NEW SLAVERY IN THE NEW SOUTH

NINETEENTH CENTURY PENOLOGY AND CONVICT LEASING IN GEORGIA

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ABSTRACT

Convict leasing was a form of prison management and labor organization employed throughout the American South - and typified in Georgia - after the Civil War. The lease system removed states' financial responsibility for criminal justice by privatizing prison management and operation. In Georgia, legislators enacted the state's first convict lease in 1866, owing to a combination of financial disarray and a rapidly increasing inmate population created by the enforcement of laws designed to limit black mobility. Although intended as a temporary solution to the state's postwar prison dilemma, several economic and racial factors caused Georgia's convict lease system to last over forty years. In the eyes of most white legislators, planters, and industrialists, convict leasing seemed a perfect solution to Georgia's prison problem. But by the late-nineteenth century the lease system quickly lost popularity due to publicized accounts of inmate abuses, a decline in the profitability of convict labor, and pressure from free labor groups. Ultimately, Georgia's convict lease system proved historically significant for many reasons, including its implications for privatizing state prisons, and its apparent connections to slavery.

1

INTRODUCTION

In 1825, Kentucky became the first state to experiment with the convict lease system, and thus initiated a great change in American criminal justice by privatizing state corrections.[1] Many southern states followed Kentucky's example during the next three decades, but none "institutionalized" the lease system until after the Civil War. Under convict leasing, according to prison investigator E.C. Wines, "The whole control and management of the prison…is turned over to the lessee, who is sometimes an individual and sometimes a firm, but always a party whose object is to make money." (Wines, 1884) The main justification for privatizing state prisons was cost-efficiency, since privatization eliminated the financial burden of prison management and supervision for the state.

Most of the states of the Old Confederacy adopted convict leasing after the Civil War, and many retained it into the early decades of the twentieth century.[2] This study examines postwar Georgia's experiment with the lease system because, according to historian Matthew Mancini, "Georgia is where [convict leasing] achieved the status of a Weberian 'ideal type…' Georgia's leasing history shows the practice in its least diluted form."[3]

Georgia legislators implemented the convict lease system for several reasons, including economic and racial motivations. Economically, privatizing criminal justice allowed the state, which was economically devastated after the Civil War, to offset the costs of maintaining a prison system. Additionally, the convict lease system served as an important means of limiting black mobility, which white legislators, planters, and industrialists felt was crucial for promoting economic recovery. Lastly, the lease system enabled Georgia to manage the dramatic increase in its convict population that occurred after the enactment of the state's "black codes" in mid-1866.

Georgia legislators favored convict leasing over other alternatives (e.g., penitentiaries) because the bulk of the state's inmates were African-American. After emancipation, black criminals were no longer subjected to plantation

justice, and were instead managed by the *state's* legal system. After the enactment of Georgia's black codes, black males began to heavily dominate the state's inmate population. White legislators who believed that no prison could reverse African-Americans' "natural" tendencies to commit crimes supported the lease system because it served to punish offenders instead of reform their behavior. Georgia legislators thus had a racial motivation to implement convict leasing. This decision marked a significant change in Georgia's criminal justice system, because rehabilitation had always been its emphasis.[4]

While Georgia's convict lease is historically significant because of its close ties to the period's economic and racial context, and also because of its uniqueness as a form of criminal justice, the lease system is worth examining for additional reasons. First, because of the convict lease system's racial implications, and because it began shortly after emancipation, historians and economists often compare convict leasing to slavery. Alexander Lichtenstein, Jonathan Wiener, Mildred Fierce, and Edward Ayers seem to find strong connections between the two, whereas Matthew Mancini and Donald Walker tend to emphasize their differences. While slavery and the lease system certainly shared features, this study concludes that

equating the two is simply too grand an interpretation. Despite their similarities, the convict lease system was *not* a recreation of slavery. Rather, it served as a new, much less extensive form of racial control compared to slavery.

Lastly, Georgia's experiment with the convict lease system sheds light on the faults of privatizing criminal justice. That is, public penitentiaries have a public interest in promoting rehabilitation over punishment in order to "train" inmates to reenter society as productive individuals. On the other hand, Georgia's experience with leasing suggests that privatizing prisons can result in a lack of state oversight. Without state supervision, private prison operators tend to cut costs as low as possible at the expense of rehabilitation convicts. Ultimately, these factors cause a subordination of even a glimmer of prisoners' rights to the dictates of the market.

Choices: Nineteenth Century American Penology

After the end of the Civil War in 1865, legislators throughout the South faced a common problem. They had to decide how to manage state convicts. Union forces had destroyed the penitentiaries in most of the states of the Old Confederacy, such as Georgia. The few remaining states

had no prisons before 1865 because their populations were so small that legislators could leave criminal justice in the hands of county officials. But after Appomattox, as the number of convicts rose in all the southern states for various reasons, legislators needed to quickly decide how they would manage their convict populations. They essentially could do one of two things. State officials could either retain the penitentiary system, which most states had used before 1865. Or they could opt to reorganize their entire prison systems by adopting the convict lease system.[5]

The penitentiary system demanded that the state bear all or most of the expense of maintaining its convicts and prison facilities. Against this disadvantage, proponents believed that the penitentiary system could reform criminal behavior. The alternative convict lease system cost the state nothing, but legislative records suggest that it had little moral justification. In fact, many state officials, including Georgia Governor Charles Jenkins (1865-1868) believed that convict leasing was solely a form of punishment, since they believed it could not rehabilitate inmates.[6]

The first American penitentiaries, which began to appear in the early nineteenth century, were founded on

European models created by eighteenth century prison reformers Cesare Beccaria and John Howard. In his 1764 *Essay on Crimes and Punishments*, Beccaria argued that "Prevention of crime is more important than punishment for crimes." He called for "a move away from the infliction of pain on the body of the offender to correctional practices that would set the individual on a path of honesty and right living."[7] John Howard supported Beccaria's recommendation and he outlined a plan for the world's first penitentiary system. Howard designed the penitentiary not just to punish crime, but also to improve society by rehabilitating convicts to make them better citizens. To accomplish this, Howard drafted the Penitentiary Act of 1779 that called for the reorganization of England's prisons around the following principles: "secure and sanitary structure; systematic inspection; abolition of fees; a reformatory regimen. Prisoners were to be confined in solitary cells at night but to labor silently in common rooms during the day."[8]

The first American penitentiaries followed Howard's example, replacing corporal punishment, banishment, and execution. Pennsylvania in 1829, for example, opened the Eastern State Penitentiary. The prison removed offenders from their environments and placed them in isolation.

While isolated, convicts engaged in hard labor to, ideally, reflect on their crimes and ultimately reenter society as productive citizens. This "Pennsylvania model" proved outrageously expensive, costing the state about $2000 to maintain a single convict in solitary confinement. Consequently, few states adopted the Pennsylvania model penitentiary.[9]

In 1833, the penitentiary system reappeared in a different form in Auburn, New York. The "Auburn model" relied on a congregate labor system (versus solitary labor) that isolated prisoners in their cells at night, but allowed them to work together during the day. The Auburn system soon became the most widely accepted prison model among Northern legislators primarily because it was economically viable, but also because it seemed capable of reforming criminal behavior.[10]

But although it was less expensive than the Pennsylvania system, the Auburn Penitentiary was still costly. Also, because private contractors employed many of the inmates within prison walls, the penitentiary generated opposition from free laborers who feared the competition. In response, Northern legislators tried to find a labor system that might make their prisons more economically self-sufficient and also subdue critics. During the course

of the nineteenth century, three penitentiary labor models developed: the contract, piece-price, and state-use systems.

The contract system, which became very popular in the North after successful implementation under the Auburn model, allowed the state to publicly request bids from private individuals for the labor of its convicts. In exchange for that labor, the winning bidder paid a lump sum, supplied the state with raw materials, and installed skilled employees in the prison to train the inmates. In exchange, they received all of the profits of the convicts' work. The state retained total control over the convicts and still bore some of the prison's costs.[11]

The piece-price system resembled the contract system, except that instead of paying lump sums for the convicts themselves, the contractors paid for each item the convicts produced.[12] Lastly, the state-use system called for the "state to supply the capital and raw material, and undertaking, through its agents, the sale of the manufactured articles."[13] In other words, the prison became a state-run business (this is the labor system used in most modern penitentiaries).

In the northern states, the penitentiary and its various labor systems survived the Civil War and still

exist today. Such a smooth process did not occur in the South. Rather, during the fifty years before the Civil War, southern legislators experimented both with the penitentiary and convict lease systems, but ultimately settled on the latter after Appomattox.[14] But what led them to abandon the penitentiary in favor of the lease system? To best explain the rise of convict leasing throughout the South after Appomattox, this study examines events in Georgia, which tended to mirror developments in most of the southern states.[15]

2

THE GEORGIA STATE PENITENTIARY

PRE-CIVIL WAR CONSIDERATIONS

One factor determining why Georgia's legislators implemented the convict lease was the racial aspect of the state's criminal justice system before emancipation. In antebellum Georgia, black criminals rarely went to state prisons. Three factors explain this circumstance. First, the vast majority of blacks were slaves, and slaves were expensive. Consequently, plantation owners could not afford to lose their property to the state penitentiary. Instead, except for some extreme cases such as murder, the state allowed slaveowners to hold trials and enforce justice themselves.[1] Urban and free black criminals, although not subjected to plantation justice, were in most cases either fined or sentenced to county jails.

Second, southern whites considered the penitentiary a place for its citizen criminals. Since slaves were not

legal citizens, they "had no rights to respect, no civic virtue or character to restore, no freedom to abridge," and therefore did not belong in state prison.[2] Lastly, southern whites believed that the penitentiary, which was an institution designed to reform its inmates, would have a minimal effect on black criminals. In their minds, prisons could not reform ex-slaves because blacks were primitive beings who could only be controlled, and they could be controlled more effectively through corporal punishment than by a penitentiary.[3]

For all these reasons, southern states granted slavemasters the authority to imprison black criminals in plantation jails and to administer corporal punishment. Under slavery, blacks were most often convicted of crimes including running away, stealing, assaulting overseers, disobeying orders, among others.

Because of such popular racist beliefs among whites, very few blacks found themselves in Georgia's penitentiary. Rather, during the antebellum decades most of the state's inmates were poor white men who had been convicted of either property crimes or violent acts.[4] But although they were the majority, the actual number of incarcerated whites remained small.[5] Such few whites were imprisoned not because crime rates were exceptionally low, but because

rural judges preferred to mete out punishment by fines and short terms in county jail, rather than to sentence whites to the state penitentiary. In contrast to Georgia's rural courts, its city judges did in fact sentence a large percentage of convicted criminals to the state penitentiary. Despite experiencing a period of growth during the antebellum decades, however, Georgia's urban population was still small, and the state remained mostly rural. The total population from which Georgia drew the bulk of its penitentiary inmates (i.e., from poor whites) was therefore quite small.[6]

Nevertheless, Georgia legislators decided the state needed a penitentiary, and in 1811 they approved a plan to "civilize" the criminal justice system.[7] They believed that "The Penitentiary system wisely proportions the punishment to the crime, excludes the offender from society, accustoms him to the habits of industry, which is beneficial to himself and the State."[8] Before building the prison, legislators amended the state penal code to reduce the severity of punishments. Prior to the amendments, over one hundred sixty offenses carried the death penalty, a sentence most legislators found too brutal for lesser crimes such as theft and robbery.[9]

Instead, legislators decided to implement a penitentiary system for inmates convicted of offenses that did not warrant execution, but that were still too serious to be punished merely with fines or county jail. The state appropriated $10,000 on December 14, 1811 to construct a penitentiary at Milledgeville, which received its first convict on March 10, 1817.[10] A generic description of American penitentiaries - including southern ones - by Alexis de Tocqueville in 1831 suggests what Georgia's state convicts might have experienced in the new prison:

> At dawn a trumpet awakened each numbered convict; when the trumpet sounded again all doors opened at once, the prisoner stepped out and instantly shut his door behind him. Taking one step toward the central yard, each prisoner waited with his night and water buckets in his hands until ordered by the turnkey to empty them. Prisoners marched to their workbenches, where they labored silently, until signaled to march to breakfast where they ate silently. The rest of the day's labor was broken only by two brief meals, also in silence. The convicts worked from dawn to dark six days a week.[11]

Despite early optimism among legislators and success through the 1830s, Georgia's experiment with the penitentiary proved a financial disaster by the end of the decade. During the quarter-century after 1840 the penitentiary remained in debt.[12] John Brown, the Principal Keeper of the Georgia Penitentiary in 1876, estimated that the Milledgeville prison cost about $575,000 to maintain

between 1817 and 1862, a substantial sum for the period.[13] The possible reasons why the penitentiary fell into the red include inefficient management, corruption among prison officials, and the state's inability to manage its slowly rising number of convicted criminals.[14] By the 1850s, the Milledgeville penitentiary was in such serious trouble that legislators began to consider an alternative form of punishment that might prove more cost effective.

Faced with a consistent deficit from their penitentiary, Georgia officials tried in the mid-1850s to replace it with the convict lease system. Various southern states, including Alabama, Texas, Missouri, and Louisiana, had experimented with convict leasing after Kentucky first implemented it in 1825, and all reported mild success.[15] Georgia proved no exception, and the first years of the convict lease were moderately successful. Georgia convicts, for example, "built 371 cars for the state-owned Western and Atlantic Railroad in the 1850s, clearing credits of over $85,000 for the penitentiary on the state's books."[16]

By 1858 the railroad contracts had expired. Rather than seek a new lessee, state officials chose to abandon the lease system on moral grounds. They felt it impossible to ask a lessee to "sacrifice his own interests in

experiments and projects for the moral reform of convicts."[17] In other words, because the lessee could make a great deal of money from his convicts, his own self-interest encouraged him to care more about profits than about rehabilitating inmates. Thus, moral considerations led Georgia officials to revert to the old Milledgeville penitentiary by 1859 while they debated the future of the state's penal system. Just three years later, war reached Georgia. The prison issue disappeared in the state during the Civil War because Governor Joseph E. Brown offered pardons to all inmates - excluding prisoners serving life sentences - who agreed to enlist in the Confederate Army.[18] At the war's end in 1865, the Milledgeville penitentiary held just four convicts, and Sherman's forces had badly damaged the prison buildings.[19]

3

POSTWAR CONSIDERATIONS:

WHY THE MILLEDGEVILLE PENITENTIARY DID NOT LAST

After the war, Georgia legislators and prison officials faced the enormous task of either rebuilding their prisons, owing to damage by the conflict, or reorganizing their entire penal system. Like those in other Southern states, Georgia legislators and prison officials chose to reorganize, implementing the convict lease system in 1866. This decision was largely driven by the postwar economic circumstances.

In the immediate postwar years, Georgia's established planters and burgeoning industrialists competed to secure stable labor forces. Industrialists needed a large supply of workers because railroad construction and mining were

grueling, labor intensive processes. They had a hard time recruiting a steady workforce, though, because whites and blacks were reluctant to accept the low wages that industrialists offered. Meanwhile, planters' experienced their own labor shortage as emancipated blacks left the fields both in celebration of their freedom and out of disgust with labor contracts that seemed to resemble conditions of slavery. State legislators passed the black codes, intended to help relieve the labor problems by coercing blacks back to plantations. These factors - economic collapse, the competing demand for cheap labor in agriculture and industry, and the enforcement of implicitly "black" laws to coerce freedmen back to plantations - were the critical economic ones explaining Georgia legislators' decision to adopt the convict lease system.

After 1865, enforced emancipation ended planters' and industrialists' access to cheap, subservient labor.[1] In response, many elite white agriculturalists pressured the General Assembly to pass "black codes." These laws were designed to limit black mobility in order to force freedmen to sign wage contracts with farm owners. Although the black codes were largely successful in restoring planters' workforce, enforcement of the laws caused a dramatic rise in Georgia's inmate population. That increase in the

number of state prisoners forced legislators to quickly decide the future of criminal justice in Georgia.

Because Georgia's economy was in bad shape, legislators decided that the state could not afford to rebuild the Milledgeville prison or build new facilities. But state officials also recognized that industrialists - particularly railroad companies - also sought cheap, servile workers, and were willing to lease state convicts. Consequently, the General Assembly turned to the convict lease system in 1866 because legislators expected that industrialists could absorb a countless number of inmates. Georgia's courts could therefore continue to enforce racist laws that limited black mobility, which ultimately helped stabilize planters' labor problem. Thus the convict lease system was born, in part, out of the struggle between agriculture and industry to secure cheap black labor.

AGRICULTURE

The southern states emerged from the Civil War economically devastated. Roughly two percent of the black population lay dead, killed either by war or epidemic; railroads and bridges were destroyed; farmers suffered losses of livestock and work animals; and manufacturing

zones desperately needed repair.[2] Also, the Confederate Army itself drove many Georgia landowners to poverty because soldiers had occupied their land and confiscated produce and livestock.[3] In addition to military destruction, the South lay in financial disarray because the agricultural sector - which accounted for over ninety percent of state revenue - failed to adapt to emancipation and the free labor system.[4]

In the eyes of most Georgia planters, enforced emancipation in 1865 was an economic disaster because the plantation system depended on a large, servile black labor force. Whites believed that without a system of forced labor, blacks would grow lazy and agricultural output would decline. As Frances Butler, a Georgia plantation owner, noted, "From the first, the fixed notion in [blacks'] minds has been that liberty meant idleness; they must be forced to work until they become intelligent enough to know the value of labour."[5]

For white landowners, freedmen's actions after Appomattox did little more than confirm the belief that emancipation would lead blacks to revert to their "natural" state of idleness. Specifically, Georgia planters resented blacks' initial reaction to emancipation: many ex-slaves celebrated by abandoning plantations to test their freedom.[7]

Richard Edwards, a black preacher in northern Florida, captured the rationale behind leaving slave quarters:

> You ain't, noe o' you, gwinter feel rale free till you shakes de dus' ob de Ole Plantashun offen yore feet an' goes ter a new place why you kin live out o' sight o' de gret house...You mus' all move – you mus' move clear away from de ole places what you knows...You all is jis' ez good ez ennybody, an' you-all is jis ez free! Go whey you please – do what you please![7]

In many cases, blacks left plantations not simply to wander the South, but either to reunite with family members torn from them by slavery or to create new lives elsewhere. Some chose to migrate north, either to find better job opportunities or to escape the region that had enslaved them. Others emigrated to the American colony of Liberia in Africa, believing it impossible for blacks to live peaceably in America.[8] But as in other southern states, most Georgia blacks either remained in the state or migrated within the South. This occurred in part because they received reports from friends and relatives that hinted at a scarcity of jobs outside the South, as well as because of the exorbitant transportation costs created by the wartime destruction of railways.[9]

In addition to abandoning plantations, freedmen found other ways to test their independence. They asserted their rights by legalizing marriages or, in the case of

relationships forced upon them by slavemasters, by obtaining "divorces." A significant number of blacks struck back violently at their former masters using arson, for example, to demonstrate their bitterness.[10] But most ex-slaves exercised their freedom only vocally. To illustrate, in 1865, in response to a white planter's wife who asked the familiar, "Who do you b'long to boy?" a Georgia freedman retorted, "Ise don't b'longs to nobody, Missus. Ise owns self."[11]

According to historian Leon Litwack, few blacks wished to humiliate whites or to aggressively attack the standards of racial etiquette established under slavery. Rather, most freedmen and women simply felt that because emancipation had made them legally free, they had the right not to be addressed as property. They just wanted to demonstrate that slavery had not stripped them of their dignity and self-respect.[12]

Georgia planters, and even many agents of the federal government, viewed such assertions as economic threats. As Charles Flynn describes, southern whites felt that "Blacks were a resource, something between man and beast, to be worked like a mule…blacks were meant, perhaps even destined, to produce wealth for whites."[13] To the postbellum planters, blacks' behavior suggested that

perhaps the ex-slaves sought to overthrow the "natural" class structure in the South, putting "De nigga' in de saddle An' de white man on de groun.'[14] In other words, by abandoning plantations and challenging standards of racial etiquette, blacks were threatening white supremacy.

When blacks stopped laboring for Georgia's white elite, the latter grew certain the state would slip into economic chaos. In response, planters decided that in order to stabilize the economy, they had to regain their labor force and, above all, to limit black mobility. They had to get blacks to return to the fields, under the constant supervision of overseers. In other words, planters wanted to recreate the conditions of slavery as completely as possible.[15]

To accomplish this, Georgia planters sought to implement several measures to effectively coerce blacks back to the fields and create a large labor force willing to accept the lowest possible wages. First, they used violence.[16] The experience of slavery had convinced southern whites that blacks responded to physical coercion. Consequently, beatings became frequent, as whites sought to make examples out of individual freedmen to convince the rest to return to plantations.

Planters also relied on help from an unexpected ally, the Freedmen's Bureau, to reclaim their labor force. The Bureau's main purpose was to help southern blacks establish themselves as American citizens. But the federal government also intended the agency to help the South adjust to the free labor economy installed by occupying Union forces. The Bureau therefore encouraged blacks to return to plantations and sign wage labor contracts as a means of revitalizing the southern economy. Georgia's assistant commissioner of the state's Freedmen's Bureau, Davis Tillson, relocated thousands of blacks to labor-starved plantations. Because the agency carried significant influence with the ex-slaves, it had some success in convincing blacks to go back to work as celebrations of freedom waned.[17]

By late-1865, most Georgia freedmen had signed, or seemed ready to sign, wage labor contracts. The primary force behind this, however, was neither white violence nor efforts by the Freedmen's Bureau. Rather, blacks returned to plantations because they were broke. According to economic historian Stephen DeCanio, blacks had little choice but to resettle on plantations because emancipation left them with nothing.[18] Emancipation ended the guaranteed subsistence received by slaves, so freedmen now had to

support themselves; they were responsible for acquiring their food, clothing, health care, and housing.[19] But ex-slaves had no savings or jobs. Without a source of income, they could not buy or rent land, and without land, they could not get credit. Without money or credit, Georgia blacks could not escape poverty. Because they had nothing, freedmen returned to the farms.

The process of resettlement was tense. Because Georgia freedmen still clung to the idea that emancipation would not be complete until they had their own land, they resisted signing wage contracts that denied them their right to "forty acres and a mule."[20] Consequently, although most blacks did accept meager wage contracts or became sharecroppers in late-1865 through mid-1866, they did so grudgingly, strictly out of necessity.

While resettlement was a bitter process for many freedmen, watching blacks returning to the fields during this period offered a moment of hope to Georgia's white elite in an otherwise miserable year.[21] After Appomattox planters experienced mixed emotions, ranging from humiliation to confusion. Although whites could not have predicted how blacks might act after emancipation, surely they did not expect to see their farms so empty almost immediately after the war.[22] For Georgia's white

agriculturalists, society had completely changed within months after the war. Blacks were free, planters' status was in jeopardy, and the economy was ruined. To make matters worse, black Union soldiers in the occupying forces provided daily reminders of Confederate defeat. Responses to the changes varied from panic-induced nostalgia to violent outbursts against blacks. Faced with such a desperate situation, planters not surprisingly convinced themselves that things might return to normal after all when blacks began returning to plantations apparently willing to sign labor contracts.

Georgia planters' idea of reasonable terms for wage labor contracts fell far short of freedmen's expectations. With the contracts, whites hoped to recreate many of the labor conditions that existed under slavery. For blacks, signing wage contracts meant that they agreed to "perfect obedience." They consented to be "prompt and faithful," to submit to whites as a "lawful authority," to turn over any "deadly weapons" or "ardent spirits." They also agreed that, should punishment prove necessary, whites reserved the right to fine or dismiss their laborers.[24] Most importantly, the contracts sought to reinstate the task and gang systems of labor. Both systems required laborers to work in large groups, which allowed planters to easily

supervise their workers just as they had done during slavery. Additionally, contracts generally called for a six-day workweek, averaging ten to twelve hours per day. As Leon Litwack notes, the contracts were generally the same throughout the South both in their wording and in their purpose. Their purpose, of course, was to control blacks' movement and behavior.[25] All that varied between states was the average pay. Georgia blacks, for example, earned $8-$12 per month in 1866, while Florida's freedmen earned $10-$18 a month.[26]

It did not take blacks long to realize the planters' design. Even by early 1866, freedmen who had signed the contracts recognized that "free" labor conditions closely resembled slavery. Additionally, whites often failed to pay them.[27] These factors led blacks to frequently press their employers to alter the terms of wage contracts.

Because emancipation had forced blacks to support themselves, freedmen demanded assurances that contract terms would meet their needs. For example, they wanted guaranteed payments, satisfactory labor conditions (e.g., *eliminating* the slavery-like task and gang labor systems), employer provisions such as free food and clothing, the ability to travel freely, promises that they would not be abused, and access to education for their children.

Because of their experiences during slavery, and because few, if any planters offered fair wage contracts after emancipation, freedmen distrusted plantation owners. A letter from a freedman, Jourdon Anderson, illustrates how little freedmen trusted white plantation owners. In his letter, Jourdon stipulates how his former owner might regain his trust:

> Mandy says she would be afraid to go back without some proof that you are sincerely disposed to treat us justly and kindly – and we have concluded to test your sincerity by asking you to send us our wages for the time we served you. This will make us forget and forgive our old scores, and rely on your justice and friendship in the future. I served you faithfully for thirty-two years and Mandy twenty years. At $25 a month for me, and $2 a week for Mandy, our earnings would amount to $11,600.[28]

Many freedmen like Jourdon had such little faith that their employers would fulfill the terms of labor contracts that they refused to sign, opting instead to migrate between plantations. And of those who did sign, many broke their contracts and left their employers at the first sign of being cheated.[29] They sought better working conditions elsewhere, either on different farms or in other industries such as railroad construction.[30] Furthermore, planters evicted many blacks from their farms, accusing them of idleness, laziness, and insubordination.[31] They based these

accusations on the fact that, without the physical coercion of slavery, laborers' average man-hours had dropped on average throughout the South to two-thirds of prewar levels.[32] In sum, by mid-1866, freedmen and planters had generally failed to forge agreements, and blacks began to once again abandon the fields.

Labor-starved planters either failed to recognize or refused to accept the real cause of their labor problem. In fact there was no physical labor shortage (i.e., enough laborers lived in the state to satisfy demand), and the racist argument accusing blacks of laziness was simply wrong. Rather, plantation owners failed to offer high enough wages, and because Georgia was a free labor society, freedmen chose to reject whites' job offers.

Stubborn agriculturalists refused to give in to the demands of ex-slaves, opting instead to encourage immigration both from overseas and from the North. As one hopeful white Georgian offered, "Bring them here in competition with the Negroes, and the latter may find it to their interest to…go to work in the cotton fields where they belong."[33] But the state's experiment with immigrant labor failed. Immigrants demanded higher wages than those that ex-slaves had agreed to accept, and they often refused

to work under the miserable conditions to which blacks had long since grown accustomed.

To summarize: by mid-1866, white planters still found themselves unable to secure a stable labor force. Blacks had once again started leaving plantations in large numbers, and immigrant workers proved unable to replace them. As a result, agricultural production continued to decline, and the state's treasury remained empty. Georgia planters had insisted that without slavery, blacks would grow lazy, that they would fail to work in the best interests of society (i.e., in planters' best interests), and that the economy would suffer. From the perspective of southern whites, this postwar prediction had come true.

During the summer of 1866, something happened that helped to resolve planters' labor problem: Georgia legislators enacted the state's black codes. The black codes appeared throughout the South in the immediate postwar years. Legislators intended these laws to coerce freedmen back to plantations under conditions favorable to whites.[34]

The laws controlled black mobility in several ways. First, they barred freedmen from owning, renting or leasing rural land. The terms of wage contracts insisted that blacks live on plantations, just as they had done during

slavery, which allowed whites to prevent freedmen from owning land. When added to the fact that urban whites often refused to rent or sell homes to blacks, freedmen had little choice but to live on plantations or on the outskirts of cities.[35]

Second, whites recognized that unemployed blacks sometimes relied on "hunting and gathering" to help support themselves. Georgia legislators in 1866 accordingly made hunting "with firearms, dog, or dogs" illegal in many black counties. They also restricted fishing and outlawed gathering any resources of value (e.g., wood, fruit, etc.) without the landowners' consent.[36] Because these "crimes" carried heavy fines or short jail sentences, blacks had little means of support outside of wage labor.

The black codes also included enticement legislation designed to keep the ex-slaves from breaking wage contracts. The laws accomplished this by making it illegal to "persuade or entice away, feed, harbor, or secrete any person who leaves his or her employer." Penalties included "damages to the employer, and…a fine of not…less than ten dollars, or imprisonment."[37] Finally, the most infamous of the black codes was the vagrancy law. The law defined a vagrant as any freedman who could not prove employment. In other words, unemployment became a crime for blacks.

The black codes complemented each other in helping to force ex-slaves back to plantations. Since freedmen could not own or rent land in rural areas and were often excluded from city-living, and because they could not support themselves with any means other than wage labor, they clearly had little choice but to accept labor contracts. If economic need did not prove incentive enough, the codes made unemployment illegal. Lastly, the black codes made it very difficult for freedmen to *break* labor contracts because the enticement law penalized anyone who tried to hire blacks away from their employers. As a result, the black codes had the effect of recreating many of the conditions that prevailed under slavery, and the majority of blacks had little choice but to resettle on plantations.[38]

In Georgia, and in all the states of the Old Confederacy, Northern officials suspended the black codes within six months of their enactment. Why did they do this? Perhaps it was because federal officials recognized the laws' resemblance to slave codes, or maybe it was because they viewed the new laws as a "slap in the face" to legal emancipation and Reconstruction.[39]

In response to the federal decree, Georgia's legislature did not repeal its black codes. Rather, they

amended the laws - particularly the vagrancy and property laws - to remove explicitly racial language (e.g., by removing the word "Coloured" from the text). After such changes in wording, responsibility fell on southern courts, lawyers, and sheriffs to enforce those laws. Predictably, local police rarely applied vagrancy and property laws to whites. Prosecutors were only too happy to bring black defendants to court while overlooking white violators of those crimes. And judges convicted the majority of freedmen brought before them.[40]

These changes in Georgia's criminal code, as well as the racist enforcement of the new laws remained in place for the rest of the century. Additionally, as the region gradually urbanized (e.g., Atlanta, Savannah), southern courts began to convict large numbers of city-dwelling blacks for property crimes. In practice, then, the federal suspension of the black codes went largely unheeded in Georgia and the number of black convicts rose dramatically each year. As a result, planters were able to regain a great deal of their black labor force, as freedmen had little choice but to work if they wanted to avoid jail. But while the black codes helped restore farmers' workforce, Georgia's industrialists had no such luck.

INDUSTRY

While the revised black codes gradually helped restore Georgia's agricultural production, the state continued to struggle in developing industrial prosperity. Although Georgia relied on agriculture for the bulk of its revenue, federal and state officials worked hard during the early years of Reconstruction to "modernize" the state. To do so, they had to encourage the growth of industry in order to draw the state into the national capitalist economy. By developing its mineral resources (e.g., coal), the state could expand its railroad lines and roads. This would not only encourage the growth manufacturing (e.g., textile mills), but would also improve planters' profitability by giving them access to better technology and new markets.

For Georgia legislators concerned with developing industry, their biggest concern was railroad construction.[41] But railroad building was a demanding, labor-intensive process, and industrialists had a hard time finding laborers. This was because, before 1865, railroad companies relied mostly on slave labor, and they were now reluctant to pay wages sufficient to attract a stable workforce.

After emancipation, railroad builders found most whites unwilling to accept the low wages that they offered,

and therefore the companies turned again to black labor. Railroad companies tried to recruit blacks from among the thousands who lived in areas surrounding major cities such as Savannah, but they had little success. Wages were so low that even freedmen tried to avoid railroad labor, which put the industrialists in competition with planters for labor.[42] Furthermore, many of those who did accept this work often abandoned their jobs at the slightest provocation, such as when they found better wages elsewhere (e.g., during cotton harvests).[43]

Faced with this labor problem, industrialists had few options. According to the logic of capitalism, which southern business owners were supposed to embrace, they should have raised wages to attract more workers. But Georgia's industrialists seemed unwilling to accept the concept of free labor - a complement to the market economy - because it impeded their efforts to fight off bankruptcy.[44] Consequently, railroad companies sought to undermine the new free labor market because they could not afford to pay higher wages.

Georgia industrialists faced a second problem in their efforts to promote railroad development after emancipation. Railroad building required a great deal of investment capital, because laying track was expensive. Railroad

owners therefore depended on bonds from both the state and private sources. But both these sources only gave money to companies that could demonstrate, *before* breaking ground, that they could keep production costs low enough to turn a profit after finishing their lines. Thus most railroad builders found that they had to lay the first few miles of track before they received financial endorsement.[45] Because developers found it so hard to acquire funding, they had to keep their production costs as low as possible if they wanted to attract sufficient start-up capital. Because the costs of materials and tools were fixed, railroad owners felt they had to cut labor expenses as much as possible to attract investment and boost profits.

In their quest to cut labor costs, railroad companies discovered another problem. In the 1860s, white and black free laborers resisted the low wages offered by railroad owners either by organizing strikes or by quitting the lines.[46] As Alexander Lichtenstein notes, railroad owners "needed a stable, cheap, and readily available labor force at a fixed cost, which would not hinder rapid initial construction by quitting or going on strike, demanding higher wages, or having to be reconstituted at each new section of the line to be graded."[47]

In order to bring the South into the capitalist economy, industrialists needed a sizable labor force that would accept miserably low wages, yet would still work very hard under difficult conditions and never go on strike. In a free labor society, such conditions are difficult to maintain. Clearly, Georgia's industrialists faced an enormous problem in 1866.

To summarize: in mid-1866 Georgia the state treasury was virtually empty and the economy showed no signs of recovery as both planters and industrialists were experiencing problems securing stable, cheap labor.[48] Railroad builders needed a very large supply of workers because laying track was a grueling, labor-intensive process. Planters also needed to acquire a great number of workers, because emancipation had stripped them of their entire labor force. Through 1866, the planters were winning the battle to secure labor because the black codes had forced countless blacks to resettle on plantations in order to avoid jail time. This desire among planters and industrialists to secure cheap and subservient labor became, during that same year, a major factor in Georgia legislators' considerations about the future of the state's penitentiary system.

ECONOMICS, RACE, AND THE RISE OF CONVICT LEASING IN GEORGIA

ECONOMICS AND THE PENITENTIARY

Georgia legislators debating the future of the penitentiary faced a crisis by late 1865. Before the Civil War, as far as blacks were concerned, plantation owners meted out justice for all but the most serious of crimes. Upon winning their freedom, blacks escaped the punishment of the lash, but they now became subject to the jurisdiction of state law enforcement. Responsible for countless new citizens, the state's courts convicted record numbers of inmates after emancipation.

Immediately after the Civil War, the dilapidated Milledgeville Penitentiary held just four inmates. By late-1865, that number had jumped to one hundred thirty three blacks and forty-four whites.[1] With the enactment of

the black codes, and even after their subsequent revision, the prison population continued to rise at a dramatic rate. To illustrate, by 1867 the prison held approximately four hundred inmates, of which seventy five percent were black.[2] Because the penitentiary could not handle such large numbers of inmates in its current condition, prison officials, state legislators, and the governor had to decide whether to rebuild the old facilities or reorganize the entire penal system.

Because Georgia suffered from extreme poverty during the early postbellum years, rebuilding the elaborate penitentiary system seemed an impossible task. General Sherman's forces had destroyed much of the Milledgeville prison, just as they had done to prison systems throughout the South. Also, Governor Joseph Brown (1857-1865) had liquidated most of the penitentiary bureaucracy during the war.[3] Although Georgia legislators and Governor Charles Jenkins attempted to resurrect the penitentiary system during 1866, they quickly realized that the state simply could not afford to do this.

On March 21, 1866 the House instructed Governor Jenkins to appoint "three Commissioners to examine and report upon the propriety of removing the present Penitentiary, and locating it elsewhere, or of establishing

an additional one."[4] The committee, which included Howell Cobb, Mark Cooper, and John Fitten, filed its report on November 2. The committee suggested that "from the proportion of Negro convicts it is very manifest that the new order of things will result in a far greater number of convicts being sent to the penitentiary hereafter than have ever been there before." The members recommended abandoning the Milledgeville facilities in favor of building a new prison at a "more permanent and suitable location of a penitentiary." They urged legislators to appropriate $150,000 for the construction of a new prison at Stone Mountain because they believed that the social benefit of reforming criminal behavior was worth the expense. The committee members chose Stone Mountain because they felt that convicts could either labor in the region's granite quarries, or work on nearby Western & Atlantic Railroad lines.[5]

Despite the committee's recommendations for a new prison, and despite Governor Jenkins' own desire to restore the Milledgeville penitentiary, the legislature rejected both proposals because they were too expensive. Maintaining the penitentiary system required that the state first either build or repair prison facilities and then hire administrators and guards. The General Assembly's

other option, the lease system, freed the state from the entire financial burden of the prison. To house their laborers, lessees could either use the state's existing prison facilities, or they could move inmates into camps built near the work sites. But even if they chose to use state-owned building, the lessees still had to pay all the costs of maintaining the facilities and supporting the convicts. Citing the cost-effectiveness of convict leasing, the legislature approved a measure on December 28, 1866 that called for the Governor "to farm out the Penitentiary…[under] a lease that can be made **relieving the State from all further expense**." for a period not longer than five years.[6] Thus the convict lease system was born in Georgia.

RACIAL CONSIDERATIONS

Georgia's General Assembly implemented the convict lease system primarily because the state could not afford to maintain a penitentiary. Nevertheless, racial considerations were critical to supporters of the lease system, including Provisional Governor Thomas Ruger who replaced Jenkins in 1868. Cesare Beccaria and John Howard had intended the penitentiary system to rehabilitate

convicts and make them productive members of society. After emancipation, though, white Georgians (including the members of Jenkins' prison committee) questioned the merits of the penitentiary because they doubted whether it could reform black criminals.

In southern whites' perspective, slavery had taught them that blacks responded better to beatings and hard labor than they did to less coercive measures. Ex-slaves, they felt, could benefit from the penitentiary only in the sense that the convicts would be "turned out no worse men than when they were received."[7] Many state officials seemed to believe that without the controls of slavery blacks would, by their nature, turn to crime. According to John Brown, a Georgia prison official:

> "[Blacks] have forgotten common respect for themselves and the people with whom they are so intimately allied, and upon whom thy are so entirely dependent. I apprehend that, unless they find better advisers, and place their children under better training – teaching them to work for their living – the State had better purchase a number of islands, for the time is not distant when these young vagrants will get out of their long shirts into "Georgia Stripes." [8]

Brown later went on to echo beliefs shared by countless southern whites when he claimed that: "The only difference existing between the colored convicts and the colored people at large consists in the fact that the former have been caught in the commission of crime, tried

and convicted, while the latter have not…The entire race is destitute of pride of character."[9]

Furthermore, many whites felt that the penitentiary would cost the state a great deal of money simply because most inmates were black. John Brown noted that while white inmates' labor might produce some revenue for the state, "Negroes [had] less natural capacity to make their labor profitable at mechanical or other pursuits."[10] That is, Brown and other white Georgia officials believed that white men, even convicts, were born industrious and hard working. If the majority of inmates were white, most Georgia officials believed that a penitentiary could be somewhat financially self-sufficient. But because most of the state's postwar convicts were sure to be "naturally" lazy ex-slaves, Brown felt that a penitentiary would become a burden to the state. Such considerations led Brown and most Georgia officials to support the replacement of the penitentiary with the convict lease system.

It therefore appears that Georgia legislators believed that the penitentiary was an unnecessary expense not only because the state was bankrupt, but also because they felt that prisons could neither reform black criminals nor yield a profit from their work. Such racist views surely helped

convince many state officials that the lease system should replace the penitentiary.

THE RISE OF THE CONVICT LEASE SYSTEM

Although the General Assembly approved the lease system in 1866, the state did not put the act into effect until April of 1868. This delay occurred because Governor Jenkins had resisted abandoning the penitentiary system. He continued to prioritize the reformation of criminal behavior over the financial concerns that favored the lease system.[11] In January 1868 the US Army deposed Jenkins and replaced him with Provisional Governor Thomas Ruger (1868).

Ruger agreed with the legislature's decision to approve convict leasing because he shared the beliefs that the state could not afford a prison system and that such a system could not rehabilitate black criminals. Ruger advertised for bids, hoping to lease as many convicts as possible in order to reduce the number of inmates in the Milledgeville prison. The bidding and selection process was simple. The Governor placed newspaper ads requesting bids from private businesses and/or individuals. He then had the sole authority to decide who received convicts, and

for what price, based on who responded to the advertisements.[12]

On April 21, 1868, Ruger approved Georgia's first convict lease, providing William Fort's Georgia & Alabama Railroad with "one hundred able bodied and healthy **Negro** convicts now confined in the said Penitentiary of said state for the space or term of twelve months to work on the Georgia & Alabama Railroad in said state."[13] For his part, Fort agreed to pay the state $12,500, and to cover all additional expenses, such that "the state of GA shall be under no expense or charge on account of said convicts, other than the transportation over the Western & Atlantic Railroad."[14]

The lease system truly cost Georgia nothing, because the lessees were responsible for the costs of maintaining prison facilities, for feeding, clothing, and guarding convicts, and they paid the state for the rights to use inmate labor. The state had just two financial burdens, which were covered by bonds paid by the lessees. There were, first, the one-time transportation costs for sending inmates from the penitentiary to worksite camps. Second, there were the salaries of two prison officials: the principal keeper and his assistant.[15] The principal keeper had duties similar to those of a penitentiary warden. For

example, he recorded the prison's finances (e.g., income from the hire of convicts), the numbers of convicts received and the names of those who leased them, and demographic descriptions of the inmates. The state also required the Keeper to make monthly inspections of the lessee's prison camps to observe the convicts' condition.[16] Thus by 1870 the state needed to appropriate only $3200 annually to maintain its prison system, whereas the lessees contributed many times that amount.[17]

Within months of Governor Ruger's lease to William Fort, other railroad owners, including S.F. Stephens, petitioned the Governor for convicts.[18] In July 1868, Ruger authorized a second lease to William Fort and Joseph Printup, Fort's partner, for the Selma, Rome, & Dalton Railroad. This lease also held the industrialists responsible for the upkeep of inmates and facilities, and it charged the lessees $1,000 annually for using the state's convicts.

Ruger's leases provided the state with a virtually cost-free outlet for its growing number of convicts, but because that number was rising so quickly, the leases were insufficient in solving the prison dilemma. The enforcement of racist laws, which were critical in helping Georgia's planters restore their labor force, were also

causing a dramatic number of convictions, which continued to create a problem for the state's prison system. To resolve this criminal justice problem using the lease system, the state would have to find enough individuals to hire out all of the new inmates. At this point, Georgia officials concerned with the prison issue began to recognize that the state's industrialists - particularly labor-starved railroad companies - might provide an ideal outlet for the new convicts.

By 1868, while the black codes had helped Georgia's planters rebuild much of their labor force, the state's railroad companies had no such luck. State officials, industrialists, and even farmers wanted to rebuild and expand Georgia's railroad network for several reasons. They believed that railroads would allow manufacturing zones to export goods, import labor, and permit farmers to transport produce.[19] This would tie together the state's agricultural and manufacturing regions, thereby giving both sectors larger markets. Additionally, railroads provided reliable access to cheap transportation and to markets in other states and countries (e.g., by connecting inland regions to the coast).

Despite strong desires among state officials and industrialists to develop the state's railway network,

neither could find a way to attract a sufficient labor force to build the lines. Furthermore, although planters knew they would benefit from railroad construction, they continued to try and draw laborers away from the railroad companies.[20]

Industrialists' heavy demand for labor merged perfectly with the state's need to find new lessees of the Penitentiary. The state needed to find more lessees of convicts, and railroad companies needed a stable and cheap labor force.[21] Consequently, Governor Ruger and Georgia's industrialists turned to each other. Railroad developers quickly recognized the benefits of convict labor. Convicts cost little, could not strike, could be physically coerced to work faster, and were unable to protest the brutal work conditions of railroad building.[22]

This recognition of shared interests between industrialists and the state was formalized in June 1869, when Governor Ruger's replacement, Rufus Bullock (1868-1871), leased the *entire* penitentiary to a single company. Under the contract, the Grant, Alexander & Co. construction firm (Georgia's biggest railroad company) received up to five hundred convicts, depending on its need.[23] This lease contract had two effects. First, it helped relieve *some* of the demand for labor among industrialists.[24] It also

allowed the state to manage the growing number of convicts that courts were turning out. As the inmate population grew, the state could avoid financial responsibility by simply turning the convicts over to the railroad company.

Grant, Alexander, & Co. put their convicts to work laying one hundred fifty miles of track for the Macon-Brunswick line. Additionally, prisoners labored on the new Macon-Augusta line, grading seventy-seven miles of track by late-1870.[25] In northern Georgia, Grant Alexander, & Co. worked one hundred seventy two convicts on the "Air-Line" that ran between Atlanta and Charlotte.[26]

By December 1871, the convict lease system had proved so successful in managing the state's inmates that the General Assembly voted to increase the lease period to two years.[27] When Grant, Alexander, & Co.'s lease expired in 1872, Governor James Smith (1872-1877), who had replaced Bullock earlier that year, renewed the company's contract for a term of two years.[28] The railroad company had received five hundred thirty one men and eighteen women by April 1872.[29]

During the next year and a half, between April 1, 1872 and October 1, 1873, the lease to Grant, Alexander, & Co. provided the state with $35,213.65 in revenue. Unfortunately for the state, Grant, Alexander, & Co.'s

lease was about to expire in January 1874. The corporation did not need as many convicts by this point because it had completed the bulk of its lines.[30] Clearly the state had a problem. Grant, Alexander, & Co. currently worked five hundred ninety four male convicts and twenty females, and in just a few months the corporation would no longer need most of them. Furthermore, the number of convicts continued to rise at an alarming rate due to the continued enforcement of laws targeted at blacks. Governor Smith and the General Assembly needed to find new lessees quickly, or risk another prison crisis.

On March 3, 1874, the legislature chose to extend the period of the lease to five years, hoping that the longer term might attract new bidders.[31] The plan worked, and when Grant, Alexander, & Co.'s lease expired, Governor Smith began receiving bids for convicts. Fortunately for the state, the new railway networks had opened up areas rich in mineral resources including coal and iron.[32] Mining companies (e.g., the Dade Coal Mines) quickly appeared throughout Georgia's interior. Because they needed cheap, dependable labor, mining companies would soon join the railroads as the primary lessees of Georgia's prison.

From the standpoint of their owners and operators, coal and iron mines were an ideal place for convicts

because mining was a labor-intensive process that demanded a great deal from workers. As with the free laborers employed in railroad building, free laborers in mines often went on strike or quit the lines in protest of harsh working conditions and low pay.[33] Additionally, because mining required a reasonable degree of skill, every time a free laborer quit his job, the company had to invest considerable time in training his replacement. Prisoners, on the other hand, could not strike and could leave the mines only after their sentences expired. Mining companies therefore preferred convicts to free laborers, and they decided to place bids for the state's inmates in 1874.

Ultimately, Governor Smith divided the state's six hundred sixteen convicts among seven lessees in 1874. J.T. and W.D. Grant, of the now-defunct Grant, Alexander, & Co., received one hundred seventy seven convicts. The Bartow Iron Works Co. received one hundred, the Dade Coal Company hired ninety-one, and the governor divided the rest among an agricultural company and three railroad builders.[34]

During the following two years, the lease system provided Georgia with $25,291.22 of much-needed revenue, and it continued to successfully manage the state's inmate population. Taxpayers were happy, because they did not have to support a penitentiary system.[35] Politicians were

happy because the lease system had solved the prison dilemma at no cost to the state. Planters needed courts to maintain pressure on blacks by convicting "vagrants," so they relied on the lease system because it could virtually handle an endless number of inmates. Finally, business owners recognized that "the lease system was tailor-made for capitalists concerned with making money fast. Labor costs were fixed and low, problems of labor uncertainty were reduced to the vanishing point, lucrative jobs could be undertaken that others would not risk, convicts could be driven at a pace free workers would not tolerate."[36]

Because of its success, the General Assembly voted to extend the lease again on February 25, 1876, this time for a period of "not less than twenty years, to one or more companies."[37] The 1876 lease divided the state's convicts among three companies that the Assembly believed would bring the most revenue into the state. Penitentiary Company Number One was the Dade Coal Company, operated by Joseph E. Brown and his partners. Penitentiary Company Number Two included B.G. Lockett, John Gordon, L.A. Jorden, and W.B. Lowe. Lastly, W.D. Grant, John Murphey, Thomas Alexander, W. Simpson, and John Renfroe operated Penitentiary Company Number Three.[38] Each lessee had to pay the state $25,000 annually for twenty years, beginning in

April 1879. According to the contract, the lessees also had to:

> Pay...all expenses of said convicts as required by law, and shall pay all expense of transporting convicts from the counties where convicted to the Penitentiary; shall treat said convicts with the humanity required by law; shall keep them securely without expense to the state, and with such guards and safeguards as the law requires...not work any of them outside the limits of this state, nor longer each day than the law allows, nor on the Sabbath day, nor inflict corporal punishment upon any of them, unless the same shall be absolutely necessary to secure discipline...and shall report under oath all escapes and the circumstances attending the same as required by law, to the Principal Keeper, and shall pay damages by law for each negligent escape and shall discharge each convict immediately upon the expiration of the term for which he or she may have been sentenced.[39]

Penitentiary Company Number One received three hundred convicts. The Governor distributed the remaining prisoners between companies Two and Three, amounting to approximately four hundred fifty prisoners each.[40] Also, the lessees would receive all of the state's new convicts each year, for no additional charge, divided according to the original proportions assigned to each company. To illustrate the effects of this clause, by 1896 the Dade Coal Company had acquired so many additional convicts that the average cost per inmate was only about three cents per day.[41]

Convict leasing remained popular in Georgia for at least ten more years, as it continued to satisfy

politicians, businessmen, and voters. But by the 1890s, the public began to learn of brutal conditions within the lease camps. These conditions are important to discuss, since they later became a major factor in causing the demise of convict leasing in Georgia.

LIFE AS A CONVICT UNDER THE GEORGIA LEASE SYSTEM

A LACK OF OVERSIGHT

One reason why the convict lease system did not survive in Georgia past the early twentieth century was because of the poor treatment that convicts received in prison camps. During the 1890s, but particularly during the summer of 1908, the public learned just how badly convicts lived, and the lease system grew increasingly unpopular. For this reason, it is important to discuss the general living conditions of Georgia's leased prisoners. Also, understanding how convicts were treated provides one basis for comparing the lease system to slavery, which is an important goal of this study.

As part of his duties, the Principal Keeper of the Georgia Penitentiary recorded a description of each

convict, including his race, "age, height, color of eyes and hair, complexion, place of nativity, time of conviction, nature of crimes, and period of confinement."[1] Additionally, the state required him to inspect the convict camps each month in order to ensure that the lessees did not blatantly mistreat the convicts. John Brown, in his 1875 "General Notice to Lessees of Georgia Penitentiary" listed the requirements for the humane treatment of convicts.

According to the decree, lessees were to provide inmates with clean clothing once a week and to allow them regular bathing. Additionally, lessees were "required to supply comfortable and well-ventilated prison quarters, inclosed by a strong and roomy stockade."[2] Brown restricted convict labor to ten hours per day, and he also advocated the importance of adequate nutrition and proper care for sick prisoners.

Each Principal Keeper was responsible for inspecting the prison camps to enforce these orders, but they all found this impossible. According to the 1878 report of the House Penitentiary Committee, the state had so many prison camps that the Principal Keeper would have to travel the entire month just to spend two hours in each camp.[3]

Because they had other duties relating to the management of the convict lease system (e.g., reporting to the governor), the Principal Keepers visited few of the camps. Instead, they relied on the lessees themselves for reports on the convicts' numbers, health, living conditions, mortality, and escape attempts. John Darnell, the state's Principal Keeper in 1870, found he was "subjected to considerable embarrassment in the discharge of [his] official duties" because the lessees were so careless in making their reports to him.[5] Thus, during the first twenty-five years of the convict lease system in Georgia, the prison camps went largely unsupervised by state officials. Because the state relied on lessees themselves for information about the convicts' condition, the lessees could generally treat the prisoners as they pleased.

THE INMATES

Throughout Georgia's experiment with the convict lease system, about ninety percent of the inmates were black, owing to the strict enforcement of racist laws. Within the criminal justice system itself, "the judges, juries, and other officials of the courts are white men who share"

racist beliefs toward blacks. "They also make the laws. It is wholly in their power to extend clemency to white criminals and mete severe punishment to black criminals for the same or lesser crimes."[6] Nevertheless, whites certainly found themselves caught up in the lease system because the courts could not ignore all white crime. However, whereas the number of black inmates rose dramatically after 1865, the number of white convicts held steady, not exceeding two hundred until after the turn of the century.[7] While most inmates were of the same race, their ages varied greatly. In 1875, for example, convicts ranged between eleven and seventy-eight years of age.[8] The table on page fifty-nine offers an annual breakdown of Georgia's inmates based on race and gender, and also lists the number of convicts that died during each year. The table located on page sixty provides a classification of crimes for Georgia's prison system in 1875.

CLASSIFICATION OF GEORGIA CONVICTS, 1865-1909

	TOTAL CONVICTS	WHITE MALES	WHITE FEMALES	BLACK MALES	BLACK FEMALES	DIED
1865	4	--	--	--	--	--
1868	338	--	--	--	--	--
1869	343	29	0	301	13	17
1870	393	--	1	--	--	9
1871	385	60	1	309	15	17
1872	531	--	1	--	17	26
1873	614	89	1	505	19	--
1874	725	94	1	604	26	40
1875	926	90	1	805	30	49
1876	1108	114	--	954	40	58
1877	1208	--	--	--	--	55
1878	1239	113	2	1088	36	27
1880	1186	114	1	1041	30	65
1882	1243	112	1	1100	30	22
1886	1527	148	1	1337	41	68
1888	1537	149	1	1336	52	81
1890	1694	168	0	1478	40	--
1900	2158	258*		1900		--
1909	2558	262*		2296		--

*These numbers include both male and female convicts.
--No data exists

Source: 1868-1890 - Georgia Principal Keeper's *Reports*, 1869-1890;
1900-1909 - Lichtenstein, *Twice the Work of Free Labor*. p60

CLASSIFICATION OF CRIMES, 1875

MURDER	166
ARSON	22
RIOT	12
BESTIALITY	10
VOLUNTARY MANSLAUGHTER	69
INVOLUNTARY MANSLAUGHTER	2
ASSAULT WITH INTENT TO MURDER	197
RAPE AND ASSAULT TO RAPE	123
BURGLARY	442
LARCENY	175
ANIMAL STEALING	77
PERJURY	6
ARSON	29
FORGERY	38
OBSTRUCTING RAILROADS	7
BREAKING RAILROAD CARS	4
BIGAMY	14
RECEIVING/CONCEALING STOLEN GOODS	3
ROBBERY	27
KIDNAPPING	5
INCESTUOUS ADULTERY	2
FELONY	8
MAYHEM	1
RAPE, HORSE STEALING AND BURGLARY	2
ALLOWING PRISONERS TO ESCAPE	3
POISONING	1
INFANTICIDE	1
SEDUCTION	1
TOTALS	1537
CRIMES AGAINST PROPERTY	924
CRIMES AGAINST THE PERSON	613

Source: Principal Keeper, *Report*. 1875, p8

Importantly, although Georgia's legal system was clearly racist towards blacks during the postbellum decades, the lease system itself had some exceptions. First, convict leasing proved remarkably non-racist. White and black inmates, although usually segregated, worked equally hard at the same tasks, and received similar treatment by white guards. In some cases, though, racist beliefs worked to the disadvantage of *white* prisoners in the convict lease system. That is, prison camp guards often punished white inmates harder than they did blacks. This was because, in the guards' perspective, "white convicts, owing to their superior intelligence, are considered more guilty for the same offense, [and] are punished more severely."[9] But despite these exceptions, although the convict lease was the product of a racist legal system, life within the prison camps was similar for all inmates regardless of race.

LIVING CONDITIONS

In 1887, W.F. Westmoreland, the Principal Physician to the Penitentiary (a position the legislature created in 1876) made an interesting observation:

> The penitentiary convicts should be the healthiest class of people in the State. They are absolutely under control. There can be no dissipation as night debauches, over or under eating; in fact, no other form of dissipation or irregularities injurious to health. The convicts take their meals at fixed and regular hours, and if they get what the law gives, and it is properly prepared and served, it is not predisposed to disease. They are required to work, and the hours they are required to work are fixed by law, with the further order that they shall not be overworked. Labor, when not excessive, will not make a well man sick. They are required to retire to their beds at a fixed hour... If the prison building is comfortable and healthful, the bedding and covering sufficiently clean, I can see nothing to induce sickness in the penitentiary.
> ***But why is it that at times there is undue sickness and mortality in many of the convict camps?***[10]

Westmoreland asked a very good question at the end of his remarks, considering that during the entire period of Georgia's convict lease, inmates constantly complained of miserable conditions, leading to frequent sickness and high mortality levels. Investigating committees appointed by the General Assembly, as well as outside observers of the lease system and the Principal Keepers/Physicians themselves, frequently confirmed such reports. Clearly, many lessees ignored the terms of their contracts with the state by treating the convicts with little regard for their health.

According to various investigations, with some exception, the conditions of the facilities at the convict

camps were bad. Convicts slept either in permanent buildings constructed near the work sites or in mobile trailers, depending on the type of labor they performed. Generally, prisoners slept on straw mattresses, segregated by race and gender, with their bodies fastened to a main chain as they slept. The facilities were often dirty, dusty, rodent-infested, and they also lacked proper ventilation and sunlight.[11]

Each convict received at least one striped suit, usually cleaned every Sunday. Most visitors to the camps found the clothing sufficient, although convicts often complained of suffering from cold during winter.[12] Additionally, many prisoners who worked in coal mines claimed that the lessees made them sleep in dirty, wet clothes at night, which often led to sickness.[13]

Investigators also found convicts' bathing practices very unhygienic. For example, prisoners employed on the Macon and Brunswick Railroad in 1870 washed "in a trough of water. Sixty or seventy men sometimes had to wash in the same water trough about twenty feet long, and would have about six inches in water." They could not wash "but the one time a week, which was Sunday morning…[and were] not even allowed to wash face and hands in the morning."[14]

For their diet, convicts were supposed to receive an assortment of fresh meats, vegetables, and grains each day, including "bacon, corn bread, flour bread and turnip greens, turnips, peas, sorghum, fresh beef once a day," etc.[15] In many cases, the lessees met this requirement, probably because it gave the prisoners sufficient energy to work harder. But according to Prison Committee reports, lessees often failed to provide adequate nutrition because they wanted to keep costs as low as possible.[16]

The Penitentiary Physician agreed with the prisoners' complaints in 1885, determining that in most cases, the lessees failed to supply the convicts with fresh meat and vegetables.[17] Additionally, investigators from the House Penitentiary Committee learned in 1886 that the convicts lacked adequate clean drinking water. They found that water was "in many cases allowed to stand until it became stagnant, so tainting the atmosphere as to be very offensive and injurious to those working."[18] The lessees that ignored the state's dietary guidelines did not worry too much about inmate sickness or death, particularly for inmates whose sentences would soon expire, because they received new convicts throughout each year. Sickness levels were very high each year due to the miserable living and working conditions that convicts faced. The following

table, based on data collected by Penitentiary Physician W.F. Westmoreland, shows sickness and mortality levels at each of the prison camps for 1886.

SICKNESS AND MORTALITY REPORTS IN GEORGIA LEASE CAMPS, 1886

	NUMBER OF CONVICTS	REPORTS OF SICKNESS	TOTAL DEATHS PER CAMP
Dade Coal Mines	455	892	28
Rising Fawn	75	371	4
Cedartown	86	106	1
Graysville	17	42	1
Augusta	85	193	2
Dubois	65	52	2
Chauncey	40	8	--
Bolton	130	163	4
Oglethorpe	95	412	7
T, W, & D RR	42	71	2
Lumpkin	86	34	--
Chattahoochee	200	461	10
D&M Railroad	105	13	--
Albany	35	30	--
Oldtown	65	116	4
Wadley	40	54	--
--Rogers	25	27	--
Stone Mountain	85	25	--
GA Midland RR	400	195	3
TOTAL	2121	3268	68

Source: Principal Physician to the Georgia Penitentiary, *Report.* 1886, p140

WORKING CONDITIONS

At work, labor conditions varied greatly by industry (e.g., mining, railroad work, mining). On farms, convicts often worked dehydrated in a malnourished state in the hot sun, and they also lacked adequate clothing in the winter. Prisoners grading railroads faced similar conditions, but in addition they suffered from their difficult work of swinging pickaxes and laying track. In the mines, inmates labored deep in the earth, "in such places as rendered it necessary for them to lie on their stomachs while at work, often in the mud and water, with bad ventilation, in order to get out the daily amount of coal that would save them from the punishment to be inflicted by the whipping boss."[19]

Although the law prohibited lessees from working convicts longer than from sunrise to sunset, most inmates found that this rule went unenforced. Instead, lessees often worked their convicts from a very early hour until after ten o'clock at night.[20] As they labored, most convicts worked chained to each other with a single shackle. In some cases, though, guards - mostly those working for railroad and farm owners - forced convicts to labor in double shackles. This consisted of "a ring around each ankle, a chain fastened to each ring, and the chain attached to a leather belt around the body."[21]

WHIPPING AND OTHER FORMS OF TORTURE

In addition to the miserable living and working conditions that most convicts endured, prisoners in Georgia's lease camps also suffered beatings and death at the hands of white guards. This topic deserves special attention because prisoners in Georgia's convict lease camps experienced punishment that was generally more severe than that under slavery.

Because lessees did not consider convicts as property (unlike slaves), they did not worry as much as slaveowners had about their laborers' physical condition. Also, because convicts worked at remote sites, the lessees did not spend much time at the convict camps. As a result, the prison camps' guards and overseers enjoyed limited supervision, and therefore convicts often suffered brutal punishment. Thus with respect to physical punishment, the convict lease system was worse than slavery.

According to James Maxwell, a county convict who worked alongside state prisoners in a lease camp, the guards punished inmates for "not working when they had become exhausted from heat of the sun, and fatigue in the cuts; for quarreling and fighting; for complaining of being sick and not able to work."[22] Convicts also received

punishment for attempting to escape, for "annoying" guards, and, in the mines, for insufficient production.[23]

Whipping was the most common form of punishment in the prison camps. The type of whip varied slightly between the camps, ranging from buggy traces, to long leather straps, doubled over and attached to wooden handles.[24] Although few in number, some accounts of the punishment that guards inflicted on convicts still exist. In a somewhat common episode, Joe Robinson, a black convict from Atlanta, died shortly after a whipping. According to prisoner testimony, Robinson "was put down on his hands and knees, and a stick put through his arms and legs; then turned over on his face, and they dipped the straps into salty water; then whipped him on the bare skin until he turned right blue. He was whipped from the head to the knees. About a half an hour afterwards, they rubbed spirits turpentine over him and whipped him again."[25]

In the Dade Coal Mines, the whipping boss prepared "a leather strap of unusual size and had driven shoe pegs in the same, and with the leather strap, with the sharp ends of the shoe pegs projecting out, whipped three of the convicts severely, giving each of them from seventy-five to eighty-five lashes on the naked person."[26]

Although whipping was certainly the guards' preferred method of punishing convicts, they also used other techniques, including "sweating" and water torture. In 1895, the House Penitentiary Committee discovered that the Dade Coal Company had relied on water torture well before its investigation. It found this method of punishment "the most brutal ever inflicted by one human being upon another; the half starved convict is thrown upon his back, and while in this condition a machine attached to a hose is fastened over his nose and water is thrown into his nostrils until he is almost strangled, and as the victim shows signs of reviving the water is again turned on and the strangling process is repeated until the victim has barely life enough left in him to rise from the ground."[27] A second form of punishment was sweating. When the guards sweated a convict, they wrapped his head, body, and feet in blankets and locked him in a box under the hot sun. This often caused death.[28]

Lastly, a much smaller number of convicts were shot and killed by guards, usually but not always for trying to escape. According to convict testimony, Ned Hightower, a black prisoner, was killed while leased to Grant, Alexander, & Co. Dehydrated, Hightower had requested a water break from his overseer, Elijah Ellison, who

repeatedly refused the appeal. Unable to work any longer, Hightower ran for the water carriers, and "Ellison halted him twice, but he continued to run. Ellison shot when he was fifty yards off. He shot with a musket and hit him in the small of the back."[29]

Black convicts clearly suffered punishment more frequently than did whites, if only because roughly nine out of ten prisoners were black during Georgia's convict lease. Yet those whites who got caught in the lease system endured similar punishment.[30] In fact, accounts of abuses against white inmates are more common than of those against blacks. This, however, was probably because camp inspectors were almost always middle-class white men appointed by the General Assembly - men who were more likely sensitive to the mistreatment of white prisoners than to that of black inmates.

In one such example, "A white boy, Abe Winn, afflicted with tuberculosis…pours hot coffee on a deputy warden's hog. The deputy warden and owner of the hog, decides that the scalding was purposely done. He proceeds to whip the boy until he is exhausted, and is compelled to go into the hospital, from which only eight weeks later he is brought out a corpse, never having left his bed after admission."[31]

A second account describes the whipping death of John Mathews, a young white man from Hall County, Georgia. After Matthews had mad an unsuccesful attempt to escape, Charles Phillips, a camp overseer, threw Matthews "upon the ground, and, taking a pick-ax, drove one point into the ground beside Mathews' neck, which was placed under the handle, on which Phillips placed his foot, thus pinning the helpless man to the ground. Then Phillips, with his own hand, laid the strap on until the flesh parted and the blood oozed from the ugly wounds. One application did not appear to be enough in Phillips' opinion and for two days, at stated intervals, the dose was frequently repeated until Mathews' death prevented further cruelty."[32]

At the hands of the lessees and prison guards convicts thus suffered brutal forms of punishment - whippings, water torture, sweating, shootings, among others. Such forms of punishment clearly contributed to the high death toll among the lease camps. Even though torture did not usually result in death, one can imagine the physical and psychological effects on prisoners of their repeated punishment at the hands of prison guards.

There are many possible reasons that explain why punishment was so brutal in the lease camps. These include the fact that the lessees did not own convicts as property,

and that the guards acted with little oversight. But perhaps the simplest explanation is the strongest. That is, although the actual evidence is scant, it seems likely that white guards tortured black convicts specifically because of the inmates' race.

THE WOMEN

The overwhelming majority of convicts during the lease system were men. Nevertheless, some women found their way into Georgia's prison camps, and they deserve particular attention because historians tend to ignore their experiences. Although the evidence is scant, some does exist in the form of reports from Principal Keepers, Senate and House investigations, as well as from private citizens who visited the camps.

Georgia's prison system held about twenty women each year, and all but a few were black. Black women were usually convicted of similar crimes as men - particularly property offenses such as stealing - which suggests that the criminal code was not gendered. Most, if not all, of the few white women sentenced to Georgia's state prison were convicted of violent offenses.

In most cases, at least through the early 1890s, female convicts lived and worked under conditions very similar to those faced by male prisoners. Because there were so few female convicts, prisons did not provide them with special clothing, and most had to wear men's striped outfits.[33] Although they slept and worked separately from the men, they performed similar jobs. Georgia's Principal Keeper, in 1870, noted that all the women "are worked without discrimination with the male convicts." Their jobs included such tasks as shoveling, driving carts, brick making, plowing, hauling logs, and coal mining.[35] Women worked so hard for Grant, Alexander, & Co. that Mr. Alexander turned loose his only white female prisoner in 1869 because "he said his wife was a white woman, and he could not stand it to see a white woman worked in such places."[36] Not all women worked alongside men, though. Some women were also "employed as cooks, washer-women, and at other light work in and about the prison quarters."[37]

In addition to experiencing similar working conditions as men, women prisoners suffered the same punishment for the same offenses, including fighting and failure to work hard enough.[38] C.T. Claiborne, a former guard of convicts for Grant, Alexander, & Co. testified before the Senate in 1870 as to the whipping of female convicts. He claimed

that women "were whipped in the same manner as men; they were whipped on the shoulders and on the rump, giving them from one to fifteen lashes; when whipped on the shoulders the dress is dropped down to the waist, and the whipping done on the under-clothes; when whipped on the rump, their outer dresses were thrown up, and the whipping given over a thin under-dress. They were whipped for fighting and not working; I have seen them whipped frequently; the exact number of times I cannot tell."[39]

Although most of their prison experiences were comparable to those of men, one aspect of convict life for women was certainly unique. That is, they faced the constant possibility - if not probability - of sexual violence.[40] Scattered reports during the entire period of Georgia's convict lease indicate that children were frequently born from convict mothers, and fathered by either convicts or guards.[41] By 1878, Georgia's prison system produced "twenty-five bastard children, ranging from three months to five years of age, and many of the women [were] now far advanced in pregnancy."[42] Despite all of these abuses, the General Assembly ignored repeated recommendations from Principal Keepers and legislative investigating committees to separate convicts by gender until the early twentieth century.[43]

GEORGIA'S CONVICT LEASE SYSTEM FADES

Between 1868 and the early 1890s, most white Georgians agreed that "the advantages of leasing the Penitentiary, over the old system of managing it, are so manifest as not to admit of doubt."[44] The lease system had relieved the state and its taxpayers of a significant financial burden, and even provided some revenue. It allowed for the enforcement of the revised black codes, which helped restore agricultural prosperity, because industrialists were always willing to lease as many convicts as the state could turn out. Meanwhile, industrialists received a significant number of laborers for railroad and mining projects. Despite the abuses convicts suffered, because the bulk of the inmates were black, the majority of white Georgians cared little about how the state chose to manage them.

In 1897, the General Assembly renewed the twenty year lease, which was set to expire in 1897, and allowed the Governor to request new bids for convicts. This would prove the last major piece of legislation relating to the state's lease system until 1908, when the legislature voted to end convict leasing. By 1899, convict leasing in Georgia quickly began to lose popularity for several reasons.

First, the new lease contracts made convict labor increasingly unprofitable. When the Governor advertised for bids in 1897 over fifty companies responded, which drove the average price per convict to $100 a year. This was a one thousand percent increase from the average cost per convict per annum during the early 1890s, under the twenty-year lease.[45] The price-per-convict continued to rise after the turn of the century. According to Alex Lichtenstein, "by 1904 the coal companies paid between $225 and $250 a year for each prisoner they brought to the mines. As a result of this increased cost, the lessees likely sought to increase the recalcitrant prisoners' output in order to maintain profitability."[46]

As the lessees - particularly in the coal, iron, lumber, and brick industries - combated rising production costs by forcing inmates to work harder under worse conditions, life for the prisoners worsened.[47] At the same time, the public began to learn more about the horrible abuses of the lease system. Despite the fact that most prisoners were black, many white Georgians grew disgusted with the treatment that the lessees afforded inmates, possibly due to the rise of "progressive" politics after 1900. Also, legislators were forced to acknowledge that

the state could now financially afford to build a penitentiary.

Last, but hardly least, the convict lease system faced strong opposition from free labor groups that resented the competition. Labor groups that called for the abolition of convict leasing included the Georgia Farmers Union, the Atlanta Federation of Trades, and several local organizations. As Mildred Fierce notes, "competition with non-prison labor was a long-standing theme in organized labor's revulsion against leasing. It was felt that free labor, union labor, was undermined as long as leasing existed."[48]

By the summer of 1908, the *Atlanta Georgian* and the *Atlanta Journal* newspapers were publishing articles on a weekly basis exposing cruelty within the lease camps. After much prodding by the newspapers, by labor groups, and by a reform movement led by Georgia State Senator Thomas Felder, the General Assembly created a committee to investigate the lease system on July 17, 1908.[49] In a lengthy report, the committee found convict leasing an unacceptable practice, due in large part to the brutal conditions that inmates faced.

In July 1908, Senator Felder proposed a bill to phase out the convict lease system, which most legislators had

agreed could not continue due to its abuses and economic impracticality. Among the highlights of the bill included provisions that:

1. Felony convicts would be available to work on public roads to each Georgia county desiring them. Remaining convicts could be leased for up to eighteen months. The state was to receive all earnings from subleasing and would pay expenses for land and housing. At the conclusion of the eighteen-month cycle, convict leasing in the State of Georgia would end.

2. All other convicts not disposed of in this way would be engaged in industrial work, the income from which was to be divided among counties not employing their full share of convicts and earmarked for the public schools or common schools. [50]

Although Senator Felder's bill did not pass, the General Assembly approved a similar proposal by Governor Hoke Smith in August 1908. Smith's request called for the dispensation of felony convicts to county chain gangs, and also for the construction of a penitentiary using revenue from the current lease, which was scheduled to expire in April 1909.[51] Finally, the bill declared that, "it being the fixed policy of this State that the control and management of its convicts, both felony and misdemeanor, shall never pass from it and its public officials into the control and management of any private corporation or person."[52]

In other words, the General Assembly made it illegal to lease convicts in Georgia. Thus forty years of experience with the convict lease system had proven that the privatization of the state's prison system was both an economic *and* a moral failure.

6

CONCLUSION

In the postbellum United States, every state in the Old Confederacy, excepting Virginia, implemented a long-term convict lease system shortly after emancipation. Also, the prisoners in each state's convict lease system were overwhelmingly black, with African-Americans often exceeding ninety percent of the total inmate populations. This raises an important question: was the convict lease an attempt to recreate slavery? Answering this question requires an examination of the similarities and differences between the lease system and slavery.

SIMILARITIES

Slavery and the convict lease system shared several general traits: both were founded on racial and economic

considerations, both had similar labor organization, and both exposed their victims to brutal hardships. Racially, slavery and the lease system relied on a particular interpretation of blacks' "nature." During the nineteenth century, most southern whites viewed blacks as inferior beings whose prime value was that of laboring at menial tasks, and who responded best to physical coercion. This perception led many slaveowners to argue that blacks were perfectly suited for slavery. Similarly, supporters of the convict lease system claimed that blacks, who represented over ninety percent of Georgia's inmate population, were naturally suited for the hard labor and brutal living conditions of lease camps.

Second, both the lease system and slavery functioned as forms of racial control. Racial control was critical in the nineteenth century South for various reasons. Both slavery and convict leasing, for example, helped maintain white supremacy, which promoted class cohesion among whites. According to Mildred Thompson, "the poor white, with neither economic nor political advantage, had no source of superiority except his race."[1]

Next, economic considerations played major roles in southerners' decisions to create and maintain both the lease system and slavery. Slavery made southern

agriculture enormously profitable, and its advocates consistently argued that abolishing forced bondage would destroy the region's economy. Comparably, southern legislators implemented the convict lease system because it relieved the states of financial burdens during a period of economic decline.

In addition to sharing racial and economic foundations, slavery and the convict lease system relied on the same types of labor organization. The gang system of labor was popularized during slavery particularly because it allowed guards to easily supervise workers. The task system, also popularized under slavery, encouraged laborers to work faster and more efficiently, enabling slaveowners to constantly increase production.[2] For these reasons, the lessees of southern penitentiaries generally used the task and gang systems of labor organizations in their camps.

Lastly, both the convict lease system and slavery made life very difficult for their victims. Slaves could not leave farm or domestic duties without their owners' permission; they received low-quality food, clothing, and housing; and they faced the constant possibility of corporal punishment. Similarly, convicts' living and working conditions were miserable, and they, too, suffered beatings and torture, sometimes resulting in death.

DIFFERENCES

Despite their commonalities, the convict lease system and slavery were quite distinct. They differed in the nature of their "victims," in their degree of brutality, and in their scale. First, almost all slaves were "black" or some shade of black. Simply put, slavery was fundamentally a system of forced black labor. Conversely, although the convict lease system primarily affected blacks, a significant number of whites did find themselves trapped in the system. The lessees cared only about the number of convicts they received, regardless of race. Once caught in the system, men and women of both races suffered equally.

Second, even though both slaves and convicts endured brutal treatment, each experienced bondage differently. On one hand, slaves were the legal property of their owners, purchased individually, and they were expensive. Furthermore, slaves composed the majority of planters' workforce. Thus it was in the slaveowners' best interests to treat their property with some degree of humanity (although admittedly, exceptions existed). Humane treatment included feeding slaves well enough to keep them healthy and working hard. Slaveowners' self-interest similarly militated against the brutal punishment of their

human property. Of course, whippings occurred frequently on plantations, but slaveowners commonly recognized that it was a financial mistake for them to beat their workers to the point of disability or death on a frequent basis. It therefore seems possible that slaves suffered more from psychological than from physical trauma. That is, they must have battled more with the knowledge, or expectation, that they would never become free, as well as with the fear that their families could be broken up at any moment, than with the prospect of corporal punishment.

On the other hand, lessees did not purchase convicts individually, and, at least until the turn of the twentieth century, prison labor was fairly cheap. Moreover, few lessees relied on convicts for the majority of their labor force, because free labor was available at just a modestly higher price. Lessees "owned" the prisoners only until their sentences expired, and the state constantly provided them with new inmates (according to the lease contracts) at no additional charge. So although most lessees preferred healthy convicts (i.e., because they could work harder), prison camp overseers still had a great deal of freedom in how they treated inmates. Therefore, although most convicts (except for those serving life terms) knew, in contrast to slaves, that they would eventually be free,

they still had to deal with inhumane living conditions, as well as with the constant prospect of beatings, torture, and even death.

Another difference between the two systems includes the fact that under slavery, there was an elaborate segmentation of labor by race, gender, and skin color (according to the degree of miscegenation). Under convict leasing, although there was certainly some division, for the most part there were few steady hierarchies. That is, inmates often worked equally as hard regardless of age, physical condition, or race, and both sexes performed similar jobs.

Finally, slavery differed from convict leasing in terms of the scale of each. Under slavery, with the exception of a small percentage of freedmen, all southern blacks were enslaved either as domestic servants or as field hands.[3] Conversely, the lease system bonded a much smaller population. For example, during Georgia's convict lease, the total number of black inmates in a single year remained fewer than two thousand throughout the nineteenth century. Surely that number was small compared to the total population of Georgia freedmen in any given year before 1900.

The last point, in terms of the relative scales of slavery and convict leasing, relates to the economic contribution that each made to the southern economy. As already stated, slavery was the most critical aspect of the southern economy before 1865, as evidenced by the region's financial collapse after emancipation. Convict leasing, while it certainly generated revenue, saved the states from a great financial burden, and helped planters and industrialists secure cheap, servile labor, never came close in economic importance to slavery.

SLAVERY REINCARNATED?

The convict lease system was not a recreation of slavery. True, both systems had similar labor organization, functioned as forms of racial control, were created for economic reasons, and made life difficult for their victims. But the differences between the two institutions were also great. Slavery was the single most important political, economic, and social issue for southerners, and even for many northerners by the early 1860s. In fact slavery was so important that the southern states went to war to defend it. The convict lease system,

while undoubtedly an important issue in the South, was just one part of the process of rebuilding the region.

FINAL IMPLICATIONS

Shortly after the Civil War, all of the southern states except Virginia implemented similar forms of the convict lease system to replace their penitentiaries. And in all of those states, economic considerations - including empty treasuries and wartime destruction of penitentiary facilities - dominated the decisions to adopt convict leasing. Leasing had additional benefits, as it allowed whites to enforce the revised black codes, which helped coerce freedmen to resettle on plantations. The convict lease system also provided each state with some level of revenue, and it functioned as a labor source for industrialists. But critics of the system emerged as the twentieth century approached, condemning lessees' brutality towards convicts. At the same time, the cost of convict labor rose so quickly that lessees found the lease system unprofitable. By the early 1920s, all of the southern states had abolished convict leasing in favor of the chain gang.[4]

Finally, one question is left to consider: why is the convict lease system historically significant? One reason is that although convict leasing was not a recreation of slavery, the two certainly bore similarities, which suggests that emancipation was not complete. The lease system also helped the South rebuild its economy by deferring the costs of managing prisons to private individuals, by providing industrialists with a labor source, and by supplying the states with revenue.

It is also important to examine the history of convict leasing because it illustrates what can go wrong when states privatize their prisons. The privatization of state corrections has become a pressing issue during the past twenty years. According to Mary Ellen Curtin, "In the 1980s [private prison companies] promoted their services to state legislatures with claims of being cheaper than state-run institutions. Today twenty-seven states use private prisons to house approximately 90,000 illegal aliens, minimum-security inmates, and felons from over-flowing state prisons."[5]

Advocates of private prisons feel that, under the watchful eyes of Congress and the modern media, inmate abuses would rarely occur and that the states could save a great deal of money. But an average of forty years of

experience with the convict lease system in eleven different states suggests that privatizing state corrections might become a moral disaster. Also, experiments with the convict lease system hint that private prisons tend to carry distinct racial overtones and implications, including a shockingly disproportionate percentage of non-white inmates.

NOTES

CHAPTER 1

1. Fierce, Mildred C. *Slavery Revisited: Blacks and the Southern Convict Lease System.* New York: Africana Studies Research Center, Brooklyn College, City University of New York, 1994, p8.

2. *Ibid*, p8-9.

3. Mancini, Matthew J. *One Dies, Get Another: Convict Leasing in the American South, 1866-1928.* Columbia, South Carolina: University of South Carolina Press, 1996, p82.

4. See Principal Keeper of the Georgia Penitentiary, *Report* for the years 1876 and 1875 (hereafter cited as Principal Keeper *Report*); Also, Lichtenstein, Alex. *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South.* New York: Verso Publishing, 1996, p29-30.

5. Fierce, *Slavery Revisited*, p67, 75-77.

6. Ayers, Edward L. *Vengeance and Justice: Crime and Punishment in the 19th-Century American South.* New York: Oxford University Press, 1984, p188.

7. Devine, Francis Edward. "Cesare Beccaria and the Theoretical Foundation of Modern Penal Jurisprudence," 7 *New England Journal of Prison Law*, 1981, p8. As cited in: Clear, Todd R. and Cole, George F. *American Corrections, Second Edition.* Pacific Grove, CA: Brooks/Cole Publishing Company, 1990, p66-67.

8. Ignatieff, Michael. *A Just Measure of Pain.* New York: Pantheon, 1978, p93. As cited in: Clear and Cole, *American Corrections*, p70.

9. For a discussion of the "Pennsylvania penitentiary model, see: Sullivan, Larry E. *The Prison Reform Movement: Forlorn Hope*. Boston: Twayne Publishers, 1990, p11.

10. Ayers, *Vengeance and Justice*, p39, 65.

11. Wines, Enoch C. *The State of Prisons and of Child-Saving Institutions in the Civilized World*. Reprinted from the 1880 edition in Montclair, New Jersey, Patterson Smith Publication Company, 1968, p108-110.

12. Funke, Gail S., Wayson, Billy L., and Miller, Neal. *Assets and Liabilities of Correctional Industries*. Lexington, MA: D.C. Heath and Company, 1982, p11.

13. Wines, *The State of Prisons*, p108.

14. Fierce, *Slavery Revisited*, p8. Also, Ayers, *Vengeance and Justice*, p68.

15. *Ibid*, p.8-9.

CHAPTER 2

1. Ayers, *Vengeance and Justice*, p61.

2. *Ibid*.

3. Collins, Catherine Fisher. *The Imprisonment of African American Women*. Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 1997, p6.

4. Ayers, *Vengeance and Justice*, p61.

5. The total number of convicts in Georgia's Penitentiary (almost all were white men) between 1817-1862 was two thousand twenty five. See Georgia Principal Keeper *Report*, 1876, p5.

6. Ayers, *Vengeance and Justice*, p90-98.

7. *Ibid*, p53.

8. Principal Keeper, *Report*, 1877, p2.

9. Ayers, *Vengeance and Justice*, p43.

10. Principal Keeper, *Report*, 1877, p2.

11. Ayers, *Vengeance and Justice*, p59.

12. Fierce, *Slavery Revisited*, p140.

13. Principal Keeper, *Report*, 1876, p5.

14. Although Georgia's convict population did increase during the antebellum decades, perhaps due to urbanization, the annual prison population remained small (approximately 50 per year). See Principal Keeper, *Report*, 1876.

15. Fierce, *Slavery Revisited*, p8 and Ayers, *Vengeance and Justice*, p68.

16. Ayers, *Vengeance and Justice*, p66.

17. *Ibid*, 69.

18. Principal Keeper, *Report*, 1877, p4.

19. Bonner, James C. "The Georgia Penitentiary of Milledgeville, 1817-1874," p318. Compiled by: Monkkonen, Eric H. *Crime and Justice in American History: 6. Prison and Jails, Part 1.* New York: K.G. Saur, 1992, p.91.

CHAPTER 3

1. Ransom, Roger L. and Sutch, Richard. *One Kind of Freedom: The Economic Consequences of Emancipation.* New York: Cambridge University Press, 1977, p47.

2. *Ibid*, p40, 54.

3. Ayers, *Vengeance and Justice*, p146.

4. Ransom and Sutch, *One Kind of Freedom*, p42.

5. Leigh, Frances Butler. *Ten Years on a Georgia Plantation Since the War*, London, 1833, p124. As cited in: Flynn, Charles. *White Land, Black Labor: Caste and Class in Late Nineteenth-Century Georgia*. Baton Rouge, LA: Louisiana State University Press, 1983, p6.

6. Roark, James L. *Masters Without Slaves: Southern Planters in the Civil War and Reconstruction*. New York: W.W. Norton & Company, 1977, p137.

7. Litwack, Leon F. *Been in the Storm So Long: The Aftermath of Slavery*. New York: Vintage Books, 1980, p296.

8. *Ibid*, p308.

9. Cohen, William. *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915*. Baton Rouge, LA: Louisiana State University Press, 1991, p109.

10. Flynn, *White Land, Black Labor*, p98.

11. Litwack, *Been in the Storm So Long*, p226.

12. *Ibid*, p218.

13. Flynn, *White Land, Black Labor*, p8.

14. Litwack, *Been in the Storm So Long*, p224.

15. Flynn, *White Land, Black Labor*, p59, 77, 87.

16. Litwack, *Been in the Storm So Long*, p277.

17. Cohen, *At Freedom's Edge*, p55-57.

18. DeCanio, Stephen J. "Accumulation and Discrimination in the Postbellum South." Edited by: Walton, Gary M. and Shepherd, James F. *Market Institutions and Economic Progress in the New South, 1865-1900.* New York: Academic Press, 1981, p104-105.

19. Flynn, *White Land, Black Labor,* p19.

20. See Litwack, *Been in the Storm So Long,* p398, 419.

21. Cohen, *At Freedom's Edge,* p37.

22. Litwack, *Been in the Storm So Long,* p293.

23. *Ibid,* p268.

24. *Ibid,* p409.

25. *Ibid,* p411.

26. Pay varied according to how well the planter maintained his workers - e.g., by providing food, clothing, etc. at no costs. See Litwack, *Been in the Storm So Long,* p412.

27. Cohen, *At Freedom's Edge,* p22.

28. Litwack, *Been in the Storm So Long,* p334-5.

29. Cohen, *At Freedom's Edge,* p17

30. At this time, Georgia was rebuilding its devastated transportation infrastructure due to wartime damage. See Ransom and Sutch, *One Kind of Freedom,* p41-42.

31. Litwack, *Been in the Storm So Long,* p344.

32. Ransom and Sutch, *One Kind of Freedom,* p46.

33. Cohen, *At Freedom's Edge,* p38-39.

34. Litwack, *Been in the Storm So Long,* p366.

35. Flynn, *White Land, Black Labor,* p35.

36. *Ibid*, p115-116.

37. Ransom and Sutch, *One Kind of Freedom*, p67.

38. Fierce, *Slavery Revisited*, p77-78.

39. Flynn, *White Land, Black Labor*, p37.

40. Ayers, *Vengeance and Justice*, p151-152.

41. Cohen, *At Freedom's Edge*, p128.

42. Ayer, *Vengeance and Justice*, p191-193.

43. Lichtenstein, *Twice the Work of Free Labor*, p11.

44. *Ibid*, p12.

45. *Ibid*, p46.

46. Ayers, *Vengeance and Justice*, p192.

47. Lichtenstein, *Twice the Work of Free Labor*, p47.

48. Ayers, *Vengeance and Justice*, p192.

CHAPTER 4

1. Fierce, *Slavery Revisited*, p140.

2. Ayers, *Vengeance and Justice*, p180.

3. Bonner, "The Georgia Penitentiary," p318.

4. *Georgia Journal of the House*, 1866, p328 (hereafter cited as *House Journal*).

5. *Georgia Executive Department Correspondence Files/Incoming*, State Archives of Georgia. Record Group 1-1-5, 1866-1880. Nov 12, 1866 (hereafter cited as *Governor's Correspondence*)

6. *House Journal*, 1866, p156.

7. Lichtenstein, *Twice the Work of Free Labor*, p29-30.

8. Principal Keeper, *Report*, 1875, p14.

9. *Ibid*, 1876, p7.

10. *Ibid*, 1873, p9.

11. Ayers, *Vengeance and Justice*, p188.

12. *House Journal*, 1866, p156.

13. Governor's Correspondence, Apr 21, 1868.

14. *Ibid*.

15. By 1876, the state had transferred the transportation costs to the lessees.

16. *Governor's Correspondence*, April 29, 1868. Also, *House Journal*, 1879, p1496, 1491.

17. *Georgia Journal of the Senate*, 1870, p138-139 (hereafter cited as *Senate Journal*).

18. *Governor's Correspondence*, May 20, 1868.

19. Lichtenstein, *Twice the Work of Free Labor*, p45.

20. Ayers, *Vengeance and Justice*, p192-193.

21. Lichtenstein, *Twice the Work of Free Labor*, p47.

22. *Ibid*, p48.

23. Fierce, *Slavery Revisited*, p141.

24. Despite receiving a significant number of convict laborers, industrialists still had to rely mostly on free laborers because the number of convicts was too small to completely fill the demand for workers.

25. Lichtenstein, *Twice the Work of Free Labor*, p50.

26. *Georgia Acts & Resolutions*, 1868, p143 (hereafter cited as *Georgia Laws*.

27. *Ibid*, 1871, p25.

28. *Georgia Executive Department, Minutes*. State Archives of Georgia. July 17, 1872.

29. Principal Keeper, *Report*, 1873, p7.

30. *Ibid*, 1872.

31. *Georgia Laws*, 1874, p27.

32. Lichtenstein, *Twice the Work of Free Labor*, p62.

33. *Ibid*, p108.

34. Principal Keeper, *Report*, 1874, p4.

35. *Ibid*, 1874, p15; 1875, p17; 1876, p4-7.

36. Ayers, *Vengeance and Justice*, p193.

37. *Georgia Laws*, 1876, p40.

38. Principal Keeper, *Report*, 1877-1878, p5; *House Journal*, 1878, p387; *Georgia Executive Department Minutes*, June 21, 1876.

39. *Governor's Correspondence*, June 21, 1876.

40. *House Journal*, 1878, p387.

41. Lichtenstein, *Twice the Work of Free Labor*, p118.

CHAPTER 5

1. Principal Keeper, *Report*, 1870, p6.

2. *Ibid*, p15.

3. *House Journal*, 1878, p388.

4. Principal Keeper, *Report*, 1869, p7.

5. *Ibid*, 1870, p6.

6. Wells, Ida B., ed., Preface, *The Reason Why the Colored American is Not in the World's Columbian Exposition.* Chicago: Ida B. Wells, 1893, chapter 3.

7. Principal Keeper, *Report*, 1869-1890 (all years).

8. *Ibid*, 1875, p18.

9. "Proceedings From the Committee to Investigate the Penitentiary," *Senate Journal*, 1870, p182.

10. The Principal Physician to the Georgia Penitentiary, *Report*, 1886-1888, p98 (hereafter cited as *Physician's Report*).

11. *House Journal*, 1881, p67; 1886, p427; and 1892, p654.

12. *Senate Journal*, 1870, p304; *House Journal*, 1886, p428.

13. *House Journal*, 1886, p427.

14. *Senate Journal*, 1870, p304.

15. *House Journal*, 1884, p479.

16. *Senate Journal*, 1870, p231, 304.

17. *Physician's Report*, 1884-1886, p110.

18. *House Journal*, 1886, p430.

19. *Ibid*, 1886, p722; 1896, p943.

20. Principal Keeper, *Report*, 1870, p7.

21. *Senate Journal*, 1870, p169.

22. *Ibid*, p305.

23. *Ibid*, p182. Also, "Proceedings of the Joint Committee to Investigate the Penitentiary, 1908," *Georgia Laws*, p1072 (hereafter cited as *Committee Proceedings*).

24. *Senate Journal*, 1870, p211, 281.

25. *Ibid*, p285.

26. *House Journal*, 1886, p434.

27. *Ibid*, 1895, p.829.

28. *Committee Proceedings*, p1080.

29. *Senate Journal*, 1870, p232-233.

30. *Ibid*, p182.

31. *Committee Proceedings*, p1080.

32. *Columbus Daily Enquirer-Sun*. Columbus, GA, Sept 16, 1881, p1.

33. Anonymous. "The New Slavery in the South -- An Autobiography," *The Independent*. New York: Feb 25, 1904, p412-413.

34. Principal Keeper, *Report*, 1870, p9.

35. Anonymous, "The New Slavery," p413. *Senate Journal*, 1870, p323. Principal Keeper, *Report*, p9. Mancini, *One Dies, Get Another*, p45.

36. *Senate Journal*, 1870, p283.

37. Principal Keeper, *Report*, 1874, p11.

38. *Senate Journal*, 1870, p283, 290, 306, 326.

39. *Ibid*, p326.

40. Mancini, *One Dies, Get Another*, p72.

41. *House Journal,* 1878, p392. Also, Felton, Rebeca Latimer. *Country Life in Georgia in the Days of My Youth.* Georgia: Mrs. Rebeca Latimer Felton, 1919, p285.

42. *House Journal,* 1878, p391.

43. Felton, *Country Life in Georgia,* p286.

44. *Senate Journal,* 1870, p292.

45. Lichtenstein, *Twice the Work of Free Labor,* p150.

46. *Ibid.*

47. *Ibid,* p151.

48. Fierce, *Slavery Revisited,* p173.

49. *Ibid,* p158.

50. *Atlanta Journal,* July 13, 1908. As cited in Fierce, *Slavery Revisited,* p176.

51. Mancini, *One Dies, Get Another,* p98.

52. Fierce, *Slavery Revisited,* p191.

CHAPTER 6

1. Thompson cited in Ayers, *Vengeance and Justice,* p159.

2. For further discussion of the gang and task systems of labor, see Mancini, *One Dies, Get Another,* p39-40.

3. These figures varied considerably by southern state. For example, border slave states had a much higher percentage of free blacks than did states in the lower South.

4. Walker, Donald. *Penology for Profit: A History of the Texas Prison System, 1867-1912.* College Station, TX: Texas A&M University Press, 1988, p191-194.

5. Curtin, Mary Ellen. *Black Prisoners and Their World, Alabama, 1865-1900.* Charlottesville, VA: University Press of Virginia, 2000, p212.

BIBLIOGRAPHY

PRIMARY SOURCES

1. *Atlanta Journal*, July 13, 1908.

1. *Columbus Daily Enquirer-Sun*. Columbus, GA, Sept 16, 1881.

3. Editors of Harper's Magazine. "Editor's Easy Chair," *Harper's New Monthly Magazine*. New York: Harper and Bros., Volume 66, Issue 391, Dec 1882.

4. Felton, Rebeca Latimer. *Country Life in Georgia in the Days of My Youth*. Georgia: Mrs. Rebeca Latimer Felton, 1919.

5. *The Independent*. New York: Feb 25, 1904.

6. *Georgia Acts & Resolutions*. **Selected years**, 1865-1908. State Archives of Georgia.

7. *Georgia Executive Department Correspondence Files/ Incoming*, State Archives of Georgia. Record Group 1-1-5, 1866-1880. **Selected dates**.

8. *Georgia Executive Department, Minutes*. State Archives of Georgia. **Selected Dates**.

9. *Georgia Journal of the House*. **Selected years**, 1866-1908. State Archives of Georgia.

10. *Georgia Journal of the Senate*, 1870. State Archives of Georgia.

11. The Howard Association. *The Coloured Race in America*. London: The Howard Association, 1901.

12. Leigh, Frances Butler. *Ten Years on a Georgia Plantation Since the War*, London, 1833, p124.

13. Principal Keeper of the Georgia Penitentiary, *Report.* Selected years, 1869-1890. State Archives of Georgia.

14. The Principal Physician to the Georgia Penitentiary, *Report.* Selected years, 1876-1890. State Archives of Georgia.

15. Wells, Ida B., ed., Preface, *The Reason Why the Colored American is Not in the World's Columbian Exposition.* Chicago: Ida B. Wells, 1893.

16. Wines, Enoch C. *The State of Prisons and of Child-Saving Institutions in the Civilized World.* Reprinted from the 1880 edition in Montclair, New Jersey, Patterson Smith Publication Company, 1968

17. Wines, Enoch C. *Report on the Prisons and Reformatories of the United States and Canada.* Albany, NY: Van Benthuysen & Sons' Steam Printing House, 1867.

SECONDARY SOURCES

1. Ayers, Edward L. *Vengeance and Justice: Crime and Punishment in the 19th-Century American South.* New York: Oxford University Press, 1984.

2. Bonner, James C. "The Georgia Penitentiary of Milledgeville, 1817-1874." Compiled by: Monkkonen, Eric H. *Crime and Justice in American History: 6. Prison and Jails, Part 1.* New York: K.G. Saur, 1992.

3. Butler, Anne M. "Still in Chains: Black Women in Western Prisons, 1865-1910," *Western Historical Quarterly,* XX Number 1, Feb 1989.

4. Clear, Todd R. and Cole, George F. *American Corrections, Second Edition.* Pacific Grove, CA: Brooks/Cole Publishing Company, 1990.

5. Cohen, William. *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-*

1915. Baton Rouge, LA: Louisiana State University Press, 1991.

6. Collins, Catherine Fisher. *The Imprisonment of African American Women*. Jefferson, North Carolina: McFarland & Company, Inc., Publishers, 1997.

7. Curtin, Mary Ellen. *Black Prisoners and Their World, Alabama, 1865-1900*. Charlottesville, VA: University Press of Virginia, 2000.

8. DeCanio, Stephen J. "Accumulation and Discrimination in the Postbellum South." Edited by: Walton, Gary M. and Shepherd, James F. *Market Institutions and Economic Progress in the New South, 1865-1900*. New York: Academic Press, 1981.

9. Devine, Francis Edward. "Cesare Beccaria and the Theoretical Foundation of Modern Penal Jurisprudence," 7 *New England Journal of Prison Law*, 1981.

10. Fierce, Mildred C. *Slavery Revisited: Blacks and the Southern Convict Lease System*. New York: Africana Studies Research Center, Brooklyn College, City University of New York, 1994.

11. Flynn, Charles. *White Land, Black Labor: Caste and Class in Late Nineteenth-Century Georgia*. Baton Rouge, LA: Louisiana State University Press, 1983.

12. Funke, Gail S., Wayson, Billy L., and Miller, Neal. *Assets and Liabilities of Correctional Industries*. Lexington, MA: D.C. Heath and Company, 1982.

13. Ignatieff, Michael. *A Just Measure of Pain*. New York: Pantheon, 1978.

14. Lichtenstein, Alex. *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*. New York: Verso Publishing, 1996.

15. Litwack, Leon F. *Been in the Storm So Long: The Aftermath of Slavery*. New York: Vintage Books, 1980.

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

17. Monkkonen, Eric H. *Crime and Justice in American History: 6. Prison and Jails, Part 1.* New York: K.G. Saur, 1992.

18. Rafter, Nicole Hahn. *Partial Justice: Women in State Prisons, 1800-1935.* Boston: Northeastern University Press, 1985.

19. Ransom, Roger L. and Sutch, Richard. *One Kind of Freedom: The Economic Consequences of Emancipation.* New York: Cambridge University Press, 1977.

20. Roark, James L. *Masters Without Slaves: Southern Planters in the Civil War and Reconstruction.* New York: W.W. Norton & Company, 1977.

21. Sullivan, Larry E. *The Prison Reform Movement: Forlorn Hope.* Boston: Twayne Publishers, 1990.

22. Walton, Gary M. and Shepherd, James F. *Market Institutions and Economic Progress in the New South, 1865-1900.* New York: Academic Press, 1981.