

Parchman Farm Penitentiary Exists as Modern-Day Slavery: A Position Paper

By

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Abstract

The author explores the connections between convict leasing in the state of Mississippi and the current state of prison labor at Parchman Farm Penitentiary (aka Mississippi State Penitentiary). To support her position that this prison exists as modern-day slavery, she analyzes a number of components observable at this prison: the grossly disproportionate representation of Black men in this prison, the use of unpaid convict labor, the inhumane and grotesque conditions at the prison, the high death rate of inmates, and the continued execution of a disproportionate number of Black male prisoners incarcerated currently at Mississippi State Penitentiary. Parchman Farm Penitentiary is presented as a case study example of the larger systemic issues of present-day prisons in the U. S. Although this research is limited in its scope, the author focuses on Parchman State Penitentiary to showcase the conditions of one of the worst prisons in the United States. The author concludes that slavery and racism never ended in the state of Mississippi, in part because both are still perpetuated at Parchman Farm Penitentiary.

Keywords: slavery, racism, disproportionate incarceration of Black men

Introduction

For decades, Mississippi has been recognized as a proponent of states' rights and as a state that has held on to the practice of slavery long after this institution was outlawed in 1863. These two factors combined contributed to Mississippi's refusal to discontinue the practice of slavery after the passage of the Emancipation Proclamation. In conjunction with a number of other southern states, Mississippi created a system of continued forced labor and oppression of Black people long after slavery had been abolished and the rights of freed Blacks had been established by the ensuing civil rights amendments to the Constitution. The system these states utilized was that of the convict leasing. Convict leasing used the so-called "loophole" (Ewing 2016:115) of the Thirteenth Amendment¹ to re-enslave

Black women and men under a different name.

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. Convict leasing was the first of many systems of oppression in the post-slavery era to utilize the Thirteenth Amendment "loophole." The system of convict leasing 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 (Oshinsky 1996:56).

Convict leasing was a system that disproportionately affected Black Americans and had a death rate of roughly 45% (Oshinsky 1996:60). While practices similar to that of convict leasing existed in other states, the terminology of "convict leasing" originated in the

¹The 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 "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.

state of Mississippi.

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” (Sturkey 2018:91) 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. 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, “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 (McPherson, Hyman, & Trefousse 1972:30) are to be imprisoned accordingly.” Each race described in this law received a different sentence or fine based solely on their race (McPherson, Hyman, & Trefousse 1972:30). Mississippi state law effectively put in place laws to keep free Black women and men in 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 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” (Oshinsky 1996:124). With that, Mississippi 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” (Oshinsky 1996:137). James K. Vardaman, the Governor of Mississippi at the time the prison opened, referred to Parchman as running “like an effective slave plantation,” (Winter & Hanlon 2008:6). 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” (Oshinsky 1996:149). Public whippings with Black Annie were commonplace as a form of punishment for rulebreakers and were used to teach a lesson to other inmates. This tie to slavery is incredibly apparent, given the use of public whippings on escaped slaves during the period of legal slavery, as well as the use of whippings by slave masters. Oshinsky (1996:151) writes about this idea when he states, “Black Annie seemed the perfect instrument of discipline in a prison populated by the wayward children of former slaves.”

Parchman Penitentiary also played an important 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. Eventually most were moved to Parchman, with the late John Lewis being one of the most notable Freedom Riders to serve time at Parchman. This prison was chosen specifically because of its environment 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 (Doyle 2014). 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. 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 (Doyle 2014).

The conditions faced by prisoners of Parchman have resulted in large amounts of sickness and death. Possibly the more disturbing aspect of this treatment is that despite the ACLU lawsuits against the prison as described in a study by Winter and Hanlon (2008), 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: the death penalty and solitary confinement. 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 and are suing Mississippi State Penitentiary on the basis of the “abhorrent conditions” in which prisoners are housed (Fox 2020). The lawsuit was opened in February of 2020, shortly following the opening of the investigation by the Department of Justice and is currently ongoing.

In the November 2020 monthly fact sheet provided by the Mississippi Department of Corrections (MDOC), 1,972 prisoners were serving time currently in the Mississippi State Penitentiary. Of this number, 1,330 (67.4%) were Black men (MDOC 2020). Around 32% (31.5%) of the prison population were white.² Based on July of 2019 population estimates, determined using the 2010 census, the population of Mississippi was roughly 59.1% white and 37.8% Black (USCB 2019). One would think that statistical estimates of a state’s prison population would roughly match the racial distribution of a state’s population. Yet, in the state of Mississippi, the figures are quite the opposite—with Black people representing roughly 40% of the general population but 67% of the prison population. If Black people make up roughly 40% of the state population and that figure includes men, women, and children, it abundantly clear that the figures representing the proportion of Black men in this prison are vastly higher than they should be. The fact that the majority of this prison’s population is still Black today, and that population statistics show massive discrepancies in Black and white incarceration indicate that systemic racism exists 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. Allain and Hickey (2012:915) use the definition provided by Article 1(1) of the 1926 League of Nations Slavery Convention. 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” (Allain & Hickey 2012:916). Although this particular definition’s modern-day legitimacy has been debated, it has not changed since its establishment. The argument Allain and Hickey (2012:917) present is that “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.” These authors describe 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 as being problematic due to the possibility of the loss of meaning of the word slavery. While these authors do place some blame on nation states for attempting to make the definition of slavery more broadly applicable, 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” (Allain & Hickey 2012:938). Therefore, although Allain and Hickey acknowledge the continued existence of slavery, they disagree with attempts to make the definition provided in 1926 applicable to a wider range of human-rights violations.

In bringing the arguments surrounding slavery and its perpetuation over time closer to the United States, Fraser and Freeman (2012) analyze the connections between slavery, the convict leasing system, and modern-day prison labor. They begin with the “loophole” of the Thirteenth Amendment and 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 (Fraser & Freeman 2012:95). 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. Fraser and Freeman (2012:95) state “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.” The north tended to have larger numbers 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

²The prison population also contained very small percentages of Asian and Hispanic men.

system” (Fraser & Freeman 2012:96). 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 (2012:98) go on to summarize that, “The historic link between labor, punishment, and economic development was severed... until now.” 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 (2012).

Scott (2020) builds on the reference to the “loophole” established by the Thirteenth Amendment in his discussion of the ideology of “13thism.” Scott directly addresses in his writing the documentary “13th” by Ava Du Vernay and describes “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.

This explanation is the strongest of those mentioned thus far in stating that there is a *clear connection* between the Thirteenth Amendment and mass incarceration. Although Scott (2020) credits Angela Davis as having begun much of the establishment of this explanation, 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” (Scott 2020:10). Therefore, this is not only the perspective of a number of scholars, but also that of prisoners themselves who view their incarceration as slavery. When tracing this ideology back in time, Scott (2020:14) notes

the major image of the convict in 1960s 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.

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 now also strong associations among Black

prisoners of the sense of being held in slavery.³ 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” (Scott 2020:3). 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.

Smith and Hattery (2008) 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. Their thesis states: “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” (Smith & Hattery 2008:79). This argument continues to build on the scholarly work discussed previously and, more specifically, to the race-related argument presented by Scott (2020) in his references to Black male prisoners. Smith and Hattery (2008) make their argument specifically within the case of the south, unlike Fraser and Freeman’s focus on the north’s approach to convict labor. Smith and Hattery (2008:80) 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 economy of the rural U.S south.” Much like that of Scott (2020) with this statement, Smith and Hattery are drawing the same parallels between slave labor and the modern institution of prison labor.

Additionally, in describing examples of how prison labor has developed over time since the labor required of slaves, Smith and Hattery talk specifically about prison labor at Parchman Farm Penitentiary which they use as an example to describe human rights violations by prisons in the past and currently in the U. S. prison system. Smith and Hattery (2008:85) point out how

³Scott cites the case of William C. H. Coppola, who in 1980 wrote in a letter to the *Austin American-Statesman*, “Slavery is alive and well and living in the Thirteenth Amendment to the U.S Constitution.”

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.

Additionally, Smith and Hattery refer to the “loophole” provided by the Thirteenth Amendment to the Constitution, much like Fraser and Freeman and Scott do, as being a legal manner in which the labor of prisoners could be exploited and could be the exception to the abolition of slavery. Their argument summarizes and encapsulates perfectly what other scholars also say:

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 (Smith & Hattery 2008:92).

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 and other prisons in the state of Mississippi displays scholars’ agreement on the perpetuation of slavery at Parchman.

Prison Labor

In the political arena, the use of prison labor is a highly-contested practice. The debate mainly centers around the very small wages prisoners are paid for their labor--far below even the minimum wage. In some prisons, inmates who are forced to work are paid as little as \$1 per hour (Smith & Hattery 2008:91). Many large and well-known corporations, including Victoria’s Secret and Microsoft, 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 (Browne 2010:80). Regarding race, Browne (2010:1) states that

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.

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 rising when⁴ 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 exhibited many of the same characteristics as prison labor does today. This is a widely cited argument, on which both Manion and Derbes are in agreement, in addition to many other scholars including Blackmon (2009) in *Slavery by Another Name* and Alexander (2010) in *The New Jim Crow*. Manion (2019:237) 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.” Derbes (2018:47) also writes about this same topic stating, “Penitentiary workshops emerged in the antebellum years, thrived during the war, and developed into the modern prison-industrial complex.” 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” (Browne 2010:80).

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

⁴There was *not* a rise in crime rates when U. S. administrators announced the War on Drugs. Therefore, the “War” was not resolving a problem. Rather the government selected a problem that was not even considered significant in public opinion and made an issue of it. Therefore, the author’s point is that crime rates were *not* on the rise when the War on Drugs began, they were actually declining.

of this corporation are listed as “reducing the tax burden of inmate incarceration through productive inmate labor” and “operating similar to businesses in the private sector” (MDOC AR 2019). Instead of reducing the number of prisoners incarcerated in the state of Mississippi, the first goal states that the corporation running its prison system will instead seek to reduce the cost of incarceration to the taxpayers by exploiting prison labor. This goal implies the necessity of prisoners’ labor 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 steady labor force of prisoners at all times. If certain companies depend upon the system of prison labor via the exploitation of prisoners that are unable to opt into this system of work, how could that system not mirror the characteristics of the system of forced labor under the institution of slavery?

In 2019, the corporation produced a staggering \$2,459,572 in total revenue from the 161 inmates employed in apparel and textile manufacturing and metal operations facilities at Parchman (MDOC AR 2019). There is no mention in the 2019 Annual Report for the Mississippi Prison Industries Corporation (MPOC) of the amount of any payments to inmates. Although figures for payroll are established in the report, it makes clear that many of the upper-level employees and management within the corporation are people outside the prison itself. Therefore, the payroll figures listed *could* refer primarily salaries earned by non-prisoners as well as all benefits provided to non-prisoners. The Mississippi Department of Corrections website 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” (MDOC AR 2019). While this quote does not specifically refer to the Mississippi Prison Industries Corporation (MPIC), this entity is a state agency directly overseen by the governor of Mississippi. Therefore the 100,000 prisoner labor hours mentioned could have been used to operate the factory and agricultural facilities at Parchman. If these hours are all unpaid and completed by mostly Black men, however, that would be a clear indication of a human rights violation. Overall, then, the exploitation of the prison labor force primarily represented by Black men exhibited by the ongoing operations at Mississippi State Penitentiary parallels the labor exploitation seen in the era of slavery.

High Death Rate

Parchman Farm Penitentiary is 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 (MDOC 2020).⁵ 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. While there have not been any executions in Mississippi since the year 2012, death row at Mississippi today consists of 1 female and 40 males, of which 23 inmates are Black, in comparison to 16 white inmates (MDOC 2021). The MDOC website (MDOC AR 2019) glorifies this phenomenon with the line, “Another unique feature of Parchman is that it is where state executions are carried out.” As of June 2021, four people have been executed in the United States this year, three of whom were Black men. In 2020, 17 people were executed in the United States. There are roughly 2,500 people sitting on death row today. This is not just a Parchman Penitentiary issue, this is a nationwide issue.

Inmates on death row sit in solitary confinement for 23 hours a day and live in grossly-inhumane conditions. The cells are very small in size. In addition to a sleeping cot, they contain a toilet, a sink, and small stool with what might be considered a desk, with enough space to hold a single notebook. The conditions in which prisoners spend their last waking moments are barren and disgusting. As a direct result of the poor living conditions, in 2002, death-row prisoners staged a hunger strike to protest the “... profound isolation, unrelieved idleness and monotony, denial of exercise, intolerable stench and pervasive filth, grossly malfunctioning plumbing, and constant exposure to human excrement” they experienced at Parchman Farm Penitentiary (Winter & Hanlon 2008:11).

The high death rate is an issue that has been present in Mississippi’s prisons for centuries. The earliest death statistic attributable to the convict leasing system was 16 percent in Mississippi for “... prisoners leased to railroad companies between 1877 and 1879...” (Browne 2010:79). The railroad projects on which convicts

⁵The high death rate is its own section in terms of being an argument for why Parchman mimics the conditions of slavery and does not build off the previous section.

worked were particularly dangerous in regard to the intensity of the work required of prisoners, and the number of deaths that resulted. Although, “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” (Sturkey 2018:94).

The phenomenon of high death rates is also an issue that disproportionately affects convicted Black men to this day. The makeup of Parchman Farm was disproportionately Black when it was first established and has not changed in today’s prison population. This high 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” (Oshinsky 1996:46). 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 likelihood was for Black men to suffer death relative to white men. The high death rate of Black prisoners relative to white prisoners in Mississippi where leased prisoners experienced some of the harshest conditions for prisoners forced into labor. Mississippi’s reputation was so well known that it raised public attention, as “opposition grew amid reports that 15 percent of Mississippi’s convicts had died in 1887 (as opposed to less than one percent in states like Ohio and Illinois, which kept their prisoners in penitentiaries under careful state regulation) (Oshinsky 1996:50). 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 fact that prison conditions 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 should not have been downplayed because “According to former attorney general Frank Johnson, convict leasing in Mississippi had produced an ‘epidemic death rate without the epidemic’” (Oshinsky 1996:50). 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 grossly inhumane conditions have been perpetuated by Mississippi prisons, and by Parchman specifically.

Inhumane Living Conditions

Parchman Farm Penitentiary today exhibits some of the most cruel and unlivable conditions for prisoners in the United States. A 2020 annual health inspection of the conditions in the prison found most cells to be unlivable (MSDOH 2019). There is an issue with almost every cell that was inspected and 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 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, the sinks are so backed up that they are inoperable. Chemicals placed in unsafe locations near food. Food caked with mold is left out—possibly because of the lack of options for properly refrigerating food.

Along with unlivable facilities, the conditions at Parchman Farm Penitentiary are a breeding ground for mental health problems. The February 2020 investigation opened by the Department of Justice was to determine whether or not the constitutional rights of prisoners were being violated because of a lack of mental health resources provided to prisoners, in addition to the prolonged periods prisoners spent in isolation. The Department of Justice offers the purpose for its investigation:

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 prisons, as well as whether there is adequate suicide prevention, including adequate mental health care and appropriate use of isolation, at Parchman (DOJ 2020).

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

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. After the death of an inmate in December 2019, prisoners staged a riot in which three more inmates died. As a result, the

prison was forced into lockdown for a number of days (Bellware 2020). Social justice advocates who had been working towards prison reform specifically in the state of Mississippi were pleased to see an investigation open up, but stated it was long 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” (Dockery vs Hall 2017). Thus, the human rights abuses that Mississippi prisons have leveled against prisoners through their inadequate healthcare practices are not new to Mississippi prisons or to Parchman in particular.

Expanding on the mental health concerns at Parchman Penitentiary, Ewing (2016) describes the psychological approach to the pain and suffering caused by time in the prison. He cites a study that concluded that no study on solitary confinement in prisons has ever proven anything but deep psychological harm to the prisoners that undergo such treatment. Nevertheless, to this day, Parchman Farm Penitentiary still has a solitary confinement unit that holds especially-hard-to-control prisoners and is used as a segregated unit for prisoners with HIV, (Winter & Hanlon 2008:6). Ewing (2016) identifies three factors that contribute to the oppression that Black men especially face under these conditions. First, there is first the sense of “othering” prisoners by means of social ostracization, while also putting them under the intense scrutiny of authority figures at all times. Second, there is the added racial oppression by the disproportionate number of Black men not only in prison, but also in solitary confinement. Third, there is the mental oppression experienced in solitary confinement where prisoners are kept in an enclosed room, oftentimes with no windows, for 23 hours a day (Ewing 2016:109). These three factors remain problems prisoners experience in modern-day prisons, and 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 and the deprivation of food, rest, etc. These same practices are present in the modern-day prison system. Senseless beatings by guards, other prisoners, and prison gangs are also routine occurrences in prisons. The issue of prison violence 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” (Bellware 2020). The eruption of gang violence in Parchman Penitentiary is not uncommon and has resulted in a substantial number of deaths there, including some of the deaths 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” (Ewing 2016:112). This fact 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 2008 study of Parchman, they reported 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.

These deprivations, as well as the trauma of having to listen to the torment of other prisoners, is more than enough to affect anyone’s mental instability. Prisoners’ experience of hearing such ravings is a barbaric form of torture. Speaking to this point, Winter and Hanlon (2008:12) wrote

The combination of all these conditions was causing serious mental illness to emerge in previously healthy prisoners, and causing psychosis and complete mental breakdown in less healthy prisoners.

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.

As a direct result of these conditions, suicide attempts are not uncommon. Winter and Hanlon (2008:13) describe how at Parchman “Suicides and attempted suicides occurred with alarming frequency.” Even while this study was being conducted in 2008, it was clear that the mental health issues of prisoners were not

being treated and even now suicides or suicide attempts are still a strong issue of concern. Winter and Hanlon summarized such concerns in their description of Unit 32, the solitary confinement unit, stating that

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 (Winter & Hanlon 2008:13).

Not only does this statement highlight many of the areas of concern in terms of the mental health of prisoners at Parchman, but also establishes the need for widespread reforms. However, suicides are a problem for all prisons that 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” (Ewing 2016:113). Solitary confinement serves as a means to break the spirits of prisoners who are disproportionately

Black women and men. Therefore, the continued use of solitary confinement despite the acknowledged failures of such a tactic displays the connection between the current prison-industrial complex and, more specifically, the tactics used at Parchman Farm Penitentiary and slavery.

CONCLUSION

As it exists today, Parchman Farm Penitentiary epitomizes cruel and unusual punishment. When tracing its lineage and formation as an institution, one can observe clear and distinct remnants both of slavery and the subsequent convict leasing system. One of the biggest indicators of said remnants is the grossly disproportionate number of Black men incarcerated at Parchman. This same racism was apparent from the day the prison opened its doors. The added concerns regarding the use of unpaid labor, the inhumane and grossly-inadequate conditions of the prison, the abnormally high death rate, and the continued execution of a disproportionate number of Black men in today’s Parchman Farm compare to that of the Parchman Farm of 1901.

Legislation passed by the state of Mississippi allowed Parchman Farm to circumvent the illegality of slavery by substituting the convict leasing system for labor previously done by slaves. 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 period of the War on Drugs, Mississippi has been able to incarcerate specifically Black men at levels so disproportionate that it mimics the intentional racial prejudice under slavery. This practice of enslaving Black people 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.

Most United States prisons take on a “retributive” approach wherein they take seriously the premise of prisons being designed to punish those incarcerated. This theory therefore stands as the basis for the treatment experienced by those incarcerated at Parchman Penitentiary. However, the United States must consider on a nationwide scope is the utilization of the “rehabilitative” approach to prisons. Practices like banning certain books (Alexander’s previously-mentioned *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* being one of them), failing to provide educational programs, and violating the basic rights of prisoners prevents U. S. prisons from training people that have been imprisoned to effectively and successfully reenter society. These practices and failures, therefore, contribute to increased rates of recidivism.

At a time when monuments of Confederate leaders and historical figures with ties to slavery are being taken down across the United States, Parchman Penitentiary still exists as a monument to slavery. This prison continues to make headlines for its inhumane practices and unexplained deaths which lack serious investigations. While this issue is beginning to gain more public attention through the ongoing investigations, press releases, and celebrity philanthropic work, the on-going human rights violations at this facility need to come to an immediate halt. The problems that arise in this prison are due, in part, to the mass incarceration of Black men in the U.S. This should be an issue which raises national consciousness. In conclusion, because Parchman Farm Penitentiary is far beyond repair, it follows that this prison should be abolished.⁶

⁶The author recommends that prisoners currently held at Parchman be moved to other state prisons immediately.

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