

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/the-chains-of-slavery-still-exist-in-mass-incarceration>

### Public Facing Advocacy Writing

Echoes of slavery and the white supremacy that fueled it continue to reverberate through the U.S. criminal legal system.

The 13<sup>th</sup> Amendment may have outlawed the enslavement of Black people, but the United States continues to devise new ways to uphold the racist hierarchies that slavery was founded on and to restrict the freedom of the descendants of enslaved people.

Today, we see alarming echoes of the Reconstruction Era, when unjust laws prevented emancipated enslaved people from voting and exercising their power and influence as citizens of a democracy. During the 2020 presidential election, [people who lived in predominantly Black neighborhoods](#) faced [significantly longer lines to cast ballots](#) than people in predominantly white neighborhoods. In some cases, Black people were forced to wait more than five hours to vote. Now, lawmakers in 43 states have proposed at least 250 bills that would make voting more difficult. Historians say that these proposals which include ID requirements, reduced poll hours, and limits on mail-in voting would [represent the most dramatic curtailment of ballot access](#) since poll taxes, literacy tests, and other restrictions effectively prevented newly emancipated men from voting in the late 19<sup>th</sup> century.

Obstacles to voting are just one means to curtail the liberty of Black people in the United States. Mass incarceration has picked up where slavery left off, separating families and dehumanizing and traumatizing the descendants of enslaved people. In the 156 years since slavery was abolished, Black people in the United States have gone from being considered less than human under the law to being [treated as less than human by a criminal legal system](#) that still punishes them more harshly than white people at every stage.

Because the 13<sup>th</sup> Amendment exempted people convicted of crimes, the criminal legal system has been used to extract labor from enslaved people's descendants. Immediately after the abolition of slavery, Black codes criminalized activities like selling crops without permission from a white person. Other laws criminalized Black people for being too close to a white person in public, walking without purpose, walking next to railroad tracks, or assembling after dark.

As lawmakers expanded the criminal legal system's ability to arbitrarily send Black people to jail for minor crimes, convict leasing laws allowed plantation owners to lease convicted people. Historians have reported that people who were leased were [treated even more brutally than enslaved people](#) because plantation owners had a financial incentive to keep enslaved people alive. No such incentive protected victims of convict leasing. Most incarcerated people who were leased for labor [did not even survive to complete 10-year sentences](#). Until the mid-1950s, states routinely forced chain gangs of imprisoned people to do public works projects while wearing chains weighing as much as 20 pounds.

While Black codes and chain gangs have faded into history, incarcerated people remain an [easily exploitable labor source](#) because desperate conditions compel many to accept any work for any pay just to alleviate some of the misery of their circumstances. Private companies and governments extract nearly free labor from incarcerated people who are employed to do everything from building office furniture and making hand sanitizer to staffing call centers and [performing 3D modeling](#) in most cases for pennies an hour. In California, incarcerated people battle fires in 24-hour shifts for as little as \$2.90 a day. The estimated [minimum annual value of prison and jail industrial output is \\$2 billion](#).

It is long past time for the United States to abolish this modern twist on slavery. The labor of all people, including those who are incarcerated, deserves respect and fair pay. [Freedom United](#) and [National Equal Justice Association](#) are two organizations which have campaigns to end these exploitive practices.

As the country commemorates Juneteenth, a holiday that celebrates the emancipation of enslaved people in the United States, remember that slavery's chains still rattle. Voter suppression is on the rise, and mass incarceration is another incarnation of state-sponsored, economically incentivized institutional terror that destroys the lives of Black people and many others in this country. This Juneteenth, Vera is redoubling our efforts to uproot slavery's lasting legacy and build a nation where all people are treated with dignity and respect.

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