

LOUISIANA STATE PENITENTIARY: THE INERTIA OF FORCED  
LABOR AND EXPLOITATION OF IMPRISONED PEOPLES  
DURING COVID-19

by

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Louisiana's history with forced labor is deep rooted and heavily ingrained within the state. For centuries, Louisiana State Penitentiary has maintained a system of brutal involuntary servitude on a majority of incarcerated people serving life sentences without parole. Specifically focusing on the state of Louisiana when enduring economic crises, the penitentiary has served as a support system for the state by way of forced labor. This thesis uses a historical analysis on how the Louisiana State Penitentiary used incarcerated workers after the Civil War in comparison with Louisiana's most recent economic struggle during the Covid-19 pandemic to outline an unethical trend of dependence on the penitentiary. The Louisiana State Penitentiary's position in the state threatens to continue a pervasive and abusive structure of contemporary slavery that is essential to how the state functions, making discourse on this topic crucial for preventing this harmful practice from continuing.

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## Table of Contents

Section I: Introduction	5
Main Setting	5
Thesis Outline	5-7
Methods	7
Section II: Angola Prison Background	8
Background of Angola Prison	8
History of Angola Prison	9
Post Civil war Reconstruction	9-10
Section III: Literature Review on Covid-19 Prison Experiences Nationally	11
Existing Literature on U.S. Prisons During Covid-19	11-12
Section IV: Covid-19 Exploitation Case Study	13
Introduction to Case Study	13
Medical Neglect	14-16
Labor Earnings	16-19
Dehumanization and Racial Coding	19-22
Section V: Louisiana's Position on Incarcerated Workers, A Discussion on Resistance to Change	23
Policy Change Failure	23-25
Systemic Racism	25-27
Section VI: Conclusion	28-29
Bibliography	30-32

## **Section I: Introduction**

### ***Main Setting***

The United States of America is home to the largest population of prisoners globally, with roughly two million people in prison by the end of 2023. Housing roughly 6,000 people, Louisiana State Penitentiary, otherwise known as Angola Prison, is one of the largest, and most intensive maximum-security prisons in the United States. Of those imprisoned, roughly 4,000 are serving life sentences without parole. This prison has had a complex and brutal history of abusive labor and exploitation for centuries. With a disproportionately high rate of Black inmates incarcerated there in the present day, and a prison system that is greatly connected to forced labor, the prison still largely mirrors its previous history as a slave plantation. Louisiana State Penitentiary, and the greater state of Louisiana, have made prison labor an active part of their economy, as imprisoned workers are continuously placed into essential positions of labor. This idea is generated by way of acknowledging Louisiana's use of forced labor to not only keep the penitentiary open and running, but also contribute to other corporations and industries within Louisiana. Whether it be through racially coded work reminiscent of the pre-13th Amendment Angola Plantation, the placement of imprisoned workers in essential, often dangerous jobs for very low wages, or the medical neglect of those in the labor force, Louisiana has put imprisoned people in strict social and economic relationships with one another.

### ***Thesis Outline***

Looking at Louisiana State Penitentiary's prison labor system outlines a dangerous trend for those incarcerated within it, as well as a bigger picture for those imprisoned in the United States. We can learn much from Louisiana State Penitentiary's pattern of exploiting imprisoned

people to tell us about their values, both historically and in a contemporary context, when forced to deal with hardships in their state. After the Covid-19 Pandemic hit in 2020, this exploitative system appeared to reproduce and transform itself into a new, yet still brutal and deadly, context. In a period of crisis, the state leaned on the labor of its incarcerated peoples to help keep the state afloat. Not only did the imprisoned people experience extreme medical neglect during the pandemic, but they were also manipulated and outright forced into performing labor for state companies in order to maintain Louisiana's economic production while the citizens of the state quarantined and largely stayed at home during the initial stages of the pandemic. What happened at Louisiana State Penitentiary during the Covid-19 pandemic can be strongly tied back to Louisiana state's Civil War period in the early to mid 1860s, where when forced to struggle through economic and social hardships, the people leaned on the forced labor of prisoners to rebuild their state's economy. The Civil War period of course arrived after over a century of brutally forced slave labor within Louisiana, where many enslaved African people were forced to build the state's economy and infrastructure. Despite the Civil War banning the usage of slavery with the 13th Amendment, the creation of the penitentiary served as a place to continue forced labor practices. Specifically, comparing the Civil War period to that of the contemporary Covid-19 period opens a window into understanding a recurring trend that appears to keep cycling through Louisiana's state penitentiary. Looking at this unchanging occurrence of how the penitentiary uses forced labor, otherwise referred to as an inertia of forced labor, as a form of essential work especially during an economic crisis, can help us to gain information on how this unethical form of labor maintains itself. This inertia of dependence on the prisoners despite changes in the social setting of Louisiana can reveal critical information regarding how Louisiana views prisoners within their economic structure as a state. This concept will be

explored by asking the following research questions: How did Louisiana State Penitentiary's rigidly structured social and economic system navigate the Covid-19 pandemic? In what ways can Louisiana's historical values help us understand why they used forced labor the way they did when enduring a pandemic?

### ***Methods***

For this thesis, I wanted to research Louisiana's penal system with a qualitative analytical and historical lens in order to understand what makes Angola Prison's setting optimal for research on involuntary servitude. Much of my interest in this setting as a place for sociological analysis comes from its history with exploitation of peoples since before its official standing as a penitentiary. In order to understand the full gravity of what's happening in Angola Prison, it is imperative to investigate the history of Angola Prison's economic exploitation of imprisoned people, as well as analyze their contemporary forced labor systems during the Covid-19 Pandemic. Using several texts for historical context, such as Mark Carelton's book, "Politics and Punishment: The History of the Louisiana State Penal System," and the New Orleans District US Army Corps of Engineers report, "Angola: Plantation to Penitentiary," I will give a foundation of the use of forced labor in Louisiana. In order to give a comparison with contemporary Louisiana, I will engage with Billy Sinclair's report, "Viewpoint: Angola Will Remain a Slave Plantation," and the American Civil Liberties Union report, to gather direct findings on statistics regarding forced labor during Covid-19 in Louisiana State Penitentiary. By the end of this thesis, I will have discussed the potential underlying patterns at play in the penitentiary, their extent, and in what ways they allow a pattern of abuse to occur within Louisiana's economic system.

## **Section II: Angola Prison Background**

### ***Background of Angola Prison***

In order to understand the weight of what took place in the Louisiana State Penitentiary during the Covid-19 pandemic, it's imperative we discuss the background of this prison. Louisiana State Penitentiary's standing as a prison industrial complex comes with a lengthy and problematic history that establishes a recurring cycle of exploitation that is necessary to know in order to have context for the contemporary issue of forced labor in Angola. The Louisiana State Penitentiary was historically a slave plantation called Angola Plantation when it was built in the 1830s (Sinclair, 2022). The initial construction and maintenance of the penitentiary between the periods of 1830 and 1844 cost the state roughly half a million dollars (Carleton, 1971). The prison sits in a slight land basin surrounded by the Mississippi River and the Tunica Hills. The 18,000 acre-complex was named after the nation of Angola, in Southern Africa, where it is said that thousands of Africans were shipped all around the nation to perform forced labor for the United States of America. Several hundreds of these Africans ended up in what we now know to be Louisiana, where they involuntarily inhabited the Angola Plantation. Much of the labor performed during this time was brutal field work, such as long hours tending to and harvesting crops, where many enslaved people experienced abuse, dehydration, and far too often, early death. In fact, the present-day plantation sits on the buried bones of several hundreds of enslaved people who died whilst building the levee system that still protects the prison from the Mississippi river today (Sinclair, 2022). The bodies of those who passed were not moved from the levee area and remained in the mud where they decomposed.



### ***History of Prison Labor in Louisiana***

After the Civil War and the ratification of the 13th Amendment, which prohibited slavery and involuntary servitude, “Except as punishment for crime,” Louisiana purchased Angola Plantation and made it a state penitentiary, with the goal of prison self-sufficiency. It is pivotal to note that Louisiana’s economy was severely struggling because of the lead up to, and then completion of, the Civil War. Many of the decisions made by the state for the penitentiary at this time had saving money and making money at the forefront due to the economic recession they were facing after the Civil War. The state made what they considered to be necessary budget cuts, such as not hiring the necessary number of professional staff (doctors, nurses, and clergymen) needed to tend to the imprisoned people in Louisiana State Penitentiary (Carleton, 1971). Any large payroll was often avoided because of the cost it would have on earnings made for the state. Historians and researchers alike have said that the majority of enslaved people who occupied the space prior to the ratification of the 13th Amendment remained at Angola under the name of “criminal” as a replacement for the prior “slave” title (Carleton, 1971). The 11th governor of Louisiana State, Alexandre Mouton, established what was known as the “convict lease system” which allowed private contractors to use “free labor” of inmates in Louisiana’s prisons. The leasing system enabled Louisiana state to exploit inmates inside of prisons in Louisiana, emulating the previous system of slavery on a still predominantly (roughly 75%) Black population. While all prisons within Louisiana were given the right to exploitation of inmates, Angola Prison made the largest impact for the state because of its title as the largest maximum-security prison.

### ***Post Civil War Reconstruction***

Because Louisiana was a slave state, the reconstruction brought on from the Civil War greatly impacted and changed their economic system. According to the Louisiana Department of Culture, Recreation, and Tourism, many plantations were destroyed and an estimated \$500 million in capital was lost for Southern White people and free Black planters (“Reconstruction”). The state, and Mouton, acknowledged that the forced use of prisoners to work for the prison, and surrounding community, would largely help maintain the prison, as well as aspects of Louisiana’s economy, such as reducing state expenditures and avoiding taxes from being raised. In 1870, Louisiana state gave the Louisiana State Penitentiary’s lease to former Confederate Major Samuel L. James. Under the 13th Amendment, Major James was able to continue practices of forced labor on the Angola Plantation-turned-prison through the convict lease system. In fact, the slavery practices Major James upheld were so reminiscent of the pre-13th Amendment plantation, he even housed the Black inmates in the same quarters which formerly housed enslaved Black people. But the majority of the Black inmates in the penitentiary were subleased out to other landowners in the state whose plantations were now in need of new workers upon the removal of slavery, while others continued work building levees, roads, and railways for the state (“History”). During this time, approximately 3,000 of these people died under the dictatorship of Major James (“Reconstruction”). Of the few White inmates, who were seen as more intelligent than their Black peers, they were given work as clerks, or as various types of craftsmen (“History”). The first ten years of owning Louisiana State Penitentiary’s convict lease were so financially beneficial for Major James, he gained enough financial stability to purchase the penitentiary in 1880. By 1901, Louisiana State Penitentiary’s money-making nature had become so well known that the state purchased it off of Major James in order to reap the benefits for themselves.

### **Section III: Literature Review on Covid-19 Prison Experiences Nationally**

#### ***Existing Literature U.S. Prisons During Covid-19***

While this thesis will be engaging primarily with Covid-19 data from Angola Prison, it is important to note that all prisons in the United States have greatly struggled with the pandemic. The United States generally has lost roughly 1.13 million lives during the Covid-19 pandemic (Wang, 2022). Researchers suggest that death rates of those in incarcerated spaces due to the virus reached six times higher than that of deaths in the general population, making imprisonment a near death sentence (Craig, et al., 2022). In the country with the highest incarceration rates in the world, overcrowding of prisons is an inevitable component of the United States prison systems. With a population size of 2.3 million incarcerated people in the United States, this largely suggests that avoiding the spread of Covid-19 in United States prisons is a near-impossible feat (Sawyer and Wagner, 2020). The United States prison structure was not designed to protect incarcerated people during a pandemic, when quarantining and social distancing were crucial requirements for safety. Overcrowding makes social distancing critically difficult to manage. Poor ventilation of the cells, as well as poor sanitation, lack of water and most hygiene products, and inadequate healthcare make United States prisons a hot spot for disease spread (Hummer, 2020). Beyond this, many incarcerated people can and do suffer from poor mental health as a result of the prison structures under-serving them and resulting in critical neglect. As the Centers for Disease Control and Prevention (CDC) continues to educate the population on Covid-19 facts and statistics, a major component of their findings tied Covid-19 susceptibility with mental health conditions (“People,” 2024). For many imprisoned people in the United States, it could be suggested that their commonly poor mental and physical health

compared to that of the general population, could put them at a much higher risk for more severe complications with Covid-19 (Fazel, et al., 2016). Activities that might help the mental health of those incarcerated in the United States, such as group therapy, religious congregations, and visitations from friends and family were completely halted to enforce some semblance of social distancing as a result of the pandemic. During this time, the prisons offered little to no resources or options to allow the use of video visitation calls, or other forms of media, to allow imprisoned people to maintain a sense of community. The Centers for Disease and Control Prevention suggest a clear connection between susceptibility to Covid-19 and mental and physical health, and yet United States prisons at large failed to prioritize mental healthcare during the pandemic (“About,” 2024). Physical well-being was also neglected. Incarcerated spaces in the United States faced a critical lack of personal protective equipment (PPE), and many states only provided PPE to incarcerated people if they had been exposed to someone testing positive for the virus (Craig, et al., 2022). Beyond this, many prisons did not supply imprisoned people with hand sanitizer due to its high-alcohol content, making it to be considered as contraband. Despite Covid-19 vaccinations being proven to critically limit the spread of Covid-19, research suggests that roughly only half of the overall prison population in America was able to be vaccinated due to limited resources and medical personnel in prisons (Herring and Widra, 2021). With the hopes of lessening the spread inside incarcerated spaces, many civil rights attorneys and other public health experts and advocates placed appeals to depopulate prisons in the summer of 2020. While many prisons performed a 25% reduction in their populations, research suggests that this decarceration period rarely limited the population of Black people in American prisons. Beyond this, many prisons swiftly refilled to an overcrowded status when social concerns of Covid-19 began to die down (Akiyama, et al., 2020).

## **Section IV: Covid Exploitation Case Study**

### ***Introduction to Case Study***

An overview of prison conditions in the nation during Covid-19 outlines a clear disparity for incarcerated people as a whole. But specifically looking at the Louisiana State Penitentiary's handling of forced labor during the Covid-19 pandemic is a critical issue to explore, as it highlights broader systemic problems within prison institutions. Angola Prison's notable size distinction from the other prisons, as the largest maximum-security prison in the United States, makes it an important space to observe. Additionally, Angola's reputation for its agricultural operations, with a strong focus on farming and inmate labor, ties it closely with slavery and forced labor practices that have historically tainted the state. Examining a Covid-19 exploitation case highlights the challenges and ethical concerns surrounding forced inmate labor, providing valuable insights on the importance of forced labor in Louisiana generally, but especially during unprecedented health and/or economic crises. Investigating how the Louisiana State Penitentiary managed forced labor during the pandemic also raises questions about inmate health and safety, as well as forced labor earnings being accrued within the state, and the racial coding of inmates that has historical roots for the state. It prompts a discussion on the adequacy of health measures in prisons, where social distancing is nearly impossible, and the implications of continuing forced labor practices generally, but especially amidst such conditions as the ones present during the pandemic. This analysis not only looks at the failures of many current prison policies but can also hopefully influence future approaches to prison labor and inmate welfare generally, but especially during a health and/or economic crisis.

### *Medical Neglect*

According to an audit and report made by the Department of Public Safety and Corrections (DOC) on Louisiana State Penitentiary, DOC's following of the Centers for Disease Control and Prevention (CDC) did not transfer over to that state penitentiary. Many of the requested CDC guidelines addressed requirements on Covid-19 testing, quarantining, screenings for symptoms, prison visitation, personal protective equipment (PPE), the practicing of social distancing strategies, and prison transfers (Waguespack, 2021). Despite DOC's relatively regular communications with Louisiana State Penitentiary during this time, the department failed to implement proper strategies of ensuring the penitentiary implemented the CDC guidelines and protocols requested. The DOC's Covid-19 guideline documents for the penitentiary were updated 18 separate times during the height of the pandemic (Waguespack, 2021). Despite the CDC's initial approval of the penitentiary's implementation of guidelines during the beginning stages of the pandemic, per a DOC request for a CDC team to tour the prison, the DOC largely failed to ensure that the staff were consistent with Covid-19 regulations throughout the pandemic, which led to critical harm on the imprisoned people. Ensuring consistent practices of Covid-19 guidelines could have largely looked like conducting virtual inspections of the prison to ensure staff and inmates were continuously wearing PPE and ensuring prisoners and staff followed social distancing and quarantine guidelines.

Beyond this, Louisiana State Penitentiary tested inmates at a critically low rate. While testing shortages were a common occurrence nationally, the former medical director of the penitentiary corrections department, Dr. John Morrison, claimed the penitentiary had thousands of testing kits to be used for imprisoned people when he resigned in April of 2020 (Rubin, et al., 2020). Official reports on the penitentiary have backed this claim, proving that the corrections

department even obtained an extra 4,100 more testing kits the following month, May 2020 (Rubin, et al., 2020). And despite former Governor of Louisiana John Bel Edwards' promises that Louisiana state would increase Covid-19 screenings at the state penitentiary, Angola's testing rates were proven to lag far behind most of the other states in the country (Rubin, et al., 2020). Haller Jackson, a previously incarcerated person at Angola Prison during the pandemic, stated in an interview, "The surest way not to have a coronavirus crisis is not to test for it," regarding the critically low levels of testing at the penitentiary (Rubin, et al., 2020).

Governor Edwards' claim was not the first time a person in an official position made claims about how the penitentiary handled Covid-19 which were later proved false. In fact, when Covid-19 initially struck the penitentiary, corrections officers stated that medical staff within the prison were working to educate the imprisoned people on the virus and prepare them to protect themselves, but many of those incarcerated claimed they were told very little about the virus, and were never told how to prevent it and protect themselves (Rubin, et al., 2020). Darrill Henry, an inmate at Angola on his 16th year of his life sentence, stated remembering guards and medical staff suddenly beginning to wear forms of PPE, missing work, and even in one case, throwing up in the hallway due to the virus, while those imprisoned were left largely uninformed until they eventually saw the virus being discussed on the news. Dr. Morrison's initial instructions to the medical staff at Angola, in accordance with the CDC guidelines, requested they screen and begin aiding those showing signs of a fever, cough, and/or difficulty breathing, but those on the medical team appeared to all have different interpretations of this request. Of the incarcerated people who sought help from the medical team, only half made it past the initial screening to then be seen by the nurses and doctors on site (Rubin, et al., 2020). Those who expressed feeling unwell but didn't have a fever were often sent back to their cells without PPE. At the time of Dr.

Morrison's resignation from his position as the medical director of Angola, a 69 year old man by the name of John Cantrello, otherwise known as Cap, had communicated an issue he was experiencing with his breathing. As well as Cap's elevated age, he also used a wheelchair because of his elevated weight, making him a high-risk candidate for experiencing the most severe Covid-19 symptoms. Despite his fellow inmates recalling him asking for help several times from the medical staff, his lack of a fever in accordance with the CDC (100.4 or higher) kept him in his cell, until eventually he was rushed to Our Lady of the Lake Hospital in Baton Rouge by ambulance (Rubin, et al., 2020). There he tested positive for Covid-19 and died three days later, on April 18th, 2020, making him the first inmate death reported by the Angola Prison corrections department.

### ***Labor Earnings***

As the first of its kind, the American Civil Liberties Union (ACLU), an American nonprofit human rights organization founded in 1920, wrote up a report which describes in detail the extent of prison labor in the United States. Specifically, the report, "Captive Labor: Exploitation of Incarcerated Workers," depicts a case study on Louisiana state. Of the forms of labor being forced on inmates, ACLU reported heavy emphasis on field work as a critically pushed form of labor. Those working the fields are paid two cents an hour to tend to crops such as cotton, corn, soybeans, and sugarcane ("ACLU," 2022). Those working in the fields are forced to suffer through dehydration due to lack of access to water, as well as little rest, and no restroom facilities accessible in the fields. Many formerly incarcerated field workers at Angola have reported witnessing inmates collapse due to exhaustion or dehydration, as an almost routine experience of this form of labor under the conditions of Angola prison. The products of prison



labor are largely exploited by the state, as well as global actors. In fact, ACLU discovered that between the years of 2017 to 2020, Louis Dreyfus Commodities, the world's leading trader of cotton and rice, purchased roughly \$2.4 million worth of agricultural goods, and at least \$5 million worth of livestock, produced by prison labor in Louisiana State Penitentiary ("ACLU," 2022). Additionally, the ACLU noted findings that during the height of the Covid-19 pandemic, DG Foods, a poultry processing plant in Bastrop, Louisiana, was able to avoid full shutdown of its operations by relying on the labor of Louisiana State Penitentiary's incarcerated workers ("ACLU," 2022). The report stated that those who refused to work for the poultry processing plant during the midst of the pandemic were threatened with the loss of their earned-time credits ("ACLU," 2022). Time credits allow prisoners who have shown good behavior over time, and/or a lack of potential re-offense, the ability to reduce their time in prison if their level of crime fits a specific set of qualifications.

With the introduction of Covid-19 into the Louisiana State Penitentiary came the introduction of new kinds of labor the inmates were forced to perform. Of these essential jobs being added to the list of forced labor for inmates, mixing together chemicals to produce hand sanitizers that had become sparse for the state due to citizens mass stockpiling was crucial. Many of the incarcerated people performing this work have little training in how to work with these chemicals safely, and often perform this labor for pennies. Although this form of labor presents the inmates with severe occupational and health risks, the state officials saw this forced labor as an efficient and inexpensive solution for solving the hand sanitizer production not matching up to the over-purchasing of the product (Simpson, 2022). Beyond hand sanitizer, incarcerated workers at Louisiana State Penitentiary reportedly produced masks, face shields, and hospital gowns, as other forms of PPE and Covid-19 safety materials that ran low during the pandemic

("Captive," 2024). While there is limited research on the overall scope of just how much labor production from inmates allowed for Louisiana to prevent a total shutdown in the pandemic, many researchers and sociologists have highly suggested much of the state's success came from forced labor.

Because the penitentiary found prison labor during the pandemic to be so crucial to their overall functioning as a system, inmates experienced increased punishments should they refuse to work during this time. Punishments varied, but many inmates at Angola Prison reported being forced into solitary confinement if they refused to work, or they worked at a speed considered inadequate by the prison staff ("Captive," 2024). It's worth noting that while Angola Prison uses confinement as a routine practice for punishing inmates, many scholars consider the usage of solitary confinement to be a form of torture. In fact, according to the U.N. Convention Against Torture, they define torture as, ". . . as any state-sanctioned act 'by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person' for information, punishment, intimidation, or for a reason based on discrimination," ("Solitary"). The solitary confinement inmates were subjected to if they refused to work varied in length of time, ranging from up to 30 days solitary confinement for the first offense/refusal to work, to 180 days if an inmate reached their third offense/refusal to work ("Captive," 2024). Although the ACLU report suggests that in practice, the use of solitary confinement for inmates at Louisiana State Penitentiary can often occur for indefinite amounts of time, or as the officials in the prison see fit. In fact, in a survey given out by ACLU to inmates at Louisiana State Penitentiary, a respondent claimed he was placed in and out of solitary confinement routinely due to being unable to perform labor at the rate expected of him due to several medical issues, including asthma, anemia, and degenerative discs in his spine ("Captive," 2024). It is important to

remember too that for inmates with medical issues such as these, their condition places them at a far higher risk of experiencing the most intense and dangerous Covid-19 symptoms, which can make them far more susceptible to death (“About,” 2024). The usage of punishments, such as solitary confinement, to forcefully motivate inmates into working essential jobs that placed them into positions of heightened Covid-19 exposure proved to be yet another brutal and inhumane way in which Angola Prison treated incarcerated people appallingly during the pandemic.

### ***Dehumanization and Racial Coding***

The vulnerability of specific marginalized identities plays a critical role in the events that occurred during the pandemic globally, but especially within prison systems, such as Louisiana State Penitentiary. Within The National Library of Medicine, The National Center for Biotechnology Information reported that people of color were disproportionately harmed by the effects of Covid-19. Specifically, they report an approximate 98 African American people out of every 100,000 died of Covid-19, which is roughly twice the rate than that of White people in America (Vasquez Reyes, 2020). Many researchers and sociologists alike suggest that Covid-19 only further exacerbated existing inequalities globally, but especially within the United States. For Louisiana state specifically, while the state’s demographics only report having a roughly 30% Black population, the penitentiary itself is made up of a 75% Black population (Sinclair, 2022). In the Louisiana State Penitentiary, this means the prison still largely functions as an institution which manipulates and forces Black people to produce labor for the state. Louisiana state inarguably benefitted from prison labor during the pandemic, but it is also crucial to understand the level to which exploitation of prison labor, in Louisiana especially, have disproportionately and historically harmed Black people.

Of critical importance to address within the conversation of Black exploitation is its ties to the pre-13th Amendment period of slavery. Specifically, Louisiana State Penitentiary's holding of imprisoned peoples for excruciating long periods of time, with a majority of full life sentences. According to the U.S. Department of Justice, of the sentences at Angola, roughly 63% are life sentences, and roughly 27% are sentences longer than 20 years, and the average sentencing time for someone imprisoned at Angola is almost 54 years (Cain and Fontenot, 2001). In fact, of all the prisons in the country, Louisiana State Penitentiary sentences the most people to life (Gelbart, 2023). Of those with life sentences, the majority are disproportionately Black and committed their crimes when they were young adults. This means that many of these Black men have spent the majority of their lives behind bars. The practice of maintaining a Black person's control over a large span of time is far too reminiscent of the slavery period, when Black people were often subject to enslavement from a very young age and would spend the entirety of their life performing forced labor under a brutal, hierarchical system of control and white supremacy.

Beyond the fact that Louisiana State Penitentiary is the largest maximum-security prison in the country, another key reason as to why Angola has the highest rate of life sentencing in the nation is due to Louisiana's strict policies on second degree murder charges. The second-degree murder statute includes murders or deaths that might occur during an act of felony, and/or drug induced homicide offenses. Those charged with the second degree may have not acted with intent to kill, or were not the direct perpetrator of the death, despite performing in the underlying felony that caused it (Nellis, 2024). It is important to note that the state's move to stricter felony murder policies comes at no great benefit of lessening their frequency of occurrence. Louisiana is one of only two states in the country that mandates all second-degree murder charges must

result in life sentences without parole. In 2020, the first year of Covid-19, the total number of people convicted to life without parole because of a murder felony at Angola Prison was more than half (53%), in stark contrast to the national average (9%) (Nellis, 2024). Of those convicted to life without parole due to a murder felony, 81% were Black and 26 years old or younger (Nellis, 2024).

For those imprisoned in the penitentiary outside of the 63% with life sentences, their sentence length is not a guarantee. In fact, the U.S. Office of Public Affairs, under the Department of Justice, put out a statement in January of 2023 that the Louisiana Department of Public Safety and Corrections (LDOC) had violated the constitution by holding incarcerated people in the state past their scheduled release dates. This is because under the U.S. Constitution's 14th Amendment, there is the guarantee that those held in prisons and jails may not be held past their release date, and that is a fundamental duty of the state to ensure this right ("Justice," 2023). The investigation was performed by the U.S. Department of Justice under the authorization of the Civil Rights of Institutionalized Persons Act (CRIPA) and began in December of 2020 during the height of the Covid-19 pandemic. Specifically, the investigation discovered that the LDOC routinely denies incarcerated people their ". . .Due process rights to timely release from incarceration," as well as their, ". . .Failure to implement adequate policies and procedures," which resulted in systemic over-detentions ("Justice," 2023). The investigation found the LDOC and Corrections acted with deliberate indifference to their routine and systemic over-detention of those imprisoned. In fact, according to the investigation, the LDOC had been put on notice for this systemic issue for over 10 years and despite this, still failed to take appropriate action to prevent future over-detentions of its incarcerated individuals. Specifically, the U.S. Department of Justice found that between the months of January and April of 2022,

“26.8% of the people released from LDOC’s custody were held past their release dates,” and of those, “24% were held over for at least 90 days,” (“Justice,” 2023). In this period of time alone, the LDOC had to pay jails in the state roughly \$850,000 minimum in fees for every day an incarcerated individual was held beyond their scheduled sentence. This means that at the rate shown between January to April of 2022, this unconstitutional practice cost Louisiana state roughly over \$2.5 million a year (“Justice,” 2023).

What can be understood upon learning about the prison’s routine holding of incarcerated individuals past their due dates is the uncomfortable and disheartening reality that many of these individuals were forced to stay enclosed in the crowded penitentiary during the global Covid-19 pandemic. This means that these individuals were being unjustly forced to endure further acts of medical neglect from the staff meant to be managing the prison and following Covid-19 guidelines in order to ensure the safety of those imprisoned. Because the majority of the people incarcerated in the prison are Black, being held past their sentences and forced to work during the pandemic further exacerbated their vulnerabilities to the virus. Beyond this, holding them past their sentencing amounts, often for the benefit of continuing their forced labor, attaches them to a concept of ownership that is far too reminiscent of slavery.

## **Section V: Louisiana's Position on Incarcerated Workers, A Discussion on Resistance to Change**

### ***Policy Change Failure***

In order to understand the inertia of forced labor happening in Angola Prison, there needs to be more of a discussion on the state's resistance to change. What we can learn from comparing a historical analysis of how the state used Louisiana State Penitentiary during the economic crisis of the post-Civil War period with its similar handling of the Covid-19 period is that there is a recurring trend. After yet another major economic shift for the state because of the pandemic, the penitentiary yet again received heightened attention because of its usage to help lift the state. Because of the penitentiary's amplified importance during this time, it is largely assumed that its spotlight motivated discussion on the state's dependence on incarcerated workers. Since Angola's labor system has functioned for the state effectively and unwaveringly for centuries, it can be assumed that Louisiana has feared change. This idea comes as a result of only recently attempting to make policy changes in the state that could critically alter the prison labor system that Angola has maintained since the post-Civil War period.

In light of Louisiana's treatment of incarcerated people during Covid-19, it is the opinion of many that their prison labor system is in need of reevaluation. In fact, in November of 2022 Louisiana attempted to address their usage of forced labor in incarcerated spaces. Edmond Jordan, a State representative for District 29, proposed Amendment 7 for the purpose of removing verbiage from the Louisiana Constitution under Article One's Declaration of Rights, which states, "Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime," ("Article," 1974). Under this section of the constitution, Louisiana has maintained the usage of forced labor in prisons with the idea that this system is ethical

punishment for crime. The introduction of Amendment 7 into the state's elections created a highly necessary and severely overdue discourse within the community of Louisiana surrounding the state's support for forced labor. As a former slave-holding state, and a state that largely still incorporates forced labor into its economic model, passing this amendment would have been a major feat of progress. However, State Representative Jordan, who was the sole representative responsible for the amendment's campaigning, put out a request in the month before the election asking the Louisiana people to vote no. Jordan stated that the verbiage written for Amendment 7 needed to be changed in order to reflect his intent to remove slavery and involuntary servitude generally from the Louisiana Constitution, not only when connected to punishment for a crime ("Louisiana," 2022). As well as this, he claimed that he intended to bring the edited amendment back to be proposed for the following year, but this did not happen. During the 2022 election season, it is important to note that several other states, such as Alabama, Oregon, Tennessee, and Vermont, voted on this same concept and passed it, removing forced labor as punishment for a crime. But in Louisiana's 2022 election, as requested by Senator Jordan, the amendment was rejected with 60.85% of the Louisiana voters voting in the opposition ("Louisiana," 2022).

Because of Louisiana's extensive history with forced labor, it should come as no surprise that the state has incurred difficulties with attempting to remove the common practice of forced labor from their state constitution. Since the timeline between what happened during the height of the pandemic, and the introduction of Amendment 7 were so close in proximity, it is important to suggest the potential of a correlation between them. The essential status of forced laborers during the pandemic and the amendment's goal to remove that aid for the state may not have been a desirable move for many in the state. And of course, there may be comfort in history repeating itself, as Angola Prison's treatment of incarcerated people during Covid-19 is



reminiscent of that of the state penitentiary's treatment of incarcerated people after the Civil War. In comparing the Civil War period to the modern-day implications of Angola Prison's management of Covid-19, a critical theme is highlighted which establishes Louisiana's position on incarcerated workers. Both events put the state of Louisiana in an economic struggle that forced drastic changes onto the people and structures within the state. When presented with economic distress, incarcerated people were then placed into a position of necessity as essential workers, such as through building infrastructure for the state, or providing critical resources to defend the state from illness. The inertia surrounding involuntary servitude that has been presented in Louisiana creates a problematic system which values economic growth over the lives of those incarcerated.

### ***Systemic Racism***

The lack of respect for Black people in Louisiana exists throughout the history of the penitentiary and is only reinforced during Covid-19. With an apparent continuity between older policies and the present-day policies failing to address the systemic harms of perpetuated racism, the state of Louisiana has continued to fail to address this crucial need for change. Louisiana's resistance to change has historical grounds, as we continue to see repetition in the way the state uses Angola Prison's forced labor. Specifically, the treatment of incarcerated individuals undergoing forced labor in Louisiana speaks to the state's lack of respect for Black individuals. The racial based violence inflicted through involuntary servitude in Louisiana State Penitentiary has historical roots. After the Civil War, the Southern states in America paired the 13th Amendment's allowance of slavery and involuntary servitude as punishment for a crime with new laws put in place to continue control over Black individuals, referred to as the Black Code

Laws. These laws enforced and maintained racial segregation whilst attempting to control Black voters in these Southern states. Many of the Black Code Laws surrounded employment for Black people, often requiring them to work in a limited number of jobs or have them sign labor contracts that if broken threatened their arrest (“The,”). The conditions that the 13th Amendment and the Black Code Laws placed on communities with high Black populations placed Black individuals in very vulnerable and dangerous positions, where Black lives were highly surveilled in case any false move could lead to their imprisonment. Historians note that during this time period, White individuals didn’t even try to hide the primary intent of the Black Code Laws, which essentially was to criminalize Black life in order to maintain slavery ideologies and prevent Black individuals from gaining access to voting rights (Robinson, 2019). The idea was simple: if Black people were imprisoned, they wouldn’t be allowed to vote, and they would be placed in conditions as close to slavery as possible through convict leasing. Southern states, such as Louisiana, were able to pass laws which enabled public officials to lease incarcerated individuals to private industries (“Freedom,” 2020). Because during this time, the majority of incarcerated individuals were Black, and often previously enslaved, this allowed for the state to benefit off of the free labor, while the incarcerated, majority Black, individuals were not compensated for and risked their lives working in inhumane, dangerous, and often deadly conditions. Historians even refer to the convict leasing period as, “Worse than slavery,” because of how brutal the system was (“Freedom,” 2020). In fact, during the convict leasing period when Major James was in control of Louisiana State Penitentiary, many worker camps affiliated with the prison were placed close to towns where passerbyers recalled witnessing Major James and other subcontractors violently work, mutilate, and kill prisoners (Carleton, 1971). Of the minority of citizens of Louisiana who were not in favor of the brutal convict leasing system,

many of them were of the belief that imprisoned Black individuals sentenced to work at a convict leasing job for longer than six years during this time period were better off with an immediate imposed death sentence (Carleton, 1971). Because of how brutal the abuse was they would face in the convict leasing system under Major James, many of them would likely die before the six-year sentencing anyway.

In correlation with the post-Civil War period, Louisiana's struggle to fight off a global pandemic, matched with the threat of economic recession, further established the state's position on incarcerated, majority Black, individuals in the modern day. When imposing strict guidelines on the incarcerated workers that forced them to work during the pandemic, or else be punished with isolation, Louisiana made a critical statement on the lack of value and respect they hold for incarcerated individuals in the state. According to the United States Census Bureau, the number of people whose work moved from in-person to remote roughly tripled, from 9 million to 27.6 million people, as a result of Covid-19 ("Census," 2023). Many were forced to make this switch as a result of Covid-19 safety guidelines regarding the necessity to quarantine, however, many decided to leave their jobs or move to remote work as a matter of personal choice in order to prevent the spread of Covid-19. While the entirety of the global population suffered through the pandemic, those incarcerated were not given the option to choose how they managed themselves during Covid-19. Beyond the cruel and dehumanizing punishment of solitary confinement in Angola Prison, forcing a majority Black population of incarcerated workers to expose themselves to dangerous work without training and/or prior experience, as well as to the threat of Covid-19, is a major ethical concern that the state enabled during the pandemic.

## **Section VI: Conclusion**

Because Louisiana State Penitentiary is the largest maximum-security prison in the United States, it is essential that it maintains a morally sound punitive system because of how many lives are, and will be, affected by it. With over 6,000 people imprisoned, the majority of which are Black, and over half of which are sentenced to life, it is imperative that Louisiana State Penitentiary's intensive system follows strict ethical guidelines in order to prevent perpetuating slavery ideology. However, within the state of Louisiana, there is a clear indication of repeated unethical and immoral actions regarding the way the state has positioned involuntary servitude. Whether it be the levees, roads, and railways that forced labor built for the state after the Civil War, or the essential work of making medical supplies and keeping poultry plants open and running during a global pandemic, forced labor continues to support and sustain the state. In making forced labor an important aspect of Louisiana's economy and an integral part of everyday life for the state, the state threatens to maintain a world where incarcerated people are essential to how the state functions. The system of involuntary servitude in Angola Prison is a near replica of our nation's horrific history of stealing labor by way of slavery.

The inertia of forced labor and exploitation experienced by incarcerated individuals since the Civil War can largely be explained by the 13th Amendment's failure to completely remove forced labor from the Constitution, which enables slavery and involuntary servitude only if a punishment for a crime. And despite several other states removing this verbiage from their state constitutions, Louisiana remains back in the 1800s with their choice to keep involuntary servitude, failing to re-address its removal the following year. And Louisiana's strict policies on life without parole sentencing only encourage further imprisonment of citizens in Louisiana, which aids the cycle of exploiting involuntary servitude within the penitentiary. The sheer

avoidance of Louisiana to take accountability for this major human rights issue and seek its immediate removal and reformation speaks volumes to the lack of respect and value the state holds for incarcerated people. Despite their identities as people who are being imprisoned because of a crime committed, they are still individuals who possess the rights to humane treatment. The perpetuation of Angola Prison's flawed punitive system threatens to continue a vehicle that maintains slavery in the state. And despite Louisiana's weak attempt to address the verbiage in the 13th Amendment that allows this system to continue, the failure of Amendment 7 to pass once again reminds us that the history of forced labor is a deep rooted one and will take more initiative than has already been attempted in order to enforce its removal. Because of this, continuing the conversation on Angola Prison in this manner is absolutely essential.

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