

For many years I taught a course on the American Civil War. In 1865, the United States government passed and enacted the 13th Amendment to the Constitution. For all those years, I taught that this Amendment ended slavery in the United States. That is what I was taught in the American history classes I took, and that is what I repeated in my lectures.

It was not until many years later that I was forced to pay attention to the exact wording of this Amendment. Its wording, in its entirety is as follows:

“Neither slavery nor involuntary servitude shall exist in the United States, EXCEPT....”

This exception, I should have realized, is what allowed Southern states even after the defeat of the Confederacy, to attempt to reestablish some form of enslavement, by their policies regarding prisoners. If laborers were needed to work on a particular farm or industrial plant, it would be easy enough for a local sheriff to arrest a large gang of (black) laborers on flimsy charges, and then hire them out to the person who needed cheap laborers. With kickbacks to the local sheriffs who arrested the men, to the prosecutors who charged them with vague offenses like “vagrancy, and illicit conduct” , and to the judges who passed prison sentences for such prosecutions, every official involved had a direct financial incentive to arrest more black men as labor was needed.

Though some of the most scandalous exploitations of prisoners are no longer enforced, there are many continuities in the criminal legal system that exist right up to the present. For example, in many prisons every prisoner is required to have a job. For prisoners who are bedridden and extremely ill, there may be an exception, but many prisoners who have poor health are still required to do some kind of labor job. This is very unjust. Many older prisoners, especially those with health problems, are not in good enough health to work. If a person works all their adult life, and contributes to their social security retirement each month by money taken out of their paycheck, they cannot collect ANY social security benefits while they are incarcerated.

Most people do not realize it costs incarcerated persons significant amounts of money to live in prison. For example, prisoners pay outrageously high rates for phone calls, at \$3.15 per minute, when they are trying to keep connected to their family, or to get necessary legal advice. They must pay 25 cents per page for photocopies of any legal documents they might need for their court hearings. Many necessities, like over-the-counter medicines, padded thermal underwear, blankets, and shoes, must be purchased at extremely high prices from the prison commissary.

As a result of the rule that no prisoner can receive any of their social security payments, many persons who on the outside would be able to be retired after a lifetime of work, are living in desperate need because they cannot receive the money they set aside while they were employed. Some prisoners must cook meals for other inmates,

hand wash their laundry, iron their clothes, type their reports, provide legal advice, and other opportunities they might have to earn money.

To make matters worse, in their assigned jobs prisoners are paid only a few cents per hour. Many who have children cannot send any money to help their family, because they have so little opportunity to earn a decent salary in prison.

At the least, prisoners should be paid minimum wage. Prisoners should be able to collect social security when they reach retirement age, and they should not be forced to work if they do not wish to. It is cruel to force older prisoners, especially those with health problems, to work. Forcing older prisoners and those with incapacitating injuries or illnesses to do work is a brutal system of enslavement. There is no other name to describe it.