

Mass Incarceration for Profit: The Dual Impact of the Thirteenth Amendment and the Unresolved Question of National Oppression in the United States

African Americans remain the targets of a system of institutional racism and super-exploitation

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Note: This is a lecture which was delivered at the First Unitarian Universalist Church of Detroit on Sunday February 18, 2018. Abayomi Azikiwe presented the sermon or message for the day on the history and contemporary significance of mass incarceration and its link to the enslavement and continued national oppression of the African American people.

I want to express my deep appreciation to the First Unitarian Universalist Church of Detroit for extending another invitation to me to speak from this pulpit.

This institution remains as a vital source of inspiration for people in the city of Detroit from various backgrounds. Providing a platform for progressive ideas and social movements is critical during this time period.

As the United States faces profound challenges in the areas of race relations, class exploitation, the rights of immigrants, women and other marginalized groups, the threat of world war and other potential calamities, it is of utmost necessity that those concerned with advancing society towards a sustainable peace and social equilibrium have the opportunity to discuss these issues in a calm and reasonable fashion. Much of the discourse within the corporate and government-sponsored media does not lend itself to finding solutions to the monumental problems we are grappling with in contemporary times.

On a daily basis we are bombarded with images of displacement, dislocation, injuries, death and destruction. Although the U.S. is touted as a “peaceful” and “prosperous” country, “the wealthiest nation in the world”, there is much uncertainty, fear, trepidation and alienation.

The regularity of mass shootings, domestic violence, racial antagonism, misogyny and other forms of bigotry contradicts the official narrative which permeates the propaganda advanced by the mainstream press and the spokesperson for the administration in Washington, D.C. A cloud of routine avoidance of the real issues which concern humanity represents a dangerous phenomenon.

Image on the right is Abayomi Azikiwe



We have heard repeatedly from the oval office of President Donald Trump that the economy is booming, with unemployment being at its lowest levels in history accompanied by skyrocketing business confidence in regard to investment and job creation. Of course these claims are not accurate. Even if they were it would not automatically wipe away the tears of family members and friends of those killed recently in the school shooting in south Florida.

Such fabrications cannot provide food, clothing and shelter to the tens of millions of impoverished people in this country and the billions more around the world. These delusions of grandeur cannot cover-up the loss of life in the theaters of war which the Pentagon is involved in throughout the Middle East, Central Asia, Africa and Latin America.

The millions who are suffering in our society from the rising tide of racism and all forms of oppression cannot gain solace from the continued enrichment of a small minority of the population which shows blatant disregard and even contempt for the conditions of the downtrodden and destitute. Even here in the city of Detroit, the conditions and concerns of the majority African American population goes unheeded. The elusive emphasis by the powers that be is placed on making Detroit whiter and wealthier.

When an assertion is made that African American unemployment is at its lowest level in history we must recognize this as another falsehood emanating from a distorted view of the origins and development of America as a nation-state. In fact Africans were the only people brought to the shores of the former British colony of Virginia and other such outposts during the 17th and 18th centuries with a fulltime job waiting for them on the tobacco, sugar and later cotton plantations of east coast and the south.

The Thirteenth Amendment and the Continuance of African Slavery

This year represents the 150th anniversary of the Fourteenth Amendment to the U.S. Constitution which was ratified by the required number of states by 1868. Ostensibly the Fourteenth Amendment provided citizenship to African people who had been subjected to enslavement for two-and-a-half centuries.

Nonetheless, the Civil Rights Act of 1866 passed by Congress was designed to essentially provide the same guarantees related to due process and non-discrimination, empowering the federal government and its three branches of the executive, legislative and judicial structures to enforce these measures and to take punitive action against any persons or institutions which sought to deny African people such inherent privileges.

Just three years prior to the enactment of the Fourteenth Amendment into federal law, the Thirteenth Amendment to the Constitution was passed in January by Congress and ratified later in December of 1865. This measure was supposedly designed to legally free Africans from slavery. However, a careful reading of the Thirteenth Amendment illustrates its dubious character, language which both frees people from involuntary servitude yet making

exceptions under the guise of criminal conviction and sentencing.

The Thirteenth Amendment reads in Section One:

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

Then Section Two states:

“Congress shall have power to enforce this article by appropriate legislation.”

Understanding this contradictory character of the Thirteenth Amendment sheds light on the utilization of the criminal justice system in the perpetuation of bondage for the purpose of institutional racism and class exploitation. Why was it necessary to include language which maintained involuntary servitude within the prison system?

Any answer to this question must begin with the explanation that slavery is an economic system. It is a mode and relationship of production which is designed for the maximization of profit for the few landholding gentry. It was the Triangular Trade and chattel slavery which provided the wealth that spawned the rise of industrial monopoly capitalism beginning in the 19th century.

Two African historians documented this transformative economic process during the 1930s and 1940s. These scholars and political actors were Dr. W.E.B. Du Bois of the U.S. and Dr. Eric Williams of the Caribbean island-nation of Trinidad and Tobago.

Du Bois in his pioneering work entitled “Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880”, published in 1935, said that: “Slowly but mightily these black worker were integrated into modern industry. On free and fertile land Americans raised, not simply sugar as a cheap sweetening, rice for food and tobacco as a new and tickling luxury; but they began to grow a fiber that clothed the masses of a ragged world. Cotton grew so swiftly that the 9,000 bales of cotton which the new nation scarcely noticed in 1791 became 79,000 in 1800; and with this increase, walked economic revolution in a dozen different lines. The cotton crop reached one half million bales in 1822, a million bales in 1831, two million in 1840, three million in 1852, and in the year of secession, stood at the then enormous total of five million bales. Such facts and others, coupled with the increase of the slaves to which they were related as both cause and effect, meant a new world; and all the more so because with increase in American cotton and Negro slaves, came both by chance and ingenuity new miracles for manufacturing, and particularly for the spinning and weaving of cloth.” (p. 10) This same study continues noting in regard to our subject today:

“As slavery grew to a system and the Cotton Kingdom began to expand into imperial white domination, a free Negro was a contradiction, a threat and a menace. As a thief and a vagabond, he threatened society; but as an educated property holder, a successful mechanic or even professional man, he more than threatened slavery. He contradicted and undermined it. He must not be. He must be suppressed, enslaved, colonized. And nothing so bad could be said about him that did not easily appear as true to slaveholders.” (pp. 12-13)

Nearly a decade after Du Bois penned *Black Reconstruction* Eric Williams published *Capitalism and Slavery* in 1944. This study focused largely on Britain pointed to the direct trajectory of profit-making under the slave system and the rise of industry.

In chapter five of the book, Williams observes:

“Britain was accumulating great wealth from the triangular trade. The increase of consumption goods called forth by that trade inevitably drew in its train the development of the productive power of the country. This industrial expansion required finance. What man in the first three-quarters of the eighteenth century was better able to afford the ready capital than a West Indian sugar planter or a Liverpool slave trader? We have already noticed the readiness with which absentee planters purchased land in England, where they were able to use their wealth to finance the great developments associated with the Agricultural Revolution. We must now trace the investment of profits from the triangular trade in British industry, where they supplied part of the huge outlay for the construction of the vast plants to meet the needs of the new productive process and the new markets.” (p. 98)

Williams goes on to chronicle the leading industries in Britain and their origins within African slavery. Banking, insurance, shipping and manufacturing were all fueled by the profits accrued from the super-exploitation of Africans.

Consequently, the economic system of slavery provided the necessary social ingredients to build a new mode and relationship of production, being capitalism. Through the new system mass production and international trade grew by leaps and bounds.



African slaves held in bondage and tortured in the United States

The transitional period from chattel slavery to industrial capitalism required regimentation and mechanisms to enforce conformity with the priorities of the social order. After the independence of the thirteen colonies from London, slavery continued. Alongside the system grew the correctional institutions which were designed to reinforce the status-quo. Some of the first prisons were established in the northeastern state of Pennsylvania.

However, as [slavery expanded in the South](#), both law-enforcement and correctional facilities

took on added significance. From the 1820s to the 1850s, Washington, D.C. itself was a major base for private prisons which held and later transported Africans to the slaveholding areas of the South.

Although President Thomas Jefferson signed into law provisions which prohibited the Atlantic Slave Trade in the U.S. in 1807, human bondage continued as a thriving enterprise. Interstate trade in African people was rapidly expanding as cotton became the major industry of production and export.

A major institution designed to facilitate the domestic slave trade were private prisons. The opponents of this practice sought to have it regulated or outlawed during the 1820s to the 1850s. However, the private prisons continued operations well into the period leading up to the Civil War from 1861-1865.

There were many cases of free Africans being arrested and later sent into slavery. This was the fate of Gilbert Horton who was arrested in 1826 and held for a month on charges of being a runaway slave. A Congressman from Pennsylvania, Charles Minor, severely criticized the use of private prisons to service the slave system during the Horton matter. Horton was not released until he was able to provide references from Poughkeepsie which could substantiate that he was not a fugitive from bondage.

Many others were not so fortunate as to escape the clutches of the slave traders. One African woman in 1816 being held in a private prison in Washington, D.C. became so distraught that she attempted to take her own life. Anna as she is known through the records of the day, jumped from the third floor of a well-known slave prison. These events prompted Virginia Congressman John Randolph to speak out against the proliferation of such institutions.

Randolph called for the convening of a committee to investigate the circumstances prevailing in the private prisons in the nation's capital. Randolph conveyed the plight of Anna stressing:

"A woman, confined among others, in the upper chamber of a three story private prison, used by the slave dealers in their traffic, was driven, by sorrow and despair at the idea of being separated from all that she held dear, to throw herself from the window upon the pavement."

Evan Taparata in the 2016 article referenced above says of the period:

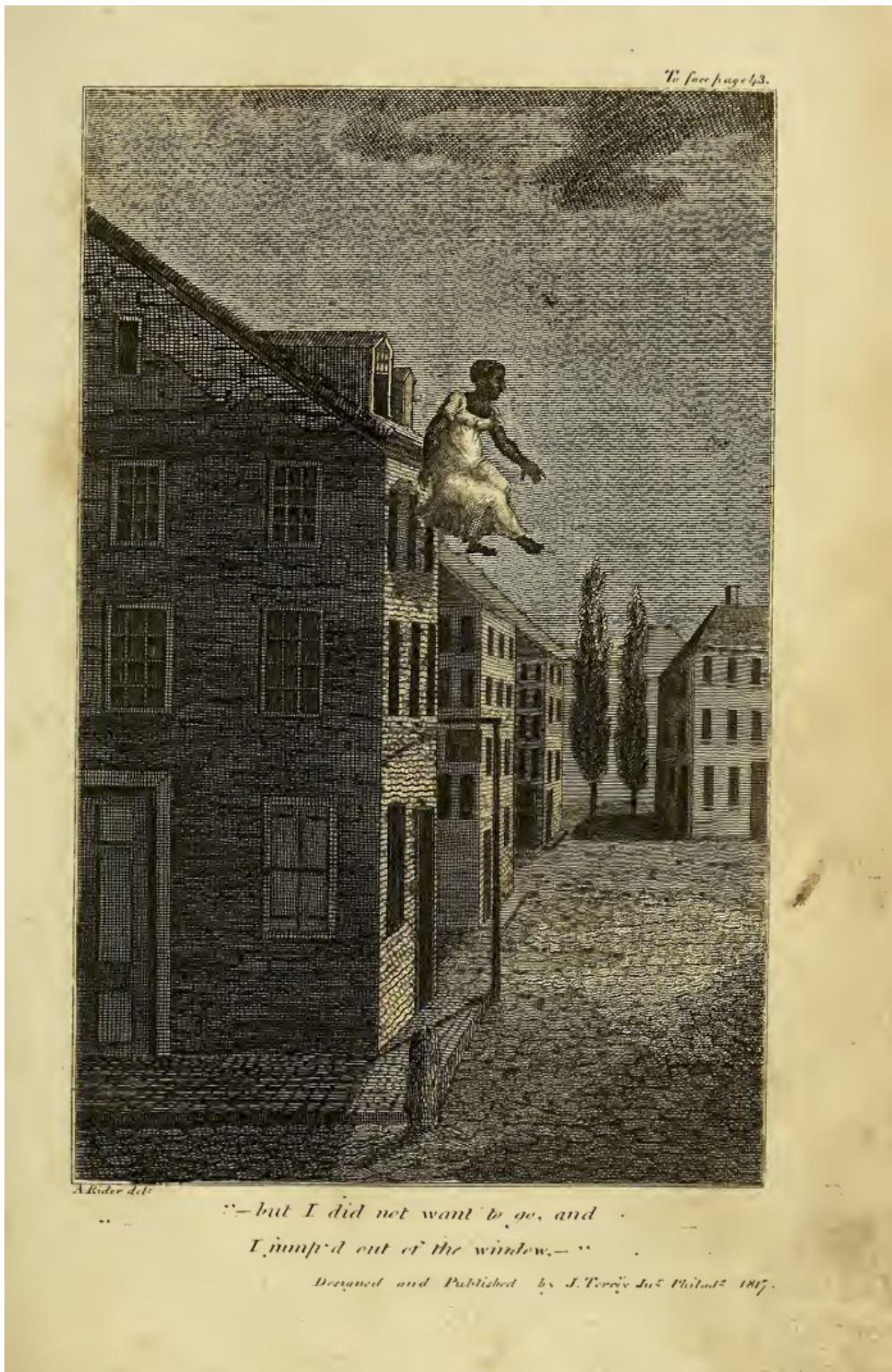
"Despite attention to private prisons in DC, substantive reform was elusive. In a renewed push to end the slave trade in 1848, Representative John Crowell of Ohio doubled down on the lack of oversight and visibility of private prisons. Crowell knew of a private prison near the Smithsonian Institute on the National Mall. The Smithsonian, Crowell noted, 'was founded here for the diffusion of knowledge among men, and in full view of this Capitol, and the stripes and stars that float so proudly over it. But I fear, sir,' Crowell continued, 'we shall not be favored with the information' about the injustices occurring in that prison."

The Use of Private Prisons and State Correctional Facilities in the Aftermath of Slavery

Of course this practice of having private prisons as lucrative businesses at the service of chattel bondage did not end with the Civil War and the passage of the Thirteenth and Fourteenth Amendments. Efforts to maintain African people as a principal source of free labor were maintained through a series of laws and social practices.

By 1877, the federal government under President Rutherford B. Hayes withdrew any semblance of national support for Black Reconstruction. The Ku Klux Klan and other white terrorist organizations were founded to restore the supremacy of the slaveholding class through intimidation, the denial of economic freedom and lynching.

African Americans continued to hold office in local and state structures within certain southern states such as Tennessee, South Carolina and North Carolina into the 1880s and 1890s. Overall however, there was very limited or no right held by African people that the white rulers were bound to respect.



Anna leaps off slave prison amid horrendous conditions in Washington, D.C.

The infamous Plessy v. Ferguson case of 1896 ruled that segregation was perfectly legal under the U.S. Constitution. African Americans could be separated from whites on the basis that their facilities were equal to those of Europeans. This was clearly a false premise since enslavement, institutional racism and national oppression were mechanism devised by the ruling class to enable the ruthless denial of rights for the purpose of economic exploitation.

This remained the law of the land until 1954 when the Brown v. Topeka case related to segregated public schooling was deemed a violation of U.S. jurisprudence. Separate but equal was inherently unconstitutional said the Warren court. Subsequently though, almost

nothing was done on the federal, state and local levels of government to breakdown Jim Crow.

It would take a persistent Civil Rights Movement which petitioned the courts for implementation of existing constitutional amendments and laws from the mid-1950s through the late 1960s along with mass protests, boycotts and urban rebellions which broke open the U.S. political and social system. Further legislation in 1957 (Civil Rights Act), 1964 (Civil Rights Act), 1965 (Voting Rights Act) and 1968 (Fair Housing Act) added additional measures re-emphasizing what had already been enacted from the Reconstruction era of 1865 to 1875.

Leading up to this period of the 1950s and 1960s, Tappan conveys as well:

“Yet private interests continued to play a major role in the prison industry. African Americans arrested in the Jim Crow South faced the prospect of convict leasing, a system of labor in which states leased out prisoners to private contractors who were more interested in boosting profit margins than ensuring safe working conditions and upholding the citizenship rights of African Americans.”

Many people were ensnared in this process which specifically targeted African Americans through racial profiling. Charges of vagrancy, robbery, rape, assault, murder and other crimes became reasons to lock up African Americans forcing them into slave labor projects led by private businesses.

Untold numbers of people died on work crews which were composed of African Americans denied due process and the right to adequate legal representation. This same process continued openly well into the middle decades of the 20th century.

In some cases the private and state-sponsored prisons were former plantations where slaves were held and exploited for decades. Angola prison in Louisiana is one such example.

A widely-recognized book and PBS documentary by Douglas A. Blackmon documents the practice of forced slave labor during the late 19th and 20th centuries. Southern and Northern corporate magnates profited immensely from the continuation of slavery after the Civil War and subsequent constitutional amendments purportedly outlawing slavery and the systematic mistreatment of African Americans.

Blackmon paints a horrendous portrait of conditions facing the former enslaved Africans:

“Under laws enacted specifically to intimidate blacks, tens of thousands of African Americans were arbitrarily arrested, hit with outrageous fines, and charged for the costs of their own arrests. With no means to pay these ostensible ‘debts,’ prisoners were sold as forced laborers to coal mines, lumber camps, brickyards, railroads, quarries, and farm plantations. Thousands of other African Americans were simply seized by southern landowners and compelled into years of involuntary servitude. Government officials leased falsely imprisoned blacks to small-town entrepreneurs, provincial farmers, and dozens of corporations—including U.S. Steel—looking for cheap and abundant labor. Armies of ‘free’ black men labored without compensation, were repeatedly bought and sold, and were forced through beatings and physical torture to do the bidding of white masters for decades after the official abolition of American slavery.”

Mass Incarceration for Profit in the Post-Civil Rights Era

The passage of Civil Rights legislation, the emboldened African American political culture and the advent of a new stratum of public figures and social groups did not arise without institutional resistance. Concessions granted to African Americans were carried out under extreme pressure brought about through a series of inter-related actions and global circumstances.

Cold War attitudes linked the demand for equality and self-determination to world Socialism and Communism. After 1947, the administration of President Harry S. Truman oversaw the purging of trade unionists, artists, professionals and business people whose loyalty to U.S. capitalism and imperialism was questioned.

Wisconsin Senator Joseph McCarthy held hearings where people were questioned vehemently about their possible beliefs in Communism. Such extreme displays of paranoia and persecution waned by the late 1950s although the underlying assumptions about the real objectives of creating a society based on equal rights and due process was still held up in suspicion.

The Federal Bureau of Investigation (FBI) made no distinction between Civil Rights, Black Nationalism and Communism. Any effort aimed at elevating the status of African American was deemed to be automatically subversive.

Leaders and organizations such as the Southern Christian Leadership Conference (SCLC) led by Dr. Martin Luther King, Jr. was investigated and destabilized right along with the Student Nonviolent Coordinating Committee (SNCC) and the Black Panther Party (BPP). Systematic efforts were made through surveillance, the planting of slanderous material in the media and the framing of activists in concocted criminal plots were designed to both discredit and disrupt political activities.

Political assassination, long term prison sentences and forced exile were part and parcel of a program of social containment aimed at driving African Americans back into Jim Crow and slavery. With the assassination of Malcolm X (El Hajj Malik Shabazz) in February 1965, Dr. King in April 1968 as well as the imprisonment and exile of other African American leaders while criminalizing their organizations, served to hamper the burgeoning struggle for genuine freedom and national liberation.

The advent of hundreds of urban rebellions and other acts of militant resistance during the mid-to-late 1960s and early 1970s were met with firm government repression. This state suppression of the rights of African Americans coincided with the re-structuring of the world capitalist system.

Municipalities such as Detroit, Chicago, Cleveland, Los Angeles, Gary etc., lost millions of job held by African Americans. This was compounded by the outright defeat of U.S. imperialism in Southeast Asia by 1975. African liberation movements won significant victories in the late 1970s and early 1980s which weakened the grip of imperialism over the peoples of the planet.

Therefore, glancing back over these years it is not surprising that after 1980 there was a drastic increase in the rate of incarceration in the U.S. Over these 38 years, the prison population in the country has increased by 500 percent.

African Americans are disproportionately represented in the criminal justice system. A recent study by the Sentencing Project documents this racialized system of incarceration where African Americans and others are subjected to slave labor conditions and torture.

An article published in the [Guardian](#) reveals that:

“Black Americans were incarcerated in state prisons at an average rate of 5.1 times that of white Americans, the report said, and in some states that rate was 10 times or more. The US is 63.7 percent non-Hispanic white, 12.2 percent black, 8.7 percent Hispanic white and 0.4 percent Hispanic black, according to the most recent census. The research was conducted by Ashley Nellis, a senior research analyst with the Sentencing Project, a Washington, DC-based nonprofit that promotes reforms in criminal justice policy and advocates for alternatives to incarceration. Nellis found that in five states, the disparity rate was more than double the average. New Jersey had the highest, with a ratio of 12.2 black people to one white person in its prison system, followed by Wisconsin, Iowa, Minnesota and Vermont. Overall, Oklahoma had the highest rate of black people incarcerated with 2,625 black inmates per 100,000 residents. Oklahoma is 7.7 percent black. Among black men in 11 states, at least 1 in 20 were in a state prison.”

Overall the Bureau of Justice Statistics (BJS) indicated that 35 percent of state prisoners are white, 38 percent are African American, and 21 percent are of Latin American descent. Combined Black and Brown people constitute nearly 60 percent of the incarcerated population in the U.S.

This process of mass incarceration serves several purposes. These men and women are forced to work under slave labor conditions therefore enhancing the profits for corporate interests which benefit both directly and indirectly from this set of circumstances.

Also the incarceration of oppressed peoples contains them socially and politically. These persons are withdrawn from the formal labor market allowing for the racially split workforce to remain dominant.

Large numbers of Black and Brown people funneled through the police stations, jails, prisons, and under judicial and law-enforcement supervision serves to reinforce stereotypes and pseudo-scientific notions of inferiority among the nationally oppressed. Whites are encouraged through this state of affairs to dismiss claims by African Americans and Latinos that they are actually victims of discrimination. These racist beliefs are reproduced through the jury selection process, verdicts, imprisonment and the treatment of former convicts within society.

The [Sentencing Project](#) provides data as well on the rise of private imprisonment over the last few decades. A report issued by them reveals:

“Private prisons in the United States incarcerated 126,272 people in 2015, representing 8 percent of the total state and federal prison population. Since 2000, the number of people housed in private prisons has increased 45 percent. States show significant variation in their use of private correctional facilities. For example, New Mexico and Montana incarcerate over 40 percent of their prison populations in private facilities, while states such as Illinois and New York do not employ for-profit prisons. Data compiled by the Bureau of Justice Statistics (BJS) show that in 2015, 28 states and the federal government

incarcerated people in private facilities run by corporations including GEO Group, Core Civic (formerly Corrections Corporation of America), and Management and Training Corporation.”

This report continues emphasizing the numbers supplied by the Bureau of Justice Statistics which say:

“21 of the states with private prison contracts incarcerate more than 500 people in for-profit prisons. Texas, the first state to adopt private prisons in 1985, incarcerated the largest number of people under state jurisdiction, 14,293. Since 2000, the number of people in private prisons has increased 45 percent, compared to an overall rise in the prison population of 10 percent. In six states, the private prison population has increased 100 percent or more during this period. The federal prison system experienced a 125 percent increase in use of private prisons since 2000 reaching 34,934 people in private facilities in 2015.”

There has been a decline of 8 percent in the rate of incarceration in private prisons between 2012 and 2015. Nevertheless, with the coming to power of the Trump administration, Attorney General Jeff Sessions reversed a policy of the previous President Barack Obama to decrease and phase out the use of private prisons for the housing of federal inmates.

The Trump administration has continued the persecution of undocumented and documented immigrant communities. Many of these inmates are housed in private prisons.

A former official of the Immigration and Customs Enforcement (ICE) has recently joined GEO, a major owner of private prisons as alluded to earlier. In late May 2017, Daniel Ragsdale, the former deputy commander at ICE, announced he would be resigning his position with the government to take up employment at GEO Group, which is the second largest private prison corporation in the U.S.

This career move by Ragsdale is surely aimed at strengthening the revenue-generating capacity of such private enterprises through the transferal of government funds. These policies go almost unnoticed by the general public which is whipped up into a false sense of insecurity through the xenophobic propaganda of a supposed threat from immigrants.

Conditions in these private correctional facilities which house immigrants are reportedly extremely dangerous. Inmates with health problems face imminent peril as in other publically-controlled institutions, medical treatment is routinely denied.

Long Term Implications of Mass Incarceration and the Privatization of Prisons

Placing people within correctional institutions for extended periods of time only benefits the racist capitalist system in the U.S. Although there may be an illusory sense of security through mass incarceration, deportations and the denigration of incarcerated persons, it is not in a real sense curbing crime and enhancing social stability.

Moreover, this system of criminalization of the nationally oppressed, the poor and immigrants is unsustainable. These conditions in existence within the U.S. further tarnish the image of the country by exposing America as a bastion of repression and national discrimination.

Slavery by any other name remains unjust. Involuntary servitude has no place within a democratic society. Methods of complete integration and the right to self-determination is the only solution to racial polarization and economic exploitation.

In recent years there has been a resurgence of activism within the prison population. Inmates have engaged in hunger strikes and work stoppages in protest against the dehumanizing conditions they are living in on a daily basis. From Georgia, to Florida and California, these prisoners are signaling to the broader society that change is inevitable.

Whether this change will be peaceful is largely up to the ruling class and their government allies who benefit from mass incarceration. Eventually the system will implode endangering the inmates and the elites who hold them captive.

Those of us concerned about eliminating racism and class exploitation must view the struggle of prisoners as an integral aspect of the movement to end injustice in the U.S. It is within our interest to tear down the existing system and create a society based on equitable security and mutual understanding among peoples.

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