

1989

Prisons

Edward L. Ayers

University of Richmond, eayers@richmond.edu

Follow this and additional works at: <http://scholarship.richmond.edu/history-faculty-publications>

 Part of the [History Commons](#), and the [Law Enforcement and Corrections Commons](#)

Recommended Citation

Ayers, Edward L. "Prisons." *Encyclopedia of Southern Cultures*, Chapel Hill: University of North Carolina Press, 1989.

This Article is brought to you for free and open access by the History at UR Scholarship Repository. It has been accepted for inclusion in History Faculty Publications by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

Prisons

American penitentiaries developed in two distinct phases, and southern states participated in both. Virginia, Kentucky, Maryland, and Georgia built prisons before 1820, and between 1829 and 1842 new or newly reorganized institutions were established in Maryland, Tennessee, Georgia, Louisiana, Missouri, Mississippi, and Alabama. Only the Carolinas and Florida resisted the penitentiary before the Civil War.

Southerners fiercely debated the justice and utility of the penitentiary throughout the antebellum era. Some citizens and legislators argued that the institution constituted an essential part of any enlightened government, whereas other southerners warned that the penitentiary posed a real and direct threat to freedom and republican government. Advocates of the institution believed that the law would be more effective if punishment was less physically brutal; opponents of the institution believed that locking men up out of public sight to “reform” them was a farce and a dangerous precedent. They preferred that their states adhere to the older methods of punishment: fines, branding, imprisonment in local jails, or hanging. In the only two referenda on the penitentiary—in Alabama in 1834 and in North Carolina in 1846—southern voters expressed overwhelming opposition to the institution, but southern states nonetheless created one penitentiary after another. Virtually no reformers championed the cause of penal innovation; rather, obscure state legislators took it upon themselves to keep the South abreast of “progress” made in the rest of the Anglo-American world. The new institutions they created closely resembled one another and their northern counterparts.

Most of the prisoners in these antebellum southern prisons were white men, disproportionately from cities, and of immigrant background. Almost no women received penitentiary terms. After 1818 only Louisiana consistently sentenced slaves to prison. Most states of the Deep South incarcerated exceedingly few free blacks in their prisons, but Virginia and Maryland sent many free blacks to their penitentiaries. Neither state was happy with this situation, however, and both experimented with ways to avoid imprisoning free blacks—including selling them into slavery or leasing them to outside contractors.

Southern governments were not enthusiastic about spending money for any prisoners and always sought ways to make prisons pay for themselves. Pressure mounted for the inmates to be leased to businessmen to make shoes, pails, wagons, and other articles, and leasing was instituted in Alabama, Texas, Kentucky, Missouri, and Louisiana. Often free workers demanded that convict labor be kept out of competition with “honest workmen.”

Antebellum southern prisons were not substantially different from northern prisons. Most people in both regions had little faith in reformation, and prison officials North and South dealt out harsh physical punishment, supplied poor food, spent most of their energies on financial matters, became entangled in political patronage, and let contractors or lessees assume real control of the prisons.

The similarity between northern and southern prisons, however, abruptly disappeared with the Civil War and emancipation. Virtually all southern prisons were destroyed or badly damaged in the war, and southern governments had few resources with which to rebuild them. Southerners had become accustomed to the idea of centralized state penal institutions, but they now confronted a radically different situation: postwar prisons would no longer be reserved primarily for white men. Four million exslaves were now liable for incarceration, and the number of defendants who received penitentiary sentences soon outstripped even ambitious attempts by state officials to build penitentiaries. Many southern states, often with reluctance, turned to leasing convicts to work outside the prison walls. More than 9 of 10 prisoners were black men, most of them in their early twenties, most of them convicted of the lesser degrees of larceny. Many of them died in prison, and nearly all were mistreated.

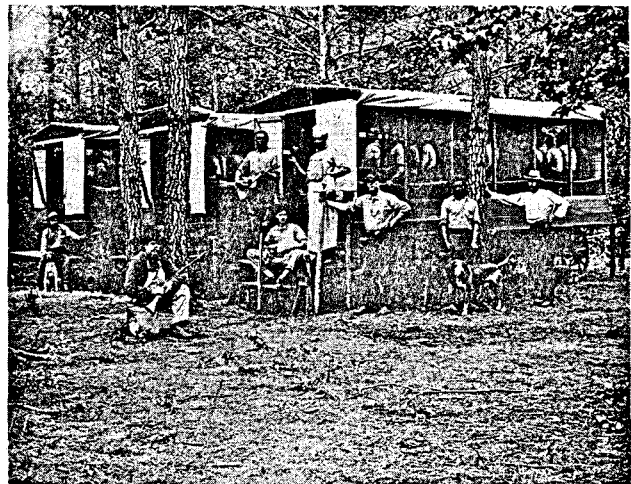
No single political group in the postwar South bore sole responsibility for inaugurating the convict-lease system—although the Democrats reaped most of its benefits. Black and white politicians, Republicans and Democrats, tolerated the system. Within 15 years after the Civil War all the ex-Confederate states allowed businessmen to submit bids for the labor of the state's felons.

In the late 1860s and early 1870s, a time of experimentation, leases ran for relatively short periods and convicts worked primarily as agricultural and railroad laborers. Railroad work on an expanded scale absorbed most of the penal labor of virtually every state in the 1870s. In the 1880s and 1890s convicts became increasingly concentrated in mining, especially in the states leasing the largest number of convicts: Alabama, Georgia, Florida, and Tennessee.

The lease system grew not only out of the inertia of the Old South but also the demands of the expanding capitalist system of Gilded Age America. On railroads and then in mines, the convict-lease system served as the only labor force capitalists investing in the South knew they could count on to penetrate swamps and primitive mines. Indeed, as businessmen and officeholders haggled over convict leases, widespread corruption grew up around the system.

Because the New South had so few industries, because those industries were concentrated in relatively small areas, because the products of those industries (especially coal) were so crucial to the growth of the southern economy, and because southern labor was relatively unorganized, convict labor undermined the wage scale and working conditions of entire southern industries. In the early 1890s, after 20 years of suffering at the hands of the convict-lease system, miners in Tennessee and Alabama launched large-scale revolts. Their opposition was joined with that from residents of communities where lessees established camps, cynical politicians of opposition parties, and people of conscience (such as Julia Tutwiler and George Washington Cable) who opposed the lease because it offended their sense of justice.

These protests helped bring the convict-lease system to a very gradual end. Although some southern states—Virginia, Texas, Tennessee, Kentucky, and Missouri—had



Convict labor chain gang, North Carolina, 1910

long used manufacturing prisons in addition to the lease system, as late as 1890 the majority of southern convicts passed their sentences in convict camps run by absentee businessmen. Only three southern states (Mississippi, Tennessee, and Louisiana) completely abolished the convict-lease system before the turn of the century. Even those states that did end the lease system did not build new penitentiaries. Inmates were moved to state-run prison farms, which were considered more healthy and more secure than scattered convict camps. Different classes of prisoners were separated from one another and death rates declined. Reformers continued to agitate for and gradually established juvenile reformatories, as well as prison schools, libraries, and commutation laws. Yet scandals continued to surface throughout the 20th century, highlighting the brutality and corruption of southern prisons.

The South today keeps a far higher percentage of its population in prison than any other part of the country. Although crime rates in the South generally fall below the national average, the region continues to build new prisons at a faster pace than the rest of the United States. The prisons already in operation are usually crowded far beyond their designed capacity. As has been the case since the first decade after the Civil War, blacks make up a disproportionately large percentage of the inmate population in the region and are sentenced for considerably longer terms than their white counterparts. Most southern states spend far less than the national average per convict; training and rehabilitation programs, as well as prison employees, receive only about two-thirds as much funding in the South as in the nation as a whole.

Cultural predispositions lie behind the South's bleak penal history. Southerners have generally held a less optimistic view of human nature than many other Americans and thus have placed less faith in the state in general and "reformatory" institutions in particular. Southerners have tended to adhere to the stern retributive justice of the Old Testament rather than the more compassionate ideals of the New Testament. Southerners in political power long operated in a one-party system that allowed penal corruption and neglect to go unchallenged by other

parties. The history of prisons in the South suggests that southern culture is intimately linked with the often tragic history of southern class and race relations.

See also LAW: Criminal Justice; Criminal Law

Edward L. Ayers
University of Virginia

Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (1984); *Southern Exposure* (Winter 1978) (special issue on prisons); Hilda Jane Zimmerman, "Penal Systems and Penal Reform in the South since the Civil War" (Ph.D. dissertation, University of North Carolina at Chapel Hill, 1947).
