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# Parchman Farm Penitentiary Exists as Modern Day Slavery

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## **Abstract**

This paper explores the connections between convict leasing in the state of Mississippi and the current state of prison labor at Parchman Farm Penitentiary (Mississippi State Penitentiary). The use of unpaid labor, the grossly disproportionate representation of Black men, the inhumane and grotesque conditions of the prison, the abnormally high death rate, and the continued execution of a disproportionate number of Black men of today's Parchman Farm and the version of the prison at its initial founding in 1901 will be analyzed. All of these factors combined provide the foundation for the argument that slavery never ended in the state of Mississippi, and is perpetuated to this day through the institution of Parchman Farm Penitentiary.

## **Introduction**

The state of Mississippi has been recognized for decades as a large proponent of states' rights and of keeping with traditions. These two factors combined contributed to the state's refusal to part with the institution of slavery even after the passage of the Emancipation Proclamation in 1863. Mississippi, in conjunction with a number of other Southern states, worked to create a system of continued forced labor and the oppression of the Black race long after slavery had been abolished and the rights of freed Black men had been established by the ensuing civil rights amendments to the Constitution. The system these states utilized was that of the convict leasing system, which used the so-called "loophole"<sup>1</sup> of the Thirteenth Amendment to re-enslave Black women and men under a different name. The Thirteenth Amendment reads "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

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<sup>1</sup> Ewing, Adam. "In/visibility: Solitary Confinement, Race, and the Politics of Risk Management." *Transition*, no. 119 (2016): 109-23. 115.

“loophole” refers to the clause “except as punishment for a crime,” as this allowed for states to use prison time as a means of slavery in a manner that was completely legal according to this language.

Convict leasing was the first of many systems of oppression in the post-slavery era to utilize the Thirteenth Amendment “loophole.” Convict leasing refers to the system by which inmates were leased to private employers (farms, railroad construction, infrastructure construction, etc) to work off the debts or sentences that landed them in prison. This system was detrimental to the state of Mississippi’s racial climate, given that “From its beginning in Mississippi in the late 1860s until its abolition in Alabama in the late 1920s, convict leasing would serve to undermine legal equality, harden racial stereotypes, spur industrial development, intimidate free workers, and breed open contempt for the law.”<sup>2</sup> This was a system that disproportionately affected Black Americans and had a death rate of roughly 45%.<sup>3</sup> Convict leasing and the versions of it that came before it was legally considered such terminology originated in the state of Mississippi. Brett J. Derbes describes the timeline of this system, writing, “experiments in convict leasing began in Mississippi nearly three decades before the brutal system employed across the South during and after Reconstruction.”<sup>4</sup> This system, simply put, served as “Slavery by Another Name,”<sup>5</sup> and provided the foundation for exploited labor by prisons today. Douglas A. Blackmon expands on this point with his statement regarding convict leasing that it, “terrorized the larger black population into compliance with a social order in which they were willingly submitted to complete domination by

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<sup>2</sup> Oshinsky, David M. *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*. Free Press, 1996. 56.

<sup>3</sup> *Ibid.*, 60.

<sup>4</sup> Derbes, Brett J. “Origins of the Prison-Industrial Complex,” Hild, Matthew, and Keri Leigh Merritt, eds. *Reconsidering Southern Labor History : Race, Class, and Power*. Gainesville: University Press of Florida, 2018. 47-57. 50.

<sup>5</sup> Blackmon, Douglas A. *Slavery by Another Name : The Re-Enslavement of Black Americans from the Civil War to World War II*. First Anchor booksed. New York: Anchor Books, a division of Random House, 2009. 1.

whites, and it significantly funded the operations of government by converting black forced labor into funds for the counties and states.”<sup>6</sup>

Mississippi state law in particular contributed greatly to the progression of the oppression of the Black race. In particular, the so-called “Pig Law” and the “Leasing Act”<sup>7</sup> served to increase the prison population of Mississippi drastically, thereby increasing the number of convicts the state had the ability to lease to private employers. The “Pig Law” changed the legal definition of “grand larceny” so that any item stolen that was valued above \$10 (roughly the price of a pig) would result in up to five years of prison time. Accordingly, the Leasing Act provided that prisoners could work outside of the prison—thereby allowing for prisoners to be leased to said employers. Mississippi also passed the Vagrant Law in 1865, which found free men with no employment at the beginning of a new year in violation of the law and subject to time in prison. It stated that, “Section 2 provides that all freedmen, free negroes, and mulattoes in the State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business,”<sup>8</sup> are to be imprisoned accordingly. Each race described in this law received a different sentence or fine based solely upon their race. The state also had in place laws to prohibit Black people from drinking alcohol, possessing firearms, or speaking out against the government.<sup>9</sup>

Mississippi state law effectively put in place laws to keep free Black women and men at a second class status, with very clear discrepancies between laws imprisoning Black people and white people. The legal system in Mississippi and the racial caste system that came along with it

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<sup>6</sup> Blackmon, Douglas A. *Slavery by Another Name : The Re-Enslavement of Black Americans from the Civil War to World War II*. First Anchor booksed. New York: Anchor Books, a division of Random House, 2009. 69.

<sup>7</sup> Sturkey, William. "Race and Reconciliation on the Gulf & Ship Island Railroad." *Southern Cultures* 24, no. 4 (2018): 87-104. 91.

<sup>8</sup> McPherson, Edward, Harold M Hyman, and Hans L Trefousse. *The Political History of the United States of America during the Period of Reconstruction : April 15, 1865-July 15, 1870*. Studies in American History and Government. New York: Da Capo Press, 1972. 30.

<sup>9</sup> *Ibid.* 32.

at the time were described as follows: “There were four kinds of law in Mississippi, whites liked to say: statute law, plantation law, lynch law, and Negro law.”<sup>10</sup> Accordingly, a number of years after convict leasing was abolished completely, the state of Mississippi established the State Sovereignty Commission in 1956, which referred to itself as being an institution that would protect Mississippi’s sovereignty from being breached by the federal government.<sup>11</sup> In reality however, this institution was actually created in order to protect segregation laws and ensure that progress on civil rights was not made in the state. With that, the state of Mississippi itself has long stood as a “traditional” and with that, segregated and oppressive state.

Parchman Farm Penitentiary opened its doors in 1901 and was largely built by the prisoners themselves. This state prison remains one of the most notoriously inhumane institutions and has consistently maintained a population that is majority Black. “According to the state penitentiary report of 1917, blacks comprised about 90 percent of the prison population.”<sup>12</sup> The Governor of Mississippi that the prison was opened under, James K. Vardaman, referred to Parchman as running “like an effective slave plantation.”<sup>13</sup> Not only were the prisoners severely beaten when they were not working hard enough or the guards needed a source of entertainment, they were also given little to eat, drink, and wear. Corporal punishment at Parchman in this early era of the institution came in the form of “Black Annie,” which was “a leather strap, three feet long and six inches wide.”<sup>14</sup> Whippings with Black Annie were commonplace at this time as a form of

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<sup>10</sup> Oshinsky, David M. *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*. Free Press, 1996. 124.

<sup>11</sup> Katagiri, Yasuhiro. *The Mississippi State Sovereignty Commission : Civil Rights and States' Rights*. Jackson: University Press of Mississippi, 2001. 3.

<sup>12</sup> Oshinsky, David M. *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*. Free Press, 1996. 137.

<sup>13</sup> Winter, Margaret, and Stephen F. Hanlon. “Parchman Farm Blues: Pushing for Prison Reforms at Mississippi State Penitentiary.” *Litigation*, vol. 35, no. 1, 2008, pp. 6–14. 6.

<sup>14</sup> Oshinsky, David M. *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*. Free Press, 1996. 149.

punishment for rulebreakers, and came in the form of public whippings in order to teach a lesson to other inmates. This tie to slavery is incredibly apparent, given the use of public whippings for escaped slaves during the period of legal slavery, as well as the use of whippings by slave masters. David M. Oshinsky writes to this idea when he states, “Black Annie seemed the perfect instrument of discipline in a prison populated by the wayward children of former slaves.”<sup>15</sup> With that, the use of a tool utilized to keep slaves in check was exemplified with the use of continued whippings as a means of punishing Black men in prison.

Parchman Penitentiary also played a considerable role in the Civil Rights Movement of the 1960s. When the Freedom Riders were making trips down south, and were accosted by police for doing so, they were placed first into jails in Mississippi, and eventually most were moved to Parchman, with John Lewis being one of the most notable Freedom Riders to serve time at Parchman. This prison was chosen specifically because of the environment of the prison and in the hopes that the guards would be able “to teach ‘em a lesson” and “break the back” of their movement, according to the governor of the time, Ross Barnett.<sup>16</sup> In the hopes of sending a message to the movement and ending the Freedom Rides, the guards at Parchman placed most of those that were jailed in the death row unit or solitary confinement. Additionally, in an interesting shift from the norm at Parchman, the white Freedom Riders were treated worse than the Black Freedom Riders because the guards wanted to punish those that they felt were turning against their race. While these prisoners only remained in prison custody for sentences of roughly 45 days, they caused an immense commotion, as they would sing anthems of freedom so loudly that the guards would confiscate anything they could from the prisoners, such as their mattresses or toothbrushes.

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<sup>15</sup> Oshinsky, David M. *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*. Free Press, 1996. 151.

<sup>16</sup> “Buses Are a Comin,’ Freedom Riders: 1961.” The Pop History Dig. n.d.

In total, of the roughly 430 Freedom Riders that made trips across the south, 328 of them would serve time at Parchman Farm Penitentiary, and would outline the harsh conditions they faced to the press.<sup>17</sup>

Accordingly, these conditions faced by prisoners of Parchman resulted in large amounts of sickness and death. Possibly the more disturbing aspect of this treatment is that per the ACLU lawsuits against the prison as described in a study by Margaret Winter and Stephen Hanlon,<sup>18</sup> is that sickness, disease, and unlivable conditions continue to this day at Parchman Farm. There are still substantial numbers of deaths at the prison today with no explanation, and Black men are disproportionately the victims of the harshest treatments at the institution, specifically that of the death penalty and solitary confinement. For example, the most recent death at Mississippi State Penitentiary was announced via a press release on Wednesday, October 28, 2020. The death was still being investigated at the time of the report, but 28 year old Jamie L. Eaton was found in his cell and ruled dead around midnight on Saturday, October 24, 2020. The death was assumed to be a suicide and in speaking on the matter, Commissioner Burl Cain stated, “We are taking particular interest in this case because mental health programs are among our top priorities in helping inmates.”<sup>19</sup> As of December 15, 2020 there have been no additional releases of information relating to the case. The conditions in place at Parchman are so drastic, rappers Jay-Z and Yo-Gotti are utilizing their philanthropic capabilities to fund a lawsuit on behalf of 152 inmates at Parchman that are suing Mississippi State Penitentiary on the basis of the “abhorrent conditions” they are

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<sup>17</sup> “Buses Are a Comin,’ Freedom Riders: 1961.” The Pop History Dig. n.d.

<sup>18</sup> Winter, Margaret, and Stephen F. Hanlon. “Parchman Farm Blues: Pushing for Prison Reforms at Mississippi State Penitentiary.” *Litigation*, vol. 35, no. 1, 2008, pp. 6–14.

<sup>19</sup> “Press Releases.” Mississippi Department of Corrections. November 2020.

placed into.<sup>20</sup> The lawsuit was opened in February of 2020, shortly following the opening of the investigation by the Department of Justice, and is currently ongoing.

As of the November 2020 monthly fact sheet provided by the Mississippi Department of Corrections (MDOC), of the 1,972 prisoners serving time currently in the Mississippi State Penitentiary, 1,330 are Black men. In other words, 67.4% of the population serving time in November of 2020 is Black.<sup>21</sup> 31.5% of the remaining population of prisoners are white, and there are additional very small percentages of Asian and Hispanic men. Based upon the July of 2019 population estimates determined using the 2010 census, Mississippi's population is roughly 59.1% white and 37.8% Black.<sup>22</sup> The statistical estimates of the prison population should roughly match that of the general population, yet as one can see, in the state of Mississippi the figures represented are almost the opposite, with Black people representing roughly 40% of the general population and roughly 70% of the prison population. The very fact that the majority of this prison's population is still Black today, and that the population statistics show massive discrepancies in Black and white incarceration, are both standing reminders of the manner with which systemic racism runs rampant in the modern day criminal justice system, and specifically in the state of Mississippi.

## **Literature Review**

Legal definitions of slavery vary in their terminology and in what is accepted in any given nation or court proceeding. In Jean Allain and Robin Hickey's article on "Property and the Definitions of Slavery," they abide by the definition provided by Article 1(1) of the 1926 League

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<sup>20</sup> "152 Mississippi inmates, backed by Jay-Z and Yo Gotti, sue prison over 'barbaric' conditions." Fox News. February 2020.

<sup>21</sup> "Mississippi Department of Corrections Monthly Fact Sheet." Mississippi Department of Corrections. November 2020.

<sup>22</sup> "QuickFacts: Mississippi." United States Census Bureau. July 1, 2019.

of Nations Slavery Convention.<sup>23</sup> This definition reads: “slavery is the status or condition of a person over any or all of the powers attaching to the right of ownership are exercised.”<sup>24</sup> This particular definition’s modern-day legitimacy has been debated, but has not been changed at any point since its establishment. The argument Allain and Hickey present is that of, “in recent times the term ‘slavery’ has been the subject of misinterpretation to the extent that it is been rendered so wide as to be effectively meaningless.”<sup>25</sup> The authors describe how the various attempts in court to relate this definition of slavery to child pornography, the removal of organs, illegal adoption, and various other human rights issues is problematic due to the possibility of the loss of meaning of the word slavery. Additionally, they write that the rationale for relating slavery to the aforementioned items and to therefore “interpret so widely the legal definition of slavery stems from the failure of States to prosecute and try individuals for enslavement during much of the 20th Century.”<sup>26</sup> While these authors do place some blame on nation states for attempting to make the definition of slavery applicable more broadly, they also note that slavery does exist to this day in some sense of the word. They describe how formal institutions of slavery have been abolished—such as the legal institution of slavery in the U.S prior to the Civil War—but, “slavery still exists in law where any or all the powers attaching to the right of ownership are exercised in respect of a person subject to control tantamount to possession.”<sup>27</sup> Therefore, Allain and Hickey acknowledge the continued existence of slavery, but disagree with supposed attempts to make the definition provided in 1926 applicable to a wider range of human rights violations.

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<sup>23</sup> Allain, Jean, and Robin Hickey. "Property and the Definition of Slavery." *The International and Comparative Law Quarterly* 61, no. 4 (2012): 915-38.

<sup>24</sup> *Ibid.* 916

<sup>25</sup> Allain, Jean, and Robin Hickey. "Property and the Definition of Slavery." *The International and Comparative Law Quarterly* 61, no. 4 (2012): 915-38.

<sup>26</sup> *Ibid.* 918

<sup>27</sup> *Ibid.* 938

In bringing the arguments surrounding slavery and its perpetuation over time closer to the United States, Fraser and Freeman describe the connections between slavery, the convict leasing system, and modern day prison labor. Their analysis begins with the “loophole” of the Thirteenth Amendment, as the authors describe how, “The reason the Thirteenth Amendment, abolishing slavery, made an exception for penal servitude is precisely because it had long since become the dominant form of punishment throughout the free states.”<sup>28</sup> Fraser and Freeman describe the prevalence of convict leasing in Northern states, and describe it as an institution that began in the North, not the South. However, they go on to note that the versions of convict leasing in the North and the South were quite different and developed in varying ways over time. More specifically, “Because it tended to grant absolute authority to private commercial interests and because its racial make-up in the post-slavery era was overwhelmingly African-American, the South's convict-leasing system was distinctive.”<sup>29</sup> The North tended to have greater populations of white men populating their prisons, and therefore operated under the convict leasing system without a racial component, whereas the South developed a convict leasing system that perpetuated slavery through a racial and labor intensive system of oppression. Additionally, “The Southern system also stood out because of the degree of intimate collusion between industrial, commercial, and agricultural enterprises and the law enforcement system.”<sup>30</sup> This premise is still applicable to the modern day versions of prison labor, especially those exhibited by southern states and by Parchman Penitentiary itself. The modern ties between criminal justice policy, law enforcement, and incarceration rates exhibit the same sense of collusion described here. Fraser and Freeman go on to summarize that, “The historic link between labor, punishment, and economic development

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<sup>28</sup> Fraser, S., & Freeman, J. (2012). In the Rearview Mirror: Barbarism and Progress: The Story of Convict Labor. *New Labor Forum*, 21(3), 94-98. 95.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid. 96.

was severed...until now.”<sup>31</sup> The “now” referred to in this quote pertains to the modern associations of prison labor and mass incarceration, thereby connecting these two phenomena to the definition of slavery prescribed by Allain and Hickey.

Daryl Michael Scott builds off of the reference to the “loophole” established by the Thirteenth Amendment in his discussion of the ideology of 13thism. His article was written in the spring of 2020 and directly addresses the documentary, “13th” by Ava Du Vernay. He defines 13thism as being “best understood as a narrative of African American history that developed from an intellectual movement that places the Thirteenth Amendment's exception clause or ‘loophole’ at the heart of explaining the rise and perpetuation of mass incarceration.”<sup>32</sup> This ideology is therefore the strongest of those mentioned thus far in stating that there is a clear connection between the Thirteenth Amendment and mass incarceration. While this is a view held by some scholars (he cites Angela Davis as having begun much of the establishment of this ideology), he describes how “The 13thist view of the reinstatement of African-Americans would originate from those who had experienced prison, not from the great Black activists, organizations, or intellectuals.”<sup>33</sup> Therefore, this is the perspective of a number of scholars, but more importantly that of prisoners themselves that view their incarceration as slavery. When tracing this ideology back in time, Scott describes how, “the major image of the convict in 1960s thought was that of the victim of policing and political exploitation, but over time prisoners once again began to redefine their own self-understanding, and increasingly, North and South, they began to view their condition as that of slaves.”<sup>34</sup> While many prisoners still consider themselves victims of the system in terms of unjust sentences or unjust incarceration in the case of wrongful convictions, there is

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<sup>31</sup> Ibid. 98.

<sup>32</sup> Scott, Daryl Michael. "The Social and Intellectual Origins of 13thism." *Fire!!!* 5, no. 2 (2020): 2-39. 5.

<sup>33</sup> Ibid. 10.

<sup>34</sup> Ibid.14.

now also strong associations among Black prisoners of the sense of being held in slavery. Scott describes this concept through experiences voiced by prisoners themselves, as he covers the national strike by prisoners in the fall of 2016. He writes, "In the strikers' view, prisoners coerced into unpaid labor were as much slaves as chattel had been."<sup>35</sup> While such claims may be considered drastic, and authors such as Allain and Hickey might disagree with this application of the word slavery, the modern day version of prison labor in combination with the mass incarceration of Black women and men is highly comparable to that of slavery.

Earl Smith and Angela Hattery in their article "Incarceration: A Tool for Racial Segregation and Labor Exploitation"<sup>36</sup> describe not only the connections between slavery, convict labor, and the modern system of mass incarceration-based prison labor, but also the motivations for such systems. Their argument's foundation is placed upon the motivations of mainly white male capitalists that have designed each of the aforementioned systems of oppression to serve their personal interests and prejudices. The thesis for their argument is: "We suggest that the use of incarceration as a tool of capitalism can be considered a contemporary form of racial, labor exploitation similar to the slave plantation economy that was critical to the development of the U.S economy."<sup>37</sup> This argument continues to build off the previously mentioned scholarly work, and more specifically the race-related argument presented by Scott in his references to Black male prisoners. Smith and Hattery make their argument specifically within the case of the South, unlike that of Fraser and Freeman's references to the North's approach to convict labor. They write, "Our analysis illuminates the way in which the prison industrial complex benefits from the mutually reinforcing systems of capitalism and racial domination in a manner similar to the slave plantation

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<sup>35</sup> Scott, Daryl Michael. "The Social and Intellectual Origins of 13thism." *Fire!!!* 5, no. 2 (2020): 2-39. 3.

<sup>36</sup> Smith, Earl, and Angela J. Hattery. "Incarceration: A Tool for Racial Segregation and Labor Exploitation." *Race, Gender & Class* 15, no. 1/2 (2008): 79-97.

<sup>37</sup> *Ibid.* 79.

economy of the rural U.S south.”<sup>38</sup> With this statement, these authors are drawing the same parallels between slave labor and the modern institution of prison labor, much like that of Scott.

Additionally, in describing examples of how prison labor have developed over time since the labor required of slavery, Smith and Hattery talk specifically about Parchman Farm Penitentiary, and use it as their reference point to describe human rights violations by prisons in the past and in the current state of the U.S prison system. They describe how, "Whites who feared the demise of their social order were pacified by the role that Parchman could play as a mechanism of social control over 'Negroes' who might otherwise run about uncontrolled and destroy not only property but also the southern way of life.”<sup>39</sup> Additionally, Smith and Hattery reference the “loophole” provided by the Thirteenth Amendment to the Constitution, much like Fraser and Freeman and Scott did, as being a legal manner with which the labor of prisoners could be exploited and could be the exception to the abolition of slavery. Their argument and that of some of the aforementioned scholars is perfectly encapsulated in the quote:

"The convict lease system was not merely a replacement for slavery, but an extension of it, albeit in a new form and serving new interests,' (Sheldon, n.d) and we argue that mass incarceration and the exploitation of inmate labor represents modern day permutations of the convict leasing system that dominated the plantation economy of the postbellum Mississippi Delta region and other areas of the south.<sup>40</sup>

The very fact that slavery and the convict leasing system are mentioned in connection with modern day prison labor and the direct mention of Parchman Farm Penitentiary and fellow prisons in the

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<sup>38</sup> Ibid. 80.

<sup>39</sup> Smith, Earl, and Angela J. Hattery. "Incarceration: A Tool for Racial Segregation and Labor Exploitation." *Race, Gender & Class* 15, no. 1/2 (2008): 79-97. 85.

<sup>40</sup> Ibid. 92.

state of Mississippi displays the scholarly agreement on the continued perpetuation of slavery at Parchman Penitentiary.

### **Prison Labor**

The use of prison labor is a highly contested topic in the political arena. The debate mainly centers around the minimal wages prisoners are paid for their labor (far below even the minimum wage—in some prisons inmates are paid as little as \$1 per hour)<sup>41</sup> and the premise of being forced into performing such labor. Many large and well-known corporations, such as Victoria's Secret and Microsoft, continue to rely on American prisoners to create their products at distinctly low labor costs. There is also the added problem of mass incarceration, in the sense that given the disproportionate population of Black women and men in prison, there is a clear racial component in terms of which demographic's labor is being exploited at the highest rate. As a result, the majority of the prisoners being paid far less than minimum wage for their labor are Black.<sup>42</sup> In regards to this concept, Browne wrote, "Shifts in the United States economy and growing crises of underemployment and poverty in communities of color have created the conditions for the current wave of mass incarceration, and the boom of prison labor exploitation."<sup>43</sup>

Consequently, the War on Drugs was meant to resolve the issues Browne outlines in terms of "underemployment and poverty in communities of color," and with that the crime rates that were apparent at the time (even while crime rates were not actually rising when the War on Drugs was initiated, rather they were on the decline). However, this shift in labor sources was present in the U.S far sooner than the War on Drugs, as the utilization of convict labor after the Civil War

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<sup>41</sup> Smith, Earl, and Angela J. Hattery. "Incarceration: A Tool for Racial Segregation and Labor Exploitation." *Race, Gender & Class* 15, no. 1/2 (2008): 79-97. 91.

<sup>42</sup> Browne, Jaron. "Rooted in Slavery: Prison Labor Exploitation." *Race, Poverty & the Environment* 17, no. 1 (2010): 78-80. 80.

<sup>43</sup> Ibid.

exhibited many of the same characteristics as prison labor does today. This is a widely cited argument, that both Jen Manion and Brett J. Derbes are in agreement on, in addition to many other scholars such as Douglas Blackmon in Slavery by Another Name and Michelle Alexander in The New Jim Crow. Manion cites scholar Heather Ann Thompson's argument that, "makes the case for historians of the postwar era to look more closely at the economic shifts that decimated inner cities, transformed labor, and ultimately set the conditions for the explosive growth of the prison industrial complex."<sup>44</sup> Derbes also writes to this same topic stating, "Penitentiary workshops emerged in the antebellum years, thrived during the war, and developed into the modern prison-industrial complex."<sup>45</sup> The phenomenon of forced labor in the United States, and especially that of Black women and men, is nothing new and did not vanish with the abolition of slavery, nor with outlawing the convict leasing system. In sum, the prison labor seen in American prisons today is not only compared to that found in third world countries, but it is also in some areas considered "the return of the chain gang."<sup>46</sup>

As far as how the prison labor system in association with Parchman Farm Penitentiary operates, prisoners that are requested to work must do so, and Parchman has a number of facilities with which it utilizes such labor. Parchman holds both factories operated through the Mississippi Prison Industries Corporation (MPIC), and operating farms that produce much of the food supply for the prison itself and for the surrounding prisons in Mississippi via the Mississippi Prison Agricultural Enterprises (MPAE). Two of the most concerning goals of this corporation are listed

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<sup>44</sup> Manion, Jen. "Carceral History in the Era of Mass Incarceration." *The Pennsylvania Magazine of History and Biography* 143, no. 3 (2019): 233-46. 237.

<sup>45</sup> Derbes, Brett J. "Origins of the Prison-Industrial Complex," Hild, Matthew, and Keri Leigh Merritt, eds. *Reconsidering Southern Labor History : Race, Class, and Power*. Gainesville: University Press of Florida, 2018. 47-57. 47.

<sup>46</sup> Browne, Jaron. "Rooted in Slavery: Prison Labor Exploitation." *Race, Poverty & the Environment* 17, no. 1 (2010): 78-80. 80.

as “reducing the tax burden of inmate incarceration through productive inmate labor” and “operating similar to businesses in the private sector.”<sup>47</sup> The first goal establishes that instead of reducing the number of prisoners incarcerated in the state of Mississippi, the corporation running its prison system will instead seek to reduce the cost of incarceration to the taxpayers by exploiting their labor. This implies the necessity of prisoners and the intent to perpetuate this system. Additionally, it is concerning that the organization tasked with rehabilitating prisoners in order to prepare them for re-entry into society is operating instead as a business that requires a labor force at all times, and therefore requires people to be incarcerated.

In 2019, from the 161 inmates that were employed at the apparel and textile manufacturing and the metal operations facilities at Parchman, the corporation produced a staggering \$2,459,572 in total revenue.<sup>48</sup> There is no mention in the 2019 Annual Report for the Mississippi Prison Industries Corporation (MPOC) of any payment to inmates. While there are figures for payroll established within the report, it is made clear that many of the upper level employees and management within the corporation are people outside the prison itself, which therefore could account for the entirety of the payroll expended, as well as all benefits provided. On the Mississippi Department of Corrections website, it boasts in its 2019 Annual Report that, “Mississippi State Penitentiary offenders provide more than 100,000 hours of free offender labor each year to adjacent municipalities and counties, as well as assisting other state agencies.”<sup>49</sup> While this quote does not specifically refer to the MPIC, MPIC is considered a state agency and is directly overseen by the governor of Mississippi. Therefore those 100,000 hours could have been used to operate the factory and agricultural facilities at Parchman. If in fact these hours are all unpaid and are hours

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<sup>47</sup> Mississippi Department of Corrections Annual Report FY 2019.” Mississippi Department of Corrections, n.d.

<sup>48</sup> Mississippi Department of Corrections Annual Report FY 2019.” Mississippi Department of Corrections, n.d.

<sup>49</sup> Ibid.

completed by mostly Black men, that would be a clear indication of a human rights violation. Overall, the exploitation of the prison labor force presented by the ongoing operations at Mississippi State Penitentiary draw distinct parallels to the labor exploitation seen in the era of slavery, and that seen in the ensuing convict leasing system.

### **Excessive Death Rate**

Parchman Farm Penitentiary is considered notorious for its high death rate, which has been the case since the establishment of the institution. In 2019 alone, in a 6 month span there were 15 deaths in the prison, with causes ranging from inmate on inmate fights to suicide.<sup>50</sup> This high rate of death contributed directly to the Department of Justice opening up an investigation to determine whether or not the constitutional rights of prisoners are being violated due to the manner with which the prison operates. Additionally, Parchman Farm Penitentiary is the only prison in Mississippi that still carries out the practice of executing those on death row. The MDOC website glorifies this phenomenon with the line, “Another unique feature of Parchman is that it is where state executions are carried out.”<sup>51</sup> Death row at Mississippi today consists of 1 female and 40 males, of which 23 inmates are Black, in comparison to 16 white inmates.<sup>52</sup>

Inmates on death row sit in solitary confinement for 23 hours a day, and live in grossly inhumane conditions. Exhibits A and B provide images of the execution table used to carry out the death penalty through lethal injection. As one can see, there is also a window into the so-called “Execution Room” for viewing purposes and a microphone on the ceiling for greater clarity of sound in executions. Exhibit C shows an image of a death row cell at Parchman Farm Penitentiary. The cells are miniscule in size and provide only a toilet, a sink, a small stool with what might be

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<sup>50</sup> “Homicide at Parchman Prison.” Mississippi Department of Corrections. October 5, 2020

<sup>51</sup> Mississippi Department of Corrections Annual Report FY 2019.” Mississippi Department of Corrections, n.d.

<sup>52</sup> “Current Death Row Facts.” Mississippi Department of Corrections. n.d.

considered a desk, but looks to only be able to hold a singular notebook, and a bed. It is clear from this image that the conditions provided for prisoners that will spend their last waking moments in are abysmal and incredibly disturbing in nature. As a direct result of these conditions, there was a hunger strike in 2002 as, “The death row prisoners described profound isolation, unrelieved idleness and monotony, denial of exercise, intolerable stench and pervasive filth, grossly malfunctioning plumbing, and constant exposure to human excrement.”<sup>53</sup> Such drastic steps taken by prisoners help to depict the level of abuse experienced on death row at Parchman Farm Penitentiary as a direct result of the conditions provided, and the absence of regard for human life.

The issue of an excessively high death rate is one that has been present in Mississippi’s prisons for centuries now. The earliest rate attributable to the convict leasing system described by Browne was “The death rate of prisoners leased to railroad companies between 1877 and 1879 was 16 percent in Mississippi.”<sup>54</sup> The railroad projects convicts were leased to were particularly dangerous in terms of the labor required, and in the number of deaths that resulted. For example, “The total number of deceased is unclear, but at the end of 1889, the superintendent who oversaw the State Penitentiary reported that sixty convicts had perished while working on the Gulf and Ship Island Railroad during 1888.”<sup>55</sup> The images of convicts working on these railroads are some of the most common depictions of Black labor post slavery. Exhibit D depicts a group of convicts working on one of such projects, and is a particularly well-known picture of the era.

The phenomenon of high death rates is also an area that disproportionately affects Black men to this day. The makeup of Parchman Farm was disproportionately Black when it was first

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<sup>53</sup> Winter, Margaret, and Stephen F. Hanlon. “Parchman Farm Blues: Pushing for Prison Reforms at Mississippi State Penitentiary.” *Litigation*, vol. 35, no. 1, 2008, pp. 6–14. 11.

<sup>54</sup> Browne, Jaron. “Rooted in Slavery: Prison Labor Exploitation.” *Race, Poverty & the Environment* 17, no. 1 (2010): 78-80. 79.

<sup>55</sup> Sturkey, William. “Race and Reconciliation on the Gulf & Ship Island Railroad.” *Southern Cultures* 24, no. 4 (2018): 87-104. 94.

established, and that has not changed in today's prison population. This extreme death rate disproportionately affected Black men in the early years of Mississippi prisons as, "In 1882 for example, 126 of 735 black state convicts perished, as opposed to 2 of 83 whites."<sup>56</sup> Not only does this statistic depict the grossly disproportionate rate at which Black men were incarcerated at this time, but it also shows how much greater the possibility was for Black men to suffer death at the hands of this labor in comparison to white men. This is also an issue that was particularly specific to Mississippi, in terms of providing some of the harshest conditions for prisoners forced into labor. This reputation was so well known, it roused public attention, as "opposition grew amid reports that 15 percent of Mississippi's convicts had died in 1887 (as opposed to less than 1 percent in states like Ohio and Illinois, which kept their prisoners in penitentiaries, under careful state control)."<sup>57</sup> It is particularly astounding that this issue received public attention, given that the condition of prisoners in this time period was not of the utmost concern to the general public. Thus the very premise that it sparked national attention speaks to the level of threat this issue was to people living in Mississippi at the time. Additionally, this threat to the lives of Black men in Mississippi was not to be downplayed. This is because, "According to former attorney general Frank Johnson, convict leasing in Mississippi had produced an 'epidemic death rate without the epidemic.'"<sup>58</sup> Convict leasing as carried out by the Mississippi state penitentiaries, in addition to the current conditions that contribute to high death rates in the modern-day Parchman Farm Penitentiary contribute to the conclusion that slavery and its deathly conditions have been perpetuated by Mississippi prisons, and by Parchman specifically.

### **Inhumane Living Conditions**

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<sup>56</sup> Oshinsky, David M. *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*. Free Press, 1996. 46.

<sup>57</sup> Oshinsky, David M. *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice*. Free Press, 1996. 50.

<sup>58</sup> Ibid.

Parchman Farm Penitentiary today exhibits some of the most cruel and unlivable conditions for prisoners in comparison to other prisons throughout the United States. A 2020 annual health inspection of the conditions in the prison found most cells to be unlivable.<sup>59</sup> There is an issue with almost every cell that was inspected, of which these issues included but are not limited to; no lights, no power, no running water, inoperable toilets, or various animal infestations. Outside the cells themselves, there is mold growing in many of the showers, chipped paint litters the building, water fountains and public bathrooms are inoperable, and one can find exposed wires and broken glass throughout the prison. Inside the kitchens, there are sinks so backed up they are inoperable, chemicals placed in improper and unsafe locations, food caked with mold left out, and a lack of possible options for properly refrigerating food. Exhibits E through I are images taken from the 2020 health inspection report that speak for themselves.

In accordance with unlivable facilities, the conditions provided by Parchman Farm Penitentiary are a breeding ground for mental health problems. The February 2020 investigation opened by the Department of Justice holds the purpose of determining whether or not the constitutional rights of prisoners are being violated as a result of the lack of mental health resources provided to prisoners, in addition to the prolonged periods of isolation. In the statement provided by the Department of Justice announcing the beginning of this investigation, it states:

The investigation will focus on whether the Mississippi Department of Corrections adequately protects prisoners from physical harm at the hands of other prisoners at the four

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<sup>59</sup> “Mississippi State Penitentiary 2019 Health Inspection Annual Report.” Mississippi State Department of Health. June 3-7, 2019.

prisons, as well as whether there is adequate suicide prevention, including adequate mental health care and appropriate use of isolation, at Parchman.<sup>60</sup>

While the investigation is involving more prisons than just Parchman, the very fact that it is ongoing proves the very fact that Mississippi prisons are maintaining their historic reputation of being some of the most dangerous prisons in the U.S. Additionally, the investigation was prompted in part by the number of suicides that had occurred between the aforementioned 6 month period in 2019.

Prisoners at Parchman and at other correctional facilities in the state of Mississippi reported a lack of available resources for those suffering from mental health problems and from the effects of isolation through solitary confinement. With the death of an inmate in December of 2019, the prisoners rioted, from which three more inmates died, and the prison was forced into lockdown for a number of days as a result.<sup>61</sup> Social justice advocates that have been working towards prison reform specifically in the state of Mississippi were of course pleased to see an investigation open up, but referred to it as being long since overdue. In a 2015 lawsuit alleging abuses by the Mississippi Correctional Facility in Meridian, where inmates with substantial mental health concerns are sent, the plaintiffs alleged “inadequate medical and mental health care, unsanitary environmental conditions, the use of excessive force by EMCF personnel, and the use of isolated confinement.”<sup>62</sup> Thus the human rights abuses Mississippi prisons have been leveling against prisoners through their inadequate healthcare practices are nothing new to Mississippi prisons, and nothing new to Parchman itself.

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<sup>60</sup> “Justice Department Announces Investigation into Conditions in Four Mississippi Prisons.” The United States Department of Justice. February 5, 2020.

<sup>61</sup> Bellware, Kim. “15 Dead in Six Weeks. Can a Federal Investigation Fix the Grim Legacy of Mississippi's Prisons?” The Washington Post. WP Company, February 7, 2020.

<sup>62</sup> “Dockery v. Hall - DKT #257 ORDER Granting [179] Plaintiff's Motion for Class Certification.” American Civil Liberties Union, March 2, 2017.

In expanding on the mental health concerns at Parchman Penitentiary, Adam Ewing describes the psychological approach to the pain and suffering caused by time in the prison. Ewing cites a study in his paper that determined that no study on solitary confinement in prisons has ever proven anything but deep psychological harm to the prisoners that undergo such treatment.<sup>63</sup> Parchman Farm Penitentiary to this day has a solitary confinement unit that holds especially hard to control prisoners and used to serve as a segregated unit for those enduring the effects of HIV.<sup>64</sup> Ewing describes three factors contributing to the oppression faced especially by Black men under these conditions. There is first the sense of “othering” prisoners by means of social ostracization, while also putting them under intense scrutiny by authority figures at all times. Then there is the added racial oppression by means of disproportionate amounts of Black men being placed not only in prison, but in solitary confinement. Lastly, there is the mental oppression experienced while being in solitary confinement, as a direct result of being in an enclosed room oftentimes with no windows for 23 of 24 hours a day.<sup>65</sup> All of the aforementioned factors remain problems felt within the confines of modern day prisons, and more specifically within Parchman Farm Penitentiary.

One of the major components of slavery was attempting to break the spirit of Black women and men so that they would not attempt to break out of the chains that held them in slavery, and would not object to the demands of their masters. The methods by which this was done were typically senseless beatings, the rape of Black women by white slaveholders, the separation of families, and the deprivation of food, rest, etc. All of these same practices are present in the modern day prison system. Senseless beatings are routine practices in prisons and are not only carried out

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<sup>63</sup> Ewing, Adam. "In/visibility: Solitary Confinement, Race, and the Politics of Risk Management." *Transition*, no. 119 (2016): 109-23.

<sup>64</sup> Winter, Margaret, and Stephen F. Hanlon. "Parchman Farm Blues: Pushing for Prison Reforms at Mississippi State Penitentiary." *Litigation*, vol. 35, no. 1, 2008, pp. 6-14. 6.

<sup>65</sup> Ewing, Adam. "In/visibility: Solitary Confinement, Race, and the Politics of Risk Management." *Transition*, no. 119 (2016): 109-23. 109.

by the prison guards, but are also carried out by prisoners themselves, especially as gangs form in prisons. This is an issue that pertains to Parchman, as “A 2019 investigation by ProPublica and the Mississippi Center for Investigative Reporting found that long-standing problems of violence, gangs and unsanitary conditions were worse than ever.”<sup>66</sup> Gang violence erupting in Parchman Penitentiary is not uncommon and has resulted in a substantial number of deaths at the prison, including some of those that occurred in 2019.

The lack of adequate mental health care has also been noted in various studies performed on Parchman’s conditions. The primary issue of concern in terms of mental health is the use of solitary confinement. The use of isolation has proven countless times to be detrimental to the mental health of even the most “stable” of prisoners. Even with the lack of visible benefits stemming from the use of solitary confinement, “Just as the United States incarcerates more of its citizens than any other country in the world, so too does it hold the greatest number of people in long-term isolation.”<sup>67</sup> This statistic itself is a clear indication of the United States’ lack of regard for the mental stability and health of its prison population. Additionally, in Winter and Hanlon’s study of Parchman in 2008, they determined that prisoners, “were denied basic medical, dental, and mental health care. They were exposed day and night to the screams and ravings of severely mentally ill inmates in adjoining cells.”<sup>68</sup> These deprivations in accordance with the trauma of having to listen to the torment of other prisoners is enough to cause the mental instability of anyone. The practice of forcing prisoners to listen to such ravings is an absolutely barbaric form of torture. To this point, Winter and Hanlon wrote, “The combination of all these conditions was causing serious mental

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<sup>66</sup> Bellware, Kim. “15 Dead in Six Weeks. Can a Federal Investigation Fix the Grim Legacy of Mississippi's Prisons?” *The Washington Post*. WP Company, February 7, 2020.

<sup>67</sup> Ewing, Adam. “In/visibility: Solitary Confinement, Race, and the Politics of Risk Management.” *Transition*, no. 119 (2016): 109-23. 112.

<sup>68</sup> Winter, Margaret, and Stephen F. Hanlon. “Parchman Farm Blues: Pushing for Prison Reforms at Mississippi State Penitentiary.” *Litigation*, vol. 35, no. 1, 2008, pp. 6–14. 11.

illness to emerge in previously healthy prisoners, and causing psychosis and complete mental breakdown in less healthy prisoners.”<sup>69</sup> The conditions outlined in these studies and reported by prisoners themselves could be considered violations of the eighth amendment given the cruel and unusual method of punishment this prison utilizes through solitary confinement.

Accordingly, suicide attempts are not uncommon as a direct result of these conditions. Winter and Hanlon describe how at Parchman, “Suicides and attempted suicides occurred with alarming frequency.”<sup>70</sup> Even while this study was performed in 2008, it remains clear that the problem of mental health not being attended to and the resulting suicides or suicide attempts are still a strong issue of concern. Winter and Hanlon summarized such concerns in their description of Unit 32, which is the solitary confinement unit. They wrote, “The psychosis-inducing effect of permanent administrative segregation, the culture of excessive force in Unit 32, and the lack of basic mental health treatment made Unit 32 an incubator for serious mental illness and violence.”<sup>71</sup> This statement highlights many of the areas of concern in terms of the mental health of prisoners at Parchman, and with that establishes the necessity for strong reforms to be made. This is also a problem however for any and all prisons that continue to utilize solitary confinement, given that, “A recent tally found that while long-term solitary prisoners account for about eight percent of the nation’s prison population, they account for fifty percent of all prison suicides.”<sup>72</sup> Solitary confinement is yet another way to break the spirits of those in prison, which is disproportionately Black women and men. Therefore, its continued use through the acknowledged failures of such a

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<sup>69</sup> Ibid. 12.

<sup>70</sup> Winter, Margaret, and Stephen F. Hanlon. “Parchman Farm Blues: Pushing for Prison Reforms at Mississippi State Penitentiary.” *Litigation*, vol. 35, no. 1, 2008, pp. 6–14.

<sup>71</sup> Ibid. 13.

<sup>72</sup> Ewing, Adam. “In/visibility: Solitary Confinement, Race, and the Politics of Risk Management.” *Transition*, no. 119 (2016): 109-23. 113.

tactic display continued connections between the current state of the prison industrial complex, and more specifically the tactics used at Parchman Farm Penitentiary, to slavery.

Additionally, the rape of both women and men in prison is also a prevalent phenomenon, although there is minimal research done on the topic and the Department of Justice only provides estimates for the amount of sexual victimization that occurs in today's prisons. The last report on this topic per the DOJ came out in 2015 and reported an estimate of 24,661 allegations of sexual victimization by prisoners in the U.S, of which 8% were based on substantiated allegations.<sup>73</sup> However, this report only acknowledges estimates because a number of prisons were reached out to for such data, and not only did a number not respond, but many prisons do not maintain records of such data and therefore are unable to report properly in such studies. As far as separating families, this practice is carried out through the rescinding of visitation abilities by the prison itself. It is also completed through the abuses levelled against prisoners, as "One attorney noted that some prisoners are so traumatized by strip-searches that they refuse all visits, even from attorneys and their own children."<sup>74</sup> That is to say, the very act of strip searches can be traumatizing or retraumatizing to prisoners that have been sexually assaulted, which is a problem among both incarcerated women and incarcerated men. Lastly, the deprivation of food, water, and sleep most commonly occurs in solitary confinement, but this is a practice that is used to punish prisoners and accordingly break them down. The aforementioned methods of cruel and unusual punishment are no stranger to Parchman Farm Penitentiary. It is also incredibly disturbing and telling that each one of them can be tied to practices endured by Black women and men that were enslaved during the era in which slavery was considered legal.

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<sup>73</sup> U.S Department of Justice. "Sexual Victimization Reported by Adult Correctional Authorities 2012-2015." July 2018.

<sup>74</sup> VanNatta, M. (2010). Conceptualizing and Stopping State Sexual Violence Against Incarcerated Women. *Social Justice*, 37(1 (119)), 27-52. 34.

## Conclusion

Parchman Farm Penitentiary as it exists today epitomizes cruel and unusual punishment. When tracing its lineage and formation as an institution, one can determine clear and distinct remnants of both slavery and the ensuing convict leasing system. One of the biggest indicators of this phenomenon is the overwhelmingly disproportionate number of Black men that populate Parchman. This same problem was apparent from the day the prison opened its doors, and when it existed as an openly racist institution under the leadership of the time. The added concerns regarding the use of unpaid labor, the inhumane and grotesque conditions of the prison, the abnormally high death rate, and the continued execution of a disproportionate amount of Black men of today's Parchman Farm compare with ease to that of the Parchman Farm of 1901.

The legislation passed by the state of Mississippi allowed for it to challenge the illegality of slavery by means of reinventing the institution under different names and practices. The very fact that Parchman Penitentiary exists and operates the way it does in the year 2020 is only continued evidence of the ability for Mississippi state laws to legally perpetuate the institution of slavery. Through the utilization of the Mississippi State Sovereignty Commission in the 20th century, up through the legislation passed federally and on state levels under the reign of the War on Drugs, Mississippi has been able to incarcerate specifically Black men at levels so disproportionate they mirror those of slavery, and even while slavery was still legal, Mississippi's version of it was so deadly, it gained national awareness. This phenomenon is indicative of the larger theme of Southern politics exempting itself from progress in civil rights legislation, largely on the basis of states' rights arguments.

While the monuments of Confederate leaders and historical figures with ties to slavery are being taken down across the United States, Parchman Penitentiary exists as a live and functioning

monument to the days of slavery. The prison continues to make headlines for its inhumane practices and deaths that seem to have no explanation and no proper investigations, yet there is no sense of calling this institution what it is. While this issue is beginning to gain more public attention through the ongoing investigations, press releases, and celebrity philanthropic work, the human rights violations that are ongoing at this facility must come to an immediate halt. Additionally, the problems that arise in this prison are in part due to the mass incarceration of Black women and men in the U.S, which also must be an issue that rises to the national consciousness. In an era of civil unrest as seen in the wake of the murders of George Floyd and Breonna Taylor by police, there is an opportunity to make criminal justice reform and prison reform major issues of concern within the political arena. The issues outlined here must be of the utmost concern in the modern age. Abolish Parchman Farm Penitentiary.



Exhibit A



Exhibit B



Exhibit C

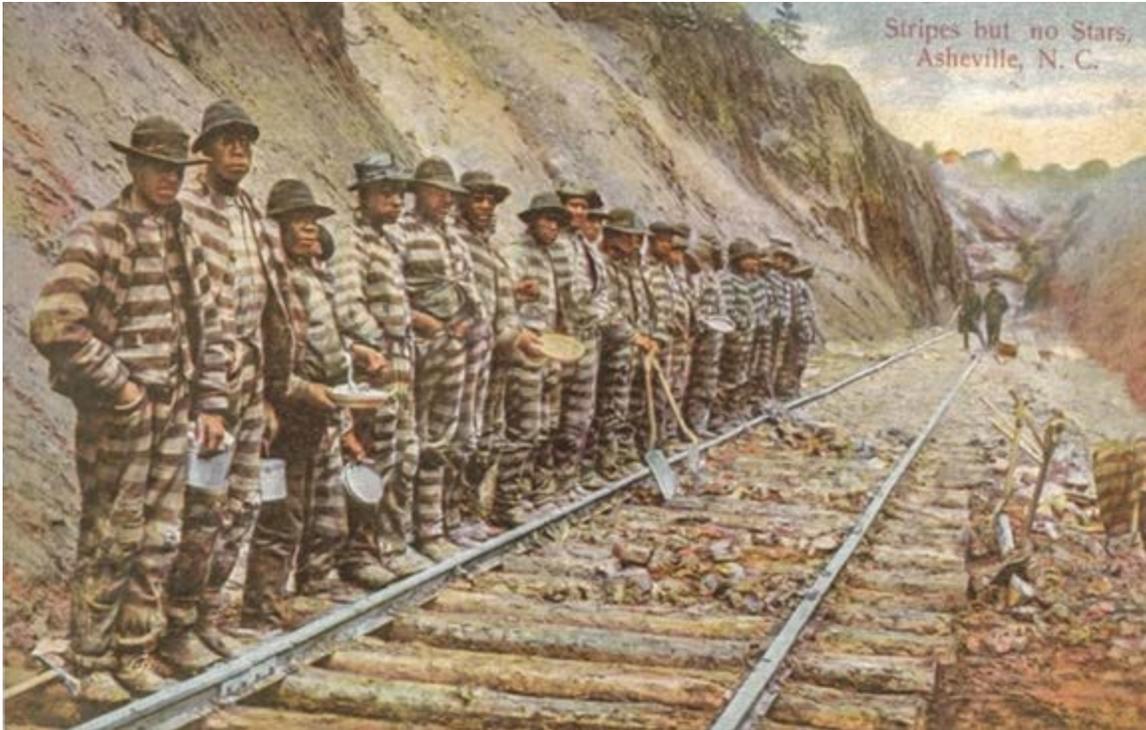


Exhibit D

**Peeling Paint around Bathroom Wall**



Exhibit E

**Floor tiles missing from the zone floor**



Exhibit F

**Chemicals stored underneath serving line with baked foods**



Exhibit G

**Receptacle missing and exposing wires**



Exhibit H

**Showers missing shower heads**



Exhibit I