

Title of Lesson: *Convict Leasing in Alabama: A System That Re-Enslaved Blacks After the Civil War*
(Suggested grade level: 11th grade American History)

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Background Information:

Convict leasing was a forced labor practice that developed in the South after the end of the Civil War. Huge numbers of convicts, primarily black males, many of whom had been legally but unjustly imprisoned (often on trumped-up charges), were leased by county and state governments across the South to various businesses in search of a source of cheap labor. These businesses (railroads, lumber, and mining companies, for example) paid governments a fee for each leased convict and assumed the cost of housing and feeding prisoners in camps they built. As a result, prisoners no longer cost the government money; they became a substantial source of revenue, a fact that increased the incentive to generate ever larger numbers of them. Tragically for prisoners, once on a job site they received no protection. They worked long hours for little pay, often in extremely unhealthy and dangerous conditions. Prisoners were routinely shackled at night and whipped or tortured if they disobeyed orders. Hundreds of thousands of them died on the job. But because companies had so little invested in any one prisoner, if he died, he was readily and easily replaced. The companies made huge profits off the system, and state and county governments took in substantial amounts of money as well. The brutal economics of the system helped ensure its longevity. An additional reason Southern states embraced convict leasing was it enabled whites to maintain racial as well as economic dominance because it provided a legal way to limit blacks' mobility and opportunities. Despite outcries in both the North and South, Southern legislatures were slow to end the practice. The convict leasing system began in Alabama in 1875. It wasn't halted until 1928, fifty-three years later.

Overview of lesson:

This lesson aims to inform students about the tragic nature of the convict leasing system in Alabama, a topic that many American history textbooks don't mention. It uses a combination of materials: dramatic information about one particular prisoner, a scholarly summary (from the Encyclopedia of Alabama) about how the lease system worked in this state, and three primary documents. In groups, students are asked to pull important facts from the scholarly summary, discuss the significance of those facts, analyze the primary documents, and then draw some conclusions. At the end of the lesson, instead of writing a lengthy essay, students are asked to compose one single, well organized and concentrated paragraph (referencing 2 or 3 historical facts and one primary document) that addresses an essential question about the nature of the lease system.

Content Standards

[Alabama Course of Study: Social Studies](#) (Bulletin 2004, No. 18)

Grade 11: Content Standard 2

- Describe social and political origins, accomplishments, and limitations of Progressivism

[National Standards for History](#), 1996

Standards in Historical Thinking

Standard 2: The student comprehends a variety of historical sources. Therefore, the student is able to:

- A. Identify the author or source of the historical document or narrative
- B. Reconstruct the literal meaning of a historical passage by identifying who was involved, what happened, where it happened, what events led to these developments, and what consequences or outcomes followed.

Standard 3: The student engages in historical analysis and interpretation.

Standards in History for Grades 5-12

Era 6, Standard 3A: Account for employment in different regions of the country as affected by gender, race, ethnicity, and skill.

[National Curriculum Standards for Social Studies](#), (2010)

Standard 5: Individuals, Groups, and Institutions

Standard 6: Power, Authority, and Governance

Standard 7: Production, Distribution, and Consumption

Primary Learning Objective(s):

Students will:

- Learn basic facts about the convict lease system
- Practice historical empathy
- Analyze primary documents (both written and visual)
- Draw inferences from documents
- Express personal conclusions
- Support conclusions with facts
- Practice writing skills

Time allotted: 120 minutes

Materials and Equipment:

- Magic markers and large pieces of paper (to distribute to each group)
- Computer with Internet connection
- Overhead or digital projector to display primary sources
- Packet of primary documents to give to each group
 1. [Pages from a convict registry in Montgomery](#). (From the Alabama Department of Archives and History) There are six different entries. If you can't print all the pages, print the one on Harrison Grant. He was killed by falling rock while working at the Pratt Mines, where Green Cottenham also worked.
 2. ["Flier for a Mass Meeting."](#) (From the Alabama Department of Archives and History) Date on this is 1923. It shows that a reform effort was underway to get rid of the convict-leasing system.
 3. [Photograph of shackled convicts in sleeping bunks](#). (From the Birmingham Library Archives)
 4. Instructions for paragraph assignment (Attached)
 5. Rubric for grading paragraph (Attached)

Technological Resources:

- Encyclopedia of Alabama article, ["The Convict-Lease System."](#) (Student handout was based on this article.)

- *Wall Street Journal* article, [“From Alabama’s Past, Capitalism Teamed with Racism to Create Cruel Partnership.”](#) After writing this article in 2001, the author, Douglas Blackmon, the Wall Street Bureau chief in Atlanta, decided to expand his research on convict leasing and write a book (listed immediately below).
- Web site for Blackmon’s book, [Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II](#). Blackmon’s book won the Pulitzer Prize in 2009. This site includes information about Blackmon, the book, and the PBS movie based on the book (scheduled for release in 2012). A “photo gallery” can be found under the opening page tag that says “The Book.”
- Digital History article, [“Along the Color Line, The Convict Lease System, 1880-1920”](#). Digital History provides an online American history textbook. The chapter entitled “Along the Color Line” contains a one-page overview of the convict-lease system in the South.
- Alabama Department of Archives and History [summary of Governor William Jelks](#)’s two terms as governor of Alabama (1901-1907). The fourth from the last paragraph talks about how more efficient administration of the convict system during his two terms netted the state “nearly \$400,000 per year between 1901 and 1906.” The Encyclopedia of Alabama also has an article on [Governor Jelks](#).
- There are a number of YouTube videos about Blackmon and his book. One entitled “Buried in Alabama - Slavery” (a little over 4 minutes long) was shot on site in Birmingham (Pratt City).

Background/Preparation:

- Students should already be able to distinguish between fact and opinion.
- Students should already know the difference between primary and secondary sources.
- Students should have already studied the early years of Reconstruction (prior to 1877).

Procedures/Activities:

Engagement/Motivation Activity:

- Give each student a copy of “A Tragic but True Story,” the brief account of Green Cottenham’s arrest, conviction, and eventual death. (This information comes from, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, a book by Douglas Blackmon. (The PBS web site for [Slavery by Another Name](#) will provide additional information.)
- Working with a partner, have students read the material and answer the three questions at the bottom.
- Conduct a whole class discussion, using the questions as a guide. If students don’t mention it themselves, point out that Alabama’s 1903 vagrancy law basically criminalized unemployment. (Many other southern states had the same kind of law.) If someone was stopped by an officer of the law and couldn’t instantly provide proof of employment, he was subject to arrest. Although vagrancy laws never mentioned race, they were reserved almost exclusively for blacks. There were many others kinds of laws that targeted blacks and made them easy to arrest.

Step 1	Distribute copies of the Encyclopedia of Alabama article on the convict-leasing system (small portions of the original article were eliminated to make the length more manageable – two pages.) Give students these instructions: “Imagine that you are writing an American History textbook and you want to include some bulleted information about the convict-leasing system. If you could use only ten facts from this article for your ten bullets, which 10 do you think are the most significant? (These have to be specific facts, not abstract generalities or opinion statements.) List those facts on a separate sheet of paper and, next to each, also
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	write a statement that explains what this fact shows about the system and why that's significant." (Allow a reasonable amount of time and then check to see that every student has a list of 10.)
Step 2	Create (or allow students to organize themselves into) groups of 3-4. Give each group a magic marker and a large piece of paper. Tell them that each person is to read his or her list (and explanations about significance) to the others. After everyone has done so, then as a group they are to come up with an agreed upon list of the 10 most significant facts. They must write those 10 on their piece of paper. They don't have to write down any statements of significance next to the facts, but each group member must be prepared to explain the significance of at least 2 of the 10 facts.
Step 3	Have each group recite and explain their 10 facts. Immediately afterward, encourage students to respond to each other's lists. Did some facts appear on multiple lists? If so, what might that reflect? Can students connect any of the facts? How do 2 or more facts possibly relate? If the list could be expanded to 11 facts, what is one more fact they'd want to include in their textbook? What understanding or important knowledge would be gained by including that fact?
Step 4	Set up this scenario: "Now that you have your 10 bulleted facts to put in your textbook, what kinds of primary sources might you want to include as well?" (You could point out some examples of primary sources that are used in students' own textbooks.) If students seem confused, offer them an example: "Would you want to include a photograph and, if so, what would it be a photograph of?" Allow students time to brainstorm and then list some possibilities on the board.
Step 5	Tell students you're going to distribute a packet of primary documents (a total of 3) to each group. They are to examine their documents slowly and carefully with these questions in mind: "What can be learned about the convict-leasing system from each primary source? How does it help tell the story? Does it raise any questions you'd want answered?"
Step 6	After allowing time for groups to process the documents, bring the class back together. Show each document, one at time, on an overhead or digital projector and ask students to explain what it reveals, how it contributes to a fuller understanding of the topic and what questions it might raise that, if we had time, we'd want answered.
Step 7	Give out instructions for paragraph assignment and copies of the grading rubric.

Assessment Strategies: Students write one well organized and tightly focused paragraph in response to the question: "What do you believe was the most tragic aspect of the convict-lease system?"

Extension: Students could do additional research on efforts to ban convict leasing in Alabama, including the role women played (Julia Tutwiler was active in the cause). They could also research the topic of forced labor in a more global and modern context. What groups of people today are forced to work against their will in slave-like conditions?

A TRAGIC AND TRUE STORY

In 1908, a twenty-two year old, unemployed black man by the name of Green Cottenham was arrested in Shelby County, Alabama, on a charge of “vagrancy.” (Alabama passed a law in 1903 that defined vagrancy in very specific terms. In general, however, it meant the condition of being unemployed and without visible means of support.) The county judge found him guilty and sentenced him to thirty days of hard labor. At that time in Alabama, when someone was found guilty of a crime, he was charged with paying all the expenses related to his trial, which could include fees for the sheriff, the deputy, and the court clerk. Because Cottenham had no job and no money, and thus couldn’t pay his court costs, his sentence was extended to nearly a year of hard labor.

Instead of going to prison, however, Cottenham was “leased” to U.S. Steel Corporation. U.S. Steel quickly turned him over to a secondary company they owned, the Tennessee Coal, Iron and Railroad Company. In turn, this mining company promised to give Shelby County \$12 a month to pay off Cottenham’s fines and fees.

As a result of all these transactions, Cottenham wound up being sent to work in a coal mine on the edge of Birmingham. He worked long, grueling days in a darkened mine shaft, and at night, he and the other workers were chained inside a wooden barrack. If he was disobedient or failed to dig his daily quota of coal, he faced a possible whipping or other form of torture. In addition, the danger of illness was ever present. Contagious diseases like pneumonia or tuberculosis spread rapidly among the miners. And, of course, there was always the possibility he could be killed in a mine disaster since the company took few safety precautions.

Not surprisingly, John Cottenham didn’t survive his year of hard labor. Four months after his arrest, he died of tuberculosis in a work-camp hospital run by Tennessee Coal and Iron.

1. Review this story and working with your partner, put a star at every point in the narrative where you think there was a miscarriage of justice.
2. If this case were to go to court today and you were the judge, who (or what) would you hold responsible for Cottenham’s death? (You can name more than one participant.) List your choices below.
3. What crimes would you accuse each of these participants with? Be as specific as possible (don’t just say “a miscarriage of justice”). Place each charge next to the participant you would hold responsible.

PARAGRAPH INSTRUCTIONS

Using 1 primary source and 2 or 3 of the facts we've discussed in class, compose a well organized paragraph that addresses this question: **"What do you believe was the MOST tragic aspect of the convict-leasing system?"** (An "aspect" is a way in which something can be viewed, as in "We should look at all aspects of the situation.")

Because you are limited to one paragraph and the amount of evidence you can use in that paragraph, make certain the 2 or 3 facts you select, along with your primary source, relate strongly to each other and to the point you want to make.

Begin your paragraph with your conclusion about what the most tragic aspect was. (That's your **thesis**.) This CANNOT BE a simple statement of fact; it must be an arguable opinion. And it should be the **very first sentence in the paragraph**.

While you have to include 2 or 3 facts and make specific references to 1 of the primary sources you worked with, make certain you're not listing that information instead of discussing it. You must provide a meaningful context for all the specifics you include. The paragraph should be a blend of the **concrete** (those specifics which you believe support and help prove your opinion) with the **abstract** (you expressing and explaining your opinion and how the facts support it).

The paragraph should be approximately 200-250 words long. If you're off by more than 10%, points will be deducted from your final score. The aim here is to produce a very focused, purposeful paragraph.

RUBRIC FOR PARAGRAPH

STUDENT NAME _____

Thesis (20 points):

- Is it the first sentence in the paragraph?
- Is it an arguable opinion, not a statement of fact?
- Is it clear?

Paragraph Technicalities (10 points)

- Is it between 200-250 words long?
- Does it include 2-3 facts about the convict-lease system?
- Does it mention something specific about 1 of the primary sources?

Quality of Paragraph (20 points)

- Does the author discuss and explain, not just list facts?
- Is the author's wording clear?
- Does the author supply transitional words and phrases when moving between different parts of the paragraph?
- Is the paragraph convincing in terms of supporting the thesis? Do all the parts relate?

COMMENTS: