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Fungibility consists of the ability to be interchanged and replaced. The slave was protected as property on the basis that the slave could both be sold and could reproduce. Slave life constituted monetary value to the master, and prevented most slaves from being employed in ultra-hazardous environments such as the coal mine.¹

Following the American Civil War and the passage of the Thirteenth Amendment, the proliferation of southern laws known as Black Codes criminalized nearly all aspects of ex-slave life.² This mass criminalization reconstituted black labor as a form of judicial punishment which returned part of the revenue generated by black labor to the state.³ Ex-slave prisoners were leased by southern state and county governments to private industry. This practice became known as the convict lease system.⁴ The system “was viewed by whites as an inherently practical method of eliminating the cost of building prisons” while simultaneously “funding government.”⁵ Moreover, the reconstruction of the South required the continued dependence on unpaid black labor. “By the end of Reconstruction in 1877, every formerly Confederate state except Virginia had adopted the practice of leasing black prisoners into commercial hands.”⁶

The master-slave relation was characterized by the dual status of the slave as both labor and property. The monetary value of slave life rendered the death of the slave as a financial loss to the master. The convict lease system restricted the direct sale of prisoners as chattel. As a result, the death of the ex-slave prisoner, unlike the slave, did not incur losses to the lessee. “Over eight decades, almost never were there penalties to any acquirer [of convict lease laborers] for their mistreatment or deaths.”⁷ Prisoners who died could be replaced without consequence. In this way the convict lease system rendered prisoners fully fungible. This fungibility was a precondition for the treatment of prisoners:

They were routinely starved and brutalized by corporations, farmers, government officials and small-town businessmen intent on achieving the most lucrative balance between the productivity of captive labor and the cost of sustaining them. The consequences for African Americans were grim. In the first two years that Alabama leased its prisoners, nearly 20 percent of them died. In the following year, mortality rose to 35 percent. In the fourth, nearly 45 percent were killed.⁸

The convict lease system’s decoupling of death and financial loss provided an ideal workforce for the high-risk conditions of the mine.⁹ The states with natural resources available for extraction thus benefited most from convict lease system. In the wake of the plantation system, the convict lease system contributed to the exponential growth of southern industry.¹⁰

In the attempt to rebuild southern infrastructure destroyed by the Civil War, many of the initial convict lease contracts were signed with regional rail companies. “As in Tennessee, North Carolina, Georgia, and to some extent Texas, then, the earliest years of convict leasing in Florida were mainly ones of railroad

¹ “[M]asters were reluctant to hire their negroes for such employment.” Ronald L. Lewis, *Black Coal Miners in America: Race, Class, and Community Conflict, 1780-1980* (Lexington: University Press of Kentucky, 1987), 11; Douglas Blackmon, *Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009), 96.

² Blackmon, *Slavery by Another Name*, 53.

³ “Neither Slavery nor involuntary servitude, except as a punishment for crime; whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” U.S. Const. amend. XIII, § 1.

⁴ W.E.B. Du Bois, *Black Reconstruction in American 1860-1880* (1935; repr., New York: The Free Press, 1998), 506.

⁵ Blackmon, *Slavery by Another Name*, 53.

⁶ *Ibid.*, 56.

⁷ *Ibid.*, 56.

⁸ *Ibid.*, 57.

⁹ *Ibid.*, 96.

¹⁰ Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (London: Verso, 1996), 77-79.

construction.”¹¹ These included the Alabama and Chattanooga Railroad; the Georgia and Alabama Railroad; the Selma, Rome and Dalton Railroad; and the Macon & Brunswick Railroad.¹² By 1895, these had all been consolidated into Southern Railway, which now operates as Norfolk Southern.¹³ Norfolk Southern continues to transport coal, and remains one of the largest freight networks in the Southeast.¹⁴

To continue the development of rail infrastructure, coal, and iron ore were necessary to produce the rails, and coal was necessary to power the engines. The expansion of rail infrastructure further expanded the market for coal by allowing it to be shipped throughout the South.¹⁵ A Tennessee prison official describing the mining conditions of the 1870s stated that “it was a practical impossibility to get our free ... people, either white or black... to work in the mines,” which resulted in state agreements to lease convicts to the coal operators.¹⁶ Beginning in the early 1870s a number of states, particularly Tennessee, Georgia, and Alabama, began to employ convict lease labor in mines.¹⁷ “The largest coal mines in the region, at the base of the operation of the most successfully vertically integrated enterprises, relied on convicts at the core of their labor force.”¹⁸ Coal was the resource base of the industrializing South.¹⁹ Coal was mined and smelted into coke. Coke was subsequently used to power the blast furnaces to smelt iron ore into iron and steel. The capacity of a single company to execute all stages of production became known as vertical integration.

Birmingham, Alabama was founded in 1871.²⁰ Its creation was predicated on the anticipated intersection of the South and the North Alabama Railroad and Alabama and Chattanooga Railroad on land known to have “immense deposits of coal and iron ore.”²¹ A group of railroad investors formed the Elyton Land Company for the express purpose of developing Birmingham.²² It was modeled after the British city of Birmingham, as an industrial center surrounded by coal fields. “The seat of iron manufacture in the mother country” was renowned as the home of the Watt Steam Engine as well as an early adopter of the factory system.²³

The Pratt Coal and Coke company was founded in 1878. Pratt Coal and Coke was integral to the development of Birmingham, and the industrial development of the South.²⁴ By 1886, Pratt’s four coal mines became the most productive mines in Alabama, and were accompanied by integrated coke and iron facilities.²⁵ During this year, Pratt Coal and Coke was acquired by Tennessee Coal, Iron and Railroad (TCI), the largest mining operation in Tennessee.²⁶ Central to both operations was the continued reliance on convict labor.²⁷ By 1892, the consolidated TCI became the largest coal company in the region.²⁸ In addition to convict lease labor, “[the consolidated] TCI found that...they were able to expand by opening free labor mines as well.”²⁹ In 1898, the presidents of Southern Railway and the L&N Railroad funded the creation of TCI’s first steel plant known as Ensley Steel Works.³⁰ By 1907, Ensley steel rail had begun to compete with northern steel manufacturers. That same year, U.S. Steel acquired TCI and continued the use of convict lease labor.³¹ The total value and property of TCI, including the former site of the Pratt mines, are now retained by U.S. Steel.³²

¹¹ Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South* (Columbia: University of South Carolina Press), 185.

¹² Blackmon, *Slavery by Another Name*, 54.

¹³ Marie Bankhead Owen and Thomas McAdory Owen, “Alabama Great Southern Railroad Company,” in *History of Alabama and Dictionary of Alabama Biography*, Volume I (Alabama: S. J. Clarke Publishing Company, 1921), 24-28; Interstate Commerce Commission, *Southern Ry. Co.*, Volume 37, Interstate Commerce Commission Valuation Reports (Washington: United States Government Printing Office, 1932), 212, 571; Addie Davis Cobb and Wilton P. Cobb, *History of Dodge County* (Atlanta: Foote and Davies Co., 1932), 27.

¹⁴ “Shipping Options: Coal,” Norfolk Southern, accessed April 9, 2017, <http://www.nscorp.com/content/nscorp/en/shipping-options/coal.html>.

¹⁵ Ethel Armes, *The Story of Coal and Iron in Alabama* (1910; repr., Tuscaloosa: The University of Alabama Press, 2011), 276-277.

¹⁶ Lichtenstein, *Twice the Work of Free Labor*, 75.

¹⁷ *Ibid.*, 77.

¹⁸ *Ibid.*, 77.

¹⁹ *Ibid.*, 83.

²⁰ Armes, *The Story of Coal and Iron in Alabama*, 222.

²¹ Henry Martin Caldwell, *History of Elyton Land Company and Birmingham, Ala.* (Birmingham: Caldwell, 1892), 3.

²² Armes, *The Story of Coal and Iron in Alabama*, 222.

²³ *Ibid.*, 223.

²⁴ Lichtenstein, *Twice the Work of Free Labor*, 91-92.

²⁵ *Ibid.*, 91, 92.

²⁶ *Ibid.*, 90.

²⁷ *Ibid.*, 87, 90, 95.

²⁸ *Ibid.*, 94.

²⁹ *Ibid.*, 94.

³⁰ Maury Klein, *History of the Louisville and Nashville Railroad* (1972; repr., Lexington: University Press of Kentucky, 2003), 275.

³¹ Tom Badham, “Iron Pigs, Steel Rails and TCI,” *Jefferson County Historical Association Newsletter*, Fall 2015, http://www.jeffcohistory.com/newsletter_Oct_15_pg2.html.

³² “Addendum to Pratt Coal & Coke Company, Pratt Mines, Convict Cemetery,” Written Historical and Descriptive Data, Historic American Engineering Record, National Park Service, U.S. Department of the Interior, 1993, 2. From Prints and Photographs

Prison labor was instrumental to southern industrialization not only because it was low-risk and low-cost, but also because it was forced. "By the 1880s local observers agreed that the coal and iron resources of Tennessee, Alabama, and Georgia were 'destined to revolutionize the iron manufacture of the country,' while admitting that 'the important factor in the question of the cheap production of iron is prison labor.'"³³ Convict lease laborers were shackled to each other and compelled to work.³⁴ They were whipped and subjected to water torture for producing less than their prescribed quotas, and for other forms of resistance.³⁵ The conditions of the mine included the threat of collapse or flooding as well as the continual exposure to toxins.³⁶ Food, clothing and medical care were frequently withheld, and decreased production due to sickness was punished.³⁷ The coercion of prisoners created a "reliable" labor force, which was used to undermine strikes organized by "free" labor miners.³⁸ Many of the free labor miners were former prisoners, and were thus continually regulated by the forced labor of convict leasing.³⁹

The convict lease system supported the southern economy through the end of Reconstruction and the beginning of Jim Crow.⁴⁰ The Compromise of 1877, which withdrew the final Northern troops from the South, is considered to be the end of Reconstruction.⁴¹ It ushered in white, "Redeemer" political control of many state governments, which perceived the southern black population as a threat.⁴² Laws created to formalize already prevalent racial segregation and subordination, and to disenfranchise black voters through poll taxes and literacy tests, became known as Jim Crow laws.⁴³ The reliance on the labor of prisoners developed industrial political-economic interests in preserving the racial order that governed the convict lease system. These interests were served by the advent of Jim Crow.

Division, Library of Congress (HAER ALA,37-BIRM,38C-); accessed April 9, 2017, <https://cdn.loc.gov/master/pnp/habshaer/al/al1000/al1048/data/al1048data.pdf>.

³³ Lichtenstein, *Twice the Work of Free Labor*, 87.

³⁴ Mary Ellen Curtin, *Black Prisoners and Their World, 1865-1900* (Charlottesville: University Press of Virginia, 2000), 70.

³⁵ Curtin, *Black Prisoners and Their World, 1865-1900*, 69; Blackmon, *Slavery by Another Name*, 71.

³⁶ Blackmon, *Slavery by Another Name*, 97; Du Bois, *Black Reconstruction in American 1860-1880*, 699.

³⁷ Blackmon, *Slavery by Another Name*, 96.

³⁸ Lichtenstein, *Twice the Work of Free Labor*, 100-103.

³⁹ In 1910 "The [U.S. Immigration Commission] estimated that 50 percent of the African American coal miners in Birmingham were ex-convicts. The convict camps thus may have proved to be a peculiar and especially brutal training ground for a crucial component of the South's industrial labor force." Lichtenstein, *Twice the Work of Free Labor*, 86.

⁴⁰ Convict lease labor was used in Alabama coal mines until 1928. Blackmon, *Slavery by Another Name*, 369.

⁴¹ C. Vann Woodward, "The Unknown Compromise," in *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (1951; repr., New York: Oxford University Press, 1961), 3-21.

⁴² *Ibid.*; "The Redeemers who overthrew Reconstruction and established 'Home Rule' in the Southern states conducted their campaign in the name of white supremacy...But the new order represented no striking departures in this respect...Race relations after Redemption were an unstable interlude before the passing of these old and new traditions and the arrival of Jim Crow code and disenfranchisement." C. Vann Woodward, *The Strange Career of Jim Crow* (1955; repr., New York: Oxford University Press, 2002), 31-32.

⁴³ Woodward, *The Strange Career of Jim Crow*, 81-85, 97.

Norfolk Southern (Tennessee), 2017
Steel relay rail
18 x 489 x 73 cm

Relay rail is rail that has been removed from its original line and resold. Relay rail was first sold by railroad companies to mining companies for pit railways. Steel rail is made using coal and iron ore.

In the late 1860s, the Alabama and Chattanooga Railroad; the Georgia and Alabama Railroad; the Selma, Rome and Dalton Railroad; and the Macon and Brunswick Railroad were constructed using convict lease labor. By 1895 all of these lines had been consolidated into Southern Railway, which built hubs in Birmingham, Chattanooga, and Atlanta, allowing it to transport coal and iron ore throughout the Southeast. In 1982, Southern Railway merged with Norfolk and Western Railway to create Norfolk Southern. This Norfolk Southern relay rail was used in the Tennessee section of the system.

Jim Crow, 2017
Jim Crow rail bender
91.4 x 20 x 44 cm
Rental

Jim Crow is a racial slur, derived from the name of the minstrel character played by Thomas D. Rice in the 1830s. A Jim Crow is also a type of manual railroad rail bender. It has been referred to by this name in publications from 1870 to the present. The lease of ex-slave prisoners to private industry immediately following the Civil War is known as the convict lease system. Many of the first convict lease contracts were signed by railroad companies. *Plessy v. Ferguson* contested an 1890 Louisiana law segregating black railroad passengers. The Supreme Court upheld the law as constitutional. This created a precedent for laws mandating racial segregation, later to be known as Jim Crow laws.

Norfolk Southern (Alabama), 2017
Steel relay rail
18 x 371 x 101.3 cm
Rental

Relay rail is rail that has been removed from its original line and resold. Relay rail was first sold by railroad companies to mining companies for pit railways. Steel rail is made using coal and iron ore.

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RWE, 2017
Electrical power

Rheinisch-Westfälisches Elektrizitätswerk AG was founded in 1898 in Essen as a coal power company. In 1900 the leading coal producers were the U.S., the UK, and Germany. Germany has remained the leading coal producer in Europe. As of 2016, RWE was the largest electricity supplier in Germany, providing 23% of the country's electrical power. In 2016, 44% of the company's energy supply was derived from coal. Its four most productive plants are coal-powered, and are located in the Nordrhein-Westfalen region. The company operates 3 coal mines, which are located in the same region. The electrical power provider at Galerie Buchholz on Neven-DuMont-Straße has been changed and the power will be supplied by RWE for one year.