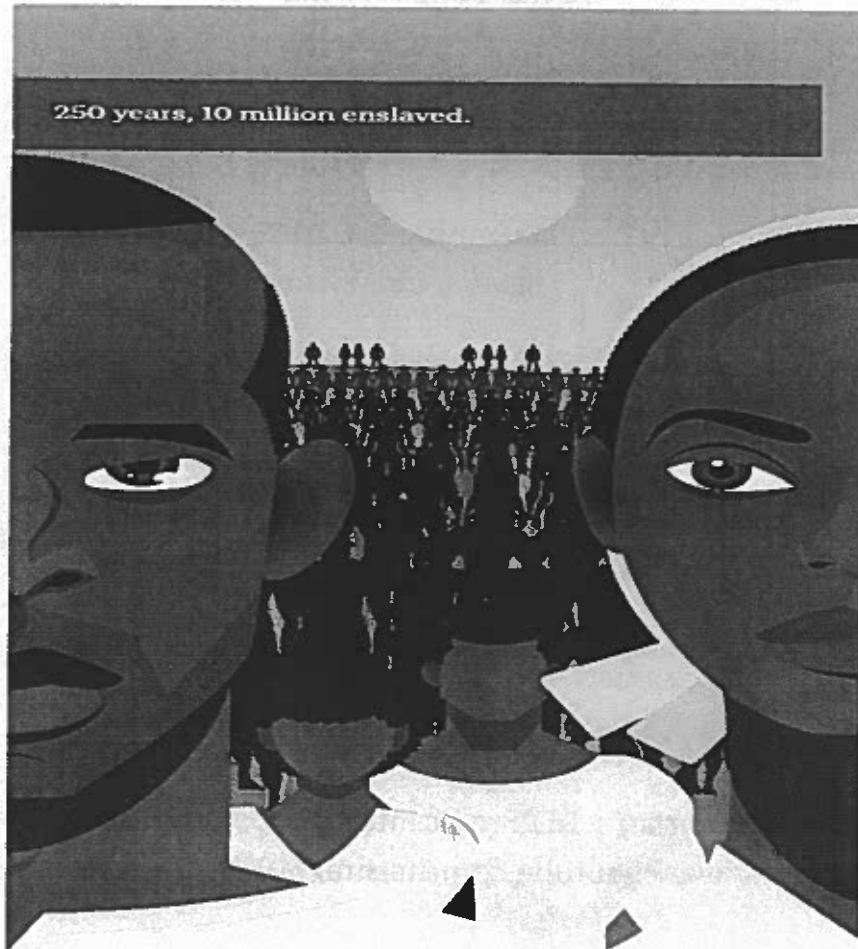


# 1619 Project Discussion Article Packet



**Topic: Slave Patrols and Origins of Police**

**August 12, 2021**

**6:30 – 8:00 pm**

**Zoom ID: 823 648 5349**

**Password: 691353**

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## A DESCRIPTION OF SOUTHERN SLAVE PATROLS

A number of variables influence the development of formal mechanisms of social control. Lundman's review of the literature (1980: 24) identified four important factors: 1) an actual or perceived increase in crime; 2) public riots; 3) public intoxication; and 4) a

need to control the "dangerous classes." Bacon (1939) in a comprehensive yet infrequently cited work, took a somewhat different approach. He identified three factors of social change influencing development of modern police departments: 1) increased economic specialization; 2) formation and increasing stratification of classes; and 3) increase in population size. As a result of these social changes Bacon argues there comes "an increase in fraud, in public disorders, and in legislation limiting personal freedom" which pre-existing forms of maintaining order (e.g. family, church, neighborhood) are unable to handle (1939: 782). Variations in enforcement procedures then occur which are "pointed at specific groups, economic specialists, and certain times, places, and objects" until eventually there is a "tendency for specialists to become unified and organized" (Bacon, 1939: 782-783).

Given the scholarly works identifying such numerous and intertwined variables affecting the development of police agencies, it is potentially misleading to concentrate on just one of those factors. However, historical accounts of social control techniques in the South seem to suggest that a concern with class stratification (Lundman's fourth factor and Bacon's second) played a primary role in the development of formal systems of control in that region. Although the conflicts presented by immigrants and the poor have been shown to be important in the development of police in London, New York, and Boston, (Lundman, 1980: 29), the conflicts presented by slaves have received very little attention. Bacon compared slaves to Southern whites and found the folkways and mores of the two castes were so different that "continual and obvious force was required if society were to be maintained" (1939: 772). The continual and obvious force developed by the South to control its version of the "dangerous classes" was the slave patrol. Before discussing those patrols it is necessary to understand why the slaves constituted a threat.<sup>3</sup>

### *Slaves as a Dangerous Class*

The portrayal of slaves as docile, happy, and generally content with their bondage has been successfully challenged in recent decades. We can today express amazement that slaveowners could have been unaware of their slaves' unhappiness, yet some whites were continually surprised that slaves resisted their status. Such an

attitude was not found only among Southern slaveowners. In a 1731 advertisement for a fugitive slave, a New England master was dismayed that this slave had run away "without the least provocation" (quoted in Foner, 1975: 264). Whether provoked in the eyes of slaveholders or not, slaves did resist their bondage. That resistance generally took one of three forms: running away, criminal acts and conspiracies or revolts. Any of those actions constituted a danger to whites.

The number of slaves who ran away is difficult to determine (Foner, 1975: 264). However, it was certainly one of the greatest problems of slave government (Paterson, 1968: 20). Resistance by running away was easier for younger, English-speaking, skilled slaves, but records indicate slaves of all ages and abilities had attempted escape in this manner (Foner, 1975: 260). Criminal acts by slaves have also been linked to resistance. Foner (1975: 265-268) notes instances of theft, robbery, crop destruction, arson and poison as being typical. Georgia legislation in 1770 which provided the death penalty for slaves found guilty of even attempting to poison whites was said to be necessary because "the detestable crime of poisoning hath frequently been committed by slaves." A 1761 issue of the *Charleston Gazette* complained "the Negroes have again begun the hellish practice of poisoning" (both quoted in Foner, 1975: 267).

Possibly the most fear-invoking resistance however, were the slave conspiracies and revolts. Such actions occurred as early as 1657, but the largest slave uprising in colonial America took place on September 9, 1739 near the Stono River several miles from Charleston. Forty Negroes and twenty whites were killed and the resulting uproar had important impact on slave regulations. For example, South Carolina patrol legislation in 1740, noted:

FOREASMUCH as many late horrible and barbarous massacres have been actually committed and many more designed, on the white inhabitants of this Province, by negro slaves, who are generally prone to such cruel practices, which makes it highly necessary that constant patrols should be established (Cooper, 1938b: 568).

Neighboring Georgians were also concerned with the actuality and potential for slave revolts. The preamble of their 1757 law establishing and regulating slave patrols argues:

it is absolutely necessary for the Security of his Majesty's Subjects in this Province, that Patrols should be established under proper Regulations in the settled parts thereof, for the better keeping of Negroes and other Slaves in Order and prevention of any Cabals, Insurrections or other Irregularities amongst them (Candler, 1910: 225).

**Table 1**  
**COLONIAL POPULATIONS BY RACE, 1680 TO 1780<sup>a</sup>**  
**PERCENTAGES**

	South Carolina <sup>b</sup>		North Carolina <sup>c</sup>		Virginia <sup>d</sup>		Georgia <sup>e</sup>	
	White	Black	White	Black	White	Black	White	Black
1680	83	17	96	4	96	4	-	-
1700	57	43 <sup>f</sup>	94	4	87	13	-	-
1720	30	70	86	14	76	24 (1715)	-	-
1740	33	67	79	21	68	32 (1743)	80	20 (1750)
1760	36	64 (1763)	79	21(1764)	50	50 (1763)	63	37
1780	58	42 (1785)	67	33(1775)	52	48	70	30 (1776)

<sup>a</sup> The sources used to gather these data are many and varied. The resulting percentages should be viewed as estimates to indicate trends rather than indication of exact distribution. Slave free blacks and in the early years, Indian slaves, are all included under "black."

<sup>b</sup> 1680, 1700, 1720 and 1740 from Simmons (1976: 125); 1763 and 1785 from Greene and Harrington (1966: 172-176).

<sup>c</sup> 1680, 1700, 1720 and 1740 from Simmons (1976:125); 1764 from Foner (1975: 208); 1775 from Greene and Harrington (1966: 156-160).

<sup>d</sup> 1680, 1715, 1743, 1763 and 1780 from Greene and Harrington (1966: 134-143); 1700 from Wells (1975: 161).

<sup>e</sup> Georgia was not settled until 1733 and although they were illegally imported in the mid-1740s, slaves were not legally allowed until 1750. 1750 from Wells (1975: 170); 1760 from Foner (1975: 213); 1776 from Greene and Harrington (1966: 180-182).

<sup>f</sup> Wood (1974: 143) believes black inhabitants exceeded White inhabitants in South Carolina around 1708.

Each of the three areas of resistance aided in slaves being perceived as a dangerous class. There was, however, another variable with overriding influence. Unlike the other three factors, this aspect was less direct and less visible. That latent variable was the number of slaves in the total population of several colonies. While an interest in knowing the continuous whereabouts of slaves was present throughout the colonies, slave control by formal means (e.g. specialized legislation and forces) was more often found in those areas where slaves approached, or in fact were, the numerical majority. Table 1 provides population percentages for some of the Southern colonies/states. When considering the sheer number of persons to be controlled it is not surprising that whites often felt vulnerable.

#### *The Organization and Operation of Slave Patrols<sup>4</sup>*

Consistent with the earliest enforcement techniques identified in English and American history, the first means of controlling slaves was informal in nature. In 1686 a South Carolina statute said anyone could apprehend, chastise and send home any slave found off his/her plantation without authorization. In 1690 such action was made everyone's duty or be fined forty shillings (Henry, 1968: 31). Enforcement of slavery by the average citizen was not to be taken lightly. A 1705 act in Virginia made it legal "for any person or persons whatsoever, to kill or destroy such slaves (i.e. runaways) ... without accusation or impeachment of any crime for the same" (quoted in Foner, 1975: 195). Eventually, however, such informal means became inadequate. As the social changes suggested by Bacon (1939) took place and the fear of slaves as a dangerous class heightened, special enforcement officers developed and provided a transition to modern police with general enforcement powers.

In their earliest stages, slave patrols were part of the colonial militias. Royal charters empowered governors to defend colonies and that defense took the form of a militia for coast and frontier defense (Osgood, 1957). All able-bodied males between 16 and 60 were to be enrolled in the militia and had to provide their own weapons and equipment (Osgood, 1957; Shy, 1980; Simmons, 1976). Although the militias were regionally diverse and constantly changing (Shy, 1980), Anderson's (1984) comments about the Massachusetts Bay Colony militia notes an important distinction that was

reflected in other colonies. At the beginning of the 18th century, Massachusetts' militia was defined not so much as an army but "as an all-purpose military infrastructure" (Anderson, 1984: 27) from which volunteers were drawn for the provincial armies. This concept of the militia as a pool from which persons could be drawn for special duties was the basis for colonial slave patrols.

Militias were active at different levels throughout the colonies. New York and South Carolina militias were required to be particularly active. New York was menaced by the Dutch and French-Iroquois conflicts while South Carolina had to be defended against the Indians, Spanish, and pirates. By the middle of the Eighteenth century the colonies were being less threatened by external forces and attention was being turned to internal problems. As early as 1721 South Carolina began shifting militia duty away from external defense to internal security. In that year, the entire militia was made available for the surveillance of slaves (Osgood, 1974). The early South Carolina militia law had enrolled both Whites and Blacks, and in the Yamassee war of 1715 some four hundred Negroes helped six hundred white men defeat the Indians (Shy, 1980). Eventually, however, South Carolinians did not dare to arm Negroes. With the majority of the population being black (see Table 1) and the increasing danger of slave revolts, the South Carolina militia essentially became a "local anti-slave police force and (was) rarely permitted to participate in military operations outside its boundaries" (Simmons, 1976: 127).

Despite their link to militia, slave patrols were a separate entity. Each slave state had codes of laws for the regulation of slavery. These slave codes authorized and outlined the duties of the slave patrols. Some towns had their own patrols, but they were more frequent in the rural areas. The presence of constables and a more equal distribution of whites and blacks made the need for the town patrols less immediate. In the rural areas, however, the slaves were more easily able to participate in "dangerous" acts. It is not surprising that the slave patrols came to be viewed as "rural police" (cf. Henry, 1968: 42). South Carolina Governor Bull described the role of the patrols in 1740 by writing:

The interior quiet of the Province is provided for by small Patrols, drawn every two months from each company, who do duty by riding along the roads and among

the Negro Houses in small districts in every Parish once a week, or as occasion requires (quoted in Wood, 1974: 276 note 23).

Documentation of slave patrols is found for nearly all the Southern colonies and states<sup>5</sup> but South Carolina seems to have been the oldest, most elaborate, and best documented. That is not surprising given the importance of the militia in South Carolina and the presence of large numbers of Blacks. Georgia's developed somewhat later and exemplifies patrols in the late 18th and early 19th centuries. The history and development of slave patrol legislation in South Carolina and Georgia provides a historical review from colonial through antebellum times.

In 1704 the colony of Carolina<sup>6</sup> presented what appears to be the South's first patrol act. The patrol was linked to the militia yet separate from it since patrol duty was an excuse from militia duty. Under this act, militia captains were to select ten men from their companies to form these special patrols. The captain was to

muster all the men under his command, and with them ride from plantation to plantation, and into any plantation, within the limits or precincts, as the Generall shall think fitt, and take up all slaves which they shall meet without their master's plantation which have not a permit or ticket from their masters, and the same punish (Cooper, 1837: 255).

That initial act seemed particularly concerned with runaway slaves, while an act in 1721 suggests an increased concern with uprisings. The act ordered the patrols to try to "prevent all caballings amongst negroes, by dispersing of them when drumming or playing, and to search all negro houses for arms or other offensive weapons" (McCord, 1841: 640). In addition to that concern the new act also responded to complaints that militia duty was being shirked by the choicest men who were doing patrol duty instead of militia duty (Bacon, 1939; Henry, 1968; McCord, 1841; Wood, 1974). As a result, the separate patrols were merged with the colonial militia and



patrol duty was simply rotated among different members of the militia. From 1721 to 1734 there really were no specific slave patrols in South Carolina. The duty of supervising slaves was simply a militia duty.

In 1734 the Provincial Assembly set up a regular patrol once again separate from the militia (Cooper 1838a, p. 395). "Beat companies" of five men (Captain and four regular militia men) received compensation (captains #50 and privates #25 per year) for patrol duty and exemption from other militia duty. There was one patrol for each of 33 districts in the colony. Patrols obeyed orders from and were appointed by district commissioners and were given elaborate search and seizure powers as well as the right to administer up to twenty lashes (Cooper 1838a: 395-397).<sup>7</sup>

Since provincial acts usually expired after three years, South Carolina's 1734 Act was revised in 1737 and again in 1740. Under the 1737 revision, the paid recruits were replaced with volunteers who were encouraged to enlist by being excused from militia and other public duty for one year and were allowed to elect their own captain (Cooper 1838b: 456-458). The number of men on patrol was increased from five to fifteen and they were to make weekly rounds. Henry (1968: 33) believed these changes were an attempt to dissuade irresponsible persons who had been attracted to patrol duty for the pay.

The 1740 revision seems to be the first legislation specifically including women plantation owners as answerable for patrol service (Cooper 1838b: 569-570). The plantation owners (male or female) could, however, procure any white person between 16 and 60 to ride patrol for them. In addition, the 1740 act said patrol duty was not to be required in townships where white inhabitants were in far superior numbers to the Negroes (Cooper 1838b: 571). Such an exemption certainly highlights the role of patrols as being to control what was perceived as a dangerous class.

At this point we turn to the Georgia slave patrols as an example of one that developed after South Carolina set a precedent. Georgia was settled late (1733) compared to the other colonies and despite her proximity to South Carolina she did not make immediate use of slaves. In fact while slaves were illegally imported in the mid 1740s, they were not legally allowed until 1750. Within seven years Georgians felt a need for control of the slaves. Her first patrol act (1757) provided for militia captains to pick up to seven patrollers from a list

of all plantation owners (women and men) and all male white persons in the patrol district (Candler 1910: 225-235). The patrollers or their substitutes were to ride patrol at least once every two weeks and examine each plantation in their district at least once every month. The patrols were to seek out potential runaways, weapons, ammunition, or stolen goods.

The 1757 Act was continued in 1760 (Candler 1910: 462) for a period of five years. The 1765 continuation (Cobb 1851: 965) increased the number of patrollers to a maximum of ten, but left the duties and structure of the patrol as it was created in 1757. In the 1768 revision (Candler 1911: 75) the possession and use of weapons by slaves was tightened and a fine was set for selling alcohol to slaves. More interesting was the order relevant to Savannah only which gave patrollers the power to apprehend and take into custody (until the next morning) any disorderly white person (Candler 1911: 81). Should such a person be in a "Tippling House Tavern or Punch House" rather than on the streets the patrol had to call a lawful constable to their assistance before they could enter the "bar." Such power was extended in 1778 when patrols were obliged to "take up all white persons who cannot give a satisfactory account of themselves and carry them before a Justice of the Peace to be dealt with as is directed by the Vagrant Act" (Candler, 1911: 119).

Minor changes occurred between 1778 and 1830 (e.g. females were exempted from patrol duty in 1824) but the first major structural change did not take place until 1830. In that year Georgia patrols finally began moving away from a direct militia link when Justices of the Peace were authorized and required to appoint and organize patrols (Cobb, 1851: 1003). In 1854 Justices of the Inferior Courts were to annually appoint three "patrol commissioners" for each militia district (Rutherford, 1854: 101). Those commissioners were to make up the patrol list and appoint one person at least 25 years old and of good moral character to be Captain.

The absence of significant changes in Georgia patrol legislation over the years suggests the South Carolina experiences had provided an experimental stage for Georgia and possibly other slave states. Differences certainly existed, but Foner's general description of slave patrols seems accurate for the majority of colonies and states: patrols had full power and authority to enter any plantation and break open Negro houses or other places when slaves were suspected of keeping arms; to punish runaways or slaves found outside of their

masters' plantations without a pass; to whip any slave who should affront or abuse them in the execution of their duties; and to apprehend and take any slave suspected of stealing or other criminal offense, and bring him to the nearest magistrate (1975: 206).

### *The Slaves' Response to the Patrols*

The slave patrols were both feared and resented by the slaves.<sup>8</sup> Some went so far as to suggest it was "the worse thing yet about slavery" (quoted in Blassingame, 1977: 156). Former slave Lewis Clarke was most eloquent in expressing his disgust:

(The patrols are) the offscouring of all things; the refuse, ...the ears and tails of slavery;...the tooth and tongues of serpents. They are the very fool's cap of baboons,...the wallet and satchel of polecats, the scum of stagnant pools, the exuvial, the worn-out skins of slaveholders. (T)hey are the meanest, and lowest, and worst of all creation. Like starved wharf rats, they are out nights, creeping into slave cabins, to see if they have an old bone there; they drive out husbands from their own beds, and then take their places (Clarke, 1846: 114).

Despite the harshness and immediacy of punishment as well as the likelihood of discovery, slaves continued with the same behavior that brought about slave patrols in the first place. In fact, they added activities of specific irritation to the patrollers (or, as they were variously known, padaroe, padarole, or patteroller). Preventive measures like warning systems, playing ignorant and innocent when caught and learning when to expect a patrol were typically used. More assertive measures included building trap doors for escape from their cabins, tying ropes across roads to trip approaching horses, and fighting their way out of meeting places (Genovese, 1972: 618-619; Rose, 1976: 249-289). As have victims in other terrifying situations, the slaves occasionally resorted to humor as a source of strength. One version of a popular song makes that point:

Run, nigger, run; de patter-roller catch you;  
Run, nigger, run, its almost day.  
Run, nigger, run; de patter-roller catch you;  
Run, nigger, run, and try to get far away.  
De nigger run, he run his best;  
Stuck his hand in a hornet's nest.  
Jumped de fence and run through de paster;  
Marsa run, but nigger run faster.

(Goodman, 1969: 83)

In an ironic sense the resistance by slaves should have been completely understandable to American patriots. Patrols were allowed search powers that the colonists later found so objectionable in the hands of British authorities (Foner, 1975: 221). Add to that the accompanying lack of freedoms to move, assemble, and bear arms, and the slave resistance seems perfectly appropriate.

### *Problems with the Slave Patrols*

In addition to the difficulties presented by the slaves themselves, the patrols throughout the South experienced a variety of other problems. Many of these were similar to problems confronting colonial militia: training was infrequent; the elites often avoided duty; and those that did serve were often irresponsible (Anderson, 1984; Osgood, 1957; Shy, 1980; Simmons, 1976). In addition, the patrols had some unique concerns.

One of the first problems was the presence of free Blacks. Understandably, slaves caught by patrollers would try to pass themselves off as free persons. The problem was particularly bad in some of the cities where many free Blacks existed. In 1810, for example, the Charleston census showed 1,783 free Negroes (Henry, 1968: 50). Special acts eventually allowed the patrol to whip even free Negroes away from their home or employers business unless they produced "free papers." In all but one of the slave states a Black person was presumed to be a slave unless she or he could prove differently. The sole exception to this procedure was Louisiana where "persons of color are presumed to be free" (Louisiana supreme court quoted in Foner, 1983: 106) until proven otherwise.

Other problems centered on the apparently careless enforcement of the patrol laws in some districts. When all was quiet and orderly the patrol seemed to be lulled into inactivity (Henry, 1968: 39). But there seemed always to be individuals having problems with slaves and those persons often complained about the lax enforcement of patrol laws. Flanders (1967: 30) cites several examples from exasperated Georgians who complained that slaves were not being properly controlled. In 1770 South Carolina Governor Bull noted that "though human prudence has provided these Statutory Laws, yet, through human frailty, they are neglected in these times of general tranquility" (quoted in Wood, 1974: 276 note 23). Fifty years later the situation had not improved much as then Governor Geddes suggested in his annual message:

The patrol duty which is so intimately connected with the good order and police of the state, is still so greatly neglected in several of our parishes and districts, that serious inconveniences have been felt... (quoted in Henry, 1968: 38).

Even when the patrols were active they did not avoid criticism. Genovese (1972: 618) quotes a Georgia planter who complained: "Our patrol laws are seldom enforced, and even where there is mock observance of them, it is by a parcel of boys or idle men, the height of whose ambition is to 'ketch a nigger'." Earlier it was noted that South Carolina in 1721 modified its patrol law because the "choicest and best men" (planters) were avoiding militia duty by doing patrol duty. As Bacon (1939: 581) notes, service by such men was something of a rarity in police work anyway. However, it must have been a rarity in other slave states as well since the more typical opinion of the patrollers was that expressed above by the Georgia planter. As with militia duty in general, the elite members of the districts often were able to avoid patrol duty by either paying a fine or finding a substitute.

Where the "ketch a nigger" mentality existed, the patrols were often accused of inappropriate behavior. Complaints existed about patrollers drinking too much liquor before or during duty (Bacon, 1939: 587; Rose, 1976: 276; Wood, 1974: 276), and both South Carolina (Cooper, 1838b: 573) and Georgia (Candler, 1910: 233-234) had provisions for fining any person found drunk while on patrol duty.

More serious complaints (possibly linked to the drinking) concerned the harshness of punishment administered by some patrols. Ex-slave Ida Henry offered an example:

De patrollers wouldn't allow de slaves to hold night services, and one night dey caught me mother out praying. Dey stripped her naked and tied her hands together and wid a rope tied to de handcuffs and threw one end of de rope over a limb and tied de other end to de pummel of a saddle on a horse. As me mother weighed 'bout 200, dey pulled her up so dat her toes could barely touch de ground and whipped her. Dat same night she ran away and stayed over a day and returned (quoted in Foner 1983, p. 103).

Masters as well as slaves often protested the actions of the patrol--on which the owners had successfully avoided serving (Genovese, 1972: 618). The slaves were, after all, an expensive piece of property which owners did not want damaged. Attempts to preserve orderly behavior of the patrollers took the form of a fine for misbehavior and occasionally reimbursement for damages (Henry, 1968: 37, 40). However, patrollers were allowed a rather free hand and many unlawful acts were accepted in attempts to uphold the patrol system. Henry saw this as the greatest evil of the system since "it gave unscrupulous persons unfair advantages and appears not to have encouraged the enforcement of the law by the better class" (1968: 40).

This review of the slave patrols shows them to have operated as a specialized enforcement arm. Although often linked to the militia, they had an autonomy and unique function which demands they be viewed as something more than an informal police type yet certainly not an example of a modern police organization. To identify the historical role and place of slave patrols we will turn to the concept of transitional police types.

## DISCUSSION

By definition a transitional police type must share characteristics of both informal and modern systems. Drawing from his four



characteristics of a modern type, Lundman says transitional systems differ from modern ones by: 1) reliance upon other than full-time police officers; 2) frequent elimination and replacement (i.e. absence of continuity in office and in procedure); and 3) absence of accountability to a central governmental authority (1980: 19-20). When slave patrols are placed against these criteria they can be shown to have enough in common to warrant consideration as a transitional police type. First, like informal systems, the slave patrols relied on the private citizen to carry out the duties. However, unlike the constable, watchman and sheriff, the patrollers had only policing duties rather than accompanying expectations of fire watch and/or tax collection. The identification of patrollers as "police" was much closer to a social status as we know it today. For example, when South Carolina planter Samuel Porcher was elected a militia captain he described himself as being "a sort of chief of police in the parish" (J.K. Williams, 1959: 65). Slave patrols relied upon private citizens for performance of duties, yet those patrollers came closer to being full-time police officers than had citizens under informal systems.

As noted earlier, slave patrols were not always active and even when they were they did not always follow expected procedure. The periodic lapses and frequent replacement of patrols is expected under Lundman's idea of a transitional type. Since the patrols operated under procedures set down in the Slave Codes they did approximate continuity in procedure. However, the South Carolina chronology of patrol legislation suggests those procedures changed as often as every three years.

The final criterion against which slave patrols might be judged is accountability to a central governmental authority. Lundman says such accountability is absent in a transitional system (1980: 20). It is at this point that slave patrols as a transitional police type might be challenged. The consistent link between slave patrols and militia units make it difficult to argue against accountability to a central government authority. Even when the link to militia was not direct, there was a central authority controlling patrols. From 1734 to 1737 South Carolina patrols were appointed by district commissioners and obeyed orders of the governor, military commander-in-chief, and district commissioners (Bacon, 1939: 585; Wood, 1974: 275). In 1753, North Carolina justices of county courts could appoint three free-holders as "searchers" who took an oath to disarm slaves<sup>9</sup> (Patterson, 1968: 13). In 1802 the patrols were placed entirely under

the jurisdiction of the county courts which in 1837 were authorized to appoint a patrol committee to insure the patrol functioned (Johnson, 1937: 516-517). Tennessee, a part of North Carolina from 1693-1790, also used the "searchers" as authorized by the 1753 act. In 1806, ten years after statehood, Tennessee developed an elaborate patrol system wherein town commissioners appointed patrols for incorporated and unincorporated towns (Patterson, 1968: 38). Louisiana patrols (originally set up in 1807 by Territorial legislation) went through a period of confusion between 1813 and 1821 when both the militia and parish judges had authority over patrols. Finally, in 1821 parish governmental bodies were given complete authority over the slave patrols (J.G. Taylor, 1963: 170; E.R. Williams, 1972: 400). Slave patrols had first been introduced in Arkansas in 1825 and were apparently appointed by the county courts until 1853. After then appointments were made by the justice of the peace (O.W. Taylor, 1958: 31, 209) as was true in Georgia beginning in 1830 (Cobb, 1851: 1003). In 1831 the incorporated towns in Mississippi were authorized to control their own patrol system and in 1833 boards of county police (i.e. county boards of supervisors) could appoint patrol leaders (Sydnor, 1933: 78). The Missouri General Assembly first established patrols in 1825 then in 1837 the county courts were given powers to appoint township patrols to serve for one year (Trexler, 1969: 182-183).

That review of patrol accountability in eight states suggests that slave patrols often came under the same governmental authority as formal police organizations. Or, as Sydnor pointed out in reference to the Mississippi changes: "the system was decentralized and made subject to the local units of civil government" (1933: 78). An argument can be made that the basis for a non-militia government authorized force to undertake police duties was implemented as early as 1734 when South Carolina patrols were appointed by district commissioners or in 1802 when North Carolina placed patrols under the jurisdiction of the county courts. What then does that mean for the placement of slave patrols as an example of a transitional police type? If the various governmental bodies mentioned above are accepted as being examples of "centralized governmental authority", it means two positions are possible. First, slave patrols must not be an example of a transitional type. This position is rejected on the basis of information provided here which shows the patrols to have been a legitimate entity with specialized law enforcement duties and powers.

The other possible position is that "absence of accountability to a centralized governmental authority" is not a necessary feature of transitional policing. This seems more reasonable given the information presented here. Since there has not been any specific example of a transitional police force offered to this point,<sup>10</sup> Lundman's characteristics are only hypothetical. As other examples of transitional police types are put forward we will have a firmer base for determining how they differ from modern police.



PATROL INSTRUCTIONS FOR 1835

On motion of D. B. Morgan

- (1) Resolved, that it shall be the duty of the Captains of Patrols in each of the wards of this Parish to meet as soon as Convenient after the publication hereof, and to divide their respective wards into Patrol Districts, according to the number of Patrol Captains of Patrols in each Ward, and report to this body at its next session (of) the Decisions thus made
- (2) That in [the] future, and after the Said-Division Shall be made One Captain of Patrol shall be appointed for each district so named

to serve one year who shall have power and authority to call out at least once in every month or oftener, if the peace and Safety of the district require it, all the individuals in their respective districts subject to Military duty, to perform patrol duty

- (3) That should any individual fail or refuse to perform Said duty when called upon as aforesaid without lawful excuse, he shall be subject to a fine of not less than five dollars nor more than Ten dollars which shall be recovered before any court having competent Jurisdiction & paid into the Treasury for the use of the Parish
- (4) That in [the] future it shall be [the] duty of the Captains of Patrols to visit the various Negro huts in their respective districts at least One night in each and every month—which duty shall be performed by the Said captain of Patrols either in person or by a Substitute appointed by him for that purpose
- (5) That for the greater facility of performing the duties herein prescribed the said Captains of Patrols, shall have power and authority to divide the persons in their respective districts subject to Military duty, into companies, to appoint them, their respective field of labor designate their time and places of meeting and the various duties herein required of him or them
- (6) That the said Companies & each individual thereof failing to perform the duties assigned them without lawful Excuse Shall be subject to a fine of not less than five nor more than Ten Dollars, to be collected & paid over as prescribed in the third section of this act ordinance
- (7) That from and after the promulgation hereof it shall be the duty of each Captain of Patrol, as well as all Companies by him organized and all other Citizens of this Parish to arrest any slave or slaves whether with or without a permit, who may be caught in the woods or forests with any flambeau, fire, or torch which slave or slaves thus arrested shall be subject to corporal punishment not exceeding thirty stripes provided that this act shall not Extend to any slave or slaves who may be working in the woods or forests and will have made a fire to cook their victuals or for other Convenencies [*sic*]
- (8) That each and Every Captain of Patrol failing to act & perform the duties herein assigned to him or them shall be subject to a fine for each neglect not less than Ten Dollars or more than twenty-five which shall be collected before any Court have in Competent Jurisdiction for the use of the Parish and paid into the Parish Treasury

At the June Session of the Hon<sup>r</sup> the Police Jury of the Parish of St. Tammany, held at the town of Covington on 1st June A D 1835, the following persons were appointed Captains of *Patroll* for the different Wards to wit:

Sam Smith	John V. Lanair
Thomas Holden	John Zachery
William Parish	William Spring
Caswell Joiner	Obed Kirkland
Henry Keller	Labour Marchbancks
Anatol Cousin	John Lanair
Francis Gallatas	J. O. Terry
Terrance Cousin	Ambrose White
Ovid Ducra	Jacob Ruffell
John B. Laurunt	John Magrew
John Brumfield	Sam Ott
James Morgan	R. McKay
William Sharp	T. S. Miskell
Casemire Baham	

Sir I herewith hand you a notice directed to Each of the above named persons of their appointments, you are hereby commanded to Serve them according to Law and make due return thereof to me at my office of the manner in which you have done the same

Covington June 10th 1835

James Daniel Clerk

INCLUDED IN  
 'SLAVE PATROL ORDINANCES  
 OF ST. TAMMANY PARISH,  
 LOUISIANA 1835-1838'  
 BY ERUSS WILLIAMS  
 LOUISIANA HISTORY  
 AUTUMN, 1972  
 ←  
 SPEWELL STARTS  
 ↓

### The Trinity of Slave Policing: Slave Patrols, Human Hunters and "Packs of Negro Dogs"

In 1704, the slave patrol system was an idea imported from Barbados to South Carolina and later all Southern slaveholding colonies and states. (Henry 1914, 31-2; Reichel 2013, 21) Patrollers policed all movement and unsupervised activity through passes, detainments, interrogations, unrestrained search and seizures of slave quarters, legally sanctioned on-the-spot violent punishment for the slightest infringement of slave laws and customs. The use of "negro dogs" to intimidate and control slaves, as well as, pursue, punish, and recapture runaways was also introduced from the West Indies. Patrollers carried out their duties on foot and horseback, both day and night, armed with guns, "negro whips" and given the situation, bloodhounds.

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"SLAVE PATROLS, 'PACKS OF NEGRO DOGS' AND  
POLICING BLACK COMMUNITIES," LARRY H. SPRUILL  
PHYLON, 2016

(Hadden 2003, 14, 18, 20) They addressed white concerns that blacks were the foremost threat to their way of life. Authorized by county courts, slave patrols scrutinized every aspect of black lives with the power to spontaneously mete out corporal punishment. (Reichel 2013, 20) They were first responders to threats and actual slave insurgencies. By proximity, slave patrols were the closest armed defenders of the core principles of southern race relations – white domination and black subordination. The hallmark of slave patrolling was the belief that every facet of black life was suspect, warranting aggressive police intervention and criminal investigations. Planters and slaves understood that slave patrols, hunters and their bloodhounds were the police with broad powers to protect whites from black insubordination and criminality.

In 1820, Missouri was carved out of the Louisiana Territory and a year later entered the Union as a slave state. With statehood came new laws regarding black people. An 1825 law prohibited a "free negro or mulatto" to "come into the state under any pretext whatever." (Laws 1825, 600) The same year, the legislature also directed county courts to appoint patrols to "visit negro quarters, and other places suspected of unlawful assemblages of slaves." (Ibid, 614; Green 1993; Slavery in Missouri 1909) By 1845, these patrols had permission to administer from ten to twenty lashes to slaves found "strolling about from one plantation to another, without a pass from his master, mistress, or overseer." (Revised Statues 1845, 404) Missouri slave patrols worked at least

twelve hours per month, or as many hours as the court appointing it desired; members received twenty-five cents per hour. Missouri patrols were charged to exert control over the slave community using fear and discretionary violence. In 1857, Missouri failed to pass legislation to limit means by which slaves might escape to freedom. However, it indicated increased concern about runaway slaves and willingness to take extreme measures to maintain control over its slaves. (Trexler 1969, 182, 187-89, 194-95)

From colonial beginnings captive Africans were a critical demographic force shaping the region's economic, socio-political and cultural life. Though vital to the South's economic success they were outsiders, never considered for inclusion as equals. This contradictory reality thwarted black hopes of overcoming their obstacles to liberty and opportunities to prosper. The portrayal of blacks as harmless and content with bondage was the creation of mythmakers justifying the importation and exploitation of involuntary collaborators in extracting enormous wealth from Southern soil. Some whites refused to believe that captives hated slavery and would consistently find ways to resist its cruelty. (Frazier 2004, 5-8) One of the great paradoxes is how blacks could be so valued while simultaneously viewed as the most feared and "threatening" people in the American experience. (Reichel 2013, 2-5)

Richard Lundman, suggested four factors that led to colonial and early communities organizing police forces: (1) actual or perceived increase in crime;

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(2) public insurrections or riots; (3) public intoxication; and (4) a need to control "dangerous classes." (Lundman 1980, 24) Large slave populations at the bottom of the caste system were the primary rationale for designating blacks as inherently dangerous and criminal. (Reichel 2013, 18) Though it is innately human to resist total domination and barbaric treatment by others, slaves' aspirations to change their status and condition made them a threat to whites from every socio-economic class. Slave resistance was expressed in theft of crops and livestock, arson, poisoning, plotting uprisings and running away. They were an ominous peril to white livelihoods and security and considered most dangerous in areas where they approached numerical majorities. (Ibid, 19-20) Southern whites developed a collective conscience and political consensus to tightly control blacks within their midst. Slave policing demanded accountability for every captive's whereabouts. A missing slave was cause for grave concern often causing panic. Fear of insurrection made unauthorized blacks on roads or in the public square hazardous. Racial features made blacks visible, suspect, and vulnerable to slave patrollers looking to "ketch a nigger" out of his place without a pass. (Genovese 1972, 618) Just as "blackness" was the stigmatized identification of bondsmen, it also singled them out as "suspects" and "criminals." An enslaved African's phenotype marked them as a habitual "dangerous class" requiring relentless supervision and policing to guarantee their submission. (Rennick 1843, 197) Missouri judge asserted, "Color raises

the presumption of slavery." (Reichel 2013, 2-4; Genovese 1972, 599-608; Stampp 1956, 124-29; Williams and Murphy 1990, 5; Berlin 1974, 316-17)

Basil Hall recorded in his 1829 travel diary the following observation about Richmond, Virginia's slave patrols:

In walking round, my eyes were struck with the unusual sight of a sentinel marching with his musket. My companion (said), "It is 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, and so gives confidence to those persons amongst us who may be timorous. But in reality, there is no cause for alarm... the blacks have become more and more sensible every day of their want of power.

After further inquiry Hall noted, "I learnt that there was in all these towns a vigorous and active police, whose rule is that no negro, for example, is allowed to be out of doors after sunset, without a written pass from his master explaining the nature of his errand. If, during his absence from home, he be found wandering from the proper line of his message, he is speedily taken up and corrected accordingly."

(Hall 1829)

Sally E. Hadden's *Slave Patrols in the Carolinas and Virginia* suggested that patrols consisted of members from all social classes. It was believed that

since every citizen was at risk to slave crime and violence, patrol service was a collective responsibility to protect their families and property from "criminal" blacks seeking liberation from oppression. It was their civic duty to use without reservation appropriate violence against any slaves as part of their obligation to maintain black subordination. (Hadden 2003, 106) Hadden supported her cross-class consensus argument with an 1845 letter from James Henry Hammond, former South Carolina governor to a visiting English abolitionist:

With us, every citizen is concerned in the maintenance of order, and in promoting honesty and industry among those of the lowest class who are our slaves; and our habitual vigilance renders standing armies, whether of soldiers or policemen, entirely unnecessary. Small guards in our cities, and occasional patrols in the country, insure us a repose and security known nowhere else. (DeBow's 1849, 296)

Hammond's justification of *all* whites serving as patrols was to assure black submission to white authority. White racial solidarity was encouraged by the growth of its black population, which significantly outnumbered whites. (U.S. Bureau 1975, 1168; Reichel 2013, 19) Hammond believed a democratically enrolled corps of patrollers best achieved the desired "repose and security" from black "criminality." In spite of Southerners' vigilance they remained under a cloud of slave rebellion, aggressive resistance, and

insolent responses to white domination. In times of relative tranquility or actual insurrections, slave patrols were the preventative frontline of racial control. Though slaves normally disguised their anger, it was always present. For most, violent insurrection was not an option. (Genovese 1972, 587-88, 594, 598)

### **Runaways, Slave Hunters and "negro dogs"**

In 1850, Henry Brant took flight to Canada and left this poignant reminder of why he ran away, "It always appeared to me that I wanted to be free. No person ever taught me so – it came naturally into my mind. Finally, I saw that my case was pretty hard if I had to live all my lifetime subject to be driven about at the will of another. When I thought of it I felt wrathful at the white man. At length I said – this will not do – if I stay here I shall kill somebody – I'd better go." (Edelstein 1969, 242-43)

Fugitive slaves, the economic loss of valuable property, were the South's greatest law enforcement problem. (Patterson 1968, 20) Patrollers were expected to intercept runaways and limit pursuits to their "beats" and counties. (Henry 1914, 34-40) Professional slave hunters perfected the business of tracking fugitives. Slave patrols, hunters, and hounds were law enforcement fixtures, an indispensable part of the slave police system. (Stampff 1956, 189-90; Stroyer 1898, 62) Their importance to Southern culture can be best understood in their presence in antebellum newspapers, private diaries, and slaveholders' personal papers.

Bloodhounds! I would respectfully inform the citizens of Missouri that I still have my Nigger Dogs, and that they are in prime training, and ready to attend to all calls of Hunting and Catching— runaway Niggers...if the Nigger has weapons, the charge will be made according to the difficulty had in taking him...I venture to suggest to any person having a Nigger runaway, that the better plan is to send for the Dogs forthwith when the Nigger goes off'...I can be found at home...except when professionally engaged – in hunting with the Dogs.

(Lexington Democratic 1855)

Slaves never forgot what the patrollers, hunters and hounds were paid to do. Though patrollers and slave hunters were not synonymous, both often carried out their duties with hounds. (Northup. 181) Slave narratives did not distinguish between them:

In every district dey had about twelve men dey call patterrollers. Dey ride up and down and round looking for niggers without passes... When slaves run away, dey always put de bloodhounds on de tracks... Dey had de dogs trained to keep dey teeth out you till dey told' em to bring you down. Den de dogs would go at your throat, and dey'd tear you to pieces, too. After a slave was caught, he was brung home and put in chains.

(Yetman 1999, 258)

In the 1930s former slaves recorded their views of the difference between

modern police officers and slave patrollers. One noted, "Then the patterrollers they keep close watch on the poor niggers so they have no chance to do anything or go anywhere. They just like the policemen, only worsen, 'cause they never let the niggers go anywhere without a pass from his master. If you wasn't in your proper place when the patterrollers come they lash you till you was black and blue . . . . That is for just bein' out without a pass. If the nigger done anything worse he was taken to the jail." (Ibid, 36)

Slave accounts of battles with patrollers, hunters and hounds were depositions, not insignificant tales about unabated crimes against humanity. Their memoirs included personal experience with slave hounds. It was important to them that future generations knew the terror and death inflicted by "negro dogs." Slave testimonies of the "hunted" experience confirm the absurdity of suggestions that Ferguson's adoption of slave patrol canine methods should not be taken seriously.

Henry Waldon, former slave, remembered, "Them hounds would worry you and bite you and have you bloody as beef . . . . They would tell you to stand still and put your hands over your privates . . . . They would set them on you to see them bite you. Five or six or seven hounds bitin' you on every side, and a man settin' on a horse holding a doubled shotgun on you." (Mellon 1990, 299)

Evie Herrin reminded readers that slave hounds made no gender distinctions:

"One day, (my mother) got mad

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about something what happened at the big house, so she ran off. When she couldn't be found, they hunted her with dogs. Them dogs went right straight to the ditch where my mother was hid, and before the men could get to them, they had torn most of her clothes off her and had bitten her all over. When they brought her in, she was a sight to see – all covered with blood and dirt." (Ibid, 300)

Archival evidence from slave owner and hunters support the sadistic nature of policing slaves. An 1857 Louisiana hunter described how he recaptured runaways: "If I can catch a cuss'd runaway Nigger without killing him, very good; though I generally let the hounds punish him a little, and sometimes give him a load of squirrel-shot. If mild measures, like these, do not suffice, I use harsher punishment . . . . The moment the hounds come close... they utter a hideous and mournful howl...heaven pity the poor ('Nigger')." (Carleton 1864, 345)

Contrary to proslavery arguments that abolitionists exaggerated the savagery of slave hunting, a Louisiana slaveholder wrote in his diary the results of the grotesque business, "... hunting Williams runaway caught him, dogs nearly ate his legs off, near killing him." (Louisiana Slaveholder 1857, 440) The physical damage inflicted by slave hounds left permanent scars. Evidence of the blood sport became identification marks in fugitive advertisements. In an 1837 newspaper, a couple of runaways were identified by wounds from prior canine violence:

"Bill; has a scar over one eye; also one on his leg, from the bite of a dog..." and "Isham; has a scar upon the breast and upon the under lip, from the bite of a dog." (Child 1860, 13)

Public notices of marketing and professional availability of slave hounds were common. A survey of antebellum newspapers regularly contained advertisements for "negro dogs." The market for the beasts was without want of animals and customers. A year before secession, Alabama hunters were doing a brisk business selling slave hounds. The October 3, 1860 *Somerville Weekly Democrat* printed the following:

"I have a splendid pack of Negro Dogs – the South cannot excel them. Part of them I purchased of C.A. Grant, of Lawrence County, Alabama. If any person wants to buy a pack of good Negro Dogs I can suit them. I will sell at a bargain; or if any person wants me to hunt with them my price is \$5. Per day and all expenses paid, and all rewards . . . . I charge \$10 if I catch him in his own county; if I catch him out of his own county, I charge \$25." (Sellers 1994, 286-87)

"Negro dogs" were a standard slave policing resource. Antebellum accounts of hunting humans with dogs are dissimilar to the Ferguson cases only by the degree to which the animals were allowed to inflict damage. Hunting blacks was never a prosecutable crime. It remains an inhumane police tactic

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and should be resolutely condemned as criminal conduct. During the Civil War, slave hounds joined their Rebel handlers in military campaigns against "Yankee aggression." Their use as "war dogs" temporarily changed Northern perception of their threat to not only slaves, but all humans.

### Civil War, Abolition, and "Packs of Negro Dogs"

On the eve of the Civil War and Emancipation, slave patrols were summarily reauthorized. Edward Cantwell's *The Practice at Law in North Carolina* (1860) provided a template for patrols across the South. It described their normative violent and suppressive duties:

The patrol shall visit the negro houses in their respective districts as often as may be necessary, and may inflict a punishment, not exceeding fifteen lashes, on all slaves they may find off their owner's plantations, without a proper permit or pass, designating the place or places, to which the slaves have leave to go. The patrol shall also visit all suspected places, and suppress all unlawful collections of slaves; shall be diligent in apprehending all runaway negroes in their respective districts; shall be vigilant and endeavor to detect all thefts, and bring the perpetrators to justice, and also all persons guilty of trading with slaves; and if, upon taking up a slave and chastising him, as herein directed he shall behave *insolently*, they may inflict further

punishment for his misconduct, not exceeding thirty-nine lashes.

(Hadden 109; also in Cantwell 1860, 377)

During the war, slaveholding remained legal and required slave law enforcement. Slaves abandoning plantations and fleeing to Union troops were an unmanageable problem for slave owners fighting in the Rebel army. Slave patrollers and hunters, if not conscripted were unable to stem the tide of fugitives. Hunters and hounds did what they could to return fugitives but the War made their task more difficult. Yet, while seeking freedom the "flying" slave was always mindful of the threat of slave hounds on his or her trail. The traditional black response to flesh eating dogs was "fight or flight." Unarmed runaways were no match for the hungry hounds and armed hunters. In desperation, fugitives climbed tall trees seeking sanctuary from the hellhounds below, usually to no avail. The last resort was to die fighting with their fist, hoping to kill the beasts. During the War white Union soldiers were introduced to slave hounds as formidable Rebel combatants.

A Union officer recorded in his camp diary "Old Uncle Cato's" story of his flight to freedom. He wrote, "When I came upon the (campfire) Cato had just come unexpectedly upon a plantation-house, and putting a bold face, had walked up to the door. "Den I go up to de white man, berry humble, and say, would he please give ole man a mouthful for eat? He say he must hab half a dollar. Den I look berry sorry, and turn for go away. Den he say I might gib

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him dat hachet I had. Den I say (this in a tragic vein) dat I must hab dat hatchet for defend *myself from de dogs!* [Immense applause, and one appreciating auditor says, chuckling, "Dat was your *arms*, ole man," which brings down the house again.]" (Higginson 1869, 11-12)

In 1862, a field officer reported that while on a scouting expedition in rebel territory "the silence was often broken by the occasional yelping of a dog, as (we) passed the hut of some 'cracker.'" He further commented that the howling hounds always made him uneasy because "*dogs were the detective officers of slavery's police.*" (Ibid. 71) Within months, his discomfort was justified when Confederate generals enlisted "negro dogs" to attack newly mustered black troops fighting for black liberation. (Cornish 1966, 1, 4, 93) The Rebels declared black soldiers "fugitive slaves in arms." Their requests for "negro dogs" were based on the belief that when black soldiers heard the howls and saw the charging hounds they'd drop their weapons and run. (US War Department 1886) The theory was tested on October 23, 1862 at the battle of Pocatigo Bridge between the 1<sup>st</sup> South Carolina Colored Regiment and Rebel cavalry equipped with slave hounds. The field report stated the Regiment:

...captured and brought away all the slaves of a plantation – the operation being entirely...without the presence of any white man. The whole command was attacked on the return by a rebel force, which was called a "dog-company," consisting of mounted riflemen with half a dozen trained bloodhounds. The men met

these dogs with bayonets, killed four or five of their old tormentors with great relish . . . . These quadruped allies were not originally intended as "dogs of war," but simply to detect fugitive slaves, and the men were delighted at this confirmation of their tales of dog-companies, which some officers had always disbelieved. (Higginson 1869, 230-31)

In 1864, a black soldier wrote a poem to his wife captioning the *Frank Leslie's Illustrated* drawing (Frank Leslie's 1864) about the battle between the Colored Regiment and the hated hounds:

We met the bloodhounds at the bridge; They ran with all their might; It was a glorious sight; We ran our bayonets through their backs; We shot them with the gun; It was all over with the dogs; And 'twas most glorious fun!; In former days those brutes were used; To hunt the flying slave; They tracked them through their dismal swamps; And little quarter gave; But when they tried the game of war; We knocked them on the head; We shot them quick, and ran them through; Until every hound was dead!

(Fowler 1902, 85-87)

Cato and the black soldiers' instinctive response to dealing with slave hounds reflected Malcolm X's 1963 controversial retort to the nonviolent response to Birmingham's police dog attacks on young protestors: "If a dog is biting a black man, the black man should kill the dog, whether the dog is a police dog, a hound dog or any kind

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of dog. If a dog is sicced on a black man when that black man is doing nothing but trying to take advantage of what the government says is supposed to be, then that black man should kill that dog...or any two-legged dog who sics the dog on him." (American Experience 2005)

Malcolm's position on hostile racialized dogs was identical to the runaway and black soldiers—armed self-defense. Throughout the black experience human hunting has been fiercely confronted and rejected. Ferguson's tolerance of police canine violence is incongruent with historical black counteraction to canine attacks. If society never condemned dog violence against slaves, blacks never forgot and always raised the specter of its horrific implications. If the nation did not see blacks mauled by hounds as criminal, the community instinctively saw it as a rejection of their humanity. If "black lives matter," feeding humans to voracious beast must be condemned and prosecuted as a crime, as it was at the close of the Civil War.

### **The Hellhounds of Andersonville: "When White Lives Matter"**

"I saw hounds at Andersonville...I saw one man who was torn on the leg by them . . . . The hound keeper said, 'Here are these Yankees, captain' . . . . Then turning to us, Wirz said, 'You young sons of bitches of Yankees, I'll make you smell hell before night.'" (Trial of Henry Wiz 1868, 296-97)

In spite of a 150-year history of hunting slaves, the enterprise never reached the level of public acrimony

requiring criminal prosecution until Confederates turned the hounds loose on unarmed Northern white soldiers. The events were detailed in the September 1865 trial of Henry Wirz, commander of the Confederate prisoners of war camp at Andersonville, Georgia. The transcript of the *Trial of Henry Wirz* is mandatory reading for reformers seeking legal and moral justification for outlawing Ferguson's racist canine units. (Ibid.) Wirz's use of slave hounds to patrol the prison and pursue, torture, recapture, and in several cases, cause deaths of fugitive prisoners fleeing hellish prison conditions should have been the end of hunting humans with hounds.

Before sentencing Wirz to the gallows the chief judge articulated his moral judgment of hunting humans:

"Henry Wirz, did conspire with Wesley Turner, Benjamin Harris (Hound Keepers) and other citizens and did keep and use ferocious and blood-thirsty dogs, dangerous to human life, to hunt down prisoners of war and did incite and encourage the dogs to seize, tear, mangle, and maim the bodies and limbs of the fugitive prisoners of war." (Ibid, 807)

He concluded with righteous indignation:

Language fails in an attempt to denounce the diabolical destruction and death, by cruel and fiendishly ingenious process against helpless prisoners of war . . . . Criminal history presents no parallel to this monstrous

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conspiracy. Those named by the court are guilty of this immeasurable crime, a guilt so fearfully black and horrible, that the civilized world must be appalled by the spectacle of the biting of dogs . . . . It was clearly proved that a part of each pack were ferocious dogs, dangerous to life, so as to make it probable that the men on whose track they were sent would be killed...the instinct of the dogs was for human blood, and to surrender to them was death. As applying to the question of criminal responsibility...the party using such means is to be held responsible for the consequences.

(Ibid, 810-11)

At the trial, the authority of Andersonville canine victims' voices contributed to guilty verdicts for the willful disregard of their fundamental human rights. Their depositions were honored as truthful and resulted in a conviction and the ultimate punishment – Henry Wirz was executed on November 10, 1865.

Slave narratives included similar eyewitness testimonies about canine crimes. They described assaults no less sadistic than those at Andersonville. White encounters with human hunters and hounds were considered crimes against humanity punishable by death. The juxtaposition of slave testimonies with victimized white soldiers calls attention to the disparity in societal responses to the reprehensible practice. The same slaveholding Rebels that held the power of life and death over enslaved blacks and "Yankee" prisoners subjected both to merciless slave hounds.

Their experiences and testimonies were identical. The difference was the criminal and moral condemnation of the latter's subjection to Southern "hellhounds." The implications were that whites were innately human and blacks were not. When "black lives matter" the indictment and punishment of Ferguson's perpetrators of police canine violence must also face their victims and be judged in a court of law.

The extraordinary circumstances of war were not the only rationale for criminal prosecution for predatory dog violence. Northerners were long aware of hounds gnarling and killing fugitive slaves. Abolitionist literati, Harriet Beecher Stowe and Walt Whitman wrote about fictional runaway experiences with hunters and hounds. (Stowe 1970, 72-79; Cunningham 2006, 50-51) The double standard regarding the horror and criminality between black and white "dog bite" victims is a logical theme for contemporary *Black Lives Matter* activists. In Ferguson, no one was "held responsible for the consequences" of Michael Brown's roadside death or the dog bite victims. There was no "criminal" justice.

### The Legacies of Slave Patrolling

Military defeat in the Civil War, abolition of slavery, citizenship to the "freedmen" and the military occupation of the South should have been the end of slave patrolling. In the two years following abolition, landless and destitute freedmen roamed rural roads and city streets looking for new starts in life. Freedmen assumed that abolition

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and citizenship meant they could "do like a white man" and freely move about without "passes" and the long shadow of patrollers. (Foner 1988, 78) Southern states immediately enacted "Black Codes" to reestablish strict control of their movements. (Hadden 2003, 200)

Southern whites were determined to sustain the racial tradition and expectations of black subordination. In 1865, the editor of the *Lynchburg Virginian* stated that, "stringent police regulations may be necessary to keep [freedmen] from overburdening the towns and depleting the agricultural regions of labor. The civil authorities also should be fully empowered to protect the community from this new imposition. The magistrates and municipal officers everywhere should be permitted to hold a rod *in terrorem* over these wandering, idle, creatures. Nothing short of the most efficient police system will prevent strolling, vagrancy, theft, and the utter destruction of our industrial system." (*Lynchburg Virginian* 1865)

The call for strict new laws was a request for reinstatement of antebellum slave patrol duties. Hadden noted, "policemen in Southern towns continued to carry out those aspects of urban slave patrolling that seemed race-neutral but that in reality were applied selectively. Police saw that nightly curfews and vagrancy laws kept blacks off city streets, just as patrollers had done in colonial and antebellum eras." (Hadden 2003, 219)

In the decade after the war, to fill the void of abusive racial persuasion left by "slave" patrols, whites transferred its aggressive race control activities to the Ku Klux Klan which carried out

the unlawful violence whites could no longer legally impose on freedmen by slave ownership and slave patrolling. Many white Southerners who came to see them as true "law enforcers" secretly condoned the Klan's unrestrained violence against blacks. (Lang 1994, 12) Although slavery had died, Southerners' demand for white domination and black subordination survived.

Former slave, Samuel Ward wrote that it was almost impossible to spend the greater part of one's life in slavery and escape its influence on one's character. Ward believed bondage showed itself in his thoughts, superstitions, and narrow views, concluding, "the infernal impress is upon me, and I fear I shall transmit it to my children, and they to theirs! How deep seated, how far reaching, a curse it is!" (Ward 1855, 169-70) He was confident that slavery's generational curse was also true for slaveholders. He said, slave owners never lost "the overbearing insolence, the reckless morals, the peculiarly inelegant manners and the profligate habits, which distinguish too many of them." (Ibid, 169) Freedmen never expected owners' behaviors or institutions to immediately change with military defeat and abolition. They presumed white supremacist attitudes and conduct would continue indefinitely.

In 1864, white commentators anticipating Southern defeat and abolition understood the difficult challenges ahead. George W. Carelton, concluded his *The Suppressed Book of Slavery* with, "Slavery is not dead yet. It is pretending to be dead, only that it may be let alone and rise again to do mischief. It has had hard knocks, and is

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half dead. It would be madness not to kill the surviving half. We want peace, but not peace that will last only till our children shall grow up to partake of a legacy of blood and an inheritance of curses." (Carleton 1864, 428)

The *Richmond Examiner* wrote, "It is all hallucination that we are ever going to get rid of slavery or that it will be desirable to do so . . . . It is righteous, profitable, and permanent, and belongs to Southern society as inherently, intrinsically, and durably, as the white race itself. Southern men should act as if...the Negro is here, and here forever – is never to be emancipated – is to be kept hard at work and in rigid subjection all his days." (Ibid, 105) The determination to impose a new regime of white domination was unambiguously expressed by a proslavery clergyman proclaiming, "Liberty for the white man; slavery for the "nigger," so long as the white man is able to hold him."

Predatory policing was essential to white control over the reconstructed South. Slave patrols, vigilante groups, and later police forces functioned above and apart from the broader society, charged to serve the interests of the slaveholding, landed and planter classes. (Robinson and Scaglione 1987, 109, 113, 28) Slave patrols were, as are modern police forces, the face of white despotic power – enforcers of white domination.

## Conclusion

"And the days keep on worrying me. There's a hellhound on my trail" (Robert Johnson quoted in Sides 2010, 10)

The best metaphorical example of the enduring threat posed by slave patrol violence was Martin Luther King's despair about the denial of black human equality. He said, "Discrimination is a hellhound that gnaws at Negroes in every waking moment of their lives." (Ibid.) King's equation of racial animus to flesh eating slave hounds connected the oppressive extremities of black lives. For King, the regularity of white rejection was as hurtful as the life-threatening attacks of slave dogs. He explained the hellhounds in his 1963 *Letter from Birmingham Jail*:

"when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger," your middle name becomes "boy" . . . and your wife and mother are never "Mrs." . . . then you will understand why we find it difficult to wait." (Bass 2001, 243)

These "nagging" experiences were likened to the tireless pursuit of plantation bloodhounds. Later that summer in his celebrated "Dream" speech he said, "There are those who are asking the devotees of civil rights, 'When will you be satisfied?' We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality." (Hansen 2003, 77) Millions of people across the nation knew exactly what "horrors" King was talking about. They remembered the photographic images of the Birmingham Police canine attacks on black people.

During the widely photographed confrontation between Birmingham

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