"Except as Punishment for a Crime"

The Thirteenth Amendment and the Rebirth of Chattel Imprisonment

Slavery was both the wet nurse and bastard offspring of liberty.

—Saidiya Hartman, *Scenes of Subjection*

It is true, that slavery cannot exist without law . . .

—Joseph Bradley, *The Civil Rights Cases*

Anyone perusing the advertisements section of local newspapers such as the *Annapolis Gazette* in Maryland, during December 1866, would have come across the following notices:

> Public Sale—The undersigned will sell at the Court House Door in the city of Annapolis at 12 o'clock M., on Saturday 8th December, 1866, A Negro man named Richard Harris, for six months, convicted at the October term, 1866, of the Anne Arundel County Circuit Court for larceny and sentenced by the court to be sold as a slave.
>
> Terms of sale—cash.
>
> WM. Bryan,
>
> Sheriff Anne Arundel County.
>
> Dec. 8, 1866

> Public Sale—The undersigned will offer for Sale, at the Court House Door, in the city of Annapolis, at eleven O'Clock A.M., on Saturday, 22d of December, a negro *[sic]* man named John Johnson, aged about Forty years. The said negro was convicted the October Term, 1866, of the Circuit Court for Anne Arundel county, for;

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Larceny, and sentenced to be sold, in the State, for the term of one year, from the 12th of December, 1866.

Also a negro man convicted of aforesaid, named Gassaway Price, aged about Thirty years, to be sold for a term of one year in the State,

Also, a negro woman, convicted as aforesaid, named Harriet Purdy, aged about twenty-five years, to be sold for a term of one year in the State,

Also a negro woman, convicted as aforesaid, named Dilly Harris, aged about Thirty years, to be sold for a term of two years in the State.

Terms of sale—Cash.

WM. Bryan,

Sheriff Anne Arundel County

Dec. 26th, 1866.[1]

Congressional testimony and court dockets relating to these post–Civil War prison slave auctions reveal that each "negro" sold on the courthouse steps of Annapolis was actually charged with "petit larceny"—a small-scale property crime. In the men's cases, the list of alleged offenses included the theft of "6 barrels of corn," "1½ bushels of wheat," and "a hog"; and, in the cases of the women, it included taking "a pair of gaiter boots" and "stealing clothes from a lady." The docket also catalogues how the five black prisoners were sold for prices ranging from $27 to $50—and, while not including the names of each purchaser, does indicate that Harriet Purdy was "sold for $34.00 to Elijah L. Rockhold."[2] This small set of facts and figures, along with those contained in the advertisements placed in the local news by the county sheriff, represent the extent of information supplied by the historical archive in respect to the lives of these five "free" black people after being branded as *Negro criminal* by Maryland's legal system. Most of what we have in the way of any sort of encounter with their lives once they were converted into fungible black property for the alleged thieving of white property is the unspeakable conjecture allowed us by sonic, testimonial, and literary fragments of slaves and prison slaves—rememories gleaned from the wreckage of racial genocide as it piled over the mythological historical divide erected to convince us that scenes such as slave auctions had been forever vanquished with the culmination of the Civil War and the passage of the Thirteenth Amendment in 1865.[3]

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However, as much as we do not know regarding the specific fate of one such as Harriet Purdy, who through her imputed theft of a pair of white "lady's" boots was literally sold, or at least *rented for a year*, to a white man on the steps of the Annapolis courthouse—the terror of what we do know, especially in terms of the "infinite uses" to which the chattelized black body had been subjected for well over two centuries leading up to her auction day, offers stark grounding for rumination. So far, my discussion of this element of recessed knowledge has mostly focused on the ways in which black writing, song, and testimony allow footholds of encounter with the terror, enormity, and unrepresentability of neoslavery. However, while doing so, I have also noted an equally important arena of neoslavery narration—that of the law. The various modes of legal discourse that allowed for the sale or lease of convicted bodies such as those of Purdy, Richard Harris, John Johnson, and Dilly Harris through criminal sanction supply a great deal of critical information insofar as they elucidate the conditions of possibility for the collective violence that black people have endured in the context of de jure freedom.

Indeed, as Joy James has pointed out, no discussion of neoslave narratives in the United States would be complete without centering the storytelling devices employed by the racial capitalist patriarchal state through the devastating fictive practices of the law.[4] This line of analysis is especially important given the law's dubious capacity to conjure the free black subject into a reenslaved object, a violent functionality that it had exhibited with all-too-efficient acumen well before December 1866. The border state of Maryland, where these courthouse auctionings of free black people occurred, is actually an illuminating political geography with which to begin such a discussion, since, because of its liminal physical and political positioning during the antebellum period, the state was home to easily the largest population of *free Negroes* in the country from the colonial period through the Civil War.[5] Therefore, when townspeople walking by the Annapolis County courthouse on December 8 and 26, 1866, bore witness to postemancipation auctions, the only novel aspect of the scene of a call for bids on "free" black bodies was the fact that it was occurring after the passage of the Thirteenth Amendment; for criminalized freepersons in the slave state had been the subject of disproportionate imprisonment and racially exclusive forms of punishment (both corporeal and capital) since its inception.[6] Such precariously free subjects had also been vulnerable to the spectacle of public auctioning since 1835, when, under its Black Code,

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Maryland lawmakers passed the first of three statutory provisions that called for the sale or lease of criminally stigmatized free Africans.

The five auctioned black subjects mentioned above could very likely have resided in the state when the 1858 version of the code—that which led to their own public sale—was established by "an act to modify the punishment of free negroes, convicted of Larceny and other crimes against this State." The beginning of the legislation reads:

> SECTION 1. Be it enacted by the General Assembly of Maryland, That in all cases hereafter, where free negroes *[sic]* shall be convicted of the crime of simple larceny, to the value of five dollars and upwards, or accessory thereto before the fact, they shall be sentenced to be sold as slaves for the period of not less than two nor more than five years . . . and every free negro who shall be convicted of robbery, may in the discretion of the court, be either sentenced to confinement in the penitentiary, as now provided by law, or be sold either within or beyond the limits of the State, as a slave for the period of ten years.[7]

Indicative of the politically and geographically liminal position of Maryland, Section 324 of its Slave/Black Code of 1858 embodies the disavowed intimacies of southern and northern white supremacist law insofar as it had nearly exact replicas, public auctioning included, within the racially restrictionist state constitutions of northern states such as Indiana, Ohio, and Illinois until as late as 1864.[8]

Furthermore, as I will discuss later in this chapter, its haunting reappearance in a particular branch of a seemingly infinite array of "color-blind" criminal statutes that catalyzed the nationally sanctioned and administered postemancipation trade in southern black convicts further illustrates the problematic historical cordoning of chattel slavery as a pre-1865 phenomenon. Relative to its pre-emancipation counterparts in the former Northwest Territories, however, Maryland's version came with an especially terroristic provision dealing with those free black persons who may have exhibited revolutionary inclinations:

> [I]f any free negro shall after the passage of this act, be convicted of willfully burning any . . . Court House, county or public prison, or the penitentiary, poor house, warehouse or any building belonging

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> to the State . . . such free negro, his aiders or abettors and counselors, being free negroes, and each of them shall be sentenced to be punished by hanging by the neck as now provided by law, or in the discretion of the court to be sold either within or beyond the limits of the State, as a slave for life.[9]

The discretionary power of the state to dispose of the would-be-free African body through either the public servitude of the penitentiary, the private servitude of chattel slavery, or capital punishment enacted by the lynch rope dramatizes the gothic exchanges of civil, social, and premature death that would continue to define black (and Indigenous) incarcerated existence after collective emancipation. Whether rebirthed in the form of the openly declared Black Codes of presidential Reconstruction, or those administered under the color of color-blind laws that have reigned since the late nineteenth century, the late antebellum white supremacist legal codes stand as stark embodiments of the process of forward haunting that I discussed in chapter 1 in reference to the chain-gang scene in *Beloved*. That is, the three intimately connected and cross-fertilizing methodologies of legally administered racial terror sanctioned in Maryland's statutory "modification" of its punishment of emancipated persons—imprisonment, enslavement, and lynching—represented necropolitical precursors to legal and extralegal formations of violence waged against countless free black subjects for generations after the Civil War. This forward-haunting quality of the Maryland Black Code and those of other southern states—along with that of the "Negro Codes" and "Black Laws" of the northern United States—disturbs a remark made by Republican senator John Creswell of Maryland, who attempted to account for post-1865 public sales of free black people by stating that the "law under which these decrees have been passed . . . and these sales have been made is a relic of that code in its worst aspect," a "vestige of [an] old spirit."[10]

As I will discuss at greater length below, the mix of public and private mastery exhibited in the antebellum Black Code's handling of the problematic presence of the free "Negro" within the civil body was far from a dead or flickering letter by the time of the public leasing of criminally branded free persons. The state's wielding of the power to submit the black subject to the official incarceration of the prison, the social incarceration of the individual convict purchaser, or outright public extermination represented a chilling prefiguration, a statutory dress rehearsal, for the large-scale

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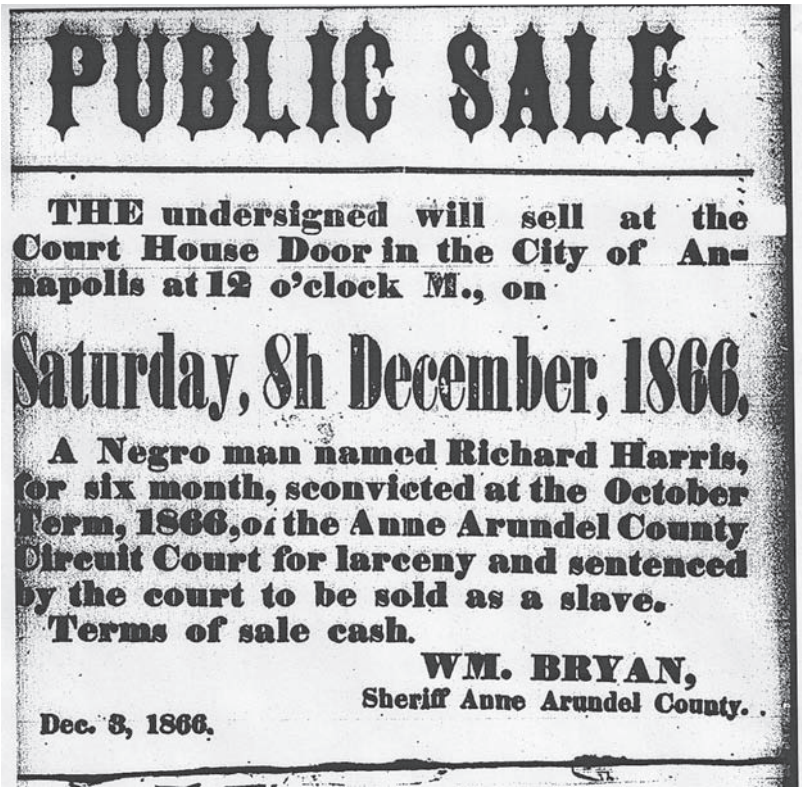
state-administered public/private carceral hybrids that would come to define zero-degree black unfreedom after 1865: the convict lease camp, the chain-gang camp, the county farm, the peonage camp, the prison plantation, and the "modern" penitentiary. Stated differently, the auctioning, imprisonment, and lynching of nominally free black subjects under the law of slavery issued specters of chattelhood that would secrete across the fabled frontera of freedom as the state assumed full-fledged mastery over the always already criminalized "free" black body. Read in this light, the ritualized legal spectacle of the courthouse slave auction was not an episodic or anachronistic remnant of a soon-to-be completely vanquished system of legal violence and public profiteering: this apparition from chattel slavery


PUBLIC SALE.

THE undersigned will sell at the Court House Door in the City of Annapolis at 12 o'clock M., on

Saturday, 8h December, 1866,

A Negro man named Richard Harris, for six month, sconvicted at the October Term, 1866, of the Anne Arundel County Circuit Court for larceny and sentenced by the court to be sold as a slave.

Terms of sale cash.

WM. BRYAN,
Sheriff Anne Arundel County.

Dec. 8, 1866.

Figure 4. "Postslavery" prison slave advertisement from "Sale of Negroes in Maryland," a hearing of the U.S. House of Representatives Committee on the Judiciary, January 11, 1867, unpublished transcript.

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was also a premonition of the state's primary role in the production, industrialization, and direct administration of spectacular and banal mechanisms of neoslavery from the chain gang to the prison–industrial complex.

But this line of argument in respect to the undead, or forward-haunting, propensities of late antebellum reenslavement statutes begs the vitally important question of method. That is, just how, in the context of the grand narrative of emancipation, were such documents of legal sorcery able to reanimate in the form of postbellum Black Codes and the racially motivated and administered "color-blind" statutes that replaced them, such as those dealing with vagrancy, breach of contract, public disorderliness, gambling, and petty larceny, socially manufactured "crimes" associated with structural black dispossession, landlessness, and vulnerability to legal and extralegal terror? What was the main legal channel whereby the public auctionings of black freepersons on courthouse steps in states ranging from South Carolina, to Maryland, to Illinois, would transfigure into the generalized courtroom and boardroom rentings of emancipated black bodies that defined postslavery imprisonment? How exactly was the statutory criminalization of black freedom that occurred in the antebellum period lawfully propelled into the future, producing various formations of neoslavery from the privatized public dominative regimes of convict leasing, peonage, and criminal-surety to the no less dominative and economically interested public systems of the county chain gang, the County Farm, and penitentiary plantation? How, for instance, was it possible for the poverty- and hunger-induced crime of hog-stealing to move so nimbly from being deemed "petty larceny" by Maryland's state legislature (a discursive gesture that proffered a rationale for the auctioning and reenslavement of Gassaway Price in Annapolis in 1866) to being dubbed "grand larceny" by Mississippi's state legislature after the supposed suspension of its Black Codes (supplying one of the key "color-blind" statutory pillars for the state's penal reenslavement and murder of thousands of black people after its passage in 1876)?[11] Put more directly, what was the legal conjuring method that allowed for *imprisoned slave auctioning* to seamlessly transition into both officially and customarily sanctioned *enslaved convict leasing*?

The central answer to these questions represents one of the most devastating documents of liberal legal sorcery ever produced under occidental modernity: the Thirteenth Amendment to the U.S. Constitution itself. As I briefly articulated earlier in reference to the primary legal mechanism by which the Middle Passage carceral model was able to lay hold to

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postemancipation black life, the very amendment to the Constitution that was to have performed the miraculous conversion of "chattel into man" actually facilitated his *and* her re-chattelization through imprisonment: "Neither slavery nor involuntary servitude, *except as punishment for a crime whereof the party shall have been duly convicted,* shall exist within the United States, or any place subject to their jurisdiction." The grandest emancipatory gesture in U.S. history contained a rhetorical trapdoor, a loophole of state repression, allowing for the continued cohabitation of liberal bourgeois law and racial capitalist terror; the interested invasion of "objective," "color-blind," and "duly" processed legality by summary justice and white supremacist custom; and the constitutional sanctioning of state-borne prison–industrial genocide.

That my attachment of such gravity and epochal meaning to the exception clause is no case of political hyperbole is registered by the publicly aired debate it caused, both at the time of its passage and in the years surrounding the implementation of the postbellum Black Codes. Carl Schurz spoke directly to the imminent reenslaving purposes to which postemancipation statutory law would be marshaled in filing a report on southern race relations just after the Civil War:

> The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman is no longer considered the property of the individual master, he is considered the slave of society, and all the independent state legislation will share the tendency to make him such. The ordinances abolishing slavery passed by the conventions under the pressure of circumstances will not be looked upon as barring the establishment of a new form of servitude.[12]

An explicit account of the primary role of the Thirteenth Amendment in the reenslavement of free black people was offered at the Joint Committee on Reconstruction in 1866, the same year that the neoslave auctions advertisements were posted in Maryland newspapers. In his testimony, a northern clergyman testified to having had a conversation with a white southern preacher who made a brazen declaration regarding the surreptitiously terroristic utility of the emancipation amendment, one that in its brutal accuracy expresses how the white supremacist opportunity afforded by the exception clause was a matter of southern common sense: "Alluding

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to the amendment to the Constitution that slavery should not prevail, except as punishment for a crime, [the southern preacher said] 'we must now make a code that will subject many crimes to the penalty of involuntary servitude, and so reduce the Negroes under such penalty again to practical slavery.'"[13]

While the southern minister's reference to a "code" of virtual reenslavement obviously refers to the openly racist Black Codes that would immediately begin to terrorize the black population after the war's cessation, in the remainder of this chapter I will explore the ways in which the exception clause had temporal reverberations that extended long after the apparent demise of openly racist statutory law, as well as a geographical reach that was in no way cordoned to points south of the Mason-Dixon line. Through my discussion of congressional debates, the peonage cases, and the hybrid formations of public/private neoslavery that placed free black people in a constant state of collective jeopardy, I underline the degree to which "color-blind" juridical, legislative, and penal law all played central roles in constructing an overall *code of reenslavement*—states of legalized and racialized exception made possible in large measure by the Thirteenth Amendment's punitive exception.

Aside from episodic interventions by prisoners, antiprison activists, and a small number of scholars in respect to its dominative effectivity, the exception clause has received very little in the way of sustained treatment within legal, social, and political histories of Reconstruction, southern neoslavery, and the national system of racial capitalist patriarchal punishment that continues to ravage black, brown, Indigenous, and poor people.[14] Legal histories that do not simply laud the amendment as a marker of liberal legal progress have focused almost entirely on some aspect of the shifting juridical interpretation of its prohibitory dimensions relative to slavery and its "badges." Read collectively, these discussions focus on the ways in which the amendment's common law construction during the first fifty years of emancipation vacillated from a relatively expansive view during Reconstruction (marked by cases upholding the constitutionality of the Civil Rights Act of 1866); to a restrictive view in keeping with Lochner-Era laissez-faire ideology and the liberal white supremacist sanctioning of Jim Crow apartheid (signaled most infamously with the *Civil Rights Cases* [1883]); to a moment of brief reexpansion in the early twentieth century with the Supreme Court's rulings in the peonage cases (*Bailey v. Alabama* [1911] and *U.S. v. Reynolds* [1914]).[15]

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Centering the legislative and juridical treatment of the penal exception, and its ominously shrouded presence within moments of ostensible legal progressivism such as that exhibited in *Reynolds*, allows us to engage with counter-historical realities rendered largely invisible by this focus on the amendment's prohibitory function. It unveils the ways in which the Thirteenth Amendment offered legal cover and social acceptability for Jim Crow apartheid at its most abject and murderous degree within spaces such as the chain gang, the convict lease camp, and the peonage camp—how these public/private hybrids of neoslavery were enacted not through the emancipation amendment's juridical restriction but through its very deployment as a Janus-headed weapon of reenslavement. Again, I am concerned with the fact that the very act of liberal legality that registered de jure recognition of hard-won black Jubilee actually reinstituted enslavement through criminal sanction. Along these lines, I want to explore how a centering of the exception clause and the chattelized penal law that it produced allows for a critical disenchantment of the state's racialized, gendered, and class-coded discourses of "public safety," "law and order," and "penal reform." Just as important, in the remainder of the chapter I show how a centering of the exceptional loophole within the emancipation amendment exposes the legal, cultural, and penological channels whereby liberal bourgeois white supremacist law resuscitated both the badges *and* fetters—the incidents *and* fundaments—of chattel slavery and the Middle Passage carceral model.[16]

What's in a Name? *Involuntary Servitude* as Liberal Legal Euphemism

Troubled about the possible regressive consequences that could unfurl should the exception clause be allowed into the constitutional amendment outlawing slavery, Massachusetts senator Charles Sumner attempted to sound an alarm of opposition during the Senate's original debates on the amendment's wording. In fact, before waging his critique of what ended up being the final version of the legislation, Sumner submitted his own version, inspired by the French Declaration of Rights (1787), a joint resolution based on the liberal principles of "natural rights" and equality before the law: "Everywhere within the limits of the United States, and of each state of Territory thereof, all persons are equal before the law, so that no person can hold another as a slave." Realizing that his proposed version

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was a dead letter, the congressman focused on challenging the final version of the amendment coauthored by Senator John Henderson of Missouri, who was a slaveholder himself (at least until the Civil War). Sumner described how in its nearly exact repetition of the language of Article Six of Thomas Jefferson's Northwest Ordinance of 1787[17]—which in ostensibly outlawing slavery in the Northwest Territories also contained a provision for enslavement upon "due conviction" by law—Congress was in danger of resuscitating the very system it was purporting to cast into oblivion:

> There are words here . . . which are entirely inapplicable to our time. They are the limitation, "otherwise than in the punishment of crimes whereof the party shall have been duly convicted." Now, unless I err, there is an implication from those words that men may be enslaved as punishment of crimes whereof they shall have been duly convicted. There was a reason . . . for at that time . . . I understand it was the habit in certain parts of the country to convict persons or doom them as slaves for life as punishment for crime, and it was not proposed to prohibit this habit. *But slavery in our day is something distinct,* perfectly well known, requiring no words of distinction outside of itself.

In making his case against the exception clause, the abolitionist senator based his argument on the premise that there was a clearly discernible line of distinction between involuntary servitude and chattel slavery in 1864, a divergence that nullified the need to repeat the exception clause in an amendment attacking chattel slavery. His argument also rested on the fact that Jefferson's ordinance catered to the national "habit" in the late eighteenth century of submitting free and fugitive Africans to private slavery rather than public penal servitude as punishment for crimes associated with liberated blackness (a point also signified by Jefferson's unmentioned inclusion of a fugitive slave provision in the original language of the ordinance). Sumner concluded that the legislation relied on a "language that is not happy" insofar as it could be interpreted as a loophole for reenslavement. Other members of the judiciary committee, including fellow Republican Lyman Trumbull, who was acting chair, felt that Sumner's radicalist position on the wording amounted to nothing but a stubborn and misplaced grammatical fastidiousness: "I do not know that I should have adopted these words, but a majority of the committee thought they were the best

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words; they accomplish the object; and I cannot see why the senator from Massachusetts should be so pertinacious about particular words."[18]

Sumner felt that he had uncovered irrefutable proof that his supposed fit of grammatical nitpicking was actually based on a clear and present danger when, on January 3, 1867, nearly three years after originally posing his misgivings in respect to the exception clause, he opened a Senate debate on a congressional resolution calling for a "supplementary amendment" to the Thirteenth Amendment. He began the discussion by holding up the very advertisement for the courthouse auctioning of Richard Harris that is illustrated above (Figure 4), an event that had occurred in Annapolis just one month before Sumner's speech. After relaying the contents of the advertisement, he proceeded to read a transcription of the other public notice that I mentioned earlier for the sale of John Johnson, Gassaway Price, Harriet Purdy, and Dilly Harris, a group neoslave auction about which Sumner reported to have been informed by a personal "correspondent" who saw the black prisoners "sold in his presence, before his very eyes." Meant to arouse horror, disapprobation, and disbelief, Sumner's exposure of the odious scene of black bodies being sold at public auction nearly within site of the nation's capitol partook of a long-established abolitionist tropology that rested on unveiling the spectacular depravities of chattel slavery of which whips, chains, and auction blocks were essential symbols.[19] For him, it was not the fact of normalized arrest and imprisonment of free black persons that was the problem, but the unseemly manner in which it was conducted; the prisoner auction was proof positive that something beyond "normal" publicly administered involuntary servitude was functioning under the banner of the punitive exception, allowing for the institution of a revived form of private chattel slavery. "But I presume that the Senate, at the time they passed upon the amendment supposed that the phrase 'involuntary servitude, except for crime whereof the party has been duly convicted,' was simply applicable to *ordinary imprisonment.*" Sumner went on to recall that at the time of the amendment's passage he "feared that it was not exclusively applicable to *what we commonly understand by imprisonment,* and that it might be extended so as to cover some form of slavery."[20]

The Massachusetts congressman was joined in this dramatic unveiling of the Maryland advertisements by John Kasson, a Republican representative from Iowa, who held them aloft in the House of Representatives just five days after Sumner's speech. As in the Massachusetts senator's case, Kasson rested his arguments for revisiting the emancipation amendment

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on what he perceived to be a clear-cut boundary separating involuntary servitude to the state, as represented by "ordinary" imprisonment, and private servitude to an individual, as symbolized by the abhorrent spectacle of the courthouse auction block:

> I apprehend that few members of this House or of Congress, at the time of the passage of the amendment, supposed that in the very sentence abolishing slavery throughout the United States they had also made provision for its revival under another form and through the action of the courts of the country. The facts certified to us by the newspapers of the South, from week to week, show that the result of that action, as it is there construed, is to revive the institution of chattel slavery in all its odious characteristics; that free men . . . are put upon the auction-block today and sold to the highest bidder into slavery.[21]

Kasson could feel so emboldened to strike at the exception clause partly because of a more definitive syntactical partitioning of "slavery" and "involuntary servitude" within his own state's constitution, in which the language of Jefferson's Northwest Ordinance was converted into a more overtly abolitionist phraseology: "Slavery, being incompatible with a free Government, is forever prohibited in the United States; and involuntary servitude shall be permitted only as a punishment for crime."[22]

In the spirit of this ostensibly definitive separation of two systems of punitive domination, Kasson introduced a bill (H.R. No. 956) that would have criminalized any

> *unofficial subjection to slavery* [of] persons who may be convicted of offenses against the law, by reason whereof certain inferior tribunals have adjudged free citizens of the United States to be so disposed of as to reestablish chattel slavery for life or for years, against the principles of the Christian religion, of civilization, and the Constitution . . . which now recognizes no involuntary servitude except to the law and to the officers of its administration.

He concluded by positing what he considered to be a hermeneutical corrective in respect to the amendment's intended emancipatory function by stating that "no such thing as selling a man into slavery can possibly exist in

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the present condition of the Constitution and the laws of the country; that there must be a direct condemnation into that condition under the control of the officers of the law, like the sentence of a man to hard labor in the State prison in regular and ordinary course of law and that is the only kind of involuntary servitude known to the Constitution and the law."[23] For Kasson and Sumner, the auction block consequently operated as something of an abolitionist fetish, an emblem of an uncivilized, obsolete, and domestic modality of incarceration and unfreedom under a private master that would ineluctably make way for a more regulated, rational, and humane technique of human entombment: "Hard labor in the State prison."

The most cursory glance at such articulations lends itself immediately to a countering of the liberal abolitionist attempt at positing a definitive borderline between the auction block and the cellblock, between penal and chattel servitude. Even within its own terms, the logic of Sumner's and Kasson's self-assured statements in this regard fall apart at the seams, pointing toward an open secret lying at the core of their liberal vision and at the center of Euro-American carceral modernity as a whole. Kasson most clearly exhibits the untenable nature of the mythical private/public carceral binary when in the course of reenacting his own state constitution's syntactical severance of "slavery" and "involuntary servitude," he repeatedly performs their reunification. This first appears in the wording of his proposed bill to criminally sanction anyone taking part in the sale of "free" human beings, wherein he describes private servitude as an "unofficial subjection to slavery," a phrase that immediately signifies an unspoken Other working alongside such odiously unregulated private arrangements—that is, an "official" or properly public form of slavery issuing from the quotidian, predictable, and "humane" operation of the state police power. The specter of public penal enslavement then reappears in one of Kasson's most apparently self-certain assertions of the unconstitutionality of one person being held as chattel by another person, "that there must be *a direct condemnation into that condition under the control of officers of the law,* like the sentence of a man to hard labor in the State prison." Far from dislodging the rhetorically wedded terms *slavery* and *involuntary servitude,* liberal pronouncements of the putatively "ordinary" and "official" operation of juridical and penal law ultimately perform the absolute impossibility of their divorce. As noted in my earlier discussion of the North American chain gang, there are an untold number of disavowed stories of unfreedom, corporeal rupture, psychic terror, and chattelized entombment suggested in

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Kasson's inadvertent discursive acknowledgment of the filiations of "ordinary imprisonment" and *that condition* known as slavery—historically sealed necropolitical experiences that underline the degree to which "involuntary servitude" works as a liberal legal euphemism shrouding long-standing intimacies of penal and chattel incarceration.[24]

Indeed, the methodological interconnections of the two ostensibly distinct systems are largely indexable within the history of the very ordinance for the Northwest Territories that occupied the center of the debate regarding the Thirteenth Amendment. This critically important genealogy points to the fact that in adopting the punishment exception in respect to *involuntary servitude*—that is, state enforced "hard labor" as punishment for a duly convicted offense—Jefferson replicated the reformatory logic of Cesare Beccaria, the influential Italian criminologist and penal reformer of the Enlightenment era whom the American slave-owning statesman held in extremely high esteem.[25] However, in offering his vision of what Foucault would come to describe as modernity's incremental movement away from the blood-ridden modalities of premodern feudal punishment to a "disciplinary" and "disembodied" penal philosophy, Beccaria unveils how liberal reform, modernization, and rationalization were founded upon the substitution of the convict's sanguinary death by something deemed more productively and pedagogically "grievous"—his literal enslavement. "If it be said that permanent penal servitude is as grievous as death, and therefore as cruel, I reply that, if we add up all the unhappy moments of slavery, perhaps it is even more so, but the latter are spread out over an entire life, whereas the former exerts its force at a single moment."[26]

For Beccaria, the "unhappy" civil death produced through penal enslavement would not only function as an intensification of biological death but would eclipse its counterpart as a more efficient technique of criminal deterrence through the terror of temporal indefiniteness: "It is not the intensity, but *the extent of punishment* which makes the greatest impression on the human soul. . . . It is not the terrible but fleeting sight of the felon's death which is the most powerful break on crime, but the long drawn-out example of a man deprived of freedom, who *having become a beast of burden*, repays the society he has offended with his labour."[27] The matter-of-fact aspect of Beccaria's argument for the pedagogical value of penal enslavement highlights the terror and domination that underlay what has been cast historically as "penal reform" from the Enlightenment through the birth of the "modern" penitentiary. Beccaria was nearly singular among

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his peers, however, in his open acknowledgment of the intimacies of penal and chattel servitude, a cross-fertilization that ranges at least as far back as the creation of the *servus-poeonae*—or criminally branded public slave—in Roman law,[28] and that continued into modernity with the transmission of plantation techniques of "labor management," surveillance, and corporeal rupture into European and U.S. prisons.[29]

Indeed, as David Brion Davis has pointed out, the penological ideas of Jeremy Bentham, the English penological theorist most closely associated with disciplinary carcerality, represented a "virtual caricature of the planter's ideal."[30] The inventor of the panopticon was incredulous, however, as to assertions that subjection to involuntary servitude amounted to any sort of transatlantic blowback of the colonial chattel principle of productive internment; but, as in Kasson's case, he raises the specter of the chattel moorings of modern imprisonment even while disavowing them:

> With regard to the popularity of this species of punishment in this country. Impatient spirits too easily kindled with the fire of independence have a word for it, which represents an idea singularly obnoxious to a people who pride themselves so much on their freedom. The word is slavery. Slavery they say is a punishment too degrading for an Englishman, even in ruins. This prejudice may be confuted by observing, 1st, that *public servitude is a different thing from slavery*. 2dly, That *if it were not, this would be no reason for dismissing this species of punishment without examination.* If then upon examination it is found not to be possessed, in requisite degree, of the properties to be wished for in a mode of punishment that, and not the name it happens to be called by, is a reason for its rejection: if it does not possess them, it is not any name that can be given to it that can change its nature.[31]

Leaving aside for the moment the tautological aspect of his claim that public servitude simply "is" a species of servitude distinct from slavery, I am interested in Bentham's depiction of an image of singularly "obnoxious degradation" arising in the mind of English commoners at the mere prospect of civil death. Notwithstanding the penal philosopher's initial words to the contrary, this grotesque social vision was based on the terrifying and utterly unthinkable prospect that criminal stigmatization would transmute the "white" convict into an ontological double of the most "degraded"

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not-quite-human being in the modern world—those units of enslaved African labor defined at law as objects of globalized commerce and localized sadism.[32] Equally important to note here is the manner in which Bentham's ruminations ultimately express a totalitarianist animus embedded within his utilitarianist vision. In the end, the social-engineering dream of producing a poor population in total conformity with the legal, political, and economic dictates of liberal bourgeois market culture justifies any method, including a penal version of that mentally and physically terrorizing thing that the targets of state sovereignty would "call" slavery. This is not to say that the white English commoner faced the same formations of chattelism in the prison that the African slaves faced in the barracoon, the slave ship, or the plantation, but to highlight the fact that the "whiteness" of the English commoner was placed in relative jeopardy through the stigmata of criminality. It is also to suggest a channel by which the feudal moorings of modern imprisonment would ultimately be ghosted into penal modernity on an unprecedented scale once the carceral state set its sights on those whose chattel enslavement laid at the foundation of white civil personhood.

The repressive aspects of the Benthamite philosophy would find their way into nineteenth-century prisons such as Auburn and Sing Sing, the latter of which was actually built through the "involuntary servitude" of prisoners transferred from the former. Elam Lynds, the warden who oversaw the contract labor and prisoner transfer project in the late 1820s, was unequivocal in his recognition of the affinities of his role and that of slave master: "According to my experience, it is necessary that the director of a prison . . . should be invested with an absolute and certain power. . . . My principle has always been, that in order to reform a prison, it is well to concentrate within the same individual, all power and all responsibility." For Lynds, such total disciplinary dominion was unthinkable without recourse to the most commonplace "seasoning" instrument of the plantation, the literal referent for what Bentham called *the lash of the law*: "I consider it impossible to govern a large prison without a whip. . . . If you have at once completely curbed the prisoner under the yoke of discipline you may without danger employ him in the labor which you think best."[33]

Not to be outdone by his transatlantic counterpart, Bentham himself once envisioned a "disciplinary" tool that has received a great deal less discussion than his panopticon. While his purportedly disembodied system of prisoner surveillance has risen to the level of a meta-symbol within critical

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treatments of modern carcerality, his idea for a slightly less subtle reform of feudal methods of publicly administered corporeal punishment (which again was to be reserved expressly for the English poor) speaks volumes for the parallel, intersectional, and mutually constitutive designs of "modern" punishment and "premodern" enslavement:

> A machine might be made, which should put in motion certain elastic rods of cane or whalebone, the number and size of which might be determined by law. The body of the delinquent might be subjected to strokes of these rods, and the force and rapidity with which they should be applied, prescribed by a Judge: [with] this everything which is arbitrary might be removed. A public officer . . . might preside over the infliction of punishment; and when there were many delinquents to be punished, his time might be saved, and the terror of the scene heightened, without increasing actual suffering, by increasing the number of machines, and subjecting all the offenders to punishment at the same time.[34]

That modern prison servitude originally amounted to a public simulation of the "private" practice of chattel slavery raises important questions in respect to Sumner's and Kasson's attempted abolitionist intervention on behalf of the emancipated. If at its outset modern state-borne penal servitude allowed for the white industrial worker to be subjected to some of the very mechanisms of corporeal rupture, private profiteering, dispossession, and social stigmatization that were essential to chattel carcerality (while also imagining innovations and calibrations of that terroristic modality such as the Benthamite whipping machine), then what were the legal or social grounds for challenging the state's wholesale auctioning of bodies whom white supremacist culture defined as metaphysically unproductive, incorrigible, atavistic, and whom liberal white supremacist law and custom had defined as undishonorable beings incapable of feeling the physical or psychic degradation of chattelhood? What was the logic of penal reform and criminal deterrence to do with the literal "beasts of burden" who were the objectified correlatives for Beccaria's metaphorics of civil death and who were thought incapable of either spiritual reformation or productive industrial discipline?[35] What were the limits of a liberal abolitionism that expressed horror at the site of free black people being auctioned on courthouse steps, but whose solution for such odious sites involved an enshrinement of more

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"ordinary" formations of involuntary servitude that began to entomb free black people in massive numbers immediately upon the passage of the Thirteenth Amendment? How did their narrow focus on isolated instances of what they considered to be an anachronistic holdover from chattel slavery obscure the larger state "public safety" project that would make the discursive link between "Negro" and "criminal" as inseparable after emancipation as "African" and "slave" had been before it? Finally, what did the long-standing infusion of private industrial interest into the putatively normal imprisonment of white bodies in the North mean for subjects who had been defined at law as nothing but fungible, culpable, and disposable since the Middle Passage?[36]

At issue here is what Hartman has described as the untenability of categorical distinctions between the public and private in respect to both chattel and penal servitude, and the degree to which in proffering such distinctions Sumner's and Kasson's challenge of the exception clause actually amounted to a reaffirmation of its most essential terms.[37] In other words, even were Congress to have passed the legislation that Kasson proposed to outlaw the sale of one individual by another—and had amended the Thirteenth Amendment to read closer to the more clearly articulated distinction between chattel and penal subjection in Iowa's constitution—the national state police power would still have involved the necropolitical right not only to kill free black people but to submit them to innumerable public/private carceral hybrids through the hypercriminalization of black being and the productive legal euphemism of "involuntary servitude."

As if to make perfectly clear that the security of the racial state rested on the sovereign right to terrorize the black subject in whatever form (and by whatever name) it deemed necessary, the Senate Judiciary Committee indefinitely postponed Kasson's bill after its passage in the House by claiming that any issues relating to the punitive reenslavement of "duly convicted" free persons were mitigated by the Civil Rights Act of 1866.[38] The outright cynical quality of this claim rests on the fact that, in its ostensible protection of southern black people against openly discriminatory postbellum Black Codes, the original Civil Rights Bill repeatedly invoked the very exception clause that Kasson and Sumner attempted to challenge. On its face, "An Act to Protect All Persons in the United States in Their Civil Rights, and Furnish the Means of Their Vindication" represented a positive affirmation and clarification of the citizenship rights granted by the Thirteenth Amendment and the legislative birthplace of liberal constructions

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of "color-blind" common law in reference to former slaves and other racially stigmatized persons. The first two sections of the bill read as follows:

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, *except as punishment for a crime whereof the party shall have been duly convicted,* shall have the same right, in every State and Territory . . . to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease or sell, hold, and convey real and personal property, and to full and equal benefit of the laws and proceedings for the security of person and property, as enjoyed by white citizens, and shall be subject to like punishments, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.
>
> Sec. 2. And be it further enacted, That any person, who under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at one time been held in a condition of slavery or involuntary servitude, *except as punishment for a crime whereof the party shall have been duly convicted,* or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.[39]

What appears to function as a "vindication" of the full-blown positive power of the Thirteenth Amendment vis-à-vis its granting of citizenship and civil liberties to all persons born in the United States (besides untaxed "Indians") actually joins the emancipation amendment as an outright justification of the state's right to deploy criminal sanction as the most actionable

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and powerful means of dealing with the "problem" of the black (and Indigenous) presence within the national body. Note how an act that was to have put to rest the "whole subject" of black penal reenslavement—and more specifically the literal auctioning of black bodies—not only neglects to offer an outright ban on the sale or lease of human beings by the state, but actually reinforces that sovereign right by repeating the exception clause in both of its most important sections. The main reason that such an outright proscription against black fungibility could not occur was that the national government was busy inaugurating the wholesale renting-to-death of black bodies branded as both "felon" and "misdemeanant," otherwise know as convict leasing, at the very moment of the bill's crafting. This historical synergy has often been ignored in scholarly treatments of "southern" prison slavery during Reconstruction; or, when broached at all, it has been mystifyingly dismissed as a matter of "accidental" racism and political-economic expedience rather than a pivotal conjuncture based on the material force of white supremacy and the centrality of unfree black labor to the interconnected postbellum national projects of empire building and southern industrialization.[40]

In fact, the ease with which local and state regimes of racial apartheid would be able to maintain white supremacist legal practice under the color of color-blind law had already been made clear well before the act's passage with the proliferation of Black Codes that were racially nonspecific but teleologically white supremacist. As Donald Nieman has indicated, many of the most extremely racist statutes that were conducting thousands of black people into convict lease camps, chain gangs, and peonage at the time of this supposed "vindication" of black civil rights, immediately escaped any possibility of judicial scrutiny under the act's color-blind doctrine due to the removal of any mention of race from their wording: "Rather than being blatantly discriminatory, the black codes of 1866, while carefully designed to control the freedmen, were on their face non-discriminatory. Through contract and vagrancy laws that applied [formally] to whites and blacks alike, they gave state and local officials all the authority they need to provide planters with a cheap and dependable labor force."[41] Indeed, this loophole even made possible the renewal of the late antebellum slave code. Under the "color-blind" and "equal punishment" provisions of the bill, all the Maryland state legislature would have needed to do in order to resuscitate the slave code allowing for the sale or lease of free black subjects was to remove the word "Negro" from its wording and the odious

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scenes of free blacks being made into commodified objects on courthouse steps could have continued apace.

However, as the history of racialized neoslavery has exposed for over one hundred years after the passage of the act "protecting" black civil rights, the legal reproduction of black fungibility not only continued but actually expanded to alarming proportions through the liberal loopholes of the exception clause and the color-blind racial statutes that put the punitive exception into material motion. In an example of its ability to practice a certain amount of productive self-disciplining, the racial capitalist patriarchal state removed what for the liberal onlooker represented the unsightly scene of courthouse auctioning from public view while continuing a de facto neoslave trade inside courthouse chambers, a legal ritual of human commodification that subjected a swelling number of black prisoners to multiple varieties of *opus publicum* (public hard labor) and *vincula publica* (public chains) under the normalizing ostent of "due conviction."[42] That is, various forms of ignominious public unfree work and punishment that did ultimately begin to be cast into the ashbin of history for white subjects as far back as the late eighteenth century were reinvigorated and expanded through the banal operation of municipal, state, and national penal law—representing a legal prosecution of the national cultural mythos that framed such disreputable labor and bodily rupture as commensurate with the supposed inborn criminality, unbreachable joviality, and inhumanly high pain threshold of former slaves. In other words, the law exchanged the offensive site of the open-air neoslave auction for the no less abject, if socially acceptable, scene of black neoslave labor and terror on the chain gang, the convict lease camp, and the peon camp.

Again, when read in this light, the Maryland auctioning of the free is unveiled as a "post" slavery analogue of the various modalities of racial commodification that secreted across the fictive border of emancipation. It is also exposed as a futuristic relic of sorts, demonstrating the liberal legal channels whereby various modalities of spectacular and banal dehumanization essential to chattel slavery were reanimated and reconfigured through the birth of the convict lease system, peonage, the prison plantation, and the chain gang. This last point is vividly recalled by Richard Wright's boyhood persona in *Black Boy* (1945), who in mistaking a Mississippi chain-gang coffle for a herd of trunk-tied "elephants"—or stripe-clad "zebras"—disenchants the discourses of color-blind jurisprudence and public safety that crafted the social acceptance of neoslavery:

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> I saw that they were two lines of creatures that looked like men on either side of the road; that there were a few white faces and a great many black faces. I saw that the white faces were the faces of white men and they were dressed in ordinary clothing; but the black faces were men wearing what seemed to me to be elephants [or zebra] clothing. As the strange animals came abreast of me I saw the legs of the black animals were held together by irons and their arms were linked with heavy chains that clanked softly as their muscles moved.[43]

From the seemingly naive purview of childhood remembrance, we are allowed a momentary glimpse at unspeakable realities hovering at the periphery of the state's master narrations of law, order, and "Negro Problem" resolution. Such testimony supplies necessarily incomplete, contingent, and historically obscured entry into how the exception clause and the white supremacist ruse of color-blind statutory law represented not the cessation of black fungibility and dehumanization but their legalized transfer from courthouse steps into courtrooms, boardrooms, and "official" neoslave coffles. As Hartman reminds us in respect to the productive amnesia of liberal legal color-blindness, "The refusal to see race neither diminishes that originary violence nor guarantees equality but merely enables this violence to be conducted under the guise of neutrality."[44]

For the remainder of this chapter, I will focus on largely obstructed and distorted legal and social conjunctures wherein black fungibility was transplanted from a slave code funneling free and fugitive African bodies into "private" chattelhood to a color-blind code of reenslavement that has disappeared countless free black people and other socially stigmatized persons into hybrid formations of public/private state-administered bondage.[45] This trajectory offers a mapping of the law's amoeba-like functionality in transposing the discursively open racial language of the Slave Codes and Black Codes into the decidedly more tenacious racist practice of color-blind provisions dealing with crimes of dispossession and basic black existence such as vagrancy, petit larceny, public drunkenness and disorderliness, gambling, and breach of contract (behaviors that often amounted to talking, walking, or breathing in the presence of the wrong white person). It also charts the process by which free black people were converted into commodifiable units of unfree labor and sadistic pleasure through banal courtroom bureaucratic rituals such as the bail or fine/fee hearing.[46] As noted

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above, the formations of neoslavery issuing from such legal violence ranged from the putatively regulated, ordinary, and nonpecuniary "involuntary servitude" found on the chain gang and prison plantation to zones of openly privatized penal slavery, such as convict leasing and the county-level consort of that genocidal system known as *criminal-surety*. By focusing mainly on the latter and lesser known of these two mechanisms of the black neoslave trade, I will address the juridical mythmaking and color-blind statutory violence that gave an all-too-powerful and durable afterlife to Chapter 324 of Maryland's 1858–66 slave code, and that offered essential legal cover to the overall postbellum mass seizure, rupture, and terrorizing of free black men, women, and children doubly branded as *Negro* and *criminal*—two monikers of "ontological subordination" that have been as productively inseparable to U.S. empire as *slavery* and *involuntary servitude*.[47]

"Someone to Go My Bail": *US v. Reynolds* and the Ever-Turning Wheel of Neoslavery

The following surreal exchange and bit of early twentiety-century social commentary represents the opening of E. Stagg Whitin's *Penal Servitude* (1912):

> "Will you buy me, Sah?" asked a boy convict in an Alabama convict camp, when approached by the writer. "Won't you buy me out, Sah?" he reiterated to the rejoinder, "I'm not buying niggers." "It'll only cost you $20, Sah, an' I'll work fer you as long as you say. I'se fined $1.00, Sah, and got $75 costs. I'se worked off all but $20. Do buy me out, Sah, please do." The wail was raised by a small boy of fourteen years, with black skin, in a particular camp, yet the appeal is the appeal of many thousands who from want, disease, or evil environment have passed for a time out of our world into the hell on earth which we, in our wisdom, have prepared for them; the appeal recognized the economic status of our penal system.
>
> The status of the convict is that of one in penal servitude—the last surviving vestige of the old slave system.[48]

Whitin's text was a prison reformist work sponsored by the National Committee on Prison Labor, an organization that promoted a conversion of the profit-centered national penitentiary system into a wage-based, regulated,

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and uniform system of industrial training and redemptive individual reform. Notwithstanding its prominent placement at the head of the text, Whitin's exchange with the boy "with black skin"—along with a horrifying photo of a group of stripe-clad black men and a young boy shown seated, shackled, and long-chained to a tree at an unidentified chain-gang camp—represent the extent of the book's treatment of the racial dimensions of what the penal reformer describes as "the last vestige of the old slave system." Despite his attempted narrative evacuation from the site of southern neoslavery, however, the writer's brief interaction with the imprisoned adolescent child forces us to halt at the very moment he would have us depart along the main vectors of the text. Whitin's response to the unnamed boy's attempted marketing of his own body in the name of freeing himself from the convict camp—*I'm not buying niggers*—carries enough in the way of loaded meaning to demand that we stay with the young boy, at a place and time that a footnote to the encounter tersely informs us is "Banner Mine, Alabama, May 1911."

Indeed, the dateline alone carries a grim echo of the urgency heard in the unnamed prisoner's entreaty for the northern tourist to "buy" him out of the camp. That is, the "wail" he describes as emitting from a solitary *nigger boy* actually amounted to a chorus of haunting tones, the loudest of which were those still reverberating from the closely buried corpses of 111 of the child's fellow black male prison slaves who were killed in an explosion at the coal mine just days before Whitin's arrival.[49] With the absent presence of this revenant chorus in mind, I am concerned with how the white northern reformer's offhanded brandishing of the quintessential signifier of black subhumanity, fungibility, and zero-degree alterity actually bears critical significance in respect to the declared subject matter of his book insofar as it expresses in stark fashion the degree to which white supremacy—whether *southern-anachronistic* or *northern-progressive*—rested at the foundation of the system of national penal servitude that Whitin was hoping to fashion into a more "evolved" image. Along these lines, a more specific concern in respect to the scene has to do with the very fact that the white penal reformer could have actually purchased (or at least rented) a black neoslave child for $20 at a convict lease camp nearly fifty years after the Annapolis courthouse auctionings of Harriet Purdy, Richard Harris, and the other criminally branded "free" black bodies that I introduced at the beginning of this chapter. Notwithstanding Whitin's attempt at using the exchange as a representative point of departure for his

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discussion of industrialized punishment in northern penitentiaries, something very particular was at work in the fact that the unnamed boy knew full well that the convict lease camp in which he and hundreds of other black males were entombed could be converted into a virtual auction block—that as a legally fungible body he could be subleased as easily as he was originally leased, thereby exchanging one form of privatized public neoslavery, the convict lease camp, for another, "criminal-surety."[50]

A variant of a widespread and nebulous state-profiteering apparatus of leasing public slaves to private planters and industrial concerns, the surety system was touted as a "humane" contractual avenue by which criminally branded black subjects could avoid the brutalities of the chain gang and convict lease camp through becoming party to a court-administered prison labor contract. Usually occurring while the black subject was literally sitting in a jail cell or standing before a local judge facing the possibility of being sent to a "hell on earth" such as Banner Mine, it involved a putatively consensual agreement whereby an individual white neoslave buyer, euphemistically described as the "surety," would post the exorbitant fees and costs associated with the black subject's alleged petty crime in exchange for his "confession of judgment." Upon signing a court-approved contract with the white bondholder, the black subject was legally conjured from a would-be public slave into a publicly borne private peon who was forced to supply unfree labor—among various other unspoken and uneconomic forms of terror-ridden travail—to the surety until the amount posted had been "worked off." In Alabama and Georgia, where such arrangements were codified in state law, the state supplied a statutory guarantee that the individual convict-lessee would receive a return on his investment by making the prisoner's breach of contract with the surety a criminal offense. In such cases, the black subject could, at the discretion of the court, either be rearrested and sent to the chain gang or rebound to a private master for an even longer period than stipulated in the original lease.[51]

The frequency of such neoslave contracts was so great in certain southern municipalities that their courthouses became de facto unfree labor agencies for local planters and industrialists. As historian Walter Wilson points out in an article published in *Harper's Monthly* in the early 1930s, the pecuniary gain associated with convict leasing, criminal-surety, and other customary "fee/cost" catalyzed systems of black prisoner trading was not limited to the near-absolute surplus value offered to private concerns; that is, just in the case of convict leasing, the submission of an untold number of

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black prisoners to criminal-surety and other racialized bail arrangements designed specifically for misdemeanants was based on a lucrative system of localized *public profiteering* that fed an overarching public/private neoslavery complex: "Aside from prison officials and private business men who profit from convict labor, there is another group of men who profit from convict slaves. Sheriffs, judges, clerks, and others serve as employment agents. . . . Under the notorious fee system law-and-order enforcement, officials are paid commission on the basis of the number of arrests and convictions they secure." After citing the very instance just discussed of the child at Banner Mine having to work off seventy-five dollars in "costs" for a petty offense that demanded only a one-dollar fine, Wilson goes on to describe the lucrative nature of the widespread local trade in black convicts for public officials in both Mississippi and Alabama—including the very county in which the young boy was likely convicted before being disappeared to Banner Mine: "According to leading citizens of Alabama, the sheriff of Jefferson county in 1912 was earning $50,000 to $80,000 a year in fees. A clerkship in the county seat was worth at least $25,000 in fees. Several sheriffs in Mississippi in 1930 earned over $20,000 each. The leading one made $24,350. The average for eighty-two counties was only slightly less than $6,000."[52] Adjusted for inflation, the $50,000 conservative estimate of the Jefferson county sheriff's bounty from the convict trade in 1912 would equal well over $1.1 million in today's dollars; and, even the $6,000 Depression-era average for sheriffs in the respective Mississippi counties cited in Wilson's poll would equate to a yearly neoslave trade commission of approximately $81,300.

This largely ignored public dimension of the overall profiteering on imprisoned southern black bodies throws into stark relief the earlier referenced productive hybridity and virtual indivisibility of public and private formations of terror and incarceration waged against the free black population as a whole since the passage of the Thirteenth Amendment. However, notwithstanding this incestuous interface of public and private interests in the project of black reenslavement, juridical interventions against the overall system of postbellum state-sanctioned "indebted servitude" defined peonage in general, and criminal-surety in particular, through the liberal frames of contract, individual obligation, and private hostility rather than as state-sanctioned neoslavery based on structural white supremacy.[53] In *US v. Reynolds* (1914), the first of the Supreme Court peonage cases dealing specifically with criminal-surety, this partitioning of the public and private was taken to its most absurd extreme given the state's central role as trader,

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broker, and neoslave patroller within that system. Indeed, as in the case of the supposed "vindication" of black citizenship found in the Civil Rights Act of 1866, the ostensible avenue of redress proffered in *Reynolds* against a particular form of involuntary servitude ultimately represented a further solidification of the state's sovereign right to reenslave the contaminating black presence within the national body.

The case involved a black man, Ed Rivers, who was arrested in Monroe County, Alabama, in May 1910, and charged with the crime of petty larceny. Just as in the circumstance of the young boy at Banner Mine, Rivers's poverty and dispossession were legally transmuted into the condition of possibility for his penal enslavement through the banal operation of inherently excessive bail. While the fine associated with his alleged petty theft amounted to $15.00, the fees that were levied by the court amounted to $43.75—an utterly unimaginable amount for a landless agrarian subject who most certainly would have never had anything close to that sum of cash on hand at any point in his life. At the inevitable acknowledgment of Rivers's inability to raise nearly $60, the law's swivel prerogative in respect to its handling of the criminalized black body swung into immediate and efficient motion. In order to recuperate Rivers's manufactured debt to society, the state's penal code allowed the court latitude either to transport him directly to the chain gang, thereby gleaning the money through his public neoslave labor, or lease him as a private "servant" (or peon), thereby retrieving the money in the form of the surety's bond payment. In order to avoid the protean forms of death that he knew he would face in at least sixty-eight days on a southern Alabama chain gang, Rivers elected to sign a surety contract with a white man, J. A. Reynolds, who, unlike Whitin, was indeed interested in "buying niggers" when he arrived at the Monroe County courthouse on a spring day in 1910.

Rivers ultimately signed a document with his surety, which read in part:

> I . . . Ed Rivers, agree to work and labor for him, the said J. A. Reynolds on his plantation in Monroe County, Alabama, and under his direction as a farm hand to pay fine and costs for the term of 9 months and 24 days, at the rate of $6.00 per month, together with my board, lodging, and clothing during the said time of hire, said time commencing on the 4th day of May, 1910, and ending on the 28th day of Feby., 1911, provided said work is not dangerous in character.[54]

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Rivers would serve only a month's time on Reynolds's plantation before attempting to extricate himself from the court-administered peonage contract. Upon his escape, he was immediately rearrested under the provisions of Alabama criminal code (1907), section 6846, which called for the capture of any subject who "without good and sufficient excuse" failed "to do the act, or perform the service" owed to the surety. The code also allowed for an assessment of more fines and costs, and for the prisoner to be either sent to the chain gang or resold into peonage for an even longer duration. In Rivers's case, he was given a symbolic one-cent fine on top of what was left of the original $15.00, along with another $87.05 in phantom "costs." After the new bond was pronounced, Rivers once again attempted to avoid the chain gang by signing yet another surety contract with G. W. Broughton—a document that, according to the increased amount of fees levied after his first escape, called for Rivers to work as a peon for well over a year. The facts reported in the case culminated with Rivers again escaping his peon master, only to be rearrested once again.[55]

In offering the opinion for the case, Justice Day took pains to prove the rather astonishing thesis that criminal-surety represented a completely private affair between two freely contracting individuals, a portrayal that neglected to hold culpable the central state actors—the police, the court, and the general racist legal structure—without whom the surety "contract" would never have occurred in the first place. In spite of the state's central role in every step of the process, the court claimed that the moment Rivers's bond was paid and he walked out of the courthouse with Reynolds, he immediately ceased to be a prisoner and became party to a consensual contract between a *worker* and an *employer,* thereby making his labor under the threat of arrest for breach of contract a species of private involuntary servitude based on debt, or peonage:

> When thus at labor, *the convict is working under a contract* which he has made with his surety. He is to work until the amount which the surety has paid him—the sum of the fine and costs—is paid. The surety has paid the State and the service rendered is to reimburse him. This is the real substance of the transaction. The terms of the contract are agreed upon by the contracting parties, as the result of their own negotiations . . . in regard to which the State has not been consulted. (146)

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The circumscription of the state-borne system of criminal-surety within the narrow parameters of "free" labor negotiation and exploitation was taken even further in John W. Davis's brief for the United States: "The terms, time, and character of service are matters of *purely private contract* between two parties, with which the state has no concern, notwithstanding the requirement of approval by the judge; and until the convict has in some way broken his agreement the State has *washed its hands of the whole transaction.*"[56]

In the clearest possible rendering of the law's absurd application of the liberal discourse of contractual "free will" to zones of racial apartheid, collective dispossession, and state domination, the court turned a blind eye to the actual circumstances of terror and physical jeopardy faced by the supposedly willful agent whom it unconsciously refers to as "the convict."[57] Moreover, in doing so, it also neglected to recognize the state's pecuniary interest in the postbellum reproduction of black alienability—how far from being disinterested referees of the surety arrangement, local municipalities, courts, police, lawyers, and clerks were actually awash in the money and power generated at every stage of this particular vector of the overall trade in criminalized southern black bodies.[58] Such considerations allow us to recognize that in submitting to work as Reynolds's peon, Rivers was not "agreeing" to a contract but hoping to avoid the zero-degree terror, natal alienation, and abjection that certainly awaited him on the chain gang. In this regard, his supposed freely negotiated "consent" to the surety arrangement actually amounted to a Hobson's choice—a sagacious blues reckoning with the gradient nature of civil, living, and premature death in carceral America. In other words, no one in a community ravaged by the genocidal operations of the chain gang and the system of convict leasing would ever choose *not* to avoid being coffled on a southern chain gang or at Banner coal mine even for a day, and even when such "choice" involved being transmuted into an object of liquid merchandise and submission to yet another horrifying species of neoslavery in the form of state-administered peonage.

Furthermore, any notion of a strictly private aspect to the surety arrangement is exploded by the fact that no white man would ever have agreed to supply the fees and costs associated with a black person's alleged petty crime were it not for the coercive threat of rearrest issued by the state, a fact that the court actually admits even as it attempts to reduce the surety system to a purely private affair: "This labor is performed under the constant

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threat of coercion and threat of another possible arrest and prosecution in case he violates the labor contract which he has made with the surety, and this form of coercion is as potent as it would have been had the law provided for the seizure and compulsory service of the convict" (146). As stated above, the spectrum of coercion under the "humane" systems of criminal-surety and peonage extended far beyond the threat of rearrest, however; in the thousands of complaints registered at the Department of Justice by black peonage prisoners, the range of violent repression includes but is not limited to rape, whipping, kidnapping, and mass murder.[59]

Day's construction of criminal-surety as a matter of exceptional private labor exploitation rather than a matter of banal public/private neoslavery culminates with his claim that the court-administered peonage contract actually submitted Rivers to a more painful brand of involuntary servitude than he would have faced on a chain gang—that is, the very space of abjection that he and countless other black people tried so desperately to avoid in electing to being sold in open court as peons. For the court, the fact that, under the terms of the original contract, Rivers faced a theoretically greater duration of labor at the hands of Reynolds than he would have while chained to other black men as an officially recognized slave of the state qualified the system of surety as decidedly worse than its public counterpart: "Under the Alabama Code, he might have been sentenced to hard labor for the county . . . for 68 days as his maximum sentence. . . . Under the contract now before us, he was required to labor for nine months and twenty-four days, thus being required to perform a much more onerous service than if he had been sentenced under the statute, and committed to hard labor." The court goes on to contend that the statutory allowance of the peon's rearrest and the ever-increasing debt owed to the surety for furnishing his bond further illustrate the relative heinous quality of this system of peonage in comparison to official involuntary servitude: "Under this statute, the surety may cause the arrest of the convict for violation of his labor contract. He may be sentenced again and punished for this new offense, and . . . the convict is thus *chained to an ever-turning wheel of servitude*" (146–47). Of course, given the court's strained attempt at describing Rivers's role in the surety arrangement as that of a willfully contracting free laborer, the question that immediately arises is why—given that he would have known infinitely more about the intricacies of the southern "wheel of servitude" than the honorable judge could ever imagine—would Rivers willfully assent to the surety arrangement if it were so much more arduous

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than the experience of official "hard labor"? In his concurring opinion, Oliver Wendell Holmes attempted to explain this contradiction within the court's deployment of the discourse of contractual free will by calling upon the time-honored racist mythos of black improvidence, ignorance, and irresponsibility: "There seems to me nothing in the Thirteenth Amendment or the Revised [peonage] Statutes that prevents a State from making breach of contract . . . a crime and punishing it as such. But impulsive people with little intelligence or foresight may be expected to lay hold of anything that affords a relief from present pain even though it will cause greater trouble by and by" (150).

Far from an aberrant moment of racial rhetoric within an otherwise progressive decision, Holmes's openly white supremacist comment actually represents a boldface expression of the liberal myopia and productive racial amnesia exhibited in the majority opinion itself, which remarkably attempts to use the facile and economically deterministic index of relative labor-time to isolate criminal surety as exceptionally onerous while normalizing two of the most brutal regimes of official punishment in U.S. history—the county chain gang and the state convict lease camp. The specter of these two public/private penal formations hovers over the entire decision, belying the apparent empirical certainty of Day's portrayal of criminal-surety as more arduous than its nominally public counterparts and unveiling a foundational element of state terror lying at the core of his performance of liberal legal progressivism. Indeed, the haunting presence of these dominative and profit-centered systems of public carceral terror is alluded to in documents pertaining to the case that the court neglects to include in its statement of "the facts." In correspondence with the U.S. attorney general in preparation of *Reynolds* as a test case of the constitutionality of criminal-surety, the U.S. attorney for the Southern District of Alabama, William H. Armbrecht, reveals a scene that is conveniently left out of the court's neat computations of the relatively humane, ordered, and temporally definite qualities of public involuntary servitude: "It does not appear in the indictment, but it is true that Rivers was sent to hard labor for the County for more than a year. In order to bring him before the Grand Jury I had to get an order from the Court directing that he be brought here. *He was brought here in chains with shackles riveted to his legs.* After he gave testimony to the Grand Jury, the Marshall took him back to the turpentine camp where he was performing hard labor for the County."[60]

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It is not clear on which day of his "over a year" sentence Rivers was led from a county chain-gang camp situated deep in the woods of southern Alabama to the grand jury hearing in shackles and chains. His objectification and muzzling within the ritualized legal storytelling arena of the court opinion also disallows any discernible portal into the quotidian regiment of threatened death, chattelized internment, and unspeakable pain that he experienced with every passing minute as he was driven under a "red-heifer," a black-jack, or a rifle to the forest, coffled to other black men (and boys), and made to drive "cups" and "gutters" into trees to "catch resin that oozed from wounds opened by axe cuts through the bark."[61] We also are not given details as to exactly how much money was procured by those profit- and pleasure-seeking white men involved in every facet of the putatively public turpentine concern. Was the camp operated by the county itself or a private corporation that had successfully bid to lease the bodies of Rivers and his fellow neoslaves for "$11 a head"? How many of the camp prisoners were subjected to the turpentining coffle well after their official release date because of an escape attempt or because both their date and body had been obliterated from retrievable memory through the sorcery of racial state documentation? How many black captives were buried in unmarked graves in the middle of the woods after dying from "natural causes" at the age of twenty, or being "struck by lightning" on a bright sunny day? Did these burial mounds include the dishonored and dis(re)membered bodies of black women and girls interned at the camp just over a decade previously when women were still *mixed into the men* at such spaces of white supremacist misogynist horror? How many children of these women, born into this hell on earth as a result of their mothers having been raped by camp guards, were among the unremembered dead? Did the guards regularly cure fits of boredom on rare off-days by ordering prisoners to "strike it up lively" with a fiddle or dance the "buck and wing"?[62] What is clear from my earlier discussion of the terroristic operation of the chain gang, however, is that no matter whether he was shuttled to the courthouse on day one or day one hundred of his sentence, the terror and abjection that Rivers faced, as well as countless other black subjects who were literally chained to the "ever-turning wheel" of U.S. neoslavery, overflows the court's cynical reduction of the "onerous" qualities of imprisonment to the duration of involuntary labor supplied to the convict-slave master or even the amount of surplus value extracted from the entombed black body.

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The example of juridical mythmaking offered in *Reynolds* bears a stark resemblance to the "progressive dehumanization" found in Kasson's and Sumner's earlier legislative call for the suspension of the courthouse auction block and the use of "normal" involuntary servitude as a more proper means of dealing with the problem of free incorrigible blackness. However, the mode of legal liberalism proffered in *Reynolds* represents an even more chilling exposition of the violent capacities of the law, since in offering a nominal check on a hyperpublic version of the supposedly hermetic system of peonage, the court did not even pretend to question the validity of the state's generalized leasing of black bodies; nor would it deign to acknowledge the publicly aired genocidal effects that the legal transposition of free black people into "duly convicted" commodified objects was producing at the very moment the decision was crafted. Like the peonage cases as a whole, *Reynolds* would offer only tepid reproof of what it constructed as an aberrant and improperly executed "private" branch of the general public/private trade in black convicts. The court's seeming blindness to the real effects of public neoslavery actually represented an interested liberal amnesia, a juridical accommodation and reproduction of the hugely profitable and socially edifying disappearance, sale, leasing, and subleasing of black people to places like the county turpentine camp and the chattelized industrial operations posing as "state penitentiaries" operated by companies such as U.S. Steel, Tennessee Coal and Iron (TCI), and Pratt Consolidated Coal Company. Again, according to the abhorrent color-blind racial logic of the court, Rivers's experience of being "chained" to the "wheel of servitude" would have been alleviated were he only to have been immediately disappeared to the purportedly more humane, regularized, and predictable living death he ended up enduring on the chain gang.

Far from challenging the fungible, disposable, and enslavable nature of emancipated blackness, *Reynolds* actually offered a backdoor affirmation of the genocidal state-administered trade in black bodies that began immediately after emancipation, the most obvious formation of which was convict leasing (a privatized system that was nothing if not a state-level version of the localized rental of black prisoners found in criminal-surety). This elephant in the white supremacist courtroom is openly acknowledged in Davis's brief for the United States: "We concede . . . that when a sentence to hard labor has been imposed it is entirely competent for the State either to employ the convict for itself or to hire him out for its profit. His time

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and labor have been confiscated by the State and, within Constitutional limits, *it may use them as it sees fit.*"[63]

As I noted above in my discussion of the euphemistic violence of the term "involuntary servitude," post-1865 law presented virtually no limit to the pain, terror, and physical/psychic rupture the racial state could visit upon the "duly" convicted "Negro." This dubiously constitutional fact is underlined at the very end of *Reynolds* with the truncated yet horrifyingly fatal appearance of the exception clause: "There can be no doubt that the State has the authority to impose involuntary servitude as a *punishment for a crime*. This fact is recognized in the Thirteenth Amendment." Indeed this unimpeachable sovereign right to reenslave the criminally and racially stigmatized body is actually repeated in every state and federal case dealing with peonage from *Clyatt v. United States* (1904) onward. The gothic reemergence of the penal exception in *Reynolds*, a decision that was to have offered the free black population a modicum of redress against what had been cast as a migration of various archaic forms of involuntary servitude and slavery into the twentieth century, underlines the national, structural, and public character of the apparently exceptional, episodic, and private brands of white supremacy found in the specific statutory practice of criminal-surety and the wider system of "southern" neoslavery. In fact, the backdoor allowance of public neoslavery in *Reynolds* through the court's matter-of-fact wielding of the exception clause has been replicated in U.S. common law up to our current moment of mass incarceration, since nearly every case in which a prisoner has attempted to lay claim to the emancipation amendment's supposed protections against slavery and involuntary servitude has been quashed, with the state repeatedly maintaining that the "Thirteenth Amendment has no application to a situation where a person is held to answer for violations of a penal statute."[64]

Read in this light, this relatively obscure case begins to take on a rather ominous gravity, connecting it to more commonly recognized moments of legal white supremacy such as *Plessy v. Ferguson* (1896), the *Civil Rights Cases* (1883), and *Dred Scott v. Sanford* (1857). Unlike these more well-known cases from the mid- to late nineteenth century, however, *Reynolds* and other decisions pertaining to peonage appearing in the early twentieth century represent something of a hidden but tenaciously present danger—especially when considered with respect to the current manifestation of America's centuries-old complex of industrialized chattel carcerality. Insofar as they offered apparent relief from one form of private servitude while

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simultaneously reaffirming the divine right of the law to treat the criminalized black body *as it sees fit*, such cases represent the ways in which color-blind liberal legality continues to function as an all-too-durable sanctuary for various modalities of racial capitalist patriarchal domination. They also signal how the genocidal practices of U.S. empire remain cloaked under the placebo-like discourses of liberal reform, rights recognition, and color-blind inclusion. Like the emancipation amendment itself, the progressive "protection" offered in *Reynolds* amounted to a liberal legal reproduction and entrenchment of the state's necropolitical right to publicly reenslave the black population and to make the penal enslavement of all bodies stigmatized as "criminal" a matter of public investment to the end of private profits (and sadistic pleasures) that both corporate interests and putatively disinterested purveyors of the law continue to enjoy.

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Angola Penitentiary

The Once and Future Slave Plantation

We charge genocide—not only of the past, but of the future.

—Ossie Davis, Preface to *We Charge Genocide*

The whip itself did not make slavery what it was. It was a legal system, it was a system of legality. . . . Slavery only took on another form: in prisons.

—Robert Hillary King

John McElroy is unknown to history. His name does not register among the ranks of black liberation fighters, musicians, and athletes whose images filled places like my college dormitory room in the early 1990s—when, like many of my peers in California's pre-209 era,[1] I placed posters of those such as Malcolm X, Billie Holiday, and The Coup on my walls, jigsaw style, in order to assert a budding political and social consciousness and to counter the historical erasure that barred even the icons of black political and artistic life from any serious consideration within U.S. mass media and educational curricula. Not even by the time that I began working on this book project in earnest, years later, and found myself being pulled northward along U.S. Highway 61 from Baton Rouge to Angola, Louisiana, did I have any notion of who John McElroy was, and how my ghostly encounters with him during this research trip would become so fundamental to my attempt at unearthing something of the untold and largely unrecoverable experiences of countless prison slaves who have been obliterated from memory once disappeared into domains of racial state terror such as Angola, Sugarland (Texas), Parchman (Mississippi), and Cummins (Arkansas). What was clear to me when I began the hour-long drive from the state capitol to the heart of West Feliciana Parish was that I had an irrepressible pitlike feeling in my stomach, a literal nausea

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that grew stronger the closer I came to the front gates of the fully operational eighteen-thousand-acre slave plantation—a place that first began converting black men, women, and children into chattel in the early nineteenth century—and a geography that to this day continues to perform such mass (in)human conversion under its official name, Louisiana State Penitentiary (LSP).

The pit in my stomach had a great deal to do with my recognition that as I was heading toward the prison plantation, I was retracing a well-worn groove in a road designated most often for young criminally branded black men from places like the Lower Ninth Ward in New Orleans. I knew that for them this ride must feel more like a plummeting to death as they sit handcuffed in the back of countless prison buses and shuttled in modern-day coffles through the picturesque Louisiana countryside, and added to more than five thousand already entombed bodies—75 percent to 80 percent of whom are black—and many of whom can be found at the moment I am writing these words, bent at the waist, picking cotton, soybeans, and corn under armed guards on horseback, toiling as "two-cent men" in the same fields in which black prisoners have been slaving for well over two centuries (Figure 5).[2]

I asked myself how different a twenty-five-year-old from the Lower Ninth Ward, or New Orleans East, or Shreveport, could feel while being driven to "Angola" under a sentence of "natural life," than those such as Olaudah Equiano, or countless (and nameless) others from Africa's west coast and hinterland, who, as they approached the slave ship were sure they were to be devoured by the crew or those awaiting them on the other side of the Atlantic. Are not the innumerable blues soundings and stories that have been passed down for generations within black communities about the fate of those sent to the prison plantation disarmingly similar to the horror tales shared among African commoners of what was to befall them should they be coffled to the barracoon, shelved within the bowels of the slave ship, and transported as fungible commodities to places such as the very plantation I was steadily approaching on a beautiful summer's day in the early twenty-first century?

Don't come to Angola, this is murder's home . . . This was the cautionary refrain of the living dead testifying to America's seemingly interminable Middle Passage that I heard echoing in my mind as I continued ineluctably toward what is the largest expanse of official prison land in the country (if not the world)—a revenant sound first emitted by black captives in the

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early to mid-twentieth century, when they were still producing as much as twelve million pounds of refined sugarcane at Angola in a given year—a "hell factory in the fields" of West Feliciana Parish, which is greater in total area than the island of Manhattan.[3]

As I turned off the 61 and headed northwest along the "Tunica Trace," a road that begins some twenty-two miles from the front gates of the prison, I was struck by a nagging thought that had remained with me since the first time I wrote about Angola plantation, or "The Farm" (as the prison is euphemistically nicknamed). That is, I considered the absolute imponderability

Figure 5. "King Cotton," Angola Prison Plantation, 1999. Photograph by Wilbert Rideau. Courtesy of the artist.

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of the fact that I could be driving toward more than five thousand bodies warehoused on an undead slave plantation—even if that mass captivity was performed under the national racialized and narcoticizing discourses of "corrections," "public safety," and state-sanctioned retribution. Another way to think of this is in the form of a hypothetical: What if, in modern-day Germany or Poland, a Jewish person convicted of a crime was sent to a fully operational Auschwitz or Buchenwald to pay his "debt to society"? What would the world's response be to such a scenario? Would the branding of a Jewish (or for that matter a Roma, Sinti, or communist) subject as "criminal" rationalize his disappearance onto a renovated concentration camp for the remainder of his "natural life"?[4] What is it about the social and ontological position of the black subject in the United States that makes his disappearance onto a modernized slave plantation both socially tolerable and experientially normal? Where was the outcry against this national atrocity? Why wasn't the twenty-two-mile stretch of road from St. Francesville to Angola riddled with banners and throngs of protestors from around the United States and the globe attempting to block the seemingly infinite procession of black, brown, and poor white bodies into an American prison slave camp that has never once been closed for business since the early nineteenth century, not even for a day? If there was no mass public outrage at the existence of a literal prison plantation, then what were the possibilities for inciting mass mobilizations against the entire prison–industrial complex that currently warehouses and terrorizes more than 2.3 million people, not just in the South but within northern and international spaces of U.S. neoslavery such as Chowchilla (California), Pelican Bay (California), Florence ADX (Colorado), Jackson (Michigan), Attica (New York), and Guantánamo Bay, Cuba?

At issue here is the transtemporal white supremacist social investment in blackness as uncivil, undishonorable, and uninjurable being, and how the liberal humanitarian allotments of public outrage and atrocity recognition are always already disqualified in respect to a collectivity whose penal slavery and civil death have been as central to the postbellum vision of white civil belonging as the African's chattel enslavement and social death were to white civil personhood before 1865.[5] When viewed in this manner, the sight of the black neoslave laboring in the plantation field at Angola becomes less of an exceptional scene of southern barbarism than a spectacular representation of a banal process of socially acceptable (and pleasurable) racial capitalist carceral genocide that continues to stretch across

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the mythological borderline of slavery and freedom. Indeed, as I discussed in chapter 2 in reference to the future haunting of the late nineteenth-century public spectacle of black prisoners auctioned as slaves on courthouse steps in states such as Maryland and Illinois, to view Angola as an exception to the large-scale human cargoing taking place in the current stage of America's centuries-old complex of chattelized imprisonment would be to disengage from the reality that this structural modus operandi of American empire is defined not so much by the form in which mass racialized incarceration occurs but by the fact of mass racialized incarceration itself. Read in this light, Angola becomes less of a southern anachronism and more of a dubiously instructive living monument to the timeless national practices of human entombment and enslavement—a point reflected by Mumia Abu Jamal in his assessment of Louisiana's prison plantation: "If there ever was a question of *the slave parentage of the American prison system,* one glance at the massive penitentiary known as Angola . . . removes all doubt."[6]

However, as I continued along the road to Angola, there were no liberation banners or would-be neoslave liberators. What I did see was an assortment of highway billboards advertising romantic plantation bed-and-breakfast getaways aimed at capitalizing on tourists' well-ingrained visions of a pastoral, gallant, and "intriguing" antebellum South (Figure 6). With these visual emblems of the national tendency to screen the genocidal operation of the antebellum slave plantation as an idyllic country romance and a playground for national white supremacist fantasy and nostalgia, I was given unsettling evidence of a racist cultural order that allows for no prison plantation protestors (and that produces an immediate disqualification of those who have indeed stood defiantly at the gates of Angola and other U.S. prisons). In fact, the other main explanation for the nauseous feeling I had during the entirety of the journey from Baton Rouge was my knowledge that, aside from a smattering of family members coming to visit their loved ones, the only other civilian "freepersons" I was likely to encounter as I pulled up to the penitentiary would be a subset of the thousands of tourists that visit Angola every year from all over the United States and Europe.[7]

Like many other antebellum slave plantation sites in Louisiana and elsewhere in the South, LSP has successfully transformed itself into a tourist attraction that treats the (un)hallowed ground of racial genocide as an occasion for fun, relaxation, and the reproduction of white supremacist

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Figure 6. Billboard along the road to Angola. Photograph by the author.

historical mythology—except in the case of Angola plantation, the horrors of slavery are successfully evacuated, muted, and contorted in spite of and through the ever-presence of prison slaves.[8] Instead of being recognized as embodiments of the accretion of slavery into the present, the imprisoned body on the living plantation is deployed as a resource for public amusement, white self-definition, and the normalization of racial capitalist atrocity, a fact symbolized most infamously by the prison's annual rodeo and hobby-craft fair—otherwise known as "The Wildest Show in the South"—in which tens of thousands of people converge on Angola during two months of the year to witness untrained prisoner "rodeo cowboys" perform in events such as "Convict Poker" and "Guts and Glory." In the first event, a clown places a card table in the middle of the six-thousand-person rodeo arena, around which four prisoners sit and pretend to play a game of cards. A modest monetary prize is awarded to the man who remains seated the longest as a bull attempts to gorge all four contestants. For the second event, a large number of stripe-clad men attempt to remove a poker chip tied between the horns of a bull. Prisoners are regularly tossed over twenty

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feet in the air by the two-thousand-pound animals. They also routinely suffer from broken bones, deep lacerations, and concussions as a result of this spectacle. One prisoner is known to have ultimately died from a heart attack resulting from his participation in one of the events.

Those who have engaged critically with such scenes of perverse amusement, performative dehumanization, and spectatorial punishment at Angola have correctly drawn allusion to their similarity with the ancient Roman practice of forcing slaves to fight with animals and one another in the gladiatorial arena.[9] That recent opening ceremonies of the rodeo have culminated with the prison's current warden entering Angola's arena in a horse-drawn chariot driven around its perimeter by prisoners does much to corroborate this comparison. However, upon my arrival at the prison museum parking lot situated just outside the penitentiary's front gate and directly across the road from the visitor's parking area, I was focused on the connection between the rodeo and formations of chattel entertainment that are much closer to home, both temporally and geographically, than ancient Rome. Indeed, the main reason for my visit to Angola was to try to locate a set of photographs in a box at the museum that ranged as far back as the early to mid-twentieth century—a period when plantation entertainments such as the prison-sponsored blackface minstrel show were being held on Angola's grounds and in various "free" communities in and around West Feliciana.[10] In fact, I hoped that I might come across an image of one of these blackface troupes, a visual representation of the degree to which spectacles of neoslavery such as the prison rodeo draw upon a long history of prison plantation entertainment. The modern genealogical roots of these spectacles go as far back as the Middle Passage and antebellum plantation, when, as Saidiya Hartman suggests, slaves were forced to simulate consent to bondage through song, dance, and other less public forms of ritualized "unproductive" travail that were as essential to the formation of white mastery as their "productive" labor in cotton, rice, tobacco, and sugarcane fields.[11]

Immediately upon entering the prison plantation museum, the dread I had felt during the entire drive to Angola was confirmed. I was confronted with the patently absurd nature of attempting to conduct "archival work" in a space of mass living death—namely, one that doubles as a staging ground of amusement and identificatory fantasy for the free civil subject. On my way to find the staff member who was to help me locate the photographs, I walked through the gift shop, which is the first room one sees

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upon entering the museum site. Here, in easily the largest area within what is generally a rather small building, one can choose between an array of prison-plantation–themed objects intended to elicit chuckles and dollars from patrons, including handcuff key chains, replicas of the striped shirts that Angola prisoners were made to wear until the mid-twentieth century, sweatshirts emblazoned with the words "Angola: A Gated Community," stuffed animals in the likeness of the bloodhounds that have been used to terrorize fugitive prisoners at Angola since (at least) the late nineteenth century, and a fruit spread called "Strawberry Fields," which is made with produce that current prisoners have planted and picked in slave plantation fields. I looked on as dozens of visitors nonchalantly perused these items, and while one mother took advantage of a photo opportunity in a section of the museum adjacent to the gift shop that involved placing her two young children—the older of whom was wearing his brand-new prison-striped shirt—into a mock prison cell. The scene of white tourists indulging in comedic recreation, consumptive pleasure, and familial bonding through what, after its sadistic Roman counterpart, might be called a *prison plantation holiday,* stood in stark contrast to the feelings of dispossession, brokenness, and injury expressed on the faces of the mournful procession of black people I saw on the other side of the road leading to Angola's front gate—those who had made long treks from Louisiana's urban centers in order to visit their disappeared sons, fathers, brothers, uncles, cousins, and friends, and who did not, for a moment, look across the Tunica Trace toward the museum before crossing the threshold of the neoplantation.

The disparity between the scene of gothic amusement and consumer fulfillment inside the museum and the scene of mourning and natal alienation just across the road was exacerbated by my knowledge that, as I walked through the "historical site" in search of the living dead of Angola's past, there were more than five thousand living dead of the plantation's present just across the razor-wire gates that separated me from the prison. This reality worked at odds with the museum's narrative framing as a space wherein the abject violence of Angola's past has been successfully artifacted as an emblem of the modern, "reformatory" nature of the current penal order. The museum's brochure encapsulates its narrative of the obsolescence of repressive plantation management and the prison's supposed completed passage into the oxymoronic liberal repressive echelon of "humane" mass entombment: "Once known as the 'bloodiest prison in America,' the Louisiana State Penitentiary at Angola has emerged as one of the most

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progressive and well managed prisons in the country. In order to fully appreciate the accomplishments of this prison, one must first visit its past." While walking through the museum space one is asked to bear witness to the veracity of the state's claims to progressive modernization, to the death of "old Angola," and the prison's conversion into an arena of "well-managed" human cargoing. This conjuration is performed by way of exhibits displaying various torture devices that have been used against prisoners over the years, including whips, guns, bats, and ax handles. Juxtaposed with these exhibitions of the putatively embalmed practice of repressive punishment at the prison are displays intended to show the ostensibly humane, rehabilitative, and recreational brand of modern imprisonment at Angola, such as rodeo posters, a seemingly infinite variety of evangelical reeducation programs, and memorabilia from the many films that have been shot at the plantation, including an actor's chair autographed by Billy Bob Thornton when Angola was used as a set for the filming of *Monster's Ball*.

Conspicuously absent from the museum's installations dedicated to the theme of penal progress are some of LSP's most prototypically modern and postmodern architectural and repressive apparatuses. To invoke Aimé Césaire once again, penological advancement at the prison plantation has translated into a system of "progressive dehumanization" whereby the real measure of the facility's ascension to "northern" standards of mass human disappearance is the degree to which it has successfully exchanged putatively anachronistic brutalization techniques, such as the whip, "bat," and "sweatbox," for more "humane" ones, such as four-point restraint tables, the "body sheet," tear gas, "black box" handcuffs, and modernized punishment units in which prisoners are subjected to indefinite solitary confinement and other forms of legally sanctioned torture.[12] The importation and sedimentation of such state-of-the-art mechanisms of entombment and physical/psychic terror marks the prison plantation as an illuminating spatial symbol of the mutually constitutive and cross-fertilizing relationship of southern and northern white supremacist penal law. And as I will discuss below, the easy cohabitability and effective indistinguishability of past, present, and futuristic modes of terror at the neoplantation expose the degree to which the progressive path of penal modernity has remained tightly bound to its moorings in chattel slavery.

Aerial photographs of the largest maximum-security prison in the country offer stark evidence of the dynamic and interdependent fusion of "old" and "new" at the prison plantation through views of LSP's assortment of

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postmodern "telephone-pole"–style cell-block camps as they have been grafted onto its thousands of acres of slave plantation fields.[13] As I sat outside the front gates, I considered that perhaps the most horrifying aspects of imprisonment at Angola occur not in its cotton, corn, and soybean rows but inside its most modern, and supposedly postslavery, punitive architectures—spaces such as the CCR "dungeon" and Camp J punishment cells, wherein Albert Woodfox and the late Herman Wallace of the Angola 3 (have) spent more than forty-one years, or about fifteen thousand days, in solitary confinement.[14] If the experience of eight years of political imprisonment and indefinite solitary confinement in Soledad and San Quentin made their fellow Black Panther George Jackson feel that he had been shuttled into a permanent Middle Passage with "cotton and corn growing out of [his] chest," then, as two of the longest-standing political prisoners in the world, Woodfox and Wallace must feel (and have felt) as if they have been buried even further within the bowels of the land-based slave ship, especially given the literal cotton and corn crops that continue to be grown and picked by their fellow prison slaves just outside their "modern" solitary cells.

Wallace attempts to give words to the unspeakable treatment that "freemen" levied against political prisoners, the mentally ill, and those branded as "gang members" or "the worst of the worst" within what is euphemistically described as *administrative segregation*:

> I have witnessed guards from 2002 to 2004 while I was in Angola's . . . [most] restrictive punishment unit, who have thrown buckets of ice water (in winter) on men who were on 4-point restraint, wearing only paper gowns. I've seen guards snatch food trays out of [a] prisoner's cell bars and throw the tray against the wall, then call SWAT teams to gas and beat the prisoner for throwing the food. After SWAT team is done with the prisoner, they take him to the infirmary and then the prisoner goes to [internal prison] court, is found guilty, sentenced to begin the punitive program from the beginning . . . as well as pay for his medical treatment and restitution for damaging the paint on the wall.[15]

Given the quotidian occurrence of such modernized terror methodologies at the neoplantation, the museum's narrative of progressivism actually serves to throw the undead nature of its regressive "past" into more palpable

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relief. Far from successfully disassembling its rootedness in chattel slavery, the convict lease system, and the early prison plantation, the state's framing of penal progress through the lenses of punitive performance, public enjoyment, and repressive lenience actually serves to express the impossible severance of the *now* of "modern" penal entombment from the *then* of "premodern" carceral enslavement. When read in combination with LSP's more apparently overt repressive practices, punitive spectacles such as the rodeo, the use of the prison plantation as movie studio, and the ritual of tourists donning stripes and posing for photos in mock prison cells suggest how the history and present of state terror at Angola (and throughout the rest of America's archipelago of neoslavery) are written both in corporeal rupture and terror-ridden pleasure. That rodeos, film crews, and museum visitors function to convert the site of neo-enslavement into a staging ground for public enjoyment and *criminal minstrelsy*[16]—with the burnt cork of the minstrel show being replaced by the faux handcuffs, bars, and prison stripes of the neoplantation tour—expresses the degree to which racial terror, living death, and chattelized imprisonment have most often been accompanied by and performed through painfully fraught amusement, the ruse of enslaved prisoner contentment, the instrumental bestowal of punitive "privilege," and the obscene public display and spectatorial consumption of human state property.

While waiting at a table in a corner of one of the museum's rooms for the photographs that I hoped would contain evidence of Angola's blackface troupe of the early to mid-twentieth century, I considered how the sight of twenty-first-century plantation tourists modeling striped shirts and laughing as they took photos of one another inside mock prison cells represented a disturbingly fitting contemporary accompaniment for my attempt at a counter-historical unburial of the practice of punitive performance at the plantation. The tableau of free civil bodies immersing themselves in "convict" drag at the very site wherein mass civil death was being simultaneously visited upon thousands of prisoners represented a grotesque modern-day analogue of the long-standing intimacies of (neo)slave abjection and public pleasure, prisoner dehumanization and free white self-definition, and captive performance and the enactment of racialized violence within sites of chattel carcerality.[17] As the only other black man present in the museum approached me, dressed in all white, with a dolly holding four dusty boxes he had plucked from one of the museum's closets, I was further disabused of any notion that what I was conducting at the

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plantation that day could in any way be mistaken for a backward looking "archival" journey into a completed or dead history. As I stood up to greet this man and he quickly shook my hand and then rather nervously attempted to refuse my aid in moving the boxes to the table, I was immediately hit with a shudder of awareness as to his station. This man was not a "worker" at the museum: he was in fact a prisoner, a man whose laboring presence signified his status as "trusty," that is, one whose officially recognized adherence to the penal sovereign's decrees of proper captive comportment allowed him a channel away from plantation fields and the solitary cell while affording him the "privilege" of performing the role of all-purpose servant to the museum staff.

The trusty's presence at the site of my attempted encounter with the past was suggestive of the extreme difficulty, or absolute inapplicability, of the word "archive" in reference to the study of Angola and other political geographies of neoslavery. The word "archive" pronounces and reenacts the death of the object of analysis—namely, when that "object" is actually a human being who has been literally objectified by the law.[18] Beholding this man as he was ordered to perform a seemingly endless litany of tasks (including serving my needs as researcher), and mindful of the infinite routines of labor, pain, and rupture being suffered at that very moment by thousands of other plantation captives not afforded the privilege of working as museum servant, I asked myself how I could properly engage with a past that has never died. When I began to look through the boxes, I knew that I was embarking on a process of mnemonic encounter with present-day racial genocide as much as an archival search for subterranean elements of a forgotten or grossly distorted past. This again is the epistemic and experiential purchase of Toni Morrison's concept of rememory; it is also what Jamaica Kincaid meant in describing the black subaltern's position as being caught by and in history, whereby the past is experienced not as an object of intellectual inquiry but is felt as an "open wound" that keeps reopening with every breath.[19] In this light, the question is not simply what historical antecedents have led us to our current perilous predicament, but why the "now" is so reminiscent, reflective, and painfully resonant with the genocidal "then."

From this perspective, the ubiquitous and unavoidable presences that emit from the historical and continued manufacture of the civilly, natally, and socially dead at the American neoplantation represent dubious and unspeakable resolution to what, in *Lose Your Mother,* Hartman presents as

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the nearly impossible task of recovering the ghosts of chattel slavery within the barracoon-like enclosures of the master archive and the desolate and long inoperative slave dungeons of Elmina and Cape Coast Castles in Ghana. As I sat down to work at the precipice of America's "Angola," and what stands as the longest operating slave fortress in the Western hemisphere, if not the world, my frustration was not that there were no dead "revenants lurking in the dungeon" to reclaim, it was with the reality that among the modern-day barracoons of the prison–industrial complex there are far too many living revenants to count. Indeed, the living plantation represents an all-too-literal embodiment of Hartman's contention that if "the ghost of slavery still haunts our present, it is because we are still looking for an exit from the prison."[20]

Minstrel Show at Camp A: The Excesses of Neoplantation Management

> *The photograph . . . takes its place in this contest of haunting.*
>
> —Avery Gordon, *Ghostly Matters*

It did not take long at all. After stealing a surreptitious bit of conversation with the Angola "trusty," who had unearthed four boxes from a backroom in the museum—a hushed exchange in which he let me know with his eyes as much as his words that his body and soul knew more than I could ever conceive in my mind about neoslavery—I had only to flip through three photos before I saw John McElroy without knowing that I was seeing him and that he was also (literally) seeing me. There he was/is, standing on crutches, with a dismembered right leg, in a prison-striped version of a tuxedo jacket, positioned front and center of the prison plantation's "Negro orchestra" and eighteen fellow members of Angola's blackface minstrel troupe (Figures 7 and 8). Before I discovered that it was Camp A prisoner number "37708" staring out resolutely from the center of a photograph intended to stage black contentment with and inurement to the predicament of penal chattelhood, and days prior to the moment that he would reach out directly from the grave and make me aware of what he had to tell me (and everyone else within striking distance of these words), I was fully convinced that in snatching this *unhistorical event* from the well-fortified oblivion of official history, I had completed a research task of my own choosing.[21]

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Figure 7. Camp A minstrel troupe, Angola Prison Plantation, c. 1947. John McElroy, the troupe leader, is shown front and center with crutches. Courtesy Angola Museum, Louisiana State Penitentiary.

Figure 8. Close-up of John McElroy, the minstrel troupe leader at Angola.

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The haunting quality of the photograph was not lost on me before I was approached by its most prominent unquiet presence. For instance, I knew that the costumed prison uniforms worn in the shot—including the tuxedo jackets, the vertically striped pants and shirts, the striped hat bands, and the horizontally striped socks worn by one of the three performers in drag—had been patterned and sewn by black women at "the Willows," the mellifluous "Sweet Home"-sounding name given to the section of Angola's eighteen thousand acres allotted to the entombment of women, the overwhelming majority of whom were black. I knew that, along with slaving in the plantation's cotton fields under armed guard, working as nannies to children of white prison employees, and other traditionally unspoken forms of rupturous labor, they most certainly would have suffered as domestic neoslaves in the homes of white men, these women were tasked with making all of Louisiana's prison uniforms from the early twentieth century until they were eventually transported to a women's penal "farm" at St. Gabriel in 1962.[22]

With the absent presence of these women in mind, I first sat looking at the group of blackfaced, cross-dressed, and prison-striped men posing on a plantation house concrete porch made to double as a minstrel stage with what Fred Moten describes as a sonic "interior exteriority of the photograph" emanating in my ears in the form of the voice of Odea Mathews.[23] The image emitted a ghostly reverb of a sorrow/survival song that this particular black woman prisoner once delivered into the microphone of a white folkloric tourist to the neoplantation while she sat, her hands and feet bound to their daily manipulation of a sewing machine, positioned in physical proximity to the place I was now sitting and on a day not far removed from the one upon which the photograph was taken.

There's somethin' within me, Oh Lord,
That holds in the rain (yes it is).
Somethin' within me,
Oh child I cannot explain (yes it is).
Somethin' within me,
Oh Lord I cannot explain (oh yes),
All I can say, praise God, somethin' within.

Have you somethin' within you (Oh yes),
That's burnin' inside? (Yes it is),
Somethin' within you, Oh child, you know it never gets tired.

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Somethin' within you, Oh Lord it never gets tired,
And all I can say, praise God, somethin' within.[24]

With an enthralling vibrato that sounds eerily similar to the Dinah Washington of "This Bitter Earth," Mathews gestures toward, longs for, and produces an unnamable, unlocatable, and inexplicable loophole of (dis)embodied retreat that is situated deep within her reified, ruptured, and ruled body.[25] Through an act of spiritual marronage that could just as easily have been rendered during Angola's birth-time as an antebellum plantation more than 120 years before the recording, the incarcerated, natally alienated, and chattelized subject testifies to and re-creates an unfungible somethin' within and beyond the publicly owned and physically exhausted corporeal self that has been mechanized, criminalized, and colonized by the state. However, insofar as her attempted self-reclamation depends on and is performed through the detachment of her "tireless" spirit from her imprisoned body, Mathews's act of sonic redress expresses the burdened, dispossessed, and terrorized collective predicament of the living dead through the very act of sounding claim to a modicum of individual freedom. After all, what is the necessary severance of the would-be-free spirit from the physically tortured body if not a nearly exact simulation of the untimely termination of life?[26]

Somethin' within me, Oh Lord, that holds in the rain—The redressive disintegration of the spiritual self from the pained black body, bound in the rain (or reign) of a literal hell on earth, seemed a fitting sonic accompaniment for my first contact with a photograph in which the bodies of Mathews's fellow prisoners are captured in a moment of prison plantation "downtime," performing in the quintessential white supremacist cultural modality of spectatorial dehumanization and black disfigurement. The grotesque penal resurfacing of the blackface mask beckons us to the photo's centrally positioned subject and the historically voided captive experiences registered by his carceral dismemberment. Indeed, nothing shown in the minstrel troupe photograph more clearly signifies the punitive dimensions of black captive performance and the terroristic terms under which the prison slave would have elected to perform in blackface more than the redolent onstage absent presence of his amputation. As I sat at the foot of the very place where the photograph was shot, with Mathews's haunting refrain reverberating in my ears, I considered how the black prisoner's missing right leg signals the fact that the redressive spirit-body detachment of the neoslave is most often coupled with and deployed in response

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to what Hortense Spillers describes as the ritualized tearing apart or mortification of black captive flesh—a routine of sadistic state violence that in this instance has more than likely led to the permanent detachment of the imprisoned body from one of its main parts.[27]

As I pulled away from Angola's front gate, I knew that I would return to this anonymous figure (and his disappeared limb) when I returned home from Louisiana. But I also knew that, in doing so, I would have to conduct an act of counter-historical imagination since the leader of Angola's minstrel troupe had been obliterated from history, along with countless other black prisoners who had been enslaved on the plantation since the early nineteenth century.[28] There was no pathway for recovering this particular buried story—or so I thought. Three days after I returned to Baton Rouge, I found myself sitting at the Louisiana State Archives, scanning a rather unforthcoming microform reel of correspondence pertaining to the Louisiana State Penitentiary. I had hoped that the file of letters written to and from the State Attorney General's office from the late 1940s to the 1950s would contain clemency statements written by Angola prisoners—testimony that, however mediated, would at least give a measure of "blood to the scraps" that I had been able to recover to that point.[29] As I heard the voice of one of the archive's staff address patrons over the intercom informing us that the facility would soon be closing, I had found next to nothing.

On a whim, I decided to scan the reel again, turning the advance knob clockwise as far as it would go. With the images flashing over the screen at the highest speed, I stopped the reel and landed squarely on the following letter:

> Angola LA Camp A
> March 3—49
> Dear Sir Mr Kimp,
>
> I hav recive a few Letters from you. And as yet I haven't got any one to help me as you have sent word for them to help me. As I have already told you that I have life here. On sircumstance everdence I am a one leg man. And I do not have any one to help me at all. But you. So will you try to Get Some one to Get me out on a pertinal pardon are they serch law as that So if you will please sir write me at once
>
> Yours Truly Sir
> From John McElroy 37708
> Camp A Angola La
> Answer Soon.[30]

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I knew the words were significant. But I also knew that there was no way I could possibly be hearing the voice of the same "one leg man" I had first seen at Angola three days before in the minstrel show photograph. No way. I was not prepared to receive the spectral summons contained in the desperate refrain, *help me . . . sent word . . . to help me . . . I am a one leg man . . . I don't have anyone to help me at all. But you.* I quickly printed the letter and moved on to the next image (Figure 9):

John McElroy is unknown to history. Indeed, he was imprisoned, enslaved, and dis(re)membered by a living history that kills—that contorts, disqualifies, and annihilates the experiences and the truths uttered by the untold millions who make up the desecrated and unquiet dead of American racial genocide. Both his name and his life were to have been forever eradicated through the legal stigmata of black criminalization and neo-enslavement. They were to have been stenciled over by the punitive mark of "37708"—a branding that represents a twentieth-century penal reinscription of the very dis-naming and cataloguing practices that began in Euro-American modernity's original racial capitalist misogynist prisons: the barracoons, "factories," holds, pens, and plantations of the Middle Passage and antebellum chattel slavery.[31]

But there he was/is. The very "one leg man" I thought I had found buried in a box at Angola had actually found me. At this moment I had to reckon not only with a literal ghost, or zombie, of the master archive but also with the fact that the task I thought I had been engineering on my own, of searching out the remnants of punitive performance at the prison plantation, had actually been conducted all along by one of its living revenants—the leader of Camp A's "colored" minstrel troupe—a man whose repeated call for liberation had been muted for decades within Angola's slave plantation fields (and performance stages) and by the enclosures of the master archive, but who nonetheless had continued wailing an incarcerated blues refrain that had finally been heard: *Help me . . . help me . . . I am a one leg man . . . I don't have anyone to help me at all. But you. I am. John McElroy . . .* And there I was. He was calling out to me (and everyone within striking distance of these words) from an unlocatable grave to un-desecrate his death, to remember his stolen and dishonored name and body, and to listen to his unaccounted-for ghostly encounter with a structure of necropolitical terror that continues to denigrate his memory and that of his fellow captives through the mass production and consumption of neoslaves, such as the "natural lifer" who had delivered the minstrel

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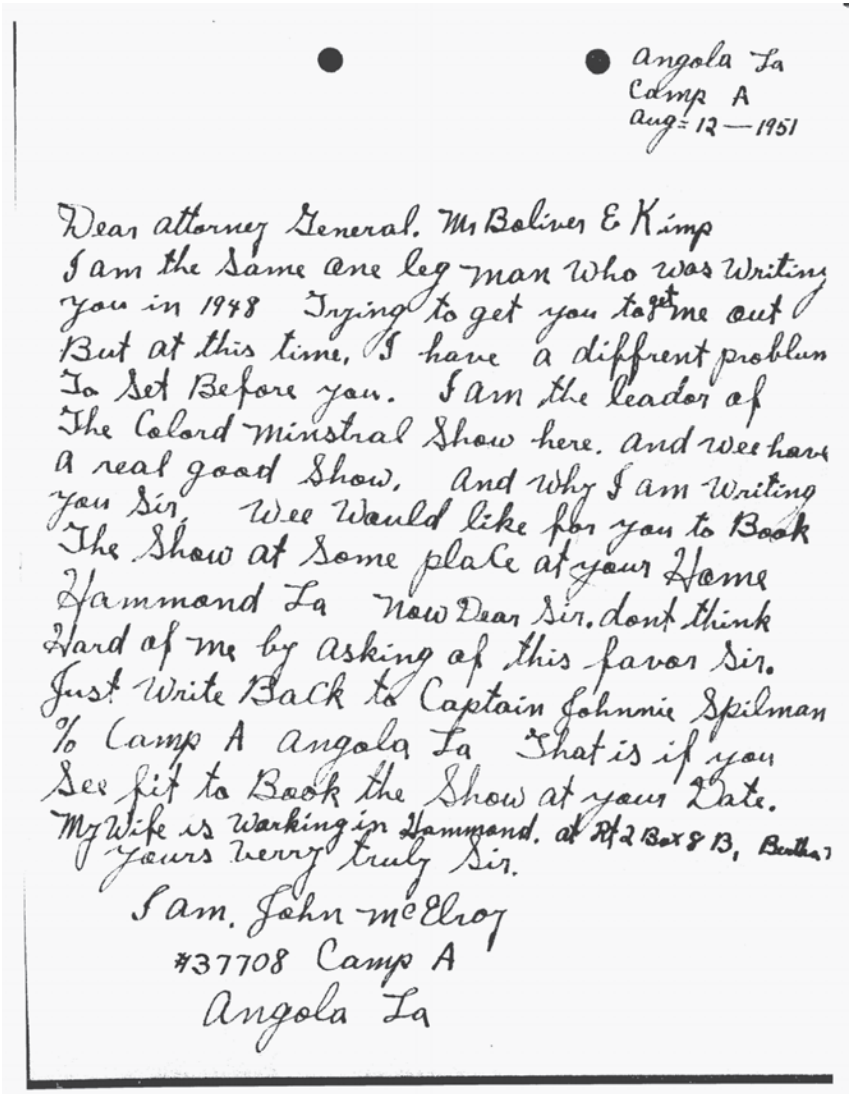

Angola La
Camp A
Aug= 12 — 1951

Dear attorney General. Mr Boliver E Kimp
I am the Same one leg man who was Writing
you in 1948 Trying to get you to get me out
But at this time, I have a diffrent problem
To Set Before you. I am the leader of
The Colord Minstral Show here. and wee have
a real good Show. and Why I am Writing
you Sir, Wee Would like for you to Book
The Show at Some place at your Home
Hammond La Now Dear Sir. dont think
Hard of me by asking of this favor Sir.
Just Write Back to Captain Johnnie Spilman
% Camp A Angola La That is if you
See fit to Book the Show at your Date.
My Wife is Working in Hammond. at Rt 2 Box 8 B, Butler
Yours Verry truly Sir.

I am. John McElroy
#37708 Camp A
Angola La

Figure. 9. John McElroy to Louisiana Attorney General, Bolivar Kemp Jr., Louisiana State Penitentiary, General Correspondence (microform), 1951–52. Louisiana State Archives, Baton Rouge.

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show image to me in a box three days before at Angola. Indeed this was the very sort of moment Avery Gordon, in conversation with Derrida, had spoken of in suggesting that if "the ghost is alive," we "are in relation to it and it has designs on us such that we must reckon with it graciously, attempting to offer it hospitable memory *out of a concern for justice.* Out of a concern for justice would be the only reason to bother."[32]

However, as I began the work of respectfully and hospitably attending to one who, out of his own posthumous concern for a counter-juridical variety of justice, had literally reached out from the inhospitable tomb of official history, I was aware that, in many respects, my task was as impossible as it was necessary. The first and most obvious thing that must be said along these lines is that no amount of attentive engagement with John McElroy's spectral presence will do anything to repair the breach inflicted upon his life, that of his entire family, and those of other racially and criminally stigmatized persons who have been subjected to neoslavery in mass numbers at places such as Angola, Parchman, Sugarland, Cummins, Banner Mine, and Attica since the passage of the Thirteenth Amendment. Aside from this, one must respectfully acknowledge the chasm between our desire to welcome one such as McElroy into rememory and the epistemic erasure and seizure that constitute the unhistorical positionality of the neoslave. Indeed there was enough in the way of unavailable and inaccessible knowledge accompanying the ghostly resurfacing of the Angola blackface minstrel photograph, and two last-ditch missives from the troupe's "one leg" leader, as to make the imperative duty of careful listening seem vexing at best. For instance, what exactly was the alleged crime for which John McElroy received a life term of civil death? Were his mother and father still alive when he attempted to convince Attorney General Bolivar Kemp Jr. to allow his minstrel troupe the "favor" of resurrecting the antebellum "darky" for the citizens of Hammond, Louisiana? By what surreptitious and surprisingly bold expressive means did he and his fellow black prison slaves incorporate the blues voice that inhabits his letters into their stage performances of neoslave joviality, subhumanity, and contentment? How many children did he and his wife, "Bertha," have before he was disappeared to the neoslave plantation, and how many of these children would ultimately find themselves imprisoned at Angola, a local "County Farm," a chain gang, or a northern penitentiary? Just how long had McElroy been enslaved in West Feliciana before writing his first letters to Kemp (he

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mentions that correspondence began in 1948)? Do these unrecoverable letters contain details of the exact manner by which he became dispossessed of his right leg?

But here we are met with an equally important question: How can one enter into a reckoning with the ghostly presences of neoslavery with any expectation of historical, experiential, or expressive transparency on the part of one of its revenants, even one that approaches us with the head-on (and leg-off) intensity of John McElroy? As Hartman (following Edouard Glissant) advises us, anyone taking on such a task must respect "the right to obscurity" of those who have endured the unsayable, the unthinkable, and the irreparable.[33] A desire for transparency, clarity, and full semantic disclosure on the part of even the most unquiet revenant of the chattelized carceral disrespects and disregards the magnitude of the very unavowed atrocity we are attempting to honor through our careful listening. As Sethe's "crawling already" baby and ghostly survivor of the Middle Passage reminds us throughout *Beloved*—but with most arresting intensity in the antigrammatical monologue I discussed in chapter 1—those who emerge from oblivion hungry for rememory do not and cannot speak, write, sing, wail, or scream in complete sentences (or sounds). Rather, it is the very incomplete, cut-off, broken, and incomprehensible nature of the aural, written, and visual remainders of the socially and civilly dead that qualify their semantic depth and social urgency, and that signal the counter-historical, counter-epistemological, and counter-pedagogical value of their muzzled and submerged transmissions from the many unmarked graves of American racial genocide. Here we might think of the ellipses and silences of both the Angola minstrel show photograph and McElroy's two "kites" from Camp A as bearing a gravity akin to the echo-laden silences and caesuras that accompany John Coltrane's tenor saxophone in "Alabama" (his dirge to Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley); or what Frederick Douglass describes as the incomprehensible but inestimably "deep meaning" of the slave songs he first heard in boyhood, whose mere mnemonic recurrence was enough to bring tears to his eyes as he wrote his autobiography of 1845; or the unspeakable thing that Stamp Paid felt in his hand and spirit during the travestied "freedom" time of 1874, when he reached into the Ohio River and pulled out what he thought was a cardinal feather but was actually a "red ribbon knotted around a curl of wet wooly hair, clinging still to a bit of [a black girl's] scalp."[34]

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Like a ribboned bit of hair and scalp retrieved from the watery grave cutting Kentucky from Ohio, the muted, fragmented, and subterranean transmissions of the neoslave are resoundingly clear in their expression of the terror, dispossession, and rupture that have underpinned the predicament of liberal de jure freedom for black people in the United States. And, like a vestige of an anonymously murdered black girl in 1874 (or a publicly slain black boy in 2012),[35] John McElroy's phantom right leg—or rather his phantasmal reassertion of it—disassembles dominant historical, cultural, and legal truths that have attended the cross-generational punitive violation of the criminalized, dehumanized, and dishonored black subject from chattel slavery to prison slavery. McElroy's spectralized counter-deployment of his dismembered body both in his letters and on the neoplantation stage suggests how at the zero degree of chattelized entombment the only acts of "resistance" often made available to the captive involve an embrace, exhibition, and even a furtherance of one's very condition of brokenness, rupture, and dispossession.[36] In other words, when keeping in mind that he likely never achieved freedom, and that his only method of getting beyond Angola's gates may have been through the perverse privilege of performing the "darky's" cheerful acceptance of the very condition of enslavement that he tried so desperately to escape, McElroy's apparitional body and voice present less of a claim for reparation than a demand for attuned acknowledgment of the enormity of the unhistorical crime of state slavery and the irreparable pain associated with unachieved liberation.

Here we might think of the historically anonymous neoslave's performative and written redeployment of his captive body as an unrecognized and unromantic analogue of other embodied acts of injurious resistance, such as the hunger strike, that have been performed by "radical" or "political" prisoners. By openly declaring the reality of his punitive rupture, brandishing it onstage, and discursively fusing it to his identity under civil death in his repeated letters to the state's preeminent purveyor of the law (and to us)—*I am a one leg man . . . I am the same one leg man*—the undead social and political presence who is John McElroy transmutes the dismembered part of his body into a painfully eloquent and "radical" absence that disenchants the white supremacist mythos surrounding the torturous spectacle of black captive performance, including the minstrel show that he sought to book to a space *anywhere* outside the confines of the prison plantation after his repeated calls for actual deliverance received no answer.

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Indeed, whereas none of prisoner number 37708's letters imploring the state's attorney general to offer him a pardon from "life" at Angola received any real attention, his presentation of the idea of directing a prison-striped blackface show in the official's hometown elicited an immediate and congenial response.

> Dear John—I was very glad to get your letter and to learn that activities such as minstrel shows, etc. are being organized and carried on by the inmates. Things of this kind not only make a stay at the institution more bearable but are bound to be a help in preparing you for the ordeals of life when you are discharged. Right at the present I do not know how booking of your minstrel show could be accomplished, but I expect to be at Angola shortly and will discuss your letter with the officials there.
>
> With Regards, I am
> Sincerely Yours,
> Bolivar E. Kemp, Jr.
> Attorney General[37]

For Kemp, the "gladness"-inspiring image of black prisoners performing the resurrection of the contented-to-be-enslaved "darky" at the prison plantation must have seemed like a well-timed and normalizing palliative for the momentous public relations problem the state was facing in respect to Angola at the very moment he received "John's" bid to bring Camp A's minstrel troupe to Hammond, Louisiana, in August 1951. In fact, the upcoming visit to the plantation he mentions in his letter more than likely had to do with another collective prisoner performance that had occurred in February of the same year, an act of desperate and injurious resistance taken by a group of prisoners from Angola's only white "dormitory," Camp E, who became known as the "Heel-String Gang." In an action that led to the biggest prison scandal in state history, and that gave Angola the dubious distinction of "bloodiest prison in America," thirty-seven white men used razor blades to sever their Achilles tendons in protest against LSP's ritualized violence and "can't to can't see" field labor[38]—the very dominative regime that countless black prisoners had endured without an iota of public outrage since Louisiana reclaimed its privately leased "Negro" prison slaves from the estate of Samuel Lawrence James in 1901.

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By the time of the heel-string incident, Angola's black captives had long resorted to acts of last-ditch protest and bodily endangerment that received scarce coverage in local or national newspapers. These actions included but were not limited to self-mutilation, violent self-defense, the destruction of tools, poisoning guard families' food, and escape attempts whose least horrifying conclusion often consisted of an encounter with the plantation's bloodhounds followed by a hiding from a five-foot club or blacksnake whip.[39] But a reading of this history in concert with the unheeded call that continues to emanate from McElroy's letters and an unburied photograph of the Camp A minstrel ensemble forces some important questions into view. For instance, does not the black captive's last-resort effort at securing a tenuous and always already incomplete reprieve from the penitentiary's innumerable other staging grounds of punitive terror through painting on the mask of black self-immolation represent an act as desperate, injurious, and vexing as self-mutilation? Can we not discern the state of legalized exception as readily in the outline of the prison minstrel's smile as in the contours of the whip-scars, bite marks, knife wounds, and bullet holes that covered many of the troupe members' bodies?[40] Such questions force into view those who are present at the minstrel show but who are not caught within the frame of the photograph—the penitentiary employees and visitors who are situated at the windows of the plantation house and on the other side of the plantation surveillance camera. The harrowing unseen dimensions of the photograph leave us wondering just how many members of the Angola minstrel troupe were forcibly removed from slaving in the fields or the plantation house and made to perform in front of employee families and white visitors under the pain of being whipped, bludgeoned with the "line pusher," or killed by a gun-toting prisoner trusty;[41] or how many of them had previously been shot with bullets issuing from the shotgun of the same "Captain" or "Sergeant" who was in charge of shooting the minstrel photo. From Kemp's perspective, however, such realities were imponderable, or at least unactionable. The urgent plea that he confronted in McElroy's earlier letters was always already muzzled and shuttled through the comforting image of Sambo's return, even if the conjuration of that image depended on the interested elision of prisoner number 37708's previous communications from memory and a willful suspension of acknowledgment of the fact that this particular criminally branded "Sambo" was appearing on the neoplantation stage not as a contented prison slave but as a *one-leg man* whose apparent smile screamed out for *help*.

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From the perspective of Kemp, and those free white people who did have the opportunity to reap enjoyment from interested mis-hearings of the "reels," blues, jazz, "work songs," and spirituals of those such as McElroy and Mathews over the years, the spectacle of picaresque "niggers" playing the "happy-go-lucky" slave represented stark visual opposition to the unruly white prisoner's enactment of pained resistance and overt defiance in the face of civil death—a dichotomy that secured the ontological partitioning of whiteness and blackness notwithstanding the criminal stigmatization of the white prisoner. The ontological, pedagogical, and literal currency that attached to the prison slave's performative and domestic neoslave labor at Angola functioned in dialectical interface with the economic returns associated with his use as "productive" laborer in plantation fields.[42] For many white working-class employees and their families who resided in the de facto free municipality that grew within the borders of the prison, the sense of racial superiority derived from the fungible black body served as a critical psychological and material supplement for the relatively modest monetary wages offered to many prison guards and administrators of an industrialized public neoslavery concern that operated at a technical loss through most years of its existence. Patsy Dreher, the daughter of an Angola guard captain, expresses this dynamic through a nostalgic recall of an idyllic childhood at the neoplantation when a steady supply of *all-purpose black men* were placed at the disposal of her family and those of other white employees: "Angola was a pleasant place to live back then. A vegetable cart came by every morning. What you didn't get in pay, you got in benefits. You . . . could get inmates as cooks, yard boys, house boys; you could have two or three of them if you wanted. We had an old cook named Leon who cried like a baby when he got paroled; he said ours was the only home he had known in a long time."[43] The seemingly limitless public/private utility and status-augmenting efficacy of the trustworthy and faithfully imprisoned "Negro boy" was also enjoyed within the socially incarcerating structures of Angola's surrounding communities, not simply through occasional free-world concerts such as the one McElroy hoped to book to Hammond but also through an informal convict lend/lease system whereby black trusties were dispensed to local white families as field-, house-, and *musical slaves*: "The adjacent parishes and few small communities in *the area greatly benefited from the labor and talents of the inmates.* Inmates were unofficially 'loaned as skilled laborers, skilled workers, and even entertainers.'"[44]

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The liberal utilization and public dissemination of the postbellum "Negro" prisoner as either field slave, house slave, or musical slave underlines the inseparability of "productive" forms of market-oriented labor and "unproductive" forms of labor, terror, and dishonor within spaces of neoslavery, and the degree to which geographies such as Angola plantation have been built as much on the reproduction of white supremacist pleasure and domination as on the production of cash crops and monetary profits. Here we are reminded of William Goodell's earlier statement from the early 1850s regarding the fungibility, or seemingly limitless economic and social utility, of the black captive—that "Slaves, as Property, may be *used*, absolutely by their owners at will, for their own profit or pleasure."[45] Read in this light, what I have described above as the "unhistorical" aspect of captive performance at Angola not only refers to the occlusion of those such as John McElroy and Odea Mathews from the master archive, but to the virtual absence of their experiences of neoslavery within liberal and "radical" historiographic treatments of the subject of postbellum convict labor—many of which either downplay the connection between that dominative system and chattel slavery or describe penal neoslavery as something that only happened "down there" or "back then."[46] Such discussions have tended to reduce the repressive scope of racialized imprisonment either to the liberal humanitarian terms of relative death rates, or to the "radical" economistic terms of production and labor exploitation without accounting for the ways in which (1) black postbellum imprisonment is itself a formation of mass civil and living death grounded in the mass social death of chattel slavery; (2) how, far from operating simply as an "economic" system, racialized incarceration (and by this term I am again referring to the necropolitical order of gendered, economic, spatial, and racial terror that began under the Middle Passage) has represented a mode of "cultural imposition," ontological subordination, and legal domination fundamental to free/white collective self-imagining and to the overall material structuring of American empire.[47] The atrocities of slavery and neoslavery cannot be fully contemplated within the narrow economistic indices of production and labor exploitation, namely when we attempt to approach them from the nearly impossible-to-recover position of the corporeally and psychically terrorized black captive. In other words, the unhistorical experiences of those such as McElroy and Mathews unveil how chattel carcerality is not simply a mode of economic production: it is also a process of ontological, corporeal, spatial, legal, and cultural domination residing in the DNA of occidental modernity.

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Along with registering the unhistorical import of black neoslave performance as a modality of white supremacist cultural reproduction and communal self-fabrication, Kemp's allusion to the way in which the recreational privilege of minstrelsy successfully made the black neoslave's experience of plantation imprisonment "more bearable" represents a mid-twentieth-century redeployment of the racialized carceral discourses of natural "Negro" contentment, submissiveness, and slave-worthiness that had been part and parcel of the chattelization of black being and the consolidation of whiteness since the Middle Passage. From its beginnings on the decks of slave ships, the coffles that herded Africans to the auction block, and with the weekend and holiday "frolics" of the antebellum slave plantation, the staging of captive amusement had been implemented as a primary mechanism of managing the enslaved and imprisoned black body, of cultivating the psychic well-being, social dominion, and pleasure-drives of the white civil subject, and of normalizing the collective rupture, terror, and abjection black captives faced under centuries of chattelized incarceration.[48] As Hartman suggests in her seminal theorization of the instrumental deployment of the black performative body in the antebellum period, the orchestration of captive gaiety, musicality, and docility during ostensibly "unproductive" off-times laid at the fulcrum of plantation relations, registering the degree to which the "hours of sundown to sunup were as important as those spent in the field in cultivating the productivity of the plantation household and maintaining social control." She adds that during the mid-nineteenth century,

> such diversions were an important element in plantation management, as the internalization of discipline and reward was considered essential to the good order of the plantation. . . . Prizewinning essays on the ideals of management held that 'industry and good conduct should be encouraged [and] the taste for innocent amusements gratified.' These designs for mastery *troubled the distinctions between leisure and labor* and employed an extensive notion of discipline that included everything from the task system to the modes of singing allowed. . . . According to the planter, the whip used sparingly, the fiddle, and the Bible formed the holy trinity.

As if copying its design for state mastery directly from one of these prizewinning antebellum essays, Angola's administration of the early 1940s

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described its ideal philosophy for managing "Negro" prison slaves as a perfectly balanced apportionment of *physical* repression and *spiritual* hegemony:

> To keep the convict separate from society is partly a physical and partly a spiritual problem. As a physical problem it involves iron fences, bars of steel, leather straps, clubs, and guns. As a spiritual problem it involves humane treatment; a friendly attitude, tasks suited to the strength and talents, trusts and loyalties, work and recreation. The spiritual factors are the most promising and reliable though the physical factors are a necessary last resort. Therefore we rely on kind and just treatment of the prisoners . . . [their] life should be made as happy as possible.[49]

That black prisoners are known to have suffered from well over ten thousand *reported* whippings during the decade leading up to this statement represents the quotidian functionality of so-called last-resort terror apparatuses within the pseudohegemonic arena of racialized civil death and the degree to which labor, leisure, and terror have been as virtually indistinguishable and mutually constitutive under the slavery of prison as during the prison of slavery.[50] Far from representing an anachronistic remnant of premodern mechanisms of terror, dishonor, and perverse captor pleasure, the "fun" side of the Middle Passage model of imprisonment came to represent a foundational element of carceral modernity as a whole—not only in the American chain gang, prison plantation, and penitentiary but in other racialized necropolitical spaces such as Auschwitz and Birkenau wherein certain prison slaves were allotted the "privilege" of acting as musical and athletic entertainers in the concentration camp version of the afore-mentioned *plantation holiday.*[51] If the teleology of antebellum mastery called for the creation of a kind of genocidal equilibrium based upon the calibrated application and fusion of "productive" and "unproductive" forms of captive travail ranging from field/house work, to corporeal rupture, to "innocent" and/or "spiritual" diversions such as singing, dancing, and the Bible, then the practice of captive performance at Angola and other U.S. prisons, County Farms, and chain gangs registers the degree to which this terroristic matrix of chattel incarceration haunted its way into the experiential reality of black people for generations after the Civil War.

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The centrality of weapons of recreational diversion and ostensibly unproductive forms of labor to the project of neo-enslavement can be gleaned even among the most apparently prosaic descriptions of black captive "work" on the "state penal farm." For instance, in an article that appeared in the *Louisiana Municipal Review* in 1943, what is intended to be a straightforward cataloguing of Angola's industrial capacities ends up producing a neoplantation pastoral scene in which the time-honored southern planter and northern "romantic racialist" mythos of master-slave harmony and reciprocity is resuscitated through the evocation of the plantation holiday and the euphemistic introduction of the World War II edition of the Camp A minstrels:

> A combination of mule and tractor power is used. Forty miles of railroad traverse the cane fields, from which two trains transport cane to the sugar refinery which can handle 1,400 tons of cane

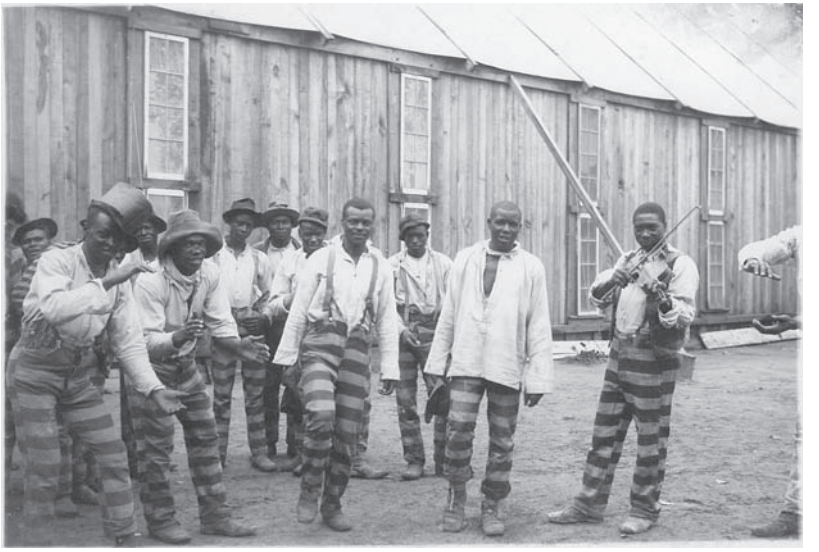

Figure 10. The terror/labor of neoslave "leisure." Atchafalaya River Levee Camp section of Louisiana State Penitentiary, c. 1900—just four years after the camp death rate had reached 20 percent. The original caption for the photograph, which appeared in the annual report of the Board of Control for the state penitentiary for 1901, read, "Fun in levee camp." Henry L. Fuqua Jr. Lytle Photograph Collection and Papers, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge.

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> daily. The 30 miles of gravel roads intersecting the plantation make it convenient to supplement the hauling of cane with tractors and cane buggies. The refinery is operated continuously on a 24-hour basis through the cane season, which in 1942 lasted 65 days.
>
> The men work through the harvest regardless of weather, for much of the success of a cane crop depends upon the speed with which it is gathered. After the harvest, there is a celebration period during which turkeys raised on the farm and other delicacies grown at the penitentiary are combined for festive dinners at the camp. The prisoners are allowed the privilege of putting on a vaudevill *[sic]* show with a cast composed exclusively of inmates. With their pent-up emotions released in healthy laughter, they usually enjoy one night and two afternoon performances of the show. Warden Bazer is generously helpful in making provisions for and directing the show.
>
> The sugar refinery is supplemented by a railroad shop and foundry, light plant, and a machine electrical shop. There [is] also a leather shop.[52]

The intrusion of the prison plantation harvest festival and "vaudevill[e] show" into an otherwise routine outline of sugarcane production and other forms of industrialized neoslavery at Angola illustrates the degree to which the round-the-clock labor regiment of the neoplantation was in no way limited to the sixty-five-day cane-processing season—how the painful "work" of prison slavery was felt on a twenty-four-hour basis even in moments of apparent reprieve. Nothing signals the imbrications of penal recreation and corporeal repression—of managerial lenience and carceral surveillance—more than the warden's tripartite role as industrial plantation field commander, bestower of performative privilege, and "director" of the very break from productive slave labor that he grants the black prisoner. Accordingly, the narrative bears striking resonance with numerous accounts offered by former slaves that expose the vital function of such "celebration periods" in the attempted scientific management of the chattelized body, psyche, and spirit before 1865. Compare the perverse notion proffered here that the prison master's benevolent conferral and directorial orchestration of punitive privilege in the form of the blackface show offered the state slave a moment in which the "emotions" associated with bondage could be "released in healthy laughter" to Douglass's deconstruction of

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similar holiday entertainments he personally experienced while incarcerated as a chattel slave in Maryland: "From what I know of the effect of these holidays upon the slave, I believe them to be among the most effective means in the hands of the slaveholder in keeping down the spirit of insurrection. . . . These holidays serve as conductors, or safety-valves, to carry off the rebellious spirit of enslaved humanity."[53]

While Douglass's recollection of the plantation holiday offers an integral demystification of the malevolent designs that underpinned the staging of prison master benevolence and captive performance, it does so without accounting for the ways in which "the rebellious spirit of enslaved humanity" often maneuvered its way into the very festive events the master attempted to employ as weapons of punitive pacification and perverse pleasure. However, as discussed above in reference to McElroy's spectral image and voice, the rupturous lower-frequency practices of resistance employed by the prison slave will most often leave one grossly unsatisfied if in considering them one implements a framing of the "insurrectionary" similar to that which Douglass himself offers immediately prior to his description of the plantation holiday—that is, his epic, exceptional, and "manly" overcoming of Edward Covey.[54] Indeed, before closing this chapter, I want to introduce how the critical suspension of a presupposed normative manliness and a self-possessed heroic model of resistance in respect to the hypercircumscribed positionality of the dominated represents an apposite point of entry into another spectral element of the Camp A minstrel photograph.

If we return for a moment to the close-up of the photograph, we see a person standing to John McElroy's far right, clapping her hands, wearing a floral print skirt and blouse and a neatly tied scarf on her head. In drawing attention to this unknown subject, I want to be clear that my usage of the gender-specific pronoun "her" represents an act of (un)historically informed imagination rather than a desire to "narrow down" or reify this person's gender or sexual identity. The prisoner could just as easily have identified as a gay man, as bi or questioning, or as a hetero male who happened to perform on the plantation minstrel stage in drag.[55] Any discernment of the prison slave's gender or sexual identity is made all the more vexing when posed in relation to a chattelized punitive apparatus in which sexual violence and domination have always represented de facto elements of the prison sentence and wherein many are coerced into assuming certain gender and sexual roles as a means of avoiding an intensification of corporeal rupture or of preserving their biological life.[56] The reified, fungible,

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and object status of the slave of the state exposes the limits of the concept of self-identification within spaces of legalized rape, torture, and civil murder of the "self." Moreover, the historical mediations I have spoken of in reference to McElroy and other neoslaves are that much more prohibitive in respect to this imprisoned figure and others captured in the photograph—persons for whom we have no unburied letters to offer us even a peripheral glimpse into their personal biography or their particular experience of neoenslavement. Fully aware of these crucial concerns, I have chosen to enact the imaginative leap of isolating this tall and slender "woman" out of a strong feeling that this could quite possibly be a pictorial vestige of an Angola trusty named James Bruce, a person who would have featured regularly as a drag queen in McElroy's minstrel troupe in the mid- to late 1940s, and who, as a longtime domestic and performative neoslave at Angola, represents a haunting internal extremity of the photograph made no less powerful by our inability to verify if s/he is indeed the one standing behind McElroy in the image. Furthermore, I do so with the conviction that even if the person is not who I think s/he may be, that my uncovering of a sliver of Bruce's story via the channeling accompaniment of the Camp A minstrel troupe image may limn important aspects of the unspeakable, unspoken, and unclaimed ordeals of chattelized captivity, incarcerated performance, and neoslave resistance specific to the experience of the legally disappeared and historically anonymous black queer/trans prison slave.[57]

McElroy actually enables our reckoning with Bruce's apparitional presence within the minstrel photograph in his second letter to Kemp, in which he identifies Captain "Johnnie" Spillman as the "care of" addressee for what he hopes will be the attorney general's affirmative response to his bid to book the Camp A show to Hammond, Louisiana. John Spillman was a second-generation Angola guard who began his apprenticeship in the overseeing, driving, and virtual ownership of criminalized black bodies at the prison plantation in 1916 as a teenager, and who, by the time of McElroy's initial clemency letters in 1948, would have long been in charge of Camp A, one of three sectors of the sprawling penitentiary that were known in the local white supremacist parlance as "Jungle Camps." For McElroy, Bruce, and their fellow prison slaves, a more appropriate name for this space of racialized living death and others like it on the neoslave plantation would have been—to resound George Jackson's terminology, an *American concentration camp*—one in which what I defined earlier as the Middle Passage carceral model was executed in a manner that represented a state-level

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simulation of the hyperconstricted, suffocating, and scatological spatial arrangements of the county chain-gang's portable cage.

One of the more clear-cut examples of the "land-based slave ship" model of human entombment at Angola came in the form of Camp A's "sweatbox," an architecture Spillman and other administrators deployed to punish, segregate, and torture those deemed "unruly" or "lazy" for decades leading up to the heel-string incident, and one reserved exclusively for the black neoslave. Indeed, as in the case of the sepulcher-fashioned boxcars in which chain-gang prisoners throughout the southern United States were long-chained and stacked atop one another, the sweatbox represented a dubious actuation of the "box" within which Paul D and his forty-five fellow chain-gang prisoners were buried underground in *Beloved.* Edward Stagg offered this description of the Camp A isolation/punishment unit after he and a group of fellow journalists conducted a surprise visit to Angola following the Camp E heel-string action:

> One of the peculiarities we came upon appeared to be a solid block of concrete. Three iron pipes stuck up from the top like periscopes.
>
> On closer examination, we discovered three steel doors on one side of the block. Each was of solid metal, except for a small louvered rectangle near the bottom, similar to the draft vent beneath the grate of a furnace.
>
> We banged on the door with our fists. A man's voice answered from within! We saw that the door was locked, and that there was no one around who could open it. We asked the man inside if he was all right, and he said he was. We saw that the second door was locked, and we assumed there was a man behind it, too. When we came to the third door, we found it to be unlocked and swung it open.
>
> The walls and ceiling were painted black. There were no windows. The only sources of light or air were seven-inch wide, down-tilted slits in the bottom of the door and a two-inch hole in the ceiling. The hole led into a pipe on the roof that was bent in the opposite direction of the prevailing wind.
>
> A bed stood along the wall. In an opposite corner was a concrete box for a toilet. The entire cubicle was the size of a small clothes closet. Into this stifling space as many as seven men were jammed at a time. At least one man had been removed in a state just short of roasting.[58]

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Those of Captain Spillman's "Negroes" who managed to avoid being buried alive and roasted within the sweatbox were subjected to *can't to can't see* field labor under rifle, whip, and bat—and were then herded into a wooden shack in which they were stacked on top of one another in triple-bunk formation, and where no more than four toilets were allocated to nearly three hundred men. It was in the same article from 1952 that an indirectly quoted and anonymous prisoner from Camp A captured in a single truncated phrase what volumes of history on the subject of imprisonment in the United States had not: according to him, the "dormitory" in which he was held emitted a "*stink like the hold of a slave ship*."[59]

Angola's implementation of the Middle Passage carceral model represented an essential contributing factor to the neoslave's desperate attempts at securing any channel of possible reprieve from the most physically brutal conditions found at the prison plantation. Indeed, the home of Captain "Johnnie" Spillman himself—like those of other guard captains and numerous white men and women outside Angola who were given the opportunity to rent or borrow its domestic neoslaves—represented one such zone of relative and rupturous respite from the zero-degree death rehearsals found in the sugarcane and cotton fields, the neofeudal stocks, the Camp A stockade, and the sweatbox. It therefore comes as no surprise that shortly following his disappearance into Camp A in 1935 on a burglary conviction, a young black New Orleanian named James Bruce seized upon the chance of working for Spillman as a domestic neoslave. S/he would end up doing so for approximately thirteen years, functioning variously as cook, "yardboy," and "houseboy"—positions that, along with the more often discussed role of convict guard, represented the most common stations occupied by those prisoners who were branded as *Trusty Negroes*. Here the state's use of the letter "y" instead of today's more familiar "ee" at the end of the signifier denoting a captive of putative privilege, illustrates the degree to which in spaces such as Angola, Parchman, Cummins, and Sugarland, the "trusty" neoslave was conceived of as a post-1865 reincarnation of the ever-faithful, ever-dutiful, antebellum "house slave"—the "Mammies" and "Uncles" of the white supremacist cultural imaginary who were cast as maintaining an unbreachable fidelity to the master, a selfless and boundless loyalty, that was offered as evidence of the paternal benevolence of the plantation, and the infantilism, atavism, and natural slave-worthiness of the collectivity of "niggers" held prisoner within it.[60]

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The dubiously literal possessive investment in such stock images by white residents of Angola's free township is rendered graphically in the photo albums of Spillman and other guard captains, which are replete with portraits of "trusty" black prisoners captured in chattelized pastoral tableau alongside head of cattle, horses, dogs, various crops produced at the neoplantation, and young white children for whom the trusties acted as "Uncles," "Mammies," and atavised playmates (Figure 11).[61] In fact, it was through the childhood remembrance of Spillman's own daughter, JoAn, who was raised at the penitentiary from birth, that I was first made aware of James Bruce. Much of what the guard captain's daughter has to say in respect to the "sort of chocolate colored . . . tall, skinny, mulatto man"[62] she recalls from her childhood at Angola reads like a perfectly synchronized narrative accompaniment for the portraiture of domestic tranquillity, (un)productive abundance, and black subservience on the neoplantation. Bruce is described as having acted as a perfectly domesticated prison slave who went about his interminable duties with a joyful exuberance. Whether he was busy

Figure 11. Black prison slave with white child standing on a load of seed cotton, Louisiana State Penitentiary, Angola Prison Plantation, c. 1901. Henry L. Fuqua Jr. Lytle Photograph Collection and Papers, Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge.

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cooking the family's meals, "moving their dirt from one place to the other,"[63] tending to (other) livestock, or cranking the handle of a homemade ice-cream maker in preparation for one of JoAn's yearly backyard birthday celebrations she hosted for neighboring white children, Bruce is remembered as a happy-go-lucky sort of trusty Negro. According to JoAn, he was "a very good worker, kept the house immaculate, cooked good food and everything" and was "always whistling or singing; you'd have thought he was the happiest person in the world." The state's gothic transmutation of Bruce and other black incarcerated subjects into the personal accoutrement, or *human produce,* of white guard families gave JoAn the sense that time had frozen, or plunged backward, during her plantation upbringing—that, along with her mother and father, she had lived a real-world production of an idyllic and aristocratic country romance: "It was wonderful. I was the princess and my daddy and mother were the king and queen, and we had servants, and we didn't want for anything. And I was Little Miss Jo, or [the trusties] called me Curly or Shirley Temple, because I had curly hair. And it was just a storybook childhood."[64]

If the youngest member of the Spillman household was envisioned as Angola's version of America's "little curly top"—Shirley Temple—then James Bruce functioned as an incarcerated double for Bill "Bojangles" Robinson, whose famous staircase dance performance with Temple in *The Little Colonel* (1935) appeared in U.S. movie houses in the very same year that Bruce was first entombed at Camp A. Indeed, as in the case of Robinson's character in the depression-era romanticized and sanitized portrayal of 1870s Kentucky plantation life, Bruce's all-too-real role as mid-twentieth-century imprisoned "houseboy" was not restricted to cooking, butlering, and cleaning for the Spillmans. He, like many other black men and women at Angola, also served in the capacity of musical slave; specifically, as mentioned above, Bruce was one of the featured performers in McElroy's minstrel troupe during most of his thirteen years at the penitentiary. Furthermore, while Warden D. D. Bazer was credited in the piece from the *Louisiana Municipal Review* as being the troupe's administrative sponsor and director, it was in fact JoAn's father, Captain "Johnnie," who acted as de facto manager of the Camp A minstrels. Not only did Spillman oversee those of his neoslaves who performed for fellow inmates, honored guests, and tourists to the state plantation, but he also supervised the transportation of McElroy, Bruce, and other members of the troupe well beyond Angola's borders where they performed for white audiences in towns such

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as Jackson and Pineville, Louisiana, the latter of which is situated more than 120 miles from the front gates of the prison. While these tours likely generated a bit of unofficial revenue for Spillman and other members of Angola's administration, they also served as family outings for the guard captain and his young daughter, whom he often brought along so that she could witness the family's collection of musical Negro trusties perform in distant "free-world" environments.[65]

We have no way of knowing what specific song-and-dance numbers the Camp A minstrel ensemble used as temporary tickets outside Angola's grounds. However, a deep recess in the historical archive does inform us that Bruce did not don the "burnt cork" for these shows as did many of his fellow troupe members—that as one of the stars of McElroy's ensemble s/he performed exclusively in drag. Again, as stated above, the fact that s/he performed at Angola and surrounding towns as an imprisoned drag queen does nothing to clarify how Bruce actually lived in terms of gender or sexuality. The severely circumscribed range of information that we are offered in respect to the experiences of the neoslave most often precludes definitive assessment of any aspect of "selfhood," let alone her gender identity and chosen bonds of intimacy. Even on the rare occasions in which we are allowed thin strands of detail in respect to Bruce's "personal" or "social" world, such information is rendered vexing at best when read in relation to the objectified, ventriloquized, and violated postsocial position of those whom the law has morphed into fungible state property. This problematic is that much more salient in respect to racialized bodies also labeled abnormal in respect to gender and/or sexuality, and whose carceral subjection thereby includes zero-degree vulnerability to the "invisible punishments" associated with sexually and gendered civil death.[66] Whether instigated by state actors or other slaves of the state, such predations include but are not limited to rape, sexual auctioning, the punitive severance of any *relatively* consensual intimate attachment, and homophobic and transphobic brutality.[67]

Along with the elision of the prison slave's terror-ridden experience after being disappeared to a place like Angola, racial capitalist patriarchal criminalization also works to produce a retroactive erasure of the neoslave's personal history before conviction, especially when targeting one such as Bruce whose official imprisonment was predicated on the socially incarcerating structure of Jim Crow apartheid—and who, upon legalized disappearance, was subjected to a predicament of state-borne natal alienation that forestalls any systematic gathering of "facts" as to personal or

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familial history. In fact, if Bruce was indeed a transgender or gay black person, then the historical enclosures I referenced earlier in respect to the carceral experience of those such as John McElroy and Odea Mathews are even more insurmountable given the nearly total absence of any substantive discussion of black queer/trans bodies within histories of Jim Crow "convict labor" and neoslavery. This context of historical erasure certainly leaves us with more in the way of interested questions than clarifying answers vis-à-vis the experience of the criminalized and invisible black trans/queer subject. For instance, what can an (un)historically informed engagement with the social context in which s/he was arrested in New Orleans in the early 1940s tell us about the conditions of possibility for Bruce's domestic and musical enslavement? If Bruce did see herself as a trans black woman or gay black male, then was her incarceration a direct outcome of the social isolation and economic dispossession that would have befallen a body branded as both "Negro" and sexually "freakish"?[68] Does this combination of racial, gender, and "sexual eccentricity" help explain why Bruce had to resort to breaking the terms of her initial parole from Angola by stealing $200 from her roommate in a New Orleans housing project in 1945?[69]

If s/he did indeed hone the performative talents that made her one of the stars of McElroy's minstrels before s/he was disappeared for a second time onto the prison plantation, then Bruce's final arrest could well have occurred in the Magnolia Housing Project—a structure of urban apartheid that sat directly across from Lasalle Street's famous Dew Drop Inn.[70] As a regular audience member and/or performer at this uptown cabaret, Bruce would have been able to develop an expansive repertoire of black vaudeville, tent show, minstrel, and rhythm and blues numbers by watching the likes of Irving Ale, aka Patsy Valdalia, the well-known drag queen who sang, danced, and emceed at the venue and who also hosted its annual "Gay Ball"—the interracial and thereby illegal affair that began to take place between Bruce's first and second terms at the prison plantation.[71] In fact, if s/he did have regular opportunities to watch stage shows at the Dew Drop, Bruce also would have been able to enhance her apprenticeship in drag performance by taking note of the incomparable technique of another talented drag artist named Princess Lavonne, who, just before her discovery at the Dew Drop, changed her name to "Little Richard."[72] Finally, and most important, if Bruce was a regular performer and/or audience member in this relatively trans/queer friendly space, s/he would have experienced

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repeated violent encounters with the law that went unreported on her official criminal record. Specifically, s/he would have been among those targeted and arrested in the regular police raids that occurred at the club—a systematic profiling that occurred as a result of the city's adherence to the national practice of gendered racial apartheid calling for the restriction of *public* race-mixing and *public* displays of nonheteronormative behavior to black neighborhoods, or "vice districts."[73]

Conjectural assertions of Bruce's possible social incarceration and criminalization as a black trans or gay subject before her second disappearance to Angola represent a great deal more than trivial speculation. At the risk of belaboring the point, it must be repeated that the stakes involved in reclaiming the "woman" shown standing at McElroy's far right in the Camp A minstrel show image are extremely high given the near complete silence of even the most self-consciously radical and culturally attentive historical and literary scholarship in respect to the black queer/trans subject's experience of slavery and Jim Crow prison slavery.[74] In fact, it is this very archival and historiographic silence in respect to the black queer (neo)slave experience that forces upon us the responsibility of engaging the ghostly traces of that experience with a kind of politically interested unhistorical imagination. Moreover, even if Bruce did not identify as a transgender person, one of the other two other cross-dressed troupe performers captured in the photograph may well have; and, at the least, even if none of the bodies shown in drag behind that of McElroy were actually trans or queer, then the black male's deployment of performative gender-transgression on the porch of a neoplantation house offers symbolically illuminating expression of the importance of attending to the stigmatized, criminalized, and historically disqualified predicament of the queer/trans black captive—unhistorical experiences that most certainly *did (and do) happen* even if they remain unclaimed, unaccounted for, and historically unavailable. In Bruce's case, her possible sexual and/or gender alterity would have certainly marked her as a prime target for the sort of ritualized physical trauma and sexual predation that is associated with the imprisonment of queer/trans bodies. In fact, the black neoslave's vulnerability to such violent encounters with guards and other slaves of the state in places like the Camp A stockade further elucidates the horrifying terms under which Bruce would have chosen to avoid contact with Angola's general population as much as possible by submitting herself to the peculiar terrors associated with acting as the Spillman's yard-boy, houseboy, and musical "boy."

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If, as I have suggested, Bruce is indeed the apparently trans black person to McElroy's far right in the minstrel photograph, then the fact that s/he is shown wearing a floral print skirt and blouse on the Spillman house porch represents a haunting visual signal of why this historically invisible subject enters into the archive at all beyond the small number of legal documents pertaining to her arrests in 1935 in Baton Rouge for burglary, and for her alleged theft of $200 in New Orleans. It was just this sort of flowered print that JoAn's mother, Rubye Spillman, was known to have been fond of wearing in and around the family home and while attending formal social gatherings outside Angola.[75] Bruce would have known of this penchant for floral prints on the part of the "Queen" of Camp A. In fact, over the course of thirteen years of domestic neoslavery, the trusty would have developed an acute awareness of most of Rubye's personal preferences, particularly those relating to plantation household management. Bruce's knowledge in this vein would have ranged from the more general, such as the manner in which Mrs. Spillman's trusties were expected to conduct the laundering, babysitting, housekeeping, and meal preparation, to the more minute, such as which doors they were allowed to walk through (and at what time of day); exactly which songs she asked her house prisoners to perform for houseguests on muggy summer evenings before they had to hurriedly trace the wafting scent of shit back to the Camp A stockade in time for the 8 p.m. head count; and the precise amount of water she liked her "niggers" to pour onto the sweet-smelling gladiolas and chrysanthemums she regularly carried to market in Baton Rouge in order to make extra spending money.[76]

In a manner akin to his fellow neoslaves who toiled daily under armed guard in Angola's cane and cotton fields, Bruce's keen awareness of Rubye Spillman's specific requirements for her workday was honed through a liberal application of what the above-quoted Angola administrator euphemistically describes as the "physical factor" of neoslave management. Along with being shot, beaten, and tortured by the prison's official staff and administrators during her time at LSP, Bruce was subjected to quotidian physical and psychic terror by the "Queen," or de facto "mistress," of the Spillman house. In a moment that undercuts her overall portrayal of life at Angola as an edenic pastoral scene in which her family and its "whistling and singing" domestic neoslaves coexisted in picturesque white supremacist harmony, JoAn discusses how she ultimately learned details of Bruce's horrifying treatment under her mother from other white subjects at *The*

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Farm: "From what I gather from other people and family members, she was mean to him. . . . I don't have any first-hand knowledge of it, because all I know was how she treated me. . . . But she used to hit him with a broomstick when he didn't do something that she wanted."[77]

Notwithstanding its hypermediated form, such statements regarding the predicament of domestic neoslavery at Angola signal how, as in the case of its chattel slavery counterpart, the white supremacist order of the neoplantation household was predicated on a repressive pedagogy that linked grueling physical labor, psychological terror, and serialized corporeal rupture. Bruce's experience in this regard recalls that of Mary Prince, who, in her autobiographical rendering of her ordeals as a domestic slave in Barbados in the early 1800s, speaks in graphic detail about the dubious epistemology of chattel domesticity. In one such instance, the nineteenth-century slave gives voice to Bruce's submerged, sanitized, and ventriloquized experience of twentieth-century neoslavery through recollection of her first full day of *hands-on instruction* under one of her own white mistresses:

> The next morning [she] set about instructing me in my tasks. She taught me to do all sorts of household work; to wash and bake, pick cotton and wool, and wash floors, and cook. And she taught me (how can I ever forget it!) more things than these; she caused me to know the exact difference between the smart of the rope, the cart-whip, and the cow-skin, when applied to my naked body by her own cruel hand. And there was scarcely any punishment more dreadful than the blows I received on my face and head from her hard heavy fist. She was a fearful woman, and a savage mistress to her slaves.[78]

Such testimony disturbs any attempt at delineating a clear line of separation between the private/unproductive sphere of captive "privilege" and the public/productive domain of captive terror on the plantation; and, insofar as they give language to experiences that Bruce was never able to utter in public, Prince's words offer an instructive counter-narrative to the discourses of savagery, incorrigibility, and sexual monstrosity that would surround the circumstances of Bruce's final escape from Angola on the first day of cane cutting, October 19, 1948.

When s/he awakened at sunrise on that clear autumn day to the putrid smell of shit, sweat, semen, and blood, the Spillman houseboy felt for the

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brush that rested within a little braided straw basket s/he had tied beside her vermin-filled mattress. After leaping down from her slot in one of the innumerable triple-bunks old-time neoslaves had been forced to wedge inside the Camp A stockade, Bruce hurriedly ran her hands over her short-cropped hair as s/he did every other day before s/he was expected at that lady's house. And, as always, s/he could feel the brush bristles slide easily over the steel plate situated just above her right temple—a piece of metal that had been implanted (just in time) two days after they had first tried to murder her some years back.[79] Bruce replaced the brush, exited the stockade (because s/he never attempted to use *that* "toilet" unless s/he could not help it), and began retracing the well-worn groove s/he and countless other houseboys had trudged into the long dirt trail leading directly from the Jungle Camp to Captain Johnnie's house. Adjusting her neatly tied head scarf, s/he dragged her right leg behind the rest of her body as fast as s/he could, passing a line of "Big Stripe" sugarcane men whose whistles accompanied her entrance onto the path leading to her designated starting position on that lady's back porch. S/he was made even more breathless than usual by the effort because it was imperative that s/he arrived at her post a little early on that particular Tuesday morning.

According to Baton Rouge newspapers, the houseboy did not need to employ the Spillmans' ice pick after she had fallen. In paraphrasing the deputy coroner's autopsy, the reports indicated that she had already died from a broken neck sustained from a severe blow to the chin before her "trusty" Negro raised the weapon. The half-dozen stab wounds were believed to have been inflicted postmortem because of the "comparative lack of blood" found at the scene at which Rubye Spillman's body was found slumped over, in her nightgown, hidden behind an armoire in her daughter's bedroom, at 2:30 a.m., Wednesday, October 20, 1948.[80] Over the next eleven days, the newspapers would offer daily coverage of the killing along with updates on the three-hundred-person manhunt that ensued once the guard captain's wife was found dead in JoAn's room. We are informed that Camp A guards became alarmed several hours before the discovery of Rubye's corpse by the fact that the family's "prison houseboy" did not show up at the stockade for head-count and lockdown the night of the killing—that they searched for Bruce throughout the penitentiary grounds until they arrived at the Spillman residence and located Rubye's body. We are also made aware that much of what occurred on the day of the incident seemed to fit into the banal routine of domestic slavery and mastery that had taken

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place for decades at the Camp A plantation house—that Bruce busied himself preparing morning breakfast for the family, answering phone calls, offering JoAn assistance as she prepared for an overnight stay at the home of a young cousin who resided at Camp H, and preparing late afternoon dinner for John Spillman after he had returned from overseeing the first day of the sugarcane harvest.[81] For her part, the guard captain's wife spent her time early that day giving her trusty neoslave *detailed instruction* as to the tasks she wanted completed ahead of her departure for one of the most important social engagements of that calendar year in Louisiana. The local coverage chronicles how she and other Angola wives were scheduled to attend an "afternoon tea" in honor of Mrs. Earl K. Long, the wife of the state's governor—a society-page function held at "Afton Villa," a forty-room French-Gothic mansion on the outskirts of St. Francesville that was originally built by the hands of slaves in 1849.[82]

The local reports then relate how, after killing the neoplantation mistress (and somehow managing to conceal her dead body from her husband for a number of hours), Bruce shed her "bloody prison uniform," disguised herself in the high-heeled shoes, white gloves, and new *dark-colored dress with big flowers* Rubye had planned to wear to Afton Villa, and escaped through the Angola cane fields toward the Mississippi River under cover of darkness. In reading the accounts of the "female impersonating" trusty, one is immediately reminded of a parallel use of fugitive cross-dressing in William Craft's *Running a Thousand Miles to Freedom* (1860), in which a slave woman, Craft's wife, Ellen, uses the fact of her light complexion to disguise herself as a white "invalid gentleman" traveling with a slave attendant (William), and successfully shuttles herself and her husband away from Georgia to the "free" city of Boston, Massachusetts.[83] Indeed, as in the case of the Crafts' theft of their own bodies in the late 1850s, rebellious agency on the part of the Spillmans' domestic and musical neoslave could only be cast as culpability within the racist cultural and legal imagination of the late 1940s.

However, the similarities between the acts of radical black fugitivity on the part of Ellen Craft and James Bruce evacuate almost as quickly as they arise. The first thing that must be said here is that, unlike her "passing" counterpart from the nineteenth century, no amount of cross-dressing could have disguised the phenotypical blackness that marked Bruce and every other black body in Louisiana and surrounding states as both naturally suspect and (extra)legally disposable—namely, when this legalized

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branding and hunting process was invoked in response to the unimaginable occurrence of a white "lady" being killed by her "Negro houseboy." Second, given the dual nature of Bruce's transgression of her status as slave of the state—that is, her theft of her own body and its accompanying act of violence against the body of the guard captain's wife—the escaped black neoslave would have been devoid of any social equivalent to the white abolitionist community of the late nineteenth century that helped the Crafts reach the relatively safe physical geography of the northern United States. In other words, given the broad-based social consensus in postbellum America regarding both the ostensible denouement of slavery and the "natural" criminality of the freed black subject—as well as Bruce's radical violation of the national taboo against violent self-defense and self-reclamation on the part of the imprisoned—there would have been no modern equivalent to the Underground Railroad for the neoslave fugitive to seek out as s/he made her way through the woods surrounding Angola plantation.[84] Nor would there have been a relatively secure physical space anywhere in the United States to which her socially and legally stigmatized body could be spirited away in the event that such a network did indeed exist. The final and most important distinction to be made between Bruce's fugitive action and that of Ellen Craft has to do with our knowledge that the act of male impersonation on the part of the nineteenth-century black woman represented a temporary moment of gender-bending in the service of an attempt at laying claim to something of the heteronormative prerogative of legal marriage between a "man and a woman"—a racialized patriarchal status that was precluded by fiat for chattelized bodies, and that subsequently represented a comforting image of normative conjugal aspiration befitting the expectations of the white liberal Christian audience to which the slave narrative was directed.

While we are given nothing in the way of personal testimony or reliable documentation in respect to James Bruce's gender or sexual identity, the hypermediated and demonizing perspectives offered by white Angola residents and in newspaper accounts following Rubye Spillman's death underline the degree to which the escaped "houseboy" was publicly interpellated as the very antithesis of white heteronormative masculinity. While the first report describes Bruce's utilization of Spillman's flower-print dress as a "clumsy but apparently successful disguise attempt," subsequent coverage would use the fact of her regular performances in drag as proof-positive that the escaped neoslave's tactical outward disguise was actually

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expressive of a perverse inner ontological reality. In the language of one such piece, Bruce came to be defined as a "feminine type"—one who had not simply worn women's clothing in an isolated instance of desperate rebellion, but who actually "*delighted in playing female parts* in amateur theatricals at the prison."[85] The projection of ontological aberrance onto the neoslave's apparent queerness is also registered in the childhood recollections of JoAn Spillman, who, while defining Bruce as a happy-go-lucky houseboy, also recalled that s/he was both "a little strange" and "a little prissy."[86] Even if s/he did actually identify as a straight man at the time of her desperate attempt at escaping the prison plantation, the interpellating voices of white Angola residents and local media classified Bruce as among the collectivity of criminalized subjects banished to LSP and other U.S. prisons whose criminalization and predicament of civil death had been accentuated with and exacerbated by the stigmatic tags of sexual *perversion* and *degeneracy.* Offered in lieu of any discussion of her actual motives for killing the guard captain's wife (or any official evidentiary proceeding or trial), Bruce's imputed gender and sexual aberrance served to ascribe a second level of alterity and abnormality onto a body that had already been preappointed as expendable due to the biometaphysical affliction of blackness.[87] When deployed in combination with her racial difference, Bruce's imputed gender/sexual deviance represented a priori social adjudication of the unquestionable guilt of the erstwhile "Trusty" Negro, and her utter disposability as the target of the three-hundred-man "posse" that hunted her with bloodhounds, guns, shackles, and (legal lynch) ropes through Louisiana's woods and urban centers after the discovery of Spillman's dead body.[88]

Indeed, her unseemly "prissiness" was repeatedly asserted in the last appearance Bruce would make in the local press, on October 31, 1948—a day after her dead body was allegedly discovered floating facedown in the Mississippi River with buzzards circling overhead. "Those seeing the body immediately suspected it was Bruce's because of the female clothing. Bruce was wearing women's' undergarments, silk hosiery, a blue dress, a green sweater and a woman's wig. The wig, it was said, belonged to the prison. Bruce had used it when playing the part of a woman in prison theatricals." In an attempt to dispel the notion that immediately circulated among the prisoner population at Angola that the "feminine type" fugitive had been lynched by John Spillman or another of the three hundred prison slave catchers that stalked her along the river's path, officials asserted that Bruce's death was the result of an "accidental drowning." To legitimize this

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narrative, Angola officials and state police ordered that the medical inquest be performed at an unquestionably "Negro" site. "The jury, impaneled in a negro *[sic]* funeral home, brought in a verdict of death by accidental drowning. Dr. Roberts declared that Bruce definitely drowned. 'I examined him from tip to tip,' he said, 'and there was not a single mark of violence or a perforation on the body.'" Claims to the unviolated and "un-perforated" state of the neoslave's corpse are immediately subverted in the very next section of the article in which a local sheriff nonchalantly explains why he was able to offer positive identification of the partially decomposed and supposedly drowned prisoner: "Martin stated that he could identify the body by a bullet wound he himself had inflicted in 1936 when Bruce had tried to escape [from Angola] but was found two days later."[89] The contradictory nature of official claims to a lack of violent encounter with Bruce's chronically ruptured body had already been made clear in earlier coverage of her escape when officials were quoted as having found the fugitive's tracks based on a disability s/he had incurred on the neoplantation; they intimated how the main reason Angola's trusty "Negro dog-boy" and his pack of Cuban and English bloodhounds were able to overcome Bruce's use of a scent-covering mixture of turpentine and garlic was the definitive nature of the tracks left by a "convict [who] dragged one foot as he walked."[90] Unmentioned in any of the reports, however, was the other permanent disfigurement Bruce likely suffered as a house slave—the skull fracture that led to the insertion of a metal plate into her head.

Notwithstanding the factual murkiness that surrounds her ultimate loss of biological life, the declared and undeclared state-inflicted injuries to her entombed and preyed-upon body underscore how the predicament of racialized, gendered, and sexualized neoslavery was the substantive cause of James Bruce's (and Rubye Spillman's) premature death. Indeed, given the patent absurdity of the state's claims of innocence in respect to a subject whom it had transmuted into a fungible public/private object, one can imagine that John McElroy would have been incredulous as to the official narrative that accompanied the loss of one of the stars of his Camp A minstrel show. The necessary opacity of the unhistorical experience of neo-enslavement forces us to speculate regarding what ran through the mind of the "one-legged man" when he heard the news of the horrifying conclusion to Bruce's freedom bid from within the camp stockade, a guard captain's kitchen, or while offering musical entertainment to one of the neoplantation's young white children. Did the prison grapevine offer

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him a clear vision of the specific ordeals that his leading performer faced in her last hours as s/he was stalked by members of nearly every sector of Louisiana's law-and-order apparatus? More specifically, did McElroy or one of his fellow black prison slaves work as a domestic in the home of the Angola guard who was known to openly display a set of photographs of Bruce's corpse for the pleasure of white houseguests—images depicting her hunted and tortured body as it rested prone on a Mississippi River sandbar after s/he had purportedly "drowned"?[91] What significant details appear in these images that were never allowed to reach the daily news? Did they show some of Louisiana's neoslave patrollers posing behind Bruce's remains after their fugitive hunt had reached successful climax? If so, what looks appeared on their faces? And were these photos taken with the very surveillance camera that had once captured McElroy, Bruce(?), and their fellow imprisoned minstrels performing on the steps of Captain Johnnie Spillman's plantation house? Were any of Bruce's fellow prisoners forced to act as grave diggers for her corpse when no family member or loved one would or could show up at the front gates of "murder's home" to claim her body? And, finally, what sort of blues-laden notes could be heard emanating through the Tunica hills as the Camp A minstrel troupe appeared at the Angola sugarcane harvest "celebration" of 1948? Was one of those onstage or in attendance actually a lover still in mourning?

The fact is that we will likely never be allowed to attain definitive answers to most of our questions concerning Bruce's death. However, the pain of what we do know in respect to the quotidian horrors that s/he, John McElroy, Odea Mathews, the Angola 3, and an incalculable number of others have faced while enduring "life" at LSP allows us to recognize how thirteen years of domestic and musical slavery was enough to drive the star of the Camp A minstrel troupe to a last-ditch act of radical black suicide. In fact, as stated above in reference to the one-legged leader of the troupe, Bruce's desperate attempt at securing freedom registers the fact that the mask of black contentment and happy-go-lucky "trusty-ness" often contained a militant desire for self-possession—a cloaked neoslave insurrectionist impulse that, in Bruce's case, found expression in a form of individualized radical violence that recalls the collectivized revolutionary black abolitionism of Nat Turner. But even as her desperate act of self-reclamation may be read as "heroic" on a certain level, Bruce's embodied awareness that her escape attempt would most certainly end in more bullet scars and bite marks, if not the complete cessation of her life, suggests how

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this heretofore untold story of prison slavery can in no way be mistaken for the sort of triumphalist, exceptional, and morally admissible model of resistance and freedom acquisition offered in many nineteenth-century slave narratives. In fact, Bruce's hypercriminalization as an apparently transgender black person who was said to have committed a grisly act of violence against a white woman's body would have precluded attainment of "hero" status even were s/he to have eluded her human and canine pursuers along the Mississippi River and achieved "successful" fugitivity within the socially incarcerating landscape of post–World War II America. Nor has a story such as Bruce's yet been allowed entry into the current register of black prison narratives or prison-centered "neo-slave narratives"—generic spaces that have generally been reserved for publicly acknowledged "radical" political prisoners of the post–civil rights era.[92] In fact, the historical present of U.S. racial genocide continues to disallow academic, social, or legal recognition of neoslavery as an actual lived experience, let alone any kind of celebratory consideration of the resistive capacities of a long-buried and unknown prison "houseboy" from uptown New Orleans who had been poly-stigmatized as a "feminine type," "Negro," "killer," "convict."

However, it is the very unheroic, "immoral," and inassimilable aspect of Bruce's experience of civil, living, and premature death that demands that we finally bring our attentive focus to her experience of neoslavery and to that of people such as Mathews, McElroy, the Angola 3, and the anonymous twenty-first-century black "museum trusty" who handed me a box containing a long-forgotten photograph while I sat bearing witness at the site of neoplantation tourism and terrorism. Indeed, it is the very failure of the freedom bids of McElroy and Bruce that qualify their experiences as dubiously representative of past ordeals of neoplantation incarceration and the unspeakable present-day realities faced by the more than 2.3 million bodies currently held captive in the generalized slavery of U.S. domestic and global imprisonment. The very fact that the living plantation continues to feed on millions of human bodies—whether in a bend of Louisiana's section of the Mississippi, the "hell-factory" fields of California's Central Valley, or a "Salt Pit" just outside Kabul, Afghanistan[93]—demands that we do much more than "attend" to the civilly dead predicament of the millions and more of today's prison–industrial genocide. In the spirit of prisoner number 37708 and his most talented troupe member, we must write, sing, wail, organize (and more) for complete abolition even when unhistorical failure seems to be the only foreseeable reward.

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71. Smallwood, *Saltwater Slavery,* 207.
72. *Westbrook v. The State,* 133 GA 578 (1909).
73. Ibid., 578, 579.
74. Ibid., 582.
75. Ibid., 585.

2. "Except as Punishment for a Crime"

1. The transcription of the advertisement for the courthouse auctioning of John Johnson, Gassaway Price, Harriet Purdy, and Dilly Harris is taken from *The Annapolis Gazette*, December 20, 1866, 2. The notice for the sale of Richard Harris is from an unpublished transcript of a hearing of the House Judiciary Committee, "Sale of Negroes in Maryland," January 11, 1867, 6. See also a speech delivered by Charles Sumner, "Sale of Persons Into Slavery," Senate Debates, January 3, 1867, Congressional Globe, 39th Cong., 2nd sess., 238. I am indebted to Ervin Goodson for my initial introduction to the existence of such "post" slavery prison slave advertisements (unpublished manuscript). I am equally indebted to Robyn Spencer for sharing this manuscript with me during our residency at the Schomburg Center for Research in Black Culture, Harlem, New York, in 2011. Colin Dayan also discusses the auctionings of Purdy and Harris in the context of the congressional debates on the exception clause in *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton: Princeton University Press, 2011), 62–63.

Unreported in congressional discussions of the Maryland auctions was the level to which state officials such as sheriffs, county clerk, lawyers, and judges stood to collect a commission from the sale or lease of every black body convicted of petty offenses. As I will discuss in reference to criminal-surety and convict leasing, the large-scale leasing, subleasing, and possession of "free" black bodies through criminal sanction under racial apartheid underlines the degree to which neoslavery is a system of both private and public profit making. Importantly, the postbellum public profiteering on the incarceration and sale of black bodies actually has its roots in antebellum slavery. As Thomas Russell points out, a large percentage of slave auctions in the antebellum South were conducted by the state at courthouses, with public officials collecting major profits from the fees and commissions associated with the auctioning of slaves and free black people convicted of crimes. He observes that "the central role of the courts in the conduct of slave sales" belies the commonly held view of "slavery as taking place within a realm of purely private ordering." "Slave Auctions on the Courthouse Steps: Court Sales of Slaves in Antebellum South Carolina," in *Slavery and the Law,* ed. Paul Finkleman (Lanham, Md.: Rowman and Littlefield, 2002), 330. The practice of auctioning prisoners to private parties in the United States can be traced as far back as the

Colonial period, when the process was applied to both black and white subjects. Rebecca McLennan, *The Crisis of Imprisonment* (New York: Cambridge University, 2008), 30–31. According to McLennan, the original legal ritual of selling prisoners "for a slave" remained on the statute books in states such as Massachusetts and Maryland until as late as 1786. However, as the postbellum advertisements for the sale of criminalized free black people in Maryland nearly a century later make clear, blackness functions as the condition of possibility for the resuscitation *and intensification* of ostensibly obsolete punitive and dominative methodologies.

2. Anne Arundel County, Maryland, Circuit Court Docket, October Term, 1866, "Presentments" and "Criminal Appearances," 280, 282, 318, Maryland State Archives; "Sale of Negroes in Maryland," 9. For further discussion of the auctioning of Purdy and Harris, see Dayan, *The Law Is a White Dog*, 62.

3. "This is how one pictures the angel of history," Walter Benjamin writes, his "face is turned to the past. Where we perceive a chain of events, he sees one single catastrophe which keeps piling wreckage upon wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead, and make whole what has been smashed. But a storm is blowing from Paradise; it has got caught in his wings with such violence that the angel can no longer lose them. This . . . storm is what we call progress." "Theses on the Philosophy of History," in *Illuminations* (New York: Schocken Books, 1969), 258–59. Saidiya Hartman offers a reverb of this conception of modernity as an accretion of progressive "wreckage" in *Lose Your Mother*, 86, 181.

4. James, "Democracy and Captivity," xxiv. For an illuminating discussion of the violent narrativity of the law vis-à-vis its crafting of the civilly dead, see Dayan, "Legal Slaves and Civil Bodies."

5. While the number of "free Negroes" was 8,043, or 7.2 percent of the total African population in Maryland in 1790, their number increased to 33,927 by 1810, which equated to 23 percent of the total black population. By the eve of the Civil War, the number of free black people had effectively equaled the number of slaves in the state. James Wright, *The Free Negro in Maryland* (New York: Columbia University Press, 1921), 36–37.

6. Alexis de Tocqueville and Gustave de Beaumont took note of the large number of "free Negroes" held captive in Maryland's penitentiary during their tour of U.S. prisons in 1831. For them the large population of free black people explained the apparent demographic contradiction of a state featuring a high rate of imprisonment in spite of its large population of "settled" whites (as opposed to "unenlightened" recent European immigrants). "The states which have many Negroes must . . . produce more crimes. This reason alone would be sufficient to explain the large number of crimes in Maryland: it is, however, not applicable to all the states of the South; but only to those in which manumission is permitted: because we should deceive ourselves greatly were we to believe that the crimes of the

Negroes are avoided by giving them liberty; experience proves, on the contrary, that in the South the number of criminals increase with that of manumitted persons; thus, for the very reason that slavery seems to draw nearer to its ruin, the number of freed persons will increase for a long time in the South, and with it the number of criminals." They go on to argue that, the "freed person commits more crimes than the slave, for a simple reason; because, becoming emancipated, he has to provide for himself, which during his bondage, he was not obliged to do. Brought up in ignorance and brutality, he was accustomed to work like a machine. . . . The day when liberty is granted to him, he receives an instrument, which he does not know how to use, and with which he wounds, if not kills himself." Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System in the United States and Its Application in France* (Carbondale: Southern Illinois University Press, 1964), 93, 210. The liberal penal reformers espoused a prototypical version of the occidental consensus that read the existence of a free black body as a priori evidence of an incorrigible black body, a position that reflected the occult white supremacist social logic that somehow managed to disassociate the "crimes" of the emancipated "Negro" from the wholesale legal criminality and atrocity of hundreds of years of enslavement and their postbellum reconfiguration in de jure and customary forms of economic dispossession, state repression, and social apartheid. Hartman, *Scenes of Subjection*, 125–63.

7. *Laws of Maryland,* 1858, chapter 324.

8. Leon Litwack, *North of Slavery: The Negro in the Free States, 1790–1860* (Chicago: University of Chicago Press, 1961), 64–112. For an example of the northern version of the public auctioning of criminally branded free black subjects according to racially restrictionist statutes, see *Nelson (a mulatto) v. The People of the State of Illinois,* 33 Ill. 390 (1864). This Illinois State Supreme Court case involved an appeal issued by an apparently multiracial subject named "Nelson" (for whom the racist moniker "mulatto" takes the place of a surname) against a lower court decision that had upheld his arrest and scheduled public courthouse auctioning for his violation of a state law banning the immigration of "negroes and mulattos" into the state. According to the Act of 1853, any such black person who entered Illinois after the law's passage was subject to arrest and an assessment of a fine, the nonpayment of which called for the justice of the peace "to commit the negro or mulatto to the custody of the sheriff . . . and the justice of the peace is required forwith to advertise the negro or mulatto, by posting up notices in at least three of the most public places in his district. . . . [T]he justice shall, at public auction, proceed to sell such negro or mulatto to any person who will pay the fine and costs for the shortest period." The lower court's ruling was upheld and "Nelson" was thereby ordered sold as what the court euphemistically termed an "apprentice." As I will discuss, this statute, the Maryland Negro/Slave Code mentioned above, and others of the same sort in both southern and northern states prefigured the

system of "criminal-surety" in the postbellum South, a statutory configuration that led to the courthouse leasing of an untold number of black misdemeanants, and that was one of the main driving forces of the system of publicly administered social incarceration known as "peonage."

9. *Laws of Maryland,* 1858, chapter 324.

10. *Congressional Globe,* 39th Cong., 2nd sess., 239.

11. According to David Oshinsky, Mississippi's implementation of the "Pig Law" was a central component of a nearly 500 percent increase in state prisoners from 1874 to 1877 (from a total of 272 to 1,072). Oshinsky, *"Worse Than Slavery,"* 40–41.

12. Carl Schurz, *Report on the Condition of the South*, 39th Cong., 1st sess., Senate Ex. Doc. No. 2, December 1865.

13. *Report of the Joint Committee on Reconstruction at the First Session, 39th Congress* (Washington, D.C.: Government Printing Office, 1866), 67.

14. Assata Shakur offers one of the first direct articulations of the reenslaving potentiality of the exception clause produced by a black prisoner in narrative form in her black liberationist autobiography, *Assata,* 64–65. For historical and critical accounts that make specific mention of the exception clause, see Angela Y. Davis, "From the Prison of Slavery to the Slavery of Prison," in *The Angela Y. Davis Reader,* 78; Dayan, "Legal Slaves and Civil Bodies," 70; James, "Democracy and Captivity," xxi–xxiv; Lichtenstein, *Twice the Work of Free Labor,* 17, 187; Rodríguez, *Forced Passages,* 17, 36; McLennan, *The Crisis of Imprisonment,* 85; Douglas Blackmon, *Slavery by Another Name,* 53. For one exception to the general cursory treatment of the punishment clause within legal studies, see Scott Howe's brilliant work, "Slavery as Punishment: Original Public Meaning, Cruel and Unusual Punishment, and the Neglected Clause in the Thirteenth Amendment," 51 *Arizona Law Review* 983 (2009). For one of the more substantive legislative histories of the Thirteenth Amendment and exception clause, see Barbara Esposito and Lee Wood, *Prison Slavery* (Silver Spring, Md.: Joel Lithographic, 1982), 92–100.

15. For an excellent discussion of this history of legal hermeneutic expansion and contraction relative to the amendment's prohibition on involuntary servitude, see Risa Goluboff, "The Thirteenth Amendment and the Lost Origins of Civil Rights," 50 *Duke Law Journal* 1609 (2001): 1637–40. See also Benno Schmidt, "Principle and Prejudice: The Supreme Court and Race in the Progressive Era," 82 *Columbia Law Review* 646 (1982), and Daniel, *The Shadow of Slavery.* While Goluboff offers an important account of this history from the late nineteenth century to the New Deal, she makes no mention of the way in which the exception clause normalized involuntary servitude, or prison slavery, even in those decisions that are ostensibly expansive and progressive relative to the Thirteenth Amendment's prohibitive dimensions. The enshrinement of public (or "normal") involuntary servitude in the peonage cases exemplifies the intersections of liberal legality

and white supremacist juridical, legislative, and penal practice. Some legal studies that do mention the punitive exception ultimately end up making the problematic attempt to recuperate the Thirteenth Amendment as a redressive tool for a rights-based approach to the situation of prisoners. See Kamal Ghali, "No Slavery Except as Punishment for a Crime: The Punishment Clause and Sexual Slavery," 55 *UCLA Law Review* 607 (2008), and Raja Raghunath, "A Promise the Nation Cannot Keep: What Prevents the Application of the Thirteenth Amendment in Prison?" *William and Mary Bill of Rights Journal* 18 (2009): 395. For legal studies that read against the grain of this rights-based approach, and that engage with the violence produced by the state's wielding of the exception clause, see Howe, "Slavery as Punishment"; and Dayan, "Legal Slaves and Civil Bodies," 70. See also Kim Shayo Buchanan, "Impunity: Sexual Abuse in Women's Prisons," *Harvard Civil Rights–Civil Liberties Law Review* 42 (2007): 59.

For examples of treatments of the Thirteenth Amendment that posit a relatively uncritical acceptance of the legislation's emancipatory legacy, see Alexander Tsesis, *The Thirteenth Amendment and American Freedom* (New York: New York University Press, 2004); Michael Voreberg, *Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth Amendment* (New York: Cambridge University Press, 2001); and George H. Hoemann, *What God Hath Wrought: The Embodiment of Freedom in the Thirteenth Amendment* (New York: Garland, 1987).

16. In the majority opinion for the *Civil Rights Cases,* Bradley asserted that the practice of segregation in public conveyances, places of amusement, and accommodation did not represent a "badge" or "incident" of slavery, thereby finding the two sections of the Civil Rights Act of 1875 that offered redress for such forms of segregation to be unconstitutional. For the court, the argument that social apartheid issued directly from relations of mastery and servitude amounted to "running the slavery argument into the ground." 109 U.S. 3 (1883), 844. This circumscription of the meaning of chattel slavery and the prohibitive power of the Thirteenth Amendment was coupled with an equally damaging restriction of the Fourteenth Amendment. As Hartman argues, the court concerned itself with erecting a cordon between the public and the private (or social), claiming that the Fourteenth Amendment only offered black people avenues of redress against "public" or state-administered violence. She points out the fraudulence of the law's claims to a hands-off relationship with the private sphere, given that the state was fundamentally involved in policing and reproducing social apartheid even on the minutest scale, a fact exemplified most clearly by the public policing of the transits of "Negro" blood via antimiscegenation law. Hartman, *Scenes of Subjection,* 164–206. As I will discuss, however, the juridical and legislative deployment of the exception clause underlines the degree to which the law's protective cloaking of private formations of racial dominance was coupled with its enforcement of the divine right of the state to submit the black body to public formations of terror

and neo-enslavement—a sovereign prerogative reinforced under the cover of prohibitions against specific instances of "private" involuntary servitude.

17. Based on Thomas Jefferson's "Land Ordinance of 1784," the Northwest Ordinance represented the legal establishment of the Northwest Territory. A central aspect of the compact between the states and those white subjects residing north and west of the Ohio River was an ostensible ban against slavery in the region contained in Article Six: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid." http://www.early-america.com. Like the Thirteenth Amendment itself, Jefferson's Ordinance supplied a legal mechanism for reenslavement by way of criminal sanction along with the additional chattelizing method of a fugitive slave provision. The backdoor allowance of slavery within the document was not merely a matter of rhetorical violence. For instance, through the "Black Laws" in Illinois, the enslavement of Africans would continue under the euphemistic title of "Negro Indenture" until as late as 1865. The de jure chattel status of nominally liberated blackness was affirmed in *Nance, a colored girl v. John Howard,* in which the Illinois Supreme Court found that "negro and mulatto" servants "are goods and chattels, and can be sold on execution." 1 Ill. 242 (1828): 246. See Elmer Gertz, "The Black Laws of Illinois," *Journal of the Illinois State Historical Society* 56 (Autumn 1963): 454–73.

18. *Congressional Globe,* 38th Cong., 1st sess., 1488.

19. Hartman, *Lose Your Mother,* 145–46.

20. *Congressional Globe,* 39th Cong., 2nd sess., 238.

21. Ibid., 344. The apparent confidence that Sumner and Kasson exhibited regarding the intentions of their fellow members of the Senate and House who were involved in the crafting of the Thirteenth Amendment was grossly misplaced. Comments of Senator Reverdy Johnson (Md.), former U.S. attorney general (and council for John Sanford in *Dred Scott v. Sanford* [1857]), in response to Sumner's above-mentioned speech reveal that there were likely more than a "few" members of the legislative branch who held a dramatically different understanding of the purpose and intention of the Thirteenth Amendment, and whether it placed any sort of proscription on the sale and enslavement of prisoners: "I doubt whether the evil, if it be an evil, can be corrected. Maryland has abolished slavery . . . but the question of whether the abolition of slavery deprives a State of the power of punishing, by a sale of his services, a criminal is quite another inquiry. The constitutional amendment of the United States seems to suppose that there may be slavery or involuntary servitude for crime." *Congressional Globe,* 39th Cong., 2nd sess., 238.

22. Esposito and Wood, *Prison Slavery,* 80.

23. *Congressional Globe,* 39th Cong., 2nd sess., 344–45.

24. Thorsten Sellin, *Slavery and the Penal System* (New York: Elsevier Scientific Publishing Company, 1976); A. Davis, "From the Prison of Slavery to the Slavery of Prison"; Dayan, "Legal Slaves and Civil Bodies"; Esposito and Wood, *Prison Slavery*; David Brion Davis, *The Problem of Slavery in the Age of Revolution* (New York: Oxford University Press, 1999), 453–68; Orlando Patterson, *Slavery and Social Death* (Cambridge: Harvard University Press, 1982), 44–45, 128–29; Howe, "Slavery as Punishment"; Rodríguez, *Forced Passages*; Lichtenstein, *Twice the Work of Free Labor,* 1–36, 8–80, 110–68; Adam Hirsch, *The Rise and Fall of the Penitentiary* (New Haven: Yale University Press, 1992), 71–111. Although Hirsch supplies a great deal of informative details in respect to the teleological connections of the two systems, he quizzically concludes that the noble intentions of penal reformers in respect to "criminals" marked the prison system as substantively distinct from the plantation system (110). The restriction of the social relations of mastery and servitude to a matter of individual intent negates the structural functionalities of both chattel and penal slavery and the material nature of white supremacist state practice.

25. Howe, "Slavery as Punishment," 993.

26. Cesare Beccaria, *On Crimes and Punishments* (Cambridge: Cambridge University Press, 2000), 69.

27. Ibid., 67.

28. W. W. Buckland, *The Roman Law of Slavery* (Cambridge: Cambridge University Press, 1970), 277–78. See also Sellin, *Slavery and the Penal System,* 27–29.

29. David Brion Davis, *The Problem of Slavery in the Age of Revolution,* 453–68; Hartman, *Scenes of Subjection,* 138.

30. David Brion Davis, *The Problem of Slavery in the Age of Revolution,* 456.

31. Jeremy Bentham, *The Rationale of Punishment* (London: Robert Heward, 1830), 165.

32. That the civil stigmatization of imprisonment became imagined as a degrading parody of the racial stigmatization of enslavement within the English public imagination is no surprise given the degree to which this association was rehearsed within the violent metaphorics of the law. Colin Dayan unearths the legal dimensions of the dynamic interface of civil and social death by calling upon Blackstone's description of the metaphysical degradation that attended felony conviction in his *Commentaries on the Laws of England*: "For when it is now clear beyond dispute, that the criminal is no longer fit to live upon the earth, but is to be exterminated as a monster and a bane to society, the law sets a mark of infamy upon him, puts him out of its protection, and takes no further care of him barely to see him executed. He is then called attaint, *attinctus,* stained or blackened" (emphasis in original). She argues that "civil death, the blood 'tainted' by crime, set the stage

for blood 'tainted' by natural inferiority. This discrimination would produce the nonexistence of the person not only in the West Indies but in the United States." Colin Dayan, "Legal Slaves and Civil Bodies," 59.

33. Beaumont and Tocqueville, *On the Penitentiary System in the United States,* 162–63.

34. Bentham, *The Rationale of Punishment,* 82.

35. As Angela Davis observes, "In the philosophical tradition of the penitentiary, labor was a reforming activity. It was supposed to assist the imprisoned individual in his (and on occasion her) putative quest for religious penitence and moral reeducation. Labor was a means to a moral end. In the case of slavery, labor was the only thing that mattered: the individual slaves were constructed essentially as labor units. Thus punishment was designed to maximize labor. And in a larger sense, labor was punishment attached not to crime, but to race." In "Racialized Punishment and Prison Abolition," *The Angela Y. Davis Reader,* 99. Again, this labor-unit philosophy of chattel carcerality was premised on the interested white supremacist fables of black incorrigibility, unproductivity, atavism, and acclimated servility.

36. For histories of the overall profit-centered system of contracted prison labor in the northern and western United States, see Scott Christianson, *With Liberty for Some* (Boston: Northeastern University Press, 1998); Mark Colvin, *Penitentiaries, Reformatories, and Chain Gangs* (New York: St. Martin's Press, 1997), 1–128; Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (Cambridge: Cambridge University Press, 2008). Unfortunately, in her admirable determination to dispel the treatment of profit-centered imprisonment as an exceptionally southern phenomenon, McLennan commits an equally troubling error by eliding the specificity of punishment in the United States against racialized bodies. This occlusion of the centrality of race in U.S. carceral formations allows her to argue that "American penitentiaries . . . constituted a separate and distinct species of involuntary servitude, and not one usefully confounded with chattel slavery" (9). Her conclusion rests on a complete disregard of the specific operation of white supremacy in both southern and northern formations of imprisonment, and a myopic construal of enslavement as strictly a mode of unfree labor rather than a system of racial capitalist domination that continued to be fundamental to black life and death after 1865. See Wynter, "On Disenchanting Discourse"; Robinson, *Black Marxism*; Fanon, *The Wretched of the Earth*; Jackson, *Soledad Brother,* 233. A focus on the chattelized operation of imprisonment across the fictive historical borders proffered by the racial prison state is not dependent on a "confounding" of slavery and imprisonment, but a recognition that the two systems cannot be "usefully" separated in a material or historical sense when viewed from the perspective of bodies marked as both "Negro" and "criminal" under U.S. racial apartheid.

37. Hartman, *Scenes of Subjection,* 164–206. For further discussion of the unviability of categorical distinctions between the public and private, or the state and civil society, see Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International Publishers, 1999), 206–75, and Althusser, "Ideology and Ideological State Apparatuses," 97.

38. The Committee on the Judiciary recommended the "indefinite postponement of the bill (H. R. No. 956) to enforce the thirteenth amendment of the Constitution of the United States." The committee added: "We think the whole subject is covered by the civil rights bill." *Congressional Globe,* 39th Cong., 2nd sess., 1866. Congress would not issue clear-cut statutory enforcement of the Thirteenth Amendment until the early 1950s. See Goluboff, "The Thirteenth Amendment and the Lost Origins of Civil Rights," and Blackmon, *Slavery by Another Name,* 381. While the Department of Justice prosecuted cases that conformed to the narrow definition of peonage offered in *Clyatt* from the early 1900s to World War II—that is, those in which the "basal fact [of] debt was involved—it discarded hundreds of cases presented by black subjects who "only" complained of being enslaved, raped, beaten, and kidnapped without any mention of debt. This federal allowance of neoslavery is given haunting resonance in a letter addressed to Franklin D. Roosevelt by a black woman named Ellen McAllister in 1938, who sought the release of her brother from a Georgia sugarcane camp: "Mr. Roosevelt, Dear Sir.—I have a brother in Aualdia Georgia, he has been there for twelve years and they are working him as a Slave he wants to come home and wants me to help him they don't give him anything but what he eat and what he wear he hasn't done anything. but they are holding him there. . . . The way they gets men in to this place they tells them that they will pay them so much a day or month when they get them in there they don't give them any thing but what they get to eat or wear and don't let them write to their people unless they slip and write." She continues by saying that when her brother tried to escape, the armed plantation guards "liked to beat him to death." Roosevelt's assistant attorney general, Brian McMahon, responded to McAllister's plea for redress by stating: "The statements in your letter have been considered, but it is not clear that your complaint is one falling within the jurisdiction of the Federal Government. The Federal statute deals with holding a person in servitude on account of indebtedness. If you have any additional facts indicating that your brother has been held in involuntary servitude on account of indebtedness, it is suggested that you present the same to the U.S. attorney at Memphis, Tennessee, for his consideration." Letter from Ellen McAllister to Franklin D. Roosevelt (March 7, 1938), and official response (March 26, 1938), in *The Peonage Files of the U.S. Department of Justice, 1901–1945* (microform), ed. Pete Daniel, Reel 9, File 50-0. The federal implementation of definitive statutory protection against "simple" slavery during World War II was largely a propaganda move to counter the unveiling of racial apartheid in democratic

America by the U.S. Left and Japan, the latter of whom hoped to inspire defections of black soldiers looking to escape totalitarianism at "home." See Goluboff, "The Thirteenth Amendment and the Lost Origins of Civil Rights," 1619–28.

39. The Civil Rights Act of 1866, http://www.pbs.org.

40. According to Edward Ayers, Reconstruction-era southern governments turned to convict leasing "as a temporary expedient" based on the infrastructural devastation and economic scarcity left in the wake of the Civil War. From this standpoint, he argues, the "South . . . more or less stumbled into the lease, seeking a way to avoid large expenditures while hoping a truly satisfactory plan would emerge." Ayers, *Vengeance and Justice,* 189. One is left to wonder why virtually no white people were sacrificed by the genocidal operation of this supposedly accidental and "temporary" expedient, which lasted until 1933, and which, in its first few decades, killed anywhere from 10 percent to 60 percent of its black prisoners per annum.

41. Donald Nieman, *To Set the Law in Motion* (New York: KTO Press, 1979), 110. As Nieman also points out, black people were often prevented from removing themselves from debt peonage, physical coercion, and the psychic terror that the Freedmen's Bureau found on the early postbellum plantations, the very federal agency that was created to protect the emancipated from racial violence. Bureau agents regularly enforced an update of the antebellum pass system and forced black people to sign year-long unfree labor contracts (often with their former slave masters), threatening to send those who would refuse with arrest, the chain gang, or lease to private landowners (62). An open letter from the Chairman of the Orangeburg, South Carolina, Commission on Contracts with Freedmen, from just after the war underlines the degree to which the bureau's promotion of "freedom of contract" often equated to peonage or coerced neo-enslavement: "Do not think, because you are free you can choose your own kind of work. . . . Do not think of leaving the plantation where you belong. If you try to go to Charleston, or any other city, you will find no work to do, and nothing to eat. You will starve, or fall sick and die. Stay where you are, in your own homes, even if you are suffering. There is no place better for you anywhere else." Captain Charles Soule, "To the Freed People of Orangeburg District," June 1865. Enclosure contained in a letter from Soule to O. O. Howard (Freedmen's Bureau Commissioner), http://www.history.umd.edu/Freedmen/Soule.htm. I am indebted to Kelley S. Abraham for informing me of this correspondence. Importantly, Soule was no raving southern Redeemer: he was a New Englander and a captain in the 55th Massachusetts Regiment, a unit of black troops in the Civil War. For a masterful exposure of the repressive operation of the liberal discourses of contract and black pseudo-obligation in the aftermath of the war, see Hartman, *Scenes of Subjection,* 164–206.

42. Sellin, *Slavery and the Penal System,* 45.

43. *Black Boy (American Hunger),* in *Richard Wright, the Later Works* (New York: Library of America, 1991), 56.

44. Hartman, *Scenes of Subjection,* 244.

45. A perfect political geographic symbol of what I am describing as public/private carceral hybridity during the era of convict leasing was the industrialized mega-neoslave plantation of James Monroe Smith, otherwise known as "Smithonia." Comprising of twenty thousand acres of land in Oglethorpe County, Georgia, the Confederate colonel's empire included a railroad, a cotton gin, a sawmill, a cottonseed-oil mill, a blacksmith shop, and a guano plant—all of which were operated by a combination of variously unfree black labor, ranging from sharecroppers, to debt peons, to misdemeanants purchased via criminal-surety, to prisoners leased directly from the state. See Dittmer, *Black Georgia in the Progressive Era, 1900–1920*, 78. A portion of Smith's profits came directly from his capacity as a neoslave broker, as he subleased many of his prisoners, including more than sixty black women he originally leased from the state, to other local plantation and business owners. Talitha LeFLouria, "'The Hand That Rocks the Cradle Cuts Cordwood': Exploring Black Women's Lives and Labor in Georgia's Convict Camps, 1865–1917," *Labor: Studies in Working-Class History of the Americas* 8, no. 3 (2011): 58. Department of Justice files reveal that even though black prisoners spoke of being coffled, whipped, beaten, and held captive after their release date, the federal government never attempted to indict the plantation owner. One reason for his legal immunity was the fact that he translated his economic fortune into political power in the form of a stint on the state legislature from 1874 to 1881 and the state senate in 1884. Indeed, this aspect of public profiteering on the entombment of black bodies was endemic to the Georgia lease system from its outset since the first convict lease contracts in the state's history were allotted to two members of the "Bourbon Triumverate": Senator Joseph E. Brown and Governor John B. Brown. Dittmer, *Black Georgia in the Progressive Era,* 83.

46. Walter Wilson gives a detailed description of the "fine/fee" process in "Chain Gangs and Profit," *Harper's Monthly Magazine,* April 1933, 541. See also Oshinsky, *"Worse Than Slavery,"* 41–42.

47. For Wynter, the social and philosophical conjuration of the "Negro" or "nigger" as zero-degree signifier of metaphysical (no)thingness and atavism registers the material and structural nature of white supremacy. She argues that "whilst Marxism's theory of economic subordination provided a dazzling set of explanatory hypotheses" for the Euroamerican Left and members of the black intelligentsia, it does not serve as comprehensive enough of an analytic for full-fledged encounter with the wholesale "ontological subordination" produced under slavery and colonialism. Wynter, "On Disenchanting Discourse," 216. See also Robinson, *Black Marxism*; Frantz Fanon, *Wretched of the Earth.* For my use of the term "afterlife" in respect to the staying power of chattelized law, I am indebted to Saidiya Hartman, *Lose Your Mother* (New York: Farrar, Straus and Giroux, 2007).

48. E. Stagg Whitin, *Penal Servitude* (New York: National Committee on Prison Labor, 1912), 1.

49. A total of 128 miners (including 114 black men and 14 white men) were killed in the explosion at Pratt Consolidated Coal Company's Banner Mine, just outside of Littleton, Alabama, on April 8, 1911, in what still stands as one of the most deadly industrial accidents in U.S. history. *Atlanta Journal Constitution,* April 10, 1911, 1. Of the total dead, 123 were prisoners leased directly to Pratt Consolidated by the state for alleged felonies and misdemeanors. Pratt was the main industrial competitor for Tennessee Coal and Iron Company, or TCI (a subsidiary of U.S. Steel), the largest of a total of four companies that made up Alabama's "penitentiary" system, and that used neoslaves as the engine of the state's booming coal industry. According to Douglas Blackmon, the companies produced a total of nearly fifteen million tons of coal a year by 1910, while entombing more than three thousand black men (and boys) in that year. Blackmon, *Slavery by Another Name,* 331.

50. The hyperfungibility of the black body represents a major connecting link between chattel slavery and the various systems of incarceration to which black people have been subjected since 1865. Studies of convict leasing have nearly unanimously neglected to mention that the legal renting of imprisoned black bodies in the United States actually originated with chattel slavery when, according to Herbert Apthecker, the "leasing of slaves [was often] indulged in by masters who were 'overstocked.'" Apthecker, *American Negro Slave Revolts* (New York: International Publishers, 1969), 123. Such studies have also contended that the high death rates associated with the early years of convict leasing qualify that period as *worse than slavery.* See, for example, Mancini, *One Dies, Get Another*; and Oshinsky, *"Worse Than Slavery."* A centering of black fungibility as a trans-1865 category of white supremacist terror allows us to recognize the ways in which the very processes of being bought, sold, leased, bred, owned, publicly traded, and warehoused have operated as forms of collectivized and legalized racial death. Such a purview also allows for a shuttling of the tendency within histories of neoslavery to exceptionalize it as something that happened "down there" and "back then." See, for example, Blackmon, *Slavery by Another Name,* 381–82. As discussed above, no calculus based on biological death counts alone can account for the interminable catalogue of terror associated with being legally transmuted into an object of public/private property, or the way in which such legal sorcery continues to make mass entombment a socially accepted fact of black, brown, and poor life. As during antebellum plantation imprisonment, the overall system of U.S. neoslavery has been based upon the normalized mass possession of and profiteering on stigmatized black bodies and the protean states of abjection that such hyperfungibility has produced. The "innumerable uses" of civil and state captives from antebellum incarceration through today's prison–industrial complex have involved both express

and unavowed prerogatives of human-as-property ownership, including but not limited to sweat-boxing, shelving, scatological detainment, indefinite solitary confinement, whipping, black-jacking, stretching, natal alienation, justifiable homicide, and rape (and many other sadistic amusements)—a litany of dubious utility that continues to make imprisoned "life" into a dubious simulation of death. On the "innumerable uses" of slave property in the antebellum period, see Goodell, *The American Slave Code,* and Hartman, *Scenes of Subjection.* On the way in which sexual abuse continues to function as a de facto element of the state's punishment of women, see Angela Y. Davis, "Public Imprisonment and Private Violence: Reflections on the Hidden Punishment of Women," 24 *New England Journal on Criminal & Civil Confinement* 339 (1998).

51. For discussion of the system of criminal-surety, see William Cohen, "Negro Involuntary Servitude in the South, 1865–1940: A Preliminary Analysis," *Journal of Southern History,* 42, no. 1 (February 1976): 53–55; and Schmidt, "Principle and Prejudice," 691–701.

52. "Chain Gangs and Profit," 541. Again, this system of public profiteering on the trade in black bodies has roots in the antebellum period, when courts regularly conducted public auctions of both slave and criminally branded "free" black people. Thomas Russell, "Slave Auctions on the Courthouse Steps." For a discussion of the southern prison system as a "trafficking" in "human chattel," see Du Bois, *Black Reconstruction in America*, 697–98. It is important to note here the degree to which this element of public profiteering during the original postbellum prison–industrial complex represents a precursor to the hybridized public/private profit ability of collective human misery under today's PIC. Specifically, one can see this playing out in the huge amount of tax monies that are funneled from national, state, and local coffers to county sheriffs, prison guards, police departments, border-patrol agents, etc.—ostensible "public" entities whose very existence is predicated on the maintenance and expansion of prison slavery and domestic warfare. Along these lines, we might think of the fact that one of the most boisterous sources of opposition to private prisons comes from state prison guards, whose stance against companies such as CCA and Wackenhutt is predicated not on humanitarian grounds but on the fact that they view these companies as direct competition within the overall PIC bonanza.

53. The federal peonage statutes followed the liberal legal logic offered in *Clyatt* (1904), which defined that system of neo-enslavement as "a status or condition of compulsory service, based on the indebtedness of the peon to the master. The basal fact is indebtedness." 197 U.S. 207, 215. As stated above, the Justice Department would repeatedly site this narrow construction of illegal involuntary servitude when refusing to investigate complaints of countless black subjects who spoke of being subjected to "simple" slavery—and its accoutrements, such as corporeal rupture, rape, and kidnapping—without this "basal" element of debt.

The circumscription of black reenslavement to only one specific species of "private" and "contractual" servitude absolved the state's central role in both the overall system of peonage and what it advertised as *purely* "public" formations of penal slavery such as the chain gang, convict leasing, and the prison plantation. What the millions of untold stories emitting from zones of official and social incarceration suggest is that the most "basal" element of black neoslavery was and is white supremacist terror and domination on both a sectional and national scale. On the postbellum system of black indebted servitude, see Hartman, *Scenes of Subjection,* 164–206.

54. *United States v. Reynolds,* 235 U.S. 133 (1914), 145.

55. Rivers would ultimately be released on a habeas corpus petition between the moment of the lower court's upholding of Alabama's criminal-surety statute and the Supreme Court's reversal of that decision; but his release would not happen before his sentencing to the chain gang in consequence of his escape from Broughton. Along with his chain-gang stint, the other major element missing from the court's cataloguing of the circumstances of the case was the fact that *Reynolds* was in fact a "test case." That is, the only reason that the Supreme Court came to decide on the constitutionality of criminal-surety was that both Reynolds and Broughton struck a deal with the Justice Department ahead of the case, which guaranteed that all they would receive in the event that the court struck down the surety law would be a $50 fine. To put this in perspective, after criminal-surety was putatively outlawed in the case, Reynolds and Broughton were made to pay less for subjecting a black person to neo-enslavement than Rivers would ultimately be charged in fines and fees for a petty property offense. That the juridical barring of criminal-surety was largely a performative rather substantive redressive action is underlined by the fact that black subjects would continue to be murdered, raped, and enslaved under this form of public/private mastery until at least the 1960s. The most clear-cut example of this was the "Murder Farm" case (1921), which involved the savage killing of eleven black men who were purchased via surety contracts at various county courthouses from Jasper to Macon County, Georgia, by John S. Williams. Upon realizing that he was to be investigated on charges of peonage, Williams ordered his de facto black trustees to help him murder the men. Many of the prisoners were thrown into the Yellow River, while still alive, with trace chains and one hundred pound rock-filled sacks wrapped around their necks. Another was buried alive after being chopped with an ax. Williams's ultimate conviction actually highlighted the unredressable positionality of the black southern population since, as Pete Daniel (following Mary Frances Berry) points out, Williams was "the first Southern white man since 1877 to be indicted for the first-degree murder of a black [person]—and he would be the last until 1966." Daniel, *The Shadow of Slavery,* 110–31. For a detailing of the various aspects of the "test" aspect of *Reynolds,* see Schmidt, "Principle and Prejudice," 691–701.

56. Brief for United States at 10–11, *United States v. Reynolds,* 235 U.S. 133.

57. Hartman, *Scenes of Subjection,* 164–206.

58. We still have no idea exactly how many black people were at some point literally held in a state of peonage—that is, not only in fictive debt to a "master" but coerced into performing involuntary servitude at the threat of death, rape, and other forms of terror. However, what estimates are available dramatically alter our understanding of the genesis of mass incarceration in the postslavery United States (remembering of course that pre-1865 chattel slavery represented the original prison–industrial complex of the Western hemisphere). In 1907, an investigator surmised that over 33 percent of white planters in Georgia, Mississippi, and Alabama, who had anywhere from five to one hundred black subjects "working" for them, were holding "their negro employees to a condition of peonage." Daniel, *The Shadow of Slavery,* 22, 108. To put this in perspective: in 1900, there were a total of approximately 2.9 million black people in these three states, of which at least 85 percent, or more than 2.4 million, would have been in rural areas where peonage was rampant. If we take 15 percent of that total (less than half of the 33 percent estimate of the investigator) as the most conservative estimate of the number of black people likely to have been held in this socially incarcerating structure, the total number of black peons in these three states alone would reach approximately 360,000. If this total were to include the entire geography of southern racial apartheid, the conservative estimate would easily approach one million "privately" imprisoned bodies. The scale of the public/private neoslavery complex signals how the entire southern landscape *remained* a literal open-air prison after emancipation—a fact that disturbs the current historical consensus in respect to the PIC that cites the late 1970s as the birth-time of racialized mass imprisonment in the United States.

59. Daniel, *The Shadow of Slavery.*

60. Letter from William H. Armbrecht to the U.S. Attorney General (June 10, 1911), in *The Peonage Files of the U.S. Department of Justice, 1901–1945* (microform), ed. Pete Daniel, Reel 13, File 50-106.

61. David Oshinsky offers this description of black neoslavery in the Florida turpentining industry in *"Worse Than Slavery,"* 70–71.

62. As I will discuss in chapters 3 and 4, coerced performance has been a fundamental aspect of black "forced labor" in spaces of neoslavery from the chain gang to the prison plantation, a dynamic that, as Hartman suggests, can be traced back to the call for Africans to "strike it up lively" on the decks of slave ships and while being coffled at public auctions. *Scenes of Subjection,* 17–48. Sexual assault and rape also represent normalized means of sadistic pleasure within zones of "public" neoslavery. In late nineteenth-century Georgia, for instance, this sort of violence was aided by the fact that black women were leased along with men into both state and county facilities, with the number of imprisoned black women

nearly equaling the number of white men. One investigative journalist spoke of coming across a black woman at a jail facility in Atlanta, "an escaped convict [who] had an infant in her arms, probably 5 months old; and said this was her third child that she had given birth to since she was convicted of arson and sentenced to the Penitentiary [lease camp] service of the State for life. She said that her first two children had died and that their remains had been interred by white chain gang bosses, who were the fathers of the children. The [third] child was taken away from her." "Georgia Brutality: How the Convicts in the Penitentiary-Camps Are Treated," *Chicago Tribune,* August 6, 1881, 6. While no such accounts of the lives of black women in Alabama's convict lease camps are available, black women were often held with black men at the state's prison slave camps such as the prison "farm" at Wetumpka, the Pratt Consolidated Mines, and J. Jackson's Rock Quarry and "Farm," wherein they were vulnerable to rape and other forms of gendered carceral repression. Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865–1900* (Charlottesville: University of Virginia Press, 2000), 120. In 1968, the State Penitentiary of Arkansas, otherwise known as Cummins Farm, offered an example of the proliferation of unmarked mass graves in official prisons. While autopsies revealed that each of these men and boys died from acts of physical violence, the officially reported causes of death were utterly absurd: These included "accidental electrocution," "blows from a fallen tree," poisoning with medicine used "to cure colic in horses," injuries from "runaway wagons," and teenaged prisoners dying from "heart failure." Walter Rugaber, "70 Deaths Linked in Arkansas Prison Since 1936 Linked to Violence," *New York Times,* February 7, 1968, 1, 22. The figure of "$11 a head" represents the actual language used in a contract for the lease of black prisoners to a railroad firm, Wallis, Haley & Co., in 1874. The firm became involved in a contract dispute with other companies over the rights to 250 black prisoners, a suit that in the language of the court was made complicated by "the peculiar nature and character of the property" involved. *Georgia Penitentiary Companies Nos. 2 and 3 vs. Nelms, Principal Keeper* 71 GA 301 (1883).

63. Brief for United States at 20, *United States v. Reynolds,* 235 U.S. 133.

64. See, for example, *Garlington v. James* et al., CA 95-0970-CB-C, 1998 U.S. District (Alabama), in which a black man, Lynell Noah Garlington, brought suit against the state of Alabama, charging that his racially based sentence to a modern-day chain gang amounted to involuntary servitude and cruel and unusual punishment as described in the Eighth Amendment. The court dismissed his charges based on a long line of legal precedent going all the way back to *Slaughterhouse,* which has found that prisoners cannot lay claim to Thirteenth Amendment's abolitionist aspect due to its allowance of "slavery and involuntary servitude" as penal sanction. See also *Omatsa v. Wainwright,* 696 F. 2nd (11th Cir. 1983); *Draper v. Rhay,* 315 F. 2nd (9th Cir.); *Ray v. Marbry,* 556 F. 2nd 881 (8th Cir. 1977); and *Lindsey v. Leavy,* 149 F. 2nd 899 (9th Cir. 1945). Indeed, the protective aspect of the

emancipation amendment ended up being wielded more successfully in relation to the white working class in the North than former slaves and their progeny in the South, with most successful cases occurring during the New Deal, when northern labor unions claimed that the right to strike and to refuse coercive labor conditions were enshrined in the Thirteenth Amendment. Goluboff, "The Thirteenth Amendment and the Lost Origins of Civil Rights," 1677.

3. Angola Penitentiary

This chapter is dedicated to my father, Dennis Lee Childs, and to my younger brother, Jerry Seantaurus Barnes's father, Jerry Barnes—both of whom were legally lynched by police for the crime of being born as black males in the United States. The epigraph derives from personal correspondence with Robert Hillary King, September 2011.

1. Passed in 1996, Proposition 209—which also went under the cynical heading of the "California Civil Rights Initiative"—was a ballot measure that amended the California state constitution to prohibit its governmental institutions from utilizing race, gender, or sex in public employment, public education, or public contracting. The supposed "civil rights" law effectively ended affirmative action in public education in the state—a move that led directly to the worsening of an already terrible record vis-à-vis admission of black, Latina/o, and Indigenous students into the state college and university system.

2. The term "two-cent men" refers to the hourly "wage" of plantation field laborers at the prison. The phrase "handcuffed in the back of countless prison buses and shuttled in modern-day coffles" represents a riff with Inspectah Deck, who in "C.R.E.A.M." offers one of the most distinct articulations of the Middle Passage carceral model in modern hip-hop when he performs poetic rememory of the ritualized arrest and upstate carceral disappearance of black males from New York City: "The court played me short, now I face incarceration / Pacin'—goin' upstate's my destination / *Handcuffed in the back of a bus, 40 of us* / life as a shorty shouldn't be so rough." *Enter the Wu-Tang Clan: 36 Chambers,* RCA, 1993. Much can and should be said regarding the connections of early neoslave sound in the forms of the field holler, "work song," and prison blues, and the carceral inner-city blues as performed by modern hip-hop artists in the age of the prison–industrial complex.

3. "Don't come to Angola, this is murder's home," a lyric from Johnny Butler and other anonymous prisoners, "Early in the Morning," *Prison Worksongs,* Arhoolie CD 448, Arhoolie Productions, 1997. Originally recorded circa 1959. "Hell Factory in the Fields" is taken from Mike Davis, "A Prison Industrial Complex: Hell Factories in the Field," *The Nation,* February 20, 1995, 229–34. For a comparison of Angola's geographical area to that of Manhattan, see James Ridgeway, "God's Own Warden," *Mother Jones,* July–August 2011.

4. This phrase refers to Louisiana's version of the overall national juridical and penal trend of committing those convicted of certain felonies to life without the possibility of parole, or "LWOP." Until the 1970s, those who were sentenced to "life" at Angola and other Louisiana prisons were able to gain parole release through what was known as the "10-6" law, which allowed for the parole of prisoners with good-conduct records after they had served at least ten years and six months of their sentence. Louisiana is one of the states that follows the "life means life" creed, which disallows any possibility of parole for anyone sentenced to life in prison. For a discussion of Louisiana's LWOP policy, see Marie Gottschalk, "Days Without End: Life Sentences and Penal Reform," *Prison Legal News,* https://www.prisonlegalnews.org/. This policy has contributed greatly to Louisiana's standing as having the highest incarceration rate in the country: 1,619 adults behind bars (and in the fields) for every 100,000 total adults in the state population (or roughly 1.6 out of 100), a statistic that is dramatically worse in respect to the state's black population. See Cindy Chang et al., "Louisiana Incarcerated: How We Built the World's Prison Capital," *Times-Picayune*, http://www.nola.com/crime/ index.ssf /2012/05/louisiana_is_the_worlds_prison.html.

5. Rodríguez, *Forced Passages.*

6. "Panthers Still Caged in Angola," *Free the Angola 3,* www.prisonactivist.org/angola/support.shtml #mumia.

7. In using the term civilian "freeperson," I am riffing on the epistemically instructive term "freeman" that is used by prisoners at Angola when referring to prison guards and administrators.

8. For an informative treatment of the systematic erasure of the subject of chattel slavery in southern slave plantation museums, see Stephen Small and Jennifer J. Eichstedt, *Representations of Slavery: Race and Ideology in Southern Plantation Museums* (Washington, D.C.: Smithsonian Institution Press, 2002).

9. For an example of this argument, see Mary Rachel Gould, "Discipline and the Performance of Punishment: Welcome to the Wildest Show in the South," *Liminalities: A Journal of Performance Studies* 7, no. 4 (December 2011): 24. Although I appreciate Gould's critique of Foucault's notion that spectacular forms of discipline ultimately became obsolete with the advent of the modern carceral state, her discussion of the prison rodeo ultimately reaffirms Foucault's notion of modernity's transition away from repressive forms of punishment into a *disciplinary* carceral regime. In doing so, it obfuscates the fact that state terror at Angola is punitive/repressive rather than disciplinary/disembodied—that, even in the moments when prisoners are not being gorged by bulls and tossed twenty feet into the air, the entire perverse exhibition rests upon a physically and psychically violent operation of mass civil death, collective disappearance, and legalized neoslavery of which the rodeo is merely a single "public" expression. Gould's otherwise interesting work ultimately suffers from a lack of engagement with the political

organizing, writings, and songs of Angola prisoners themselves, and an adherence to Foucault's total elision of race and racial terror within his history of the prison—a fact that partially explains how one can read her entire piece on the "spectacle of discipline" at Angola plantation without once encountering the word "slavery."

10. It is important to note that the prison minstrel show was a national rather than peculiarly southern phenomenon—one that I have traced as far back as the late nineteenth century and that continued well into the twentieth century. See "A Chain Gang's Sunday: How Georgia Prisoners Are Confined," *New York Tribune*, October 20, 1895, 30. In this article a northern reporter travels to a chain-gang camp just outside Atlanta in the context of scandals involving the horrific treatment of black male and women prisoners, high death rates, and profiteering. While taking her tour, the *Tribune* correspondent notices nothing but good cheer on the part of the black prisoner, an idea rendered most clearly in her remembrance of the moment in which she and other guests are entertained by a group of musical captives. She speaks of seeing one particularly gifted "Negro" man dance the "pigeon wing," the "double shuffle," with "the chain on his leg all the time making a not unmusical accompaniment to his motion"—and how "no one enjoyed the exhibition so much as the participant." What went unnoticed by the tourist was that the song performed by the supposedly jovial neoslaves was in fact a parable of carceral cannibalism involving a possum (a prisoner) being eaten alive by his kidnapper while "his sisters and brothers is runnin' around free." As I will discuss below and in chapter 4, the white tourist's racist disengagement with the scene of black incarcerated performance represents a "post" slavery redeployment of the discourses of natural joviality, musicality, and inurement to pain and dishonor that was attached to the African performative body on the decks of slave ships and on slave plantations prior to emancipation. Hartman, *Scenes of Subjection,* 17–114.

For journalistic coverage of prison minstrel shows in the twentieth century, see "Joke-Crackers in Prison: Blackface Comedians Entertain Men in Penitentiary," *The Watchman and Southron* (Sumpter, S.C.), December 31, 1913, 8; "Prisoners Give a Play: Many Citizens Attend a Thanksgiving Vaudeville Show in Auburn," *New York Times,* November 27, 1914, 6; "Sing Sing Prisoners Merry: Convicts Give a Minstrel and Vaudeville Entertainment," *New York Times,* November 29, 1907, 9; "Convicts Entertain Nevada's Governor: Executive Attends Minstrel Show in Prison—Warden Baker's New Plan," *San Francisco Chronicle*, March 3, 1911, 13; "Convicts Give Minstrel Show: Folsom Inmates Display Talent in Black Face," *Los Angeles Times*, December 26, 1912, 13. This brief listing of the practice of prison blackface reveals that most such "entertainments" occurred during holidays. The warden's granting of captive privilege during holidays issued directly from the chattel management strategies of masters and overseers on the antebellum

plantation, who often used such "festive" occasions to project the slave's ostensible contentment with bondage. The articles also reveal that many of the northern and western blackface prisoners were actually white—a performative dynamic that represents the state's investment in reproducing white supremacist custom and social stratification even among the civilly dead.

11. Hartman, *Scenes of Subjection,* 17–114.

12. "The bat," which was used at Angola until at least the late 1950s, was a three-foot-long and five-inch-wide strip of sole leather tied to a two-foot-long wooden handle. Along with this torture implement, prisoners in "old" Angola were beaten with "blacksnake" whips, five-foot clubs, and redoubled grass ropes. See B. I. Krebs, "Blood Took Penitentiary Out of the Red: Prisoners Flogged 10,000 Times During Machine Rule," *Times-Picayune,* May 11, 1941, 26–27. Black prisoners at Angola and St. Gabriel prison plantation also suffered the racially restrictive punishment of being chained to punishment posts (a modification of feudal stocks) for as long as thirty-six hours. "St. Gabriel Prisoners Handcuffed to Post for Infraction of Rules" (Baton Rouge) *Morning Advocate,* May 7, 1952. The "sweatbox" was a forerunner to today's "boxcar cells" used in "Supermax" prisons such as Florence, ADX (Colorado). See Raymond Luc Levasseur, "Trouble Coming Everyday: ADX—the First Year," North Coast Xpress (June–July 1996). The sweatbox was a concrete structure containing three separate cells, each with a steel door. The cells were painted entirely black with only two small openings—one at the bottom of the door and another on the ceiling. Though mainly used as solitary cells, at any given time as many as seven prisoners shared one closet-sized cell. Punitive segregation and solitary confinement in architectures such as the sweatbox represented a direct methodological (and supposedly reformatory) replacement for the whip at the level of state policy—a fact that signals both the modern nature of supposedly anachronistic punishments at the plantation and the historical weddedness of the lash and solitary confinement. See "Convicts Prefer the Whip over Solitary Cells," *Times-Picayune,* August 17, 1941. For a brilliant discussion of the terroristic animus underlying the supposedly "humane" operations of the modern carceral state, particularly in respect to the connection of modern solitary confinement and chattel slavery, see Colin Dayan, "Legal Slaves and Civil Bodies."

The "body sheet" is used at Angola today mainly to immobilize mentally ill prisoners. Similar to a straitjacket (aside from the addition of chains underneath), it allows the prison staff to completely immobilize prisoners by riveting them to a four-point or three-point restraining table. Prisoners are strapped into the "sheet" completely nude with the exception of an adult-sized diaper, in which they are forced to defecate and urinate while immobilized for hours. Many prisoners are also shackled either individually or in coffles through implements such as "black box" handcuffs. These "pick-less" restraints include a square-shaped cover made of high-impact ABS plastic and an aluminum alloy; they also include two loops

through which a "belly chain" is attached. Prisoner testimony reveals that the "box" regularly leads to deep lacerations and swelling. Wilbert Rideau, "A Matter of Control," *The Angolite,* January–February 1993, 28–34.

13. See "A New Kind of Prison: Designed to Prevent Riots, Save Money, and Help Criminals Go Straight," *Architectural Forum,* December 1954; and "Prison Designs Take on New Look: Architects Are Trying New Methods and Layouts," *New York Times,* January 30, 1966. The construction of the "new" Angola began in 1952. The $8 million project included the building of new cell blocks, an administrative building, and dining hall that featured "an undulating roof" and "spacious, grassy areas." Advertised as a symbol of the state's commitment to penal reform, the structures were designed by Nathaniel Curtis and Arthur Davis of the New Orleans architectural firm Curtis & Davis. The firm gained national and international notoriety for postmodern structural design as a result of the commission. However, one important aspect of the relatively low-cost project belies the notion that the "new" Angola would equal substantively novel treatment for prisoners: every slab of concrete, piece of glass, "dormitory" unit cage, and solitary cell was installed and constructed by prisoners themselves. Furthermore, many of Angola's black prisoners would never be held within the facilities they built with their own hands; a large portion of the prison plantation's "Negroes" would remain in the site's notorious "Jungle Camps" until the late 1960s.

14. The Angola 3 case represents one of many instances of political imprisonment in the United States that occurred as a result of the state's openly declared domestic war against black, Latino, Indigenous, and allied white radical formations via state terror programs such as the FBI's COINTELPRO, or counter-intelligence program. In 1972, Wallace and Woodfox were convicted of killing Brent Miller, a young white prison guard, a charge that Angola's administration managed to link to another Black Panther, Robert Hillary King (aka Robert King Wilkerson), although King was not imprisoned at the penitentiary at the time of the killing. King would spend twenty-nine years in solitary confinement before being released from Angola in 2001, when his conviction for a different murder at the prison was overturned and he pleaded guilty to a lesser charge. Wallace, Woodfox, and King—and the international movement that supports them—maintain that the prison administration framed the three men as a way of derailing the group's organizing efforts on the neoplantation. In fact, Wallace and Woodfox had started the nation's only prison-based chapter of the Black Panther Party in 1971, a year before Miller's murder. The chapter organized campaigns against the prison's segregation policy, the horrific conditions in the plantation fields, and the administratively ignored (and facilitated) system of prison rape. Hillary King has been speaking and organizing both nationally and internationally for the release of Wallace and Woodfox since he was released from Angola, while Wallace and Woodfox continue to organize for their own liberation from within spaces such as Camp J

and the CCR "dungeon." For more information on the case, see http://www.angola3.org/.

Herman Wallace was released from the Louisiana State Penitentiary (the Elaine Hunt Correctional Facility at St. Gabriel) on October 1, 2013, after his original conviction was ruled unconstitutional by a federal judge in Louisiana. He died three days later from terminal liver cancer. Nothing expresses the intimacies of living death, premature death, and neoslave resistance more than Wallace's indefinite political solitary confinement, his (continued) spectral haunting of the state through his national and international activism, and his de facto murder at the hands of the white supremacist carceral state. As of the date of this writing, Albert Woodfox is enduring his forty-second year of solitary confinement.

15. Herman Wallace, "On Solitary Confinement," *Free the Angola 3*, http://prisonactivist.org/angola/.

16. For a discussion of how prison blackface symbolizes what I call "criminal minstrelsy," or the overall structural blackfacing of crime in the United States, see Dennis Childs, "Angola, Convict Leasing, and the Annulment of Freedom," in *Violence and the Body*, ed. Arturo Aldama (Bloomington: Indiana University Press, 2003), 199–203.

17. Hartman, *Scenes of Subjection,* 17–114.

18. "In every line item, I saw a grave. Commodities, cargo, and things don't lend themselves to representation, at least not easily. The archive dictates what can be said about the past and the kinds of stories that can be told about the persons cataloged, embalmed, and sealed away in box files and folios. To read the archive is to enter a mortuary." Hartman, *Lose Your Mother,* 17.

19. Jamaica Kincaid, "In History," *Callaloo* 20, no. 1 (1997): 1–7.

20. Hartman, *Lose Your Mother*, 118, 133.

21. As stated above, "Unhistorical Events" derives from a poem of the same name by the black surrealist poet Bob Kaufman. See note 8 in the Introduction for a description of the poem.

22. Beginning in 1901, when the official practice of convict leasing ended in Louisiana, black women prisoners (along with a small number of white women prisoners) were used as cooks, laundresses, seamstresses, and field workers. Some "worked as servants to the prison employees and 'nannies' to their children." "Louisiana's Prisons," *Angolite* [rodeo addition], 1983 (unspecified month), 41. As I will discuss below, black men and transgender women were also used as "nannies" when submitted to domestic neoslavery.

23. Fred Moten, *In the Break: The Aesthetics of the Black Radical Tradition* (Minneapolis: University of Minnesota Press, 2003), 197.

24. Odea Mathews, "Somethin' Within Me," Arhoolie CD 448, "Angola Prisoner's Blues" (arhoolie.com). Tradition Music Co. (BMI), administered by Bug Music c/o BMG Rights Management. Originally recorded circa 1959.

25. The phrase "loophole . . . of retreat" is borrowed from Harriet Jacobs, *Incidents in the Life of a Slave Girl,* ed. Jean Fagan Yellin (1861; Cambridge: Harvard University Press, 1987), 114–17. In Jacobs's narrative, it refers to the nine-foot-by-seven-foot space built into the attic of her grandmother's home wherein she quarantined herself for seven years in order to facilitate her escape from enslavement. Jacobs repeatedly uses the words "hole" and "prison" both in relation to her individual "garret" and to the collective racial/spatial predicament of enslavement—a discursive signaling of the future orientation of chattelism in the form of modern prisons and the solitary "holes" of today's prison–industrial complex.

26. Allen Feldman describes the body-self split of the tortured prisoner as both a function of state power and a locus of resistive possibility: The prisoner's "capacity to survive is dependent on surrendering his body to the objectifying violence that is inflicted upon it. The . . . elementary divestiture of the body, as much as it presages death, also becomes the condition of resistance." Feldman, *Formations of Violence: The Narrative of the Body and Political Power in Northern Ireland* (Chicago: University of Chicago Press, 1991), 119. One wonders, however, what sort of resistive possibilities are contained in such moments of state death rehearsal (and execution) when no publicly recognizable radical "movement" is occurring from which the individual tortured prisoner can draw a sense of collective political strength. Indeed, within the context of today's PIC, the radical potentialities of the tortured body are that much more foreshortened because racialized criminalization and stigmatization have so bombarded the social field of the "free" as to render the political, artistic, and social practices of the incarcerated publicly unknowable even when such practices do exist. The word "torture" here refers to the act of human encagement itself along with other acts of bodily rupture associated with it. I would like to thank Dylan Rodríguez for furthering my understanding of the problematic aspects of the liberal discourse of human rights that restricts the definition of "torture" to isolated moments of illegal bodily rupture and "abuse" rather than understanding imprisonment itself as a form of mass, legalized, torture.

27. Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," 67.

28. In conceiving of my encounter with the lives and unceremonious deaths of McElroy, Mathews, and others at Angola, I am indebted to the (un)historical practice of Saidiya Hartman in *Lose Your Mother,* particularly as expressed in "The Dead Book," wherein she excavates a "musty trial transcript" and other historical documents in order to recover something of the experience of an anonymous West African girl who was lynched aboard the slave ship *Recovery* in 1792. In so doing, Hartman was forced to attend, in an "imaginative" fashion, to what she describes as a spectral "shadow" left by the slave girl within the historical archive—that is, the unrecoverable feelings and experiences of a stolen and desecrated life for which slave narratives, testimonies, legal cases, and other hypermediated terrains of the master archive are forced to stand in as legible signifiers.

29. "blood to the scraps." Toni Morrison, *Beloved,* 78.

30. John McElroy to Louisiana attorney general Bolivar Kemp Jr., Louisiana State Penitentiary General Correspondence (microform), 1951–52, Louisiana State Archives, Baton Rouge.

31. My use of the term "stenciling" to describe the state's branding of prison slave's derives from Malcolm X's articulation of this process as he experienced it in the Charlestown State Prison in Massachusetts (1946–52): "[Y]our number in prison became a part of you. You never heard your name, only your number. On all your clothing, every item, was your number, stenciled. It grew stenciled on your brain." El-Hajj Malik Shabazz (Malcolm X), *The Autobiography of Malcolm X* (New York: Ballantine Books, 1992), 176.

32. Gordon, *Ghostly Matters,* 64.

33. Hartman, *Scenes of Subjection,* 36.

34. McNair (who was eleven) and Collins, Robertson, and Wesley (each of whom was fourteen) were attending Sunday School class at Birmingham's 16th Street Baptist Church on September 15, 1963, when a KKK-planted bomb exploded, killing them and injuring twenty-two other church members. For an important meditation on the social ramifications of the bombing, particularly in respect to the way in which it was representative of an overall structure of American racial terror, see Angela Y. Davis, *Angela Davis: An Autobiography,* 128–31. For Douglass's discussion of the immense social, emotional, and philosophical meaning of slave songs and how their semantic depth belied contemporary notions of slave contentment, see *Narrative of the Life of Frederick Douglass* (1845), in *Frederick Douglass: Autobiographies* (New York: Library of America), 23–25. "Reaching for it he thought it was a cardinal feather stuck to his boat. He tugged and what came loose in his hand was red a ribbon knotted around a curl of wet wooly hair, clinging still to a bit of scalp." Morrison, *Beloved,* 180.

35. The phrase "publicly slain black boy" refers to Trayvon Martin, a seventeen-year-old black male who was killed by a self-proclaimed neighborhood-watch patrolman on February 26, 2012, after the latter had stalked Martin through a gated community in Sanford, Florida. Martin's killing ultimately sparked a national and international campaign to force the state of Florida to press charges against George Zimmerman, the teenager's killer. Zimmerman was ultimately acquitted on all charges related to Martin's death. However, the phrase also describes another young black male, Ramarley Graham, an eighteen-year-old, who was murdered on February 2 of the same year with relatively little public notoriety. Graham was killed in the bathroom of his family's home in the Bronx, New York, after members of NYPD's narcotics unit trailed him to his apartment in broad daylight, beat down his back door, and shot him as he stood, or sat, or kneeled, unarmed in his family's bathroom. Notwithstanding initial claims that the officers saw a gun on Graham's person, the official police report said that the teen had no gun. Officers

on the scene also stated that the teen represented a threat because he had allegedly flushed a bag of marijuana down the toilet before he was killed. At issue in the relative lack of attention Graham's case is the degree to which acts of state criminality are immediately shuttled within the U.S. media apparatus, and how they are often recorded as "justifiable homicide" at law and custom when committed against congenitally suspect black and brown bodies. Space will not allow me to list every black person murdered by police, security guards, and vigilantes in the first seven months of 2012, a national killing spree of 313 men, women, and minors as of July 16, that is, one black person murdered every twenty-eight hours. Malcolm X Grassroots Movement, "Report on the Extrajudicial Killing of 313 Black People by Police, Security Guards, and Vigilantes," www.operationghettostorm.org.

36. Hartman, *Scenes of Subjection,* 49–78; Feldman, *Formations of Violence,* 85–146.

37. Bolivar Kemp Jr. to John McElroy, Louisiana State Penitentiary General Correspondence (microform), 1951–52, Louisiana State Archives, Baton Rouge.

38. See "Angola Officials Deny Brutalities: Inmates Cut Heel Tendons as Accusations Fly," *Times-Picayune,* February 26, 1951; "More Convicts Slash Heels as Angola Trouble Spreads," *Times-Picayune,* February 28, 1951. See also Anne Butler and C. Murray Henderson, *Angola: Louisiana State Penitentiary, a Half Century of Rage and Reform* (Lafayette: University of Southwestern Louisiana, 1990), 7–33. For the most thoroughgoing exposé of conditions at Angola at the time of the "heel-string" action, see Edward Stagg, "America's Worst Prison," *Colliers Magazine,* November 22, 1952. However, terroristic conditions at Angola were revealed more than ten years earlier by a New Orleanian reporter without a hint of state or national scandal—namely, because the article dealt exclusively with the prison plantation's systematic torture of black bodies. Krebs, "Blood Took Penitentiary Out of the Red," 26–27.

39. Krebs, "Blood Took Penitentiary Out of the Red," and Butler and Henderson, *Angola,* 39.

40. Hartman, *Scenes of Subjection,* 17–114.

41. The coercive extraction of black musical performance on the neoplantation is documented most explicitly within the field of American Folklore. Indeed, two of the most important figures in the field, John and Alan Lomax, often benefited from such methods during their inaugural tours of southern prison plantations such as Angola, Sugarland, Cummins, and Parchman in the early 1930s—trips that not only brought the father and son pair into academic prominence but also signaled a methodological and topical turning point in folklore and ethnomusicology in the United States. Alan Lomax recalls the horrifying circumstances under which one particular black prisoner named Joe Barker was convinced to sing into the white visitors' microphone: "The black [trusty] came out, pushing a Negro man in stripes along at the point of his gun. The poor fellow, evidently

afraid he was going to be punished, was trembling and sweating in an extremity of fear." Alan Lomax, "Sinful Songs of the Southern Negro: Experiences in Collecting Secular Folk-Music," *Southwest Review* 19 (1933–34): 130. As I will discuss in more detail, such scenes unveil the imbrications of the white folkloric enterprise of "discovery" in respect to officially and socially incarcerated black blues and folk musicians and the very conditions of terror and surveillance that made such academic exploration possible. That is, the Lomaxes' transmutation of fields of neoslavery into sites of "authentic Negro" field recording suggests the degree to which the fungibility, or infinite utility, of the black neoslave extended well beyond the gates of the neoplantation and into academic and popular cultural arenas. No relationship underlines this connection more than that of the Lomaxes and their most prized "find," Huddie Ledbetter (aka Lead Belly)—a folk and blues virtuoso whom the Lomaxes "discovered" on their tour of Angola in 1933, and whom they used as an exoticized musical showpiece, chauffer, cook, driver, laundryman, etc., after his release from Angola in 1934.

42. Hartman, *Scenes of Subjection,* 43–44.

43. Butler and Henderson, *Angola,* 40. The phrase "all-purpose black man" is from Toni Morrison, *Playing in the Dark: Whiteness and the Literary Imagination,* 78.

44. Raymond LeBlanc, "Selected Limitations on the Organization of Treatment in a 'Modern' Prison," Master's thesis, Department of Sociology, Louisiana State University, 34.

45. Goodell, *The American Slave Code,* 77. Emphasis in original.

46. For an example of the treatment of American penal neoslavery as a peculiarly "southern" and "past" phenomenon, see Blackmon, *Slavery by Another Name.* Blackmon concludes his otherwise informative and well-researched study by asserting that the "real" end of slavery in the United States "finally" came in 1951, when Congress issued supposedly definitive statutory proscriptions against involuntary servitude (381). However, as I point out in chapter 2, those "duly convicted" of a crime could not lay claim to the supposed definitive protection that these new statutory edicts offered because they were only applicable to "private" forms of involuntary servitude, or "peonage." That is, whether one was sent to Angola or Attica in the years following this postwar affirmation of the Thirteenth Amendment's proscriptive power, the amendment's exceptional loophole—a "duly convicted" person can be legally submitted to "slavery or involuntary servitude" as "punishment for a crime"—still left one *publicly* enslavable whether the "due" conviction occurred in the South or the North. For another example of the treatment of racialized "convict labor" as a purely southern/past problem, see Mancini, *One Dies, Get Another.* Mancini's otherwise important study also falls under what I refer to as a "liberal" tendency insofar as he restricts his definition of atrocity to a statistical analysis of biological death counts. For Mancini, the fact that the death rate of southern black prisoners between 1866 and 1928 was higher

than that of slaves in the United States before 1865 qualifies the lease as distinct, separate, and "worse" than its predecessor. He argues that, under convict leasing, "black prisoners would suffer and die under conditions far worse than anything they had ever experienced as slaves." While the historical import of the very real ramping up of legalized murders of black people after emancipation cannot be overestimated, a more nuanced approach demands acknowledging that biological death was not the only form of death experienced by slaves. As I noted above, chattelized incarceration, whether experienced in 1771, or 1871, or 1971, represents a necropolitical system in which "life" itself is transmuted into an approximation of death. In fact, the industrialization of biological reproduction during pre-1865 slavery—with the master either "breeding" one slave with another or raping his human commodity himself and producing more human commodities—is the most clear-cut example of how chattelism has always turned both on the production of premature death and *the reproduction of death in life.* Leaving aside Mancini's problematic statistical comparison of a forty-two-year time span of prison slavery to an over four-hundred-year period of chattel slavery (which actually saw periods of extremely high biological death rates, especially in non-U.S. plantation societies such as Brazil and the Caribbean), the restriction of the enormity of slavery to its putatively low biological death count in the United States unconsciously upholds the master mythos that maintained that the plantation was a "protective" and paternalist geography for its (sub)human commodities. More important, this mode of argumentation fits into a larger liberal humanitarian framework that identifies atrocity only where masses of biologically dead or bloodied bodies can be located.

For examples of studies that downplay the relationship between modern carcerality and chattel carcerality on the basis of a "labor"- and/or "production"-centered definition of slavery, see McLennan, *The Crisis of Imprisonment,* 9; Gilmore, *Golden Gulag,* 20–21; Christian Parenti, *Lockdown America* (London: Verso, 199), 211–44. To his credit, Parenti's analysis does leave room for discussion of enslavement as it takes place within the internal relations of prisoners via the administratively sanctioned prisoner sex/rape trade. However, his reduction of prison slavery to a matter of sexual commodification, rupture, and predation discounts the degree to which the prison–industrial complex represents a generalized public/private "trade" in—and rupture of—bodies whom he correctly describes as the sacrificial surplus of the neoliberal labor market. Again, the main object of (in)human commodification and speculation in today's neoslavery is not the prisoner's *labor* but her warehoused *body* and the nexus of public/private profitability and social utility resulting from mass natal alienation, entombment, and civil death. These studies also generally make the error of considering only market-oriented labor—that which produces commodities for sale on the open capitalist market—when discussing the day-to-day work done by the incarcerated. A market-centered approach to the issue of prison slave labor discounts the

central role of ostensibly *unproductive travail* to the functioning and reproduction of the carceral state. In other words, the majority of a prisoner's average daily "labor" output in today's prison involves the everyday "smooth" operation of the institution itself—for example, food production (not only growing food but also cooking and serving it), custodial services, prisoner-on-prisoner supervision, clerical work, construction/maintenance of the physical plant(ation), prisoner-run programs such as counseling, legal aid, and religious services, musical/athletic performance, and "consensual" or openly coerced sex "work." Indeed, prisoners often "choose" to perform such unmarketed tasks because "good time"—or a parole-initiating good-conduct report—is often tethered to their perceived consent in performing them. From the purview of prisoners, semantic niceties as to whether the infinite labors associated with "doin' time" should be defined as productive or unproductive does nothing to diminish the fact that any species of work (or apparent prison industrial idleness) clocked within walls, cages, razor wire, or plantation fields amounts to *neoslave labor.* For my knowledge of the centrality of unproductive travail within today's prisons and jails, I am indebted to Saranella R. Childs (Volunteer Coordinator/Case Manager for Friends Outside, Century Regional Detention Facility for Women [CRDF, Linwood, Calif.]).

47. The term "cultural imposition" derives from Frantz Fanon: "In Europe the Negro has one function: That of symbolizing the lower emotions, the baser inclinations, the dark side of the soul. In the collective unconscious of *homo occidentalis,* the Negro—or, if one prefers, the color black—symbolizes evil, sin, wretchedness, death, war, famine. . . . [The collective unconscious] is the result of what I shall call the unreflected imposition of a culture." Fanon, *Black Skin, White Masks* (New York: Grove Press, 1967), 190–91.

48. Hartman, *Scenes of Subjection,* 17–114.

49. Krebs, "Blood Took Penitentiary Out of the Red," 42.

50. On whether the officially reported figure for whippings at Angola during the 1930s represents an accurate tabulation, Robert Hillary King commented that "if they said it was 10,000 whippings, then it was more like 100,000." Interview with the author, November 29, 2011.

51. Here I should be clear that my raising the specter of the World War II Holocaust should not in any way be read as a contribution to the discourse of exceptionalism that surrounds that moment of atrocity; rather, my articulation of the imbrications of perverse pleasure and abject terror on the neoplantation as related to the concentration camp is in keeping with Aimé Césaire's intervention in this regard in *Discourse on Colonialism,* in which he points out that what was thought to be an example of unprecedented state terror during World War II actually represented a European installment of genocidal "colonialist procedures" that had been enacted in colonial Africa, Asia, Latin America, and the Middle East for centuries leading up to "the" Holocaust. As Césaire makes clear, it was the

culturally manufactured status of the colonized as sub- to nonhuman foils to the Euro-American liberal humanist concept of "man" that disqualified colonialism and slavery from being counted as crimes against humanity. Indeed, as stated above, it is the continued manufacture of blackness as metaphysical affliction that represents the condition of possibility for the social acceptance and social pleasure that continues to accrue to the modern-day slave plantation/prison. What the practice of these genocidal procedures at Angola represents is that what is most often depicted as an exceptional moment of atrocity during the 1940s was in fact reflective of a nonexceptional project of mass (living) death, imprisonment, and enslavement whose genealogical routes are traceable to the Middle Passage, slavery, and colonial genocide.

52. *Louisiana Municipal Review,* January–February 1943, 2.

53. Douglass, *Narrative of the Life of Frederick Douglass,* 66.

54. It is important to note that Douglass does indeed acknowledge something of the insurrectionary, or at least the subterranean, in moments of apparently seamless plantation hegemony at other junctures of the 1845 narrative—namely, at the moment in which he describes the infinitely complex, poignant, and recessed meaning of the slave/sorrow songs he heard as a child on the plantation. Let me also be clear that while I wish to problematize Douglass's generalization regarding the anti-insurrectionary effects of the plantation holiday on the majority of his fellow slaves, I also recognize that the deployment of punitive privilege does indeed represent a powerful if incomplete mechanism of dominative control within domains of chattelized incarceration. Herman Wallace discusses the pragmatic utility of prison privilege in the form of a warning to those entombed along with him in protracted or indefinite solitary confinement: "Beware of prison privileges which are designed to manipulate and control your lives. Watching television or listening to the radio is acceptable only if it doesn't preoccupy your mind or prevent mental growth. As soon as you begin to think you need anything, the prison authorities will use this need against you. Give them nothing to use against you that you are unable to mentally control and you can survive. A high level of self-discipline, self-denial and self-pride are the key to surviving solitary." Wallace, "On Solitary Confinement," 3. Note how Wallace equates personal survival with the total abdication of needs associated with the bodily "self." Again, such testimony signals the way in which the chattelized carceral submits the prisoner to an overdetermining simulation of death, or civil death in life, such that even one's attempted assertion of "selfhood" rests on the radical embrace, furtherance, or counter-deployment of the very body-self severance that is performed by the state.

55. I use terms such as "bi," "questioning," and "transgender" fully aware that they were likely not a part of the late 1940s public lexicon in places such as Baton Rouge, New Orleans, and Angola. While granting the discursive and social specificity of past historical moments, I also recognize that any perceived circumscription

as to discursive markers of gender or sexual identity (or other ontological modes) within past social formations in no way translates into a lack of complex lived experience within those formations. Indeed, any such assumption would amount to a presentist myopia.

56. The story of James Dunn, a white male prisoner who was transported to Angola at the age of nineteen, perfectly illustrates this dynamic. He recalls a particular day approximately one month into his sentence in 1960—and how another prisoner "shoved [Dunn] into a dark room where his partner was waiting. They beat me up and they raped me. That was to claim me. . . . When they finished, they told me that they had claimed me. . . . [Once] it happened, that was it—unless you killed one of them, and I was short [i.e., had a short sentence] and wanted to go home. So I decided to try to make the best of it." He goes on to describe another incident that convinced him to assent to be his rapists' "turn-out" or "whore": "During my first week here, I saw fourteen guys rape one youngster 'cause he refused to submit. They snatched him up, took him into the TV room and, man, they did everything to him—I mean, *everything,* and they wouldn't even use no grease. When they finished with him, he had to be taken to the hospital where they had to sew him back up; then they had to take him to the nuthouse at Jackson 'cause he cracked up. . . . I didn't want none of that kind of action, and my only protection was in sticking to my old man, the guy who raped me." Wilbert Rideau, "The Sexual Jungle," in *Life Sentences: Rage and Survival Behind Bars,* ed. Wilbert Rideau and Ron Wikberg (New York: Times Books, 1992), 77. At the point when Dunn finally attempted to free himself from sexual slavery through violent self-defense, he was submitted to solitary confinement and lost his chances at parole. When reading such unspeakable testimony, it is vitally important to understand that ostensibly isolated and individualized acts of rape and sexual violence in prisons and jails are actually de facto elements of one's sentence. See A. Davis, "Public Imprisonment and Private Violence." Not only does penal and juridical law effectively condone such acts, but guards and administrators often participate in them directly, whether through actual physical violence or organizing and profiteering on the trade in sex slaves.

57. For an insightful and critically important treatment of the subject of hyper-criminalization and gendered/sexualized violence as experienced by incarcerated transgender and intersex persons in the context of today's PIC, see Sylvia Rivera Law Project, "'It's War in Here': A Report on the Treatment of Transgender and Intersex People in New York State Men's Prisons," Sylvia Rivera Law Project, New York, 2007.

58. Stagg, "America's Worst Prison," 16.

59. Ibid., 15.

60. See Micki McElya, *Clinging to Mammy: The Faithful Slave in Twentieth-Century America* (Cambridge: Harvard University Press, 2007).

61. Such displays of the incarcerated black body at the twentieth-century prison plantation bear striking resemblance to portraits from early modern England depicting African slaves along with their masters or mistresses. As Kim Hall suggests, when cast in such white supremacist portraiture, the African body functions as a visual emblem of, and foil for, the nobility, wealth, and phenotypical beauty of the white aristocratic subject. Indeed, as in the Angola "trusty" photographs, such imagery often exhibited the black attendant or groom along with an assortment of other possessed living objects, such as monkeys, dogs, horses, and birds—a visual menagerie that was meant to reinforce both the elite status of the owner and the exoticized objecthood of the living stock that he possessed. Kim Hall, *Things of Darkness: Economies of Race and Gender in Early Modern England* (Ithaca: Cornell University Press, 1995), 211–53. My use of the phrase "possessive investment" in respect to the continued socialized desire for such images derives from George Lipsitz's important work on the structured dynamics of white supremacy in U.S. culture, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 1998).

62. Butler and Henderson, *Angola,* 41, 44.

63. Toni Morrison uses the absurdist phrase "moving their dirt from one place to the other" to describe a ritualized aspect of the quotidian drudgery that black women faced as domestic servants in apartheid America. "What the Black Woman Thinks about Women's Lib" (1971), in *Toni Morrison: What Moves at the Margin, Selected Nonfiction* (Jackson: University Press of Mississippi, 2008), 27.

64. Butler and Henderson, *Angola,* 39, 41. Henry Lytle Fuqua Jr. has similar memories of his time growing up in a plantation mansion at Angola before his father ascended from the wardenship of Angola to the governorship of Louisiana in 1924. He describes a typical day as an Angola child: "After breakfast we would get on . . . horses, and we would ride all over Angola plantation without any fear of anything. And, of course, the free captains . . . had children. We would . . . visit different camps, and sometimes we would go and have dinner with these folks, and we'd get on horses and ride." And like JoAn Spillman and Patsy Dreher, Fuqua's articulation of childhood happiness is linked to the private possession of black public slaves at both the prison plantation and the governor's mansion: "We had a butler and a cook. And, of course, the state had a colored man, who was a prisoner, that did the lawn, the yard work. And we had, if necessary we could call on a prisoner to drive, but I drove most of the time." Henry L. Fuqua Jr., Oral History Interview, Louisiana State University Special Collections, Henry L. Fuqua Jr., Lytle Papers, Baton Rouge.

In a later segment of the interview, Fuqua reveals how "colored men" from Angola were used to construct roads around the campus of Louisiana State University before its official opening in 1926. The black prisoners were made available for the project after Angola's river levee broke during the Mississippi River flood

of 1922. "To keep them busy . . . they had them constructing some of the streets. For instance, Highland Road, they put the curb and gutter down . . . and put in the gravel. And they stayed [on the site of LSU's campus] in these big, surplus World War One aviation tents." The public utilization and exhibition of the black neoslave at LSU and other "free-world" state institutions continues to this day in Louisiana (and other states throughout the United States). In fact, on every single day of my research in Baton Rouge, I walked by black male prisoners, draped in orange jumpsuits, doing landscaping work on the grounds of LSU, the State Library of Louisiana, and the State Capitol building—a repetitive and horrifyingly banal scene that emblazoned the present/future orientation of my "archival" study of neoslavery forever in my mind. Even though I only saw the buses that had transported them to these sites, I am also aware that imprisoned women—the overwhelming majority of whom are black—are used to move "dirt [and shit] from one place to the other" inside the buildings of these same institutions.

65. Butler and Henderson, *Angola,* 41.

66. On the degree to which rape and sexual violence represent "invisible" elements of imprisonment in the United States, particularly in respect to women, see A. Davis, "Public Imprisonment and Private Violence."

67. For an important discussion of the high incidence of homophobic and transphobic sexual violence and physical brutality in U.S. prisons, see Sylvia Rivera Law Project, "'It's War in Here,'" 16, 19, 32–33.

68. The term "freak" was commonly used in black urban communities in the mid-twentieth century to describe nonheteronormative gender and sexual behavior. Marybeth Hamilton, "Sexual Politics and African-American Music; or, Placing Little Richard in History," *History Workshop Journal* 46 (Autumn 1998): 170. In her discussion of Richard Pennimen's transformation from a drag queen named Princess Lavonne into "Little Richard," the self-described "king and queen of the blues," Hamilton discusses the unaccounted-for central role of black drag artists in blues music and the performative venues in which it was crafted. She describes the way in which black urban sociality in cities such as New Orleans represented both a relatively accepting arena for nonheteronormative bodies, represented in its annual "Gay Ball," and a zone of heteronormative sanction against those bodies, symbolized graphically in signs posted outside spaces of public accommodation in black neighborhoods, such as "NO FEMALE IMPERSONATORS ALLOWED: COLORED ONLY" (166).

69. The phrase "sexual eccentricity" is from Roderick Ferguson's brilliant work on the heteronormative vectors of the Euro-American sociological imagination, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2004), 21. See Sylvia Rivera Law Project, "'It's War in Here,'" for a discussion of the hypervulnerability of today's racialized queer, transgender, and intersex persons to economic and social dispossession, and how the

related predicaments of homelessness, joblessness, and natal dislocation often lead to arrest and imprisonment for these subjects.

70. Julie Raimondi, "Space, Place, and Music in New Orleans," PhD diss., Department of Ethnomusicology, University of California, Los Angeles, 2012, 50.

71. See Zagria, "Patsy Valdalia" entry in "A Gender Variance Who's Who: Essays on trans, intersex, cis and other persons and topics from a trans perspective," http://zagria.blogspot.com/2009/08/patsy-valdalia-1921-1982-performer.html; Jeff Hannusch, "The South's Swankiest Nightspot: The Legend of the Dew Drop Inn," ikoiko.com, http://www.satchmo.com/ikoiko/dewdropinn.html; and Hamilton, "Sexual Politics and African-American Music," 167–68.

72. Hamilton, "Sexual Politics and African-American Music," 162.

73. Kenneth Jackson, the grandson of Frank Pania, the club's owner, recalls how the New Orleans city police regularly raided (and patronized) the Dew Drop as a consequence of Pania's open flouting of the city's Jim Crow ordinance, which prohibited interracial association in nightclubs and hotels: "Whites weren't allowed in the building, according to the law. But my grandfather never did discriminate. They used to come in and raid the place. . . . They actually pulled up with paddy wagons outside, and just hauled off everybody out the place, you know. They would arrest *everybody* in the building, everybody in the place at that time, because they were mixing with the opposite race. . . . The majority of the judges and the elected officials were regulars here. The police were regulars. But I guess they had to make an example at some point, saying they couldn't turn a blind eye to the fact that the law was on the book. And according to the way the law was written, they were actually in violation. But it was so crazy, because everybody just came to have a good time." Raimondi, "Space, Place, and Music in New Orleans," 51. On the state's simultaneous creation and disciplining of interracial nightclubs, or "black and tan's," and the racialized urban planning modality of quarantining the public expression of nonheteronormative sexual and gender behaviors to black neighborhoods, see Ferguson, *Aberrations in Black*, 39–43; and Laura Grantmyre, "'They lived their life and they didn't bother anybody': African American Female Impersonators and Pittsburgh's Hill District, 1920–1960," *American Quarterly* 63, no. 4 (December 2011): 983–1011.

74. For an insightful discussion of the elision of narratives of black queer men from histories of black cultural production going back to the Harlem Renaissance, see Essex Hemphill, Introduction to *Brother to Brother: New Writings by Gay Black Men* (Los Angeles: Alyson Books, 1991).

75. Butler and Henderson, *Angola,* 36.

76. Ibid.

77. Ibid., 42.

78. Mary Prince, *The History of Mary Prince: A West Indian Slave, Related by Herself,* ed. Moira Ferguson (1831; Ann Arbor: University of Michigan Press, 1997), 66.

79. Anne Butler mentions the steel plate in Bruce's head in her narrative, a fact she gleaned from an unidentified white "free" resident of the prison plantation. Butler and Henderson, *Angola,* 42.

80. "Search Still Presses for Slayer of Wife of State Prison Officer: Posse Hunts for Trusty Believed Hidden in Woods," *Morning Advocate* (Baton Rouge), October 21, 1948. See also "Posse Continues: Big Manhunt for Prison Houseboy," *Morning Advocate,* October 22, 1948; and "Search for Trusty Moves into EBR," *Morning Advocate,* October 23, 1948.

81. In a move that highlights the differential relation between what was seen as an isolated occasion of personal white tragedy and natural black criminality, and the more "important" business of neoplantation sugarcane production, the state called off the full-scale manhunt for Bruce five days after it had began so that "more than 100 prison guards and employees" could return to overseeing Angola's field-working neoslaves—bodies that had been rendered temporarily "idle" after the Spillman killing. "Posse Disbanded in Trusty Hunt, Search Continues," *Morning Advocate,* October 26, 1948.

82. Mary Fonesca and Steven Brooke, "Afton Villa Gardens: St. Francesville," in *Louisiana's Gardens* (Gretna: Pelican Publishing, 1999), 13–16. See also *Afton Villa, A French Gothic Chateau, 1790–1849: Yesterday's Gift to Today* (St. Francesville, La.: [s.n.], 1900).

83. William Craft, *Running a Thousand Miles for Freedom; or, the Escape of William and Ellen Craft from Slavery* (London: William Tweedie, 1860).

84. I should be clear here that in discussing the lack of an organized liberal or radical society of white antislavery advocates to whom an escaped prisoner could turn in 1948, I am in no way suggesting that there were absolutely no avenues of subterranean aid, concealment, or familial/community understanding available within black (or allied white/brown/Indigenous/Asian) urban or rural communities for a fugitive neoslave. Considering the ubiquity of legalized racial violence against black people, it is not difficult to imagine that most of them would have remained helpfully silent, if not openly defiant, vis-à-vis the law's attempted reclamation of Bruce's fugitive body. I am only attempting to suggest the degree to which—in the context of a nearly wholesale white/public consensus regarding the supposed end of slavery—racialized and sexualized criminal stigmatization would have precluded any such underground political practice from attaining widespread social currency or "aboveground" political viability.

85. "Posse Continues: Big Manhunt for Prison Houseboy," 8.

86. Butler and Henderson, *Angola,* 41.

87. What Louis Althusser calls "preappointment" denotes the preprogramming sector of ideology whereby an "individual is always-already [interpellated as] a subject, even before he is born." Althusser, "Ideology and Ideological State Apparatuses." In a manner akin to antebellum preappointment where nearly every

black person was automatically tagged "slave" before birth—*every black child shall take on the condition of the mother*—black men, women, and children in the postbellum national white supremacist imaginary have been preappointed as metaphysically criminal. Significantly, in clarifying his definition of state interpellation, or what he calls the ritualized "hailing" of the subject, Althusser conjures a scene in which an individual automatically knows when he or she is being addressed on the street by a policeman with the call: "Hey, you there!" (118). Indeed, this articulation of the state's creation of civil subjects represents an all-too-accurate portrayal of racial subjection in the United States and other nation-states. However, what is missing in Althusser's interpellative allegory is the fact that the hailing process represents a collective rather than individualized experience for the precariously civil racialized subject. That is, the story of a single person "recognizing" that he or she is the one being picked out of a crowd by a policeman on the street would have to be adjusted for the experiential reality of those black or brown persons preappointed as always-already suspect subjects—i.e., when the policeman yelled out "Hey, you there!" in a black or brown community, *everyone* would properly assume that they could be the suspect being hailed. Indeed, this collective recognition actually forces another important change to the allegory: instead of turning around 180 degrees in response to the policeman's call, many racially criminalized subjects would run in the opposite direction in hopes of escaping a *hail* of baton blows, tazer shots, bullets, and/or days in a cage.

88. I should note here that the state would have in no way depended on pathologizing Bruce as queer or trans in order to commit this justifiable homicide. Indeed, no captive gender/sexuality has been branded as more disposable than black straight maleness in the postbellum history of U.S. prison slavery. In discussing the degree to which sexual/gender aberrance was ascribed to Bruce, I am pointing out how such difference would have added another layer of social acceptability to Bruce's always already murderable status as black "male" prison slave.

89. "Body of Trusty Found in River Morganza: 'No Signs of Violence,' Jury Reports," *Morning Advocate* (Baton Rouge), October 31, 1948.

90. "Search Still Presses for Slayer of Wife of State Prison Officer," 1. The "dogboy," or "dog sergeant," represented one of the neoplantation roles assigned to "trusty Negroes." Indeed, the particular black man that held this role at St. Gabriel plantation (an auxiliary of Angola) during Bruce's escape is pictured in a photograph that accompanied the *Morning Advocate*'s coverage. He is shown holding one of the penitentiary's scores of bloodhounds, and standing next to the rifle- and pistol-bearing sheriff's deputies and Angola guards, under the caption "MANHUNTERS." "Search for Trusty Moves into EBR," 1. In describing the training method for Angola's variety of English, Cuban, and crossbred dogs, another article, written three years after Bruce's initial arrival at Angola, describes how bloodhound puppies were trained to "tree," hunt, and bite "Negro" prisoners:

"The method of training is simple. The pup is taken to the woods and left, to follow the dog sergeant home by scent. Later the pup is held, while a prisoner lays down a trail as he makes his way back to camp. By stretching the interval between the time the trail is laid and the time the dog is set on it, the problem of working out the trail is made increasingly difficult for the animal. Later still, the pup is taught to tree his man by having prisoners leave the ground and climb." Albert Proctor, "Fear of Huge Dogs, Law's Unsung 'Arm,' Helps Keep Order, *Progress* (Shreveport), 1938 (unspecified date). Angola continues to use dogs as a modality of terror to this day. The penitentiary even currently practices the crossbreeding of dogs and wolves in order to create an even more terroristic "manhunter." See Terry Jones, "Wolf Dog to Patrol Angola," *Advocate* (Baton Rouge), May 2, 2012, http://theadvocate.com/ news/2720715-123/wolf-dog-to-patrol-angola. For a superb treatment of the historical use of dogs as a modality of racial terror from slavery through the current U.S. invasion and occupation of Afghanistan and Iraq (and elsewhere), see Johnson, "'You Should Give Them Blacks to Eat.'"

91. "While babysitting at another guard's home, JoAn would unwittingly see photographs of the convict's body on the sandbar where it was found." Butler and Henderson, *Angola,* 48.

92. For critically important assessments of neoslavery, and the "(neo)slave narrative," as expressed within radical black, Latina/o, Asian Pacific Islander (API), and allied white political formations, see Joy James, ed., *The New Abolitionists* and *Imprisoned Intellectuals.* See also Rodríguez, *Forced Passages.* However, the experiences of those such as McElroy, Mathews, and Bruce underline the importance of our centering the forms of anti-neoslavery practice that were enacted by those who have never entered into the pantheon of "black radical politics," and whose entombment represented the condition of possibility for the modern white supremacist prison state.

93. The "Salt Pit" was a code name for a CIA-run secret prison, or "black site," constructed on the remains of an abandoned brick factory north of Kabul, Afghanistan, after the United States invaded, bombed, and occupied the country in October 2001. With Afghan guards acting as proxies, the CIA used the site to torture Afghan detainees. One prisoner, Gul Rahman, froze to death after being stripped naked from the waist down, chained to the floor of his cell, and left to freeze overnight. Dana Priest, "CIA Avoids Scrutiny of Detainee Treatment: Afghan's Death Took Two Years to Come to Light," *Washington Post,* March 3, 2005. The United States has operated such sites throughout the Middle East, Central Asia, and Eastern Europe since its invasion of Afghanistan and its invasion of Iraq in 2003. One cannot gain a full understanding of U.S. state terrorism and criminality in "black sites," or in openly declared international prisons such as Guantánamo Bay and Abu Ghraib, without recognizing that such practices have issued directly from conditions of neoslavery "at home." Four years after

becoming the first member of the Angola 3 to be released, Robert Hillary King underlined this point by expressing his mystification at the international shock and bewilderment that attended the release of photographs depicting torture of prisoners at Abu Ghraib. "What amazes me is, when the photos were exposed by the media [in May 2004], it seemed as if people were appalled. . . . I wondered: Am I an alien or something? This is something that has been going on in the United States since the inception of prisons. Prisons are torture chambers." Speech given at the "From Attica to Abu Ghraib" conference, University of California, Berkeley, April 23, 2005.

4. The Warfare of Northern Neoslavery in Chester Himes's *Yesterday Will Make You Cry*

1. Chester Himes, *Yesterday Will Make You Cry* (New York: W. W. Norton, 1998), 96, 99.

2. Ibid., 163.

3. Ibid., 165–66.

4. Ibid., 320–21.

5. Two earlier examples of northern narratives of neoslavery are Harriet Wilson, *Our Nig; or Sketches of the Life of a Free Black* (1859; New York: Vintage Books, 1983), and William Walker and Thomas Gaines, *Buried Alive (Behind Prison Walls) for a Quarter of a Century: Life of William Walker* (Saginaw, Mich.: Friedman & Hynan, 1892). In expressing how chattelism infused the lived experience of the life of "free" black people in the North, Wilson's text offers an originary testament to the socially incarcerating structure of U.S. apartheid. Walker's virtually unknown text is critically important given the fact that he experiences both chattel slavery in the South (Virginia) and penal neoslavery in the North (Jackson Prison in Michigan). Tellingly, Walker describes the regime of solitary confinement and cellular cargoing that he experienced in the North as decidedly more abject than its southern counterpart. To read Walker's text, see the Documenting the American South Collection, University of North Carolina Library, Chapel Hill, http://docsouth.unc.edu/neh/gaines/summary.html.

6. For a detailed account of the Easter Monday Fire, see Elise Meyers Walker, David Meyers, and James Dailey II, *Inside the Ohio Penitentiary (Landmarks)* (Charleston, S.C.: History Press, 2013), 90–102. I have incorporated the term "tight-packing" here to highlight the degree to which the warehousing of nearly five thousand prisoners into a prison designed for fifteen hundred bears haunting resemblance to the cargoing methodology of chattel slavery (see chapter 1), which called for the "tight-packing" of slave holds with as many bodies as possible notwithstanding the extremely high death rates this practice inflicted (with the idea that the profitability of this method would outstrip the costs associated with