



THE LAST AMERICAN SLAVES

On Friday, September 9th, prisoners across the country refused to begin their daily work. It was the 45th anniversary of the Attica Prison Uprising of 1971—an event remembered occasionally, if at all, through joking chants of “Attica! Attica!” (A reference more to Al Pacino’s *Dog Day Afternoon* now than to the memory of the 43 people killed in the original event.) The Attica Uprising was, like this year’s strike, a call by prisoners to be seen—to be noticed—in a country that takes great pains to ignore what it cannot stomach. Despite a media culture where every event is magnified, picked apart and pundit-ed to death, there are still a few places where people can be utterly lost and forgotten, and chief among those places is in prison.

If you don’t follow any of the “alternative” news sources—Democracy Now, The Intercept, Alternet, Russia Today—you likely won’t have heard about the strike. While most of the journalists covering the story agree that it constitutes the largest prison strike in our nation’s history, the reports out of individual prisons are hard to come by, silenced by prison administrators who have near-complete control over the flow of information out of their walls. We know that, according to The Intercept, “Prisoners in 24 states and 40 to 50 prisons pledged to join the strike,” and that supporters claim that prisoners in at least 20 of those prisons continued their strike into a second week. And we know that the focus of the strike is on forced Prison Labor.

Most of us won’t have noticed this, but there is an exception to the ban against slavery in America. The text of section one of the 13th amendment to the Constitution, which was adopted in 1865, reads as follows:

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

The phrase to remember is “except as a punishment for a crime whereof the party shall have been duly convicted.”

While contemporary minds tend to gloss over that phrase in their reading of the amendment, its inclusion wasn’t accidental, and Southern states, in particular, used the wording as a loophole to re-enslave their freed black populations in the wake of emancipation. States passed “Black Codes,” laws that criminalized nearly every aspect of Black life. The chief crime for which Blacks were pursued was “vagrancy,” which could be defined as loosely as a local lawman might wish. Upon conviction for “vagrancy,” a black man would be imprisoned and then leased out to local plantations for free labor—a system called “convict-leasing,” which persisted into the early 20th century. When progressive reformers successfully fought to end convict-leasing in the 1910s, the Southern states worked around those laws as well. The states purchased the plantations upon which their prisoners had been working, converted the plantations into state prisons, and sent the men back out into the fields, no longer the slaves of the private landowners but rather the slaves of the state.

There are few prisons now where prisoners still pick cotton without wages, thanks to the prison reforms of the 1970s—a notable exception would be Louisiana’s Angola prison, where prisoners (largely black,) still toil in the fields, some for as little as 4 cents an hour. But the status of the prisoner as slave has not changed measurably since the 13th amendment was passed.

In all Federal prisons, and most state prisons, all able-bodied prisoners are required to work. For most, the jobs are for the benefit of the prison itself—janitorial work, kitchen work, maintenance. For these jobs, most receive wages between 12 and 40 cents per hour. In the federal system, the maximum wage for prisoners is \$1.15 per hour. In some state systems, like Texas, Georgia, and Arkansas, prisoners may receive no wages at all.

The lucky workers, singled out for their good behavior or skills, participate in a program called UNICOR, also known as FPI (Federal Prison Industries.) UNICOR jobs provide real work experience, processing food or making textiles or office furniture, often subcontracting for U.S. companies who would otherwise move their operations offshore to find such cheap labor. While these jobs are considered very desirable for prisoners, and can lead to reduced sentences and increased work opportunities after release, the prisoners are still limited to earning between 23 cents and \$1.15 per hour. Those wages are high, compared to those received by most state prison workers. Right now, in Ohio, prisoners working to sort recycling after football games at Ohio Stadium, (home of the Buckeyes,) are earning 11 cents an hour for their labor. And, like all prisoner workers, these men and women have no protections for their health and safety. No worker’s compensation if they are injured on the job. No legal ability to organize, to strike, for higher wages or work protections.

And even the paltry earnings they are given do not wholly belong to the prisoners earning them. Up to 80% may be taken away for taxes and deductions—some reason-

able, (payments to victims’ funds or child support) and some highly unreasonable. In at least 43 states, prisons are allowed to charge prisoners for their room and board. Prisons across the country have fined prisoners for their use of a public defender, access to parole services, co-pays for medical care, visitation rights, phone calls, and police transportation costs. Prisoners in one Texas prison who have joined this September’s strike pointed out that they are subject to a \$100 co-pay for any medical services they might need while incarcerated. And, while they are forced to work full-time for the prison during their stay, most prisoners in Texas receive no wages at all to pay the fees they’ve incurred. When they are finally released from prison, it’s entirely up to the whims of the prison whether they harass the inmates for the failure to pay the debt they’ve accumulated behind bars. Failing to pay back their former jailors can result in the loss of future wages, loss of social security payments, and, in many cases, a return to incarceration. The prisoners are set up to fail.



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It is part and parcel to the experience of imprisonment to forfeit certain rights. The freedom of movement is considered a fundamental human right, but it is necessary, in order to protect society, to take away that freedom from prisoners. The freedom of speech is restricted, and in many cases that works beneficially to protect a prisoner’s victims from harassment or retaliation. But any reasonable-sounding restriction can also be taken too far. Prisoners are subject to Solitary Confinement for indeterminate periods of time, sometimes stretching into years. On the whims of prison administrators, prisoners can be prevented from communicating with their own families or sharing stories of abuse from within prison walls. Prisoners are routinely strip-searched, both in the course of preventing harm and also as a tool of retaliation from guards. The removal of rights for prisoners can only be discussed in shades of grey, and so often depends upon the benevolence or malevolence of the specific prison in question. And the most difficult aspect of reviewing prisoner treatment is the lack of any official arbiter or impartial oversight to the system. There is no way to tell, from the outside, whether prisoners are receiving fair treatment or being abused.

And, generally, society doesn’t want to think about it. Prisoners are “bad people.” They deserve what they get. Forgetting, of course, that nearly half of all federal prisoners are incarcerated for drug offenses, and less than ten percent for violent crimes. And that in state prison systems, non-violent criminals make up around 48% of the population.

And that nearly all those prisoners will someday be released into the general population, and the experiences of their prison sentences will have shaped the person they've become. Reasonable punishments can exist in a system that rehabilitates its prisoners. But petty, arbitrary and spiteful punishments warp the system and brutalize prisoners until they can never fit comfortably again into outside society.

Forced labor, without a reasonable wage, is slavery and slavery is a form of brutality. Prisoners are hard-pressed to better their lives in a system that gives their life no value, hard-pressed to lead their fellow prisoners to better lives when doing so leads to retaliation. Already, many of those involved in organizing this recent strike are reported to have been placed in solitary confinement, or transferred to other prisons, to choke off their influence over others. Petty retribution on the part of Prison officials for stirring up trouble, asking too many questions. Prisoners, as a whole, have already been "disappeared" from larger society, silenced and forgotten by all but their family. Prisoners who raise questions find that the black hole gets even deeper.

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You may believe that these are the worst of the worst,
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And so are you.**

That's why it takes larger society to press for change. Prisoners are easy to silence, easy to ignore, the unmentionable people behind those tall stone walls. And, finally, it does seem that Americans are interested in some of the issues in our criminal justice system—the mass incarceration of African-Americans, the steep penalties for non-violent drug offenses, the failures of the 1990s "tough on crime" laws. This may finally be the moment when we're ready for reform.

There are many economic arguments in favor of paying prisoners the same minimum wage as the rest of the country, protecting them under the same labor laws and providing for their safety. But we shouldn't begin with economic arguments when we're discussing ending slavery. We should begin with a simple acknowledgment that prisoners are human beings. Many of them are violent human beings, or cruel, or impulsive. Many of them are addicted, mentally ill, or mentally disabled. They are not altogether a class of sympathetic victims, but they are still a part of humanity, and we must reckon with their existence. We need a criminal justice system to protect society from people who would harm others, but we don't need this system, which creates harm as it seeks to remedy it. As prisoner Elliot James "L.D." Barkley so eloquently stated, during the Attica Uprising:

"We are men! We are not beasts and we do not intend to be beaten or driven as such. The entire prison populace, that means each and every one of us here, have set forth to change forever the ruthless brutalization and disregard for the lives of the prisoners here and throughout the United States. What has happened here is but the sound before the fury of those who are oppressed... We've called upon all the conscientious citizens of America to assist us in putting an end to this situation that threatens the lives of not only us, but of each and every one of you, as well."

It is a threat to all of us to have a system of enslavement within our country. It is a threat, carried out by our government, against anyone who might dare to run afoul of a police officer someday—that your body is only your own until we take it away from you and force you to labor for our benefit. That you might, justly or unjustly, be placed in a system where you can be abused and tortured, (and solitary confinement is torture.) That, in that situation, you would have no legal recourse—no oversight body, no constitutional protections—to whom you might appeal for relief, and no freedom to appeal publicly for others to take up your cause. This life they're threatening, truly, is hell. You may believe that hell is what these prisoners deserve. You may believe that these are the worst of the worst, the scum of society, who deserve all the abuse our system can mete out. But you cannot deny that they are still human beings. And so are you.

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