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Modern-Day US Institutions and Slavery in the Twenty-First Century

Early on in their education, American students are taught that the USA abolished slavery more than a century and a half ago, in 1865, through the Thirteenth Amendment. But less commonly taught is the loophole incorporated within that amendment. Slavery is still legal when it's used "as a punishment for crime whereof the party shall have been duly convicted" (United States Constitution amend. XIII, sec. 1). Soon after slavery's so-called abolishment, Black people were seen not seen as slaves but as criminals because, by definition of the Thirteenth Amendment, the two words had gained the same meaning. The laws governing slavery were soon replaced with laws that governed newly freed people. Slavery persisted in the Reconstruction era through the convict-lease system. The convict-lease system let Southern states lease prisoners to railways, mines, and plantations around the country to perform unpaid labor in dangerous conditions. In the last ten years, convict-leasing has often been referred to as "slavery by another name," popularized through the book of that title by the journalist Douglas Blackmon. The convict-lease system lasted well into the late 1920s and was phased out only to be quietly replaced by other methods that uphold practices reminiscent of slavery through chain gangs and industrial prisons. This paper argues that slavery remains alive and well in the twenty-first century through the modern-day institution called the prison industrial complex, aided by mass incarceration that targets people of color. Race and gender further structure how this

modern form of slavery keeps Black and Brown people, especially women, at the bottom of the American social ladder.

Prison and Mass Incarceration

The US prison system, which currently jails around 2.2 million people, or 0.7% of the population, is deeply embedded in our modern-day justice system and economy (American Civil Liberties Union 1). In the past, companies like McDonalds, Victoria's Secret and Whole Foods relied on unpaid prison labor, but have since changed their contracts due to public backlash. Yet still, prisons remain a multi-billion dollar industry reliant on racial domination and mass incarceration that acts in a similar manner to pre-Thirteenth Amendment times. Angela Davis said, "[I]t is clear that Black bodies are considered dispensable within the 'free world' but as a major source of profit in the prison world" (95). Her statement is in reference to the disproportional ratio of Black to white people that are incarcerated. According to the Pew Research Center, for every 100,000 Black adults in the United States, 1,501 of them were in prison in 2018. In comparison, only 268 white adults per 100,000 were behind bars. Just twelve years earlier, the numbers for Black people imprisoned were fifty percent higher than shown in these statistics (Gramlich). Undeniably, Black bodies are being targeted for the prison system because they are seen as useless to the capitalist economic system unless they are forced to do labor in prison that will benefit wealthy companies. This is eerily similar to the era of slavery, when Black people were seen as beneath white people and as property. A huge reason for the continued need to imprison more and more people is the prison industrial complex. Private prisons, which are some of the most brutal prisons in terms of high unpaid labor and inhumane living conditions, are run for profit. Each prisoner they receive is paid for by the government, so they are incentivized to gain more inmates. This system is not unlike the convict-lease system

during the Reconstruction era, in which the government loaned out prisoners to do hard labor for companies (Davis 95). It is clear from multiple cases that these modern private prisons are not intent on providing rehabilitation or any type of social service but merely see the prisoners as a product. Most recently, there have been huge COVID-19 spikes in CoreCivic (previously known as Corrections Corporation of America) prisons. In one CoreCivic prison in Arizona, 609 of the 1,079 Hawaiian inmates held there tested positive for COVID-19 as of 7 December 2020, and three who had the disease died; one other prisoner, who transferred from Idaho and who had the disease, also was reported dead (one of these men was only diagnosed with COVID-19 posthumously).¹ The inmates at this prison overflow center are predominantly Native Hawaiian, another ethnic group unfairly treated in the US, and, according to the sociologist David Johnson, they “possess rights and interests and dignity that need to be respected, . . . and on a grand scale [that does] not happen” (Dayton). This connects back to Davis’s theory that private prisons have “a stake” in keeping their facilities filled (95). CoreCivic needs to bring in more prisoners into its growing number of prisons and other similar facilities to earn a bigger profit. It parallels the slave plantations, which were owned by wealthy aristocrats who profited from tobacco and cotton production. To increase their profits in those industries, the only solution was to buy more land that needed more slave laborers.

Just as it was nearly impossible to escape slavery before 1865, and similarly as hard to escape the convict-lease labor system after the abolishment of slavery, mass incarceration now operates as the system that keeps people of color subserviant to racial domination and capitalism. When crime rates were dropping across the country, prison populations reached all-time highs (Davis 92). This is due in part to Ronald Reagan’s support of implementing laws that criminalized drug possession. In the 1980s, the prison population soared from about 500,000

people to over a million by the end of Reagan's eight years in office (Smith and Hattery 81). The laws disproportionately affected Black and Brown people. In 2019, nearly sixty percent of Hispanic people in federal prisons were serving time for drug-related offenses (Bureau of Justice Statistics 22). The same year, forty-six percent of people held in federal prisons, publicly or privately owned, were placed in them for drug offenses, and in 2018 sixty-two percent of inmates held in state prisons were either Black or Hispanic (1). Although the prison population in general has slightly dropped from its high in the mid-2000s, the prison industrial complex is still focused on nonviolent crimes to keep prisons filled. Not portrayed in the media, due to lack of data, is CoreCivic's recent foray into immigration detention ("Detention Services"), which may be making up for the money the company lost in the slight decline of the prison population.

Once in the prison system, it is hard for inmates to leave it because the vast majority of prisons do not provide social services to their inmates. Prisons are focused on punishment rather than reentry into society. An example of how mass incarceration is so deadly is how it continues to incarcerate those on parole, probation, and other types of supervision. People under these alternatives to prison are required to pay big fines, attend required meetings, not drink or do drugs, report when their housing changes, and follow other vague rules (American Civil Liberties Union 3). These incredibly meticulous guidelines, which are given to people who are usually already facing numerous inequities from other institutions, set them up to fail. Supervision violations feed back into mass incarceration. In Pennsylvania, admission back into prison from parole violations grew forty percent from 2008 to 2018 (5). This shows that, as social conditions grow worse for those in low-income communities, prisons and states still refuse to aid those in transition out of prison and back into everyday life. It's simply easier to profit off the bodies of disadvantaged peoples.

Gender and Race

Systemic inequality driven by federal, state, and local policies contributes to why the rates of people of color in prison are so much higher than the rate of white people in prison. Policies that enforce segregation and destroy minority communities by building public infrastructure like highways and bridges through them displaces people from their homes and businesses. Wealth accumulation through ownership becomes impossible for these people (Solomon et al. 4). Displacement coupled with gentrification, which also drives minorities out of their communities, leads to poverty. Food insecurity, unaffordable costs of health care, and overpoliced communities all lead to higher crime rates in these areas. Davis claims that the rush to fill prisons in the prison industrial complex was “driven by ideologies of racism”(84). This same ideology is what fuels systemic inequality in America and inevitably leads to the imprisonment of bodies of color at higher rates than others.

As explained above, the social construction of race makes mass incarceration more of a threat to some communities than to others. The prison system also genders inmates' experience with labor inside prison populations. The woman's prison system remains different from the men's prison system, which will be investigated later in this paper. Female criminals are perceived differently than male criminals and have been “constructed as insane” (Davis 66). Insanity was then raced to mean mental help for wealthy and white women, but further punishment and higher perceivment of criminality for poor women and women of color. The punishments specially reserved for low-income women of color in prisons parallels the gendered punishments that occurred during slavery. Both enact the same intention: that the presence of women in both the slave and “free world” is to birth and take care of children. In slavery, this was done through whippings that might not harm a fetus (Davis 68). In the modern era, this

intention is performed through domestic labor tasks deemed as normal for women in an attempt to steer them back toward home life. Both reinforce the idea that women are supposed to provide labor in a white, patriarchal capitalist world.

Men's prisons remain a way to exploit labor for the institution of capitalism. Men in prisons continue to do America's unwanted work—work that has been comparable to the labor in sweatshops of the global south (Smith and Hattery 90). This work is undesirable to white laborers, and outsourcing the work to foreign countries incurs a hefty cost. At the same time, government-owned prisons needed a way to create profit in their prisons. Unlike private prisons, state and federal prisons do not make money from housing inmates. The average inmate costs \$23,184 per year to house (Smith and Hattery 91). Because of the gendering in the prison system, men's labor might be more physically demanding. Common work includes working on farms, building furniture, and manufacturing items for multinational corporations. The Louisiana State Penitentiary has male laborers, predominantly Black and Hispanic, working the fields while white prison guards supervise the inmates on horseback. While the female prison focuses on “normalizing” women back into domestic work so they can create future generations of laborers, the male prison looks at inmates as free and exploitable labor that satisfies the greed of million- and billion-dollar companies. The structured conditions of gender and race in the prison system and in the systemic inequality that leads to prison entry mimic the conditions of slave labor in seventeenth-to-nineteenth century America.

Conclusion

Reform is not enough to fix the prison system, because you cannot reform something that has its roots so tightly embedded in capitalism, patriarchy, and white supremacy. A total reimagination of incarceration and justice must be done, and the abolition of prisons must be a

part of it. We should not just focus on abolishing and replacing prisons themselves but should also address how modern-day institutions in our society have allowed the prison system to flourish. The prison is a symptom of an illness in America. Replacing the prison with something else won't cure us. The most ideal future we can envision is one in which members of society are treated with compassion and empathy. We must desegregate the public school system and fund it adequately. For example, on Long Island, where there are 124 school districts, unification of these schools could mean greater access to better education for people of color. The majority of Latino and Black students on Long Island attend low-income schools where there are armed security guards and metal detectors (*Eight Key Facts 3*). Getting rid of these prison-like conditions for students, as well as allowing students to move between different areas, could desegregate Long Island and eliminate the school-to-prison pipeline.

Greater access to affordable physical and mental health care can also help us envision a future without incarceration. Funding community resources that prevent harm, like programs for people who want help with drug addiction, is pivotal. These programs should be out of reach from prison supervision, so treatment does not feel like a secondary form of imprisonment.

Other ways exist for reimagining our justice system while distancing ourselves from the system of crime and punishment, like restorative justice and misdemeanor reforms, which should be seriously considered. But the main point of envisioning a feminist and anti-white-supremacist, anti-capitalistic version of justice is to help us understand why society works the way it does and what we can think of to make a more equitable community. Abolition is a long and hard road. There will be trials and failures, but a world without prisons is a world that has stepped away from white supremacy and that properly acknowledges America's roots in white racial

domination. The end goal is one that any person who claims the title anti-racist can agree on: an America that provides equal opportunity and compassion for all.

Note

1. The medical examiner identified as least one of the deaths as a “COVID-19-related death” but indicated that the disease was not a cause in two of the other deaths; see Dayton. The source does not mention whether the level of infection, number of deaths, and posthumous diagnosis indicate a lack of adequate testing or failure to follow quarantine procedures at the prison.

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