



CONVICT LEASING IN AMERICA

Unearthing the Truth of the
"Sugar Land 95"

CONVICT LEASING
AND LABOR PROJECT

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WHAT IS “CONVICT LEASING”?

Many Americans learn about the vicious resistance to African American freedom that followed the Civil War and Reconstruction era. Jim Crow laws, lynchings, and the Ku Klux Klan are some of the well-known chapters of racial terrorism in U.S. history. But another effort to reinstitute slavery immediately after the war remains little known—passed over, left unexplained, swept under the rug.

As the Civil War devastated the South, the South’s nascent prison system became the testing ground for crafting one of the earliest reincarnations of slavery. **Convict leasing**, a system in which Southern states leased prisoners to private parties, essentially re-enslaved many African Americans—men, women, and even children—who had been deemed free and equal by the Constitution’s 13th and 14th Amendments. Everyone involved in running this lucrative system profited from exploiting these prisoners, forcing them to work under inhumane conditions for almost no pay. Some people at the time even claimed that the convict leasing system was worse than slavery. Convict leasing helped revitalize the war-ravaged South and turn it into an industrialized stronghold with international reach.

This report tells the story about convict leasing in a new way. It visually explains antiquated concepts and complex details, in order to help you understand precisely how convict leasing took advantage of and discriminated against its victims. It provides historical context, diving deep into convict leasing’s mechanisms, brutality, and legacy. Ultimately, it seeks to awaken our common humanity and motivate all of us—regardless of race, ethnicity, age, gender, political alliances, or life experiences—to challenge the systemic racism that blinds us, silences us, imprisons us, kills us, forgets us, haunts us.

History is not frozen in time, nor is it ever complete or perfect. It is messy, multifaceted, and always changing in relation to who is writing it. History depends on what we decide to remember, together. A local historian and activist named **Reginald Moore** will introduce you to the discovery of the “**Sugar Land 95**”—the remains of 95 African Americans who are believed to have labored under the convict leasing system in Sugar Land, Texas. The history of Sugar Land is not only sweet; it is also bitter.

“Forgetting is as essential to public understandings of history as remembering,” says historian Eric Foner.¹ A version of history that omits convict leasing has stolen a chance for the nation to learn from it, and to fix what has been broken by it. This report is dedicated to undoing that omission by commemorating the painful truth of convict leasing. This report is also dedicated to those 95 African American individuals who were forced to work and die under the broiling Texas sun with little or no regard to their human value. Through their bodies, which were brutalized in life and in desecrated in death, we now know their stories.

DIDN'T THE 13TH AMENDMENT ABOLISH SLAVERY?

The Emancipation of the Negroes, The Past and the Future.
Caricaturist Thomas Nast envisions an optimistic future of free blacks in the United States, 1863. (Library of Congress)



The 13th Amendment was ratified on December 6th, 1865, as the first of the three Reconstruction amendments. Many Americans learn growing up that the 13th Amendment abolished slavery and involuntary servitude in the United States and freed all the enslaved. The reality was not so simple.

The 13th Amendment outlawed slavery, **“except as a punishment for crime whereof the party shall have been duly convicted.”** What this means is that the amendment specifically permitted slavery as a punishment for those deemed criminals by due process of law. This was a loophole, one so large that some consider the Amendment a failure. It handed the power of re-legitimized enslavement over to those who defined what law and due process looked like—influential white people, many of whom were former enslavers themselves. They manipulated this abolitionist amendment to regain control over the formerly enslaved.

Convictions were their tool. These convictions were based on hastily passed Black Codes, which criminalized aspects of everyday life in a race-specific way. Unfair laws, harsh policing supplemented by white vigilante actions, and lack of due process in court all led to harsh sentences and renewed convictions. It was these convictions that served to justify coerced labor that looked a lot like slavery. The loophole in the 13th Amendment helped reestablish a subordinate racial caste in the United States. The language of the 13th Amendment remains today. While prison labor has been regulated in various ways over the years, private businesses are allowed to employ convicts today. Racially-targeted laws, over-policing, harsher sentences for the same offense meted out to African Americans—all remain in our criminal justice system today.

BLACK CODES



This ... was the South's answer to the Thirteenth Amendment ... the control of the movements and labor of the freedman under the Black Codes was at least as great as that which governed the medieval serf.²

Daniel A. Novak

During and after the Civil War, thousands of enslaved and formerly enslaved people set off on foot, horseback, or in wagons, in an effort to liberate themselves. (Library of Congress)

Laws and ordinances that regulated black people's activities predated the Civil War, in both South and North. After the Civil War, Southern white legislators again wrote **Black Codes** to define black people's legal place after slavery and in particular to protect whites' political and social dominance. These laws were designed to suppress black freedom and even to "criminalize black life."³ Black codes were also passed in the North after the war. In some states, these laws explicitly applied only to "persons of color." In other states, the laws were less blunt. Either way, their intended application was clear to all concerned. In Texas, the state legislature passed a number of Black Codes over the course of 1866.

Many African Americans charged as criminals under the Black Codes were actually far from being dangerous criminals, or even criminals at all. Instead, black people's everyday life was criminalized. One flagrant measure was **vagrancy laws**, which allowed whites to arrest any blacks exercising their freedom to come and go as they wished by classifying them as unemployed and then fining or even jailing them (often unpaid fines led to jail). Those who committed petty thefts such as stealing farm animals—even if they took them as rightful payment for their labor—now faced felony charges because of "pig laws."⁴ Minor offenses committed by black people could result in "hiring out" or whipping—punishments rarely imposed on white offenders. Interracial marriages between black people and white people were banned in almost all states, and allegations of interracial sexual relations—real or imagined—resulted in brutal public lynchings. The accused were often completely innocent by today's standards, yet once accused, they stood little chance of vindication. In some states, even sympathetic white people faced harsh punishment. In any dispute, the decisive word belonged to a white person, whether the employer or some member of the all-white legal system.

CONVICT LEASING IN THE UNITED STATES

Few Americans know this story at all. Fewer still understand the grave injustice of a state sanctioned system expressly designed to work inmates to death to simply extract the absolute maximum profit for a small group of businessmen.⁵

Convict Leasing and Labor Project



Convicts returning from work, Richmond penitentiary, Virginia, 1882. (Schomburg Center for Research in Black Culture, Jean Blackwell Hutson Research and Reference Division, The New York Public Library)



A Southern chain gang (Detroit Publishing Company photograph collection, Library of Congress)

The Civil War ravaged the South, taking lives and destroying resources, infrastructure, and the system of racial slavery that had supported plantation society. Fields lay in ruins without anyone to care for them. Surviving white Southerners struggled to sustain their livelihoods in the face of the sudden labor shortage. Formerly enslaved people also faced hard economic times, and overwhelmingly preferred to work for themselves rather than on white people's plantations. Many formerly enslaved people were on the move in the immediate postwar years, seeking displaced family members and savoring a freedom of mobility that was to be short-lived. White dependence on black labor meant that whites continued to experience a massive labor shortage.

A horrific system of forced labor emerged. **Convict leasing** exploited the 13th Amendment. A modified slavery emerged as a solution for the ruined economy of the postwar South. Both the South and the North benefited from the exploited labor of African Americans. Convict leasing was in practice so horrendous that some historians refer to it as “slavery by another name.”⁶ Often a group of convict laborers was forced to work while literally being chained to each other around their hips or ankles in order to prevent escapes. Convict leasing laborers working in this humiliating formation would come to be known as a “chain gang.”

In addition to allegations of serious crime, even very minor actions could sweep up a black man, woman, boy, or girl into this system. For such minor supposed offenses, the Black Codes imposed fines that many could not afford. Once convicted and fined in a mockery of a trial, these individuals could be hired out by the state as laborers, to pay back the debt they owed for their fines.

Many southern courts entered into partnerships with private individuals and businesses wishing to lease the convicts. These lessees, that is, those to whom the convicts were leased, had total authority to subject the supposed criminals to forced labor. This corrupt system was especially lucrative because the power to convict and the power to lease out and enforce labor often lay in the same hands. The convict leasing system rendered its victims absolutely defenseless. Some whites considered the leased convicts, who were no longer “the master’s valuable property,” to be of lesser value than mules.⁷

Time and again, Black men otherwise going about their business would be accosted by local white officials who subsequently accused them of crimes they never committed. These men were then kidnapped and placed under lock and key where no loved one could find them.⁸ Heather Ann Thompson



Children who were orphaned, removed from negligent parents, or who were juvenile offenders were especially vulnerable after emancipation. They could end up in the convict leasing system as “apprentices” and fall once more into white planters’ hands. Unknown location, ca. 1903. (Detroit Publishing Company Collection, Library of Congress)

Prison labor was used in both the North and the South, and it helped the country to quickly recover from the damage of the Civil War. Convict leasing quickly became the most popular mode of prison labor management in the postwar South. It differed from Northern prison labor in that in the South, the state gave up its control of the convict population to the private contractor entirely. In fact, in the South the private businesses in which the convicts toiled were considered to be the equivalent of the physical penitentiary.⁹

The convicts labored from dawn to dusk in coal mines, lumber mills, and sugar refineries, on railroad tracks and roads, and sometimes even built their own prisons.¹⁰ They were forced to do the most backbreaking labor that no one else was willing to do, even for pay—which was arguably the most profitable work for their employers. The guards and overseers were permitted to beat the convicts mercilessly for missing a work quota, only to beat them again when they were too weak to meet the quota the next day.

The Negroes die off every few years, though it is said that in time each hand also makes enough to buy two more in his place.¹¹

James H. Ruffin

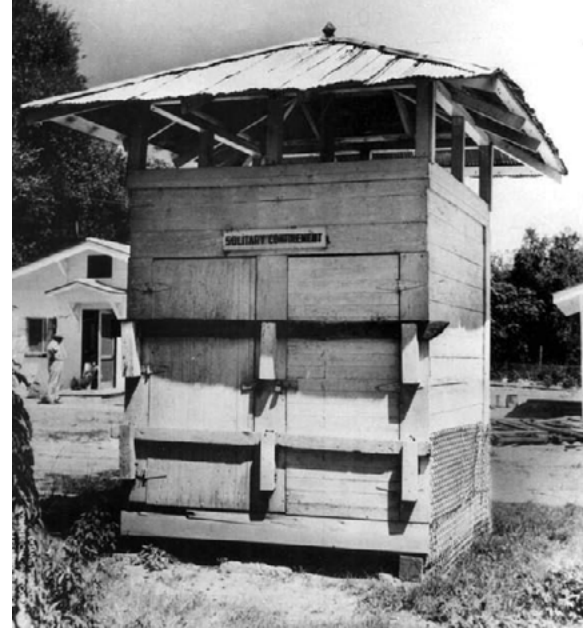


A prisoner is trussed up in **Seminole County, Georgia** chain gang stockade. He is being punished because he "talked back" to the guard. He was left under the hot sun until he fainted. (Spivak Collection, Harry Ransom Center, University of Texas)

The conditions in which the prisoners were kept were inhumane and often deadly, as it mattered so little to the contractor-lessees or to the state whether the convicts lived or died.¹² Filthy, vermin-infested conditions aggravated the poor health of the prisoners. Infectious diseases like malaria thrived in these environments. Adequate medical care, housing, and even food were often the last things on the minds of the lessees and guards. Convict laborers lived in old abandoned slave quarters, jerry-built shacks, or under buildings, for example—or even in open fields.¹³

It was accepted that the convict laborers would die quickly. And when they died, the businessmen who had leased them simply asked the state to send them more, and the cycle would continue.

Female prisoners sewing at the **Mississippi Parchman Penitentiary**, ca. 1930. (Mississippi Department of Archives and History)



In a region where dark skin and forced labor went hand in hand, leasing would become a functional replacement for slavery, a human bridge between the Old South and the New.¹⁴

David Oshinsky

Many states adopted this type of confinement chamber to punish a prisoner. In one incident in Texas, eight black prisoners suffocated to death in a **sweatbox** after convict leasing had been abolished. Photo ca. 1957. (Florida Department of Corrections)

Historian Robert Perkinson has determined that “at least 3,558 prisoners” died in the Texas system between 1866 and 1912, the years of the Texas system of leasing convicts to private businesses. African Americans died at almost twice the rate of white prisoners. Perkinson further estimates that at least 30,000 died in the convict leasing system across the South over 55 years.¹⁵

The system was very profitable for both the government and the businesses that employed convicts: the government was able to avoid most of the cost of maintaining the prisoners, and the businesses were able to hire labor at a fraction of the prevailing cost. But exploitation led to the depreciation of value of work, both in and outside the prison walls. As one writer explained,

Defenders praised the vast, inexpensive pool of workers the convict-lease system provided. After all, these laborers couldn’t strike or petition for raises. But ironically, it was the very cheapness of the labor that helped end the system. Unionized white workers eventually got tired of being undercut. In Tennessee, they stormed the stockades, freed the prisoners who were to replace them, and loaded them on trains bound for distant cities.¹⁶

Inhumane treatment of the convicts became a sensational topic across the country. The negative publicity and public outcry helped end convict leasing in many states, with Alabama being the last to end its system in 1923. However, the exploitation of prison labor and the narrative of black criminality remained unchecked. They have continued, in various forms, up to the present—and so the history of convict leasing is hidden in plain sight.

A Secret Just Beneath Our Feet



For the period of about a decade after the Civil War, there was temporary hope for black freedom and rights: the Reconstruction era.

However, vicious white backlash and resistance constantly overshadowed the progressive efforts of the Reconstruction era, especially in the South.

First African slaves arrive in Jamestown, VA
1619

Reconstruction
"A Brief Moment in the Sun"
1865-77

American Civil War
1861-65

Civil Rights Movement
1954-68

Black Lives Matter
2013-

1600

1700

1800

1900

2000

SLAVERY

JIM CROW

MASS INCARCERATION

The young state of Texas, originally a territory of Mexico, was no exception. Most Texans were immigrants from nearby slave states. In 1836, they rebelled against the anti-slavery Mexican government, enjoyed a brief sovereignty, and in 1845 were annexed by the United States.

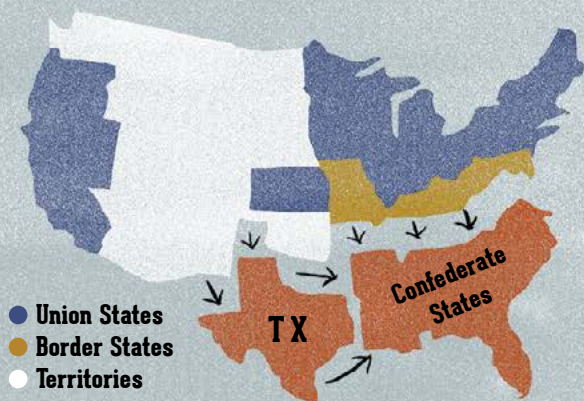


WE NEED SLAVES!

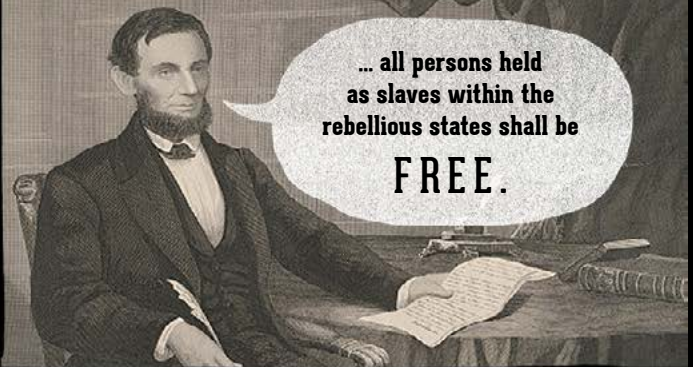
Galveston, an island city on the Gulf Coast of Texas, became a prominent pirate port and home to the largest slave market west of New Orleans. Many Africans were smuggled and sold here even after Atlantic Slave Trade was abolished in 1808.



In 1861, Texas joined the Confederacy, choosing the system of slavery and white supremacy.



But in 1863, President Abraham Lincoln issued the Emancipation Proclamation, freeing the enslaved people in the Confederate states.



Even worse, many enslavers chose not to tell this news even after the Confederacy's defeat on May 9th, 1865. They did not want to lose their "property."



But change was on the horizon.

THE BALCONY OF
ASHTON VILLA



On June 19th, 1865, Union General Gordon Granger declared General Order 3 in Galveston. The U.S. military had finally arrived to enforce Lincoln's Emancipation Proclamation.

The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States,

"ALL SLAVES ARE FREE."

This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor.

— General Order 3 —

I knew we were free, all this time!

This day symbolizes the emancipation of the last remaining enslaved people throughout the former Confederacy and is celebrated today as "Juneteenth" or "Freedom Day."

Let's build churches and schools where we can teach our children how to read and write!

Look, grandpa! That's our legacy!

Lift every voice and sing...

**JUNETEENTH
CELEBRATION**

The formerly enslaved people from Galveston joined the 250,000 freedmen and women in Texas who built hundreds of independent communities. Some walked miles to settle in Houston. But their journey had many obstacles ahead.

Are y'all ready?
Let's hurry!

Where are we going?

FREE!
FREE!
FREE!

Our promised land!

Freedmen's Town
Fourth Ward, Houston, TX

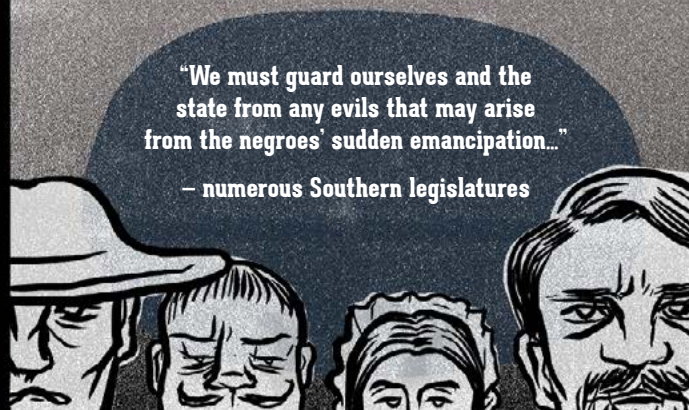
51 MILES

Ashton Villa,
Galveston, TX

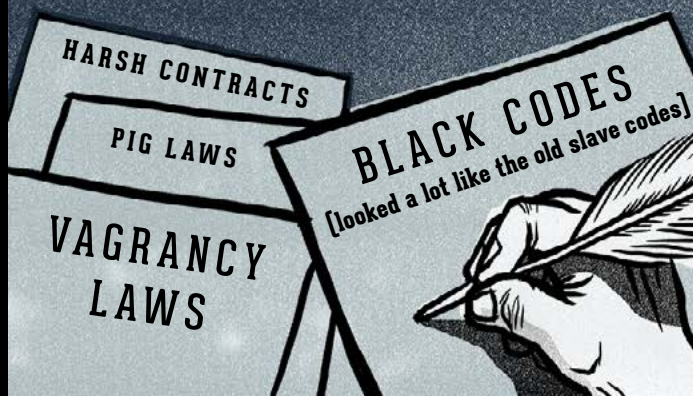
After Lincoln's assassination, Andrew Johnson became president. A southerner himself, he took a more lenient stance toward the former Confederates, halting and even reversing much of the progress that came before his power.



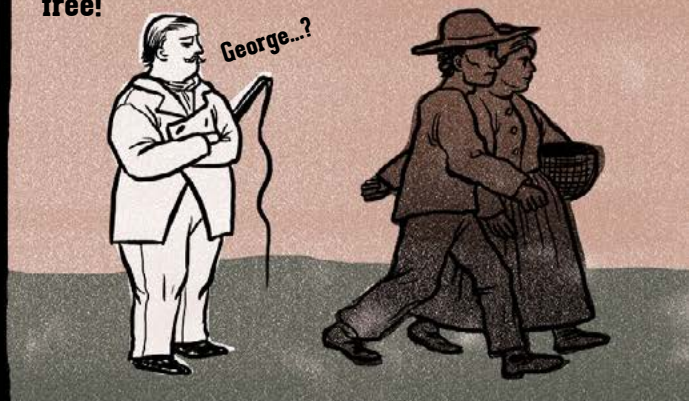
With the president now on their side, white southerners sought to regain control, against the progressive Reconstruction policies.



They enacted "Black Codes," laws that were designed to protect their political dominance and suppress black freedom and rights.



While it wasn't as easy as depicted here, many enslaved people left or escaped. After more than 250 years of bondage, they were finally free!



What? I'm a free man now. I'm moving up north to find a job that will pay me a fair wage. You exploited us for too long.

You made us work for two more years knowing that we were free...

CLARK FARM



I'm not going to let them go this easy!

HOUSTON

45 MI. →



Pay him no mind. He can't stop us!

One day in 1867, somewhere between Galveston and Houston



What's that black guy doing in town?

I don't like seeing them walk around like this.

Apparently our neighbors have been hearing all kind of noises at night!



Y'all, I heard the state passed this thing called the **Vagrancy Law**! If they ain't workin', then they are committing a crime! And he ain't working right now...

Let's put 'em back in their hell-given place!



*In Texas, the Vagrancy Law was passed on November 8th, 1866. A "vagrant" was "an idle person ... making no exertions to obtain a livelihood." The punishment was a fine. If not paid in cash promptly, the "vagrant" "shall be put at such labor" as the court or municipality wished until the fine was paid.

Whatever it takes to keep our town safe!

God bless y'all for keeping the sanctity of my home!



The stringent and absurd Black Codes were designed to criminalize black lives and re-enslave them into a system of forced labor.



The freedom that African Americans had just obtained was swiftly taken away from them.

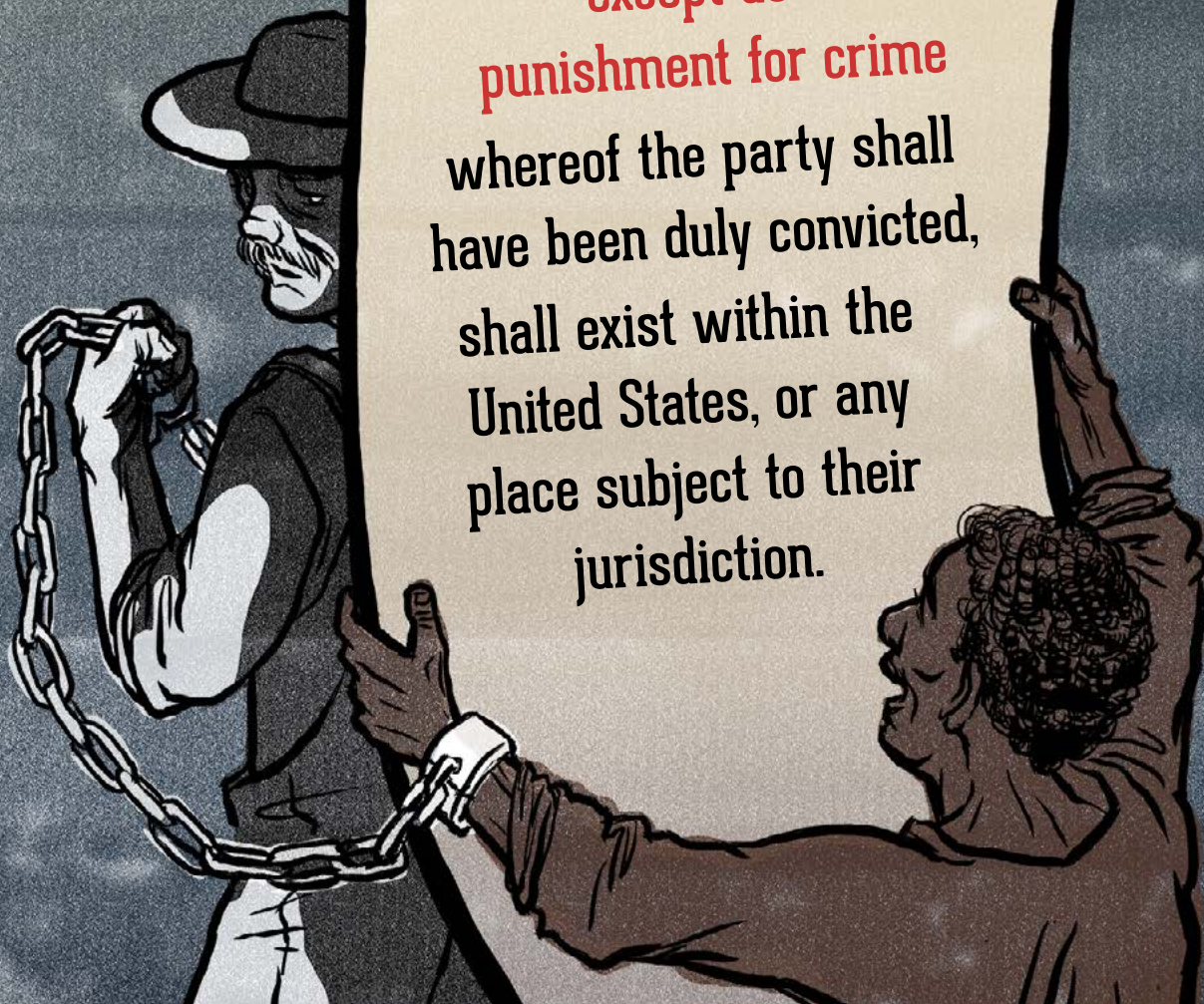
I'm innocent!
You know I have not done anything wrong!



Many believe that the 13th Amendment abolished slavery in 1865. But it actually contained a loophole that allowed slavery—as a punishment for crime. Once convicted, one could be caught in a system that looked eerily similar to slavery: convict leasing.

THIRTEENTH AMENDMENT TO THE
UNITED STATES CONSTITUTION

Neither slavery nor
involuntary servitude,
**except as a
punishment for crime**
whereof the party shall
have been duly convicted,
shall exist within the
United States, or any
place subject to their
jurisdiction.



Moments later

Justice of the Peace*,
this guy violated the
Vagrancy Law. We are
the witnesses.

*A Justice of the Peace was a local man appointed by the governor who ruled over a small jurisdiction called a "beat"—a quadrant of a county—and was authorized to convict criminals and give sentences.

A sheriff was a county law enforcement official, usually elected.

Another one?
Since there's no
more room in the
county jail, we'll
lease him out.
It'll be good for
everyone.



My verdict is as follows:

Your penalty for committing vagrancy is 40 dollars, plus the fees for me and the sheriff for undertaking this official act, plus the fees for the witness's time... In total, you owe 75 dollars.
Do you accept your charges or request to be tried?

NO
WAY!

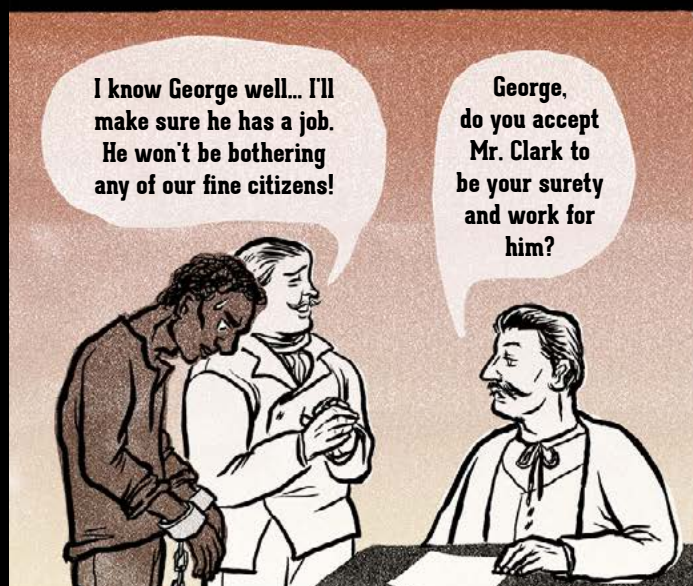


Knowing well that an all-white judge and jury could inflict larger fines and longer sentences, many African Americans had no fair choice, and therefore believed they had to accept the charges before trial, even when they were innocent.

... I confess
judgement.*

*A "judgement" ordered a payment or term of labor, making the criminal justice process like a trade. It was the nineteenth-century equivalent of modern-day **plea bargains**, in which a defendant agrees to a lesser sentence ahead of trial in order to be spared any possibility of the most severe punishment.





I can offer to pay the penalty if you let me hold a mortgage in your property. If you oppose this, you'll just have to work until you pay off your charges. For 75 dollars, you are looking at 10 years of convict labor.



10...
10 years?!

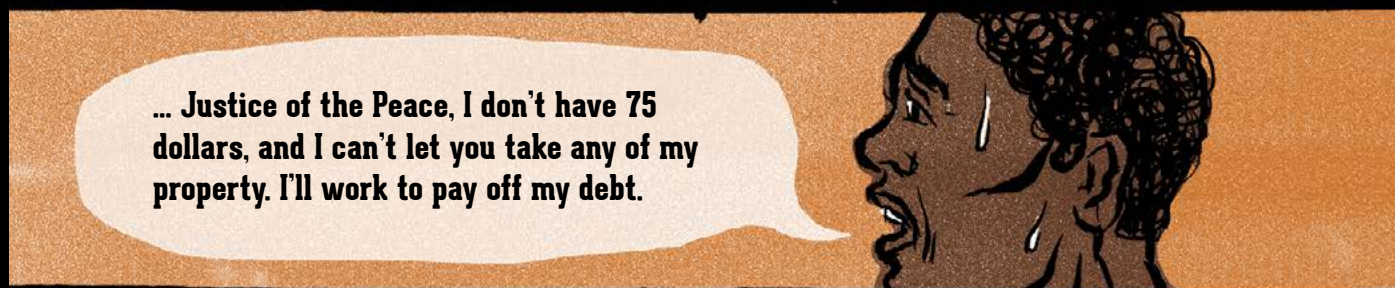
Sometimes a person's entire property could be confiscated, jeopardizing the stability they've worked to build with their freedom.



Daddy will come home soon!

Eugenia...
what must I do...?

... Justice of the Peace, I don't have 75 dollars, and I can't let you take any of my property. I'll work to pay off my debt.



Alright then—I'll give out **scrips*** to people involved in this case.



*Scrips were paper receipts given to public officials and witnesses as payments for their participation in the conviction process. They could redeem the scrips after the convict generated enough money to pay them off. In short, the "convict" had to pay for everything!

Some accumulated great wealth through these scrips. Because it sometimes took months, even years, for black people to "work off" their debts, scrip holders could sell the scrips at a discounted price, to other people willing to wait and take a chance on whether the black person would live long enough to pay off the entire amount in often brutal conditions.

We cleaned up town, made it safe, AND got paid!

I'll sell it for \$4. I'm sure you'll get the full \$5. He looked real healthy!

How about \$3.50? I heard he was an older guy.



Then the sheriff would look for the highest bidder to hire the convicted, who would pay off his debt while taking the burden of caring for the convict off of the state. This was a great money-making scheme.



He's got **10** years!
What's your bid?

I can
do
\$210.

I could use him at my
railroad company. I'll do
\$300!

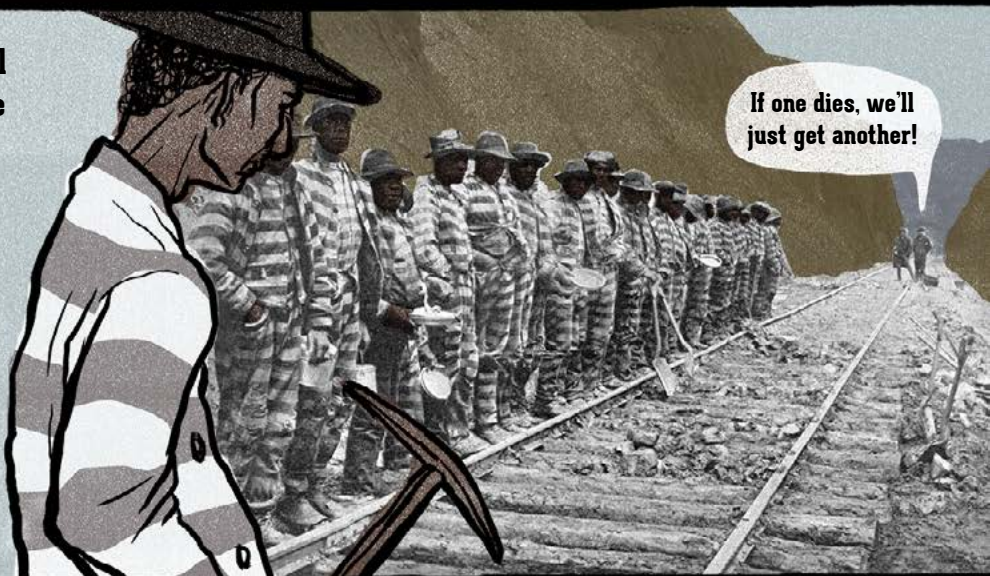
\$240.

\$250.

Nice!



Transported to an industrial plant, a mine, or a farm, the convict worked without compensation for as long as it took to pay back the fine he owed Too often, these "crimes" never went through due legal process. No one cared for the convicts' lives. They were no longer someone's "property."



If one dies, we'll
just get another!

10 YEARS LATER



Sir, today is
my last day.
I've paid off
my debts.
I would like
to go back to
my family.

Ha, you have 3 more years, son!

I paid for your medical fees when you were sick and covered other "miscellaneous costs."

But...
I got sick
because you
worked me
to death!

Many believed prisoners should bear the cost of their own incarceration. These fees could add up to an exorbitant amount, requiring the prisoners to take on an insurmountable burden.

Get back
to work.
Otherwise
I'm calling
the sheriff.

Often the convicts were forced to live in old slave quarters, where they battled vermin and infectious diseases.

... George?

If I break my thumb...
I may be able to get out
of these chains...

Pray for me, brother.

CLINK

CLINK

Out of desperation, some convicts mutilated their own bodies to take a chance at staying out of work or escaping. Often it was met with harsher punishment and labor.

Man, what
are you
doing? Don't
you think
about it!

STOP!!! I don't
want you to end
up like Bobby!

CRAACK...



Justice of the Peace, he was caught trying to escape last night.

That'd be 8 years of labor.



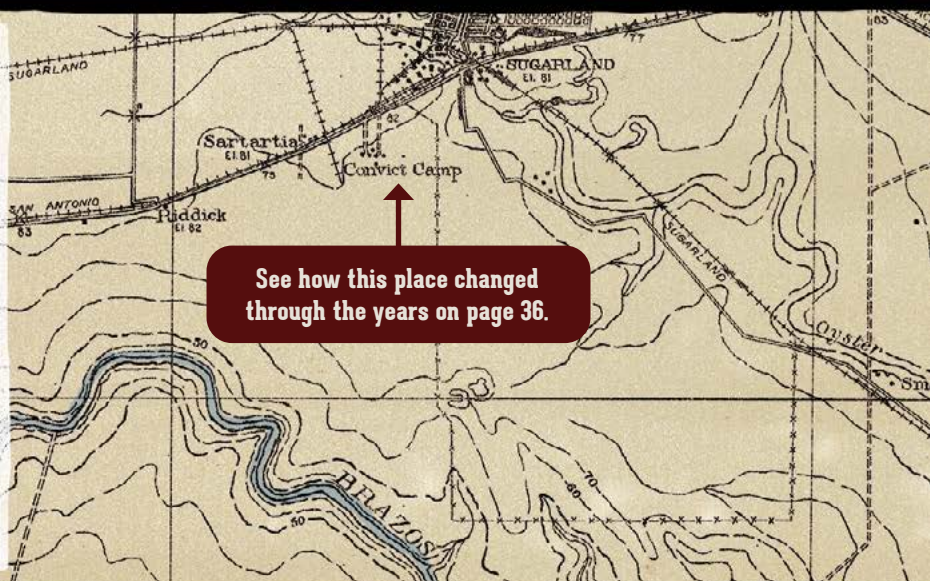
This is Colonel Ed Cunningham, the highest bidder of the entire Texas prison population.

What a self-made man!

I'll take George to Sugar Land.



Sugar Land is a town located 20 miles southwest of Houston, on the fertile lower banks of the Brazos River. Home of the Imperial Sugar Company, the city became notorious for the brutal treatment of the convicts toiling away on the swampy, mosquito-ridden sugar plantations. By the early 1900s, it was known as "Hellhole on the Brazos."



See how this place changed through the years on page 36.

Hang in there, George!

I... I don't think I can go on any longer...



You worthless, lazy, dog!!!



The guards and overseers seldom faced the consequences of their violence and neglect.



Prisoners were discouraged from speaking out about their condition to inspectors or journalists, fearing retaliation by the guards and overseers.



The victims of the brutal system of convict leasing were often dumped in unmarked graves, at times near the fields they were working. Once you were in the system, it was difficult—often impossible—to get out. It was known that the average life of a convict in Texas was seven years.

CONVICT LEASING IN SUGAR LAND, TEXAS

It is difficult to accept the fact that the peaceful town of Sugar Land had been the host of such an unfortunate practice, no more acceptable than the use of slave labor that had preceded it.¹⁷ Robert M. Armstrong



A Long Train of Cane Cars. Men in striped trousers were convict workers. Early 1900s. (Imperial Sugar Company)

During the Civil War, no significant battles were fought in Texas, and therefore the sugar region remained in better shape than sugar plantations in other states. However, the white male population—including planters and their sons—did decline drastically due to the war, destabilizing the large sugar plantations.¹⁸ It was a well known fact that sugar production required backbreaking and dangerous labor, one that only the brutal and inhumane institution of slavery could enforce. White people were desperate to regain a reliable labor supply.

A plan to secure a labor force to work sugar emerged. In 1871, the Texas legislature passed a law that permitted the Governor of Texas to lease convicts in the Texas State Penitentiary in Huntsville to private entrepreneurs: **A. J. Ward, E. C. Dewey, and Nathan Patton**.¹⁹ The partnership seemed to work, at least for a year. Local newspapers praised the system, prison facilities improved, convicts produced all kinds of desirable goods, and new public infrastructure was built.

But soon reports of the lessee's and guards' abuse and neglect of the prisoners became well-known. The conditions were so horrifying that other states began condemning the arrangement.²⁰ After multiple investigations proved the brutality of the prisoners' management and the lessees' absurd extortions, the state of Texas terminated the Ward-Dewey lease in 1876.²¹

The state of Texas ignored the need for serious reform and took another chance on convict leasing in 1877, with a partnership of **Edward H. Cunningham and Littleberry A. Ellis**. These two ex-Confederate generals became interested in the sugar cane business and purchased the large sugar plantations in what is today Sugar Land. By the end of the century, the Cunningham plantation was operating with the largest convict labor population in the state.²² They were able to turn convict leasing into a highly profitable enterprise. With convict labor, they even built another prison: Rusk Penitentiary, in the east Texas town of Rusk.

The system of convict leasing mirrored slavery in many ways, but there was a difference: unlike the enslaved people, these prisoners were no one's property. They were under multiple layers of authority



Interior view of sleeping barracks (Sugar Land Convict Leasing exhibit, Woodson Research Center, Rice University)



Prisoners on a construction site (Sugar Land Convict Leasing exhibit, Woodson Research Center, Rice University)



Prisoners from the Imperial State Prison Farm picking potatoes (Library of Congress)



A crew repairing Sugar Land Railroad lines in 1909. (Sugar Land Heritage Foundation)



Carloads of Sweetness. White women pose on top of train cars full of sugarcane. July 4, 1908. (The Portal to Texas History, University of North Texas Libraries, crediting Fort Bend Museum)

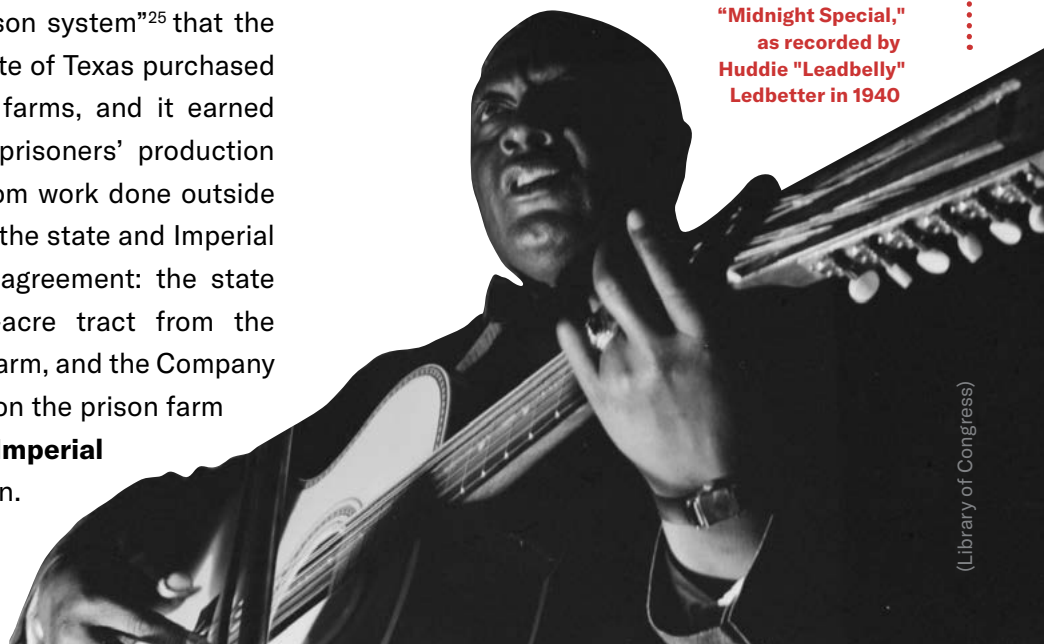
and coercion, but the responsibility of no one. This explains why prisoner abuse persisted under both the Ward-Dewey and Cunningham-Ellis leases.²³ This era brought the nickname for Sugar Land of **"Hellhole on the Brazos."**²⁴ Controversial publicity on Texas' brutal convict leasing system sparked public outcry. In 1912, the system was finally abolished.

Humanitarian protest and the resulting scandal ended the Cunningham-Ellis lease, but the state learned a different lesson. Those men had "blazed the way to a profitable prison system"²⁵ that the state now imitated. The state of Texas purchased land to expand its prison farms, and it earned revenue from the sale of prisoners' production inside prison, as well as from work done outside for private lessees. In 1908 the state and Imperial Sugar Company made an agreement: the state would purchase a 5,235-acre tract from the Company to build a prison farm, and the Company would buy sugar produced on the prison farm at an arranged price.²⁶ The **Imperial State Prison Farm** was born.

Huddie Ledbetter, also known as Leadbelly, was convicted of murder and imprisoned in Texas in 1918. For a few years before his pardon in 1925, Leadbelly was housed in Imperial State Farm in Sugar Land. A masterful folk and blues singer, he frequently performed for government officials and their guests during his sentence. His music, often based on his own prison experience, inspired musicians such as Bob Dylan, the Beatles, and Kurt Cobain.

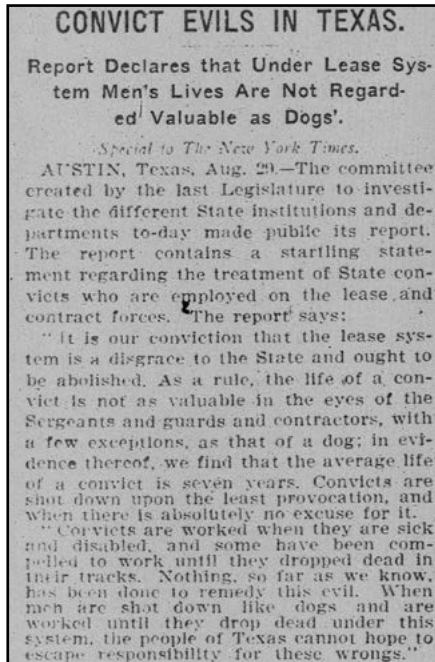
**If you're ever down in Houston
Boy, you better walk right
And you better not squabble
And you better not fight
Bason and Brock will arrest you
Payton and Boone will take you down
You can bet your bottom dollar
That you're Sugar Land bound
Let the Midnight Special
Shine the light on me
Let the Midnight Special
Shine the ever-lovin' light on me**

"Midnight Special,"
as recorded by
Huddie "Leadbelly"
Ledbetter in 1940



For the next 30 years, the state of Texas and the private businesses to which the state leased convicts profited from the abusive system. The leased convicts generated income that “formed a significant portion of total state revenues.”²⁷ With the help of the black codes and other harsh laws, together with a legal system that served white supremacy more than justice, the number of inmates

surged. The prisoners still lived in inhumane conditions and were paid far below the minimum wage, often close to nothing. The goods made by the prisoners could enter the marketplace at a considerably lower price. Those paid a fair wage could not compete with cheap prison labor and protested against its use.²⁸



Explosive articles like these helped bring an end to the convict leasing system in Texas and other Southern states. This *New York Times* article quotes from the Texas Investigation Committee's Reports and Proceedings in 1902. (New York Times, August 30, 1902, page 2)

It is our conviction that the lease system is a disgrace to the state and ought to be abolished. As a rule the life of a convict is not as valuable in the eyes of the sergeants and guards and contractors, with a few exceptions, as that of a dog; in evidence thereof we find that the average life of a convict is seven years. Convicts are shot down upon the least provocation, and when there is absolutely no excuse for it. Convicts are worked when they are sick and disabled, and some have been compelled to work until they drop dead in their tracks, yet nothing so far as we know has ever been done to remedy this evil.²⁹

Texas Investigation Committee's Reports and Proceedings, 1902

Even after the 1912 ban on convict leasing, the prisoners were put to work. After all, prison labor is explicitly permitted by the 13th Amendment. The state-owned prison farms continued to expand, financially benefiting private businesses such as the Imperial Sugar Company and the state's overall economy. Convict leasing was extremely resistant to change as it helped reinforce the walls of white supremacy by stigmatizing and criminalizing those of darker skin. One writer explains:

Defining black criminality through racial and cultural markers of inferiority was at the heart of post-emancipation race relations. Black Codes, Pig Laws, convict leasing, chain gangs, and lynching were direct consequences of inventing new ways of thinking about blacks and of using criminal laws, criminal justice practices, and violence to target them—all tracked by statistics, reifying racist presumptions that blacks were an exceptional and dangerous criminal population.³⁰

WHY DO WE KNOW SO LITTLE ABOUT CONVICT LEASING?³¹

The end of convict leasing was quiet and gradual enough that many Americans did not notice the change. For obvious reasons, neither the state nor local governments wanted to claim responsibility and ownership of a system that reminded many observers of slavery. Businesses that leased convicts continued to operate, now using legal labor supplies, and prisons where leased convicts were housed remained in operation. Convict leasing never quite garnered enough public attention to become a historical priority as the years distancing it from the present increased.

By the end of the 20th century in Sugar Land, most of the landmarks associated with convict leasing had become obsolete and the city attempted to move on from its past. By selling buildings from the Central Prison Farm and the Imperial Sugar Factory, the city repurposed facilities to better serve their growing population, but did so at the expense of historical preservation. Large tracts of land that had been farmed by convicts were sold to Newland Communities and developed into the neighborhood currently known as Telfair, despite a lack of certainty over whether there were convict graves located on the land. Similarly situated land was given to the University of Houston to build a Sugar Land campus. The quickly growing population of Sugar Land has very little knowledge or awareness of the convict leasing past of the land, due to a historical separation created by time and indirectly by city action.

Sugar Land Town Square, a shopping and corporate center anchored by city hall opened in 2004. It showcases an equestrian monument of Stephen F. Austin presented as the "Father of Texas." 2010. (Ed Schipul, Wikimedia)



Sugar Land was incorporated in 1959. This has been used to argue that Sugar Land had little to do with convict leasing and that African Americans' contribution to the city was insignificant. (Sugar Land Heritage Association) **Advertisement for Imperial Sugar** (The Portal to Texas History, University of North Texas Libraries, crediting University of North Texas Libraries Special Collections)



REGINALD MOORE AND THE DISCOVERY OF THE SUGAR LAND 95

“We found the bodies, Mr. Moore.”

Reginald Moore collapsed on his couch, shaking his head in a mix of awe and anger. Charles Dupre, **Fort Bend Independent School District** Superintendent, had called him with the news. Moore had been right all this time; the bodies were found in a place he had been pointing out for years. The fact that Sugar Land, now an affluent Houston suburb, was built on top of a tortured past, became obvious, locally, nationally, and internationally. The years of research, the phone calls asking for proper archaeological studies to be conducted, the unanswered letters, the trips made to speak out about the silenced history of convict leasing, the meetings in which he was treated with condescension and hostility—all these efforts had been based on uncomfortable truths that too few had wanted to hear. After more than a decade of his work, and many decades after the sufferings of these victims of convict leasing, this might be a chance for these bodies to be recognized.

We can tell from the state of the bone and muscle attachment features that these were heavily built individuals. Some bones were misshapen by the sheer musculature and labor.³²

Reign Clark, Archaeological Project Manager for the Excavations of the Sugar Land 95 and Cultural Resources Director with Goshawk Environmental Consulting



The remains were buried in individual pine caskets. The inconsistent arrangement of the caskets shows the haphazard handling of the remains and the burial ground. Some show signs of being buried after they started decomposing. (Fort Bend Independent)



Reginald Moore is pictured inside the Imperial State Farm Cemetery at the site of the Imperial State Prison Farm, renamed in 1930 the Central State Prison Farm. For years, he advocated proper recognition of this cemetery, which has approximately 33 graves of people believed to be a part of the convict leasing system. He serves as the Guardian of the cemetery, a volunteer post created by the Texas Historical Commission to protect neglected cemeteries throughout the state. (Mark Mulligan/Houston Chronicle via AP)

As early as 2009, Reginald Moore had told local and state officials that it was likely that the bodies of leased convicts had been buried on a tract of land that Fort Bend Independent School District was to purchase from the city of Sugar Land in 2011 for the purpose of building a school. In October 2017, construction crews broke ground on the fallow field in order to build the \$59 million facility for the students of Fort Bend ISD. The land, located between Chatham Avenue and University Boulevard, is prime real estate, located three miles west of Sugar Land Town Square and surrounded by upscale neighborhoods with many cul-de-sacs. The new **James Reese Career and Technical Center** was planned as a state-of-the-art facility to train students in a wide range of technical careers.

Scraping the earth, to lay down water pipes for example, can turn up all sorts of things. In February 2018, a backhoe operator dug up something that caught his eye: a couple of bones. When bones are found, by law all work on the site must stop.³³ The person who discovered the bones must follow a number of legal steps to ensure that the bones—if they are human remains—are properly reburied. In this case, archaeological analysis confirmed that they were human bones. They were just the tip of the iceberg.

Top A drawing of one of the burials discovered at the site of the James Reese Career and Technical Center **Middle** Hand excavation at the site, July 16, 2018 **Bottom** Reign Clark, Archaeological Project Manager for the Excavations of the Sugar Land 95, pointing out the chains discovered at the site of the Sugar Land 95. (Marie D. De Jesus /Houston Chronicle via AP)



What the archaeologists found stunned everyone. Forensics revealed that the remains belonged to African Americans who worked and died on **Ellis Camp No. 1**, part of Cunningham and Ellis' sugar plantations sometime between 1878 and 1911—the era when Sugar Land was known as “Hellhole of the Brazos.” Ellis Camp No. 1 was later renamed “Imperial State Farm Prison Camp No. 1.”³⁴ By the summer, the remains of 94 men and one woman, ranging in age from 14 to 70, had been discovered. They were buried in plain pine boxes, some too small for the remains. Archaeologists found haunting evidence of dehumanization: bones misshapen from back-breaking and repetitive labor, gunshot wounds, infections, signs of malnutrition and heat strokes, even chains and bricks.

Under the Texas summer sun, the archaeologists contracted by Fort Bend ISD concluded the excavation. The 95 sets of remains were placed in blue storage pods on the premises—for over 16 months. During this period, the school district and community members argued over the right way to rebury and memorialize the remains, and multiple lawsuits and protests ensued. What angered Reginald Moore and many others was that they were forced to rely on the Fort Bend ISD representatives' word that the law was being followed—yet, they felt, the district did not always do as it said it would.³⁵ Tense exchanges were broadcasted in the media.

The hasty excavation and reburial substantially diminished the integrity of the site, which makes it difficult for this site to be historically designated. The facts that the graves were unmarked in the first place and that the school district scraped, unearthed, and reinterred the remains against community wishes highlight the egregious disregard for this land and history. We see a contrast with the Old Imperial State Farm Cemetery, a cemetery located less than a mile west of Ellis Camp No. 1. It is a historically designated site. White prisoners and guards are buried there. Black bodies suffered dehumanization in both life and death, and their suffering and contributions were erased from history. The Sugar Land 95 exposed the fact that Sugar Land, now an affluent Houston suburb, is built upon a tortured past.

Now is the time to learn about the history of convict leasing, which helped to set in motion the racialized violence of our criminal justice system today in Texas and beyond.

I believe the state of Texas owes these individuals a formal apology for their decision to legalize such a horrible and inhumane system... Yes, I believe these people deserve a memorial, but there is so much more to it than that. I have a duty to be an advocate for them and to speak from the grave for these people. I believe there are more bodies out there and I want there to be more sensitivity and concern for the bodies that haven't been found yet. This system was wrong and there must be accountability.³⁶

Reginald Moore

THE SUGAR LAND 95 TIMELINE

October 2017

Construction of the James Reese Career and Technical Center began. During site preparation, the Texas Historical Commission (THC) contacted Fort Bend Independent School District, and the District retained archaeologists from Goshawk Environmental Consulting to search for potential archaeological artifacts.

February 2018

A backhoe operator found two bones during construction. Analysis confirmed they were human. Charles Dupre, Fort Bend ISD Superintendent, notified Reginald Moore by phone.

March–April 2018

Archaeologists conducted a perimeter search and discovered several interments on site.

April 2018

As Fort Bend ISD and THC announced the discovery of the historic cemetery, exploratory work continued. Over the next months, the perimeter was established. Construction continued in areas not affected by archaeological work. Over the month, the count of discovered graves reached 30, then 79, then 89. By July it reached 95.

June 2018

The 434th District Court granted Fort Bend ISD permission to exhume human remains for purposes of further historic investigation.

July 2018

Fort Bend ISD, THC, and Goshawk Environmental Consulting spoke to the media about ongoing exhumation and forensic analysis. They announced that in their judgement, the 95 bodies were those of inmates from Ellis Camp No. 1 in the Cunningham-Ellis lease. Fort Bend ISD and the City of Sugar Land entered into a memorandum of understanding, in which they agreed to cooperate regarding future reinterment at the Old Imperial Farm Cemetery. At this point, Fort Bend ISD planned to construct the still-unbuilt portion of James Reese Career and Technical Center, after the remains had been removed and reburied at another site.

August 2018

The City of Sugar Land established a task

force to ensure that the remains of the Sugar Land 95 would be reinterred with dignity and their lives honored.

October 2018

Although Fort Bend ISD and the City of Sugar Land had agreed to work toward reinterment of the remains at the Old Imperial Prison Farm Cemetery, the task force voted 19-1 not to move the remains, but rather to reinter the remains where they were found. The task force was dissolved.

November–December 2018

Fort Bend ISD petitioned the 434th District Court for permission for reinterment at the Old Imperial Prison Farm Cemetery. Judge Shoemaker delayed the decision and appointed a Master in Chancery to assist with the case, Michael W. Elliott. Reginald Moore held a candlelight vigil in Sugar Land Town Square.

February 2019

Fort Bend County Historical Commission voted unanimously to support preserving the gravesites. Fort Bend County Commissioners Court and the Fort Bend ISD school board voted unanimously to begin negotiating a deal allowing the county to buy the land containing the gravesites and create a cemetery and memorial.

March 2019

Fort Bend County Commissioners Court passed a resolution asking the Texas Legislature to permit Fort Bend County to operate historic cemeteries. The Texas Health and Safety Code allows only small rural counties with a population of 8,200 or fewer to own and run cemeteries. Fort Bend County's population is over 811,000. The idea becomes the proposed Texas House Bill 4179.

April 2019

Fort Bend ISD Board of Trustees approves a resolution to support Texas House Bill 4179.

May 2019

Texas House Bill 4179 cleared the Senate.

June 2019

Governor Greg Abbott signed House Bill 4179 into law. Fort Bend ISD Board approved an agreement to transfer the Sugar Land 95 site to Fort Bend County's ownership.

July 2019

Fort Bend ISD and Fort Bend County

continued to negotiate an agreement to transfer the site to county ownership. Terms at that point included Fort Bend ISD's transfer of the site, of 10 additional acres for a memorial center, and of \$1 million to be used for reinterment and memorialization costs. Given the gravity of the discovery, many of those involved wanted court oversight of the reinterment process. However, this consensus did not hold.

August 2019

Fort Bend ISD withdrew its offer to pay Fort Bend County \$1 million, stating that it would reinter the remains and hold a public memorial service, and so the county would incur no such costs. 434th District Court Judge James Shoemaker appointed Scott West as attorney to represent the unknown heirs of the Sugar Land 95. Fort Bend ISD appealed that decision, and the First Court of Appeals in Houston upheld that appeal, staying Judge Shoemaker's order that had appointed West. Meanwhile, community activists alleged that Fort Bend ISD's construction activities had already altered the burial site. Fort Bend ISD denied this.

September 2019

Fort Bend ISD and Fort Bend County were at an impasse regarding the need for court oversight of the reinterment project. Fort Bend ISD unilaterally contracted with a local funeral home for the reinterment of the Sugar Land 95.

November 2019

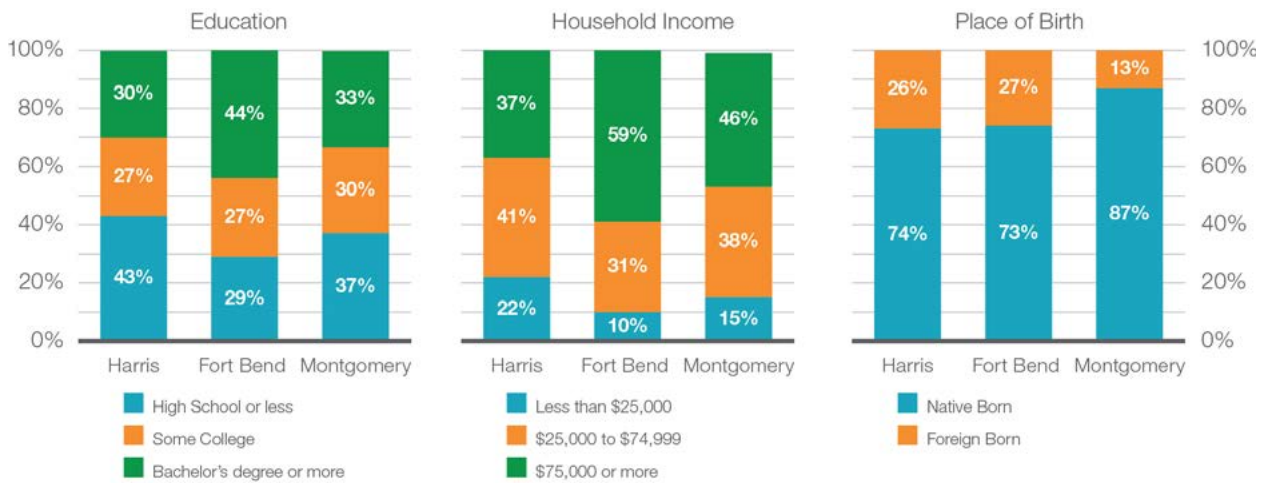
Fort Bend ISD held a ceremony called "Blessing the Ground" on November 17th and hosted a community symposium on November 21st at the newly completed James Reese Career and Technical Center, where archaeologists, historians, and geneticists shared extensive information about the Sugar Land 95 with the public. On November 27, on the eve of Thanksgiving Day, the remains of the Sugar Land 95 were reinterred by Fort Bend ISD. The site, originally called "Ellis Camp No. 1," has been renamed. The new name is unrelated the history of convict leasing. Reginald Moore condemns the decision as an effort to whitewash once again the tortured history tied to this site.

June 2020

At the time of the writing, Fort Bend ISD continues to own and operate this cemetery unilaterally. There is no historical marker or other information at the site that tells the history of what happened there.

HIDDEN IN PLAIN SIGHT

No resident of Sugar Land, Texas would hesitate to praise their “home, sweet home.” They would almost certainly also mention that Fort Bend County is the most ethnically diverse county in the nation, being equally divided among the nation’s four major ethnic communities—Asian, black, Latino and white.³⁷ According to a 2018 report, Fort Bend County is not only more diverse than neighboring counties, it is also more highly educated and more affluent.³⁸ How did the place once known as “Hellhole on the Brazos” come to be transformed into such an attractive, welcoming suburb? The following chart shows Fort Bend County residents' education level, incomes, and place of birth compared with neighboring counties:



(The 2018 Kinder Houston Area Survey, 22.)

In the years after the end of convict leasing in 1912, the city of Sugar Land underwent a massive makeover by government officials and the owners of Imperial Sugar Company. By 1923, Sugar Land was lauded as one of the best-planned and safest cities in Texas.³⁹ In a little more than 10 years after Texas banned convict leasing, the major site in Texas associated with that brutal and scandal-ridden form of re-enslavement seemingly was gone. The past was erased from the maps, many history books, and, most importantly, memories.

Sugar Land became incorporated as a city in 1959, in the midst of the Civil Rights Movement. Just a year after President Lyndon B. Johnson signed the Civil Rights Act of 1964, he signed the **Hart-Celler Immigration Act of 1965**. This reform ended the racially discriminatory immigration quota system, opening United States borders to non-European groups, and expanding the existing access of southern Europeans. Preference was given to those with specialized skills. Highly-educated immigrants from southern Europe, Latin America, Asia, and Africa, in the prime of their working lives, began pouring into metropolitan areas and surrounding suburbs. Sugar Land, a short commute to



Convicts unloading a cane car at the Imperial Sugar Company's mill sometime around 1900. (Sugar Land Heritage Foundation)



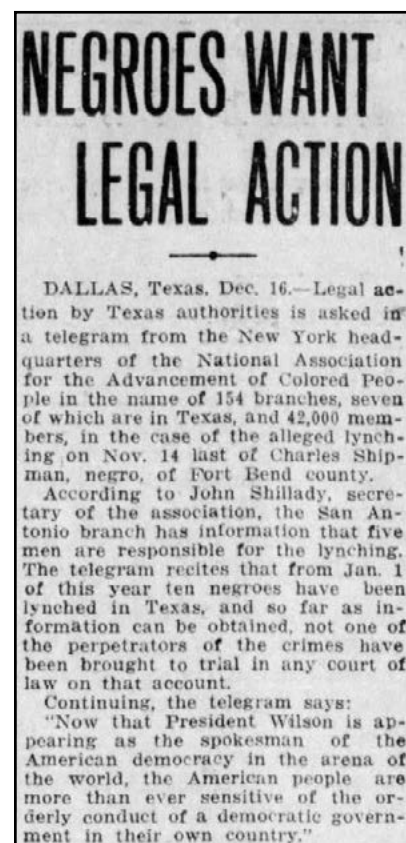
Employees of the Imperial Sugar Company, 1947. (The Portal to Texas History, University of North Texas Libraries, credited to Fort Bend Museum)

Houston's booming energy and oil industry, saw an explosive growth in its Asian population in the coming years.

For some, it was not simple to start a new life or move with the times. The African American population had dominated numerically for a long time in Fort Bend County and the surrounding "Black Belt" counties. The 1890 census, for example, recorded 8,981 African Americans and 1,605 whites in Fort Bend County.⁴⁰ During Reconstruction, Fort Bend County voters did apparently vote more African Americans into office than did other Black Belt counties.⁴¹ In later years, though, the intimidation, violence, and segregation characteristic of the Jim Crow era subjugated the black community.

Like other southern cities haunted by their racist pasts, Sugar Land has hidden behind a carefully constructed identity that draws upon the past selectively. Instead of acknowledging its bitter past, the city of Sugar Land has offered a whitewashed narrative as its history. The sentiment is not unusual—in Sugar Land or elsewhere in Texas. This narrative invokes history without raising any questions. Numerous streets, schools, and neighborhoods in Sugar Land named after enslavers and Confederate veterans reflect nostalgia for the plantation era.⁴²

Today, many residents of Sugar Land do not know this history about their home. More than a quarter of the residents in Fort Bend County are foreign-born,⁴³ many of whom immigrated for their shot at the American Dream. As the demographic changes, memories of the place have also been rewritten, forgotten. Some deny the possibility of finding more unmarked gravesites like the Sugar Land 95. Yet the residents of Sugar Land, a place literally built on top of massive prison farms, need to be able to listen to multiple narratives about what has shaped their homes.



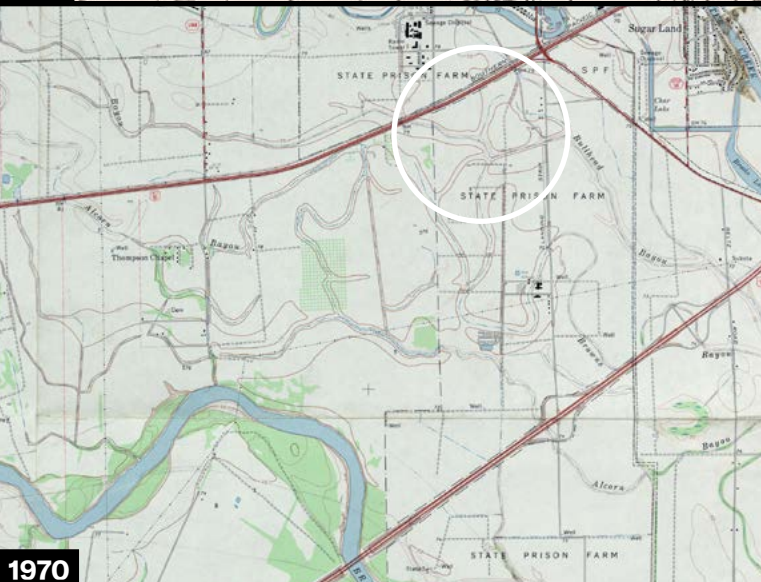
Between 1877 and 1950, four **racial terror lynchings** were recorded in Fort Bend County. One of those was **Charles Shipman**, lynched in 1918 for, as the terse notation put it, "disagreements with a white man." ("Lynching In Texas" Project, Sam Houston State University)



1915



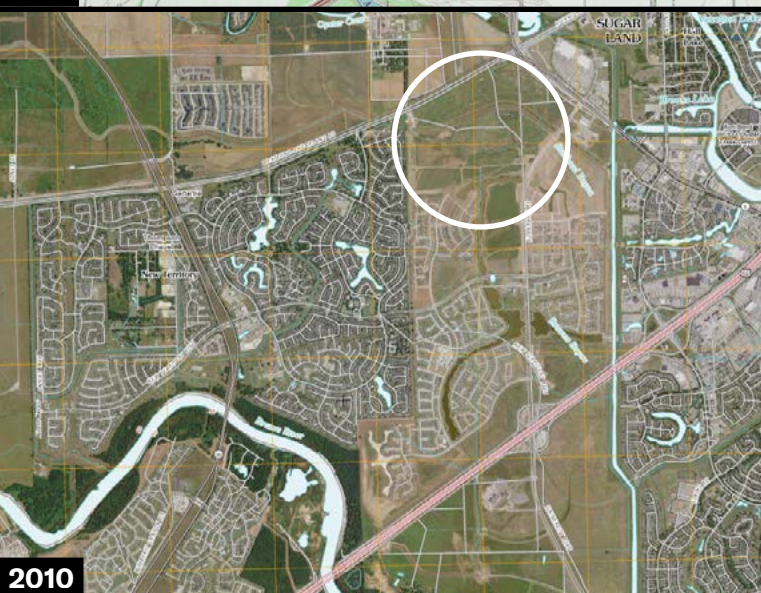
1955



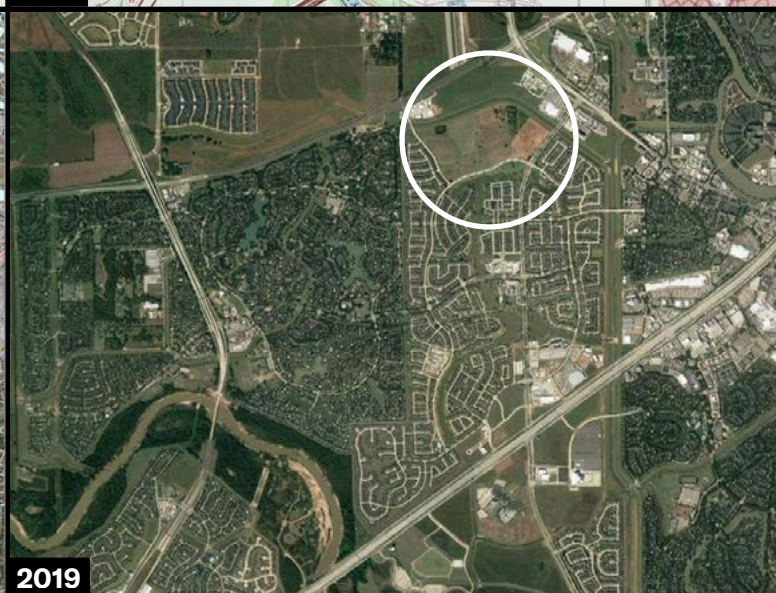
1970



1995



2010



2019

Sugar Land Quadrangle, various years. Blending city government with private enterprise is a genuine tradition in Sugar Land, and the town is proud of its prosperous development founded on brisk real estate business. Rapid development quickly erased the history and memory of the land. The white circles mark the site where the Sugar Land 95 convict was discovered—the location of Ellis Camp No. 1 and later the Imperial State Prison Farm.

WHERE DO WE GO FROM HERE?

A Call to Action by the Convict Leasing and Labor Project



**History, despite its wrenching pain,
cannot be unlived, but if faced with
courage, need not be lived again.⁴⁴**

Maya Angelou

Community members gathered outside the Fort Bend County courthouse to raise awareness on the Sugar Land 95 on Martin Luther King Jr. Day, 2019.

The discovery of the Sugar Land 95 proved that though Texas officially abolished convict leasing in 1910, the legacy of this cruel, racist system still permeates American life. Whether it be the continued harassment and murder of innocent black Americans by police, the pennies on the hour American prisoners are paid for the labor they perform while incarcerated, the injustices of the convict leasing system cannot be reconciled until they are directly confronted.

In order to confront the individual actors and government agencies that continue to profit off of the convict leasing system, we must name them. Fort Bend Independent School District was happy to have paid a discounted price to purchase the prison land that was the site of so much cruelty and death, but it has failed to provide the public with the accurate history behind the Sugar Land 95 at the site where they are buried and is yet to publicly identify a single member of the Sugar Land 95.

Help the Convict Leasing and Labor Project tell the stories of the Sugar Land 95 and all of those victimized by the convict leasing system by donating or volunteering. Visit **cllptx.org** to learn more.

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Chained in Silence: Black Women and Convict Labor in the New South

Talitha L. LeFlouria (University of North Carolina Press, 2016)

Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South

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Learn more at clptx.org

Email us at convictllp@gmail.com



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