



THE PROMISE
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INITIATIVE

The Center for Constitutional Rights' & The Promise of Justice Initiative's Submission of Evidence Pertaining to Practices of Slavery, Involuntary Servitude, and Other Forms of Forced Labor of Incarcerated Persons in the Southern Region of the United States

Submitted: September 30, 2024

Dear Special Rapporteur on contemporary forms of slavery Mr. Tomoya Obokata; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Ms. Alice Jill Edwards; International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement; and Office of the United Nations High Commissioner for Human Rights:

The Center for Constitutional Rights and the Promise of Justice Initiative¹ write to request your immediate attention and intervention related to the practices of slavery, involuntary servitude, and other forms of forced labor of incarcerated persons in the United States in violation of international human rights standards, obligations, and laws. We acknowledge and commend the recommendations released last September by the International Independent Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement (“UN EMLER”) regarding this issue.² However, we are deeply concerned by the lack of concrete action taken by the United States since the publication of the UN EMLER report, and submit for your consideration additional evidence of the United States’ violations of human rights standards, obligations, and laws related to slavery, involuntary servitude, and other forms of forced labor in its prisons in the United States – namely, in the southern States of Alabama and Louisiana.

I. INTRODUCTION

1. In the complex history of the Southern United States, the remnants of chattel slavery cast a long shadow. Following the legal abolition of chattel slavery in Alabama and Louisiana, racial oppression evolved through the ratification of the Thirteenth Amendment of the U.S. Constitution and as the States established “Black Codes” and other forms of criminalization and punishment to maintain permanent control over freed Black people. The Thirteenth Amendment, as well as Alabama’s and Louisiana’s Constitutions, contained an exception permitting slavery or involuntary servitude for those “duly convicted” of a crime. This “exception clause” allowed for the re-enslavement of Black people during the Jim Crow era for decades. Most significantly, it laid the foundation for the disproportionate criminalization of Black, brown, and poor people throughout the United States—especially in the South—with the dual purpose of generating revenue and maintaining domination and control in a racialized caste system.

2. In the first half of the twentieth century, through the use of convict leasing and chain gangs, Alabama and Louisiana’s prison systems became two of the most fatal, as both states

¹ The partner organizations are legal and advocacy organizations with roots in the Southern region of the United States of America. The Center for Constitutional Rights has special consultative status with ECOSOC. For more information, please see <https://promiseofjustice.org/> and <https://cjrjustice.org/>.

² U.N. Human Rights Council, *International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement* (“UN EMLER”) (2023), available at [A/HRC/54/CRP.7](https://www.unhcr.org/refugees-and-asylum-seekers/2023/11/23/un-emler-report).

revived some of the most violent practices upon which the institution of slavery depended. Marked by this legacy, the Alabama and Louisiana prison systems have continued to incarcerate Black people at disproportionate rates while subjecting them to inhumane and unjust conditions and practices.

3. In Alabama, the disciplinary framework of the Alabama Department of Corrections (“ADOC”) mandates sanctions to coerce and punish incarcerated individuals who refuse to work or who cannot work. Incarcerated persons in Alabama work for meager, or sometimes no, wages, and often without proper safety training or protective gear, to clean prison grounds, haul trash, or cook in prison kitchens. They are also farmed out to private companies, receiving only 60% of their take-home pay after the state deducts its profit. At all levels, incarcerated persons in ADOC’s prisons, including in its work release programs, are denied universal human rights standards of working conditions.

4. To illustrate, Reginald Burrell, an incarcerated person in Alabama and plaintiff in a lawsuit in Alabama state court, who has submitted a statement in support of this Special Communication, *see* App’x A, worked in a furniture assembly plant during his incarceration. When he raised concerns about his safety on the job with prison officials and his employer after a large piece of furniture fell on him, he was fired from his job and formally disciplined for “refusing to work” by prison officials. The formal discipline resulted in Mr. Burrell being denied access to phone calls and visitation for 20 days and being forced to work inside the prison without pay for 30 days. As Mr. Burrell explains, “[incarcerated persons] are forced to maintain our suffering by laboring to keep failed or broken structures, systems, or equipment functioning.”³

5. In Louisiana, at the Louisiana State Penitentiary, commonly known as “Angola,” in Tunica, Louisiana, labor is notoriously cruel and seemingly an intentional, blatant, and persistent symbol of slavery; indeed, it is actual slavery. The “Farm Line” is a designation of work considered to be agricultural, but in reality, is a form of psychological and physical punishment. People, most of whom are Black, are forced to work in fields and do inconsequential and arbitrary outdoor labor at the threat of violence, losing opportunities to gain freedom sooner, or being put into solitary confinement where they are not permitted contact with family or other humans. To this day, incarcerated people at Angola experience severe physical, medical, or psychological harm due to exposure to high heat,⁴ managing the psychological dissonance of being made into an enslaved person like their ancestors. Lacking any financial or rehabilitative purpose at Angola, the Farm Line is a mechanism for control and as many would say, a way to psychologically break

³ *See* Statement of Reginald Burrell (Sept. 25, 2024), Plaintiff in *Stanley v. Ivey*, Case No. 03-CV-2024-900649 (Ala. Cir. filed May 1, 2024), attached here as App’x A.

⁴ *See* Order, *Voice of the Experienced v. LeBlanc*, No. 3:23-cv-1304-BAJ-EWD, 2024 WL 3279899 (M.D. La. July 2, 2024) (granting in part Plaintiffs’ Application for Preliminary Injunction and Temporary Restraining Order), *stayed in part*, No. 24-30420 (5th Cir. July 12, 2024), ECF No. 41.

incarcerated persons at Angola, as was done during antebellum slavery and in subsequent coercive and abusive institutions in the Southern United States.

6. Darrius Williams, a class representative in a federal lawsuit in Louisiana challenging the Farm Line at Angola, has been sent to administrative segregation (the “dungeon”) countless times for refusing to work in the plantation fields at Angola. He describes his work on the fields of Angola as follows:

White inmates get safer jobs, like in maintenance or as clerks. But Black men, we’re in the field. We are forced at gunpoint to scrounge in the dirt. We must squat and bend, sometimes for hours. Our joints ache. Our skin tears on the spines of squash and okra plants. We are told to go faster, work harder, even though the crops are often rotten or overgrown. Once, prison officials forced me to dig for potatoes with my bare hands. Later that day, I saw a tractor turn the dirt in the same field, unearthing potatoes we had been digging for. We are paid in pennies, if at all. Because of Angola’s rules involving incentive pay, a person would have to work *years* on the Farm Line to afford a single postage stamp.⁵

7. In short, work at Angola on the “Farm Line” is degrading punishment, by design, intended to cause suffering.

8. Mr. Burrell’s and Mr. Williams’s stories illustrate the unfair, inhumane conditions to which incarcerated people are subjected in prisons in the United States, particularly in the South. Indeed, the Expert Mechanism recently recognized in 2023 that workers in U.S. prisons are assigned hazardous work in unsafe conditions without the training or protective gear needed, and, if they refuse to work, even for a medical condition or disability, they are punished accordingly.⁶

9. In direct contrast to this systemic legalization of slavery and involuntary servitude within prisons in the United States, international and human rights law frameworks – the most prominent of which the United States has duly recognized, signed onto, or even helped create – have simultaneously prohibited slavery *in all its forms*. As outlined below, in Section III, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Labor Organization (ILO) Forced Labour Convention, 1930 (No. 29), the ILO Abolition of Forced Labour Convention, 1957 (No. 105), and the Nelson Mandela Rules are the leading authorities and standards under international human rights obligations and laws that prohibit the United States’ practices of slavery, involuntary servitude, and other forms of forced labor. In short, international

⁵ Suppl. Decl. of Darrius Williams ¶ 2, *Voice of the Experienced v. LeBlanc*, No. 3:23-cv-1304-BAJ-EWD, 2024 WL 3279899 (M.D. La. Sept. 23, 2024), ECF No. XX.

⁶ UN EMLER, *supra* n.2, ¶ 111 (citing ACLU & Univ. of Chicago Global Human Rts. Clinic, *Captive Labor: Exploitation of Incarcerated Workers* (2022), <https://www.aclu.org/report/captive-labor-exploitation-incarcerated-workers>).

human rights standards have overwhelmingly cautioned states against perpetuating forced labor by and through punishments.

10. Yet, under today's system of mass incarceration and exploitation in the United States, millions of people are imprisoned in prisons across this country, with the highest rates in the South, exploiting incarcerated workers and coercing their labor through entrenched regimes of physical and legal punishment and psychological coercion.

11. This Special Communication, including the attached Appendices, addresses these practices and their violation of various international and human rights standards, obligations, and laws. **Section II** discusses the universal prohibition and condemnation of slavery and its present-day forms since 1948, and **Section III** offers a historical and factual account of slavery and involuntary servitude in U.S. prison facilities, particularly in Alabama and Louisiana. **Section IV** then examines the international and human rights standards, obligations, and laws pertaining to slavery, involuntary servitude, and other forms of forced labor that both the Alabama Department of Corrections and the Louisiana Department of Public Safety and Corrections ("LDPSC") persistently violate. And **Section V** analyzes how the coercive, punitive, unsafe, unsanitary, and inhumane working conditions to which Alabama and Louisiana subjects incarcerated persons, including denial of adequate pay, constitutes slavery, involuntary servitude, and/or other forms of forced labor in violation of international and human rights standards, obligations, and laws.

12. Finally, **Section VI** concludes this Special Communication with our request for Your Excellencies' action. In addition to recording and reporting this complaint to the United States and the Human Rights Council, we request that Your Excellencies investigate, and visit, the Alabama Department of Corrections and Louisiana Department of Safety and Corrections to address said violations, ahead of the Fourth Session of the Permanent Forum on People of African Descent in April 2025. We further urge Your Excellencies to work with the expert members of the Permanent Forum to dedicate a session that addresses efforts by your mandates to abolish slavery and involuntary servitude of incarcerated workers in U.S. prisons, with a particular focus on prisons in the Southern region of the United States.

II. INTERNATIONAL CONDEMNATION OF SLAVERY AND ITS PRESENT-DAY FORMS

13. With the passage of the Universal Declaration on Human Rights ("UDHR"), slavery, involuntary servitude, and other forms of forced labor have been universally prohibited and condemned since 1948.

14. This outright ban is so fundamental to international human rights' legal

protections that it has been reinforced in multiple treaties since the enactment of the UDHR, including many treaties binding on the United States.

15. Nevertheless, slavery – “the first human rights issue to arouse wide international concern” – still persists to this day.⁷

16. While “modern slavery is not defined in law, it is used as an umbrella term that focuses attention on commonalities across these legal concepts,” referring to “situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.”⁸

17. Human rights experts and U.N. working groups have issued various U.S.-specific reports on prison labor that challenge the crises of forced prison labor and issue recommendations based on human rights law. In 2019, Special Rapporteur Tendayi Achiume’s report to the General Assembly referenced the persistent legacy of slavery and colonialism in the U.S. that manifests through mass incarceration, among other institutions and practices: “mass incarceration is a vestige of slavery and the ‘Jim Crow’ era of racial segregation”⁹ According to Special Rapporteur Achiume, the United States, therefore, is obligated to remediate present-day effects of slavery and colonialism through structural changes, including the dismantling of racially discriminatory structures and practices rooted in historical racial injustices.¹⁰

18. Human rights experts have long cautioned against the U.S.’s “contemporary form of slavery,” which “represents the worst version of a racist criminal legal system[,] . . . erodes efforts towards addressing systemic racism,” and is a direct continuation of the legacy and conditions of chattel slavery.¹¹ In Alabama and Louisiana, examples of current-day slavery, involuntary servitude, and other forms of forced labor in prisons include:

- a. the ADOC’s coercion of incarcerated people to perform dangerous work in unsafe conditions under threat of additional serious harm if they refuse to work or cannot complete their work, even for reasons of a medical condition, disability, or sickness;

⁷ U.N. Office of the High Commissioner, *Special Rapporteur on Contemporary Forms of Slavery*, <https://www.ohchr.org/en/special-procedures/sr-slavery>.

⁸ Int’l Labour Org. et al., *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* 9 (2017), <https://www.ilo.org/media/421636/download>.

⁹ Tendayi Achiume (Special Rapporteur on Contemporary Forms of Slavery), *Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Racial Intolerance*, A/74/321, ¶ 22 (2019).

¹⁰ *Id.* ¶¶ 25, 57.

¹¹ UN EMLER, *supra* n.2, ¶¶ 111-12, 114; *see also* Int’l Labour Org. et al., *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* 11, 17 (2017) (referencing the work of incarcerated individuals who are forced to work against their will as a form of state-imposed forced labor and, ultimately, a form of modern slavery).

- b. the LDPSC’s mandate of compulsory agricultural labor on prison farms, like the notorious Louisiana State Penitentiary, commonly known as Angola, in Tunica, Louisiana; and
- c. the unpaid or poorly paid nature of forced prison labor alongside the direct linkages to chattel slavery in Louisiana and Alabama.

19. Just one year ago, the United States was called on “to eliminate these practices in accordance with international human rights standards,” such as the Mandela Rules.

20. Despite this mandate, Alabama and Louisiana prison systems and their officials have continued to maintain and expand systems of slavery, involuntary servitude, and other forms of forced labor that are intended to extract profits off the backs of, and to maintain control and domination over, Black and poor incarcerated workers. And in the face of these flaring violations, the United States has continued to ignore the demands of human rights experts to eliminate such practices as international and human rights standards, obligations, and laws require.¹² *See infra* Sec. V.

III. THE HISTORICAL CONTEXT OF SLAVERY AND INVOLUNTARY SERVITUDE IN U.S. PRISONS IN THE U.S. SOUTH

21. On December 6, 1865, the Thirteenth Amendment of the U.S. Constitution was ratified. It states, in part, that “[n]either 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.

¹² UN EMLER, *supra* n.2, ¶114. The international community must prod the United States to end these practices because this country exploits the “penal clause” exception in the Thirteenth Amendment of the United States Constitution to maintain slavery in its jails, prisons, and work release programs. Indeed, the highest federal authorities in the United States perpetuate these practices by encouraging states to invest in mass incarceration systems that require slavery. *See, e.g.*, Lauren Brooke-Eisen, *The Federal Funding That Fuels Mass Incarceration*, Brennan Center for Justice (June 7, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/federal-funding-fuels-mass-incarceration>. Moreover, the U.S. institutions that determine whether these practices constitute prohibited “badges and incidents” of chattel slavery frequently weaken the intended reach of the Thirteenth Amendment. *See, e.g., Palmer v. Thompson*, 403 U.S. 217, 226–27 (1971) (finding that segregated city pools in Mississippi did not constitute a badge and incident of chattel slavery because that result would “severely stretch [the] short simple words [of the Thirteenth Amendment] and do violence to its history”). Accordingly, because federal U.S. authorities are unreliable, abolitionists have turned to state constitutional reform, convincing legislatures in states such as Alabama, Tennessee, Vermont, and Utah to remove the “penal clause exception” from their Thirteenth Amendment analogs. Freedom United, *Prison Labor: What Happened in the 5 States That Had the Exception Clause on the Ballot* (Jan. 30, 2023), <https://humantraffickingsearch.org/prison-labor-what-happened-in-the-5-states-that-had-the-exception-clause-on-the-ballot/>. Other states like California and Nevada are putting similar amendments on their November ballots, but these abolitionists require additional support and investigation from the international human rights community. Deborah G. Plant, Opinion, *No Longer 'Half Slave, Half Free,' The Lens* (Aug. 23, 2024), <https://thelensnola.org/2024/08/23/no-longer-half-slave-half-free/>.

22. The amendment purportedly abolished and banned chattel slavery and involuntary servitude across the nation and ended “a barbaric system that had been legal in America for well over a hundred years,” the result of which was, initially, the freeing of four million people—one eighth of the entire U.S. population.¹³

23. The aim of the Thirteenth Amendment was therefore “a system of completely free and voluntary labor throughout the United States.”¹⁴ As the Supreme Court of the United States, the highest court in the country, has long made clear, the Thirteenth Amendment “is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.”¹⁵

24. However, by permitting involuntary servitude “as punishment for crime whereof the party shall have been duly convicted,” the Thirteenth Amendment’s exception clause has incentivized and enabled the arrest, incarceration, and subsequent re-enslavement of Black people across the modern United States, particularly in Southern states like Alabama and Louisiana, as detailed below.

A. Slavery and Involuntary Servitude in Alabama Prisons

i. Forced Prison Labor in Alabama Is Directly Descended from the Institution of Slavery.

25. After the ratification of the Thirteenth Amendment, nearly 440,000 enslaved Black persons were freed in Alabama.

26. Nevertheless, Alabama continued to exercise control over Black people and their labor. Alabama’s state constitution included an “exception clause” – modeled off of the U.S. Constitution’s Thirteenth Amendment – that allowed slavery and involuntary servitude to persist as punishment for a crime.

27. Alabama, and other Southern states, also enacted “Black Codes,” laws that selectively criminalized behavior such as: (i) assembling in a “disorderly manner”;¹⁶ (ii)

¹³ Nat’l Const. Ctr., The Thirteenth Amendment,

<https://constitutioncenter.org/theconstitution/amendments/amendment-xiii/interpretations/137>.

¹⁴ *Pollock v. Williams*, 322 U.S. 4, 17 (1944).

¹⁵ *Griffin v. Breckenridge*, 403 U.S. 88, 105 (1971) (citations omitted).

¹⁶ Michelle Goodwin, *The Thirteenth Amendment: Modern Slavery, Capitalism, and Mass Incarceration*, 104 Cornell L. Rev. 899, 937 (2019) (citing *Withers v. Coyles*, 36 Ala. 320, 326 (Ala. 1860)).

vagrancy;¹⁷ (iii) speaking “offensive language” when in the company of a white woman;¹⁸ (iv) violating a curfew; (v) drunkenness; (vi) and interracial relations. Black Codes enabled state officials to intentionally fill county prisons with recently-freed Black people, who were then sentenced to forced labor, such as constructing and repairing bridges, to pay off the fines associated with their offenses, as well as the additional fines they incurred for their arrests and trials.

28. As a consequence of this renewed system of enforcing and profiting from slavery, brutal forms of forced labor emerged within Alabama’s prison system: *convict leasing*, the practice of leasing incarcerated workers to private employers in exchange for payment to the state; and *chain gangs*, the practice of shackling incarcerated people together to perform hard labor, transporting and housing them “in wheeled cages.”¹⁹ Because of the deplorable working conditions and high rates of death, these new systems of forced labor have been described as “worse than slavery.”²⁰

29. Just as it did to oppress Black Alabamians in a state of subjugation for decades after the Civil War, Alabama has continued to use forced prison labor to generate wealth for the state and private businesses and to maintain white supremacy in the 21st Century.

ii. *Alabama Voters Elected to Remove the Exception Clause.*

30. Breaking with this sordid history of forced prison labor in Alabama, in November 2022, Alabama voters approved a new state constitution that prohibits slavery as well as involuntary servitude in all circumstances, including in prisons. This prohibition, along with several other changes, were proposed by a state joint legislative committee, with the express purpose of “remov[ing] racist language” from the overtly white supremacist 1901 constitution.²¹

31. Notwithstanding this newly minted prohibition against forced labor in the amended state constitution, state officials and ADOC have continued to subject incarcerated people to forced labor. Shortly after the changes to the Alabama Constitution, the state government enacted three new laws to emphasize, and to enforce under the threat of punishment, its unchanged expectation that incarcerated people must be subjected, and in turn must submit, to forced labor. These

¹⁷ See *City of Chicago v. Morales*, 527 U.S. 41, 53 n.20 (1999).

¹⁸ Mary Ellen Curtin, *Black Prisoners and Their World*, Alabama, 1865-1900, at 6 (2000).

¹⁹ Lynn M. Burley, *History Repeats Itself in the Resurrection of Prisoner Chain Gangs*, 15 *Law & Ineq.* 127, 130 (1997).

²⁰ Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, Anchor Books (2008).

²¹ John B. Knox, president of the 1901 Constitutional Convention, said in his opening address to the convention of all-white delegates: “Why it is within the limits imposed by the Federal Constitution, to establish white supremacy in this State...But if we would have white supremacy, we must establish it by law—not by force or fraud.” Wayne Flynt, *Alabama’s Shame: The Historical Origins of the 1901 Constitution*, 53 *Univ. of Ala. L. Rev.* 1:69 (2001).

measures have sanctioned punishment of incarcerated workers that would be illegal if done to free world workers, like placing them in solitary confinement and eliminating opportunities to communicate with their loved ones.

32. In response to a recent lawsuit filed by incarcerated workers, including Mr. Reginald Burrell, *see* App’x A, to force the State of Alabama to comply with the new state constitution,²² ADOC and Alabama’s governor did not challenge the argument that incarcerated people are forced to work and are subjected to punishment for not working. Instead, they contend that forced labor does not count as involuntary servitude for a person serving a sentence of incarceration in prison: “[b]eing required to serve in the cafeteria, take out the garbage, mop the halls, and the like does not constitute involuntary servitude” and “the threat of losing a privilege does not transform normal, housekeeping work [or chores] into involuntary servitude.”²³ Thus, to ADOC and the Alabama Governor, current-day slavery in the form of forced labor is an acceptable – and even expected – institutional standard and practice.

iii. *ADOC forcefully extracts labor from incarcerated persons to fulfill the demands of its prison system and private companies, generating millions in profit, while providing little or no compensation to incarcerated workers.*

33. Today, ADOC incarcerates tens of thousands of people in different types of prisons, including major institutions, community work centers, and work release centers.

34. ADOC is the most overcrowded prison system in the country, incarcerating 20,500 people and operating at over 168 percent capacity.²⁴

35. Alabama imprisons Black people at a disproportionately high rate: Black individuals constitute 53.7 percent of Alabama’s state prison population, while making up only 26.8 percent of the state population.²⁵

36. And ADOC, just as the State of Alabama did decades ago, greatly benefits from forced labor, which it coerces from incarcerated workers by punishing, or threatening to punish,

²² Compl. For Declaratory and Injunctive Relief, *Stanley v. Ivey*, Case No. 03-CV-2024-900649.00 (Ala. Cir. Ct. May 1, 2024), Doc. No. 2, https://cctjustice.org/sites/default/files/attach/2024/05/Stanley%20v.%20Ivey%20-%20Complaint%20-%20FILED_0.pdf.

²³ Def.’s Mot. to Dismiss, *Stanley v. Ivey*, Case No. 03-CV-2024-900649.00 (Ala. Cir. Ct. June 6, 2024), ECF No. 14 at 3, <https://cctjustice.org/sites/default/files/attach/2024/07/14%20-Def%20mot%20to%20dismiss.pdf>.

²⁴ Ala. Dep’t of Corrs., *Monthly Statistical Report for January 2024*, at 2, <https://doc.alabama.gov/docs/MonthlyRpts/January%202024.pdf>; Ryan Spohn & Melanie Kiper, State Prison Overcrowding and Capacity Data, Univ. of Neb. Omaha (May 3, 2020), <https://www.unomaha.edu/college-of-public-affairs-and-community-service/governing/stories/state-prison-overcrowding-and-capacity-data.php>.

²⁵ *Supra* n.23; *see also* U.S. Census Bureau, *Quick Facts: Alabama* (July 1, 2023), <https://www.census.gov/quickfacts/fact/table/AL/PST045223>.

them for not working or refusing to work. Notably, in recent years, ADOC has employed less than 40 percent of the total correctional staff required to operate its prisons at the current population level.²⁶ Thus, ADOC simply could not maintain its facilities if it did not force incarcerated people to perform essential tasks, such as preparing and serving food, laundry, cleaning, painting, plumbing, heating and ventilation and air conditioning repair, courier-like work throughout prisons, and the core job functions of correctional officers. Forced prison labor in Alabama prisons is therefore motivated, in large part, by the State’s desire to reproduce chattel slavery for the purpose of keeping its prisons running.

37. ADOC’s use of incarcerated labor has proven increasingly lucrative. Incarcerated workers who toil in Alabama Correctional Industries (“ACI”) generate over \$3 million in annual profit for the state.²⁷ And according to ADOC’s own reporting, incarcerated workers in work release programs produced over \$12 million for Alabama between October 2022 and September 2023.²⁸

38. These figures do not include the millions of dollars that ADOC saves by assigning incarcerated workers to carry out essential labor within the prisons. One recent independent study estimated that the labor of incarcerated workers conferred \$450 million in economic benefits on ADOC in a single year.²⁹

39. Meanwhile, incarcerated people in Alabama who perform work inside the prison walls are generally not compensated *at all* for their labor. And incarcerated workers who work for state and municipal government entities – including those performing street maintenance for the City of Montgomery, Alabama – are paid as little as \$2 per day.

40. And while incarcerated persons who perform labor for private companies through work release centers earn wages comparable to non-incarcerated workers’ wages, these wages are paid directly to ADOC, with ADOC taking at least 40 percent of the workers’ gross earnings to “assist in defraying the cost of . . . incarceration” before it deposits the remainder into the workers’ prison trust accounts.³⁰ Thus, after ADOC’s deductions and taxes, an incarcerated worker might

²⁶ Jt. Status Rpt. on Corr. Staffing Trends, *Braggs v. Dunn*, Case No. 2:14-cv-601-MHT (M.D. Ala. Dec. 6, 2023), ECF No. 4100 at 3-4.

²⁷ Ala. Dep’t of Corr., *Monthly Statistical Report for September 2023* at 15 (Sept. 2023), <https://doc.alabama.gov/docs/MonthlyRpts/September%202023.pdf>.

²⁸ *Id.* at 13.

²⁹ Christina Carrega, *Alabama Outlawed Slavery in Prisons. Is It Still Happening?*, Capital B News (July 17, 2023), <https://capitalbnews.org/alabama-exception-loophole-lawsuit/>.

³⁰ Ala. Dep’t of Corr. Admin. R. 410(V)(L) (Jan. 3, 2023).

receive only approximately \$120 of a \$400 gross paycheck, whereas a non-incarcerated worker would net approximately \$300 after taxes from the same gross pay.³¹

41. Furthermore, incarcerated workers at work release programs labor alongside coworkers who are not incarcerated, outside the supervision of ADOC. They sometimes receive passes to spend the weekend at home with their families. Yet, they are treated like a subordinated class of workers: their pay is not given directly to them; they cannot refuse extra shifts or hours; and upsetting their employer for any reason can result in significant punishment by ADOC.

iv. Incarcerated individuals in Alabama face penalties if they refuse to work or cannot work.

42. Incarcerated workers know that if they decline to toil, ADOC officials will subject them to a variety of legal and extra-legal sanctions, including assigning them even more unpaid labor, ordering them to solitary confinement, transferring them from their work release centers to higher security prisons, and issuing them formal written disciplinary reports that negatively impact their chances of being granted parole. ADOC attempts to use the bureaucratic language of rules and disciplinary write-ups to obscure the coercion and labor exploitation that incarcerated workers endure. But as one formerly incarcerated Alabama worker described it, they “took away the whips but [] put in the paperwork.”³²

43. These consequences that incarcerated workers face for being sick, needing rest, or challenging dangerous and exploitative workplaces cannot be divorced from the conditions of Alabama prisons.³³ For much of the last century, Alabama’s prisons have been, and still are, widely regarded as some of the most dangerous and inhumane in the country. Indeed, Alabama prisons have five times the national average death rate. In the year of 2023 alone, 325 people died in ADOC custody.³⁴ That was three years *after* the United States Department of Justice found in 2020 that the conditions of confinement in Alabama prisons are so dangerous that they violate the constitutional rights of incarcerated people based on the violence, sexual abuse, unsanitary conditions, and excessive force from prison staff to which incarcerated persons in ADOC prisons are subjected.

³¹ See More Perfect Union, *Alabama Is Generating Billions by Trapping People in Prison*, YouTube (Sept. 3, 2024), https://www.youtube.com/watch?v=QDzL_2EP0mU.

³² *Id.* Formerly incarcerated people interviewed for this *More Perfect Union* piece reported worse treatment than their free-world co-workers. *Id.* The ADOC assigned them longer hours, extra shifts, and did not always honor their days off. *Id.* If incarcerated workers refused to follow these expectations, the ADOC could punish them. *Id.*

³³ See generally Stmt. of Reginald Burrell, *supra* n.3.

³⁴ Eddie Burkhalter, *Record Loss of Life in 2023 Pushes ADOC’s Death Total Over 1,000 Since DOJ Put State on Notice*, Ala. Appleseed Ctr. for Law and Justice (Jan. 29, 2024), <https://alabamaappleseed.org/author/eddie-burkhalter/record-loss-of-life-in-2023-pushes-adocs-death-total-over-1000-since-doj-put-state-on-notice/>.

44. This is the reality that incarcerated workers such as Reginald Burrell and Melvin Pringle face: punishment for wanting to work with dignity.

45. Reginald Burrell, who has submitted a statement in support of this Communication,³⁵ is a 44-year old Black man who, in February 2022, was incarcerated at Decatur Work Release in Decatur, Alabama. Being assigned to a work release means that ADOC determined that Mr. Burrell did not pose a public safety threat and could travel to work for a private employer outside of the direct supervision of ADOC. Per ADOC rules, Mr. Burrell was assigned to work for Kith Furniture, where he faced unsafe working conditions. In February 2022 he refused to continue working at Kith out of concern for his safety. As a result, ADOC issued him a disciplinary for “refusing to work/failing to check out for work,” and he was punished with 30 days of unpaid work and loss of telephone and visitation.³⁶

46. Eight months later, in October 2022, ADOC wanted to transfer Mr. Burrell to Bibb Correctional Facility – where 13 people had died in custody from January to September 2022,³⁷ and where he would be required to work in the kitchen for no pay in the agency’s attempt to disrupt an ADOC-wide work stoppage by incarcerated workers. When Mr. Burrell refused to be transferred, ADOC issued a disciplinary for “inciting a riot.” Today, Mr. Burrell remains in prison, and until recently he worked as a line cook at a restaurant.

47. Melvin Pringle is a 50-year old Black man who is incarcerated by ADOC. In October 2023, he was incarcerated at Elba Community Work Center. Like Mr. Burrell, ADOC had determined that Mr. Pringle did not pose a public safety threat and could travel to work for a private employer outside of the direct supervision of ADOC. Per ADOC rules, Mr. Pringle was assigned to work for Dorsey Trailers. He complained to his manager several times about bonuses he believed he was entitled to, and the manager fired him. As a result, ADOC issued Mr. Pringle a disciplinary for “being fired from a job” and punished him with 30 days of extra work duty and loss of visitation, telephone, and commissary access.

³⁵ See Stmt. of Reginald Burrell, *supra* n.3.

³⁶ Federal labor laws governing workplace safety, wages and working hours, protection against discrimination, and the right to organize do not expressly exclude incarcerated workers like Mr. Burrell. But federal courts and agencies have interpreted those laws to eliminate or severely curtail protections for incarcerated workers. This erosion of federal labor protections, along with the fear of retaliation from both employers and prison officials, leaves workers with no effective recourse for violations of their workplace rights, as illustrated by Mr. Burrell's experience. See Megan Hauptman, *The Health and Safety of Incarcerated Workers: Osha's Applicability in the Prison Context*, 37 ABA J. Lab. & Emp. L. 71, 78-84 (2023).

³⁷ Ala. Dep’t of Corr., *Monthly Statistical Report for September 2022*, <https://doc.alabama.gov/docs/MonthlyRpts/September%202022.pdf>. As of October 2022, ADOC stopped publishing monthly reports of deaths in Alabama prisons. Erin Davis, “Alabama prison system stops publishing monthly death reports,” *WSFA* (Jan. 5, 2023), <https://www.wsfa.com/2023/01/05/alabama-prison-system-stops-publishing-monthly-death-reports/>.

48. While these disciplinarys faced by Mr. Burrell occurred before the November 2022 constitutional revision, ADOC continues to punish people for not working. The state government’s unchanged expectation – and its corresponding legal mechanisms – continue to subject thousands of incarcerated people to forced labor.³⁸

B. Slavery and Involuntary Servitude in Louisiana Prisons

49. Involuntary servitude and slavery also persist at the Louisiana State Penitentiary, a prison plantation more popularly known as “Angola” in Tunica, West Feliciana Parish, Louisiana.³⁹ The prison received its nickname reportedly because the “best” enslaved people came from the country of Angola in Africa.⁴⁰ Today, Angola is an 18,000-acre penal plantation that continues to force people to work in unsafe, humiliating, and degrading conditions.

50. Every day, the State forces incarcerated people to work plantation row crops at Angola. Overseen by armed guards, incarcerated people dig ditches and harvest crops on the “Farm Line.” Nearly every person who is transferred to Angola is assigned to the Farm Line at some point. Some are paid two cents an hour for their labor. Many are paid nothing at all. All are forced to work in extreme heat and humidity, without essential safety gear or modern agricultural equipment, even though the state has that equipment. These incarcerated people face serious punishment if they refuse to work or if a guard is unsatisfied with their performance.

51. The combination of these intolerable and inherently dangerous conditions puts incarcerated people at substantial risk of severe psychological and physical harm, including life-threatening heat-related illnesses. These health risks are particularly acute for individuals with disabilities, who should be exempted from fieldwork, but are not.

52. There is no so-called “justification” for the Farm Line. The agricultural techniques are inefficient and old-fashioned, and the Farm Line does not make Louisiana safer because it does not contribute to a person’s rehabilitation or prepare him to return home from prison. The true purpose of the Farm Line appears to be to punish, intimidate, and humiliate incarcerated people – particularly incarcerated Black men – by replicating patterns of enslavement.

³⁸ Compl., *Stanley*, *supra* n.22 ¶¶ 112–162 (explaining how ADOC uses a trio of authorities – specifically, Ala. Executive Order No. 725, ADOC Admin. Reg. 403, and Ala. Code § 14-9-41 – to punish incarcerated people for not working).

³⁹ See UN EMLER, *supra* n.2, ¶ 112 (reporting on UN EMLER’s visit to the United States based on information received by a delegation over “plantation-style” prisons, reports of current-day slavery, and direct testimonies from victims of Angola).

⁴⁰ Andrea C. Armstrong, *Slavery Revisited in Penal Plantation Labor*, 35 *Seattle U. L. Rev.* 869, 870 (2012) (citing Dennis Shere, *Cain’s Redemption* 41 (2005)).

53. At its core, prison plantation slavery replicates conditions of Black enslavement, which remain a source of generational trauma. Common in prisons, these practices are often unpredictable, arbitrary, and traumatic.⁴¹

54. Chadarius Morehead has long been forced to work the Farm Line at Angola. His great grandfather, Willy Reed, was enslaved in Louisiana. According to Mr. Morehead, “When I’m digging through the dirt at Angola with my hands, my back seizing and drenched with sweat, overseen by a guard with a gun, I think of my enslaved ancestors. Generations later, not much has changed.” Mr. Morehead suffers recurring nightmares about the Farm Line, which he describes as follows:

In one, I am standing in the prison field at night. I am ordered to bend down and pick a vegetable, and I refuse. A uniformed gun guard walks over and shoots me, point blank, in the upper body. I’ve woken in a cold sweat, shaking, my heart pounding, and gasping for air.

In another nightmare, I am in the field along with other Black men. We are chained together, with heavy metal chains around our necks, waists, and wrists. We are slaves.

In a third recurring nightmare, I am standing in Angola’s pecan grove at night. Through the darkness, I can see bodies hanging from trees, lynched. The wind is blowing gently, rustling the leaves. When I move closer, I see that each corpse is actually me.⁴²

55. Joseph Guillory has also been forced to work the Farm Line, notwithstanding his serious medical conditions. According to Mr. Guillory:

We are forced to crawl, hands and knees, in the dirt, scrounging for potatoes with our fingers. An armed freeman spits tobacco. “You’re not to leave any potatoes in the earth, *boy*.” We fill up milk crates with those potatoes and heft them back to the truck, drenched in sweat. “Pick that up, *boy*. Get those sacks, *boy*. Get back in that corn, *boy*. Go water the plants, *boy*.” Why are we watering crops by hand, rather than with an irrigation system? I’ve been told to defecate in the field, in plain sight of everyone, like a cow. Once, a white officer told me, “We need a good

⁴¹ See Halloran, M. J., *African American Health and Posttraumatic Slave Syndrome: A Terror Management Theory Account*, 50 *J. of Black Studies* 1, 45–65 (2019); Joy DeGruy Leary, *Post Traumatic Slave Syndrome: America’s Legacy of Enduring Injury and Healing* (2005).

⁴² Supp. Decl. of Chadarius Morehead ¶ 6, *Voice of the Experienced v. LeBlanc*, No. 3:23-cv-1304-BAJ-EWD (M.D. La. Sept. 23, 2024).

hanging because these *boys* are out of line.” I am not a boy. But if I say anything, I will be sent to lockdown.⁴³

56. Angola’s Farm Line is only one example of slavery that exists today in Louisiana’s prisons. Similar conditions exist across the state, from the garment factory at the Raymond Laborde Correctional Center, to the soap plant at the Elayn Hunt Correctional Center.⁴⁴ At each of these facilities, forced prison labor leads to insecurity and vulnerability, without the promised benefits of rehabilitation, reentry support, or even profit.

57. As these next sections show, at Angola and, by extension, throughout Louisiana prisons, incarcerated people are considered expendable sources of labor.

i. The History of Louisiana’s Plantation Labor System, the State’s Pursuit of Prisons for Profit and for the Subjugation of Black People

58. The prison slavery taking place at Angola flows directly from Louisiana’s use of its criminal legal system to return its legal and social institutions to as close to slavery as possible since the formal abolition of chattel slavery.

59. The demographics and size of Louisiana’s prison population changed dramatically after the Civil War, when half the State’s residents became citizens.⁴⁵ By that point, the economic, political, and social systems of the slaveholding states were “in shambles.”⁴⁶ Without enslaved labor, large areas of real estate had been destroyed, state governments were deeply in debt, and the loss of a formal racial hierarchy presented an “extraordinary dilemma for Southern white society.”⁴⁷

60. Similar to the U.S. Thirteenth Amendment, Louisiana’s Constitution provides: “Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.”⁴⁸

61. This punishment exception in the Louisiana Constitution presented an opportunity: Southern white society, which had lost power and profit with the ending of chattel slavery, could

⁴³ Supp. Decl. of Joseph Guillory ¶ 2, *Voice of the Experienced v. LeBlanc*, No. 3:23-cv-1304-BAJ-EWD (M.D. La. Sept. 23, 2024).

⁴⁴ See Prison Enters., *Our Correctional Facilities*, available at <http://www.prisonenterprises.org/correctional-facilities/> (last visited Sept. 26, 2024).

⁴⁵ Ruth Delaney, Ram Subramanian, *et al.*, *Reimagining Prison*, *Vera Institute of Justice*, 107 n.134 (October 2018), <https://perma.cc/DHE3-27M3>.

⁴⁶ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* 27 (2010).

⁴⁷ *Id.*

⁴⁸ La. Const. art. 1, § 3.

keep its privilege through criminal law. In this way, the Louisiana Constitution, much like the U.S. Constitution's Thirteenth Amendment, incentivized the arrest, incarceration, and subsequent re-enslavement of Black people.

62. To maintain the cheap labor force lost through Emancipation, the Louisiana legislature enacted new discriminatory laws.⁴⁹ In 1865, Louisiana – like Alabama – expanded its Black Codes that subjected Black people to criminal prosecution for everyday behaviors, such as loitering, vagrancy, and not carrying proof of employment.⁵⁰ As a result, the prison population grew exponentially, providing the State with a captive workforce at low and sometimes no cost. According to one Louisiana legislator, the objective of the Black Codes was “getting things back as near to slavery as possible.”⁵¹

63. For the first time, the Louisiana prison system incarcerated more Black people than white.⁵² By targeting newly freed Black people, the State preserved a system of subordination that persists today.⁵³

64. Angola was originally a plantation and commercial agricultural farm worked by enslaved people and owned by a private family. In 1880, Angola was bought and transformed into a prison camp, where racial and gender hierarchies determined the work assignments: white people who were incarcerated were given clerical and craftsmanship work, and Black people who were incarcerated, including women, were forced to build levees, work the fields, and perform domestic work, including taking care of the children of white guards and wardens, and were subjected to sexual violence.⁵⁴

65. Like chattel slavery before it, this form of convict leasing was brutal and inhumane.⁵⁵ But unlike enslaved people, who were considered an investment, incarcerated Black people were viewed as expendable.⁵⁶ Between 1870 and 1901, at least 3,000 incarcerated people

⁴⁹ Daniele Selby, *How the 13th Amendment Kept Slavery Alive: Perspectives From the Prison Where Slavery Never Ended*, Innocence Project (Sept. 17, 2021), <https://innocenceproject.org/news/how-the-13th-amendment-kept-slavery-alive-perspectives-from-the-prison-where-slavery-never-ended/>.

⁵⁰ *Id.* at 8.

⁵¹ Armstrong, *supra* n.40, at 868; see also William M. Wiecek, “Emancipation and Civic Status: The American Experience, 1865-1915” in *The Promises of Liberty: The History and Contemporary Relevance of the Thirteenth Amendment*, 84 (Tsesis, ed., 2010).

⁵² Armstrong, *supra* n.40, at 902.

⁵³ See Roger Wallace Shugg, *Survival of the Plantation System in Louisiana*, 3 J. Southern Hist. 311, 324 (1937) (noting that “the subordination of freedmen to peonage” helped preserve the plantation system after the Civil War, entrapping the newly emancipated Black persons into a slavery-like system).

⁵⁴ *Id.*; Nathalie Rech, “Black Women’s Domestic Labor at Angola (Louisiana State Penitentiary) during Jim Crow,” *International Labor and Working-Class History* 101 (2022): 44–63.

⁵⁵ *Id.*

⁵⁶ Armstrong, *supra* n.40, at 903.

died under the convict-leasing system operated at the prison camp.⁵⁷ Therefore, those who used convict labor needed only to ask the State to send them more incarcerated laborers when previous workers died or were too injured to work.

66. Eventually coming into state ownership in the early twentieth century, Angola was established as the Louisiana Penitentiary, and the State established itself as the plantation's new overseer, enacting laws to fortify its new role. For example, Article 196 of the 1898 Louisiana Constitution allowed the legislature to authorize the State to use forced labor on "convict farms," public roads or works, and in state-controlled or state-owned "manufactories."⁵⁸

67. Little changed for the incarcerated men and women, who still lived in old slave quarters and picked cotton in the now State-owned fields at Angola.⁵⁹ Incarcerated people picked cotton at Angola and worked on levees and road crews via convict leasing. These assignments were race-based. Black men received the more demanding jobs, while incarcerated white men reportedly received the easier ones.⁶⁰

68. Women were also incarcerated at Angola: roughly 2,000 women served hard labor sentences there until 1961,⁶¹ when the State established the Louisiana Correctional Institute for Women.⁶² Forced labor, often extracted through physical and sexual violence, was an essential feature of their incarceration.⁶³

69. Black women were forced to work in the fields alongside men, or in the prison tobacco factory and cannery.⁶⁴ They also worked as servants for the white prison officials and their families, who lived on Angola's grounds.⁶⁵

70. Profit, as opposed to rehabilitation, retribution, or deterrence, became the driving motive of the Louisiana penal system; as a result, the state concentrated incarcerated labor on agricultural production.

⁵⁷ Joanne Ryan and Stephanie L. Perrault, *Angola: Plantation to Penitentiary*, U.S. Army Corps of Engineers: Preserving Louisiana's Heritage, 8 (2007).

<https://perma.cc/TUH3-YMAE>.

⁵⁸ *Id.*

⁵⁹ See Armstrong, *supra* n.40, at 904.

⁶⁰ *Id.* at 902.

⁶¹ Rech, *supra* n.54 at 47.

⁶² *Id.* at 54 n.76.

⁶³ *Id.* at 46.

⁶⁴ *Id.* at 46.

⁶⁵ *Id.* at 50.

71. By the mid-1920s, Angola was among the largest penal plantations in the United States. The State’s agricultural operation there included 6,000 acres in pasture and 8,000 acres planted in sugar.⁶⁶

72. Meanwhile, the State continued to incarcerate Black people at disproportionate rates. Jim Crow laws, rooted in Black Codes, ensured a steady supply of incarcerated Black workers.⁶⁷ The legislature “increased penalties for crimes, reduced the amount of time off prisoners could earn for good behavior, and cut back on the number of people being paroled[.]”⁶⁸ And in 1937, the federal government even recommended that the State build new dormitories at Angola to house “1,000 negroes” for farm labor.⁶⁹

73. By the 1940s, people incarcerated at Angola produced agricultural products worth \$1.3 million (about \$28 million today).⁷⁰ The State developed other prison industries—including a sugar mill, cannery, and slaughterhouse—to support its lucrative agricultural operations. Even as Louisiana became increasingly urban, its prison system remained focused on the cultivation and sale of agricultural commodities.⁷¹ As it had for generations, the State continued to force incarcerated Black people to work in brutal conditions within the prison system in the pursuit of profit.

ii. *America’s Worst Prison*

74. During the Great Depression, prison operations in Louisiana faded from public scrutiny and “became concealed in secrecy, corruption, and brutality.”⁷² In 1952, *Collier’s* magazine named Angola “America’s worst prison.”⁷³ Conditions were slow to improve, if at all: an inspection team from the American Bar Association described the prison in the 1970s as “medieval, squalid and horrifying.”⁷⁴

⁶⁶ Ryan and Perrault, *supra* n. 57, at 12.

⁶⁷ Alexander, *supra* n.40 at 32.

⁶⁸ William P. Quigley, *Louisiana Angola Penitentiary: Past Time to Close*, 19 Loy. J. Pub. Int. L. 163, 209 (2018).

⁶⁹ Armstrong, *supra* n.40, at 906 (citing U.S. Department of Justice, Bureau of Prisons & Federal Prison Industries, *State of Louisiana: Recommendations for Reorganization of the Penitentiary System* (1937)).

⁷⁰ *Id.* at 905 (citing *Prison Labor in the United States*, 53 Monthly Lab. Rev. 578, 581 (1941)).

⁷¹ Ed Clinton, *Angola: The Story of Louisiana State Penitentiary*, 22 Am. J. Correction 6, 4 (1960).

⁷² La. State Penitentiary Foundation, La. Prison Museum & Cultural Center, *History of the State Penitentiary* (2019), available at <https://www.angolamuseum.org/history-of-angola>.

⁷³ See John Lear & E.W. Stagg, *America’s Worst Prison*, *Collier’s Magazine* (Nov. 22, 1952), 13-16.

⁷⁴ William P. Quigley, *Louisiana Angola Penitentiary*, *supra* n.68, at 166 (citing “Governor Writes Burger to Defend Prison System,” *Times-Picayune* (Apr. 6, 1971), 1-13).

75. During the 1970s and 1980s, the State contracted with various companies to extract incarcerated persons' labor. These industries did not prioritize rehabilitation and reentry, however. Rather, Louisiana remained committed to putting more and more people in prison.

76. By the early 1980s, Louisiana was a national leader in incarceration. In 2024, it still is.

iii. *Louisiana Department of Public Safety and Corrections' Administration of the Farm Line Subjects Incarcerated Persons to Inhumane Treatment.*

77. At Angola, incarcerated people –72.3% of whom are Black men and 52% of whom are over 50 years of age⁷⁵ – are forced to conduct backbreaking agricultural work for long hours in the heat on the “Farm Line,” with no protection, access to sanitary conditions, or any choice as to whether they work. And if individuals even attempt to refuse work on the Farm Line, they are subject to further punishment.

78. Individuals on the Farm Line are forced to hoe, dig, and weed, as well as pick plantation crops by hand or with outdated tools, for hours.

79. These individuals also lack regular access to clean drinking water and are left to ingest water full of mold and dead insects. Historically, there routinely has been no shade, no breaks, and often no access to sanitary bathrooms.⁷⁶ This work is particularly grueling in the extreme heat and humidity of Louisiana's summers, reaching temperatures of 90-plus degree Fahrenheit.⁷⁷ For the week of July 29, 2024 alone, heat index values reached or exceeded one hundred degrees Fahrenheit at or before noon on each and every day. The Farm Line operated as normal.⁷⁸

80. Furthermore, incarcerated people assigned to work the Farm Line must work for three years before becoming eligible for compensation at just \$0.02 an hour.⁷⁹

81. Assignment to the Farm Line is also wielded as a method of punishment for persons who receive disciplinary write ups or incur other disciplinary infractions at Angola. This work

⁷⁵ The Louisiana Department of Corrections reports that 3,856 people are incarcerated at Louisiana State Prison—2,789 of whom are Black and 2,008 of whom are over 50. La. Dept. of Corr., *Demographic Dashboard for Website* (July 31, 2024), <https://doc.louisiana.gov/demographic-dashboard/>.

⁷⁶ See *VOTE v. Leblanc*, No. 23-01304-BAJ-EWD (M.D. La., July 2, 2024).

⁷⁷ The Promise of Justice Initiative, *Punitive By Design* at 30, 32 (2023), https://static1.squarespace.com/static/5fe0e9cce6e50722511b03cc/t/65087b0bdf3cf528e978b057/1695054609966/PUNITIVE_BY_DESIGN.pdf.

⁷⁸ Ruling and Order, *VOTE v. LeBlanc*, *supra* n.4.

⁷⁹ *Id.* at 12.

includes humiliating and punitive “make work” or busy work, such as the work Myron Smith⁸⁰ was assigned to do: hand water rows of watermelon with a five gallon bucket and a Styrofoam cup. Others must “goose-pick,” or pull blades of grass by hand. This pointless, unpaid labor—extracted under threat of further punishment and serious harm—is degrading, dehumanizing, and yet another mechanism the state uses to control and subjugate Black persons.

82. Louisiana also profits off of the backs of Black incarcerated workers at Angola. Prison Enterprises – the division of LDPSIC that directs agricultural and industrial programs at prisons – oversees these incarcerated workers, directing the agricultural program at Angola.

83. As of 2019, nearly 30 percent of Prison Enterprises’ incarcerated workforce was laboring in fields at Angola, producing profit for the state—either without pay or for \$0.02 an hour.⁸¹

84. Prison Enterprises also sells incarcerated goods and labor to state, parish, and local governments and nonprofit organizations.

85. In 2021 and 2022, incarcerated people forced to work under the direction of Prison Enterprises planted, grew, and harvested nearly 3,000 acres of wheat, corn, soybeans, cotton, and grain sorghum at Angola. Prison Enterprises used some of those crops to feed its livestock and flight birds, but most were sold on the open market.

86. The unsafe, unpaid, dehumanizing, and compulsory labor to which incarcerated people in Louisiana are subjected amounts to an inherently coercive system of slavery in Louisiana’s prisons, long after slavery was supposedly abolished.

IV. THE FRAMEWORK OF INTERNATIONAL AND HUMAN RIGHTS STANDARDS, OBLIGATIONS, AND LAWS.

87. In stark contrast to the U.S. Constitution, international human rights law frameworks – including those that are binding on the United States – generally do not make exceptions to the prohibition on slavery.⁸² Contemporary forms of slavery, including the

⁸⁰ Mr. Smith is a named plaintiff in the Promise of Justice Initiative’s lawsuit. *See* Compl., *VOTE v. Leblanc*, No. 3:23-cv-1304 (M.D. La., Dec. 15, 2023), *available at* <https://static1.squarespace.com/static/629e677355290e6e981fdaa6/t/6671e9b85fc2aa570ff0316b/1718741432469/21%2C%2B2023.12.15%2BAMENDED%2BCOMPLAINT.pdf>.

⁸¹ *Id.* at ¶¶ 42, 47.

⁸² ACLU & the Univ. of Chicago L. School Global Human Rights Clinic, *Captive Labor: Exploitation of Incarcerated Workers*, at 82 (2022), <https://www.aclu.org/publications/captive-labor-exploitation-incarcerated-workers>.

involuntary servitude and other forms of forced labor of incarcerated individuals, are a source of great international concern and, thus, are the subject of various bodies of international law.

88. In spite of the universal condemnation of involuntary servitude and forced labor, the policies, practices, and conditions of labor inside state prisons throughout the Deep South region of the United States – specifically, ADOC’s and LDPSC’s prisons – persistently violate protections under the following international laws against slavery, compulsory labor, forced labor, and cruel, inhumane and degrading treatment, which are detailed below: the Universal Declaration of Human Rights (“UDHR”); the International Covenant on Civil and Political Rights (“ICCPR”); the International Covenant on Economic, Social and Cultural Rights (“ICESCR”); the International Labor Organization (“ILO”) Forced Labour Convention (No. 29), the ILO Abolition of Forced Labour Convention (No. 105); and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Nelson Mandela Rules”).

89. The Universal Declaration of Human Rights (UDHR):⁸³ Building the foundation for the development of international and human rights law, and adopted by the United Nations General Assembly in 1948, the UDHR affirms the most rudimentary rights and fundamental freedoms of all human beings. The UDHR concretely prohibits slavery and servitude as follows:

Article 4 of the UDHR guarantees freedom from slavery or servitude: “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms,” and

Article 5 of the UDHR guarantees everyone’s right to be free from torture or cruel, inhuman or degrading treatment or punishment.

90. The International Covenant on Civil and Political Rights (ICCPR):⁸⁴ The United States ratified the ICCPR in 1992; thus, it holds the status of federal law in the United States.⁸⁵ The ICCPR is the most prominent of international human rights treaties⁸⁶ and compels governments to take administrative, judicial, and legislative measures to protect the rights enshrined in the treaty. Specifically:

Article 8(1) of the ICCPR provides that “[n]o one shall be held in slavery” and prohibits the slave-trade in all its forms;

⁸³ U.N Gen. Assembly Res., 217 A (III), UDHR, [A/RES/217 A \(III\)](#) (1948).

⁸⁴ U.N. Gen. Assembly Res., 2200A (XXI), Intern’l Cov. on Civ. & Pol. Rights, [A/RES/2200A\(XXI\)](#) (1966).

⁸⁵ *FAQ: The Covenant on Civil & Political Rights (ICCPR)*, ACLU (July 11, 2013), <https://www.aclu.org/documents/faq-covenant-civil-political-rights-iccpr>.

⁸⁶ *See generally id.*

Article 8(2) of the ICCPR provides that “[n]o one shall be held in servitude”;

Article 8(3)(a) of the ICCPR prohibits forced or compulsory labor;⁸⁷ and

Article 10 of the ICCPR provides that “all persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person.”

91. The International Covenant on Economic, Social and Cultural Rights (ICESCR):⁸⁸ The ICESCR, which aims to safeguard the economic, social, and cultural rights of all individuals,⁸⁹ was signed by the United States in 1977. Despite the United States having yet to ratify the Covenant,⁹⁰ it still has an obligation to “refrain from acts which would defeat the object and purpose”⁹¹ of the ICESCR, which unequivocally centers every individual’s right to work, including its associated rights related to protections against forced labor, as detailed below:

Article 6(1) of the ICESCR outlines the individual’s “right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”;

Article 7(a) - (d) of the ICESCR codifies all individuals’ right to “the enjoyment of just and favourable conditions of work,” ensuring, *inter alia*, fair wages, safe and healthy working conditions, and rest and the reasonable limitation of working conditions; and

Article 8(d) of the ICESCR protects the individuals’ right to strike, so long as it is in conformity with the other laws of the particular country in question.

92. More specifically, the Committee on Economic, Social and Cultural Rights – the authoritative United Nations body that interprets the Covenant⁹² – has unambiguously dictated in General Comment No. 18 “that forced or compulsory prison labor violates states’ obligation to respect prisoners’ right to work[.]”⁹³ The Committee further concluded that nation states “are under the obligation to respect the right to work by . . . prohibiting forced or compulsory labour

⁸⁷ *Cf. Captive Labor*, *supra* n.82, at 81.

⁸⁸ U.N., Intern’l Cov. on Econ., Soc., & Cultural Rights, [A/RES/2200A\(XXI\)](#) (1966).

⁸⁹ U.N. Office of the High Comm’r, *Background to the Covenant: Committee on Economic, Social and Cultural Rights*, <https://www.ohchr.org/en/treaty-bodies/cescr/background-covenant#>.

⁹⁰ See Anya Wahal, *On International Treaties, the United States Refuses to Play Ball*, Council on Foreign Relations (Jan. 7, 2022), <https://www.cfr.org/blog/international-treaties-united-states-refuses-play-ball>.

⁹¹ Vienna Convention on the Law of Treaties art. 18, *opened for signature May 23, 1969*, S. Exec. Doc. L, 92-1 (1971), 1155 U.N.T.S. 331.

⁹² *Captive Labor*, *supra* n.82, at 82-83.

⁹³ *Id.* at 83.

and refraining from denying limited equal access to decent work for all persons . . . including prisoners.”⁹⁴

93. The International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29):⁹⁵ While the United States has not ratified ILO Convention (No. 29), because it is a member of the ILO, “the United States is bound by the ILO’s Declaration on Fundamental Principles and Rights at Work, which requires all ILO member states to promote and realize, in good faith, the principle of the elimination of all forms of forced or compulsory labor,” regardless of the member state’s ratification of Convention (No. 29).⁹⁶ Most notably:

Article 1(1) requires nation states that ratified the Convention “to suppress the use of forced or compulsory labor” *in all of its forms, and to do so within the shortest possible time period*, and

Article 2(1) defines forced or compulsory labor as “work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁹⁷

94. The International Labour Organization (ILO) Abolition of Forced Labour Convention, 1957 (No. 105):⁹⁸ Convention (No. 105) was adopted in 1957 by the ILO, and ratified in 1991 by the United States. **Article 1** of the Convention specifically outlines five circumstances ratifying member nation states are to “suppress” and mandates the member nation states to not engage in all forms of forced or compulsory labor.⁹⁹ Three of these circumstances are especially

⁹⁴ *Id.* (citing Comm. on Econ., Soc., & Cultural Rights, General Comment No. 18, The Right To Work, adopted Nov. 24, 2005, para 23, [E/C.12/GC/18](#) (Feb. 6, 2006)).

⁹⁵ International Labour Organization (ILO), Convention Concerning Forced or Compulsory Labour (ILO No. 29), [39 U.N.T.S. 55](#) (Jun. 28, 1930, rev. 2014).

⁹⁶ *Captive Labor*, *supra* n.82; *see, e.g.*, OSCE Office for Democratic Institutions and Human Rights (ODIHR) & Penal Reform Intern’l, *Guidance Document on the Nelson Mandela Rules*, 2017 https://cdn.penalreform.org/wp-content/uploads/2018/07/MR_Guidance_Doc.pdf; Intern’l Labour Conf., *Report III (Part 1B) General Survey Concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)*, Intern’l Labour Office, 2007 <https://www.ilo.org/media/132481/download> ¶ 28 (explaining that the United States attributed suspension of examining ratification of the Convention in the mid-1980s to “questions about the potential effects of this Convention on US prison practices,” and the possibility of the Convention being “construed and applied to limit the extent to which the private sector could be involved with inmate labour”).

⁹⁷ The Convention excludes from this definition the labor “exacted from any person as a consequence of a conviction in a court of law,” where the labor in question “is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or association.” [39 U.N.T.S. 55](#) art. 2(2)(c). *But see Captive Labor*, *supra* n.82 (requiring abolishment of prison labor and other forms of forced or compulsory labor where discrimination is involved).

⁹⁸ ILO, Abolition of Forced Labour Convention (ILO No. 105), [320 U.N.T.S. 291](#) (July 4, 1957).

⁹⁹ *See id.* art. 1(a) - (e); *see, e.g.*, Azadeh Shahshahani & Kyleen Burke, *Deploying International Law to Combat Forced Labor in Immigration Detention Centers*, 37 *Geo. Immigr. L.J.* 57 (2022).

relevant to the cases of Alabama’s and Louisiana’s prison systems, as they prohibit forced or compulsory labor, per:

Article 1(b), “as a method of mobilising and using labour for purposes of economic development;”

Article 1(d), as punishment for participation in strikes; and

Article 1(e), “as a means of racial, social, national or religious discrimination.”

95. Notably, the ILO’s Committee of Experts on the Application of Conventions and Recommendations made unequivocally clear, as to Article 1(e), that forced and compulsory labor that must be abolished “covers prison labor,” in addition to “other forms of forced labour involving discrimination.”¹⁰⁰

96. **The United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Nelson Mandela Rules” or “Mandela Rules”)**.¹⁰¹ And lastly, the Nelson Mandela Rules, which were adopted by the United Nations General Assembly in 2015, outline international standards for the rights of incarcerated persons, including those related to labor in prison and detention facilities.¹⁰² While acknowledging the potential for prison work and vocational programs to complement the process of rehabilitation,¹⁰³ the Mandela Rules reinforce nation states’ duties to protect and promote incarcerated persons’ most fundamental and human rights. The Rules establish 122 provisions – the *minimum standards* every party nation must follow – that provide guidance on the general management of prisons and the treatment of incarcerated persons, the most elementary of which are violated by ADOC’s and the LDPSC’s practices of slavery, involuntary servitude, and forced labor.¹⁰⁴

¹⁰⁰ *Captive Labor*, *supra* n.82 (quoting ILO, International Labour Conference, Report of the Committee of Experts on the Application of Conventions and Recommendations, ¶ 138 (1962), [https://www.ilo.org/public/libdoc/ilo/P/09661/09661\(1962-46-IV\)191-289.pdf](https://www.ilo.org/public/libdoc/ilo/P/09661/09661(1962-46-IV)191-289.pdf)).

¹⁰¹ U.N. Gen. Assembly, Res. 70/175 (“A/RES/70/175”), U.N. Standard Min. Rules for the Treatment of Prisoners, [A/RES/70/175](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf) (2016).

¹⁰² *Captive Labor*, *supra* n.82, at 84.

¹⁰³ A/RES/70/175, *supra* n.101, at Rule 96(1) (“Sentenced prisoners shall have the opportunity to work and/or to actively participate in their rehabilitation, subject to a determination of physical and mental fitness by a physician or other qualified health care professionals”); *see also* https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

¹⁰⁴ *See generally id.*; *see, e.g.*, Andrew Gilmour, “The Nelson Mandela Rules: Protecting the Rights of Persons Deprived of Liberty,” *UN Chronicle* (July 18, 2019), <https://www.un.org/en/un-chronicle/nelson-mandela-rules-protecting-rights-persons-deprived-liberty>.

97. In 2015, the United States championed the adoption of the Nelson Mandela Rules, and as a party nation, it is subject to the standards it sets forth.¹⁰⁵ The following provisions are particularly relevant when assessing ADOC's and LDPC's treatment of persons they incarcerate:

Rule 1 requires that all incarcerated persons be treated “with the respect due to their inherent dignity and value as human beings.” Further, it prohibits, and guarantees protection from, “torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification”;

Rule 39(2) stipulates that “disciplinary sanctions” shall be proportionate to the respective offense;

Rule 43 provides that “[i]n no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment[.]” and therefore explicitly prohibits (a) indefinite solitary confinement and (b) prolonged solitary confinement; and

Rules (96) - (103) further establish the standards to be followed by party states regarding the circumstances around and conditions pertaining to work and labor carried out by incarcerated persons. Of particular note, and for the purposes of this complaint, are:

Rule 97(1) that requires prison labor not be “of an afflictive nature” and

Rule 97(2) that prohibits slavery or servitude.

98. Each of the foregoing international human rights standards, obligations, and laws are triggered by the inhumane practices of forced prison labor and slavery to which ADOC and LDPC subject incarcerated persons in Alabama and Louisiana, respectively.

V. ANALYSIS

A. The Coercive and Punitive Working Conditions to Which Alabama and Louisiana Subjects Incarcerated Persons, including Denial of Adequate Pay, Amounts to Slavery and Involuntary Servitude in Violation of International and Human Rights Standards, Obligations, and Laws.

99. Despite binding obligations on the United States, the above-mentioned conditions in Alabama and Louisiana prisons subject incarcerated persons to some of the most egregious

¹⁰⁵ David Fathi, “Victory! UN Crime Commission Approves Mandela Rules on the Treatment of Prisoners,” *ACLU* (May 27, 2015), <https://www.aclu.org/news/prisoners-rights/victory-un-crime-commission-approves-mandela-rules>.

examples of slavery and involuntary servitude, in violation of international law, norms, and practices, as further detailed below.

i. ADOC's and LDPSC's coercive and punitive practices against incarcerated persons in Alabama and Louisiana prisons violate international and human rights standards, obligations, and laws.

100. The ADOC and LDPSC prisons use coercion and punishment to further Alabama's and Louisiana's policies of slavery, involuntary servitude, and other forms of compulsory labor.

101. In Alabama, incarcerated workers within ADOC prisons are not free to refuse work when they confront health hazards, inadequate pay, or harassment or abuse at work, or for any other reason that might cause persons outside of prison, in the "free world," to leave their employment. For example, when incarcerated Alabamians refuse to work, show up late, are fired, or miss work (sometimes through no fault of their own), they are doubly punished, losing not only their wages, but also facing additional consequences affecting their liberty within ADOC and their ability to be released from prison. In short, they are not able to freely withdraw their consent, as one would in the "free world," without risking grave sanctions.

102. Specifically, incarcerated workers in ADOC prisons face a range of physical and legal sanctions, under ADOC's administrative regulations, for refusing to work or for not working, including: solitary confinement; transfer to a more restrictive and dangerous facility; being subjected to prison discipline that can result in, among other things, "extra duty" (i.e., additional unpaid forced labor), loss of contact with loved ones through revocation of phone and visitation access, loss of access to the canteen (which is needed to supplement inadequate nutrition and hygiene products supplied by the prison); and in some cases, physical violence and other forms of retaliation from prison officials for withholding one's labor or encouraging others to do so.

103. An incarcerated person's refusal to work could also subject them to the loss of good time credit, thereby *significantly* expanding the nature and extent of the person's original sentence of incarceration to forced, and often dangerous, exploitative, inhumane, and degrading labor.

104. Incarcerated workers in Louisiana are similarly forced to work at Angola. LDPSC coerces work by depriving incarcerated persons of daily necessities like deodorant and stamps, and they must work for pennies an hour to buy those basic goods from the prison store, or "canteen."

105. At Angola, incarcerated workers are punished for receiving disciplinary write ups or incurring other disciplinary infractions. Once assigned to the Farm Line, persons are forced to perform humiliating and punitive work. To illustrate, as mentioned above, some individuals must "goose-pick," or pull blades of grass by hand. Men express that being forced to bend over to pick

grass by hand is physically painful and its arbitrariness creates emotional stress. Others must water rows of crops using only a Styrofoam cup.¹⁰⁶

106. Like ADOC, the LDPSC disciplines incarcerated people at Angola based on staff's perception of their work performance. Many of these "disciplinary violations" are arbitrary and vague, making it difficult for an incarcerated person to anticipate when their job performance will result in additional punishment. For instance, failure to perform compulsory work with "reasonable speed and efficiency" could result in five days of "disciplinary detention;" forfeiture of 15 days of "good time," which is credit earned through participating in prison programming or complying with prison rules that reduces one's time of incarceration; two weeks of confinement; and/or denial of incentive wages for three months.¹⁰⁷

107. Louisiana has also imposed indefinite segregation, commonly known as solitary confinement, in response to nonviolent and minor rule violations, including failure to complete a job assignment. The risks of noncompliance with work assignments also include losing crucial connections with friends and family, losing access to essential food, privileges, recreation, and freedom of movement (however constrained), and, for some, losing the possibility of parole.

108. Punishments are even more severe for "aggravated" work offenses like refusing to work, asking to go to segregation rather than work, disobeying repeated instructions as to how to perform work assignments (even if the instruction makes a person unsafe), and "[f]alling far short of fulfilling reasonable work quotas."¹⁰⁸ These punishments include loss of minor privileges for up to 12 weeks, confinement to the dormitory, extra duty for up to eight days, and forfeiture of good time.¹⁰⁹

109. These punishments by ADOC and LDPSC directly violate **Article 5 of the UDHR's** prohibition on torture or cruel, inhumane or degrading treatment; **Articles 8(3)(a) and 10 of the ICCPR's** prohibition on forced or compulsory labor and deprivation of inherent human dignity, respectively; and prohibitions of solitary confinement and slavery or servitude under **Articles 43 and 97(2) of the Mandela Rules.**

110. They also violate the stipulation, under **Article 39(2) of the Mandela Rules,** that "disciplinary sanctions" be proportionate to the respective offense.

¹⁰⁶ All eight LDPSC facilities in Louisiana operate work programs—none of which is characteristic of a free employment relationship mandated by international human rights standards. See G.A. Res. 217 A, at 75 (Dec. 8, 1948), <https://documents.un.org/doc/resolution/gen/nr0/043/88/pdf/nr004388.pdf>.

¹⁰⁷ See La. Admin. Code tit. 22 §341.I (June 2024), <https://www.doa.la.gov/media/4eufbn5k/22v01-15.pdf>.

¹⁰⁸ *Punitive By Design*, *supra* n.82.

¹⁰⁹ See La. Admin. Code tit. 22 § 341.I.a, *supra* n.107, at 78-79.

111. In addition, the coercive practices wielded by the ADOC in Alabama prisons and by the LDPSC at Angola do not align with the **ILO**'s indicators of voluntary labor. Forced labor exacted under the menace of penalty – such as sanctions or loss of privileges – in Alabama and Louisiana explicitly violates **ILO Forced Labour Convention (No. 29)**.

112. Finally, these conditions obliterate the very essence and purpose of the **ICESCR**, which aims to safeguard the economic, social, and cultural rights of all individuals, including protecting individuals' right to freely choose to work, and which thereby prohibits slavery and forced labor. **Articles 6(1), 7, and 8(d)** specifically ensure that individuals can choose to work, or not; that when working, that they must be provided safe, healthy, equitable working conditions, including breaks and fair pay; and that they can protest when these conditions are not met. Yet, as the above analysis illustrates, neither Louisiana nor Alabama seeks out every incarcerated person's formal consent to work, and each department's disciplinary framework includes sanctions to coerce and punish those who refuse to work.¹¹⁰

ii. *Unpaid and poorly paid forced prison labor constitutes slavery and forced labor in violation of international and human rights standards, obligations, and laws.*

113. In addition to the coercive and punitive working conditions to which Alabama and Louisiana subject incarcerated persons in violation of international and human rights standards, obligations, and laws, these states' denial of adequate pay – and, in many cases, *any pay at all* – to incarcerated workers violates the same regarding fair compensation. Indeed, in 2023, the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement concluded that “unpaid or poorly paid forced prison labour in the United States perpetuates slavery to the present day.”¹¹¹

114. In Alabama, people incarcerated at community work centers who perform labor for governmental entities – for example, street maintenance for the City of Montgomery – are paid as little as \$2 per day. Those working for private employers have had 40% or more of their earnings taken by ADOC. And when workers are punished with extra work assignments for private entities, they are not compensated for this labor.

115. As a result of these extractive practices, in one year alone, the State of Alabama pocketed over \$12 million dollars by contracting incarcerated labor to private enterprises.¹¹²

¹¹⁰ See *id.*; ADOC Admin. Reg. 403 (Dec. 12, 2023), available at <https://doc.alabama.gov/docs/AdminRegs/ar403.pdf>.

¹¹¹ UN EMLER, *supra* n.2, ¶ 114.

¹¹² See Stmt. of Reginald Burrell, *supra* n.3.

116. Louisiana has among the lowest incentive pay rates for incarcerated people working in correctional industries.¹¹³ Prison Enterprises pays all incentive wages in the State’s prisons.¹¹⁴ Those wages generally range from \$0.02 to \$0.20 an hour, though Prison Enterprises could pay higher rates if it chose to.¹¹⁵ ¹¹⁶ The DOC Secretary could also set higher wages but chooses not to.¹¹⁷

117. Not every incarcerated worker receives incentive pay. Some workers can opt to earn “good time” credits to reduce the length of their sentences—two days for every day worked—while the prison keeps their incentive pay.¹¹⁸ Others work in exchange for basic necessities, like extra food.¹¹⁹ Nothing other than the State of Louisiana’s own policies prevent incarcerated workers from earning “good time” credits *and* pay.

118. But even those eligible for wages do not necessarily get full access to their pay. Each incarcerated person has three bank accounts: savings, drawing, and reserve.¹²⁰ The savings account is used to pay for education courses, court-imposed costs, medical co-payments, and restitution costs.¹²¹ The DOC requires each person to maintain a \$250 minimum balance in their savings account at all times, and will garnish half of that person’s wages until that amount is met.¹²²

¹¹³ Prison Enters., Dep’t of Public Safety & Corrs., Performance Audit (May 1, 2019), at 5 n.8 https://www.prisonlegalnews.org/media/publications/Louisiana_Legislative_Auditor_-_Prison_Enterprises_-_Evaluation_of_Operations_Dept_of_Public_Safety_and_Corrections_2019.pdf.

(stating that according to the 2018 NCIA Directory, incarcerated people in Arkansas, Georgia, and Texas do not receive incentive wages).

¹¹⁴ Prison Enterprises, *2022 Annual Report*, at 26, available at <https://www.prisonenterprises.org/2022-annual-report/> (stating that in 2021-2022, Prison Enterprises paid incarcerated workers in Louisiana a total of \$1,178,839.67 in wages).

¹¹⁵ See La. R.S. § 15:873, available at <https://www.legis.la.gov/legis/Law.aspx?d=79438> (stating that incentive wages paid to individuals incarcerated in state correctional facilities “shall be no more than twenty cents per hour, except that inmates who are assigned to Prison Enterprises’ industrial, agricultural, service, or other programs may be compensated at a rate up to forty cents per hour and inmates who are Certified Academic Tutors and Certified Vocational Tutors may be compensated at a rate of up to one dollar per hour”).

¹¹⁶ Those wages have not changed much over time: The Angolite reported in 1956 that a new incentive pay scale “will be in three categories with 5% of the population receiving 5¢ per hour; 10% will receive 3½¢ per hour; and 85% will receive 2¢ per hour.” “Incentive Pay Outlined to Group,” *The Angolite* (Nov. 1956), at 48, <https://jstor.org/stable/community.33275082>.

¹¹⁷ La. R.S. § 15:873, *supra* n.116.

¹¹⁸ La. Admin. Code tit. 22 § 331.I(D), *supra* n.107; see also La. R.S. § 51:571.3(B)(1)(a), available at <https://www.legis.la.gov/legis/Law.aspx?d=79190>.

¹¹⁹ See Prison Enters., Performance Audit, *supra* n.113, at 17 (“By providing items for offenders, who have agreed to work extra hours, illustrates [sic] that we incentivize them in one of the only ways possible in an effort to resemble an environment to that of a private sector business.”).

¹²⁰ La. R.S. § 15:874, <https://www.legis.la.gov/legis/Law.aspx?d=79439>.

¹²¹ *Id.*

¹²² *Id.*

119. At \$0.02 an hour, it takes 25,000 hours of work on the Farm Line—roughly 13 years of full-time work—to reach \$250. If an incarcerated person needs medical care but cannot afford the fee, which “is usually \$3.00 per visit,” he will fall into debt, further preventing him from reaching the \$250 savings amount.¹²³

120. These practices – which authorize wages that are well below federal minimum wage requirements in the United States – violate the requirement to eliminate *all* forms of forced labor under **ILO Forced Labour Convention (No. 29) and ILO Abolition of Forced Labour Convention (No. 105)**, as well as the requirement that individuals have just working conditions under **ICESCR Article 7**.

B. The Unsafe, Unsanitary, and Inhumane Working Conditions to Which Alabama and Louisiana Subject Incarcerated Persons to Advance Slavery and Involuntary Servitude Violate International Human Rights Standards.

121. As set forth above, in **Louisiana**, the LDPSC does not provide incarcerated persons subjected to forced labor and slavery at Angola adequate tools or personal protective equipment to guard against dangerous machines and excessive heat; accessible, sanitary bathrooms; regular access to clean drinking water; or reasonable breaks. Nor are these incarcerated persons fairly compensated for their labor, if at all, as mentioned in the above section.

122. Incarcerated persons in **Alabama** at ADOC prisons are similarly forced to work grueling job assignments, like hauling trash, laundry, cleaning, and food waste – without proper protective equipment, under the threat of additional punishment for refusing to work due to illness or unsafe working conditions, and often without any or adequate compensation. This is also the case at Alabama work-release centers, where incarcerated workers perform labor for private companies, earning substandard wages that are filtered directly through, and substantially deducted by, the ADOC.

123. Furthermore, incarcerated workers working on prison grounds in Louisiana and Alabama are made to do dangerous jobs with little to no training, meager pay, and few enforceable workplace protections behind the prison walls.¹²⁴ When incarcerated persons within ADOC prisons or on the Farm Line at Angola refuse to work due to, or complain about, unsafe conditions,

¹²³ La. Dep’t of Corrs., *Informational Handbook for Friends and Families of People in Prison*, at 26 (Sept. 11, 2019), available [at https://doc.louisiana.gov/wp-content/uploads/2019/09/handbook4friends.familiesofinmates_9_11_19.pdf](https://doc.louisiana.gov/wp-content/uploads/2019/09/handbook4friends.familiesofinmates_9_11_19.pdf); La. Admin. Code tit. 22 § 331.I, *supra* n.107.

¹²⁴ Nat’l Council for Incarcerated & Formerly Incarcerated Women & Girls, Submission to the Special Rapporteur on contemporary forms of slavery (Apr. 11, 2024), <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/cfis/incarcerated-people/subm-contemporary-forms-slavery-cso-national-council-incarcerated-an-irls.pdf>

they are often fired and/or disciplined by the ADOC or LDPSC. In such instances, the ADOC and the LDPSC sanction incarcerated laborers with additional unpaid work duty, loss of visitation and phone access, solitary confinement, or transfer to a higher level security prison.

124. These unsafe, unsanitary, and inhumane working conditions to which Alabama and Louisiana subject incarcerated persons violate **Articles 4 and 5 of the UDHR**, which guarantee freedom from slavery and other forms of treatment that constitute torture or cruel punishment, and which prohibit slavery in all its forms. These conditions perpetrated by the ADOC and LDPSC also violate **similar provisions under Article 8(1)-(3)(a) of the ICCPR** that prohibit slavery, servitude, and forced labor in any form and that require that all incarcerated persons be treated with humanity and dignity. Finally, these conditions violate the **Mandela Rules'** prohibition against the "afflictive nature" of work under **Rule 97(1)**.

125. The failure of the States of Louisiana and Alabama to ensure safe working conditions for incarcerated persons at Angola and at ADOC prisons, while these States continue to extract labor from these persons without adequate regard for their safety, health, compensation, or dignity, has perpetuated the exact system of slavery, involuntary servitude, and other forms of forced labor that the UDHR, the ICCPR, and the Mandela Rules – among other international and human rights standards, obligations, and laws – were intended to prohibit. Yet the United States has failed to take administrative, judicial, or legislative measures to protect the rights enshrined in these treaties for incarcerated people at Angola in the State of Louisiana and within ADOC prisons in the State of Alabama.

VI. CONCLUSION AND REQUEST FOR INVESTIGATION

126. For all of the reasons mentioned herein, the Center for Constitutional Rights and the Promise of Justice Initiative request that, in addition to recording and reporting this complaint to the United States and the Human Rights Council, your Excellencies take special, urgent measures to address these ongoing human rights violations addressed herein. Given the renewed investment of the United Nations in confronting legacies of slavery, colonialism and apartheid, and the establishment of the UN Permanent Forum on People of African Descent (UN PFPAD), the partners request your active engagement with this new mechanism as a site for elevating key human rights concerns.

127. Ahead of the Fourth Session of the UN PFPAD in April 2025, we request the following: **(a)** an investigation into the Alabama Department of Corrections and the Louisiana Department of Safety and Corrections for their use of slavery, involuntary servitude, and other forms of forced labor against incarcerated workers, in violation of international and human rights standards, laws, and obligations, and **(b)** a delegation be sent to the ADOC and the LDPSC to address the same. We further urge Your Excellencies **(c)** to work with the expert members of the

UN PFPAD to dedicate a session at the Permanent Forum to address, along with civil society organizations, efforts by your mandates to abolish slavery, involuntary servitude, and other forms of forced labor in U.S. prisons.

Respectfully submitted,

The Center for Constitutional Rights

Sadaf Doost, attorney and Bertha Justice fellow, sdoost@ccrjustice.org

Emily Early, Associate Director, Southern Regional Office, early@ccrjustice.org

Maya Finoh, Political Education and Research Manager, mfinoh@ccrjustice.org

CJ Sandley, Senior Staff Attorney, csandley@ccrjustice.org

Zee Scout, attorney and Bertha Justice fellow, zscout@ccrjustice.org

Kayla Vinson, Staff Attorney, kvinson@ccrjustice.org

Jessica Vosburgh, Senior Staff Attorney, jvosburg@ccrjustice.org

The Promise of Justice Initiative

Samantha Kennedy, Executive Director, skennedy@defendla.org

Lyndia Wright, Associate Director of Civil Litigation, lwright@defendla.org

APPENDIX A

Statement of **Reginald Burrell**,
Plaintiff in *Stanley v. Ivey*, Case No. 03-CV-2024-900649.00 (Ala. Cir. filed May 1, 2024).

After the American Civil War, the United States abolished slavery under the Thirteenth Amendment of the Constitution, eliminating its worst human atrocity, but it made a compromise with bigots of the Confederacy through the Amendment's Exception Clause, permitting racist institutions to survive and recollect all their lost slaves. That exception to slavery unleashed a new era of modern day slavery through mass incarceration in the Deep Southern states, led notoriously by the State of Alabama who openly claims today that the City of Montgomery was the "white house of the Confederacy" and maintains state holidays for the Confederacy and its former leaders, who remained resentful of their loss in the Civil War; the loss of their uninhibited slave labor and profits; and being required to provide social, economic, political, and educational inclusion by the Fourteenth Amendment. The people – African Americans and others – created urgency for the state bigots to recollect and interfere, utilizing the Exception Clause in the Thirteenth Amendment and its analog in the state constitution.

In the South today, "plantations" refer to DOC facilities and "slaves" refers to inmates. Bigots within the state's legislature, judicial, and executive branches previously acted in unity, criminalizing the exercise of our freedom, deploying a host of systematic deprivations, entrapments, charges, and prosecutions, followed by their biased tribunals and imprisonment. This resulted in overcrowded facilities with inhumane and degrading living conditions for tens of thousands of people for excessively prolonged periods, recollecting slavery profits and reinforcing social, economic, political and educational white supremacy.

The federal government neglected people of African descent by leaving fairness and impartiality up to racist bigots who did not accept us as equal human beings, resulting in us being housed in facilities across the State of Alabama under the Department of Corrections, a new name in place of “plantation,” thousands of whom during non-work hours are housed in facilities reminiscent of concentration camps where the overcrowding of human bodies in beds, top and bottom, side by side, leaving only available space for living areas from 2.5 to 3-feet wide for walking, dressing, or grooming, where standing or sitting in this small space covers one person over the other. The close proximity commonly results in disputes and altercations leading to injury or death. Areas of the facilities designated for human urine and waste – bathrooms – are overrun, they lack basic infrastructure, resulting in lines throughout the day, every day and instances of human waste or urine deposits in the shower, on the floor, or in the garbage. Instances of one standing urinating in close proximity to one sitting defecating erupts in immediate physical altercation leading to injury or death.

Rodents, pests, and insects are a constant presence in the living, bathroom, and kitchen areas at most of the facilities, affecting foods we eat, causing insect bites and infection, and damaging personal property. Some facilities’ water and sewer systems are old and repeatedly collapse under the pressure of overcrowding, resulting in raw sewage backing up into the facilities and water supply contamination. Several facilities have no common accessible drinking water outlets except for in the bathrooms. Some facilities have no ventilation systems or their ventilation systems are repeatedly failing due to age. Many of us within these facilities are left in freezing cold weather due to out-of-date, failing heating systems or in the smothering heat due to lack of adequate air circulation. At many facilities, we must walk through rain and cold to eat and at one facility, to shower and use the bathroom.

We're forced to maintain our suffering by laboring to keep failed or broken structures, systems, or equipment functioning. That's a lost cause. This is in addition to the involuntary work we do for corporations and industries for prolonged periods until sickness, injury, or death. Relentlessly working in overcrowded facilities, performing several different jobs, we become overwhelmed and careless to include, but not limited to, preparing, cooking, serving food; washing dishes; cleaning for thousands of people three times a day, every day, resulting in unsanitized dishes, food served spoiled or half-cooked, meats bloody on the inside causing stomach virus and stampedes to bathrooms limited in capacity. Unsanitized bathrooms, germs, viruses, disease, sicknesses are common in all facilities.

The most influential decisionmakers in the State of Alabama government remain loyal to slavery ideologies from the Confederacy, resulting in the government turning against the intent of its citizens who by majority vote enacted by the legislature prohibited slavery also for people convicted of crimes in the state's prison system, usurping separation of powers to continue enriching the elite and perpetuating hopelessness, despair, and long-suffering in all our lives.

APPENDIX B

The following is a collection of media pieces that cover prison labor in the United States, including in its Southern region, as well as a statement by Terrance Winn, Louisiana-based prison reform advocate and Director of Priorities, Intentions, and Practical Exchanges, who was formerly incarcerated at Louisiana State Penitentiary (aka “Angola”).

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More Perfect Union, “Alabama is Generating Billions by Trapping People in Prison” (Sept. 3, 2024), https://www.youtube.com/watch?v=QDzL_2EP0mU.

Carrera, Christina, “Alabama Outlawed Slavery in Prisons. Is it Still Happening?,” *Capital B News* (July 17, 2024), <https://capitalbnews.org/alabama-exception-loophole-lawsuit/>.

McDowell, Robin and Mason, Margie, “Prisoners in the US are part of a hidden workforce linked to hundreds of popular food brands,” *AP News* (Jan. 24, 2024), <https://apnews.com/article/prison-to-plate-inmate-labor-investigation-c6f0eb4747963283316e494eadf08c4e>.

Testimony of Terrance Winn, U.S. Senate, the Subcommittee on Criminal Justice and Counterterrorism of the Senate Judiciary Committee Regarding “An Examination of Prison Labor in America” (May 21, 2024), <https://www.judiciary.senate.gov/download/2024-05-21-pm-testimony-winn>.

The Promise of Justice Initiative, End Plantation Prisons, “Forced Prison Labor in the Bayou State,” <https://labor.promiseofjustice.org/> (last visited Sept. 24, 2024).