

others) to found the Construction Users Anti-Inflation Roundtable (CUAIR), which reorganized as the Business Roundtable in 1972. The Roundtable blamed organized labor for the inflation and high construction costs of the 1960s, and they sought to strengthen contractors' bargaining power by weakening prolabor legislation (such as the Davis-Bacon Act) and employing nonunion construction workers. At the same time, the postwar construction boom that had kept building trades workers employed at high wages on defense, highway, and housing projects dried up in the 1970s. Just as troublesome for building trades unions was their inability to gain a foothold in private residential construction, which also undermined skill requirements through the growing use of prefabricated materials. As a result, even though the building industry recovered in the late 1980s and 1990s, the percentage of unionized construction workers dropped by approximately 50% since 1970.

The world of construction workers continues to change. Federal laws and the rise of nonunion labor have facilitated the entrance of nonwhites and women into the trades. So too, however, have building trades unions. In order to maintain their place in the industry, unions are making more concerted efforts to organize the unorganized. And as they have for over a century, building trades unions continue to forge solidarity amid contentious jurisdictional disputes.

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See also Apprenticeship; Davis-Bacon Act; International Brotherhood of Electrical Workers; International Brotherhood of Teamsters; International Union of Operating Engineers; Laborers' International Union of North America; Landrum-Griffin Act (1959); McClellan Committee Hearings; National War Labor Board (WWI); National War Labor Board (WWII); Philadelphia Plan; United Brotherhood of Carpenters and Joiners of America

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CONVICT LABOR IN THE NEW SOUTH

The convict lease—a system of prison administration whereby a state leased its prisoners to a private individual or company for a number of specified years—was not a postbellum or a southern innovation. But it was during that time and in that place that the practice acquired its notorious reputation. The postbellum South is partly defined by images of felons dressed in striped prison garb, laboring on penal farms (a uniquely southern institution) and in dangerous, hot, and unhealthy conditions, whether in southern turpentine, phosphate, or coal mines. Yet these enduring images obscure the halting process through which the convict lease emerged as the foremost method of southern prison administration. Both parties bore responsibility for the lease; as the historian Edward Ayers notes in *Vengeance and Justice*, Presidential Reconstruction, Congressional Reconstruction, and the era of Democratic counter-revolution all "passed without any obvious watershed in the South's penal system" (Ayers, p. 190).

Convict leasing in the postbellum South took one of two basic forms. Under the contract system, as Mark Carleton notes in his book, *Politics and Punishment*,

the states leased the labor of their prison inmates, but not actual convicts. In theory, state officials remained liable for feeding, clothing, and guarding the prisoners. South Carolina, Texas, and Virginia all adopted this system of prison management by the 1880s. The convict lease, by contrast, enabled private companies to work prisoners outside the walls of the penitentiary; in return for this greater latitude, they acquired the responsibility of providing their charges with food and health care. All the other southern states adopted this more privatized system (Carleton, p. 22).

The origins of the convict lease rested in the substantial indebtedness of southern states during the post-Civil War period, along with the destroyed or tenuous condition of state penitentiaries following the war. A Tennessee warden criticized its central penitentiary, as Karin Shapiro recalled in her *A New South Rebellion*, as "old and dilapidated, damp and cheerless" (Shapiro, p. 54). Limited state funds with which to rebuild or upgrade state penitentiaries, coupled with a rapidly growing prison population of mostly black inmates, led the states to seek alternative forms of prison management. During the late 1860s and early 1870s, the resulting convict leases had short time frames and consisted of individuals or companies that hired a group of convicts to work within the prison walls to make such goods as harnesses or saddles. Other lessees sought prisoners to work on their sugar cane and cotton farms or in railroad construction. Few of these early state leases were particularly remunerative to the southern states, but as Carleton showed in his history of Louisiana's penal system, the arrangements relieved state governments of what one official called an "expensive luxury"—the need to manage the prisons and to provide food and shelter (Carleton, pp. 9, 42). During the 1870s, however, convicts became omnipresent along railroad routes, while prison leases became ever more economically significant to states and companies alike. By the 1880s and 1890s, the states with the most convicts—Alabama, Florida, Georgia, and Tennessee—had turned to mining companies to house and work prisoners, and so southern convicts increasingly found themselves engaged in far-flung operations under the sole care of private companies. The former slave states had essentially given up all responsibility for the feeding, housing, clothing, and care of their prison inmates.

The financial benefits of the convict lease system to the southern states proved to be considerable. The states saved annual maintenance and transportation costs, estimated at around \$250,000 by Tennessee's governor in 1891. He further predicted that a new penitentiary would cost taxpayers roughly \$300,000 and take two years to build. In an economic environment in which governments favored low taxes and

fiscal prudence, legislators valued such savings. Over time, convict leases also substantially boosted state revenues. Alabama and Tennessee, the states with the most remunerative prison contracts, each received \$100,000 per annum from 1880s onward. Shapiro quotes Tennessee's governor as praising the lease as "successful," "relieving [the state] of all business risk and expense, and paying a surplus into the treasury" (Shapiro, p. 53). According to Mancini's review of convict leasing in the American South, by 1898, Alabama received a whopping 73% of its total revenue of nearly \$388,000 from the hire of its convicts (Mancini, p. 112). Other southern states, such as Georgia, Mississippi, Arkansas, North Carolina, and Kentucky, also received significant sums from their lessees, ranging between \$25,000 and \$50,000 per year. Compared with northern prisons in which the inmates worked within the prison walls, the profits garnered from leasing out southern convicts were noteworthy. According to Ayers's calculations, prisons that did not use the lease system earned 32% of their costs, while those that hired convicts to work outside their walls generated income that exceeded prison-related expenditures by 267% (Ayers, p. 196).

The convict lease simultaneously proved highly satisfactory to southern lessees such as coal companies. Coal producers first began employing convict laborers because, as their corporate managers repeatedly reiterated, the South lacked a sufficient pool of free laborers willing to enter the mines, especially at wages they were prepared to pay. Although many southern laborers still had access to agricultural pursuits in the late 1860s and early 1870s, this option lessened considerably as the decade wore on. But as Alex Lichtenstein has shown, by then the South's leading coal companies—such as the Pratt mines in Birmingham; the Tennessee Coal, Iron and Railroad Company (TCIR) in Tracy City, Tennessee; the Knoxville Iron Company in Coal Creek, Tennessee; and the Dade Coal mines in northwest Georgia—all used convicts to mine coal and smelt coke, and all had many reasons to be satisfied with their labor management decisions (Lichtenstein, p. 22). Roughly 27,000 convicts labored in the postbellum South at any one time. But it was less their absolute numbers that were significant than their placement in the key nascent industries of coal mining and iron production.

Though convict productivity was generally lower than that of free miners, the lease provided a steady supply of laborers to these emerging industries. Moreover, the South's leading coal companies all found that the use of convict laborers initially slashed their wage bills. The fees the companies paid to the state, together with the costs of taking care of the prisoners, ranged from 60 cents to one dollar per prisoner per

day—one quarter to one half of the daily earnings of free laborers. Moreover, the presence of convicts kept the earnings of free miners static in real terms over the two decades from 1870 to 1890. Wages earned by miners in Tennessee, for example, dropped from about four dollars a day to under two dollars a day, paralleling a general decline in nineteenth-century prices. Convict lessees also repeatedly found that the presence of unfree miners constrained the ability of free miners to bargain for higher wages or better working conditions. Indeed, during periods of union organizing or labor agitation, the companies proved able to withstand demands for higher wages or better working conditions by threatening to lay off their free workers. They knew they could use convicts to mine enough coal to keep the coke ovens going. The coal barons viewed convict labor as a "club" they could hold over their free miners, correctly calculating that the miners would be reluctant to strike, since company managers could readily replace them with convict laborers. In addition, when the demand for coal lessened during the hot summer months and other periods of economic weakness, the coal companies invariably laid off their free miners, keeping the cheaper convicts at work.

If coal companies used the option of convict labor as a labor-management tool, coal miners sought to eliminate this threat. Mine workers, profoundly cognizant of the effect of convict laborers on their bargaining positions, initiated 21 strikes between 1871 and 1900 against the entry of convict laborers in the mines. The vast majority of these strikes failed. Partly as a result of the convict lease system, the union movement developed shallow roots in the post-Civil War South.

The convicts who labored in the mines and on the farms and railroads of the South were primarily young and unskilled African-American men. Often convicted of trivial offenses, such as the theft of a fence rail or a chicken, these men generally received sentences of one to six years. The social composition of the postbellum South's prison inmates contrasted starkly with that of the pre-Civil War years. Prior to the war, most prisoners were white, had committed serious felonies, and lived in urban centers. African-American slaves who confronted allegations of infringing plantation rules or state laws usually were punished by their masters, out of the purview of state officials. Subject to state courts following their emancipation, black freedmen soon found themselves falling foul of misdemeanor laws and caught up in the justice system. Once convicted, these young black men often received sentences disproportionate to the ostensible crimes they committed and then found themselves working in convict camps dotted around

the South. Cities and towns continued to account for the majority of prison inmates, but postbellum rural areas sent an ever-greater number of felons to the state prisons.

Although historians of the southern convict lease system have generally concluded that convicts typically arrived in the state's prisons as a result of petty pilfering increasingly punished by the state as criminal theft, one scholar, Mary Ellen Curtin, has argued that many convicted criminals in postbellum Alabama faced punishment because of efforts by African-Americans to push the social, political, and economic limits of their newfound freedom. In her book *Black Prisoners and Their World, Alabama, 1865-1900*, Curtin shows that state officials employed the law to direct black farmers' economic activity to white-owned country stores. Those who frequented "dead-falls"—informal, after-hour markets that furnished supplies to African-American farmers—often faced larceny charges. She additionally suggests that many blacks pursued their own court cases, charging fellow African-Americans with wrongdoing. In so doing, Curtin argued that they viewed the law as yet another vehicle by which they could express their recently acquired citizenship.

Whatever the route into the South's criminal justice system, the majority of its inmates were black men convicted for petty offenses, and they soon found themselves laboring on the South's penal farms and its turpentine, phosphate, and coal mines. White men, who typically fell foul of the law only if they had committed a serious crime, such as murder, generally stayed within the walls of the old penitentiaries along with those men too sick or old for hard labor. Women prisoners, who constituted only about 7% of the inmate population, also remained in central prisons, where they made prison clothes and prepared food.

Circumstances at postbellum southern convict camps varied, depending on the kindness of an individual manager and the financial well-being of his company. Some states even set minimum legal standards, though lessees rarely observed them. Moreover, many lessees subleased convicts to third parties, attenuating the state's control even further. Despite variations, convict laborers almost invariably endured horrific living conditions. Shapiro recounts an 1893 visit by a seven-man Tennessee legislative committee to the convict camp in Coal Creek, who found that the stockade consisted of "three box houses or wings"—too small for the number of men it housed and "unsanitary in the extreme." Two men slept to a bed "made of rough plank in a continuous row." The bedding was "filthy to an extreme degree," covered in "grease, grime, and coal dust." The food

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was no better, apparently "not up to the standard required by law, either in quantity or quality, variety, or method of preparation" (Shapiro, pp. 65-66). Abysmally high death rates further suggest the harshness of the prisoners' circumstances. Mancini observes that in the 1880s, 10% to 15% of Mississippi inmates died during their incarceration (Mancini, p. 139).

Everywhere in the postbellum South, work became the *sine qua non* of the convicts' lives. They toiled for long hours in hot, dangerous conditions. Although the era's prison reformers assumed that hard labor offered a road to rehabilitation through the inculcation of habits of "diligence" and "temperance," the convict lessees cared little or nothing about the physical or psychological well-being of the convicts. Relentless, backbreaking labor was good for the company profits. As convict lessees tried to extract the maximum amount of labor from their unfree laborers, however, the inmates invariably resisted whenever possible. In the coal mines, resistance generally involved shooting the coal to bits, loading coal cars with unusable slate, and shirking work, oftentimes by feigning illness. An 1894 article in the mining industry's trade journal, cited by Shapiro, bemoaned that convict-mined coal resulted in "badly laid track, badly set props...coal not mined at all, but simply shot to pieces, and finally, loaded up with all the slate, sulfur and other refuse at hand that would help fill up the requisite number of cars for the task" (Shapiro, p. 69). Although convict "trustees" and prison guards sought to induce proper mining techniques and a substantial output from the convicts, the latter had few incentives to accede to these demands. In the time-honored fashion of compelling labor from people who have little incentive to work hard, the guards resorted to both sticks and carrots—whippings alongside small incentives, such as offering small bonuses for mining more tons than one's individual allotment. Yet, as the prison record books make clear, these methods often had fairly limited results. Many convicts resisted work demands, choosing punishment over exploitation.

Faced with such horrendous living and working conditions, and a fearsome death toll, surviving prisoners could only hope that their situations might improve through escape, reduction of sentences for "good behavior," or a gubernatorial pardon. Each of these events occurred with some regularity, offering prisoners some hope of avoiding death at the mines. Statistics varied considerably from state to state and over the course of the postbellum period. In mid-1870s Georgia, according to Ayers, almost half the inmates escaped during their incarceration; in 1880s Tennessee this proportion reached just 8% (Ayers, p. 201). Substantial numbers of prisoners also received

reduced sentences or pardons, a phenomenon that suggests that the southern states used these mechanisms to shorten long sentences for inconsequential crimes.

Boxes and boxes of southern governors' papers are filled with petitions for pardon. These appeals for clemency offer fascinating glimpses into notions of culpability and responsibility in the New South, as well as the social mores of justice in this period. If a convict had been drunk when he committed a crime, injured or killed a person known to be a notorious villain, had perpetrated an offense while defending his own honor or that of a woman he loved, or could plausibly claim to be too young or too ignorant to understand the implications of his actions, a petition for pardon often had a good chance of success. The hardship that befell a family following the arrest of the head of family was also a well-worn theme in these appeals.

Prison petitions additionally suggest a great deal about the nature of social hierarchy and race relations in postbellum southern communities. Petitions were often accompanied by dozens of signatures, not just of family members, but also of local notables, judges, jurors, and previous or current employees. Poor black petitioners did well to secure the assistance of these kinds of people, and local elites readily offered such support. They did so to make sure that the criminal justice system retained a personal character, one that tied poor blacks to their paternalistic largesse. Some members of the elite may have offered their support to elicit a sense of obligation from the African-American community, or to remind themselves of their exalted position in southern society. Yet others probably truly believed that justice and redemption were best served by personalizing it.

Government failure did not end here. The relationships between government officials and convict lessees were subject to abuse and corruption. Accusations of bribery dogged the convict lease system, with corrupt government officials and convict lessees in most states acquiring the appellation of a "penitentiary ring," or in the words of Edward Ayers, a kind of "mutual aid society" (Ayers, p. 195). Beyond corruption and a failed criminal justice system, the convict lease further poisoned relationships between southern blacks and whites. The naked distortions of the criminal justice system, the horrendous conditions in which convicts found themselves, the high mortality rates, and the relentless public images of stripe-clothed prisoners pushed to the breaking point all did much to remind African-Americans of the inequities of racism in the postbellum South and beyond.

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See also **New South**

COOPERATION

With the advance of the market revolution in the early nineteenth-century, American labor reformers confronted the seemingly interminable problems of wage labor and high prices with a new idea. Rather than engage in a permanent battle over wages and working conditions, workers, they argued, should own and operate their own cooperative workshops and factories. Instead of dealing with middlemen who needlessly raised the prices of necessary goods, workers should own their own cooperative stores. This strategy, known as “cooperation,” was first endorsed by the labor movement in the 1830s and continued to grow in popularity until interest peaked during the Gilded Age under the aegis of the Knights of Labor. After the decline of the Knights in the 1890s, the interest of organized workers in cooperation waned and only sporadically re-emerged, most notably in the volatile years after World War I.

The idea that workers could end wage labor and their exploitation by middlemen through economic institutions of their own design was a powerful lure for many nineteenth-century trade unionists steeped in the political ideals of republicanism and the producer ethos of the skilled male worker. At the same time, cooperation’s appeal to working men and women rested in its often perceived practicality. Labor reformers believed that cooperatives would readily succeed in the marketplace and stabilize community life for workers in an unstable industrializing economy. Cooperation was both utopian in its goal to

supplant “competitive” capitalism and create what advocates called a “cooperative republic” and practical in its design to meet the immediate needs of its constituents. Cooperators were practical utopians.

Cooperation before the Civil War

During the 1830s, cooperation appeared as a new departure for the emergent labor movement. In 1836, the National Trades’ Union proposed cooperation as a way to end strikes permanently. In 1845, the Working Men’s Protective Union in Boston established a network of cooperatively owned stores and consumer buying clubs. Within two years, member wage earners had established 40 Protective Union associations in the states of Vermont, Maine, New Hampshire, and Massachusetts. By the late 1850s, members throughout New England, New York, and Canada purchased a variety of goods in over 800 Union “divisions.”

During the 1840s and 1850s, skilled workers established a number of cooperative factories and workshops. Iron molders opened foundries in Ohio, Pennsylvania, and West Virginia. Shoemakers started shops in Lynn, Pittsburgh, and New York City. In Boston, tailors set up a cooperative shop; bakers, shirt sewers, and hat finishers did the same in New York. In this latter city, German tailors and cabinet-makers were inspired to cooperate by the movement in their home country. Much of this activity was also supported and nurtured again by Fourierists. They advanced cooperative workshops as a major step toward their own plan of social reconstruction.

The cooperatives established by unions in the 1830s, the numerous Protective Union stores, and the craftsmen’s cooperatives of the 1840s and 1850s could not sustain themselves amidst the economic and political turmoil of the era. The first American labor movement was, in fact, destroyed, along with its experiments in cooperation, by the panic of 1837. The Protective Unions experienced debilitating internal conflicts, intense competition from other retail stores, and disruption from the onset of civil war. The early efforts of cooperative production among skilled men also suffered from an unstable economy and wartime upheaval.

Postwar Re-Emergence

Despite its pre-Civil War decline, cooperation continued to appeal to American workers. As the