

# FOUNDATIONS OF THE PRISON INDUSTRIAL COMPLEX

# THE 13TH AMENDMENT

The 13th Amendment was written to outlaw the enslavement of Black people... “except as a punishment for crime.” **So, slavery and involuntary servitude are still legal in the United States.** The conditions of enslavement and forced labor in this country were simply reimagined to maintain the white supremacy that slavery was founded on and, in the present day, allows for slavery in prisons and jails.

“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...”

- Section 1 of the 13th Amendment.

The language that allowed for the continued practice of slavery and involuntary servitude resulted from a compromise between the North and South in the co-authorship of the 13th Amendment. Following the passage of the 13th Amendment, the South immediately implemented “Black Codes.” These codes criminalized newly “freed” Black people by “creating and selectively enforcing vagrancy, loitering, and curfew laws” as a means of exerting social control over Black people. It also made it criminal for Black people “to refuse exploitative and abusive work.”

When Black people were found in violation of any Black Codes, they were sent to prisons that practiced convict leasing. Under this system, prisons sent Black people to business owners who “leased” them and forced them to engage in the same involuntary labor from which they had recently been “freed.”



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Several Southern states had laws that “re-enslaved Black children by allowing county sheriffs to legally kidnap ‘free’ Black child orphans and ‘free’ Black children of poverty-stricken parents and lease those orphans and children to white owners of plantations, cotton fields, tobacco tracts, coal mines, railways, and other penal work camps until the boys turned 21 and the girls 18.”



Under the Black Codes, Black people who had just been enslaved and thus had no means for earning income were jailed for “vagrancy,” defined as having no means of support. After conviction, Black people could legally be sold into forced labor.

“Employed” Black people were forced to sign a one-year labor contract, stating they would not be paid until they had worked for a year.



Black people were subject to so many deductions from their ostensible “wages” that instead of earning income at the end of the one-year contract period, they often owed money. For example, “employers” fraudulently deducted pay for rent and food when Black people were only legally permitted to live on company grounds and access food from their so-called employers.

## The practice of permitting forced and unpaid labor as “punishment” for being charged with a crime still exists today, as does the exception in the 13th Amendment.

- Every year, over \$14 billion in wages is stolen from incarcerated workers.

- At the Louisiana State Penitentiary, incarcerated workers pick crops, including “cotton, corn, soybeans, and sugarcane for only two cents an hour.” The prison is the nation’s largest maximum-security prison that was formerly the site of slave plantations.

- Seven states (Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, and Texas) allow for unpaid prison labor. Other states “pay on average between 15 and 52 cents per hour for non-industry jobs.” Of those cents on the dollar, incarcerated workers often “see up to 80% of their paycheck withheld for taxes, ‘room and board’ expenses, and court costs.”

- In 2022, there were more Black adults imprisoned or on parole, probation, or house arrest than there were Black people enslaved in 1850.

**While the exception clause from the 13th Amendment exists in many state-level constitutions, communities across the country are fighting back and voting in ballot measures to repeal it. In 2022, voters in Alabama, Vermont, and Oregon all voted to repeal the exception clause.**



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