

RAGGED BATTALIONS, PLOTTING LIBERTY: CONVICT LEASING AND THE  
CONSTRUCTION OF CARCERAL CAPITALISM IN FLORIDA, 1875-1925

E. Carson Eckhard

AN HONORS THESIS

in

History

Presented to the Faculty of the  
Department of History of the University of Pennsylvania in Partial Fulfillment of the Requirements  
for the Degree of Bachelor of Arts with Honors

2021

*Warren Breckman, Honors Seminar Director*

*Mia Bay, Thesis Advisor*

---

*Sinyen Fei*

*Undergraduate Chair, Department of History*

## **Acknowledgements**

This project would not have been possible without the many people who supported me along the way. I would like to thank my advisors, Mia Bay and Warren Breckman for their constant support, encouragement and feedback on every draft. I am also grateful to the Andrea Mitchell Center for the Study of Democracy, whose financial support made my archival research possible. I would also like to thank Jeff Green, Matt Shafer, Gideon Cohn-Postar and Paul Wolff Mitchell for their feedback and support throughout this process. Thank you also to Scott Wilds for his genealogical assistance, on this project and on others throughout my time at Penn.

I would also like to thank Kathleen Brown for inspiring me to pursue historical research and supporting me these past four years, and Gabriel Raeburn, for introducing me to Penn's History Department. Additionally, Natalia Rommen and Misha McDaniel's love, listening and support empowered me throughout this project. Lastly, I am endlessly grateful to my family and friends, whose encouragement and patience made this process possible and enjoyable. I am especially thankful for my grandparents, Janie and Harry Cline, who have nurtured my love of history since I was a child. This thesis is dedicated to them.

## **Abstract**

The convict-leasing system, which rose to prominence across the South in the wake of the Civil War, was a system of incarceration in which convicts, who were often Black men and women convicted of petty crimes, were leased to private developers, who used them as a large, unfree labor force. By the onset of the 20th century, Florida had one of the largest and most brutal systems of convict leasing in the nation. Unlike other states, who primarily utilized the convict-leasing system as a means of sustaining the agricultural economy of the slavery-era, Florida employed convict-leasing to economically develop the state through the construction of infrastructure and the rise of the turpentine and lumber industries. Florida's reliance on the lease system for the construction of industry throughout the state sets it apart from the penal systems of other Southern states, and accounts for the relative magnitude and harshness of Florida's leasing system; a thorough analysis of convict leasing in the state therefore provides a historical lens through which to consider the roots of the American private prison and modern industrial penal labor more generally.

Table of Contents

<b>Introduction</b>	1
<b>Chapter 1: “Prisoners Profitable”: The Rise of Carceral Capitalism in the Sunshine State</b>	13
Florida and Its Neighbors: A Comparative Overview of Southern Penal Policy in the “New” South, 1865-1910	13
Florida’s Early Penal System, 1840-1877	21
The Business of Convict Leasing in Florida:	27
Conclusion	32
<b>Chapter 2</b>	34
<b>“This Giant School of Vice and and Crime:” Capitalism and Conditions Inside Florida’s Convict Camps</b>	34
E.B Bailey and his Convict Business: A Case Study	35
A New Plantation: The Layout of the Convict Camp	40
The Trusty System	45
Contractors and Capital: Disease, Death and Deceit	49
<b>Chapter 3: Corruption, Capital and Counteraction: Convict Leasing and the Florida Boom</b>	57
Corruption at the State Level	58
“Manufacturing Convicts:” Local Corruption and the Convict Economy	66
Making it in Hell: Black Resistance to the “Manufacture of Convicts”	73
<b>Conclusion</b>	79
<b>Works Cited</b>	85
Primary Sources	86
Secondary Sources	90

## Introduction

In January of 1922, twenty-two-year-old Martin Tabert died within forty days of arriving at a county convict camp, brutally whipped to death in the swamplands of northwest Florida. Originally from North Dakota, Tabert had been arrested for riding a train in Tallahassee without a ticket while on a journey to “see the sights” of the world.<sup>1</sup> Unable to pay the \$25 fine, the young man received a hefty sentence: ninety days of labor.<sup>2</sup> The state immediately leased Tabert to the Putnam Lumber Company for the duration of his sentence. In an instant, Martin Tabert had become a victim of the convict-leasing system, under which the state of Florida and its counties leased prisoners to private businesses for profit.

Condemned to working long days “waist-deep in swampy water” and “fed and housed in a way that no North Dakota farmer would feed and house his domestic animals,” Tabert quickly became sick.<sup>3</sup> After he developed a fever and debilitatingly swollen feet, Tabert was sent to the camp’s “whipping boss,” Walter Higgenbotham in late January.<sup>4</sup> Beaten severely with a seven-and-a-half-pound strap, Tabert died shortly after the torture.<sup>5</sup>

Like the deaths of many who died in Florida’s convict camps, Tabert’s fate was initially shrouded in secrecy. Even his parents did not learn the details of his tragic passing for six months until, in July 1922, a former prisoner named Glenn Thompson wrote to Munich, North Dakota,

---

<sup>1</sup> Carper, N. Gordon. “Martin Tabert, Martyr of an Era.” *The Florida Historical Quarterly* 52, no. 2 (1973): 119. Accessed February 21, 2020. [www.jstor.org/stable/30149028](http://www.jstor.org/stable/30149028). p.116

<sup>2</sup> Carper, N. Gordon. “Martin Tabert, Martyr of an Era.” *The Florida Historical Quarterly* 52, no. 2 (1973): 119. Accessed February 21, 2020. [www.jstor.org/stable/30149028](http://www.jstor.org/stable/30149028). p.116

<sup>3</sup> Johnson, James Weldon, “This Civilized Land,” *The New York Age*, April 7, 1923

<sup>4</sup> Carper, N. Gordon. “Martin Tabert, Martyr of an Era.” *The Florida Historical Quarterly* 52, no. 2 (1973): 119. Accessed February 21, 2020. [www.jstor.org/stable/30149028](http://www.jstor.org/stable/30149028).

<sup>5</sup> Johnson, James Weldon, “This Civilized Land,” *The New York Age*, April 7, 1923

asking if Tabert's next of kin wanted to hear the "particulars" of his death.<sup>6</sup> Appalled to hear about the conditions of their son's incarceration and torture that he suffered, the Tabert family launched a widely-publicized investigation into their son's death, even enlisting the help of the state attorney of North Dakota in their efforts to demand justice for their son.

Largely due to his parents' considerable wealth, Tabert's story gained national attention, garnering sympathy, grief, and outrage. Headlines across the country labeled the death a tragedy, and convict leasing an aberration. "Tragedy of North Dakota Farm Boy Who Was Beaten to Death in Florida Peonage Camp," declared the *St. Louis Post-Dispatch* in a full-page spread detailing Tabert's death and the state's initially apathetic response; the reporter noted with horror that "any farm boy could meet the same fate."<sup>7</sup> From Wisconsin and North Dakota to Alabama and Nebraska, the gruesome details of Tabert's demise became a media sensation, resulting in widespread calls for the conviction of his killer and reform of the convict leasing system. By July 1923, media coverage of Tabert's death stretched from Canada to Hawaii, and Florida's convict leasing system had become a source of state embarrassment on the international stage.<sup>8</sup>

As his story gained national attention, Tabert's death quickly became equal parts Florida folklore and focal point of anti-carceral activism, establishing Tabert as a hero and martyr. A 1923 edition of *The Miami Herald* contains a "ballad song" entitled "Martin Tabert of North Dakota (a ballad to be sung in minor key but at the end with shouts)", exemplifying Tabert's mythological status.<sup>9</sup> The song functions as both a ghost story and a rallying cry against the convict leasing system, the lyrics warning the listener that "the whip is still in the convict camps, for Florida's stirring now...

---

<sup>6</sup> Johnson, James Weldon, "This Civilized Land," *The New York Age*, April 7, 1923

<sup>7</sup> "Tragedy of North Dakota Farm Boy Who Was Beaten to Death in Florida Peonage Camp," *St. Louis Post-Dispatch*, 08 April 1923.

<sup>8</sup> "Whipping Boss to Serve 20 Years," *Honolulu Star Bulletin*, 9 July 1923.

<sup>9</sup> "Martin Tabert of North Dakota," from "The Galley," *The Miami Herald*, April 20, 1923  
<https://www.newspapers.com/image/616195927/?terms=Martin%2BTabert>

Martin Tabert of North Dakota, you can rest from your walking now.”<sup>10</sup> Reprinted across the country, the “Ballad of Martin Tabert” quickly became familiar to school children nationwide, while op-eds demanding changes to Florida’s penal system proliferated. A few days after the ballad appeared, the *Herald* printed that Amos Pinchot, a prominent “frequent Florida visitor” and the brother of Pennsylvania governor Glifford Pinchot, wrote to several well-known leaders of women’s social organizations in the state, entreating them to not consider “Higgenbotham alone” to be at fault for Tabert’s murder, but instead to blame “Florida’s penal laws and regulations.”<sup>11</sup> The advocacy of established Floridians and Northern politicians and businessmen soon proved pivotal in piquing nationwide public interest and leveraging Tabert’s death as an opportunity for systemic reform throughout the state.

The barrage of press coverage continued into 1924, and the story of Tabert’s death at the hands of the brutal Florida penal system appeared on the front page of more than fifty newspapers across the nation.<sup>12</sup> Northern newspapers indicted Florida state legislators for the crime, declaring their role in Tabert’s death to be equal to that of the prison camp’s overseer. After Tabert’s family hired renowned lawyer Gudmunder Grimson to assist the state of Florida in the prosecution of Higgenbotham, new grisly details of the convict leasing system emerged, illustrating the degree to which capitalism and corruption underscored the state’s nascent criminal justice system. Grimson found that Sheriff J.R. Jones, who oversaw Tabert’s arrest, had a tacit agreement with the Putnam Lumber Co., and received compensation for every convict, which encouraged him to “endeavor to obtain the arrest and conviction of men for pretended or petty offenses.”<sup>13</sup> Moreover, the judge who

---

<sup>10</sup> *Ibid*

<sup>11</sup> “The Galley,” *The Miami Herald*, April 20, 1923

<https://www.newspapers.com/image/616195927/?terms=Martin%2BTabert>

<sup>12</sup> Holt, Anne Haw. “Men, Women and Children in the Stockade: How the People, the Press, and the Elected Officials of Florida Built a Prison System.” (2005). Page 142

<sup>13</sup> *Journal of the House, North Dakota State Legislature*, Issue 18. 23 February 1923.

sentenced the 22-year-old had also conspired with Jones and the lumber company, revealing the convict camps of Leon County and the justice system that furnished them to be entirely profit-focused, rather than concerned with the moral reform of its prisoners, as the lessees often publicly claimed to be. Tabert's case, and the testimony of other prisoners who had witnessed or personally experienced similar abuses, undermined the public image of the convict camp as a mechanism for reforming deviant citizens, and inspired national debate on the role of the prison in American society.

Tabert was far from the first man to die after a brutal beating in a convict leasing camp, and he would not be the last. However, unlike the majority of men who served time in the Florida convict-leasing system, Martin Tabert was white, educated, and from a relatively affluent family.

*The New York Age* noted these distinctions in their reporting on the case:

But after all the case of Martin Tabert is unique only because it is the case of a white man taken up and championed by a great newspaper. The case of Tabert, as terrible as it is, could be matched and out-matched by the cases of thousands of Negroes who have suffered and died under the systems of convict leasing and peonage.<sup>14</sup>

The overwhelming majority of people who died as a result of Florida's convict-leasing policies remain unknown, and the circumstances of their deaths remain shrouded in ambiguity and anonymity. As *The New York Age* noted, most of them were Black men, arrested for petty crimes, who hailed from Florida and surrounding Southern states. By some estimates, the percentage of Black men entrapped the Florida convict leasing system was as high as 80% of all incarcerated people in the state, a figure that generally parallels the racial demographics of individual convict camps.<sup>15</sup> One 1914 report from the Ocala Prison farm, not far from where Tabert died, shows that

---

<sup>14</sup> Johnson, James Weldon, "This Civilized Land," *The New York Age*, April 7, 1923

<sup>15</sup> See "Records of Ocala Prison Camp," S42, Box 27, File 6, p. 7, Florida State Archives, Tallahassee; Florida. Dept. of Agriculture. Biennial report of the Department of Agriculture of the State of Florida ... Tallahassee, Fla.: [State of Florida]. P 167. <https://babel.hathitrust.org/cgi/pt?id=uiug.30112112107492&view=1up&seq=167>



more than eighty percent of prisoners held there were Black.<sup>16</sup> Despite the fact that most prisoners were Black, many Southern newspapers declined to note the overt racism that underscored and enabled the “second slavery” of convict leasing. Instead, the region’s journalists painted Tabert as a singular martyr who represented the brutality of a system that could victimize “any young man,” rather than one that disproportionately exploited and harmed Black Floridians. Tabert’s whiteness and his family’s affluence ultimately catapulted his case to one of infamy nationwide, and eventually proved to be a primary mobilizing force in the movement to abolish convict leasing.

In May 1923, nearly a year and a half after Tabert’s death, Florida formally ended the practice of corporal punishment and the county convict lease system, and began instead constructing new penitentiaries for incarcerated people or exploiting their labor for public, not private, projects.<sup>17</sup> However, the violence of the convict camp remains foundational to the history of crime and punishment in Florida, and indeed the United States as a whole. In addition to the horrific abuses they suffered, leased convicts comprised much of the labor force that built modern Florida’s infrastructure during the late 19th and early 20th centuries, transforming the nation’s 27th state from a marshy wilderness into a budding region of industry and paving the way for later inmate labor policies and practices. Although the practice of convict leasing was by no means exclusive to Florida, the state quickly gained notoriety for its large, fully privatized practice of convict leasing, which fostered a complex system of subleasing that ensured that the business of prisons became a moneymaking venture, both for prominent capitalists and the state itself.<sup>18</sup> Moreover, Florida’s

---

<sup>16</sup> Records of Ocala Prison Camp, S42, Box 27, File 6, page 7, Florida State Archives, Tallahassee

<sup>17</sup> Florida, Acts and Resolutions, 1923, (c.9332), 23 May 1923 [http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1923/LOF1923V1Pt1%20GeneralLaws%20\(Pt1\).pdf](http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1923/LOF1923V1Pt1%20GeneralLaws%20(Pt1).pdf); Note that abuse within Florida prisons and jails continued, both on chain gangs and in carceral facilities throughout the 20th century. See Kimmerle EH, Wells EC, Jackson A. January 18, 2016. Summary of Findings on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida. University of South Florida: [www.forensics.usf.edu/boothill](http://www.forensics.usf.edu/boothill)

<sup>18</sup> With the exception of Virginia, every state in the former Confederacy engaged in some form of convict leasing during the latter half of the nineteenth century. Mancini, p. 2

reliance on the lease system as a chief mechanism for the state's economic and infrastructural development sets the state's carceral landscape decidedly in a category of its own.

This thesis explores the ways in which the convict leasing system shaped the economic and social development of Florida. The convict-leasing system, which rose to prominence in the wake of the Civil War, was a system of prison labor in which convicts, who were often Black men and women convicted of petty crimes, were leased to private developers, who used them as a large, unfree labor force. Unlike other states, which primarily utilized the convict-leasing system as a means of sustaining the agricultural economy of the slavery-era, Florida employed convict-leasing to economically develop the state through the construction of infrastructure and the rise of the turpentine and phosphate industries. Likewise, Floridian industrialists such as Henry Flagler, E.B Bailey, and J. Buttgenbach relied heavily on convict leasing to furnish labor for their industrial projects, which included the establishment of a railroad throughout the state and extensive agricultural enterprises.

This project will examine how convict-laborers became a considerable force of urban development and industry in Florida, and explore the ways in which Florida's nascent, privatized penal system laid the foundation for 20th century mass incarceration. Florida's convict leasing system, like those of neighboring states, rose to prominence after the Civil War, and quickly became ingrained in the state's socio-legal fabric as a primary means of maintaining a white supremacist labor system. Importantly, Florida's reliance on the lease system for the construction of industry throughout the state sets it apart from the penal systems of other Southern states, and accounts for the relative magnitude and harshness of Florida's leasing system; a thorough analysis of convict leasing in the state therefore provides a historical lens through which to consider the roots of the American private prison and modern industrial penal labor more generally.

Some historians have suggested that convict leasing in the post-bellum South serves as a valuable lens through which to consider the social history of the South in the years after Redeemers came to power following Reconstruction. Among them is Mathew Mancini, who describes leasing as a “method of criminal punishment that reveals much about the economic and political condition of the society that spawned it, and... that nurtured and cultivated it once it had come into being.” Other authors, including Alex Lichenstein and Gordon Carper have considered convict leasing as a defining aspect of the South’s postwar transition to a developed economy.<sup>19</sup> Scholars generally agree that the convict leasing system epitomized the “deepest impulses” of the postwar South, serving as a means of reinforcing white supremacy and reflecting the regions’ economic precarity. Mancini, in his regional study on the lease system notes that “all major themes of the period in Southern history were clustered together within that institution: fears of a labor shortage, racism, the dearth of capital, hair-trigger violence, the courageous efforts of humane reformers, and through it all, the struggle to modernize.”<sup>20</sup>

Florida simultaneously fits this mold and shatters it. As I argue throughout this thesis, Florida’s reliance on convict labor to establish industry in the state further exacerbated the cruelties of convict leasing, while the routine, and often linked, corruption of capitalists and lawmakers ensured that leasing did not “just happen,” but was instead the realization of a concentrated effort to accelerate Floridian industry. As a result of this deliberate design, I argue that Florida’s convict lease system constitutes an early realization of what Jackie Wang terms “carceral capitalism,” which comprises the intertwinement of anti-Black racism and the profit

---

<sup>19</sup> Drobney, Jeffrey A. "Where Palm and Pine Are Blowing: Convict Labor in the North Florida Turpentine Industry, 1877-1923." *The Florida Historical Quarterly* 72, no. 4 (1994): 411-34. Accessed September 14, 2020. <http://www.jstor.org/stable/30150422>.; Lichtenstein, Alexander C. *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*. Verso, 1996.

<sup>20</sup> Mancini, 2

motive of the modern prison in the creation of American mass incarceration. Carceral capitalism thus seeks to locate the “carceral continuum alongside and in conjunction with the dynamics of late capitalism.”<sup>21</sup> Although traditionally examined in relation to the carceral boom of the late 20th and early 21st century, the theory of carceral capitalism certainly applies to the convict leasing system of Jim Crow Florida with equal force, as exemplified by the state’s total emphasis on both state and private profit, and open condonement of gratuitous violence.

According to Jeffrey Drobney, there were three principal reasons for the early success and widespread public support for convict leasing in Florida. First, convict leasing provided a convenient means of relieving the state of “the heavy financial burdens of maintaining a central prison” in the wake of the Civil War.<sup>22</sup> Secondly, Florida’s 20,000,000 acres of “virgin wilderness” offered potential to industrialists and developers who endeavored to establish industry in the state while making a considerable profit. Lastly, to justify the economic needs of the state and the interests of the lessees, a new penal philosophy emerged in Florida and throughout the South after Reconstruction: a form of “penal humanitarianism” that espoused hard labor as a moralizing force designed to allow incarcerated people to “develop habits of industry and a willingness to work.”<sup>23</sup> This ethos became foundational to the pro-leasing rhetoric employed by both state officials and those hoping to lease incarcerated Floridians for profit, with many potential lessees boasting of their potential for moral instruction through labor in their bids.<sup>24</sup>

---

<sup>21</sup> Wang, Jackie, “Introduction”, *Carceral Capitalism* and “Carceral Capitalism: A Discussion” Building the Commune Chicago, February 19, 2019; <https://worldsapart.noblogs.org/files/2019/02/WANG-Carceral-Capitalism-IWE-PRINT.pdf>

<sup>22</sup> Drobney, 414

<sup>23</sup> Drobney, 416

<sup>24</sup> Bids for and Information Pertaining to the Leasing of State Convicts, 1909. S42, Box 07, File 2, The Florida State Archives

It is notable that this philosophical “justification” for convict leasing appears to be decidedly a product of the Reconstruction-era American South; in fact, the South’s penal humanitarianism diametrically opposed the moral penal philosophy then common in Europe and the Northern US. As early as 1829, prison reformers in the North proposed a penal system centered around solitary meditation within a penitentiary, most notably in New York and Pennsylvania. By the end of the Civil War, Auburn State Prison in New York, and Eastern State Penitentiary in Pennsylvania had become models for “social purification” through solitary or silent incarceration, with an emphasis on sanitation, and relatively light work to promote “non-idleness.”<sup>25</sup> Given the popularity of reformist prisons in the US and Britain, it is particularly notable that Florida’s model focused so heavily on labor, capitalism and overt exploitation while nevertheless incorporating the same language of moral reform and purification that permeated Northern efforts to create a prison system focused on rehabilitation rather than punishment.

Although in conflict with their era’s prevailing idea about carceral reform, the ethos of Southern justifications for convict leasing were not entirely new. In framing convict leasing as a moral good, ostensibly predicated on inspiring moral purity and industriousness in prisoners, Southern planters and industrialists repurposed the very language used to debase formerly enslaved people after Emancipation, which in turn derived its ideals from the paternal ethos of chattel slavery. Throughout Reconstruction, Floridian newspapers routinely portrayed free Black people as lazy or burdensome to the state. Often accompanied by calls for legislation or police action to “control” the Black population, such rhetoric ultimately inspired the criminalization of “idle” behavior, including statutes criminalizing vagrancy, “strolling and wandering,” and other contrived crimes.<sup>26</sup> Just as

---

<sup>25</sup> Thorsteinson, Katie, “19th Century Prison Reform Collection,” Cornell University Library Digital Collection. <https://digital.library.cornell.edu/collections/prison-reform>;

<sup>26</sup> Constitution of the State of Florida, 1865. “An Ordinance on Vagrancy.” page 53 <https://www.floridamemory.com/items/show/189093?id=53>

convict camp captains would argue more than a decade later, Southern Democrats of the Reconstruction era postulated that hard labor was beneficial to newly-freed Black Floridians. One author, writing for the *Tallahassee Semi-Weekly Floridian* in 1865, suggested that “a little necessary harshness” could promote industriousness among Black Floridians, arguing that the abuse was actually “a charity, since it would save them from crime and the suffering and punishment which must ensue from a life of idleness and vagrancy.”<sup>27</sup> Ultimately, this ethos would evolve into ardent support for the convict leasing system, and supply justification for corporal punishment. In the state legislature, at the desks of Floridian industrialists, and at guard posts in convict camps, the notion that Black people were “improved” by hard labor and physical abuse protected those who inflicted punishment and legitimized the tortures of the carceral system to the Floridian public.

Lacking a workforce willing to clear land and toil in the turpentine operations, wealthy investors relished the opportunity to secure an unpaid, unfree labor force who had no ability to organize around workers’ rights or abandon their assigned posts in favor of safer or more lucrative work. The leasing system also served as a means of guaranteeing the limitation of Black Floridians’ social prospects; while Northern penitentiaries emphasized teaching skilled labor within the prison workroom, Floridian convicts, like those in other Southern states, were deliberately kept from learning skilled labor during their incarceration, lest “the penitentiary become a school for the promotion of bad men over good.”<sup>28</sup> In short, through convict leasing, Florida created a self-perpetuating system that all but ensured prosperity for leading industrialists and state lawmakers alike while exerting near-total control over the state’s Black labor force. To prominent Florida democrats, the onset of convict leasing must have seemed like something of a

---

<sup>27</sup> “Address the Negroes,” *The Semi-Weekly Floridian*, Tuesday, September 26, 1865, np.  
<https://ufdc.ufl.edu/UF00086645/00001/1x>

<sup>28</sup> Tucker, “Prison Labor,” 248

foolproof plan, a guaranteed means of developing the state's industry and infrastructure while keeping the state's population of free Black citizens firmly under the thumb of white supremacy. In three chapters, this work explores the foundations, practice and legacy of Florida's Jim Crow justice system as a disastrous and influential experiment in privatized prison labor and carceral capitalism.

Chapter 1 explores the early history of the carceral state and convict leasing in Florida and provides a brief comparative analysis of Florida's nascent leasing system to those of neighboring states. Throughout, I consider the ways in which convict leasing in Florida functioned as a "second slavery" in the state while also catalyzing industrial growth and enriching wealthy investors at the expense of Black convicts. I argue that, between 1868 and 1899, Florida laid the groundwork for a distinct path to industrialization and development through convict labor, a phenomenon that sets Florida's penal system apart from those of other Southern states, who did not rely as substantially on convict labor for statewide growth.

Chapter 2 focuses on the relationship between carceral capitalism in Florida and the brutality of Florida's convict camps, linking barbarous conditions to an emphasis on capital gains. The chapter focuses largely on the activities of industrialist EB Bailey, whose rise to prominence within the Florida carceral business provides an important case study on the practice of convict leasing during the late 19th century. Lastly, Chapter 3 explores the relationship between resistance and corruption, analyzing how incarcerated people, mainly Black Floridians, resisted the Floridian carceral state from the moment it took shape. In response to this resistance, corruption within the Florida prison business only grew as industrialists sought to retain and subdue their unfree labor forces and local lawmakers and sheriffs proved determined to continue to exercise oppressive control over Black communities across the state.

The implications of Florida's lease system are long-reaching; nearly a century later, carceral capitalism continues to dominate the state's justice system. Today, Florida incarcerates nearly 100,000 people in prisons scattered across the state. Privatized prisons have become a ubiquitous aspect of the state's carceral landscape, while prison labor persists in Florida's prisons and throughout the country. Throughout this thesis, I argue that the contemporary climate of incarceration in Florida was indelibly shaped by the state's violent history of the lease system. Florida's Jim Crow justice system with its dearth of state oversight, harsh sentencing policies, and focus on private economic development and state industrialization became an early prototype for the carceral capitalism of the post-Reagan era. The history of convict leasing in Florida thus provides an important lens through which to consider the failures of present-day incarceration, in Florida and beyond.



## Chapter 1: “Prisoners Profitable”: The Rise of Carceral Capitalism in the Sunshine State

### *Florida and Its Neighbors: A Comparative Overview of Southern Penal Policy in the “New” South, 1865-1910*

In 1903, Carrie Kinsey of Bainbridge, Georgia penned a letter to Theodore Roosevelt, imploring the President to intervene in Georgia’s peonage system and save her brother, a boy named James Robinson who was “about fourteen.”<sup>29</sup> Kinsey detailed how her brother had been promised a job, only to be sold to Edward McCree, who operated a plantation called Kinderlou, where he and his brothers forced hundreds of young Black men to work the land through peonage.<sup>30</sup> Carrie’s brother labored at Kinderlou, alongside state convicts, leased to the McCree brothers by the Georgia Legislature. Although not all workers at Kinderlou had been charged with crimes, the distinction between convict and non-convict labor proved nonexistent. With the assistance of sheriffs and conmen, the McCree brothers engineered a complex network of human trafficking, relying on a corrupt justice system and the purchased loyalty of local officials to assemble a large, unfree labor force confined to Kinderlou through trivial criminal convictions, debt, or kidnapping. Men who tried to leave the plantation were rendered criminals, charged with trying to escape Kinderlou without paying alleged debts to the McCrees. Kinderlou operated in the tradition of the Southern plantation, though by 1900, the McCree brothers operated a staggering 22,000 acres, “dwarfing any antebellum definition of the word.”<sup>31</sup>

Situated along the Florida-Georgia state line, the McCrees’ operation at Kinderlou was unique among other postbellum agricultural operations in size, but not in function. With its focus

---

<sup>29</sup> Carrie Kinsey to Theodore Roosevelt, July 31, 1903. RG60, National Archives. Accessed via Blackmon, Douglas, p. 252. Blackmon, Douglas A. *Slavery by Another Name: The Re-Enslavement of Black Americans From the Civil War to World War II*. First Anchor books edition.

<sup>30</sup> Blackmon, 8-9, 234

<sup>31</sup> Blackmon, 249

on private profit and its emphasis on re-establishing the antebellum agricultural economy, Kinderloun exemplified the desire of the white ruling class to utilize the criminal justice system and peonage to retain control over formerly enslaved people and their descendants. Douglas Blackmon described these efforts as the “re-enslavement” of Black Southerners during the half century following the Reconstruction. However, as this chapter will show, the term “re-enslavement” is too narrow in its assessment of the post-Reconstruction carceral landscape; states across the South sought to reinforce the white supremacy of chattel slavery while reinscribing the Black labor force as simultaneously largely unfree and truly disposable. Convict leasing allowed for a greater degree of apathy towards the basic wellbeing and survival of Black laborers; as one Southerner remarked in 1883 to the social reformer Hastings Hart, “Before the war we owned the Negroes,” he said. “If a man had a good n\*\*\*\*r, he could afford to take care of him; if he was sick get a doctor. He might even put gold plugs in his teeth. But these convicts: we don’t own `em. One dies, get another.”<sup>32</sup>

This stance characterized white public attitudes towards both convict leasing and peonage throughout the American South during the post-Reconstruction era (1877-1920). However, the practice of convict leasing and state prison labor policies took distinctly different forms in different states and evolved considerably throughout the late nineteenth and early twentieth centuries. Between 1868 and 1900, every state in the South except Virginia, which already had a successful and well-managed penitentiary in the tradition of northern prisons, engaged in convict leasing in some form.<sup>33</sup> In Georgia, the first state to officially establish a leasing system, the practice began in 1868, when state prisoners were first “farmed out” to planters and industrialists

---

<sup>32</sup>Hastings H. Hart, “Prison Conditions in the South,” *Proceedings of the National Prison Association*, 1919. accessed via Mancini, 3. See also Cable, G. Washington. *The Silent South, Together with the Freedman's Case in Equity and the Convict Lease System*. New ed. New York: C. Scribner's sons.1895.

<sup>33</sup> Mancini, 6

in need of a large labor force. Like those of the Carolinas, Georgia's lease system initially focused on agriculture, though it later expanded to include railroad work; Mississippi, Texas and Louisiana, maintained an almost-entirely agricultural model throughout the duration of the convict lease system. By the 1890s, Alabama's lease system was among the most profitable in the South, and focused mostly on coal mining, leasing all prisoners to the Tennessee Coal, Iron and Railroad Company (TCI) for nearly fifty years.<sup>34</sup> Florida's leasing system encompassed the greatest variety of industries, with convicts regularly working in phosphate mines, harvesting lumber, railroad construction, agriculture, and the naval stores industry, and also exercised the least amount of oversight over the lessees of state prisoners.

In 1910, Amos W. Butler, then the president of the American Prison Association, proclaimed at the organization's national convention that the "lease system" was "exclusively in use in Florida."<sup>35</sup> While, by the measure of modern historians, the convict lease system *was* in use in other states, most notably in Alabama, Butler's statement illustrates the various ways in which states constructed their lease systems. Several states relied on a "partial lease" arrangement, in which the state remained responsible for providing inmates with shelter and care, while leasing their labor to private companies, known as the "contract system." Because Alabama, like North Carolina and Georgia, controlled medical care within its convict camps and theoretically held a considerable degree of oversight over the camps' operations, Butler and his contemporaries labeled the leasing practices of Alabama as an example of the "contract system," distinguishing it from the fully-privatized stockades prevalent in Florida.<sup>36</sup>

---

<sup>34</sup> "Alabama Ends Convict Leasing," *The New York Times*, July 1, 1928; [https://timesmachine.nytimes.com/timesmachine/1928/07/01/94144845.pdf?pdf\\_redirect=true&ip=0](https://timesmachine.nytimes.com/timesmachine/1928/07/01/94144845.pdf?pdf_redirect=true&ip=0)

<sup>35</sup> Butler, Amos W. "Address the American Prison Association," 1910

<sup>36</sup> See Mohler, Henry Calvin. Convict Labor Policies, 15 *J. Am. Inst. Crim. L. & Criminology* 530 (May 1924 to February 1925) p. 591

Regardless of the state's specific penal policies, conditions were universally dismal, and mortality was high in convict camps throughout the South. As one Mississippi doctor wrote upon inspecting a Delta plantation worked by leased convicts, "unsanitary" did not begin "to express the filthy conditions of the convict cage." Oshinsky notes that "in the 1880s, the annual mortality rate for Mississippi's leased convicts ranged from 9 to 16 percent. Not a single one lived long enough to serve out a sentence of ten or more years."<sup>37</sup> Georgia, Florida and Alabama had similarly dim mortality rates in their convict camps.

By the late twentieth century, the brutality of convict leasing was infamous, and the system began losing traction in several states due to widespread criticism, slowing industry, and the ire of poor whites, who struggled to find labor given the widespread use of captive chain gangs.<sup>38</sup> The first state to reimagine convict labor after the lease was Mississippi, which shifted towards the "state farm" or "state use" model beginning in 1890 after more than two decades of contract leasing. However, white Mississippians did not want to relinquish control of the state's Black labor force; even Southern critics of convict-leasing maintained that sentencing Black prisoners to labor was the only way to curtail crime and control free Black people in the state. In the Mississippi State Capitol, lawmakers, citing racist stereotypes and pseudoscience, argued that "negroes... welcomed the jail cell as a refuge," and urged that the state continue a system of labor-based incarceration.<sup>39</sup> As Southern politicians sought to retain control of the criminalized Black population, James Vardaman, a Mississippian populist known as the "White Chief," emerged as the primary architect of the prevailing solution: state-run penal farms and labor camps.

---

<sup>37</sup> Oshinsky, David. "Forced Labor in the Nineteenth Century South: The Story of Parchman Farm," <http://glc.yale.edu/sites/default/files/files/events/cbss/Oshinsky.pdf>

<sup>38</sup> *Ibid*, 9-10

<sup>39</sup> Oshinsky, 83

Vardaman's campaign sought to appeal to poor whites, and his platform rested on criminalizing and debasing Black citizens; his campaign banner read, "A vote for Vardaman is a vote for white supremacy, the safety of the home and the protection of our women and children."<sup>40</sup> In 1904, Vardaman fulfilled his campaign promise to strengthen the Mississippi penitentiary system with the opening of Parchman Prison in the Yazoo-Mississippi Delta. Consisting of 20,000 acres of cotton fields, crops and livestock, Parchman produced a \$185,000 profit in its first year of operation alone, outpacing that of the state's previous lease system. By 1910, the majority of Southern states, including the Carolinas, Louisiana, and Georgia, had adopted Mississippi's state-run reinvention of the plantation system and outlawed the convict lease system.<sup>41</sup> Tennessee shifted its penal system from convict leasing to state-run mines, and Texas abolished its convict lease system in 1910.<sup>42</sup>

While other states abolished the "lease and lash" one by one, convict leasing remained fully operational in Florida until 1923, and comparative studies of convict leasing conducted during the early twentieth century routinely labeled Florida's leasing policies as particularly cruel relative to other Southern states. In 1924, one critic dismayed, "in Florida, the barbarities of the system have been in some respects even worse than those in any other state," noting that Florida's total privatization of the penal system was likely a primary cause of this barbarity.<sup>43</sup> For example, while other states funded and provided medical care for convicts within the lease system in Florida, "the camp physician, receiving a salary from the lessee, failed to report to the state prison commission

---

<sup>40</sup> Ibid, 90

<sup>41</sup> Taylor, A. Elizabeth. "The Abolition of the Convict Lease System in Georgia." *The Georgia Historical Quarterly* 26, no. 3/4 (1942). p. 287

<sup>42</sup> W. Calvin Dickinson, "Brushy Mountain Prison", *Southern History*, 1 July 2003. See also Crow, Herman L. "Political History of the Texas Penal System, 1829–1951," 1964, PhD dissertation, University of Texas.

<sup>43</sup> Mohler, Henry Calvin. *Convict Labor Policies*, 15 *J. Am. Inst. Crim. L. & Criminology* 530 (May 1924 to February 1925) p. 567

the unsanitary conditions of the camps.”<sup>44</sup> The state’s utter lack of oversight considerably separated Florida from its peers; abuse soon became ubiquitous within Florida’s convict camps, while physician loyalty to camp operators rendered the horrendous conditions of the stockades largely undocumented and nearly impossible to ameliorate. Additionally, because Florida did not prevent the subleasing of convicts as other states did, the leasing of convicts became a business within itself, to be explored later in this chapter. One key function of the subleasing process, however, was that convicts passed through several hands via subleasing before reaching the operator of a convict camp, thereby making it more difficult for the state to ensure the welfare of its inmates.



*Children leased as convict laborers. c. 1903, location unknown. Library of Congress*

Lastly, because Florida’s engagement in convict leasing was critical both to state revenue through profits from lessees and the state’s economic and urban development, Florida failed to create alternative forms of justice for those generally deemed “unfit” for the labor of the chain gang by other states; Florida routinely “leased out women, both black and white, also the aged, imbeciles,

---

<sup>44</sup> Mohler, Henry Calvin. Convict Labor Policies, 15 J. Am. Inst. Crim. L. & Criminology 530 (May 1924 to February 1925) p. 567

and juveniles.”<sup>45</sup> In particular, Florida’s routine sentencing of children to the convict lease system renders it an outlier among other Southern states. When the prison reform movement swept through the United States during the late nineteenth century, states across the South began to establish reformatories for children, occasionally in conjunction with the abolition of the lease system.

Even in states that maintained a form of the lease system, state and local governments made provisions to protect children from the lease system. For example, in Alabama, whose lease system was also notorious among Southern carceral systems, the state resolutely supported efforts to shield children from leasing; in 1898 Black women organized for the establishment of a juvenile reformatory for Black children, the Alabama Reform School for Juvenile Negro Lawbreakers.<sup>46</sup> Supported by Booker T. Washington, the reformatory represented an entirely new vision for juvenile justice for Black youth, one predicated on both “rescuing Black children from the city’s criminogenic influences, offering industrial education... and supplant(ing) the neglect, exploitation, and brutality of the Jim Crow juvenile justice system with an inclusionary ideal of juvenile social control.”<sup>47</sup> By 1911, the state of Alabama passed an act that “supported the institution through a per capita maintenance fund, and an allotment for plant improvement,” while still allowing the National Association of Colored Women’s Clubs (NACW) to retain managing control over the reformatory.<sup>48</sup>

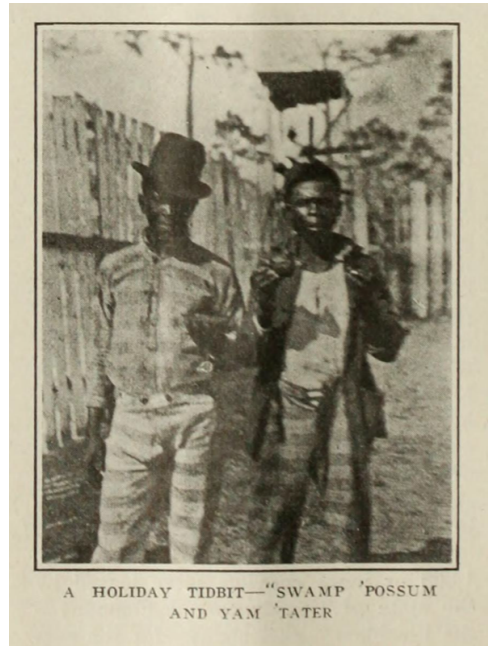
---

<sup>45</sup> *Ibid*, 567

<sup>46</sup> Ward, Geoff K. “Uplifting Black Citizens Delinquent, *The Black Child-Savers: Racial Democracy and Juvenile Justice*, 135

<sup>47</sup> Ward, 135

<sup>48</sup> *Ibid*



*Children in a Florida Convict Camp, dressed to perform in a “minstrel show” for visitors to the camp., c. 1914; Marc N. Goodnow.*

In Florida, however, children remained an integral part of the chain gang; for example, in 1890, 229 people were convicted of crimes and sentenced to labor within the convict lease system; as many as 52 of them were children.<sup>49</sup> The youngest was only eleven years old.<sup>50</sup> The routine sentencing of Black children to the chain gang is likely the reason that Florida resisted creating a reformatory during the final decades of the nineteenth century, despite widespread calls to do so. Du Bois speculated that, because the lease system functioned as a means of simultaneously generating capital while exploiting free Black people, the state government was reluctant to create a reform school since it would be “chiefly for the benefit of Negroes,” and thus would be neither socially nor economically profitable to whites.<sup>51</sup> In fact, despite the nominal establishment of a reformatory in

<sup>49</sup> Florida. Dept. of Agriculture. Biennial report of the Department of Agriculture of the State of Florida ... Tallahassee, Fla.: [State of Florida]. P 167.

<https://babel.hathitrust.org/cgi/pt?id=uiug.30112112107492&view=1up&seq=167>

<sup>50</sup> *Ibid*

<sup>51</sup> Du Bois, W. E. B., Conference for the Study of the Negro Problems Atlanta, G. (1904). Some notes on Negro crime, particularly in Georgia: report of a social study made under the direction of Atlanta University; together with



1900, children comprised a significant component of the convict lease population well into the 1910s, and thus were a source of profit for the state.<sup>52</sup>

Designed to maximize state profit, Florida's privatized lease system, lack of state oversight of lessees' practices, and near-total resistance to penal reform movements and public criticism ensured that the state's Jim Crow justice system became a primary force behind the state's social and economic development, and a locus of white supremacist social control over Black Floridians. An analysis of the state's transition to convict leasing reveals that Florida embraced convict leasing with intention, orchestrating a distinct form of incarceration that would allow the state to pad its treasury and embark on a new era of economic and social development to turn the state from a frontier into a thriving region of commerce and industry.

#### *Florida's Early Penal System, 1840-1877*

The stark contrast between Florida's pre- and post-bellum carceral practices illustrates how the state's penal system dramatically transformed and expanded as a means of maintaining white supremacy while rebuilding the state's economy after the Civil War. The Florida police state began in 1821 under Andrew Jackson, who established a constable at Pensacola upon his arrival there, and within a decade Florida had a small number of county jails, which primarily served as debtor's prisons.<sup>53</sup> During the antebellum period, this skeletal legal system and its jails were designed to address the petty crimes or poverty of poor white settlers. White and free Black Floridians who committed serious offenses were typically held accountable through public corporal punishments. Enslaved people were almost always punished by overseers or

---

the proceedings of the Ninth Conference for the Study of the Negro Problems, held at Atlanta University, May 24, 1904. Atlanta, Ga.: Atlanta University Press. P. 10

<sup>52</sup> *Ibid*

<sup>53</sup> Holt, 21

slaveholders rather than through criminal proceedings, though in the years preceding the Civil War, the state passed statutes establishing county jails, regulating court procedures, and codifying corporeal punishment for enslaved and free Black people. Despite these measures, wealthy citizens and state lawmakers began advocating for a more developed carceral system shortly before Florida achieved statehood in 1842.

As early as 1840, territorial lawmakers began to suggest that a state prison was necessary, largely to control the growing population of uneducated poor white settlers flocking to the region.<sup>54</sup> Five years before Florida's statehood, territorial governor Robert. R Reid criticized the state of Florida's penal system, labeling the majority of Florida's counties "destitute" without jails, and thus in danger of lawlessness. "Without prisons," he warned, "the criminal law cannot be enforced," further noting that "with them, and an appropriate discipline, the cause of humanity might be advanced, by abolishing the barbarous punishments of whipping, branding and pillory."<sup>55</sup> During Reid's gubernatorial tenure, formal criminal proceedings in the state were relatively rare, and directed almost entirely towards poor white people, whom wealthy Floridians perceived as more of a nuisance than a legitimate threat to social order.<sup>56</sup> As a result, the public was generally apathetic to the establishment of a formal prison, and the governor failed to garner public support or funding for a penitentiary. However, after the Civil War, when the public's attention shifted towards policing the state's population of recently-free Black Floridians, Governor Reid's plan for a state prison was soon realized.

---

<sup>54</sup> Florida, Acts and Resolutions, 1923, (c.9332), 23 May 1923  
[http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1923/LOF1923V1Pt1%20GeneralLaws%20\(Pt1\).pdf](http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1923/LOF1923V1Pt1%20GeneralLaws%20(Pt1).pdf)

<sup>55</sup> "House Journal," 1840, Governor's message, p 16. Accessed via Holt

<sup>56</sup> See Mohler, Henry Calvin. Convict Labor Policies, 15 J. Am. Inst. Crim. L. & Criminology 530 (May 1924 to February 1925)

Like other former Confederate states, Florida reimaged its carceral and legal landscape following the Civil War, crafting a form of incarceration that emphasized heavy sentences for petty crime, hard labor, and racial capitalism. To achieve undisputed social control of free Black Floridians, the Florida legislature quickly passed laws to suppress Black freedom and equality. As early as 1865, the Florida Constitution included Black Codes, criminalizing Black Floridians and severely limiting their liberty and potential for social and economic mobility. Although the state reaffirmed the thirteenth amendment (as it was legally required to do for readmittance to the union), the state's 1865 constitution guaranteed a ripe environment for the undue incarceration of Black people. New laws included the exclusion of Black people from juries in all cases, statutes rendering the testimony of Black people invalid in all court cases, criminal or civil, except those involving "injury to a colored person," and laws enshrining segregation.<sup>57</sup>

Following emancipation, Florida's formal carceral system was deliberately constructed as a means of maintaining the white supremacist status quo of the Floridian body politic, as illustrated by the massive prison boom that occurred in the state in the two decades following the Civil War. The ratification of the 13th Amendment in 1865 permitted slavery and involuntary servitude "as punishment for a crime whereof the party shall have been duly convicted," a loophole that historians generally concur allowed for the rapid expansion of prison systems across the South.<sup>58</sup> Florida reinforced this sentiment when crafting the Florida Constitution of 1868, which importantly established the state's legitimacy to operate a state prison and echoed the 13th Amendment's unfree labor clause, almost verbatim, proclaiming that "neither slavery or

---

<sup>57</sup> Article I, "General Provisions," Florida State Constitution, 1865; CHAPTER 1,466—[No. 3.] AN ACT prescribing additional penalties for the commission of offences against the State, and for other purposes., Florida State Constitution 1865

<sup>58</sup> The House Joint Resolution proposing the 13th amendment to the Constitution, January 31, 1865; Enrolled Acts and Resolutions of Congress, 1789-1999; General Records of the United States <https://www.ourdocuments.gov/doc.php?flash=false&doc=40> see also Alexander, Michelle. *The New Jim Crow*. 2010

involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.”<sup>59</sup>

Eager to replenish their treasuries and rebuild their economies following the Civil War, Southern states began to explore convict labor as a potential source of economic stability shortly after the end of the war, with Florida’s first documented effort to profit off incarceration beginning with the establishment of a labor-focused penitentiary just three years after the Civil War.

Organized under the state’s military department and established at the former arsenal at Chattahoochee, Florida’s first prison opened in 1868. However, despite Governor Reid’s belief that a prison would allow for the “cause of humanity” to be advanced, Florida’s first formal prison, created in the wake of the Civil War, remained largely devoid of “appropriate discipline.” Under the leadership of Irishman Malachi Martin who served as its “captain,” it initially housed just one inmate, Cy Williams, who was convicted of larceny. Within a year, the prison held 118 people.<sup>60</sup> By all extant accounts, the state prison was a brutal place, focused on profit at the expense of its inhabitants’ lives.<sup>61</sup> Former convict camp captain J.C Powell, in his infamous book *The American Siberia* (1893), described the conditions in the prison in great detail. “A man named Martin was warden and the place was a horror’s den,” he recalled, blaming the “carpetbagger” and his greed for the penitentiary’s dire conditions:

He had been placed in charge of the building during the war, at a time when it was used as an arsenal. The state got rid of its convicts by turning them over bodily to him, and paid him bonuses amounting to over \$30,000 for accepting the charge. He

---

<sup>59</sup> Article XI, “Public Institutions; Article 1, Section 19, Florida Constitution of 1868

<sup>60</sup> See also Tallahassee *Weekly Floridian*, 3 March 1874 and Carper, 40

<sup>61</sup> For more on Martin and the first state prison, see Fryman, Mildred L. "Career of a "Carpetbagger": Malachi Martin in Florida." *The Florida Historical Quarterly* 56, no. 3 (1978): 317-38. Accessed September 13, 2020. <http://www.jstor.org/stable/30147443>.

had vast vineyards and worked the convicts in them,  
manufacturing all kinds of wine at which he made a fortune.<sup>62</sup>

Powell went on to describe the punishments endured by Martin's prisoners at great length, including placing men in sweatboxes, "shutting (them) up in a close box cell without ventilation or light." or "watering," in which a prisoner would be forced to ingest water until their stomachs were "enormously distended" and they felt a sense of "impending death."<sup>63</sup> With "no restrictions placed upon him by the state," Martin enjoyed absolute control over the prison at Chattahoochee. Initially unfettered by oversight and evidently empowered by the state's apathy towards its convicts, Martin manipulated the prison's finances and the labor of its inmates, failing to pay for food or repairs while overworking the incarcerated men on his personal property for his own profit.<sup>64</sup> Meanwhile the prison at Chattahoochee continued to pose considerable costs to the state.

By December 1869, the state legislature had begun to resent the expenses incurred by Martin's operation of the prison and thus began to explore leasing some of the state's convicts as a means of reducing cost and overcrowding.<sup>65</sup> The following year, Martin was reprimanded for alcoholism and illegally personally profiting from the forced labor of convicts.<sup>66</sup> In 1875, after Martin forcibly ejected Florida's two Black state legislators from the prison grounds after they discovered inmates chained on their backs, Governor Marcellus Stearns removed half of the prisoners from Martin's oversight.<sup>67</sup> These men and women were sent to build a railroad

---

<sup>62</sup> Powell, 8

<sup>63</sup> Powell, 9

<sup>64</sup> "Carpetbagger": Malachi Martin in Florida." *The Florida Historical Quarterly* 56, no. 3 (1978): 317-38. Accessed September 13, 2020. <http://www.jstor.org/stable/30147443>.

<sup>65</sup> Minutes of the Board of Commissioners, December 4, 1869. P 35. accessed via Carper, 24.

<sup>66</sup> Fryman, Mildred L. "Career of a "Carpetbagger": Malachi Martin in Florida." *The Florida Historical Quarterly* 56, no. 3 (1978): 332

<sup>67</sup> *Ibid*; see also Powell, 12

stretching from St. John and Lake Eustis under supervision of the St. Johns, Lake Eustis and Gulf Railroad Company.

Intended to be an improvement from Martin's "horror's den," work on the railroad soon proved to be a task that sent many of the inmates to "certain death" in the swamps.<sup>68</sup> Deprived of food and shelter, "driven to live as wild beasts," the inmates who worked on the railroad suffered from malnutrition, dehydration, and disease.<sup>69</sup> With "the line of survey punctuated by graveyards," this first recorded instance of the chain gang in Florida illustrates the harrowing brutality of the practice. Like the guards in Malachi Martin's vineyard-prison at Chattahoochee, captains on the rail-line project routinely tortured and abused prisoners, sometimes to the point of death. Powell writes of one especially heinous night at the camp, in which a man was "strung up" until he died:

A negro convict was strung up for some infraction of the rules. Whip-cords were fastened around his thumbs... and made taut until his toes swung clear of the ground. The convicts... watched their comrade as he writhed and yelled, expecting every moment that the cords would be unfastened and his agony ended. But the captain had determined to make a salutatory example, and he let the negro hang.<sup>70</sup>

Powell's story, in which the captain subsequently flees the camp in horror over his actions, powerfully illustrates the barbarity of the chain gang. Unchecked by state oversight, the captain, like his predecessor Martin, had absolute power over the life and death of the people in his care. With no shortage of inmates to supply labor and not obligated to even report inmate deaths to the state, the unnamed captain's primary focus was the speed at which the railroad could be completed

---

<sup>68</sup> Powell, *The American Siberia*, 12

<sup>69</sup> *Ibid*

<sup>70</sup> *Ibid*, 13

and maintaining absolute control over his ranks. The scene witnessed by Powell demonstrates the consequence of this arrangement: the anonymous man, identified neither by his name nor an inmate number, perishes as a “salutary example,” at the whims of the captain. The alleged “infraction” that he paid for with his life is also left unmentioned in the record, and because records were not kept by the camp, it is impossible to know how many others, buried along the railroad track, suffered similarly grisly fates.

Even after Governor George Franklin Drew was elected governor in 1876 and “forced a change of some character,” among prison guards, the conditions that incarcerated people faced in Florida did not so much improve as become legitimized by law. Although the prison at Chattahoochee was converted into the Florida State Hospital for the Insane in 1876, the complete transition to convict leasing proved to be no more humane. With its emphasis on severe punishment and initially-illicit use of convicts for private profit, Martin’s tenure at the Chattahoochee penitentiary, although widely decried for its cruelty, became a model for later leasing practices in Florida, while Florida’s first informal convict camp on the Lake Eustis railroad became a model for industrialization and private profits through the work of state convicts. As the state’s leasing system solidified after 1877, convict leasing became a business of its own, and Florida developed a distinct penal economy predicated on the commodification of incarcerated men and women.

### *The Business of Convict Leasing in Florida:*

The appalling conditions and ultimate failure of the prison at Chattahoochee exemplified Florida’s dearth of resources and funds to support a correctional program through traditional means of revenue alone, prompting Florida lawmakers to frame convict leasing as the more humanitarian alternative to the penitentiary. In 1877, newly-elected Governor George Franklin

Drew officially created a penal system of convict leasing, under which private corporations leased or subleased prisoners of the state to access a large labor force. Unlike the contract systems of other states, Florida's new lease system absolved the state of any responsibility for convicts.<sup>71</sup> An 1890 report to the governor summarizes the structure of the lease system, describing a system legally and practically reminiscent of slavery:

The criminal class of Florida under sentence of hard labor, either for a term of years or for life, are under the laws of Florida, leased to private individuals, who become responsible to the state for their safe-keeping, as well as for their food, clothing, medicines and medical attendance, and who pay to the State annually a certain amount of money for the manual services of these convicts.<sup>72</sup>

Placing advertisements in newspapers throughout the South, the state announced that any individual or corporation could submit a bid to lease the state's convicts. The language of such advertisements was decidedly transactional in tone and made little mention of reforming prisoners' morals. In its 1909 *Schedule of Requirements for the Lease of State Convicts*, the state's regulations for potential lessees primarily addressed the financial aspect of leasing. The state had only three strict demands, making Florida's convict business the least regulated in the nation. Applicants had to submit a \$12,000 deposit upon submission of their bid and follow limited protocols for the subleasing of incarcerated people to other parties. Moreover, the state demanded that the work of the prisoners benefit the state itself, requiring that prisoners remain in-state, and that their labor contribute to "the development of the resources of the State of Florida."<sup>73</sup> As a

---

<sup>71</sup> Mohler, Henry Calvin. Convict Labor Policies, 15 J. Am. Inst. Crim. L. & Criminology 530 (May 1924 to February 1925)

<sup>72</sup> Daniel, RP, "Report of the State Health Officer on Convict Camps," 1890. S42, Box 6, FF 7 (2), Florida State Archives

<sup>73</sup> "Schedule of Requirements for the Lease of State Convicts," Florida Department of Agriculture. 1909, Tallahassee, Florida. S42, Box 07, File 2, The Florida State Archives



result, leased labor both bolstered the state treasury and industry in the state, with investors from across the country seeking to profit off the state's nascent lease system.

The state further sought to absolve itself of all expenses pertaining to the care of incarcerated people by declaring that the lessee must cover all costs relating to the transport, care and security of all incarcerated Floridians, allowing the state to increase its profits further.<sup>74</sup> However, the lack of oversight and scarce regulation of the prison business meant that lessees and sublessees could still gross exorbitant profits, largely by cutting costs pertaining to the care and keeping of prisoners. As a result, the "rate of exploitation," which Mancini defined as "the difference between the value of the convict's marginal product and the lessee's contract, monitoring and maintenance costs" was extremely high in Florida, thanks largely to the lessee's ability to legally keep maintenance costs extraordinarily low.<sup>75</sup>

Within a decade, leasing the state's convicts had become a major business for the Florida Department of Agriculture. By the 1890s, the state legislature was advertising the opportunity to bid on convict labor across the South. Advertisements appeared in newspapers from South Carolina to Alabama. In 1909, more than 30 parties submitted bids for the lease of state convicts for a four-year period.<sup>76</sup> Bidders from across the country submitted letters to the governor and agricultural commissioner with checks for \$12,000 and an offering per capita per annum for each convict, ranging from about \$170 per capita per annum to nearly \$300 per capita per annum.<sup>77</sup> The increased competition for the state lease meant Florida's profits from leasing only grew. In

---

<sup>74</sup> Ibid

<sup>75</sup> Mancini, 32

<sup>76</sup> S42, Box 07, File 2, The Florida State Archives

<sup>77</sup> "*Schedule of Requirements for the Lease of State Convicts*," Florida Department of Agriculture. 1909, Tallahassee, Florida. S42, Box 07, File 2, The Florida State Archives

1910, Florida “\$346,000 net profits” from convict leasing, equivalent to more than nine million dollars today.<sup>78</sup>

To protect the profits of lessees, the state made scant provisions to protect the rights of prisoners. As criticism of convict leasing mounted during the early twentieth century, Florida made some small concessions to prisoners’ rights. According to the 1909 schedule, prisoners were prohibited from working more than ten hours a day, unless they volunteered to do so, and the lessee fairly paid the convicts for extra hours.<sup>79</sup> Additionally, the state provided that “contractors are required to have ... modern substantial prison or prisons with comfortable housing,” and provided specifications describing acceptable facilities.<sup>80</sup> Despite these new regulations, contemporary accounts and prison inspection reports demonstrate that these regulations were largely pro forma and were rarely enforced by the state.

By the turn of the twentieth century, Florida had commodified crime and convicts in its laws and leasing practices. In 1906, for example, the Georgia-Florida Sawmill Association passed a resolution demanding that (Florida’s) legislature make the state’s vagrancy laws more “effective” as a means of procuring convict labor, a staggering request given that Florida’s vagrancy statutes were known to be the most “pervasive” in the South.<sup>81</sup> Despite its already-strict vagrancy statutes, the legislature quickly acquiesced to the demands of the sawmill association, expanding the state statute to include “all but the state’s most staid bourgeois inhabitants.”<sup>82</sup> Pressure from the private sector resulted in the criminalization of “rogues and vagabonds...common pipers and fiddlers, drunkards, persons who neglect their calling or

---

<sup>78</sup> Mohler, Henry Calvin. Convict Labor Policies, 15 J. Am. Inst. Crim. L. & Criminology 530 (May 1924 to February 1925) p. 582

<sup>79</sup> *Ibid*

<sup>80</sup> *Ibid*

<sup>81</sup> Mancini, 183-184

<sup>82</sup> *Ibid*.

employment and mispend what they earn.. idle persons...and all able bodied male persons over eighteen years of age who are without means of support,” among others.<sup>83</sup> The state’s willingness to allow private interests to shape the laws of criminality illustrates the profit-focused nature of Florida’s penal system, and the ways in which lawmakers expanded legal definitions of criminality in response to the supply and demand for convict labor.

The language of the 1909 *Schedule* exemplifies ways in which both the state and Florida corporations commodified crime as a means of accumulating capital and bolstering their profit. The state’s provisions for the protection of incarcerated people aim not so much to preserve their unalienable rights as to protect the property of the state, as evidenced by the *Schedule*’s considerable focus on the security of the convict camp and the “price per capita annum” of each incarcerated person. The contract provides no recourse for convicts who may suffer harm under the supervision of the lessee. However, in its annual reports to the Florida House of Representatives, the Department of Agriculture does focus extensively on evaluating the financial value of each incarcerated person’s labor to the lessee, providing a detailed framework for how the lessee might be reimbursed by the state in the event that a convict fall ill or become otherwise incapacitated, writing that “the state will undertake to relieve the contractor [sic.] of the per capita charge on prisoners while confined in the central hospital... but not for any unearned time of escaped prisoners.”<sup>84</sup> Moreover, the state’s attention to mandating guard towers, the offering of a reward for escaped prisoners, and its requirement that each prison have “at least two well-trained bloodhounds for... trailing escaping prisoners” illustrates the state’s vested interest in retaining their human investments.

---

<sup>83</sup> Laws of Florida, 1906, 1315; Mancini, 183

<sup>84</sup> *Schedule of Requirements for the Lease of State Convicts*, 1909

In 1882, for example, Charles K. Dutton, a merchant from New York who later worked with Major Wyse and Powell, lamented the difficulty of finding laborers and praised the convict leasing system as a solution, according to Powell, “Turpentine culture was exhausting work, it was difficult to obtain enough (free) labor for the proper cultivation of any great number of trees. Natives of Florida’s piney woods would quickly abandon the work.”<sup>85</sup> Notably, in addition to benefiting from the labor of the unfree, Dutton and his contemporaries were also able to exert a degree of control over Florida’s nascent labor movement, as the practice of convict leasing proved to be a useful tool in keeping wages low, breaking strikes and weakening the power of unions.<sup>86</sup> Convict leasing thus allowed industrialists unparalleled power over the state economy, as lessees were able to ensure that wages remained low by heavily utilizing convict leasing.

### *Conclusion*

By 1880, Florida had successfully established a distinct practice of convict leasing, catalyzed by increased corporate interest in the Florida penal industry. That year, Major H.A. Wyse, a Confederate veteran, won Florida’s first official bid for the state convicts, intending to bolster his lumber business in Live Oak, Florida through unfree convict labor.<sup>87</sup> With the attainment of the state’s lease, Wyse’s contract was the first time a state had leased its population of convicts to an individual and ceded all oversight to the lessee. The 1880 agreement thus represented a new era of Southern penal policy, predicated on the economic development of the state through private investment and control of the state’s Black labor force.

---

<sup>85</sup> Powell, *The American Siberia*, 275

<sup>86</sup> Holt, 17

<sup>87</sup> Also spelled “Wise” in some records. See “Wyse, Henry A.” Suwannee County (Fla.) Voter Registration Rolls, Precinct 3.1868; Florida State Archives, <https://www.floridamemory.com/items/show/291001>

Soon after acquiring the state lease, Wyse hired JC Powell, the future author of *American Siberia*, and his brother, W.F Powell, to serve as overseers of the newfound convict camp. Eager to further his profits, Wyse subleased all the convicts who did not fill his own operation to G.A Chairs, a farmer in Leon County.<sup>88</sup> Chairs “completely betrayed his responsibility for the custody of the men and women entrusted to him,” and his small camp soon became infamous for its squalid conditions and abuse of inmates. From the outset, the economics of convict leasing outweighed any of the state’s moral reservations about the system’s inherent violence.

Powell called Wyse’s camp “Padlock,” and prided himself on the camp’s tight security and difficulty to escape. Constructed quickly without the use of nails, Padlock, like most convict camps, comprised a few primitive buildings built by the men who would be enslaved there as prisoners.<sup>89</sup> With the completion of its construction later that year, the convict leasing system in Florida officially commenced. During the camp’s first year of operation alone, Powell recalled that the “mortality was terrible,” though he did not keep records of prisoners’ deaths. As Powell settled into his new post and the first graves filled at Padlock, Florida’s prison system entered a new and irrevocable era of carceral capitalism, predicated on the maintenance of white supremacy and the disposability of incarcerated people.

---

<sup>88</sup> Powell, *The American Siberia*, 14-15

<sup>89</sup> Powell, *The American Siberia*, 40

## Chapter 2

### **“This Giant School of Vice and Crime:” Capitalism and Conditions Inside Florida’s Convict Camps**

By the late nineteenth century, convict leasing was a booming industry in Florida with a burgeoning reputation for particularly unusual cruelty and an ever-growing prison population. As Florida grew richer and its captive population swelled, Northern critics sharply deplored convict leasing and linked the wretched conditions of the convict camps to white supremacy and capitalism. “Day and night my feelings are harrowed by reports which come to me from eyewitnesses of the cruel treatment of convicts in the mines, railroads... and the pineries of Florida,” wrote the author of an 1884 article in *The Chicago Inter Ocean*, decrying the callous nature of a penal system “whose sole object is to make money out of flesh and blood.”<sup>90</sup> Lamenting that the vast “majority of prisoners are colored and illiterate...many of them young,” the reporter declared convict leasing “servitude worse than slavery.” By 1910, Florida had the highest incarceration rate in the Deep South and was becoming a thriving prison industrial complex notorious for its violence.<sup>91</sup>

This chapter focuses on the built and social environments of the Florida convict camp and analyzes the ways in which the conditions of prison camps enabled the penal system to function as both state-sanctioned neoslavery predicated on the exploitation of Black Floridians and as a driving force in the industrial capitalist development of Florida. I begin by examining the carceral practices and business of E.B Bailey, a “prominent Florida capitalist” who pioneered the use of the lease system as a private enterprise, before turning my focus to the conditions of Florida’s convict camps. Throughout, I argue that the chief goals of Florida’s convict lease system were twofold. Like other states in the South, Florida sought to reimpose the antebellum white supremacist social order and reinvigorate the state’s suffering economy, a motivation that surely accounts for the brutal conditions

---

<sup>90</sup> “Southern Prison Horrors,” 15 February 1890. *The Chicago Inter Ocean*, Chicago Illinois, 12

<sup>91</sup> *Prisoners and Juvenile Delinquents in the United States*: 1910, 27

of the private convict camps in Florida and elsewhere in the South. However, unlike other states, whose primary economic motivation for the convict-leasing system was to sustain the agricultural economy of the slavery era, Florida also employed convict-leasing as a means of economically developing the state through the private construction of infrastructure and the rise of the new industries, a function that further exacerbated the cruelties of the practice in order to maximize profits. Thus, a thorough analysis of the conditions of Florida's private prison camps provides a valuable framework for understanding both the white supremacist and industrialist underpinnings of the state's early prison system.

*E.B Bailey and his Convict Business: A Case Study*

In 1890, Dr. R.P. Daniel of Jacksonville sent a report on "the convict camps at Welona and Scuffle" to Governor Francis P. Fleming, entreating "his excellency" to bring the findings before the state's Board of Commissioners of Public Institutions. A Southern Democrat serving as the State Health Officer, Daniel had conducted a thorough inspection of two convict camps near Monticello, Florida, and concluded that immediate action was necessary to ameliorate deplorable conditions at both camps. Daniel's report provides a firsthand account of the Florida convict camp. The 1890 report focuses on two camps, known as Welona and Scuffle, operated by E.B Bailey of Monticello, a Florida native whose rise in the state prison industry provides an interesting case study in the business and practice of convict leasing. Bailey's trajectory as a purveyor of convicts, a cotton merchant and a phosphate mine operator exemplifies the development of the lease system in Florida and its duality as both a reinstatement of slavery and a novel mechanism for statewide urbanization made possible by the abuse of leased convicts.

Born in 1855, Edward Bradford (EB) Bailey was the son of William Bailey, a Civil War general and wealthy plantation holder who operated “the only cotton mill throughout the period of the Civil War.”<sup>92</sup> A Georgian who settled permanently in Florida after colonizing Florida during the Seminole Wars, the elder Bailey soon established thriving plantations throughout Leon County. By 1840, he was involved in Florida’s slave domestic trade, owning 103 people and advising other Floridians on the practice of leasing enslaved people and using slave labor to leverage debts.<sup>93</sup> The elder Bailey enslaved 188 people in 1850, and as many as 185 people on the eve of the Civil War.<sup>94</sup> While it is not clear if these people were freed prior to the Confederate surrender, or if they were forced to assist William Bailey in operating his plantation during the conflict, it is certain that young E.B. Bailey was well-steeped in the white supremacist practice of plantation management as a child, a skill set that would no doubt aid him in his subsequent role as the lessee of Florida’s prison population.

E.B. Bailey’s trajectory mirrored that of many prominent Southern Redeemers. Following in the footsteps of infamous confederates like Alexander Stephens and John B. Gordon, Bailey attended the University of Georgia, returning to Leon County as Reconstruction ended. Upon his return to northern Florida, Bailey settled into a comfortable career as a merchant and aspiring politician, winning his first election to the Florida Legislature in 1889.<sup>95</sup> By the time Bailey ascended to the

---

<sup>92</sup> Cutler, H. G. (Harry Gardner). (1923). *History of Florida: past and present, historical and biographical*. Chicago: The Lewis publishing company. Vol III. 156

<sup>93</sup> Letter from John Edwards to Mr. Taylor of Tallahassee, Florida; Nov. 27, 1840; Addressed to Mr. Taylor of Tallahassee, Florida, regarding a levy against his slaves. <http://files.usgwarchives.net/fl/leon/history/taylorlt.txt>; see also “William Bailey,” Sixth Census of the United States, 1840. (NARA microfilm publication M704, 580 rolls). Records of the Bureau of the Census, Record Group 29. National Archives, Washington, D.C.

<sup>94</sup> The National Archives in Washington DC; Washington DC, USA; Eighth Census of the United States 1860; Series Number: M653; Record Group: Records of the Bureau of the Census; [Record Group Number: 29](#)

<sup>95</sup> “The People of Lawmaking in Florida, 1822-2019,” 8  
<https://www.myfloridahouse.gov/FileStores/Web/HouseContent/Approved/ClerksOffice/ThePeopleOfLawmakingInFlorida.pdf>



legislature, he was among the wealthiest cotton merchants in north Florida, although he sold much of his “mercantile interests” shortly before he took office.<sup>96</sup>

Bailey’s foray into the prison business coincides exactly with the onset of his political career, and the records of the state legislature suggest that Bailey’s political position may have influenced the outcome of the auction for the state’s convicts.<sup>97</sup> Bailey won the lease for all of the state’s prisoners, effectively gaining control of Florida’s penal system and a large source of unfree labor for his agricultural and industrial enterprises. In 1890, he became the contractor of all state convicts, having won his bid for “a period of two years.”<sup>98</sup> Through this agreement, Bailey controlled “about 400” convicted people.

From the outset, exploiting Florida’s Black population for free labor appears to be a key goal in Bailey’s pursuit of the lease; his bid to the state exemplifies the extent to which white Floridians viewed convict leasing as an opportunity to recreate the pre-slavery economy. At the time of his bid, Bailey presented the state with the vision of a large cotton plantation, worked exclusively by captives. The new state senator’s goal in doing so was twofold: first, Bailey was certain that he had “the finest land in the state,” and that “with convict labor,” he could return the value of his land to that of its antebellum heyday. Secondly, Bailey noted matter-of-factly that “free labor (is) required for farmers to live an in any comfort,” a sentiment that reveals that, for Bailey, white supremacist control of a Black labor force was inextricably linked to success as a capitalist. Moreover, Bailey’s bid explicitly indicates his desire to control a Black labor force; notably, throughout his application to lease the state’s convicts, Bailey refers to the people he hopes to rent exclusively as “negroes,”

---

<sup>96</sup> Cutler, 156

<sup>97</sup> Bailey, EB, Bid for State Convicts, 16 September, 1889. S42, Box 7, FF01; Florida State Archives

<sup>98</sup> Daniel, RP, “Report of the State Health Officer on Convict Camps,” 1890. Page 1; S42, Box 6, FF 7 (2), Florida State Archives

despite the fact that the state held both white and Black prisoners at the time of Bailey's bid.<sup>99</sup> Bailey's stated goal of using "negro" labor as a path to post-Reconstruction prosperity reveals the underlying philosophy of Floridian convict leasing: for the aspiring white Florida capitalist, as historian Paul Ortiz notes, "racial oppression and economic progress-- as it was defined by Florida's elite-- were two sides of the same coin."<sup>100</sup>

Bailey publicly embraced this vision of second slavery publicly after winning his bid, marketing himself as not only an industrialist, but also as a prosperous planter and purveyor of captive Floridians. Bailey evidently took great pride in his new source of income, even purchasing custom letterhead proclaiming him the "sole lessee of state convicts" and his land the "Florida State Penitentiary Headquarters."<sup>101</sup> The stationary also prominently featured a cartoon of Black laborers working in his fields and phosphate mines, an image identical to antebellum plantation sketches, save for the conspicuous presence of prison stripes on every laborer.<sup>102</sup> In his 1928 volume, *A History of Florida Past and Present*, H.G. Cutler corroborates this the persistent dehumanization of convicts that underscored the lease system:

"At that time, Florida leased her prisoners to one individual, firm or corporation, which, in turn, subleased. Consequently, the party who finally worked the prisoner was so far removed from the State Government that he looked upon the prisoner more as a chattel than a human being, and treated him accordingly."<sup>103</sup>

---

<sup>99</sup> Bailey, EB, Bid for State Convicts, 16 September, 1889. S42, Box 7, FF01; Florida State Archives

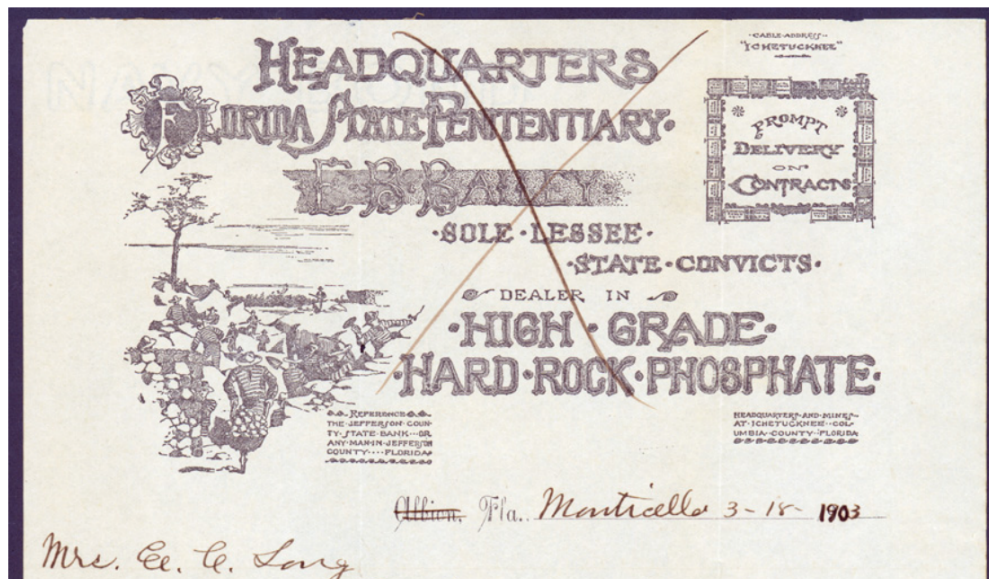
<sup>100</sup> Ortiz, 53

<sup>101</sup> Letter, March 18, 1903, E. B. Bailey, Monticello, to Ellen Call Long, Tallahassee. Call Family Papers, Box 1, Folder 15. <https://www.floridamemory.com/items/show/181030>

<sup>102</sup> Letter, March 18, 1903, E. B. Bailey, Monticello, to Ellen Call Long, Tallahassee. Call Family Papers, Box 1, Folder 15. <https://www.floridamemory.com/items/show/181030>

<sup>103</sup> Cutler, 251

Bailey himself held only about half of the state convicts he leased captive in his camps. He scored additional profits off the remainder by subleasing them to other prominent Floridian men of industry. Through the subletting process, the penal system became an industry of its own. This practice allowed the state to bolster its revenue by rendering the auction for the totality of convicted people more competitive among the Florida elite while enabling the winner of the state contract to garner additional profits through subleasing the imprisoned men and women to other planters and industrialists. In 1891, Bailey subleased approximately 180 convicted Floridians to other capitalists, earning \$12,000, which was “more than the entire cost of the convicts to Bailey.”<sup>104</sup>



*E.B Bailey's Stationary Depicting Incarcerated Black Floridians. Note that Bailey describes himself as the "sole lessee" of state convicts.*

*Letter, March 18, 1903, E. B. Bailey, Monticello, to Ellen Call Long, Tallahassee,*

The process of subletting convicts closely resembled the sale of enslaved people. The emphasis on the bodies and fitness of convicted people and the persistent rhetoric of contract law rendered the process of subletting convicts strikingly similar to that of a slave auction, complete with

<sup>104</sup> Jacksonville Florida-Times Union, May 26 1893; Carper, 101

sales in which all the convicts were “strung out in a long line against the stockade.”<sup>105</sup> After submitting bids to the new lessee of state convicts, potential subletters engaged in a tense process of negotiation, examining the captive population and selecting unfree laborers for their enterprises. JC Powell, the captain of the Welona camp, writes of Bailey’s subletting protocol:

The process of selection was curious. It was agreed that Mr. Crawford’s and Major Dutton’s captains should pick seventy-five apiece choosing alternately. Major Dutton’s seventy-five were then to be returned to the balance, and his captain and I to alternate until the Dutton squad was again complete... the object of all this circumlocution was to prevent any one squad from obtaining the bulk of the able-bodied men.<sup>106</sup>

Subletters and contractors haggled over their selection of imprisoned people, negotiating contracts and bartering over human merchandise. Crawford and Dutton’s respective contracts likewise indicate that Black unfree labor was prioritized by lessees; Powell notes that “Crawford’s lease called for negroes only, as did that of Major Dutton, originally, but the latter eventually agreed to take some whites....his squad measured seventy-six instead of seventy-five as specified.”<sup>107</sup> Dutton’s apparent compromise illustrates the transactional foundation of the lease system and its white supremacist underpinnings.

### *A New Plantation: The Layout of the Convict Camp*

The leasing process complete, incarcerated Floridians endured brutal journeys to the homes of the men who had secured their lease. Often confined in a coffle, “chain-gangs” were marched to new camps in long lines, “patrolled by guards at each side” and on “squad chains,” in an arrangement

---

<sup>105</sup> Powell, 342. See also Johnson, Walter. *Soul by Soul: Life Inside the Antebellum Slave Market*. Cambridge: Harvard University Press, 1999.

<sup>106</sup> Powell, 342

<sup>107</sup> Ibid

that mimicked mass transport of slaves to market.<sup>108</sup> Intent on maximizing their profit, lessees and sublessees housed their unfree labor forces at primitive labor camps, where foul living conditions revealed an emphasis on cutting operational costs and stark similarities between the environments of convict leasing and chattel slavery.

At Bailey's Welona camp, the camp's physical design further reinforced the notion that the lease system was effectively a return to plantation slavery. While the guards occupied the lavish "Edward Gamble manor-house," which was the former plantation home of a Virginian "planter prince" who enslaved "a small army" during the antebellum period, convicts suffered in squalor, forced into small, dark pens and chained together through the night.<sup>109</sup>

The physical conditions of the convict camp demonstrate the staunch refusal of Bailey and his contemporaries to prioritize the basic care of inmates. In his report to the governor, Daniel describes the sleeping quarters of Bailey's camps with disgust:

Covering a space 125 feet in length by 60 feet in width is the Stockade, prison pen, or "cell," as it is improperly styled... it has no floor other than the ground... and emitted a disagreeable odor.. The space that each man can occupy on this platform depends entirely upon the number of prisoners confined, there being no definite allotment of sleeping space.<sup>110</sup>

In *American Siberia*, J.C. Powell echoes Daniel's depiction of Bailey's barracks, which housed as many as two hundred leased men. He depicts them as dismal and inhumane, describing dark, cramped quarters where prisoners are chained to the structure each night. "Building chains are used in the cell-house," he notes, "and the routine of searching and securing the convicts at night has not

---

<sup>108</sup> Powell, 346

<sup>109</sup> Powell, 347-348

<sup>110</sup> Daniel, RP, "Report of the State Health Officer on Convict Camps," page 3

been changed,” indicating that conditions had not been improved since previous complaints had been made about conditions at Bailey’s camps.<sup>111</sup>

Moreover, although Daniel describes the sleeping area as “sufficiently spacious,” his description of the pen’s racial organization indicates that this was far from the case; Daniel notes, with some disdain, that Black and white men share sleeping quarters. However, he asserts that “one half of the enclosure” was “apportioned to the white male,” despite that the Black men comprised the vast majority of the prison population at Bailey’s camp, thereby indicating that Black prisoners were afforded far less space in the overcrowded cell than their white counterparts.<sup>112</sup> An 1884 article in *The Chicago Tribune* describes Southern prison pens as “cages....usually 30x60 feet in size” and housing between 75-100 convicts.<sup>113</sup>

In his report’s conclusion, Daniel further decries the condition of the camps’ sleeping quarters, invoking racist rhetoric to describe the shoddy construction of the shelter, and reporting that “the present establishment would do credit possibly to the savages of Africa, but not to civilized America, and is a structure that no owner of blooded stock would domicile his animals in.”<sup>114</sup> The construction of the prison pen, and Daniel’s racist depiction of it, thus exemplifies the philosophy of “white business supremacy” that underscored the convict lease system: cutting costs both maximized profit and reinforced white supremacy.<sup>115</sup>

---

<sup>111</sup> Powell, 348

<sup>112</sup> Daniel, RP, “Report of the State Health Officer on Convict Camps,” page 3

<sup>113</sup> “A Barbarous System: The Southern Plan of Leasing Convicts,” 3 March 1884. *The Chicago Tribune*, 5

<sup>114</sup> Daniel, RP, “Report,” p. 8

<sup>115</sup> Ortiz, 53



*The stockade of a convict camp operated Florida Pine Company, c. 1914. Marc N. Goodnow.*

By 1880, the Florida legislature shifted the terms of the leasing contract to specify that the lessee was financially responsible for “transportation from the county jails to the camp, food, clothing and medical care,” in addition to a per annum fee.<sup>116</sup> This shift in the state contract sought to further reduce the burden of Florida’s penal system on taxpayers while bolstering the state treasury. Not surprisingly, it had the added consequence of further de-incentivizing lessees to provide incarcerated people with access to necessities for survival. Under the revised contract provisions, the state successfully gained revenue through convict leasing, while contractors increased their abuses to maintain their own profits, often violating the terms of the state contract to do so<sup>117</sup>. A report in the *Weekly Floridian* succinctly explained the connection between capital and the persistent abuse of prisoners: “The interest of the contractor is to get the largest possible amount of work out of the convicts at the least possible expenditure of money.”<sup>118</sup>

<sup>116</sup> Minutes of Board of Commissioners, March 1, 1879 page 206-210 and Carper, page 65

<sup>117</sup> Florida House Journal, January 1885, page 419 <https://ufdc.ufl.edu/UF00027833/00017/419j?search=1885>

<sup>118</sup> Jacksonville Florida Times Union, 1883

In addition to resulting in sordid living conditions, this apathy towards the welfare of leased men and women led to the starvation and medical maltreatment of convicts. On C.K. Dutton's turpentine farm in Suwannee County, for example, it was "common knowledge" that "sweet potatoes were sometimes the only food of the prisoners, and that even they could not always be obtained."<sup>119</sup> A prisoner held at Bailey's camp was so angered at the treatment of convicts that, upon receiving his freedom he wrote a letter to the governor detailing his maltreatment:

Raw meal is served to the men for a whole week at a time, the ration of meat if the small pieces issued is worthy of that dignity, ten equalled one pound, stinking and so badly decayed that nothing but vulture buzzards and barrion brows could relish it; this not just occasionally, but for weeks at a time, averaging nearly if not quite one half the time I was there. Vegetables were very rarely given and done only in small quantities.<sup>120</sup>

At camps across the state, it was reported to the state legislature that the food was "sour, musty and not well cooked," apparently in direct violation of the contract. Members of the inspection committee noted that, "We do not believe that they have been supplied with the quantity of food required in the contract made with the Board of Commissioners of State Institutions, nor have they been furnished with the amount of clothing required."<sup>121</sup> Despite such flagrant violations of the contract, the next morning state legislators voted against increasing oversight and reforms of the lease system, and the abuses continued.

---

<sup>119</sup> Powell, 258. See also Carper dissertation, 74

<sup>120</sup> Letter from JA Hathaway to Governor Mitchell, 18 May 1894, On the Conditions of Bailey's camps, S42 Box 6, FF 7. Florida State Archives

<sup>121</sup> Florida House Journal, January 1885, page 419 <https://ufdc.ufl.edu/UF00027833/00017/419j?search=1885>



### *The Trusty System*

In addition to the space and conditions of the convict camp, the rigid social hierarchy of the controversial so-called “trusty system” closely mirrored the driver system established on antebellum plantations. Derived from the brutal systems of plantation management employed by enslavers only a few decades prior, the management of convicts relied heavily on a model that afforded some incarcerated people privilege at the expense of the majority. Daniel describes the system in detail:

The convicts are divided into two classes, the “Chain-men” and the “Trustys,” the former are continually under guard, kept at hard labor, and are never without chains, while the latter, as the name implies, are given some liberty and are employed in light work about the kitchen, the Overseer’s premises, or the stables; they earn this privilege by good conduct<sup>122</sup>

Known as the “trusty system,” the creation of such a hierarchy allowed lessees to further reduce costs by using some convicts in place of guards. Its practice quickly became hotly contested among Florida residents who felt that the trusty system prioritized profit at the expense of the safety of civilians living in the nearby area. This fear apparently stemmed less from the fear of increased crime perpetrated by armed trustys, but rather from alarm at the prospect of Black convicts with power and privileges. Bailey’s use of the trusty system soon came under fire from those living near Bailey’s convict camps. An 1893 petition to the governor, signed by 112 residents encourages the state to limit the trusty system and keep “all convicts known as Trustys within the prison guard-line unless accompanied by a sufficient guard.”<sup>123</sup>

The camp in question was managed by J.C Powell, who published *American Siberia* the year after Daniel’s report, and, while Powell’s autobiographical work often depicts convict leasing as far

---

<sup>122</sup> Daniel, RP, “Report of the State Health Officer on Convict Camps,” page 2

<sup>123</sup> Petition to Governor Mitchell concerning the Trusty System,” 12 August 1893, S42 Box 06 FF 2, Florida State Archives

more benign than official reports do, his description of the “trusty system” clearly establishes the similarities between prison and plantation management, and the ways in which Black convicts occasionally benefited from it. Powell describes the trusty system with direct reference to slavery, writing that “the guards were often negro convicts, and the old maxim of slavery days, that a black overseer was the cruelest to his race, was proven time and again.”<sup>124</sup> The practice of the trusty system at Bailey’s camp and others in the state closely mirrors the practice of positioning enslaved people as drivers on the plantation; Randall Miller’s description of the enslaved overseer and his privileges summarizes the advantages available to trustees decades later in convict camps:

In exchange for the driver’s services, the planter compensated him with privileges, even offers of freedom. More immediately, planters tried to encourage the driver in a variety of small ways—with bits of praise, pats on the back, presents. They gave material rewards such as double rations, superior housing...<sup>125</sup>

Like enslaved overseers, trustees often had access to weapons as a means of maintaining order among the ranks of convicts.<sup>126</sup> The system’s purpose was twofold: to save the operator of the camp money by decreasing the number of hired armed guards required to maintain control over the convicts, and to create a social hierarchy that could stop mass insurrections at the camp. By the time of Daniel’s report, the creation of an institutionally-enforced intra-prison social hierarchy was common practice in Southern corrections.<sup>127</sup> Despite the practice’s relative ubiquity during slavery and in prison

---

<sup>124</sup> Powell, *The American Siberia* page 9

<sup>125</sup> Miller, Randall M. 1979. "THE MAN IN THE MIDDLE: THE BLACK SLAVE DRIVER" *American Heritage*, Oct 01, 40. <https://proxy.library.upenn.edu/login?url=https://www-proquest-com.proxy.library.upenn.edu/docview/1297229860?accountid=14707>.

<sup>126</sup> See Powell, page 47

<sup>127</sup> The “trusty system” became ingrained in the culture of Southern prisons, and remained a crucial part of the carceral social hierarchy until the early 1970s, when the *Gates v. Collier* decision upheld prisoner rights and dismantled the trusty system at Parchman in Mississippi. *Gates v. Collier*, 501 F.2d 1291 (5th Cir. 1974).

camps, white citizens continued to criticize the trusty system as a cost-cutting measure that supposedly undermined the purpose of the prison camp as a locus of white supremacist control.

In response to ongoing complaints, the Board of Commissioners of State Institutions ordered an investigation that comprised of camp inspections and interviews with local residents concerning the trusty system. Upon their arrival to the convict camps and surrounding areas, the state inspectors were met with a surprise: support for the continuation of leasing in the area. The compiled report provides insight into the source of this stance: citizens “expressed themselves as preferring to have convicts near them and their families than the same number of hired negroes.”<sup>128</sup>

That white citizens “preferred” the presence of convicts is of importance for several reasons. In addition to revealing the persistent fear of Black freedom that underscored white attitudes and policies, the fact that those living near camps preferred a captive population of alleged criminals to free employed Black people both illustrates a widespread white commitment to a second slavery in the state and suggests that Florida residents did not perceive subjugated Black people as a threat, even if they had been convicted of crimes. This suggests that white Floridians were well aware of the arbitrary nature of the state’s penal system, and supported convict leasing in their county as a means of enshrining white supremacy, which was even more important to them than ensuring “community safety.”

Citizen reports of the trusty system offer further evidence that white people did not perceive Black convicts as dangerous criminals, but rather as a captive labor force whose exploitation allowed for white capitalist prosperity and whose prospects for social and economic advancement could be easily and effectively limited through mass incarceration. Notably, Wombwell and Lang received

---

<sup>128</sup> Report of LB Wombwell and David Lang, Special Com. appointed to visit Convict Camps and report on the “Trusty” system in use. Board of Commissioners of State Institutions, 17 October 1893, S42 Box 06 FF 2, Florida State Archives

not a single complaint of misconduct by Black incarcerated people during their investigation. In their report to the Board, Lang and Wombwell found only one instance of convict violence outside the camp, and it was perpetrated by two white trustys, Green W. Hodge and John B. Riley. According to Mr. Charles Jolly, Hodge, Riley and several other trusties attended a “frolic” in town, where the two men “assaulted and beat a white citizen” before bragging about their freedoms and privileges as favored inmates.<sup>129</sup> Despite this report, citizens around Bailey’s camp favored the continuation of the trusty and leasing systems in their area, proposing only minor regulations that ultimately controlled Black convicts more than white ones.

In defense of the trusty system, both Bailey and the wardens he employed cited the trusty system as a benevolent means of managing the prison and allowing prisoners to earn some degree of freedom while still incarcerated. However, the continuation of the trusty system despite community criticism likely had more to do with profit than with prioritizing prisoners’ access to “privileges.” For example, J.K. Young, who subleased convicts from Bailey, was caught lying to state inspectors about his discontinuation of the trusty system. In an apparent attempt to avoid hiring more guards and preserve his fortune, Young informed Wombwell amid complaints about the trusty system that he had “done away with the use of trustys... since the trouble.”<sup>130</sup> However, just a few months later in October 1893, David Lang received a letter emphatically stating that “J.K Young is not regarding but disobeying the notice and orders received from you as per resolution of the board.”<sup>131</sup>

---

<sup>129</sup> Report of LB Wombwell and David Lang, Special Com. appointed to visit Convict Camps and report on the “Trusty” system in use. Board of Commissioners of State Institutions, 17 October 1893, S42 Box 06 FF 2, Florida State Archives

<sup>130</sup> JK Young to Mr. Wombwell, 30 August 1893, S42 Box 6 FF 7, FSA

<sup>131</sup> To David Lang, 17 Oct 1893, S42 Box 6 FF 7, FSA

*Contractors and Capital: Disease, Death and Deceit*

To state officials, activists and religious reformers, contractors often painted a rosy picture of their operations. Writing to the State of Florida Executive department in response to a request from the American Bible Society to furnish convicts with Bibles, Bailey portrayed himself as exceedingly generous towards the captive men:

I desire to state that it was with great difficulty that I secured appropriation to aid convicts to secure necessities of life until they have reasonable time to find work after discharge, also to have petitions of pardon of convicts who have served a long period with good behavior, properly presented, (though) I do not believe that I could secure an appropriation, there are many Bibles among the convicts now.<sup>132</sup>

However, both reports of Bailey's camp and surviving records from the people held captive there generally indicate that Bailey's benevolent paternalism was little more than a facade. There is no record of the "appropriation" of which Bailey writes; in fact, an 1894 letter written to the state legislature by former convicts Moses Harris and Sim Tanner indicates the exact opposite, complaining that Bailey failed to provide them with the "money provided by law" upon their release.<sup>133</sup> Another former prisoner complained that he and other newly-freed convicts were "turned out without a dollar and often very poor clothes," an abuse that he cited as means of ensuring crime in the state remained cyclical by ensuring that the newly-freed had no prospects except "to beg or steal."<sup>134</sup>

On May 18, 1894, a former convict named J.A. Hathaway sent a letter to Tallahassee detailing the abuses he suffered while at Bailey's camp. Addressing Governor Mitchell, Hathaway

---

<sup>132</sup> "EB Bailey to General D Lang, May 30, 1895." S42 Box 07 FF 1, item 32. Florida State Archives

<sup>133</sup> Moses Harris and Sim Tanner, Letter to the Governor, 17 September 1895. S 42 Box 7 FF 2 Florida State Archives

<sup>134</sup> JA Hathaway to Governor Mitchell, 18 May 1894, On the Conditions of Bailey's camps, S42 Box 6, FF 7. Florida State Archives

explained his intentions, writing that, “having had the misfortune of being detained at the convict camp of EB Bailey for the greater part of the year ‘93, I wish to call your attention to some few very grievous complaints of convicts.”<sup>135</sup> In his four-page missive, Hathaway details Bailey’s abuse of convicts and flouting of the scant laws that protected them, complaining of insufficient clothing, a lack of hygienic supplies, and brutally long workdays lasting from dawn to dusk.

In the records of Bailey’s camp, however, there is one account that corroborates Bailey’s self-proclaimed benevolence and bears mentioning: In an April 1893 letter to Governor Mitchell, the prisoners of Bailey’s camps appealed to the Board to re-lease all state convicts to Bailey, writing in a petition apparently signed by hundreds of convicts and citing his kindness.<sup>136</sup> Notably, the effort was led by Green Hodge and John Riley, the two white trustees indicted in the state’s 1893 report on the trusty system. While a convict-led petition would likely be viewed with skepticism by the state legislature under any circumstances, that this effort was led by two men known to be violent casts doubt that the petition accurately reflects the wishes of the convicts. It is certainly possible that Bailey forced Hodge, a convicted murderer, and his comrade to lead this effort under threat of punishment for their misdeeds. Alternatively, it is possible that Hodge and Riley wrote the petition of their own volition, perhaps favoring Bailey for his tolerance of their misdeeds and well-documented commitment to white supremacy.

Hathaway’s letter and Daniel’s report certainly refute Hodge and Riley’s account of Bailey’s camp. While Hodge and Riley depict Welona and Scuffle as tame and generally humane, Hathaway writes of overworking, torture and death at the camps in great detail, and describes Bailey’s phosphate mine as a locus of intense suffering:

---

<sup>135</sup> JA Hathaway to Governor Mitchell, 18 May 1894, On the Conditions of Bailey’s camps, S42 Box 6, FF 7. Florida State Archives

<sup>136</sup> Petition from the Convicts of EB Bailey’s Camps, 15 April, 1893. S42 Box 6, FF 7. Florida State Archives

They loaded rock so hot that some cons were burned by them, men were driven out on the works and compelled to labor until noon, and even until night, who before bedtime were dead... I have stood beside the machinery when it was in slow motion, and distinctly heard the strokes of the strap being administered 75 or 80 years distant, the number of strokes ranging from 25 to 100.<sup>137</sup>

Hathaway's complaints illustrate the degree to which Bailey and his fellow contractors prioritized labor over life. Indeed, "white business supremacy" is perhaps best characterized by the disposability of convict laborers in the eyes of their de facto enslavers, as illustrated by the prevalence of inhumane punishments and labor, utter lack of medical care, and regular killing of leased men and women.

As industrialists sought to maximize their yields and competed with one another, working leased men and women quite literally to death became commonplace. At Sing Sing, a turpentine camp owned by Henry Wise, leased men, chained to one another, "went on a trot, (keeping) this gait up all day long, from tree to tree."<sup>138</sup> If convicts became exhausted or collapsed, they were often met with the whip. Upon procuring phosphate mines in 1892, Bailey began to work prisoners day and night in order to maximize his profit, a practice that appears to be unique to the Florida penal industry.<sup>139</sup> Bailey's new abusive policy, which was approved by the state legislature, occurred in direct response to the phosphate boom of the early 1890s, and exemplified how industrialists responded to economic pressure by brutally exploiting their leased unfree labor. Moreover, as Hathaway's letter indicates, corporeal punishment became increasingly prominent in the phosphate mines as a means of maximizing profit.

---

<sup>137</sup> JA Hathaway to Governor Mitchell, 18 May 1894, On the Conditions of Bailey's camps, S42 Box 6, FF 7. Florida State Archives

<sup>138</sup> Powell, 22

<sup>139</sup> Minutes of the board of Commissioners of State Institutions, May 26, 1892; p 18. See also Carper, 98

Corporal punishment was ubiquitous at Floridian convict camps, and unfree laborers were routinely whipped and beaten for minor infractions, particularly those that negatively affected the camp's output of capital, such as "idleness." At Dutton's Cypress Lake camp, incarcerated people were whipped with "a heavy leather strap about 1 ½ inches wide... riveted together with copper brads;" Powell, meanwhile, abused convicts with an even wider strap, noting in his monograph that "there is no legal restriction as to the number of blows, the frequency of punishment or by whom it shall be applied."<sup>140</sup> Prison punishment records illustrate the arbitrary nature of punishments; records from the Blue Creek Co camp in Thelma, Florida most commonly cite "disobedience," "bad conduct," "bad work," and "laziness" as justification for whippings.<sup>141</sup> Such supposed offenses had no clear-cut definition and left leased men and women entirely at the mercy of the warden. Prison punishment records were rarely subject to oversight, and captains were not required to report the number of lashes suffered by each leased person. Wardens easily downplayed the violence inflicted on the convicts in their care, both by underreporting the frequency of whippings and by lying about their severity. For example, according to the supposedly complete punishment records of Blue Creek Co for the year 1914, only one convict was "lacerated" during a whipping out of more than sixty incidents. Given the weight and size of the strap, and widespread reports that prisoners were routinely whipped more than twenty-five times for even minor infractions, this figure is all but impossible. At the J.D. Johnson turpentine camp, one guard told the *Florida Times-Union* that "the stench from the convicts' sore backs is so great that the guards can scarcely stand to go in the stockade to examine the convicts' chains."<sup>142</sup>

---

<sup>140</sup> Jacksonville *Florida-Times Union*, January 14, 1887. Accessed via Carper and Powell, 21

<sup>141</sup> Blue Creek Co Punishment Records, 1914; S42 Box 2 FF1. Florida State Archives

<sup>142</sup> Jacksonville *Florida Times Union*, May 11, 1898





*This image, among the most famous surviving images of Jim Crow convict labor shows Florida inmates leased to harvest timber, c. 1910. Florida State Archives.*

Not surprisingly, infection and disease flourished in the convict camps, and many incarcerated people became disabled from the brutality of the labor and punishments. At Bailey's Welona and Scuffle camps, incarcerated men and women routinely suffered from cholera, malaria, and dysentery.<sup>143</sup> Often, wardens saw an inmate's illness or disability as a reason for punishment, and even obedience could not spare them torture. For example, a leased man named George Washington, held at Colonel HL Morris's turpentine camp, suffered from "ill health," though he

---

<sup>143</sup> Daniel, 8

reportedly “obeyed all orders.”<sup>144</sup> According to a report from a convict guard at the camp, a guard at Morris’ camp tortured the sick man nevertheless, “disgusted by his idleness.”<sup>145</sup>

(the guard) handcuffed the prisoner and hung him over the limb of a tree leaving him in such a position that his feet could not touch the ground... when the pain of the process became so great that the prisoner cried out, the new guard beat him severely with a grape vine.<sup>146</sup>

Torturing sick and disabled prisoners became increasingly commonplace as industrialists continued to demand higher and higher product yields from their captive labor force. Guards viewed any prisoner complaints with skepticism, and regularly beat men and women who complained of ailments on the basis that they were “shamming.”<sup>147</sup> According to a report in *The Chicago Tribune*, a sick leased man named Joe was told by a guard “No sickness allowed in this camp!.. Our worthy host is of the opinion that a convict never gets sick-- he only shams-- and as his instructions are to punish every case of shamming with thirty-nine lashes, well laid on.” Likewise, Powell routinely bragged about whipping convicts who complained of sickness or other ailments.

Convicts perished often, and their deaths rarely reported or investigated. The *Inter Ocean* report on Southern convict leasing tells of a man “chained up the neck and left half suspended until he was dead” and another man “whipped to death... literally flayed alive and... put away in a swamp.”<sup>148</sup> More often than not, those who killed convicts escaped prosecution entirely; at some camps, killing convicts was considered accepted protocol in the event of an escape or particularly resolute “idleness.” Carper describes the callous killing of Will Melton after his failed attempt to escape:

---

<sup>144</sup> Jacksonville *Florida Times Union*, December 7, 1895; accessed via Carper 115

<sup>145</sup> Ibid

<sup>146</sup> Ibid

<sup>147</sup> “Chain Gangs,” *The Chicago Tribune*, 29 January 1887

<sup>148</sup> “Southern Prison Horrors,” 15 February 1890. *The Chicago Inter Ocean*, Chicago Illinois, 12

Melton attempted to escape and the guard shot him twice and after the convict fell, the guard came up to him and deliberately shot him the third time and afterward bragged of it as if he had done quite a clever action...after the shooting, the convict lingered for a while and died.

No inquiry was made concerning his death.<sup>149</sup>

Melton's case was typical of failed convict escapes, and it was not unusual for leased men to either die in an escape attempt or be whipped to death upon their capture.

In the conclusion of his report on Bailey's camps, Daniel cites the conditions and practices at Welona and Scuffle to support his recommendation that the lease system be abolished entirely and replaced with a system that would prioritize reform instead of profit. Daniel writes:

The lease convict system is certainly not a credit to the state of Florida, and it requires only a visit by the intelligent citizen to the Camps of this criminal class to convince him that it is radically wrong, and should be abolished. Although these unfortunates have placed themselves outside of social freedom by their own mis-doings they are still human beings and entitled to the protection of the State, in the matter of food, clothing and protection against the elements i.e shelter.<sup>150</sup>

Critics of the lease system, such as Daniel, cited its capitalist underpinnings as the root of its brutality, arguing that the convict lease system was indeed "servitude worse than slavery." Notably, Floridian critics of the system often employed Lost Cause rhetoric in their calls to reform convict leasing. The *Florida Times-Union* lamented that "under the old slave system the abuses which this unnatural relation of employer and employee is liable were kept in check by the fact that the value of the slave to his owner was impaired if by overwork, insufficient food, or cruel treatment, his physical condition was injured," a critique that both emphasized the treacherous ways that

---

<sup>149</sup> Carper, 118

<sup>150</sup> Daniel, 8

industrialization shaped convict lease system and romanticized the practice of slavery in the state.

<sup>151</sup> Nevertheless, the fact that convicts were leased for short periods of time and not owned by planters and industrialists likely did contribute to higher rates of mortality among convict laborers and enabled the growth of the prison industrial complex, as will be further explored in chapter three. The movement to develop Florida through private infrastructure and industry via convict leasing led to the further devaluation of Black lives as both a means of reinforcing white supremacy and enriching an elite class of Florida capitalists who sought to maximize profits at all costs. Asked about why abuse within the system was so persistent, a Southern railroad official succinctly linked the disregard for convicts' lives with capitalism: "Because he is a convict, and if he dies it is a small loss, and we can make him work there, while we cannot get free men to the same kind of labor for, say, six times as much as the convict cost."<sup>152</sup>

---

<sup>151</sup> Jacksonville Florida Times Union, 1883 see Carper 83

<sup>152</sup> Frenise Logan, *The Negro in North Carolina, 1876-1894*, 1964, pp. 191-193

### **Chapter 3: Corruption, Capital and Counteraction: Convict Leasing and the Florida Boom**

By the early 20th century, convict leasing was a hotly debated topic among state lawmakers. However, despite the cruel conditions of convict camps throughout the state, for state legislators, leasing was an economic, not a moral, question. As the lease system became an integral part of the state's growing economy, candidates for public office scrutinized Florida's penal system, sometimes even performing intensive studies on the subject to promote their candidacy. As Florida's convict camps gained nationwide notoriety, Floridian politicians regularly fought to defend the practice, often to protect their own investments in the lease system. Meanwhile, Black Floridians resisted, organizing against convict leasing and seeking to liberate themselves from "the lease and the lash."

This chapter focuses on the power struggle between white lawmakers and Black activists and incarcerated people, detailing the ways in which Florida legislators, industrialists, and sheriffs worked alongside one another to protect the convict leasing industry and economically develop the state at the expense of thousands of incarcerated Floridians. Through a thorough analysis of the pervasive corruption that underscored the lease system at the state and local levels, I argue that the profit-driven nature of Florida's lease system rendered convict leasing the primary means of exercising economic control over Florida's Black population. Lastly, I briefly turn to the ways in which incarcerated Floridians and their loved ones resisted convict leasing and the onset of mass incarceration during the early twentieth century. Throughout, I argue that the lease system had two primary foci: to develop the state of Florida's industries and infrastructure and to reinforce white supremacy by controlling Florida's Black population through incarceration and threat thereof.

### *Corruption at the State Level*

Government corruption was, from the outset, a central feature of the convict lease system, and a chief reason for its success. State lawmakers, from governors such as William Sherman Jennings to state senators to members of the Commission on State Institutions, regularly benefited directly from convict leasing. Some, such as W.J. Hillman, who briefly held the office of “Supervisor of Convicts” were directly engaged in the leasing system, while others, such as Governor Jennings profited from backdoor deals or land speculation. As a result, despite increasing criticism of Florida’s penal system, Floridian politicians continued to support convict leasing, sometimes even going so far as to reject potential reforms aimed at making the system more humane. In his campaign literature for the 1900 gubernatorial election, William Sherman Jennings declared, “The care and maintenance of convicts should not become necessarily burdensome upon the taxpayers of the State,” outlining what he believed to be the advantages of the lease system to potential voters.<sup>153</sup> As the convict leasing industry ballooned, Democrats argued over whether convict leasing represented a threat to “free labor.”

Jennings’ insistence on the merits of convict leasing as a key aspect of his campaign illustrates the degree to which convict leasing had become a central part of state political discourse. In campaign literature, Jennings urged his constituents to remember that, because “about ½ of the convicts are employed by pro rators of Naval Stores manufactures and the other half in mining phosphates,” convict leasing did not present a threat to free labor because the nature of convicts’ work was so undesirable. Jennings noted that “the class of work performed by convicts is not performed by white labor. The free labor is scarce and every valuable man that can be employed for this class of work is given employment at higher wages than is paid by any other class of citizens

---

<sup>153</sup> “Article on State Convicts,” Jennings Papers, “Correspondence 1900,” PK Yonge Archives, University of Florida digital collections <https://ufdc.ufl.edu/UF00094873/00003/43x?search=convict+-+lease>

for the same class of labor in Fla. or in the United States.” The gubernatorial candidate noted his personal experience as a wealthy employer as proof that the lease system could align with the populist agenda:

While at Citra I employed skilled and experienced laborers in the orange grove work at seventy-five cents per day and in the northern and middle counties for farm work fifty cents per day is the ruling compensation... it will be observed that no laborer has been denied labor on account of such competition nor has his wages been reduced on account of such competition.<sup>154</sup>

Moreover, the gubernatorial candidate’s focus on refuting the argument that convict leasing was a threat to free labor demonstrates the ways in which Florida Democrats sought to appeal to poor white voters without dismantling a system that enshrined white supremacy. Jennings, a Democrat and cousin of the famed populist presidential candidate William Jennings Bryan, sought to frame convict leasing as a source of economic opportunity for the state, outlining how Florida could benefit from continuing the lease system. In a 1904 letter regarding his re-election campaign, Jennings cites his support of convict leasing as a key success of his gubernatorial tenure, telling Judge DC Jones of Webster, Florida that he had championed economic policies that increased Sumter county’s revenue and saved “\$16,000” per year throughout his term as governor.<sup>155</sup> Jennings’ ardent support of the convict lease system throughout his career as governor illustrates the importance that the practice held for wealthy Democrats. Moreover, although Jennings championed better treatment for convicts during his initial campaign for governor, reports from convict camps during his tenure as governor reflect continued torture and brutality.<sup>156</sup> Under Jennings’ leadership, conversations about the lease

---

<sup>154</sup> “Article on State Convicts,” Jennings Papers, “Correspondence 1900,” PK Yonge Archives, University of Florida digital collections <https://ufdc.ufl.edu/UF00094873/00003/43x?search=convict+-+lease>

<sup>155</sup> William Sherman Jennings Papers, Correspondence: 1904, page 460. PK Yonge Archives, University of Florida digital collections <https://ufdc.ufl.edu/UF00094877/00007/516x?search=convict>

<sup>156</sup> See Carper, 45

system were reduced almost entirely to cold economic calculations, and the harrowing experiences of incarcerated Floridians took a backseat to the state-led expansion of convict leasing.<sup>157</sup>

Not surprisingly, Jennings himself had ties to the convict lease system, a conflict of interest that would shortly lead to scandal. Prior to taking office as governor, Jennings leased his land to J. Buttgenbach and Co. for phosphate mining using the labor of Florida convicts. An 1898 contract between the Citrus Queen Phosphate Company and J. Buttgenbach Co., apparently brokered by Jennings, leased 905 acres of land to Buttgenbach for phosphate mining.<sup>158</sup> These friendly ties apparently informed Jennings' attitude towards convict leasing while in office, as became evident during the first month of his term, when the Jennings administration found itself embroiled in a scandal over convict leasing.

Prior to attaining the lease for all convicts in the state, Buttgenbach and Co. had subleased 213 inmates from W.N. Camp, who held the state lease from 1898-1901.<sup>159</sup> In February 1901, less than a month after Jennings' inauguration, the *Tampa Times* reported that Jennings and his cabinet had given the lease of state convicts to Buttgenbach without advertising an open bidding process. Complaining of corruption, the author of the article wrote that "a story comes from Tallahassee to the effect that Governor Jennings has taken matters in his own hands and leased the convicts of the state. The lease has been made to persons who are only charged with being favorites, while others have offered large sums for the convicts."<sup>160</sup> The story quickly turned into a media sensation,

---

<sup>157</sup> See Jennings Papers, Testimony of Gen E.B Bailey taken by Board in Executive Office, February 21, 1901.

<sup>158</sup> William Sherman Jennings Papers, Legal Papers: 1898, PK Yonge Archives, University of Florida digital collections. <https://ufdc.ufl.edu/UF00094872/00005/15j?search=jennings>

<sup>159</sup> Page 26; Journal of the Senate of the State of Florida, 2 April 1901.

[http://archive.flsenate.gov/data/Historical/Senate%20Journals/1900s/1901/1901A/4\\_02\\_01.pdf](http://archive.flsenate.gov/data/Historical/Senate%20Journals/1900s/1901/1901A/4_02_01.pdf)

<sup>160</sup> "The State Convicts," *The Ocala Evening Star*, 22 February 1901.

<https://www.newspapers.com/image/73812128/?terms=Jennings>



spreading across the state within a few days. On February 21st, *The Tampa Tribune* published an article criticizing Jennings' cronyism and the corrupt competition for the state's lease of convicts:

Senator Tom Palmer of Tampa who is one of the leading public men in the state represents Camp Bros who offer \$125 a year for the convicts and he has just returned from Tallahassee and brings the news that the lease has been made to others at \$100 and was done without public notice being given that the lease was to be made. Owing to the fact that South Florida was the champion of Gov Jennings in his campaign and it was through work done by the politicians of this county that made it possible for him to land the nomination so easily, the story has caused a considerable sensation.<sup>161</sup>

Jennings' decision to ignore higher bidders in order to protect the interests of his former business partner (and potentially his own interests) is certainly notable. However, that some state senators shamelessly represented other bidders within the legislature reveals that Jennings' corruption was not unique among state lawmakers. The "sensation" caused by Jennings' backdoor dealings was more a result of his ability to circumvent the state senate, thereby undercutting cronyism of other lawmakers. The governor's cronyism played out in some Floridian publications in addition to in the state legislature. In 1909, following Jennings' tenure as governor, *The Ocala Evening Star* published an "inspection" of the convict camps operated by the "Buttgenbach people," which raved about the camp's "clean and comfortable" conditions, a description that contradicts other records of Buttgenbach's camps as chaotic and even dangerous.<sup>162</sup>

Moreover, the 1898 phosphate mine contract between the Citrus Queen Co. and Buttgenbach & Co indicates that Florida's convict lease practice had grown into a business of international scope. The contract lists "J. Buttgenbach of Citrus County, Florida, K. Todros, E. Van de Rest and Jules

---

<sup>161</sup> "Convict Sensation: Ruffling the Serenity of Midwinter" *The Tampa Tribune*. 21 February 1901. Tampa, FL. Accessed via newspapers.com <https://www.newspapers.com/image/325942702/?terms=Jennings>

<sup>162</sup> "A Promise Fulfilled" A Visit to the Phosphate Mines and Convict Camps by the Editor," *The Ocala Evening Star*, 12 February 1909 <https://www.newspapers.com/image/73811452/?terms=Buttgenbach>

Rolin of Brussels, Belgium” as lessees. Even Buttgenbach, though listed as living in “Citrus County,” apparently only “visited his holdings annually.”<sup>163</sup> Buttgenbach lived mostly in Belgium while profiting from convict leasing in Florida.<sup>164</sup> His 1915 obituary described him as “very rich,” while a 1909 article in *The Ocala Evening Star* marveled at his success in the prison and phosphate industry.<sup>165</sup> However, without the advantage that Buttgenbach and his partners accrued through their friendship and business relationship with Governor Jennings, it is unlikely that he would have achieved such wealth. That the Governor and his board accepted a lower bid from a business associate over higher bids from other industrialists demonstrates how Floridian politicians routinely prioritized their own interests within the prison industry over state revenue. A 1907 exposé in *Cosmopolitan* sought to expose these political abuses, while decrying the continuation of “indiscriminate slavery” in Florida. Reporter Richard Barry wrote of the corrupt connections between politics and business: “This might be all right if it were a business proposition. Instead, it is politics, which means graft.” Barry explained how corruption made Florida’s lease system significantly more profitable:

Last year the twelve hundred convicts were leased to C..H Barnes and Company of Jacksonville. Barnes was the only bidder; he had no competitor; the others knew it was useless. By Barnes’ contract, the state receives \$207.70 a year, or fifty-seven cents a day for each convict. But the operators who use these convicts pay from eighty-

---

<sup>163</sup> William Sherman Jennings Papers, Legal Papers: 1898, PK Yonge Archives, University of Florida digital collections. <https://ufdc.ufl.edu/UF00094872/00005/15j?search=jennings>. See also *The Tampa Tribune*; Publication Date: 4 Aug 1915; Publication Place: Tampa, Florida, United States of America; URL: <https://www.newspapers.com/image/326557635/?article=8aa2ca5e-1e10-438d-a341-2e7fab54cb42&focus=0.44677764,0.61715406,0.5800485,0.74228996&xid=3355>

<sup>164</sup> William Sherman Jennings Papers, Legal Papers: 1898, PK Yonge Archives, University of Florida digital collections. <https://ufdc.ufl.edu/UF00094872/00005/15j?search=jennings>. See also *The Tampa Tribune*; Publication Date: 4 Aug 1915; Publication Place: Tampa, Florida, United States of America; URL: <https://www.newspapers.com/image/326557635/?article=8aa2ca5e-1e10-438d-a341-2e7fab54cb42&focus=0.44677764,0.61715406,0.5800485,0.74228996&xid=3355>

<sup>165</sup> Ibid. See also “A Promise Fulfilled” A Visit to the Phosphate Mines and Convict Camps by the Editor,” *The Ocala Evening Star*, 12 February 1909 <https://www.newspapers.com/image/73811452/?terms=Buttgenbach>

five to ninety-five cents a day apiece for them. The difference is the graft.<sup>166</sup>

From Barry's vantage point, convict leasing was the ultimate root of all political corruption in the state, complaining that "the corruption begins in the convict lease system (and)... concerns every element in the state."<sup>167</sup> Notably, although Barry spends much of his article decrying the conditions of convict lease camps, he nevertheless agrees that "this might be all right if it were a business proposition," thereby implying that the root of the problem is not capitalism, but instead corrupt politicians seeking to line their own pockets. However, various state records and media reports reveal that corruption at the state and local levels was largely responsible for establishing convict leasing as the economic backbone of Floridian industry during the 1890s and early 20th century; capitalism and cronyism went hand in hand. Industrialists and reporters alike advertised Florida as an industrialists' paradise, made possible by the state's lease system.

In 1887, E.B. Bailey, the state senator and industrialist, published a promotion of sorts for Jefferson County, highlighting the promise of riches that Florida's budding turpentine and agricultural industries offered to speculators. Addressing capitalists from the North, Bailey declared, "If you are a capitalist and are seeking profitable investments, come among us; you cannot find a better field under the sun for safe and profitable investment."<sup>168</sup> Throughout his two-page ad, Bailey brags about the state's affordability and potential for industrialization. Notably absent is any reference to the labor force required to accrue the wealth and comfort that Bailey promises potential investors. However, Bailey's contemporaries make it clear that convict leasing was the primary source of labor enabling Floridian industrialists to operate during this time, and, as noted in Chapter

---

<sup>166</sup> Barry, Richard. "Slavery in the South To-Day," *The Cosmopolitan*. March 1907. v.42 1906-1907 Nov-Apr. <https://babel.hathitrust.org/cgi/pt?id=mdp.39015028147471&view=1up&seq=477&q1=Barry>

<sup>167</sup> Barry, 480

<sup>168</sup> Bailey, EB. "Jefferson County: Where It Is, and What Can Be Done Here," 1887. <https://www.floridamemory.com/items/show/212461?id=1>

2, Bailey's agricultural and phosphate enterprises were worked entirely by convicts. Bailey himself was considered such an expert on the economics of convict leasing and industrialism that he testified before the state legislature in 1899 appraising the value of incarcerated men by "ranking" them based on their perceived strength and ability.<sup>169</sup>

That the turpentine and phosphate industries were powered almost exclusively by the labor of incarcerated people was common knowledge throughout Florida. As Governor Jennings noted in his campaign materials, "labor that is the class of work performed by convicts is not performed by white labor," referring to turpentine work and phosphate mining.<sup>170</sup> Barry did not hesitate to provide racist justifications for the lack of free laborers voluntarily working in turpentine and phosphate, writing that "good workmen are drafted to more congenial climes and more attractive labor" and that "blacks were too few and too lazy."<sup>171</sup> By the early 20th century, convict labor indisputably dominated the work forces in Florida's largest industries; wrote one employer, "were it not for the convict labor, there would be very little phosphate mined, naval stores manufactured and lumber cut."<sup>172</sup>

Corruption at the state level enabled continued abuse at convict camps. In 1899, Jennings' predecessor, Governor Bloxham appointed W.J. Hillman as the "supervisor of convicts." An employer of convicts even before he took this position, Hillman, who produced naval stores, continued to "lease state convicts" throughout his tenure as "Supervisor of Convicts,"<sup>173</sup> Hillman resigned a few months after assuming the position, complaining that "the duties of his job took too

---

<sup>169</sup> Jennings Papers, Testimony of Gen E.B Bailey taken by Board in Executive Office, February 21, 1901.

<sup>170</sup> "Article on State Convicts," Jennings Papers, "Correspondence 1900," PK Yonge Archives, University of Florida digital collections <https://ufdc.ufl.edu/UF00094873/00003/43x?search=convict+-+lease>

<sup>171</sup> Barry, 480

<sup>172</sup> "Why Scarce," *Florida Metropolis*. January 11, 1906. See Ortiz, 54

<sup>173</sup> Carper, 136

much of his time from his business affairs” and his own leasing enterprise.<sup>174</sup> Given the fact that his business depended on convict labor, it is not surprising that Hillman’s reports downplayed the horrendous conditions of Florida’s convict camps, and that he effectively obscured the plight of incarcerated Floridians in his reports to the state legislature. Meanwhile, corruption at the local level meant that it was nearly impossible to prosecute those abusing convicts. In his expose, Barry details the trial of a convict captain named H.F. Douglas, whose connections with local lawmakers allowed him to “escape sixteen of the seventeen counts (of)... everything from assault to murder in the first degree.”<sup>175</sup> Likewise, in Hillsborough County, two members of the Hillsborough Board of County Commissioners, T.C. Hall and W.R. Bingham, were notorious for abusing the county’s convicts they leased. Despite reports of torture, the local officials failed to investigate or charge the two men, likely due to their prominence and position.<sup>176</sup>

Upon Jennings’ ascension to the office of governor, the corruption continued, with Jennings and his allies regularly shutting down efforts by other legislators to visit or investigate convict camps. After S.P. Horn, a formerly incarcerated Floridian, testified to the brutalities of the convict leasing system before the Florida House and Senate, Representative W.K. Jackson introduced measures to form an investigative committee on Florida’s convict camps; Jennings and his crew quickly quashed these efforts, as well as Jackson’s subsequent resolution to investigate the Board of Commissioners of State Institutions on charges of corruption.<sup>177</sup> Jennings’ success in preventing his adversaries from investigating the convict camps or the commission that supposedly oversaw them demonstrates the extent to which individual business interests in the prison industry dictated the

---

<sup>174</sup> Ibid

<sup>175</sup> Ibid, 483

<sup>176</sup> Minutes of the Board of Commissioners of Hillsborough County, January 5, 1909, p 589. See Carper, 258

<sup>177</sup> “House Kills Resolution to Investigate Convicts,” *The Tampa Tribune* 07 April 1901.

<https://www.newspapers.com/image/325958812/?terms=>

governor and legislature's policies, even as lawmakers became increasingly aware of the system's brutality.

*"Manufacturing Convicts:" Local Corruption and the Convict Economy*

By the late 1890s, corruption at the local level allowed for the convict population to continually grow throughout the state through the "selling" of free laborers to convict lessees and sublessees. While states across the South criminalized Black people through Black Codes, Florida's total privatization of the prison system created a novel prison industry in which police officers sold free Black men directly to industrialists, often charging a flat fee for each newly-convicted man.<sup>178</sup> According to the State Senate Journal of 1902, the state prison population more than doubled from 1890 to 1901, increasing from 388 prisoners to 800, a boom that was largely due to expanding industry in the state.<sup>179</sup> As Barry notes, this considerable spike in Florida's state prison population was the result of sheriffs and justices of the peace "selling" free men to capitalists by convicting them of petty crimes. In his *Cosmopolitan* piece, Barry examined this process, speculating that Florida's convict lease system was a logical result of Black people's supposed aversion to work:<sup>180</sup>

It is because the operators cannot hire the negroes that they take this way of forcing them to do that work, which means great wealth. The negro, as he exists in Florida to-day, is content with merely enough to keep soul and body together, and this he can earn by one day a week since wages are relatively high.<sup>181</sup>

Barry supposed that Black Floridians did not aspire to acquire maximum wealth through labor, but instead preferred to work only as much as needed to live comfortably. Such an ethos proved to be

---

<sup>178</sup> Barry,

<sup>179</sup> Page 26; Journal of the Senate of the State of Florida, 2 April 1901.

[http://archive.flsenate.gov/data/Historical/Senate%20Journals/1900s/1901/1901A/4\\_02\\_01.pdf](http://archive.flsenate.gov/data/Historical/Senate%20Journals/1900s/1901/1901A/4_02_01.pdf)

<sup>180</sup> Barry, 488

<sup>181</sup> Barry, 488

an affront to whites, who saw hard labor as necessary to both maximizing their own profits and limiting the social freedom of Black people. Barry notes that convict leasing thus offered an optimal solution for white industrialists, and sheriffs and judges, enticed by the possibility of making money on the side, became enthusiastic brokers of Black labor, often gaining considerable wealth in the process of selling “thousands.” One sheriff, Charles Meinike of Florala, Alabama boasted under oath that he made “between five and eight thousand dollars a year... in ‘rewards’ for negroes who are needed to work.”<sup>182</sup> By selling laborers to the highest bidder, local sheriffs and other law enforcement officials became key players in the distinct form of carceral capitalism that came to define Florida’s leasing system. Occasionally, these public officials would even transport newly-captured convicts across state lines, as Meinike regularly did.

In his affidavit, Meinike also described his absolute authority as sheriff, claiming, “I can take anyone up on suspicion.”<sup>183</sup> Barry corroborates this, describing the trafficking practices of E.V. Hutson “a deputy sheriff of expensive tastes and no income,” and Charles V. Miller, an industrialist who operated a turpentine camp. Hutson and Miller’s collusion in 1905, which the author noted was not unusual, illustrates how the complete privatization of the state and county justice systems allowed for the total commodification of poor Black laborers in the state. Barry writes that the turpentine operator told the deputy that he “needed a gang of men for his crop of turpentine and agreed to stand the expense usual in such instances-- Hutson’s fees and expenses plus five dollars a head for each laborer landed.”<sup>184</sup> With the terms of the deal decided, Barry describes how the sheriff

---

<sup>182</sup> Barry, 485; Note that although Meinike lived in Florala, the town shares a border with Florida, and it is possible he worked with Florida industrialists to provide incarcerated labor.

<sup>183</sup> Los Angeles Herald, 16 June 1909. <https://cdnc.ucr.edu/?a=d&d=LAH19090616.2.92.68&e=-----en--20--1--txt-txIN-----1>

<sup>184</sup> Barry, 488

embarked on his task, and procured men that Miller had identified as being especially desirable laborers:

Together they made a list of some eighty negroes known to both as good husky fellows, capable of a fair day's work. Then Hutson went for the prey. It was not an usual deal nor one frowned on by either operators or deputy sheriffs. Hutson got his men in various ways. All were arrested within the following weeks on various petty charges--gambling, disorderly conduct, assault and the like. The larger part of the list was gathered in with a drag-net at Saturday-night shindies and haled to the local justice, who was in collusion with Hutson to effect the game.<sup>185</sup>

In 1901, a petition for the abolition of convict leasing echoed Barry's claims, informing lawmakers that "you will find that there are gross abuses, such as bringing false charges against laboring men for the purpose of forcing them into the convict camps."<sup>186</sup> In addition to compensating sheriffs on a per capita basis for invented charges, some convict operators kept sheriffs on retainer, with the understanding that they would regularly send Black laborers to their chain gangs. Barry described an incident in which R.S. Hall, a wealthy turpentine magnate in Ocala, complains to friends about a sheriff's failure to uphold his end of the backdoor deal. According to Barry, Hall, upon seeing a local sheriff around town, told his friends, "I think I'll fire that fellow. He's been getting his regular fifty a-month too long. The lazy rascal hasn't brought me in four n\*\*\*\*\*s in the past three months."<sup>187</sup> Hall's remarks, considered "part of the daily gossip," indicate that the racial capitalism underscoring the convict lease system and dictating its corruption was actualized in part through the regular sale of Black bodies from law enforcement to lessees. With this, the sheriff himself became an employee of the turpentine or phosphate operator; failing to maintain a certain

---

<sup>185</sup> Barry, 484-5

<sup>186</sup> House Journal, 1901, 707-708; see also Carper, 168

<sup>187</sup> Barry, 485



arrest rate could result in the removal of his steady income. In 1908, a contributor to *The Tampa Bay Times* labeled the process “the manufacturing” of convicts.<sup>188</sup>

Sheriff Meinike described the process of “manufacturing convicts” in great detail, recounting how he routinely arrested innocent men at the behest of “convict operators:”

The law allows me to arrest for debt, or as it is called here, ‘for obtaining money under false pretenses.’ I often get a message in the night from the operators who employ me. How, then, can I wait for a warrant? Often I have to take the man home to my house and keep him there all night... I chain him to myself while I am sleeping.<sup>189</sup>

Meinike’s confession demonstrates how sheriffs and judges commodified Black men while routinely denying potential convicts their constitutional rights in the process. Not only were Black families in Florida regularly subjected to unwarranted search and seizure, the practice of selling free Black men into prison slavery rendered the men themselves commodities to be seized by the state and sold for private gain at the hands of law enforcement.

The notion of “manufacturing” prisoners demonstrates how prison labor itself became an industry of its own. Previous chapters have focused on the practice of subleasing incarcerated people, though leasing proved to be only one facet of the “manufacturing” process. As illustrated by the Sheriff Meinike’s testimony, Governor Jennings’ pro-leasing policies and backdoor deals, and industrialist R.S Hall’s decision to fire a sheriff for not maintaining a high enough arrest rate, the “manufacturing” process comprised a complex network of lawmakers, capitalists, and local officials, all working to create and exploit convicts. By the early 1900s, capitalists who leased convicts were often called “convict operators,” a term that foregrounded convicts themselves as a product. A 1908 op-ed in *The Tampa Tribune*, published as the state legislature debated whether to halt convict

---

<sup>188</sup> “More Anent The Convicts,” *The Tampa Tribune*, 13 September 1913

<https://www.newspapers.com/image/325652171>

<sup>189</sup> Barry, 485

leasing in order to use the labor of incarcerated Floridians to build state roads, described the production of convicts as an industry of its own, governed by the rules of classic economics:

We have made too many (convicts) for the demand and must cease manufacturing until the demand and supply are equal. Had the demand continued we would exhaust the supply of material and then should import more men and women to convert into convicts and supply our home market. Sir, you will think I am making a mistake and mean some manufactured article as chairs, shoes or hats but I am not. I mean state convicts, men and women sold to a “convict trust,” and resold to phosphate mines and turpentine camps.<sup>190</sup>

The author’s argument, focused entirely on convicts as capital, provides important insight into the ways in which white Floridians viewed convict leasing. The author, who signed his letter to the editor only as “A Cracker,” apparently *does* support the curtailment of the convict lease system, complaining later in the missive that the state has made too many arbitrary laws, writing “we have thousands of laws no living man to save his life could call out the captions, not to mind the bodies.” Despite his apparently liberal stance, the “cracker’s” opposition to convict leasing rests entirely on the economics of “manufacturing” convicts, rather than the morality of doing so. While details in the letter suggest that it was penned by a fairly prominent Floridian, the fact that it was published in a large state newspaper demonstrates that the “manufacturing” process was common knowledge among Floridians of all social classes, and that the corruption of the lease system carried out in plain sight. Like other critics of convict leasing, the “cracker” also describes an incident of a local official selling convicts, in this case a judge. The author notes that “I have on my desk a list of a county judge’s work for three years and his boast of making 556 convicts. He extracted from them in cash fines, \$11-170 and they were sold for \$5868 to work at hard labor, 46 years in all.”<sup>191</sup> The “cracker’s”

---

<sup>190</sup> “More Anent The Convicts,” *The Tampa Tribune*, 13 September 1913  
<https://www.newspapers.com/image/325652171>

<sup>191</sup> “More Anent The Convicts,” *The Tampa Tribune*, 13 September 1913  
<https://www.newspapers.com/image/325652171>

description of the lease system makes clear that Florida's justice system was truly driven by markets, not by crime and punishment.

The state legislature only further incentivized this "manufacture of convicts." Until 1902, Florida counties received funds from the state for "the hire of county convicts," proportional to the number of convicts in each county, ostensibly because "the principal burden of expense of criminal prosecution falls... on black belt counties." This policy solidified the profitability of incarceration and encouraged county officials to turn incarceration into a business. While sheriffs and judges lined their own pockets by arresting and selling Black men to industrialists, entire counties enriched themselves by detaining people locally. In 1901, Escambia County received \$10,320 for its 69 convicts, equivalent to about \$316,010.54 today. Hillsborough County, meanwhile, received \$10,200, or today's \$312,336.00.<sup>192</sup> As counties throughout the state sought to rapidly develop tourism and industry, an imprisoned labor force became a key way for counties to bolster their treasury, guarantee labor for industrialist projects, and intimidate and control their Black populations.

As the Great Migration took root across the US South, Black Floridians began to move to northern cities in large numbers. Alarmed by the potential loss of Black labor, the state's ever-expanding convict leasing system proved to be an effective means of holding Black Floridians captive. In 1917, a young Black man in Florida wrote to *The Chicago Defender*, an African American newspaper published in Chicago with a nationwide circulation, pleading to be rescued from the threat of Florida's convict camps: "Please send me at once a transportation at once. I will sure come if I live. Send it as soon as possible because these white men are getting so they put every one in

---

<sup>192</sup> "Revenue from Convicts," *The Ocala Evening Star*, 13 June 1901.

prison who are not working. I can not get any. I can do any kind of common labor.”<sup>193</sup> While Black Floridians routinely wrote newspapers pleading for well-paying work, Northern papers cautioned citizens about Florida’s plans to have Black laborers “declared vagrants by the courts” and “put them to work” under the lease system.<sup>194</sup>

The convict camp itself soon became a key part of the state’s response to the Great Migration. In 1918, Florida Governor Sidney Catts ordered the arrest of Northern labor recruiters operating without licenses and required all labor recruiting agents to pay a licensing fee.<sup>195</sup> As a result of this policy, Black labor recruiters were occasionally sentenced to the county convict lease system for trying to “entice” Black Floridians to leave the state. The shortage of paid labor available to Black laborers allowed white people to accuse unemployed Black people of “vagrancy,” “wandering and strolling,” or “idleness,” all of which were considered criminal offenses. Furthermore, that nearly all the wealthiest Floridians “operated convicts” meant that well-paying jobs were in low demand, especially for Black laborers. Industrialists profited far more from effectively enslaving Black men as convicts than they would hiring the same men to work for wages. Moreover, businessmen decisively labeled unemployed and underemployed freedmen as “lazy,” a stereotype that allowed for the justification of convict leasing and corporal punishment. Apparently somewhat sympathetic to convict operators, Barry framed convict leasing as a necessity, writing “It is because the operators cannot hire the negroes that they take this way of forcing them to do that work, which means great wealth.”<sup>196</sup>

---

<sup>193</sup> Ortiz, Paul. *Emancipation betrayed: The hidden history of black organizing and white violence in Florida from reconstruction to the bloody election of 1920*. Vol. 16. Univ of California Press, page 135; 2005.

<sup>194</sup> Chicago Defender, May 3, 1919

<sup>195</sup> Shofner, Jerrell H. "Florida and the Black Migration." *The Florida Historical Quarterly* 57, no. 3 (1979): p. 270

<sup>196</sup> Barry, 484

Industrialists used racist stereotypes about Black people to justify their exploitive and corrupt practices. In doing so, “convict operators” simultaneously excused their own blatant corruption and explicitly linked capitalism with white supremacy. Barry seems to agree with these sentiments throughout his article, aligning his article with Jim Crow depictions of Black people as lazy to explain the continued need for convict leasing. Barry writes that “the operator argues that... the negro is in real need of a job. Ordinary lure of pay, provision and plenty has no effect. Then why not a little ingenuity in bringing negro and work together when the result is wealth?”<sup>197</sup> Arguments such as these further established capitalism as an inherently white enterprise; by positioning Black people as “lazy” and “shiftless” as *The Ocala Evening Star* did in 1906 in an article justifying convict leasing, white supremacists labeled Black people as enemies of capitalist progress. By the onset of the 20th century, such rhetoric had become integral to the “manufacture” of convicts and the complicity of the white public.

*Making it in Hell: Black Resistance to the “Manufacture of Convicts”*

As convict leasing became an increasingly integral part of Florida’s industrialization, Black Floridians resisted the “manufacture of convicts” and the white supremacist lies used to justify the practice of convict leasing. Resistance to the Floridian legal system was a crucial facet of Black activism in Florida during the Jim Crow era. Moreover, convicts themselves regularly sought to subvert the leasing system and reclaim their humanity. Letters from Black Floridians to Northern newspapers, such as those described earlier in this chapter, staunchly reject the white narratives that endorsed convict leasing as a means of reducing Black “idleness,” or framed it as a necessary response to Black freedom. As Florida’s lawmakers, industrialists and officials utilized convict

---

<sup>197</sup> Ibid

leasing as a tool to enshrine white supremacy, both free and incarcerated Black Floridians resisted the lease system and called for abolition and Black autonomy.

In Florida's convict camps, incarcerated people were not able to send or receive mail. With communication to friends, family and the state all but impossible, prisoners were effectively silenced, unable to report abuses or reach potential advocates. As a result, acts of resistance within the convict camp became a primary means of rejecting the lease system and the effort of industrialists to utilize it to enshrine white supremacy. From the formation of Florida's penal system in 1868, the resistance of incarcerated people was integral to the fight to retain Black freedom in the state. Building community within the convict camp, running away, resisting work, and advocating for more humane treatment comprised the main ways that imprisoned people resisted convict leasing and mass incarceration. To some extent, these strategies were similar to those used by enslaved Black Americans decades before; historian Talitha L. LeFlouria notes that resistance to the "lease and the lash" was "hybridized resistance model that combined the tactics sown in slavery with new strategies forged in freedom."<sup>198</sup>

Every year, at least twenty leased inmates attempted to escape convict camps across the state.<sup>199</sup> In 1902, the Florida Naval Stores and Commission Company posted five ads providing reward money for the capture of leased convicts who had escaped their camps near Luraville and Odessa. All of the escaped convicts were Black men, and the advertisements documented the personal histories of these men as well as the details of their sentences.<sup>200</sup> A reward of \$100 was offered for each man. Most of the escapees were young; the youngest, James Johnson, was only 19

---

<sup>198</sup> Talitha L. LeFlouria, "Under the Sting of the Last": Gendered Violence, Terror, and Resistance in the South's Convict Camps," *The Journal of African-American History* 100 no. 3 (Summer 2015): 9.

<sup>199</sup> *Prisoners and Juvenile Delinquents in the United States: 1910*, p. 27; see also Department of Agriculture Reports, 1885-1905

<sup>200</sup> S42 Box 7 FF7 part 2, The Florida State Archives

when he escaped from Buttgenbach's turpentine camp. Johnson's sentence exemplifies the cruel and arbitrary nature of Florida's criminal justice system. At the time of his escape, Johnson was serving a ten year sentence for "breaking and entering." Escape became the primary means of resistance for many convicts, and by the 1890s, curtailing convict escape was a topic of considerable importance at the state legislature. However, escaping often proved deadly, as convicts regularly died at the hands of bounty hunters or while trying to survive in Floridian swamps. Despite the risks, escapes became so common at Florida convict camps that the state eventually required each lessee to keep several bloodhounds on camp grounds to track runaways.<sup>201</sup>

Feigning illness was another means through which convicts sought to resist the brutality of the leasing system. In *American Siberia*, J.C. Powell recounts how one female prisoner attempted to "simulate epileptic fits," which she reportedly "did to perfection, writhing, shrieking and finally lying so still and inert that her breathing could not be detected."<sup>202</sup> By faking illness, convicts were able to both rest from grueling forced labor and effectively subverted the convict leasing system by refusing to allow lessees to profit from their bodies. While some convicts feigned illness to seek reprieve from the day's brutal labor, others performed insanity in order to subvert the labor itself. Powell, who noted that "feigned insanity and pretended sickness" were "common dodges" convicts used to avoid work, also remembered one man who feigned insanity and in the process rendered trees unusable for extracting naval stores: "We had a giant of a convict in camp named Jim Johnson, and one morning while in the woods he stuck his axe under his arm and began to gibber idiotically at the tree-top, He recalled "He could not be moved or silenced... He began wildly cutting down a tree instead of cutting a box in it, making strange noises at the same time."<sup>203</sup> His performance did

---

<sup>201</sup> "Schedule of Requirements for the Lease of State Convicts," Florida Department of Agriculture. 1909, Tallahassee, Florida. S42, Box 07, File 2, The Florida State Archives

<sup>202</sup> Powell, 64

<sup>203</sup> Powell, 63-84

not impress Powell, who” prolonged the punishment until he admitted the ruse and promised to drop it in the future.”<sup>204</sup>

Although feigning sickness or insanity could result in brutal whippings or other punishments, as it did for Johnson, doing so also served as a way for incarcerated people to reclaim a degree of agency and subvert the system that profited from their exploitation. If successful, such attempts could lead to reprieve from the terrors of convict camp; because chronically ill or disabled prisoners were a burden on lessees, camp physicians, employed by convict operators, routinely recommended parole for prisoners too ill or disabled to work so that the camp would not be financially responsible for their housing, food and care.<sup>205</sup>

Those who did not escape or feign incapacity resisted the brutality and dehumanization of the lease system by forming communities within the convict camp. Blues music, described by Sarah Haley as “sonic sabotage,” became particularly central to this effort as convicts rejected the lessees’ attempt to limit their self-expression. With lyrics that “challeng(ed) the very foundations of ideologies justifying carceral control,” prison music became a means of communication among state convicts during the grueling workday, and a symbol of nonviolent resistance to the lease system. For Black women and men serving time under Florida’s lease system, the blues “offered a form of survival and resistance” and rejected the white supremacist “legal moralism” that fed the Jim Crow justice system. Blues lyrics also communicated the brutal conditions of the convict camp to those outside it with lyrics like “Great big bars/ cast iron locks/ but if I try to leave/ I’ll get the box.”<sup>206</sup>

Outside of the convict camp, Black fraternal organizations fought for an end to convict leasing and for more humane treatment of prisoners. Activists such as Mary McLeod Bethune called

---

<sup>204</sup> Powell, 63-64

<sup>205</sup> See H. Dickinson to W. Hillamn, 1 November 1901; S 43 Box 7 FF7 pt 2

<sup>206</sup> McDonogh, ed. *Florida Negro*. Accessed via Miller, p. 144



for an end to convict leasing, giving regular public speeches and sharing the details of Florida's lease system with Northern newspapers<sup>207</sup>. The loved ones of incarcerated Floridians also played a role in demanding justice for their friends and family members, and demanding changes to the lease system. In 1894, for example, a Mrs. L.J Slaughter of Lacoochee wrote to Governor Mitchell, begging for an end to convict leasing and asking "if there was any chance to get my husband out of prison, as I have no one else to look to for support," a sentiment that was voiced by other wives of incarcerated men.<sup>208</sup>

In some cases, the activism of both white and Black reformers proved successful. For example, in 1913, the state was forced to follow through on its promise to provide every discharged prisoner with ten dollars upon their release, paid by the lessee who later received reimbursement from the state after several convicts secretly wrote to the governor, explaining that convict operators were denying discharged convicts the funds provided to them by state law.<sup>209</sup> This amount, equivalent to approximately \$262 in today's dollars, allowed for newly-liberated convicts to comfortably find their way home, and invest in new clothes and necessities. The enforcement of the statute beginning in the early 1910s proved to be a considerable victory for prisoners' rights activists in Florida, and ensured that formerly incarcerated people had at least some assistance in starting their post-carceral lives.

As convict leasing became an indispensable part of Florida's economy, corruption flourished and Black Floridians struggled to resist the "second slavery" of the convict lease system. By the onset of the Jennings era in 1901, corruption underscored every phase of the legal and leasing

---

<sup>207</sup> Du Bois, W. E. B.. "Some notes on Negro crime, particularly in Georgia: report of a social study made under the direction of Atlanta University," ; together with the proceedings of the Ninth Conference for the Study of the Negro Problems, held at Atlanta University, May 24, 1904. Atlanta, Ga.: Atlanta University Press. P. 10

<sup>208</sup> Mrs. LJ Slaughter to Governor Mitchell on the topic of her husband, June 15, 1894; S42 Box 07 FF7

<sup>209</sup> R.S Hall to G.T Whitefield, April 6, 1914. S 43 Box 7 FF7 pt 2

process, ensuring that the convict lease system became a tool for reinforcing white supremacy within the state. As the Great Migration began to flourish in the early 20th century, industrialists and lawmakers increasingly turned to incarceration as a mechanism for keeping Florida's Black working class laboring within the state. While sheriffs, judges and industrialists conspired to "recruit" Black men to prison camps by arresting them for petty crimes and sentencing them to the chain gang, Black Floridians both inside and outside the prison system sought to resist convict leasing and envision a freer Florida.

## Conclusion

### *From Lease and Lash to Privatization and Parole: Assessing Convict Leasing in the Age of Mass Incarceration*

By the early 1920s, the convict leasing system was a major source of corruption within state politics. As sheriffs and politicians grew richer, convict leasing only grew more brutal. Martin Tabert's violent death in 1923 proved to be the tipping point in the fight to abolish convict leasing in its entirety. The *Tampa Morning Tribune* lauded Tabert as a martyr, declaring that his parents "may console themselves with the knowledge that their son has done more to wipe out the stigma of convict leases and whipping bosses than all the living citizens of Florida have been able to do in years. If the state can be forever purged of these cruel infamies the young Dakotian will not have died in vain."<sup>210</sup> The Tribune's assessment mirrored that of other media outlets from around the state, labeling Tabert a hero and his death the catalyst for a new, more humane era in incarceration, both in Florida and throughout the South. For the first time since the inception of the convict leasing system, Floridians almost unilaterally condemned the practice, forcing politicians to respond with action.

The movement to abolish the "lease and lash" won surprising allies across Florida. Even The United Daughters of the Confederacy of Florida denounced the practice, proclaiming that convict leasing was "a barbarous system under which human beings (were) virtually sold into slavery and brutally whipped, regardless of their physical condition or the degree of their offense."<sup>211</sup> The state

---

<sup>210</sup> The Tampa Morning Tribune, Tuesday, May 1, 1923;  
<https://www.newspapers.com/image/325887388/?terms=Martin%2BTabert>

<sup>211</sup> House Journal, 1923, page 1844; accessed via Carper, page 370

legislature soon began to debate the fate of convict leasing and corporal punishment, with the Senate passing a bill to abolish leasing on April 20, 1923.<sup>212</sup>

The movement to end corporal punishment proved more difficult, however. Some senators voiced opposition to abolishing the lash and belatedly came out in favor of a “modified lease system.” The response to this small cohort of lawmakers evidenced just how much Tabert’s death had swayed public opinion in the state; upon hearing of senate resistance to the abolition of leasing, the Ku Klux Klan of Florida’s “Justice Committee” penned threatening letters to senators opposed to the bills ending convict leasing and corporal punishment. “Senators J.B Johnson, T.J. Knabb and at least ten others” received a missive from the Klan notifying these senators that they were hereby declared “traitor(s) to your state, and the people who elected you to the senate.”<sup>213</sup> The letter proceeded to threaten bodily harm to those who stood in the way of penal reform, declaring that “every man who has or does hereafter vote to continue such hellish principles as convict leasing or using the LASH that within thirty days after the senate and house adjourns, will receive 100 lashes on your nasty hide, and a cote (*sic*) of tar and feathers; if you stay in Florida after you have been given the Hell you want others to get, the you will get another worse lashing and bad treatment...we have classed you with the worst kind of human devils, and bribe takers.”<sup>214</sup>

The letter of the “Justice Committee” illustrates the extent to which Floridians, even those who perpetrated atrocious racial violence, demanded change to the penal system. Notably, the KKK was angered with the corruption as well as the senseless violence that underscored leasing, though given the prevalence of Klan members in Florida’s state and local government, it is also possible

---

<sup>212</sup> *Ibid*

<sup>213</sup> Carper, 377

<sup>214</sup> Carper, 377

that the letter was politically motivated.<sup>215</sup> Although not stated in the letter, it is likely that the Klan favored the abolition of leasing in favor of peonage, which would allow continued white supremacist control of Black labor while eliminating the possibility that poor whites would be caught up in a system of forced labor.<sup>216</sup> The Klan's opposition to the lease system was likely informed by news coverage that depicted convict leasing as indiscriminate in its abuses, a misconception promoted by reformist groups who sought to abolish leasing by appealing to the sympathy of whites.

The afterlife of convict leasing, however, is far more complex than the one projected by the Floridian media in the months after Tabert's death became a nationwide sensation. As the details of the state investigation became widespread tabloid fodder, the abuses of Florida's lease system were cast into the international spotlight, embarrassing state legislators. By the end of May 1923, corporal punishment and leasing in all forms had been abolished in the state. Legislators and citizens of Florida lauded both bills, convinced that the state was entering a "new era" of justice. Through the late twentieth century, scholars of carceral studies concluded their analyses of Florida's penal system by praising the end of convict leasing without second thought to its aftermath. In his 1962 doctoral dissertation on the subject, Gordon Carper writes, "At last the way was cleared for the development of a prison system which would emphasize the key concept of modern penology-- criminal reformation." Carper's footnote to this statement notes that "Since 1923, Florida's prison system has undergone considerable reform. Today it is recognized as an outstanding model of penology in practice," an analysis entirely fails in reckoning with the pernicious legacy of convict leasing on

---

<sup>215</sup> Chalmers, David. "The Ku Klux Klan in the Sunshine State: The 1920's." *The Florida Historical Quarterly* 42, no. 3 (1964): 209-215. See also Jackson, K. T. (1967). *The Ku Klux Klan in the city, 1915-1930*. New York: Oxford University Press.

<sup>216</sup> Pegram, Thomas R. "THE KU KLUX KLAN, LABOR, AND THE WHITE WORKING CLASS DURING THE 1920S." *The Journal of the Gilded Age and Progressive Era* 17, no. 2 (2018): 373-96. doi:10.1017/S1537781417000871.

Florida's "reformed" carceral system, which has rendered Florida's penal system irrevocably focused on profits over rehabilitation.<sup>217</sup>

Even as Carper wrote about Florida as an "outstanding model" of penal practice, young male inmates were being tortured to death at the Dozier School, a state-run "reformatory" for juvenile offenders near Tallahassee.<sup>218</sup> The Dozier School itself was founded as part of an early attempt to reform Florida's justice system. Established by the Florida legislature in 1900--more than two decades prior to the abolition of leasing—it was created to remove children from the chain gangs.<sup>219</sup> Despite laws banning "the lash," the record of corporal punishment at Dozier remains well-documented, illustrating how the ban on beatings was generally ignored even at state-run institutions well into the 21st century. By the time the school officially closed its doors on June 30, 2011, the Dozier School had been the subject of more than twenty state investigations for abuse.<sup>220</sup> Dozier, now known for its brutality, exemplifies the ways in which the supposed reforms of the carceral system and abolition of convict leasing did little to curtail abuse of inmates.

As state-run institutions became the norm across the country, Florida followed suit, though many of the patterns that underscored convict leasing have remained part of the Florida prison system. Poor healthcare and violence continued to underscore Florida's justice system throughout the 20th century.<sup>221</sup> Hard labor also remained an integral aspect of Florida's penal system, even after the abolition of convict leasing.<sup>222</sup> In the 1920s, the privately-leased "chain gang" was replaced with

---

<sup>217</sup> Carper 389

<sup>218</sup> Allen, G. "Florida's Dozier School for Boys: A true horror story." *All Things Considered* (2012).

<sup>219</sup> Florida House Journal, 1900

<sup>220</sup> Kimmerle EH, Wells EC, Jackson A. January 18, 2016. Summary of Findings on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida. University of South Florida: [www.forensics.usf.edu/boothill](http://www.forensics.usf.edu/boothill) p. 25

<sup>221</sup> Robinson, Kaniqua. "The Performance of Memorialization: Politics of Memory and Memory-Making at the Arthur G. Dozier School for Boys." (2018).

<sup>222</sup> Miller, Vivien ML. *Hard Labor and Hard Time: Florida's "Sunshine Prison" and Chain Gangs*. University Press of Florida, 2012.

a state prison at Raiford, where convicts had been working under the leasing system for decades. As Florida shifted towards the “state use” system, in which convicts worked for the state exclusively, Governor Hardee announced to his constituents in his inaugural address that he intended to maintain a carceral system that benefitted the state first and the inmates second, declaring that "reform and rehabilitation, in short, might be worthy goals but they could not be allowed to interfere with the paving of the highways."<sup>223</sup>

At the state prison, inmates awoke seven days a week at 4:30 am, and worked until dusk, performing agricultural labor, raising livestock, and sewing garments.<sup>224</sup> The state also tasked inmates with constructing its highway system between 1925 and the late 1950s, establishing primitive “state road camps” throughout the state, where inmates lived in squalid conditions while constructing public roads.<sup>225</sup> In 1922, state inmates were forced to construct the state’s first electric chair at the newly-opened prison farm. Thus, even though private developers were no longer directly profiting from the labor of convicted Floridians, the prison system nevertheless continued to exploit inmate labor, this time at the total benefit of the state’s revenue. A 1932 telegram to Governor Carlton from the noted Floridian reformer Mary McLeod Bethune decries the forced labor of “four negro women convicts” forced to engage in roadwork and loading timber “under armed guards.”<sup>226</sup>

---

<sup>223</sup> Roberts, Leonard Harold. "A History of Inmate Rehabilitation Through Education in the State of Florida Correctional System: 1868-1980." (1983): 0094-0094. P. 48

<sup>224</sup> Miller, p. 10; see also “African American Convict Labor,” Florida State Archives

<sup>225</sup> Miller, p. 56

<sup>226</sup> Telegram from Mary McLeod Bethune to Governor Doyle Carlton Protesting the Use of Black Female Convicts for Carrying and Installing Heavy Posts in Jacksonville, 1932, Florida State Archives  
<https://www.floridamemory.com/items/show/334170>



*Convicts laboring at the new state prison at Raiford, 1930. Florida State Archives*

After leasing was abolished, Florida's prison system continued to disproportionately criminalize and incarcerate Black people. In 1917, two years prior to the end of the state leasing system, eighty-two percent of Florida's state convicts were Black; and now, a century later, the majority of Florida's state inmates are Black men.<sup>227</sup> Today, Florida has nearly 150,000 people behind bars, and a probation population of more than 200,000, the third-largest prison population in the United States.<sup>228</sup> Moreover, echoes of convict leasing have gradually returned to the system. Vivien Miller notes that "in the 1990s, Florida was one of several states in the South and West to revive the classic chain gang of the 1930s as part of a series of measures designed to "get tough" on prisoners amid growing public frustration over supposedly mollycoddled prisoners, resentment at skyrocketing prison costs, and political hostility to prisoners' rights and rehabilitation programs."<sup>229</sup>

It is impossible to reflect on the horrors of convict leasing without grappling with the dangers of carceral privatization. Despite the analysis of scholars in the mid-20th century, Florida's prison

<sup>227</sup> Vera Institute For Justice 2017

<sup>228</sup> Corrections Population: U.S. Bureau of Justice Statistics; The Sentencing Project  
<https://www.sentencingproject.org/the-facts/#map>

<sup>229</sup> Miller, 288



system has remained a place of violence and corruption. Throughout the mid-twentieth century, the state continued to build “work camps,” where inmates lived and labored on development projects throughout the state. Today, Florida houses more than ten thousand inmates in 34 “work camps” across the state, and an additional 437 inmates in three forestry camps, where inmates engage in labor almost identical to the forestry work done by leased prisoners more than a century ago.<sup>230</sup>

With the return of privately-operated prisons in the state during the early 1990s, the business of incarceration has become an industry in the state once again. Today, more than 12% of Florida’s prisoners are warehoused in private prisons.<sup>231</sup> Florida’s shift towards policies reminiscent of convict leasing illustrates how the state has continued to retain the capitalist underpinnings of its correctional system. The persistence of modern penal labor on the “chain gang” demonstrates the continuing hold of carceral capitalism on the Sunshine state, at the expense of incarcerated Floridians.

---

<sup>230</sup> <https://oppaga.fl.gov/Documents/Reports/19-08.pdf>

<sup>231</sup> “Private Prisons in the United States,” The Sentencing Project <https://gvwire.com/wp-content/uploads/2018/10/Private-Prisons-in-the-United-States-1.pdf>

## Works Cited

### *Primary Sources*

"A Barbarous System: The Southern Plan of Leasing Convicts." *Chicago Daily Tribune*, March 3, 1884.

"A Promise Fulfilled" A Visit to the Phosphate Mines and Convict Camps by the Editor," *The Ocala Evening Star*, 12 February 1909

<https://www.newspapers.com/image/73811452/?terms=Buttgenbach>

"Address the Negroes," *The Semi-Weekly Floridian*, Tuesday, September 26, 1865, np.

<https://ufdc.ufl.edu/UF00086645/00001/1x>

"Alabama Ends Convict Leasing," *The New York Times*, July 1, 1928;

[https://timesmachine.nytimes.com/timesmachine/1928/07/01/94144845.pdf?pdf\\_redirect=true&ip=0](https://timesmachine.nytimes.com/timesmachine/1928/07/01/94144845.pdf?pdf_redirect=true&ip=0)

"Article on State Convicts," Jennings Papers, "Correspondence 1900," PK Yonge Archives, University of Florida digital collections

<https://ufdc.ufl.edu/UF00094873/00003/43x?search=convict+-+lease>

Bailey, EB, Bid for State Convicts, 16 September, 1889. S42, Box 7, FF01; Florida State Archives

Barry, Richard. "Slavery in the South To-Day," *The Cosmopolitan*. March 1907. v.42 1906-1907 Nov-Apr.

<https://babel.hathitrust.org/cgi/pt?id=mdp.39015028147471&view=1up&seq=477&q1=Barry>

Blue Creek Co Punishment Records, 1914; S42 Box 2 FF1. Florida State Archives

Cable, G. Washington. *The Silent South, Together with the Freedman's Case in Equity and the Convict Lease System*. New ed. New York: C. Scribner's sons.1895.

Cutler, H. G. (Harry Gardner). (1923). *History of Florida: past and present, historical and biographical*. Chicago: The Lewis publishing company. Vol III. 156

"EB Bailey to General D Lang, May 30, 1895." S42 Box 07 FF 1, item 32. Florida State Archives

Daniel, RP, "Report of the State Health Officer on Convict Camps," 1890. S42, Box 6, FF 7 (2), Florida State Archives

Du Bois, W. E. B.. "Some notes on Negro crime, particularly in Georgia: report of a social study made under the direction of Atlanta University," ; together with the proceedings of the Ninth

Conference for the Study of the Negro Problems, held at Atlanta University, May 24, 1904.  
Atlanta, Ga.: Atlanta University Press. P. 10

Florida, Acts and Resolutions, 1923, (c.9332), 23 May 1923

Florida House Journal, January 1885, p. 419.  
<https://ufdc.ufl.edu/UF00027833/00017/419j?search=1885>

Florida State Constitution 1865

Marc N. Goodnow, "Turpentine: Impressions of the Convicts' Camp of Florida," International Socialist Review 15 (June 1915), 72; accessed via  
<https://archive.org/details/surveyaprsep1915surv/page/103/mode/1up?q=Goodnow>

Hastings H. Hart, "Prison Conditions in the South," Proceedings of the National Prison Association, 1919.

"House Kills Resolution to Investigate Convicts," The Tampa Tribune 07 April 1901.  
<https://www.newspapers.com/image/325958812/?terms=>

"House Joint Resolution proposing the 13th amendment to the Constitution," January 31, 1865; Enrolled Acts and Resolutions of Congress, 1789-1999; General Records of the United States  
<https://www.ourdocuments.gov/doc.php?flash=false&doc=40>

Jacksonville Florida-Times Union, May 26 1893

J.K Young to Mr. Wombwell, 30 August 1893, S42 Box 6 FF 7, FSA

Johnson, James Weldon, "This Civilized Land," The New York Age, April 7, 1923

Journal of the Senate of the State of Florida, 2 April 1901.  
[http://archive.flsenate.gov/data/Historical/Senate%20Journals/1900s/1901/1901A/4\\_02\\_01.pdf](http://archive.flsenate.gov/data/Historical/Senate%20Journals/1900s/1901/1901A/4_02_01.pdf)

Journal of the House, North Dakota State Legislature, Issue 18. 23 February 1923

Letter from JA Hathaway to Governor Mitchell, 18 May 1894, On the Conditions of Bailey's camps, S42 Box 6, FF 7. Florida State Archives

Letter from John Edwards to Mr. Taylor of Tallahassee, Florida; Nov. 27, 1840; Addressed to Mr. Taylor of Tallahassee, Florida, regarding a levy against his slaves.  
<http://files.usgwarchives.net/fl/leon/history/taylorlt.txt>

Letter, E. B. Bailey, Monticello, to Ellen Call Long, March 18, 1903, Tallahassee. Call Family Papers, Box 1, Folder 15. <https://www.floridamemory.com/items/show/181030>

Minutes of the board of Commissioners of State Institutions, May 26, 1892

Mohler, Henry Calvin. Convict Labor Policies, 15 J. Am. Inst. Crim. L. & Criminology 530 (May 1924 to February 1925)

“More Anent The Convicts,” The Tampa Tribune, 13 September 1913

<https://www.newspapers.com/image/325652171>

Moses Harris and Sim Tanner, Letter to the Governor, 17 September 1895. S 42 Box 7 FF 2  
Florida State Archives

Mrs. L.J. Slaughter to Governor Mithcell on the topic of her husband, June 15, 1894; S42 Box 07  
FF7, Florida State Archives

Petition from the Convicts of EB Bailey’s Camps, 15 April, 1893. S42 Box 6, FF 7. Florida State  
Archives

Petition to Governor Mitchell concerning the Trusty System,” 12 August 1893, S42 Box 06 FF 2,  
Florida State Archives

*Prisoners and Juvenile Delinquents in the United States*: 1910, p. 27

Report of LB Wombwell and David Lang, Special Com. appointed to visit Convict Camps and  
report on the “Trusty” system in use. Board of Commissioners of State Institutions, 17 October  
1893, S42 Box 06 FF 2, Florida State Archives

“Revenue from Convicts,” The Ocala Evening Star, 13 June 1901.

“Schedule of Requirements for the Lease of State Convicts,” Florida Department of Agriculture.  
1909, Tallahassee, Florida. S42, Box 07, File 2, The Florida State Archives

“Southern Prison Horrors,” 15 February 1890. *The Chicago Inter Ocean*, Chicago Illinois, 12

Telegram from Mary McLeod Bethune to Governor Doyle Carlton Protesting the Use of Black  
Female Convicts for Carrying and Installing Heavy Posts in Jacksonville, 1932, Florida State  
Archives <https://www.floridamemory.com/items/show/334170>

“The Galley,” The Miami Herald, April 20, 1923

<https://www.newspapers.com/image/616195927/?terms=Martin%2BTabert>

“The State Convicts,” *The Ocala Evening Star*, 22 February 1901.

*The Tampa Tribune*; Publication Date: 4 Aug 1915; Publication Place: Tampa, Florida, United  
States of America; URL: <https://www.newspapers.com/image/326557635/?article=8aa2ca5e->

[1e10-438d-a341-2e7fab54cb42&focus=0.44677764,0.61715406,0.5800485,0.74228996&xid=3355](#)

“Tragedy of North Dakota Farm Boy Who Was Beaten to Death in Florida Peonage Camp,” *St. Louis Post-Dispatch*, 08 April 1923.

“Whipping Boss to Serve 20 Years,” *Honolulu Star Bulletin*, 9 July 1923.

“William Bailey,” Sixth Census of the United States, 1840. (NARA microfilm publication M704, 580 rolls). Records of the Bureau of the Census, Record Group 29. National Archives, Washington, D.C.

William Sherman Jennings Papers, Correspondence: 1904, page 460-1. PK Yonge Archives, University of Florida digital collections  
<https://ufdc.ufl.edu/UF00094877/00007/516x?search=convict>

William Sherman Jennings Papers, Legal Papers: 1898, PK Yonge Archives, University of Florida digital collections. <https://ufdc.ufl.edu/UF00094872/00005/15j?search=jennings>

William Sherman Jennings Papers, Testimony of Gen E.B Bailey taken by Board in Executive Office, February 21, 1901.

Wyse, Henry A.” Suwannee County (Fla.) Voter Registration Rolls, Precinct 3.1868; Florida State Archives, <https://www.floridamemory.com/items/show/291001>

### *Secondary Sources*

Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press, 2010.

Berry, Mary Frances. *My Face is Black is True: Callie House and the Struggle for Ex-Slave Reparations*. Vintage, 2009.

Blackmon, Douglas A. *Slavery by Another Name: The Re-Enslavement of Black Americans From the Civil War to World War II*. First Anchor books edition.

Bowman, Bryan, and Kathy Roberts Forde. "How slave labor built the state of Florida -- decades after the Civil War." *Washingtonpost.com*, May 17, 2018. Gale Academic OneFile (accessed November 2, 2020).

[https://link.gale.com/apps/doc/A539367160/AONE?u=upenn\\_main&sid=AONE&xid=6a98d75](https://link.gale.com/apps/doc/A539367160/AONE?u=upenn_main&sid=AONE&xid=6a98d75)

Carper, Noel Gordon, "The Convict-Lease System in Florida, 1865-1923," Unpublished Ph.D. Dissertation, The Florida State University, Department of History, 1964.

Chalmers, David. "The Ku Klux Klan in the Sunshine State: The 1920's." *The Florida Historical Quarterly* 42, no. 3 (1964): 209-15. Accessed October 25, 2020.

<http://www.jstor.org/stable/30140018>.

Fryman, Mildred L. "Career of a "Carpetbagger": Malachi Martin in Florida." *The Florida Historical Quarterly* 56, no. 3 (1978): 317-38. Accessed December 21, 2020.

<http://www.jstor.org/stable/30147443>.

Gardullo, P. (2017). *Angola Prison: Collecting and Interpreting the Afterlives of Slavery in a National Museum*. *Forum Journal : the Journal of the National Trust for Historic Preservation*., 31(3), 21–29.

Haley, Sarah. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. University of North Carolina Press, 2016.

Holt, Anne Haw. "Men, Women and Children in the Stockade: How the People, the Press, and the Elected Officials of Florida Built a Prison System." (2005). Page 142

Jackson, K. T. (1967). *The Ku Klux Klan in the city, 1915-1930*. New York: Oxford University Press.

Johnson, Walter. *Soul By Soul: Life Inside the Antebellum Slave Market*. Cambridge: Harvard University Press, 1999.

Kimmerle EH, Wells EC, Jackson A. January 18, 2016. Summary of Findings on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida. University of South Florida: [www.forensics.usf.edu/boothill](http://www.forensics.usf.edu/boothill)

Lichtenstein, Alexander C. *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*. Verso, 1996.

Miller, Randall M. 1979. "THE MAN IN THE MIDDLE: THE BLACK SLAVE DRIVER" *American Heritage*, Oct 01, 40. <https://proxy.library.upenn.edu/login?url=https://www-proquest-com.proxy.library.upenn.edu/docview/1297229860?accountid=14707>.

Ortiz, Paul. *Emancipation betrayed: The hidden history of black organizing and white violence in Florida from reconstruction to the bloody election of 1920*. Vol. 16. Univ of California Press, 2005.

Oshinsky, David M. *Worse than Slavery": Parchman Farm and the Ordeal of Jim Crow Justice*. New York: Free Press Paperbacks Published by Simon & Schuster, 1997 .

Ouzts, Clay. "Landlords and Tenants: Sharecropping and the Cotton Culture in Leon County, Florida, 1865-1885." *The Florida Historical Quarterly* 75, no. 1 (1996): 1-23. Accessed October 8, 2020. <http://www.jstor.org/stable/30142150>.

Pegram, Thomas R. "The Ku Klux Klan, Labor, and the White Working Class During the 1920s." *The Journal of the Gilded Age and Progressive Era* 17, no. 2 (2018): 373–96. doi:10.1017/S1537781417000871.

Pope, James Gray. "Mass Incarceration, Convict Leasing, and the Thirteenth Amendment: A Revisionist Account." *NYUL Rev.* 94 (2019): 1465.

Robinson, Kaniqua. "The Performance of Memorialization: Politics of Memory and Memory-Making at the Arthur G. Dozier School for Boys." (2018).

Shofner, Jerrell H. "Florida and the Black Migration." *The Florida Historical Quarterly* 57, no. 3 (1979): 267-88. Accessed December 21, 2020. <http://www.jstor.org/stable/30148524>.

Taylor, A. Elizabeth. "The Abolition of the Convict Lease System in Georgia." *The Georgia Historical Quarterly* 26, no. 3/4 (1942): 273-87. Accessed December 1, 2020. <http://www.jstor.org/stable/40576850> .

Vedder, Richard K., and Lowell Gallaway. "Racial Differences in Unemployment in the United States, 1890-1990." *The Journal of Economic History* 52, no. 3 (1992): 696-702. Accessed December 21, 2020. <http://www.jstor.org/stable/2122891>.

Whitehouse, Mary Rose. "Modern Prison Labor: A reemergence of Convict Leasing under the Guise of Rehabilitation and Private Enterprises." *Loy. J. Pub. Int. L.* 18 (2017): 89.