
On The Legacy of Slavery in The Prison System

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Slavery was said to be abolished one hundred fifty-six years ago, but it was not. Despite its supposed abolition, a constitutional loophole has granted our justice system permission to institute a similar deprivation of African American human rights in the form of prison labor. Prison labor is cheaper than slavery and has become a billion dollar industry that benefits cooperations and government. This economic profit is once again fueled by the disproportionate amount of black people populating the prison system.

Our country has a rich history of finding ways to serve its own needs when wealth is on the line. Slavery, and the cheap labor that it provided, was essential to our country's economy. The judicial system has supported slavery from its beginning. "Rulings in Supreme Court cases like *Dred Scott v. Stanford* stated that African Americans, slaves or not, were not protected by the constitution and could never be citizens of the United States." (Events Leading Up To the Civil War slides) Moreover, our country's leaders were so completely invested in slavery that they fought the Civil War over the right for states to have slavery.

Following the Civil War, the southern economy was crumbling and cheap labor was needed. This demand for cheap labor, in addition to the fact that free black men were becoming entrepreneurs and elected officials, did not sit right with many. During reconstruction, this trend of black success was slowed by the creation of The Convict Leasing Program. This program allowed for a cheap labor source that required little capital investment and no health care. It was cheaper than slavery and even more brutal, as there was no incentive for the plantation owners to keep their leased workers alive. Many did not survive their ten year contract.

In order to staff this program, policy makers invented offenses to target black people. These offenses were known as "Black Codes and made it possible to lock up African Americans for minor crimes such as vagrancy, loitering, congregating after dark, and seeking employment without a note from a former master." (Slavery in the US Prison System) Seemingly anything that challenged racial hierarchy and promoted black progress could be a crime. The codes suppressed the rights of newly freed blacks and criminalized them for minor offenses. As a result of the loophole in the 13th Amendment that made criminal labor possible, economic exploitation literally came at the hands and on the backs of the black men that disproportionately filled the jails and prisons and were put to work.

Our history is riddled with slavery, black codes and irrational prejudices that have led to African Americans being seen as criminals. For example, in 1861, "the Supreme Court of Alabama ruled that enslaved black people were capable of committing crimes but in every other sense they were considered things and not people." (Slavery in America) It is horrifying that court rulings demonstrating this way of thinking are still prevalent today. Furthermore, though Black Codes are extinct in name, they still exist in practice. "Criminal Justice policies are raiding the minority communities and sentencing African American and Latinos at a rate five times higher than their white counterparts." (Bryan Stevenson, Ted Talk) The human rights of these minorities are being deprived by a legal system that punishes them more harshly than white people at every stage. "Black people in the United States have gone from being considered less than human under the law to being treated as less than human in our legal system." (The Chains of Slavery)

"The United States has the highest rate of incarceration in the world." (Bryan Stevenson, TED Talk) The massive imbalance along racial lines in our justice system accounts for the fact that in urban communities fifty

to sixty percent of men of color are in jail, prison, probation or parole. A shockingly high one third of the black male population will be incarcerated at some point in their lives. Just as frightening, one out of every nine men is innocent on death row. Bryan Stevenson declared, “ We wouldn’t keep flying planes if one out of every nine planes crashed.” Yet the current justice system will continue on this way since dollars are at stake.

What motivates such a heavy bias in our justice system? It is the same motivation that was present during slavery and reconstruction. Money is always the motivation, and cheap labor is always going to be the default operation to achieve financial profit. In 1979 the convict lease program was given a modern title through the Prison Industry Enhancement Certification Program. This program permitted US companies to use prison labor. It is a twofold system. The justice system disproportionately locks up African Americans, and the prisons put them to work.

Businesses reap enormous wealth from the labor that is provided by slavery in the prison system. “Federal Prison Industries pays inmates under one dollar an hour. In contrast, the minimum annual value of prison industrial output is 2 billion dollars.” (Slavery In the US Prison System) The criminal legal system is being used to create labor from relatives of those who were once enslaved. “Incarcerated people remain easily exploitable labor because desperate conditions compel many to work for any pay just to alleviate some of the misery of their circumstance.” (The Chains of Slavery Still Exist in Mass Incarceration)

Protests have drawn attention to the fact that prisoner abuse runs rampant and incarceration is a form of modern day slavery. To drive their similarity home, one should look at the Angola Prison. It covers land that was once occupied by slave plantations. “The prisoners work in fields under the supervision of horse riding, shotgun holding guards, who force them to pick cotton. Some black prisoners prefer to be put in “the hole” instead of being forced to pick cotton on a plantation during the twentieth century.” (Slavery Gave America a Fear Of Black People) If it looks like slavery, and it sounds like slavery, that is because it is modern day slavery. Slavery was an evil practice that denied the humanity of black people while criminalizing their actions. Today, the criminal justice system continues to deprive blacks of their human rights. African Americans are the victims of mass incarceration and excessive sentencing while they work in prisons for corporations without earning any profit of their own. The government can call it prison labor, however, it certainly sounds like modern day slavery.

Works Cited

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