

Slave Patrols and the History of Policing in America

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[FIRST PLACE]

The methods used by police to carry out their duty to protect and serve have been the center of controversy between law enforcement agencies and social justice advocates for decades. Historically, police killing of a Black person and the ensuing media coverage of the event has resulted in a period of intense focus on these issues and protests. However, the civil uprisings in response to the killings of Breonna Taylor in Kentucky on March 13, 2020, George Floyd in Minnesota a few months later, and video of Elijah McClain's brutal treatment by police and paramedics resulting in his death in 2019, have proven to be distinct from the past in several ways. One of the notable differences is the resulting widespread call to radically reform the institution of policing (What is the Breathe Act?). The Movement for Black Lives is one of many organizations who are demanding action to dismantle the structures of our society perpetuating racism. One of their demands is to defund police and reinvest in community resources that improve Black lives (Movement for Black Lives Policy Platforms). Social media content, hashtags, news coverage and public statements by well-known corporations and public figures over the past few months have made the topic of defunding the police part of mainstream dialogue in this country.

Some historians have argued that American policing is in fact a descendant of slave patrols and other strategies designed to maintain White Supremacy. Experts of this historical context believe that failure to recognize this fact is insensitive to the experience of Black people and that acknowledging this history is necessary in order to confront the issues of police violence today (Spruill 44). Some scholars offer a different perspective on how the institution evolved. Seth Stoughton, an assistant professor of law at the University of South Carolina, cites the model of British night watches as the model for policing in colonial America, but he is careful to note that this was "particularly in the northern colonies and states..." (123). The Boston Police Department is aligned with this perspective when it states that its roots can be found in the Boston Watch created in 1631 (City of Boston). Determining the validity of the connection between police today and institutions of White supremacy from the past is not just a subject matter for interesting debate. If the institution of policing descends directly from slave patrols, the unjustified violence experienced by Black communities at the hands of police is not a random event attributed to deviant officers of the law. It is the vestige of a system created by White

society to control and terrorize Black people. For Black Americans the implications of this debate are a matter of life and death.

When we consider the early history of policing, there are clear differences between what motivated northern and southern communities to establish law enforcement agencies. The north's economy was only indirectly dependent on enslaved Black people. In the book *Urban American and It's Police*, co-authors and political science professors, Harlan Hahn and Judson L. Jeffries suggest that in northern cities the appointment of watches and constables was to provide for various types of public service that also included protecting their communities (1). Stoughton likewise portrays the function of constables as being a mix of mundane civic duties such as overseeing road repairs and collecting taxes along with a few elements of law enforcement (123).

Hahn and Jeffries reveal however that even in northern cities race was a factor in the eventual movement towards a more structured, armed police force as White elite society's perception of risk to their communities increased when the immigrant population grew (3-4).

The motives of southern White society for empowering groups to police others, however, is not at all nuanced. Larry Spruill, a professor of history at Morehouse College, identifies the foremost threat to the White person's way of life in the antebellum south as the enslaved Black community. The slave patrol was the slave-owners answer to that threat. The core values that guided the actions of slave patrols were preservation of the economy enabled by chattel slavery and the prevailing view that Black people were an inferior class of humans. Backed by legal authority established through slave laws and local courts, patrols could detain, interrogate and violently punish enslaved Black people for the slightest of perceived infrac-

tions. The very basis for the function of law enforcement at that time was the belief that all Black people were inherently dangerous, criminal and insubordinate and that White dominance needed to be maintained (49).

New Orleans history offers an interesting window into the irony of White people's perceptions about an armed police force monitoring their own behavior. In New Orleans slave patrols were formed out of fear that Black people and Native Americans would join forces against White enslavers as they had in 1729 during the Natchez Massacre. When government officials attempted to use the slave patrol model as the basis for arming their public police force, White residents objected to this vehemently, believing that only enslaved people deserved to be patrolled by an armed militia.

Enough White voters believed this represented a violation of their civil liberties that New Orleans police lost the legal right to carry guns in 1830 (Ralph 3). In defending the use of weapons by police, the mayor of New Orleans used the sensationalized characterization of a fugitive slave named *Bras-Coupé* to inflame the irrational fears of White people. Laurence Ralph, an anthropologist at Princeton University, argues that the same panic instilled in White people in New Orleans through racist rhetoric about the evil nature of Black people was what motivated cities across the south to eventually establish armed police forces. He goes on to assert that the same myths motivate the unjustified police shootings of Black people, citing the specifics of the killing of LaQuan McDonald as one example of this truth (5).

Just as genetic descendants share a DNA pattern that is unmistakable, aspects of modern policing share a remarkable resemblance to that of their ancestral slave patrols. Spruill connects antebellum slave patrol practices with police strategies de-

ployed exclusively on black communities today. He uses the findings of a report published by the Department of Justice following the government's investigation into the death of Michael Brown to demonstrate this connection. In particular, he finds parallels in the Ferguson Police canine units used to attack Black people in that community and the "packs of negro dogs" used by slave patrols. (Spruill 42) Details of the DOJ report reveal that canine units were routinely deployed for unjustifiable reasons that resulted in puncture wounds to unarmed, non-violent people, including children. In every single incident reviewed by the investigators, the victims of the canine attacks were Black (Spruill 46).

Spruill goes on to lay out the historical context necessary to comprehend the symbolic implications of using dogs in policing Black communities. Hunting humans with bloodhounds was a practice reserved exclusively for Black freedom seekers who escaped their enslavers. The point of using the "negro dogs" was to terrorize as much as it was to hunt and harm (53). Newspaper advertisements offering well trained dogs for hunting and catching slaves confirms there was a professional market for this service. Narrative accounts from enslaved Black people and archival writings of enslavers provide horrifying evidence of how common the use of "negro hounds" was (54). In contrast, after the Civil War the use of bloodhounds to attack northern White soldiers was considered a war crime and condemned as an act of inhumanity punishable by death (58). The fact that this practice was reserved for Black people only is an indication of how inferior they were thought to be in comparison to White people and represented a denial of their very humanity (45). During the Civil Rights movement dogs were frequently used to attack predominately Black protesters. Spruill quotes Dr. Martin Luther King in drawing

attention to the powerful symbolism, "Discrimination is a hellhound that gnaws at Negroes in every waking moment of their lives" (qtd. in Spruill 60). The use of dogs by police to attack Black people today is both a symbolic emblem of the legacy of slave patrols and an unconstitutional practice that has gone unprosecuted today (44).

There are other traces of shared DNA found between policing today and the methods first employed by slave patrols. The slave patrol's function to constantly surveil Black people was driven by White society's need to control the enslaved communities and prevent uprisings (Spruill 43). Spruill quotes from a travel journal entry written in 1829 by a man visiting Richmond, Virginia who observed an armed officer standing watch at all times. A local resident informed him that it was "necessary to have a small guard always under arms. It is the consequence of the nature of our colored population; but is done more as a preventive check than anything else – it keeps all thoughts of insurrection out of the heads of the slaves,..." (qtd. Spruill 50) Modern law enforcement uses the same language to justify heavy monitoring and patrolling of Black communities. A sociologist commented in 1944 that the real purpose of police in the South was to "...keep the Negroes intimidated", and sometimes they help preserve order" (qtd. Hahn, Jeffries 125) Hahn and Jeffries acknowledge that routine patrolling represents a large part of police work, and yet it is mainly symbolic, has little substance and does not effectively control crime (18). The evidence is clear that throughout the past several decades the neighborhoods most heavily patrolled were Black communities (127).

While there is no evidence to suggest that heavier patrolling significantly reduces crime, there is an abundance of evidence that the impact on Black communities has been deadly. A ProPublica report investigat-

ed over 12,000 killings by police from 1980 to 2012. They find that young black males were 21 times more likely to be shot and killed than their white counterparts during police encounters (Ralph 2). Another study that analyzed data from 2013 to 2018 finds that, while Black people represent only 13% of the population, 25% of the victims were Black and 69% were unarmed (Ralph 2).

The most evident common thread of DNA connecting police violence against Black people today and slave patrols in the past is the dehumanization of Black people stemming from the belief that they are inherently criminal, threatening and of less worth than White people. These beliefs were the framework for policies that to this day give legitimacy to police activity. In a survey of police officers in the 1960s done in eleven cities, 33% asserted that “Negroes are basically violent and disrespectful” and 30% of white officers labeled “most Negroes” as their “enemies” (Hanh, Jeffries 133). Compare Mayor Prieur’s description of Bras-Coupé as “a fiend in human shape,” and the New Orleans newspaper’s statement that “fire shoots from his eyes” (qtd. Ralph 8) to the testimony of Officer Jason Van Dyke in defense of his killing of LaQuan McDonald in 2014. Van Dyke describes McDonald’s “expressionless” face and states that “[h]is eyes were just bugging out of his head. He had just these huge white eyes, just staring right through me” (qtd. Ralph 6) Van Dyke’s testimony is that it was this ap-

pearance that created a perception of threat so strong that he shot McDonald who was carrying a knife, even after he had fallen to the ground, a total of sixteen times.

We are at a pivotal time in the history of the fight to achieve a truly equitable existence for all Americans. An honest reflection on the data together with documented history of law enforcement in this country leads us to some very uncomfortable truths. Inevitably, we must question what is the intent of policing today? If it is motivated by the belief that Black people are inherently more criminal and dangerous, and that control of their communities is necessary in order to protect the order and safety of White communities, then we must face the truth that law enforcement are carrying out the same duties as antebellum slave patrollers, who after the Civil War passed the slave whip off to publicly funded police departments in a continuation of inhumane practices (Spruill 59). The legal component that functions to provide legitimacy to racial injustice in policing today is also an inescapable part of this truth (Hanh, Jeffries 124). If the law is designed to ensure oppression of one group of people and the dominance of another, then those who see themselves as enforcers of that law must accept the role they play in racial oppression. It is an endangerment to the safety, dignity and humanity of Black lives to permit this system of oppression to continue unchallenged.

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What is the Breathe Act? <http://www.breathect.org/learn-more/>.