of injustice has steered the history of the United States.

Convict leasing was the leasing of inmates by state and federal prisons to third-party companies like mines, railways, and plantations for close to a trivial amount. The leasing system was designed to diminish the strength of African Americans in Confederate American states. While convict leasing existed prior to Reconstruction post-Civil War, it was mainly utilized after slavery was abolished.

## **2. General Conditions**

With the end of the Civil War, the state legislature turned to black codes, which were laws specifically targeted black individuals who committed the most minor of legal offenses, called vagrancy laws (Eckhard, 2021). These laws ranged from offenses like sleeping in public, to loitering. While slavery allowed for cheap labor, the owners of the slaves had an interest in maintaining the slaves (to some extent) because they paid for them.

With prison labor, inmate labor was seen as expendable and discardable. Even slavery was a better option for these convicts at the time because they would have access to shelter, would be fed enough, so that they could do the owner's work properly. They had better conditions compared to the inmates during convict leasing.

Convict leasing was an easy route for prisons to use to turn a profit, an easy route for companies for a cheap and large labor force, and for outside investors looking to fund profitable companies that utilized cheap labor with minimal expenses (Eckhard, 2021). The profit these prisons, companies, and investors made were all at the expense of prisoners, predominantly African-Americans.

The 13th Amendment is known to have ended slavery, but convict leasing was an exception of the time period where both individuals and companies would give

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money to local and state governments in order to bring prisoners into labor and make them work in mining areas, factories, construction, and farming areas.

These fees would bring in tremendous amounts of revenue for local and state governments (Carleton, 1967; 1970). Institutions would use convicts to steer away from potentially having a shortage of workers or strikes.

The owners of the convicts had little to no concern on the survival of the convicts and some industrialists also build a career around convict labor, and the infrastructure we know of today such as levees and railroads were built through convict leasing, demonstrating the impact this injustice on the foundations of the United States (Carleton, 1967; 1970).

The amount of money prisons spent to maintain their prisoners, fittingly deemed the “maintenance cost” throughout this paper, was alarmingly low. Prisoners were given one pair of clothing, only replaced at the prison’s discretion. The food was meager, being the larger expense of the prison (Breckman, 2021).

Prisoners were housed in large rooms, resembling a warehouse, where they were kept in unkempt living quarters. They were often forced to sleep where they were working, whether it be in unsafe mines or plantations. Prisoners shared bath water, bathing times few and far between. The common sentiment surrounding the conditions in prisons was that the conditions were not important because the prisoners were expendable (PBS).

This attitude of “there’s always another available” diminishes the value of life of the inmates, especially the ones slighted by the southern black codes that inundated them into a justice system that they have no voice in or control over. These poor conditions and little care for the wellbeing of the inmates led to a significantly low maintenance cost for the prison administration, allowing them to maximize profits.

Conditions within the convict leasing system were so low that the life expectancy of a prisoner in the convict leasing system was 6 years. They died from lack of food, disease, housing, and poor conditions (PBS).

### **3. Research Analysis**

#### ***Texas:***

Convict leasing in Texas began in 1883. The convict leasing system is considered to be a replacement for the slavery that was so prevalent before the Civil War.

However, convicts would get whipped to do work and obey the rules of the land's owner. Convicts were mostly those of African American descent, ranging from as young as in their teens to the elderly working on the plantations.

Often, black convicts were considered to “belong” in the terrible positions they were in, continuing their life before the Civil War but worse.

Data suggests that Huntsville and Rusk housed about 50% of the convict leasing population in the state, whereas everyone else would live at mines, construction sites, or farms.

Cunningham and Ellis was the primary private enterprise during the time, and this prison system brought the state \$358,000 at the time, and they kept over half a million as their profit. Agricultural work primarily occupied the convicts and a majority of them worked on farms across Texas, especially in the South and East.

The Texas State Library states that, “Over the course of the leasing era, lessees had paid the state \$358,000 (\$8.4 million in 2009 dollars) and kept over \$500,000 in profits (\$10.9 million in 2009 dollars) — a powerful incentive to retain the same system -- minus the abuses, of course” (Texas State Library Archives).

The Imperial Sugar Company State Prison Farm was the first prison to ever get shut down in the state, where convicts were leased and strained in labor that many did not even survive. Many convicts were buried as well during the convict leasing time period, and the bones found show that the convicts' muscles are torn or ripped because of heavy labor that was forced upon them. Just in this land, more than 3,500 convicts died, the majority of those who were African-American.

Convict leasing ended in Texas later than other Southern counterparts in 1910. Today, many stories of the horrendous conditions of Texas convicts show the inequality African American prisoners faced.

In 2011, the Central Unit of the Imperial Sugar Company State Prison Farm gave land it used to lease convicts to the Fort Bend Independent School District to create a career & technical education center.

In fact, according to Houston Public Media, "In 2018, the school district discovered 95 unmarked graves during the construction of the James Reese Career and Technical Center" (Weber, 2023). Later, when the building was excavated, human bones were found that belonged to African-Americans that proved that convicts were leased on that same land.

### ***Alabama:***

In Alabama, convict leasing began in 1888 where half of the county prisoners served as convicts at a coal mining company that was based in Birmingham. 90% of the prisoners were Black and many of them did not survive long due to the horrible conditions they were put in. According to the Equal Justice Initiative, "In 1912, prison labor profits earned the state \$1 million, about a third of the state's revenue."

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This clearly shows how much the state was dependent on convict leasing, along with private companies who took advantage of mainly Black convicts, even long after slavery was abolished. Most prisoners were sent underground so that they could work in the coal mines. However, a majority of these prisoners did not even return alive.

Another common aspect in Alabama was how black families would mine areas without a clean environment, were forced to work while receiving little to no pay, and had limited contact with the real-world which kept these convicts caged up.

The coal industry had a huge influence on the Birmingham region, which also contributed to the necessity for labor. There was a lot of work to be done, specifically to burn the furnaces, and carry out other iron and steel production responsibilities.

Cheap labor seemed to be the best alternative, which contributed to the rise of convicts to perform this labor. Thus, convict leasing was very profitable for Alabama and in 1928, they were officially the last state to abolish the practice compared to their other Southern counterparts.

### ***Arkansas:***

In Arkansas, convict leasing started in 1867, which is a bit later than the other Southern states that practiced convict leasing. African Americans were disproportionately sent to jail and capitalized on how it was considered to be a source of free labor. For instance, Riley Kovalcheck published in the CLA Journal that, "by 1864, for example, over 3,500 freedmen were working on plantations throughout Arkansas," which clearly portrays how Arkansas was one of the major states that encouraged the practice even after the Civil War.

This soon moved on to the state being able to legally lease penitentiaries instead of only the convicts themselves, since 1858.

Leased convicts primarily spent their days living in junky railroad cars, clumped together without any air circulation. Runaways were prevented through taking multiple preventative measures. Some convicts have even noted that they wore shackles and had uniforms so it was easy to recognize them from afar.

Although circumstances did improve over the years, they were still foul. In 1892, the Arkansas Penitentiary board was put in charge of the convict leasing program in Arkansas to accommodate the "largest number of convicts that can be accomodated" (Riley Kovalcheck).

Similar to other Southern states at the time, convicts who were Black faced brutality. Two specific prisons known as Tucker and Cummins were well-known for not only

being specifically underfunded, but were horrendous environments where these black convicts were used to working 10 hours a day, lived in foul environments, and were beaten so they could be put in control.

Finally, convict leasing ended in 1912 in Arkansas George Donaghey was the Governor of Arkansas from 1909 to 1913, and he basically ended convict leasing within the state during his term. He paroled inmates to reduce the population of prisoners in Arkansas, which ended the system.

After two months, the state's legislature officially announced that they were abolishing slavery. Convict leasing ended relatively around the same time as other states in the South.

### **Florida:**

Convict leasing began in the state of Florida in 1867, the same time as it did in Arkansas. Florida employed the system so that it would develop the state economically through building new infrastructure, particularly when the lumber and turpentine industries were on the rise.

Compared to the other Southern states that practiced convict leasing, Florida relied on the system solely for construction purposes, which distinguishes itself. In terms of race, black Americans were also the majority of leased convicts in Florida. Many of these men were jailed for petty crimes.

According to the Florida State Archives from the Ocala Prison Camp, "Black men entrapped the Florida convict leasing system was as high as 80% of all incarcerated people in the state" (Eckhard, 2021).

Moreover, just as seen in the conditions of convicts in other Southern states, convicts faced torture and some even died. Convicts lived in unsanitary conditions that often led to diseases and infections along with other health issues, and the racism at the time also contributed to the brutality faced by these convicts.

Often, the living conditions were so terrible because capital gain was more important. As can be seen, "foul living conditions revealed an emphasis on cutting operational costs and stark similarities between the environments of convict leasing and chattel slavery" (Eckhard, 2021) clearly portrays these terms.

Very late compared to other Southern states, convict leasing ended in the county in May of 1923. This was when new penitentiaries started to get constructed, not for private labor exploitation, but for public needs. Being the last Southern state to end the practice, Florida's decision in 1923 changed the history of the course of the United States due to the fact that it ended convict leasing once-and-for-all in all of the nation.

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Labor policies that came after were paved through the convict leasing system in the state. Florida's emphasis on ensuring that prisons were a venture to make money continued on for many years.

***Georgia:***

Convict leasing began in Georgia in 1868. The first convict lease ever in the state was given to the Georgia and Alabama Railroad in 1868. William A. Fort was in charge of caring for all of the prisoners; needs, including shelter, food, clothing, etc. However, due to the dire conditions they faced, 16 passed away just during the first year leasing was practiced.

In fact, according to the New Georgia Encyclopedia originally published in 2005, "Provisional governor Thomas Ruger awarded the first convict lease to William A. Fort of the Georgia and Alabama Railroad on May 11, 1868. Fort was given 100 African American prison laborers for one year at the price of \$2,500" (Todd, 2005).

More convicts were leased out in 1869 to the Macon and Brunswick Railroad, where convicts were not taken care of properly, suffered because their basic needs were not met, and were beaten. Black McKelvey, the author of a research paper written on the post Emancipation era convicts called "A Half Century of Southern Penal Exploitation" states, that "life in these chain-gangs was often more desperate than in the worst camps of the old lease system" (McKelvey).

As with other Southern states of the time, convict leasing became an important source of revenue for Georgia. With this upward spike, more companies started to lease convicts for cheap labor.

In 1907, about \$353,455.55 was made through leasing convicts, which was eventually put into maintaining public schools in the state. Soon after in 1908, the leasing system finally ended in Georgia.

At the beginning of the 20th century, the leasing system became less profitable due to the fact that progressivism was on the rise. The terrible conditions of the system became more apparent to the public and legislation eventually outlawed the system. In 1911, the Georgia Prison Commission utilized a majority of Georgia's counties, specifically 135 out of 146, to use labor on improving roads (Todd, 2005).

***Louisiana:***

Louisiana began its convict leasing history in 1844. The Louisiana State Penitentiary struggled to meet the payments on maintenance and fees involved in running the prison. As a result, the prison administration began to lease out inmates, for a profit to the prison, to the McHatton Pratt Company. This company received total control over the inmates and their labor.

They were forced to work in factories, plantations, and other work areas that struck a resounding resemblance to the areas in which enslaved people were forced to work during the Antebellum period. The McHatton Pratt Company paid the prison a small lease payment and retained control over the prisoners until 1868, when Colonel Charles Jones signed a contract with the state that handed over the prisoner labor force consisting of over 220 prisoners (States of Incarceration).

Despite backlash from the state, Louisiana continued to exploit their prisoners for over 50 years. The state did not regulate the conditions of these leases, leading to the shameless mistreatment of convicts. As in many other Southern states, black convicts were specifically disadvantaged.

As a result of the black codes implemented in the Southern states, black individuals were disproportionately inundated into the convict leasing system where they often perished under the poor conditions left unregulated by the state government.

Louisiana finally outlawed convict leasing in 1901 — admittedly, much earlier than some of their Southern counterparts. However, many of the repercussions of convict leasing are found today as the prison system continuously disproportionately affects black individuals. The profits made from the convict leasing leases in Louisiana were used as private profits for the prison (Carleton 1970; 1967).

### ***Mississippi:***

Convict leasing in Mississippi began in 1867 - but Mississippi had an extensive history with oppression of black people to inundate them into the prison system long beforehand. After the Civil War, Mississippi had to find a way to make up for the lost money and economic infrastructure that was strong prior to their Confederate loss. They had the “Pig Law”, which made it so that any stolen item above \$10 resulted in larceny and a 5 year (minimum) prison sentence.

The Vagrant Act, put into action in 1865, made it illegal and punishable by crime to be unemployed at the beginning of the new year. In the Vagrant Act, specific jail time criteria were made for black and mixed individuals in Mississippi (Plaisted, 1988).

These laws, together, deluged black men into the prison system, providing their valuable labor to leasing companies and supporting the white-supremacist agenda of local governments.

In prisons, namely Mississippi prison, Parchman Farm, prisoners were essentially enslaved again. They worked for no pay, no food, no shelter, and performed taxing jobs that often were deadly.



At Parchman, prisoners were disciplined with violence, specifically a 3 foot by 6 inch leather strap used in public whippings, where convicts as young as the age of ten were beaten, lashed, and abused — sometimes to death. While slavery was legally outlawed, states like Mississippi found loopholes that allowed them to continue the atrocious practices that defined slavery.

***Tennessee:***

Tennessee began leasing out their convicts in 1871, lasting a comparatively short span of time compared to other states involved in convict leasing. An article published in the National Journal of Medicine states that, “During the era of convict leasing, convicted criminals were leased by the state to private individuals who were free to work the convicts as they saw fit.

African Americans, who were intentionally targeted by racist laws, were disproportionately caught in this system of enslavement” (Westmont, 2020). Instead of economic implications from the Civil War being the reason why Tennessee began leasing out convicts, it was rooted in a labor issue that seemed to turn a profit for private prisons.

The Tennessee Coal and Iron Company (TCI) was arguably the biggest leaser of convicts in Tennessee. They would lease out inmates after labor strikes when they needed labor in the mines. However, many of the convicts, as they were imprisoned for petty crimes, had no history of working in tough mining conditions.

Similar to Mississippi, prisoners as young as 12 were convicted of petty crimes under the black codes and inundated into harsh labor conditions under leasing companies like TCI.

Professor Camillie Westmont from the University of the South, in her review in the Sewanee Messenger, explained how prisoners died from dangerous mine conditions, malnutrition, tuberculosis, typhoid, and accidents that resulted in amputation and death. Nearly 10% of convicts died annually (Westmont, 2020).

***South Carolina:***

South Carolina began leasing out convicts in 1877, lasting up until 1916. South Carolian had many of the similar conditions as other states. They leased out convicts to many companies and organizations, two prominent ones being Clemson College and Greenwood Augusta Railroad.

The first recorded lease of South Carolina convicts was in 1877 to Greenwood August Railroad. They leased 100 convicts, paying in cash upfront (Oliphant 1916) While this lease was going, the State implemented policy on the handling of convicts

and the legality of convict leasing in South Carolina. The act was passed June 8, 1877 and stated the following:

*SEC. 4. The said Board of Directors are hereby authorized and empowered to lease or hire out upon such terms and conditions as they may think most advantageous to the State, and that will secure the health and confinement of the prisoners, any or all other convicts in the Penitentiary, except the convicts under sentence for murder, rape, arson and manslaughter, under the following rules, regulations and restrictions, with all others imposed by the said Board (State of South Carolina).*

According to Clemson College's Marissa Davis' study on leasing at Clemson, convicts began to be leased out from the state penitentiary to Clemson as early as 1889. The college was in need of laborers to lay brick and prepare the ground for the building of the college.

A 1890 Board of Trustees meeting stated that they needed "able-bodied convicts...for preparation of the grounds and materials" and for the 'work connected with the erection of the buildings" (Davis, 1986).

These men endured many of the same conditions as other states — sleeping in barns, bathing in the same water and sleeping in the same clothes, meaning that men never got a change of clothes throughout their entire lease. Men would be chained and discovered with fleas and vermin all over them (Duncan and Sean, 2004).

Convict leasing, as in other southern states, inundated African Americans into the prison system. After their time in the lease system, if they did not die, they returned to the State Penitentiary. The state of South Carolina benefitted both economically and infrastructurally from the forced labor of convicts.

#### **4. Conclusion - Broader Implications of Convict Leasing**

Table 1 depicts a summary of the findings. Each state is described with their start and end years, venture capital profiteers, and conditions within the facilities.

Convict leasing has implications that go beyond a state to state basis. While it is difficult to pinpoint exactly how convict leasing has perpetuated into modern times, it can be inferred that the cost and profit produced by convict leasing and the return on capital to investors and capital companies was large.

According to the Library of Congress, "Self-made industrialists of the southern United States, including John T. Milner and James W. Sloss, built their wealth and industries on this labor. Much of the country's infrastructure, encompassing roads, railroads, buildings, and levees, was built out of this abusive system" (Library of Congress).

**Table 1. Research Results**

<b>State</b>	<b>Years Active</b>	<b>VC Companies</b>	<b>Conditions</b>
Texas	1883-1910	Cunningham and Ellis – former landlord of Imperial Sugar Company – still a top consumer sugar brand today	Wardens only fed and clothed inmates when needed, no proper housing, harsh labor, heat exhaustion, malnutrition, disease, highly abusive
Louisiana	1844-1901	New Orleans Pacific Railroad – constructions and maintenance Penitentiary was privately leased to John M. Huger, Samuel L. James, CB Buckner, and T. Bynum.	Housed in scrap-wood shanties, rampant disease, little clothing, highly abusive, worked to death
Alabama	1846-1928	JG Graham Smith and McMillen US Steel	Wardens only fed and clothed inmates when needed, no proper housing, harsh labor, heat exhaustion, malnutrition, disease, highly abusive, dangerous factory conditions
South Carolina	1877-1916	Greenwood and August Railroads Private investors – J.R. Fowler	Convicts infected with scurvy, wardens only fed and clothed inmates when needed, no proper housing, harsh labor, heat exhaustion, malnutrition, disease, highly abusive
Mississippi– Still relies on convict labor today, just less severe	1867-1904	Parchman Penitentiary had inmates do work for the state on a fittingly called plantation.	Harsh labor, heat poisoning pneumonia, malaria, frostbite, “shackle poisoning” (rubbing on metal chains on open flesh of inmate legs), highly abusive
Arkansas	1867-1912	Hodges, Peay, and Ayliff L.A. Fitzpatrick	Lived in railroad cars, clumped together without any air circulation. Worked 10 hours a day in foul environments, and beaten to stay in control.
Tennessee	1871-1896	Tennessee Coal and Iron Company	Prisoners died from dangerous mine conditions, malnutrition, tuberculosis, typhoid, and accidents that resulted in amputation and

State	Years Active	VC Companies	Conditions
			death. Nearly 10% of convicts died annually (Westmont).
Florida	1867-1923	Charles K. Dutton Turpentine Company Florida Pine Company	Lived in unsanitary conditions that often led to diseases and infections, highly abusive, dangerous factory conditions
Georgia	1868-1908	Grant and Alexander Co. Macon and Brunswick Railroad Co Chattahoochee Brick Company	Convicts suffered and were beaten, highly abusive, dangerous factory conditions

*Source: Own study.*

Milner and Sloss, two of the century’s biggest railroad, lumber, and iron industry leaders, gained the bulk of their wealth from the labor of leased convicts. Our country, one that defines itself on values of freedom and self-determination, is built from the labor of exploited and wrongfully convicted individuals who were victims racial prejudice in a post-Civil War south.

Despite the abolition of slavery, and eventually the abolition of convict leasing in 1941 by President Franklin Delano Roosevelt, prisons and state penitentiaries continue (even today) to exploit convict labor.

According to Professors Steven Mintz, of University of Texas at Austin, and Sarah McNeill, of University of Houston, “The convict leasing system was not abolished but merely transformed.

Prisoners, who once labored for private companies and businesses increasing their profits, now labored for the public sector. The chain gang replaced plantation labor” (Mintz and McNeill, 2022). Chain gang labor was used as another form of labor to benefit the public sector.

Prisoners would work in small groups on labor tasks, sleeping in chain gang cars and the same poor conditions they lived in under convict leasing. They were called “chain gangs” because to keep the convicts under control, the prison staff would chain them at the neck to other prisoners so they were unable to flee.

Chain gang labor was the driving force behind the beginnings of modern road infrastructure in the South. Without convict labor, the road system would have cost the state a whopping amount of money — especially without income taxes at the time.

While chain gang labor use fizzled out over the course of the Civil Rights movement, it was reinstated in Alabama in 1995. Prisons that are privatized continue to exploit convict labor to this day. In an interview with NPR, prisoner Dominique Morgan, highlights the injustices of convict labor in modern times.

Morgan highlight's their rough childhood, and how (instead of legal codes and petty crime laws) abusive relationships and inner city street violence brought them into a life of crime. After being convicted on counts of theft and forgery, they found themselves sentenced to 8 to 16 years in an Omaha correctional facility.

Prisoners in the facility were paid \$2.25 for their work inside of the prison. Prisoners were also contracted out to private companies or the state for tasks that required manual labor like cutting, packing, doing laundry, or wrapping tablecloths.

Most of the money, \$2.25, goes to paying for commissary items and items that are deemed luxury in a prison — toothpaste or even phone calls to loved ones (National Public Radio). While convict labor is not as dangerous or intensive as it was in the post-Antebellum south, it has retained the exploitation and unjust nature that it had over a century ago.

Paying prisoners the bare minimum and exploiting their labor for state or privatized profit goes against the very ideals of our nation.

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