

AMERICA'S ALTERNATIVE SLAVERY

By Jack Hays (2019)

“We’ve gone from plantations to penitentiaries...”—Reverend Al Sharpton¹

I am the “white” son of a “black”² Labor Leader. That is what he called me...his “white son”.³ We spent many a day arguing over various issues before he died. This is what he enjoyed doing. One such issue that I found myself listening intently to was about his expertise: Labor and civil rights.

One day he volunteered to me, “You know why Doctor Martin Luther King, Jr., died?” I knew this was a trap, because if I answered he would pounce on two subjects he knew intimately: Labor and civil rights.

Therefore, I invited, “Why don’t you tell me, Dad?”

Then the old man announced, “Dr. King was killed because he started his ‘War On Poverty’!”

My father was a big, dark brown man with a white beard and black hair doused with white hair here and there. After a look that clearly was hope I would challenge his insight, the old man’s face became solemn as a sage. He then explained to me why Dr. King died due to the ‘War On Poverty’. And this gift of insight he has given to me I will convey to you in the context of how it ties into the Prison Industrial Complex and Mass Incarceration here in the U.S.

My father explained that Dr. King was in Memphis, Tennessee, to support a Labor Union, after announcing his, “War on poverty.” I was taught that there are people whom would much rather have us—Americans, human beings, global citizens—arguing and fighting with each other about race, religion, and politics⁴ than about class and poverty. Indeed, I was told that it was safer for Dr. King to continue to argue about the terrible disparity between the races in this country than class and poverty.

¹ *Democracy Now*, Sept. 21, 2007, www.democracynow.org/shows/2007/9/21

² By “white” I mean what is generically considered “caucasian” and “black” what is considered “african American”.

³ My stepfather, Melvin Overton, was the first black President of the Mailhandlers’ Union for the United States Postal Service. After he died on Labor Day in 1994, he was featured in the Des Moines Register here in Iowa.

⁴ “[H]ostility erupts more readily between groups...”, *Subliminal: The Revolution of the New Unconscious and What It Teaches Us About Ourselves*, by Professor Leonard Mlodinow (Penguin 2012), pg. 127.

No matter how much melanin⁵ you have in your skin, there is a ever larger gap between the haves and the have-nots. My father said that, as soon as Dr. King's attention shifted to the class struggle and poverty, MLK was gunned down when his "War on Poverty" just began.

Poverty in America and around the world is not a easy issue to address; whether you are trying to understand it or make a change. However, my purpose in writing this essay is to help bring attention to where citizens in the U.S. are suffering from poverty the most: the U.S. Prisons.⁶ Twenty-five percent (25%!) of the World's Prisoners suffer here in the dungeons of the U.S., yet the U.S. only has five percent (5%!) of the entire World's population; there are also more blacks in prison then there ever were slaves in the U.S.⁷ It is only getting worse.⁸ And it is mainly about class and poverty, not race.⁹

With all the above being said, after President Abraham Lincoln announced the end of slavery and the passing of the 13th Amendment to the U.S. Constitution, putting people in prison and forcing them to work became what I call "Alternative Slavery" for black folks...and now the poor in America's Prisons.¹⁰ What is actually considered slavery—human beings kept as property and chattel for involuntary servitude—was recorded as continuing in this country far past the Emancipation Proclamation.¹¹ What is now Alternative Slavery is the bread and butter of fortune 500 companies, private prisons, politicians, and is the reason some believe we will *never* get prison reform in this country.¹² The states interpreted the 13th Amendment—which allows "involuntary servitude" as punishment for a crime—for more than a century as being able to snatch people off

⁵ "melanin." *Encyclopædia Britannica*. Encyclopædia Britannica Ultimate Reference Suite. Chicago: Encyclopædia Britannica, 2013. The difference between what is called "race" is merely the difference of how the amino-acid "tyrosine" is metabolized into melanin and deposited into human skin, animal fur, feathers, etc. See also *We Are All African: How Science Explodes The Myth of Race*, by Daniel Fairbanks, 2003.

⁶ *Why Care About Mass Incarceration?*, Professor James Forman, Jr., 108 Mich. L. Rev. 993 (2010).

⁷ See *The New Jim Crow: Mass Incarceration in the Age of Color-Blindness*, Professor Michelle Alexander (Rev. Ed., The New Press 2010).

⁸ See *Race to Incarcerate*, by Marc Mauer (Rev. Ed., The New Press 2006).

⁹ *Racial Critiques of Mass Incarceration: Beyond the New Jim Crow*, Professor James Forman, Jr., 87 NYU L. Rev. 21 (2012) ("[T]he analogy of [the New Jim Crow] directs our attention away from features of crime and punishment in America that require our attention if we are to understand mass incarceration in all its dimensions.").

¹⁰ See *Slavery by Another Name*, by Douglas Blackmon, Pulitzer Prize Winner (2003); see also *Modern-Day Slavery in America's Prison Workforce*, by Beth Schwartzapfel, *The American Prospect*, www.prospect.org (May 2014)

¹¹ See *Slavery by Another Name*, Blackmon.

¹² *Captive Market*, by Michael Ames, *Harpers Magazine* (February 2015) pgs. 34-42 ("Criminal Justice is a business, and business is good.").

of the street for any bogus “crime” and make them work and pay for room and board.¹³ Nothing has changed but the amounts of money fleeced from the poor.¹⁴

Here in Iowa the “Iowa Prison Industries” (IPI) is a creature of statute; it was created by Iowa law and, therefore, is regulated by Iowa Law. However, the *reality*, is this:

1. IPI was created so that prisoners would learn a new skill, save money, be able to send money home, pay for their court costs, support their children, and pay for the things they need in prison. (See Iowa Code §904.801) However, prisoner are paid *pennies* an hour and these goals *cannot* be met.
2. IPI is not supposed to sell *anything* they do not make themselves—unless it is somehow connected to a product line they have. (See Iowa Code §904.812) However, to date, IPI has been fleecing prisoners and their families for *decades* in violation of the law with the “IPI Canteen”; a canteen that is supposed to be *in* the institution to sell to prisoners “in the institution”. (See Iowa Code §904.310).
3. IPI has a “revolving fund” (Iowa Code §904.814) created to make certain that the other jobs in the institution are paid the same wages as IPI, however, this is NOT taking place and approximately *half* of the prisoners in prison *do not even have a job*—which is also illegal (Iowa Code §904.701)—and spend most of their time in negative pursuits like trying to manipulate and victimize each other.

As the Secretary of the National Association for the Advancement of Colored People, myself and the Chairman of the Veterans Committee asked the Director of IPI when he was going to start following the above stated laws to which he retorted, “Not on my watch!”¹⁵

There is another program where prisoners are rented out to private industries.¹⁶ (Iowa Code §904.809) Most of the money they earn is taken from

¹³ See *Slavery by Another Name*, Blackmon.

¹⁴ See *Captive Market*, Ames.

¹⁵ I have later suffered retaliatory transfers and other consequences to this type of advocacy. However, Iowa is no anomaly. See *Jailhouse Lawyer: Prisoners Defending Prisoners v. The United States*, by Mumia Abu Jamal (City Lights 2009) (Showing that 62.1 % of “Jailhouse Lawyers” are regularly given bogus discipline for their advocacy, the highest in all prison demography, followed by black folks at about 50%).

¹⁶ Also talked about in *Slavery by Another Name* (Blackmon), *Captive Market* (Ames), and *The New Jim Crow* (Alexander).

them. In fact, I know of a man whom has been trying to send his family more money for child support, however, he has been refused for years now. This rent-a-prisoner situation has been around for over 100 years. Prisoners are able to earn a little extra money and they can endure poor treatment due to their status. Though men with very long sentences (even 75 to 100 years) are sought for these jobs, men such as myself whom have a LIFE sentence—which is DEATH by prison, you *will die in prison*—are told that they cannot participate; the private industries in this institution has the same fence around it as this prison I am in, there is no security issue and it is about making my LIFE worse.

What are the answers to the issues concerning the fleecing of the poor in prison? Awareness. Holding these People accountable. Holding elected officials accountable and flooding their phones, e-mails, and mail boxes. The elected officials are more responsible for the Mass Incarceration and Prison Industrial Complex than anyone.¹⁷ Our leaders, the world over, are *lying to us*.¹⁸ Also, we need people to *see* what is happening and not happening with us, prisoners, and we need you to *care*. I know it is hard...a lot of people do not even see us as human¹⁹ until one of their own is in prison.

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¹⁷ See *Buying Influence: How Private Prison Companies Expand Their Control of America's Criminal Justice System*, www.inthepublicinterest.org, (October 2016); *Slavery by Another Name* (Blackmon); *Captive Market* (Ames); and *The New Jim Crow* (Alexander).

¹⁸ *Why Leaders Lie: The Truth About Lying In International Politics*, by J.J. Mearsheimer (Oxford Univ. Press 2011)

¹⁹ *The Emotional Side of Prejudice: The Attribution of Secondary Emotions to In-groups and Out-groups*, by J.P. Leyens, et al., *Personality and Social Psychology Review* 4:18-97 (2000).