

SLAVERY

BY ANOTHER NAME



THE RE-ENSLAVEMENT OF BLACK AMERICANS
FROM THE CIVIL WAR TO WORLD WAR II

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Slavery:...that slow Poison, which is daily contaminating the Minds & Morals of our People. Every Gentlemen here is born a petty Tyrant. Practiced in Acts of Despotism & Cruelty, we become callous to the Dictates of Humanity, & all the finer feelings of the Soul. Taught to regard a part of our own Species in the most abject & contemptible Degree below us, we lose that Idea of the dignity of Man which the Hand of Nature had implanted in us, for great & useful purposes.

GEORGE MASON, JULY 1773
VIRGINIA CONSTITUTIONAL CONVENTION

A NOTE ON LANGUAGE

Periodically throughout this book, there are quotations from individuals who used offensive racial labels. I chose not to sanitize these historical statements but to present the authentic language of the period, whenever documented direct statements are available. I regret any offense or hurt caused by these crude idioms.

INTRODUCTION

The Bricks We Stand On

On March 30, 1908, Green Cottenham was arrested by the sheriff of Shelby County, Alabama, and charged with "vagrancy"¹

Cottenham had committed no true crime. Vagrancy the offense of a person not being able to prove at a given moment that he or she is employed, was a new and flimsy concoction dredged up from legal obscurity at the end of the nineteenth century by the state legislatures of Alabama and other southern states. It was capriciously enforced by local sheriffs and constables, adjudicated by mayors and notaries public, recorded haphazardly or not at all in court records, and, most tellingly in a time of massive unemployment among all southern men, was reserved almost exclusively for black men. Cottenham's offense was blackness.

After three days behind bars, twenty-two-year-old Cottenham was found guilty in a swift appearance before the county judge and immediately sentenced to a thirty-day term of hard labor. Unable to pay the array of fees assessed on every prisoner—fees to the sheriff, the deputy, the court clerk, the witnesses—Cottenham's sentence was extended to nearly a year of hard labor.

The next day, Cottenham, the youngest of nine children born to former slaves in an adjoining county, was sold. Under a standing arrangement between the county and a vast subsidiary of the industrial titan of the North—U.S. Steel Corporation—the sheriff turned the young man over to the company for the duration of his sentence. In return, the subsidiary, Tennessee Coal, Iron & Railroad Company, gave the county \$12 a month to pay off Cottenham's fine and fees. What the company's managers did with Cottenham, and thousands of other black men they purchased from sheriffs across Alabama, was entirely up to them.

A few hours later, the company plunged Cottenham into the darkness of a mine called Slope No. 12—one shaft in a vast subterranean labyrinth on the edge of Birmingham known as the Pratt Mines. There, he was chained inside a long wooden barrack at night and required to spend nearly every waking hour digging and loading coal. His required daily "task" was to remove eight tons of coal from the mine. Cottenham was subject to the whip for failure to dig the

requisite amount, at risk of physical torture for disobedience, and vulnerable to the sexual predations of other miners— many of whom already had passed years or decades in their own chthonian confinement. The lightless catacombs of black rock, packed with hundreds of desperate men slick with sweat and coated in pulverized coal, must have exceeded any vision of hell a boy born in the countryside of Alabama—even a child of slaves—could have ever imagined.

Waves of disease ripped through the population. In the month before Cottenham arrived at the prison mine, pneumonia and tuberculosis sickened dozens. Within his first four weeks, six died. Before the year was over, almost sixty men forced into Slope 12 were dead of disease, accidents, or homicide. Most of the broken bodies, along with hundreds of others before and after, were dumped into shallow graves scattered among the refuse of the mine. Others were incinerated in nearby ovens used to blast millions of tons of coal brought to the surface into coke—the carbon-rich fuel essential to U.S. Steel's production of iron. Forty-five years after President Abraham Lincoln's Emancipation Proclamation freeing American slaves, Green Cottenham and more than a thousand other black men toiled under the lash at Slope 12. Imprisoned in what was then the most advanced city of the South, guarded by whipping bosses employed by the most iconic example of the modern corporation emerging in the gilded North, they were slaves in all but name.

Almost a century later, on an overgrown hillside five miles from the bustling downtown of contemporary Birmingham, I found my way to one of the only tangible relics of what Green Cottenham endured. The ground was all but completely obscured by the dense thicket. But beneath the undergrowth of privet, the faint outlines of hundreds upon hundreds of oval depressions still marked the land. Spread in haphazard rows across the forest floor, these were sunken graves of the dead from nearby prison mines once operated by U.S. Steel.² Here and there, antediluvian headstones jutted from the foliage. No signs marked the place. No paths led to it.

I was a reporter for The Wall Street Journal, exploring the possibility of a story asking a provocative question: What would be revealed if American corporations were examined through the same sharp lens of historical confrontation as the one then being trained on German corporations that relied on Jewish slave labor during World War II and the Swiss banks that

robbed victims of the Holocaust of their fortunes?

My guide that day in the summer of 2000 was an industrial archaeologist named Jack Bergstresser. Years earlier, he had stumbled across a simple iron fence surrounding a single collapsed grave during a survey of the area. Bergstresser was mystified by its presence at the center of what at the beginning of the twentieth century was one of the busiest confluences of industrial activity in the United States. The grave and the twisted wrought iron around it sat near what had been the intersection of two rail lines and a complex of mines, coal processing facilities, and furnaces in which thousands of men operated around the clock to generate millions of tons of coal and iron—all owned and operated by U.S. Steel at the height of its supremacy in American commerce. Bergstresser, who is white, told me he wondered if the dead here were forced laborers. He knew that African Americans had been compelled to work in Alabama mines prior to the Great Depression. His grandfather, once a coal miner himself, had told him stories of a similar burial field near the family home place south of Birmingham.

A year later, the Journal published my long article chronicling the saga of that burial ground. No specific record of the internments survived, but mountains of archival evidence and the oral histories of old and dying African Americans nearby confirmed that most of the cemetery's inhabitants had been inmates of the labor camp that operated for three decades on the hilltop above the graveyard. Later I would discover atop a nearby rise another burial field, where Green Cottenham almost certainly was buried. The camp had supplied tens of thousands of men over five decades to a succession of prison mines ultimately purchased by U.S. Steel in 1907. Hundreds of them had not survived. Nearly all were black men arrested and then "leased" by state and county governments to U.S. Steel or the companies it had acquired.³

Here and in scores of other similarly crude graveyards, the final chapter of American slavery had been buried. It was a form of bondage distinctly different from that of the antebellum South in that for most men, and the relatively few women drawn in, this slavery did not last a lifetime and did not automatically extend from one generation to the next. But it was nonetheless slavery—a system in which armies of free men, guilty of no crimes and entitled by law to freedom, were compelled to labor without compensation, were repeatedly bought and sold, and were forced to do the bidding of white

masters through the regular application of extraordinary physical coercion.

The article generated a response unlike anything I had experienced as a journalist. A deluge of e-mails, letters, and phone calls arrived. White readers on the whole reacted with somber praise for a sober documentation of a forgotten crime against African Americans. Some said it heightened their understanding of demands for reparations to the descendants of antebellum slaves. Only a few expressed shock. For most, it seemed to be an account of one more important but sadly predictable bullet point in the standard indictment of historic white racism. During an appearance on National Public Radio on the day of publication, Bob Edwards, the interviewer, at one point said to me: "I guess it's really no surprise."

The reactions of African Americans were altogether different. Repeatedly, they described how the article lifted a terrible burden, that the story had in some way—partly because of its sobriety and presence on the front page of the nation's most conservative daily newspaper—supplied an answer or part of one to a question so unnerving few dared ask it aloud: If not racial inferiority, what explained the inexplicably labored advance of African Americans in U.S. society in the century between the Civil War and the civil rights movement of the 1960s? The amorphous rhetoric of the struggle against segregation, the thin cinematic imagery of Ku Klux Klan bogeymen, even the horrifying still visuals of lynching, had never been a sufficient answer to these African Americans for one hundred years of seemingly docile submission by four million slaves freed in 1863 and their tens of millions of descendants. How had so large a population of Americans disappeared into a largely unrecorded oblivion of poverty and obscurity? They longed for a convincing explanation. I began to realize that beneath that query lay a haunting worry within those readers that there might be no answer, that African Americans perhaps were simply damned by fate or doomed by unworthiness. For many black readers, the account of how a form of American slavery persisted into the twentieth century, embraced by the U.S. economic system and abided at all levels of government, offered a concrete answer to that fear for the first time.

As I began the research for this book, I discovered that while historians concurred that the South's practice of leasing convicts was an abhorrent abuse of African Americans, it was also viewed by many as an aside in the larger

sweep of events in the racial evolution of the South. The brutality of the punishments received by African Americans was unjust, but not shocking in light of the waves of petty crime ostensibly committed by freed slaves and their descendants. According to many conventional histories, slaves were unable to handle the emotional complexities of freedom and had been conditioned by generations of bondage to become thieves. This thinking held that the system of leasing prisoners contributed to the intimidation of blacks in the era but was not central to it. Sympathy for the victims, however brutally they had been abused, was tempered because, after all, they were criminals. Moreover, most historians concluded that the details of what really happened couldn't be determined. Official accounts couldn't be rigorously challenged, because so few of the original records of the arrests and contracts under which black men were imprisoned and sold had survived.

Yet as I moved from one county courthouse to the next in Alabama, Georgia, and Florida, I concluded that such assumptions were fundamentally flawed. That was a version of history reliant on a narrow range of official summaries and gubernatorial archives created and archived by the most dubious sources—southern whites who engineered and most directly profited from the system. It overlooked many of the most significant dimensions of the new forced labor, including the centrality of its role in the web of restrictions put in place to suppress black citizenship, its concomitant relationship to debt peonage and the worst forms of sharecropping, and an exponentially larger number of African Americans compelled into servitude through the most informal—and tainted—local courts. The laws passed to intimidate black men away from political participation were enforced by sending dissidents into slave mines or forced labor camps. The judges and sheriffs who sold convicts to giant corporate prison mines also leased even larger numbers of African Americans to local farmers, and allowed their neighbors and political supporters to acquire still more black laborers directly from their courtrooms. And because most scholarly studies dissected these events into separate narratives limited to each southern state, they minimized the collective effect of the decisions by hundreds of state and local county governments during at least a part of this period to sell blacks to commercial interests.

I was also troubled by a sensibility in much of the conventional history of the era that these events were somehow inevitable. White animosity toward blacks was accepted as a wrong but logical extension of antebellum racial

views. Events were presented as having transpired as a result of large—seemingly unavoidable—social and anthropological shifts, rather than the specific decisions and choices of individuals. What's more, African Americans were portrayed by most historians as an almost static component of U.S. society. Their leaders changed with each generation, but the mass of black Americans were depicted as if the freed slaves of 1863 were the same people still not free fifty years later. There was no acknowledgment of the effects of cycle upon cycle of malevolent defeat, of the injury of seeing one generation rise above the cusp of poverty only to be indignantly crushed, of the impact of repeating tsunamis of violence and obliterated opportunities on each new generation of an ever-changing population outnumbered in persons and resources.

Yet in the attics and basements of courthouses, old county jails, storage sheds, and local historical societies, I found a vast record of original documents and personal narratives revealing a very different version of events. In Alabama alone, hundreds of thousands of pages of public documents attest to the arrests, subsequent sale, and delivery of thousands of African Americans into mines, lumber camps, quarries, farms, and factories. More than thirty thousand pages related to debt slavery cases sit in the files of the Department of Justice at the National Archives. Altogether, millions of mostly obscure entries in the public record offer details of a forced labor system of monotonous enormity.

Instead of thousands of true thieves and thugs drawn into the system over decades, the records demonstrate the capture and imprisonment of thousands of random indigent citizens, almost always under the thinnest chimera of probable cause or judicial process. The total number of workers caught in this net had to have totaled more than a hundred thousand and perhaps more than twice that figure. Instead of evidence showing black crime waves, the original records of county jails indicated thousands of arrests for inconsequential charges or for violations of laws specifically written to intimidate blacks—changing employers without permission, vagrancy, riding freight cars without a ticket, engaging in sexual activity— or loud talk—with white women. Repeatedly, the timing and scale of surges in arrests appeared more attuned to rises and dips in the need for cheap labor than any demonstrable acts of crime. Hundreds of forced labor camps came to exist, scattered throughout the South—operated by state and county governments, large corporations, small-

time entrepreneurs, and provincial farmers. These bulging slave centers became a primary weapon of suppression of black aspirations. Where mob violence or the Ku Klux Klan terrorized black citizens periodically, the return of forced labor as a fixture in black life ground pervasively into the daily lives of far more African Americans. And the record is replete with episodes in which public leaders faced a true choice between a path toward complete racial repression or some degree of modest civil equality, and emphatically chose the former. These were not unavoidable events, driven by invisible forces of tradition and history.

By 1900, the South's judicial system had been wholly reconfigured to make one of its primary purposes the coercion of African Americans to comply with the social customs and labor demands of whites. It was not coincidental that 1901 also marked the final full disenfranchisement of nearly all blacks throughout the South. Sentences were handed down by provincial judges, local mayors, and justices of the peace—often men in the employ of the white business owners who relied on the forced labor produced by the judgments. Dockets and trial records were inconsistently maintained. Attorneys were rarely involved on the side of blacks. Revenues from the neo-slavery poured the equivalent of tens of millions of dollars into the treasuries of Alabama, Mississippi, Louisiana, Georgia, Florida, Texas, North Carolina, and South Carolina—where more than 75 percent of the black population in the United States then lived.

It also became apparent how inextricably this quasi-slavery of the twentieth century was rooted in the nascent industrial slavery that had begun to flourish in the last years before the Civil War. The same men who built railroads with thousands of slaves and proselytized for the use of slaves in southern factories and mines in the 1850s were also the first to employ forced African American labor in the 1870s. The South's highly evolved system and customs of leasing slaves from one farm or factory to the next, bartering for the cost of slaves, and wholesaling and retailing of slaves regenerated itself around convict leasing in the 1870s and 1880s. The brutal forms of physical punishment employed against "prisoners" in 1910 were the same as those used against "slaves" in 1840. The anger and desperation of southern whites that allowed such outrages in 1920 were rooted in the chaos and bitterness of 1866. These were the tendrils of the unilateral new racial compact that suffocated the aspirations for freedom among millions of American blacks as they approached

the beginning of the twentieth century. I began to understand that an explicable account of the neo-slavery endured by Green Cottenham must begin much earlier than even the Civil War, and would extend far beyond the end of his life.

Most ominous was how plainly the record showed that in the face of the rising southern white assault on black independence—even as black leaders increasingly expressed profound despair and hundreds of aching requests for help poured into federal agencies in Washington, D.C.—the vast majority of white Americans, exhausted from the long debates over the role of blacks in U.S. society, conceded that the descendants of slaves in the South would have to accept the end of freedom.

On July 31, 1903, a letter to President Theodore Roosevelt arrived at the White House from Carrie Kinsey a barely literate African American woman in Bainbridge, Georgia. Her fourteen-year-old brother, James Robinson, had been abducted a year earlier and sold to a plantation. Local police would take no interest. "Mr. Prassident," wrote Mrs. Kinsey, struggling to overcome the illiteracy of her world. "They wont let me have him.... He hase not don nothing for them to have him in chanes so I rite to you for your help." Like the vast majority of such pleas, her letter was slipped into a small rectangular folder at the Department of Justice and tagged with a reference number, in this case 12007.⁴ No further action was ever recorded. Her letter lies today in the National Archives.

A world in which the seizure and sale of a black man—even a black child—was viewed as neither criminal nor extraordinary had reemerged. Millions of blacks lived in that shadow—as forced laborers or their family members, or African Americans in terror of the system's caprice. The practice would not fully recede from their lives until the dawn of World War II, when profound global forces began to touch the lives of black Americans for the first time since the era of the international abolition movement a century earlier, prior to the Civil War.

That the arc of Green Cottenham's life led from a birth in the heady afterglow of emancipation to his degradation at Slope No. 12 in 1908 was testament to the pall progressing over American black life. But his voice, and that of millions of others, is almost entirely absent from the vast record of the era.

Unlike the victims of the Jewish Holocaust, who were on the whole literate, comparatively wealthy, and positioned to record for history the horror that enveloped them, Cottenham and his peers had virtually no capacity to preserve their memories or document their destruction. The black population of the United States in 1900 was in the main destitute and illiterate. For the vast majority, no recordings, writings, images, or physical descriptions survive. There is no chronicle of girlfriends, hopes, or favorite songs of the dead in a Pratt Mines burial field. The entombed there are utterly mute, the fact of their existence as fragile as a scent in wind.

That silence was an agonizing frustration in the writing of this book—especially in light of how richly documented were the lives of the whites most interconnected to those events. But as I sifted more deeply into the fragmented details of an almost randomly chosen man named Green Cottenham and the place and people of his upbringing, the contours of an archetypal story gradually appeared. I found the facts of a narrative of a group of common slave owners named Cottingham and common slaves who called themselves versions of the same name; of the industrial slavery that presaged the forced labor of a quarter century later; of an African ancestor named Scipio who had been thrust into the frontier of the antebellum South; of the family he produced during slavery and beyond; of the roots of the white animosities that steeped the place and era of Green Cot-tenham's birth; of the obliterating forces that levered upon him and generations of his family. Still, how could the account of this vast social wound be woven around the account of a single, anonymous man who by every modern measure was inconsequential and unvoiced? Eventually I recognized that this imposed anonymity was Green's most authentic and compelling dimension.

Retracing the steps from the location of the prison at Slope No. 12 to the boundaries of the burial field, considering even without benefit of his words the stifled horror he and thousands of others must have felt as they descended through the now-lost passageway to the mine, I came to understand that Cottenham belonged as the central figure of this narrative. The slavery that survived long past emancipation was an offense permitted by the nation, perpetrated across an enormous region over many years and involving thousands of extraordinary characters. Some of that story is in fact lost, but every incident in this book is true. Each character was a real person. Every direct quotation comes from a sworn statement or a record documented at the

time. I try to tell the story of many places and states and the realities of what happened to millions of people. But as much as practicable, I have chosen to orient this narrative toward one family and its descendants, to one section of the state most illustrative of its breadth and injury, and to one forgotten black man, Green Cottenham. The absence of his voice rests at the center of this book.