

Title of Lesson: *Cells for Sale – Convict Leasing in Alabama*

(Suggested grade level: 11th Grade)

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Background Information:

- Convict leasing occurred in many states after the Civil War as a means of providing inexpensive workers to factories, mines, etc. By the 1920s, Alabama was the only state still practicing this hybrid of penal rehabilitation and outsourcing.
- Because different schools/systems have different texts, consult the article from the [Encyclopedia of Alabama](#) for background information on the history of [the convict leasing system](#) in Alabama. Read this entire article, because there is most likely no mention of this topic in your book. An excerpt from the Encyclopedia of Alabama is included at the end of this lesson.

Overview of lesson:

Students will examine Alabama's past practice of convict leasing, discussing the parties in favor of and against the work process. Students will analyze a persuasive pamphlet urging the end of convict leasing.

Content Standards

[Alabama Course of Study: Social Studies](#) (Bulletin 2004, No. 18)

Grade 11: Standard 1

- Explain the transition of the United States from an agrarian society to an industrial nation prior to World War I.

Standard 2

- Describe social and political origins, accomplishments, and limitations of Progressivism.

[National Standards for History, 1996](#)

Era 7, Standard 1: How Progressives and others addressed problems of industrial capitalism, urbanization, and political corruption. Explain how intellectuals and religious leaders laid the groundwork and publicists spread the word for Progressive plans to reform American society.

[National Curriculum Standards for Social Studies](#), (Bulletin 111, 2010)

Themes: 5. Individuals, Groups & Institutions

7. Production, Distribution, & Consumption

8. Science, Technology and Society

Primary Learning Objective(s):

- At the end of this lesson the student will be able to highlight the pros & cons of the convict leasing system and identify those industries that benefitted from such labor.

Additional Learning Objective(s):

- At the end of this lesson the student will be able to discuss the history of the convict leasing system in Alabama & identify the reasons why Alabama was the last state to end this practice.

Time allotted: 90 minutes

Materials and Equipment:

- [Copy of “Who is the State of Alabama?” Pamphlet](#)
- Article from the Encyclopedia of Alabama about the [Convict-Lease System](#) and summary
- [Library of Congress document analysis sheet](#) for analyzing books and other printed text

Technological Resources:

- Access to ADAH website in order to print and make copies of the pamphlet and the letters (if desired)

Background/Preparation:

- This lesson should come after a study of the Progressive Era, but it does not need to immediately follow it.

Procedures/Activities:**Engagement/Motivation Activity:**

Step 1	Bell Ringer: Show page 1 of the “Who is the State of Alabama?” pamphlet. Ask students to individually study this picture, and after 2 minutes, ask if they know the answer to the question “Who” and then who are they responsible for. Finally, ask if students can determine the time period when this pamphlet was produced. Once you’ve established the answers it’s time to move forward. (5 minutes)
Step 2	Think, Pair, and Share – have students take a partner and together brainstorm the goals of the Progressives, then create a list of the people and concerns of the movement. Next have the partners brainstorm and list the changes from the agrarian to industrial society. Give students time to compile both lists. Return to full class discussion and have pairs share their lists by putting their responses on the board. (15 minutes)
Step 3	Share with the class the history of convict leasing in Alabama (This can be a summary [see attached] from the Encyclopedia of Alabama or a mini-lecture to provide sufficient background information for the students.) (5-7 minutes)
Step 4	Give partners a copy of the pamphlet to analyze. They need to closely examine the text on pages 2 and 3. What is the goal of this pamphlet? What information is provided? Does this pamphlet accomplish its mission/is it effective? (Students may want to use the Document Analysis sheet if they have not done much analysis before.) (5-7 minutes)
Step 5	Again return to whole group discussion of the pamphlet. Give all partners a chance to share. (5-7 minutes)

Step 6	Next, have students count off, then assign the odd numbers to take the position that convict leasing is a positive venture for the state; even numbers should assume the position that convict leasing is bad for Alabama. Put the two sides into groups of 3 or 4 and each group needs to create a list of why its position is correct and also why their opponents' thinking is flawed. This is not a debate, but a position statement that each group will draft/write. (10-12 minutes)
Step 7	Each side will have its groups present their arguments (in a civil manner). After all statements have been shared, have students line up on a spectrum to see who's in favor of keeping and who wants to abolish the convict lease system. (10-15 minutes).
Step 8	Finish with a class discussion: Do they see the value in having convicts "earn their keep" in modern times? Are there any industries which might allow this safely or is convict leasing best left in the past of the early 20 th century? (10-15 minutes)

Assessment Strategies:

- [Exit Slip](#): each student will complete a 3-2-1 exit slip giving 3 reasons why the state would have continued the convict leasing program, 2 alternative provisions that opponents have outlined and 1 opinion on the value of convict leasing.

Extension:

- Give students letters written by [Mary Jeffries](#), [William Fort](#), and [Gudmundur Grimson](#) and have them [analyze the letters](#).

Remediation:

- If necessary, summary can be turned into a guided notes activity.

Accommodation:

- Make accommodations as needed.

Modification:

- Make modifications as needed.

Excerpt from [Encyclopedia of Alabama](#):

[Convict Leasing in Alabama](#)

(from the Encyclopedia of Alabama web site)

Between 1875 and 1928, the state and counties of Alabama profited from a form of prison labor known as the convict-lease system. Under this system, companies and individuals paid fees to state and county governments in exchange for the labor of prisoners on farms, at lumberyards, and in coal mines. Following their convictions, prisoners were transported directly to the work site and remained there for the duration of their sentences... . By the 1880s, nearly all of the several thousand state and county prisoners working under the convict-leasing system labored in coal mines located around Birmingham.

State prisoners convicted of felonies worked on railroads, where they suffered extremely high rates of death. Railroad companies did not pay the state for the prison labor they used, although they did save the state money on housing and feeding them. Neither the state nor the counties profited from leasing prisoners until a fiscal crisis in 1875 compelled Alabama to look for new sources of revenue. The state's warden, John G. Bass, implemented a new policy by which the state leased individual state prisoners to various coal mines, farms and lumberyards in exchange for monthly payments. Bass ranked prisoners into three classes according to their physical abilities and levels of skill and set fees accordingly. Revenue immediately jumped, and the state made a profit of between \$11,000 and \$12,000 in the first year. Seeing the financial windfall to be had, county governments began negotiating their own lease agreements with industries. In addition to serving the time imposed as punishment for their crimes, county convicts also had to pay all of their court costs, usually by serving extended sentences. Typically convicted of misdemeanors, these county convicts often served long periods of hard labor in abhorrent conditions because they could not afford to pay the costs of their arrests and trials. In the vast majority of cases, such convicts lived in utter filth, were poorly fed, suffered torture and cruel punishments, and had no protection whatsoever from the labor contractors who hired them. Many of the state's female convicts performed forced labor on state-run prison farms....

1883 marked a turning point in the emerging convict-leasing system. Under financial reforms championed by Warden John Hollis Bankhead, the state legislature approved a plan that leased the majority of prisoners to a select number of coal operators. .. In 1888, The Tennessee Coal, Iron and Railroad Company, TCI, negotiated a 10-year contract that entitled it to all able-bodied state prisoners. In exchange, TCI agreed to pay the state between \$9 and \$18.50 per month for each prisoner, depending on their abilities. Under Bankhead's plan, the coal companies built and operated prisons at the mine sites, which were clustered in the coal-rich areas surrounding Birmingham... .

Another change introduced by Bankhead was the creation of a new board of inspectors in 1883. The inspectors were charged with overseeing treatment of prisoners, checked safety conditions in the mines and other prison-labor industries, and ensured timely releases of the convicts. None of these duties were carried out in a serious manner, and convicts leased to coal mines suffered the worst death rates of any industry employing prison labor.

More than 95 percent of county prisoners and 90 percent of state prisoners were African American, and whipping was the accepted norm for punishment. Contractors whipped prisoners for insubordination and trying to escape, but they also used whipping to enforce labor discipline, prompting many to call the system a new form of slavery. The legacy of slavery in shaping the system is also evident when one considers that the earliest prison contractors, men such as John W. Comer and Gaius Whitfield, were former slave owners. Nevertheless, unlike slaves, prisoners could complete their sentences and gain freedom, and many were literate. Furthermore, once they achieved their quota for the day, they were entitled to earn extra cash for working overtime. Their skills as miners enabled them to continue working in the Birmingham vicinity as free men upon their release, and one study estimated that half of all released prisoners did so.

Dawson, Henley, and Lee inspected prisons regularly and implemented many reforms that benefited state prisoners. Under Dawson's leadership, the board of inspectors reduced workloads and punishments, allowed convicts to send and receive letters, and supported reformer Julia Tutwiler's innovative prison schools. The inspectors kept track of prisoners' sentences by issuing them a "time card" that bore the date of their conviction and the date of their release. Prisoners themselves knew when they were due to be released and could alert the inspectors if that date was ignored. The board played an important role in the administration of the state's convict-lease system and in many ways ensured its stability.

Despite reforms and political outcries, conditions for all prisoners working in mines remained notoriously unsafe. Prisoners worked in mines with high water, falling rock, dangerous gas levels, explosives, and faulty elevators. Added to this were the unrelenting and unrealistic expectations of mining bosses to extract more than the usual quota of coal through coercion or cash incentives from mine owners. Coal officials often faked "bad conduct" reports on prisoners to prolong their sentences and thus keep experienced men in the mine longer. The sick or dying, however, were often sent home. Among state prisoners, the annual death rates ranged between 4 and 5 percent. At the mines for county prisoners, conditions and death rates were much worse in the absence of state regulation. In 1896, state prisoners in the mines numbered 1,710. During the previous two years, 233 men had died. In the same year, 745 county prisoners worked in the mines, and 181 had died during the preceding two years. In 1911 an explosion at the decrepit Banner mine killed 123 African American county prisoners and raised even louder but unsuccessful cries to end the practice... .

In 1912, prison mining brought in a sum of more than \$1 million, but scandal and abuse remained endemic to the system. In 1924, the death of a prisoner who had been tortured by being lowered into a vat of boiling water prompted an investigation. The Sloss Company continued to work county prisoners at its mines until 1928, but in that year, prison mining and the convict-leasing system finally came to a halt. Alabama was the last state in the nation to abolish convict leasing, following Florida by some five years.