

DELUSIONS OF PROGRESS



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of Modern Policing
in the Slave Patrols
of the Old South

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This article was originally published in Scalawag, a magazine of southern culture and politics, with the aim of contributing to ongoing discussions of where the institution of police comes from and how it might be destroyed. An expanded and updated version which further attacks the intersection of whiteness and civil society can be found at ncpiececorps.wordpress.com. More resources on the police and anarchist struggle across North America can be found at aworldwithoutpolice.org and itsgoingdown.org.

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5. Likewise, every car that passes by on the highway with a “thin blue line” sticker is a modern-day reminder of this, best understood not as a symbolic political support of law enforcement but as the expression of a conscious social contract between white citizens and the police.

6. Much of the last two years’ rioting in response to police murders of Black youth feels like at least a partial answer to these questions, as these moments have pointed towards not just certain forms of attack but also of self-organization that resolutely reject civil society and its fatal truce with the state: the sharing of looted goods, neighborhood block parties and impromptu assemblies in burned out parking lots, gang truces, twitter-promoted flash mobs, the building of relationships through both short-term (ac)complicity in the street and longer-term support through trial and prison. This is only a partial picture, of course. There are also ample other kinds of organizing and activism that have reverberated around the country, from official activist chapters to popular hashtags, that have chosen a variety of different strategies, some amplifying or at least passively supporting this street-level insurgency, and others invisibilizing or outright condemning such modes of struggle.

For a full works cited, as well as suggested reading list and references, check out “Delusions of Progress: Expanded Notes on the Police, their Predecessors, and the White Hell of Civil Society” at itsgoingdown.org.

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Footnotes

1. “Maroon” is a term that originated from the Spanish “cimarron” meaning “wild, not tame” typically referring to domestic livestock that went into the woods, escaping their pastures. However, this word morphed over time into a self-identified term by more permanently escaped slaves who led slave revolts from the Caribbean to Brazil to the American South.
2. We use the concept of “social death” in the tradition of historians of slavery such as Orlando Patterson and Saidiya Hartman. Implied is not just physical, violent dispossession but a dispossession of and from both place and self, whereby one is separated not only from their past but also from possible future generations. In such a context, one is not simply made to labor for others, but in fact entirely excluded from the category of Human.
3. Jack’s body was given up for dissection by local Surgeons, for whom it was commonplace to experiment and perfect new techniques on the bodies of slaves. This practice points to something more sinister than spectacular— the modernization of medicine owes many of its “discoveries” to hundreds of years of experimentation on slaves, criminals, prostitutes, and the mentally ill.
4. One is reminded of the 1984 Comprehensive Crime Control Act which, among an array of get-tough-on-crime policies, expanded the state’s ability to seize the assets of convicted *or accused* drug dealers. The act established a direct and ingenious tool for the financial reproduction of the departments themselves.

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LATE IN THE EVENING on May 27th, 1821, Joe Forest and two accomplices canoed down the Santee River to South Island, nestled between the major port cities of Charleston and Georgetown in South Carolina.¹ The three fugitive slaves arrived on George Ford’s plantation to steal some cattle for provisions for their camp further up river; such raids were commonplace for maroons who chose not to flee the South and instead made a life for themselves in the swamps and wilderness surrounding plantations.¹ While the men were slaughtering a cow and preparing it for the journey, George Ford was alerted to their presence and came out to pursue the men. Rather than face capture or death at the hands of the planter, the maroons shot at George Ford, who died almost instantly. On that night there

began a three year search for Joe and his maroon gang by the white citizenry of coastal South Carolina, resulting in the first official police association in the area where Joe’s camp was hidden.

Fast forward to 2015, a year when police in the United States killed 1,207 people. Young Black men are five times more likely to be killed by the police than white men of their same age. Simultaneously, the police are under perhaps the greatest scrutiny they have ever faced as an institution in this country. The riots in Ferguson and Baltimore and Oakland, the occupation of a police precinct in Minneapolis, and the waves of solidarity marches, riots, blockades, highway and bridge takeovers, and economic disruption that followed, have all brought tremendous attention to police training, their technologies, their structure, and their individual members.

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Some of this attention is the managed product of media outlets and politicians during an election season, almost totally divorced from the lived elements of unrest of the past two years. However, there are also many people asking real questions about the history and role of the cops, about what it will take to fight them and what it could be like to live without them.

The histories contained in this piece are brought back to life when we directly attend to these questions. In reviving these histories, we rely on knowledge that has been generated by generations of mostly Black scholars and researchers, but also lives in the bodies and minds of freedom fighters, grandparents, storytellers, healers, artists, and lovers.

We argue that policing evolved as a

method of control to enforce and protect a key economic foundation in the development of American (and global) capitalism: slavery. Policing also functioned to produce a society grounded in the “social death” of Black people.² Modern policing continued to evolve after chattel slavery to maintain the racialized division of labor and social divisions that slavery created, but which now (in a post-Emancipation society) had to be reproduced by other forms. This reproduction of authority, wealth, and white supremacy never ceased, and in many ways it has only grown stronger and more insidious.

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bourgeois subject and, by negation or contradistinction, defines liberty, citizenship, and the enclosures of the social body.” It follows that the policing of Black people implies, again by contradistinction, a white inclusion in the social body that indicates a specific relationship to the state.

This has real consequences that can only be touched upon here, both in its challenge to the individualizing discourse of privilege politics, so hegemonic in Left circles, as well as in its challenge to the traditional sphere of legitimized (Black or white) activist politics we call “civil society.” It raises practical questions for those of us who wish to not just understand policing but actively undermine and destroy it. How do certain forms of activism reinforce a civil relation to the state as a prerequisite for “change”? If the terrain of civil society is inherently

and permanently marked by whiteness, capitalism, and state structures, what forms of organizing against the police are less (or not) limited by this terrain?⁶

These are just some of the questions attending to the history of slavery and policing, as those forces continue to haunt both normal, daily life as well as the increasingly common moments where that normality is ruptured in some way. But slavery doesn’t just hover in the background like a spectre from another century; it actively tells us who we are and where our loyalties lie, it distinguishes the dead from the living, it holds the keys to prison cells and patrols our streets.

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Our interest here lies in considering how 21st century policing in fact fulfills the conditions of *both* perspectives. The police undeniably coerce labor participation in the capitalist economy and thereby reproduce patterns of forced labor, for example by securing unpaid labor for prison facilities, or by preventing acts of collective expropriation, criminalizing lifestyles that resist wage work, and policing the boundaries between the legal/illegal economies, all of which forces those without capital to sell our labor for a wage. Likewise, it’s just as possible to see how police continue to fulfill the conditions of slavery identified by Patterson, for example by breaking up familial connections via the mass removal of Black bodies from their

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communities into the prison system, destroying Black social organization with programs like COINTELPRO, or enacting limitless violence against young Black people in poorer neighborhoods across the country.

The other aspect to this role of police in reproducing conditions of slavery is their role in the reproduction of whiteness, not just as a set of assumed, individual privileges but also as a structurally reinforced civil duty to the state via inclusion in the social body, citizenship, and Humanity itself. The genesis of this duty is clear in the use of white, non-slaveowning volunteers in the early slave patrols and in the deputizing of white people for the posse comitatus, among many other possible examples.⁵ To quote Saidiya Hartman again, “The slave is the object or the ground that makes possible the existence of the

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as a phenomenon without a history. We can read this discourse in part as a set of creation myths, meant to justify the unique power the police have over life and death. And so it is not surprising that the logics of reform and progress, which seek to *better* but not *break* with society, rest on an assumption of the *inevitability* of the police, prison, and the law. But we show here that the police have a beginning, and so may also have an end. We present this piece not as a work of original research, but as our own collected notes and understanding of these inextricable links between slavery, capitalism, police, and civil society. We write this not simply to “set the record straight” on the history of police, as many have already done that work more completely elsewhere, but to understand how that might speak to our ongoing efforts to destroy the system that has been imposed upon us.

3

One Beginning Among Many

Within days of slaveowner George Ford’s death, the Governor of South Carolina delivered a proclamation, including physical descriptions of Joe and his accomplice “Jack,” as well as a \$200 state reward for their apprehension. Georgetown citizens volunteered their own \$300 towards the maroons’ capture. Four days after the Governor’s Proclamation a local militia, the “Columbian Greens” apprehended Jack and brought him to Georgetown to be tried for the murder of George Ford. Meanwhile, Joe managed to escape the multiple militias and remained free for the rest of the summer.

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Georgetown’s Court of Magistrates and Freeholders—white, propertied men, and the formal predecessors of today’s

citizen jurors—found “the evidence conclusive” that Jack was culpable for George Ford’s death. He was found guilty and sentenced to be hanged on June 8th. On June 12th, the Captain of the Columbian Greens petitioned the Governor for his reward, claiming personal responsibility for apprehending the maroon. Captain Carnes received the \$200 state reward after his son H.L. Carnes Jr. served as one of the men who condemned Jack to his death.³

For the next two years, Joe remained at large, his legacy and band growing all the while. Joe and other maroons, with whom he communed and conspired, survived in a well fortified camp at the headwaters of the Santee River in the densest swamp between Georgetown and Columbia—impenetrable to outsiders.

Maroons posed more than an economic loss to the plantation economy—they threatened both the legitimacy of its existence and its secure future. Maroons were proof that it was possible to subvert white control by navigating the wilderness surrounding plantation and town borders, living a life free of both enslavement and, largely, of waged work. Alliances formed in these swamps that betrayed the white supremacist pact of planter economics—poor whites who were marginalized from proper society would trade with and assist maroons, though less is documented about these alliances. Shamefully, more is known about the frequency with which non-slaveowning, poor whites aligned themselves with the planter class by volunteering in the militias and patrols who hunted down escaped slaves. Their collusion with the planter class, with whom they shared little besides racial

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the periods defined by convict leasing, Jim Crow segregation, and the country’s massive prison boom—the “after-life of slavery” as author Saidiya Hartman has put it.

Plenty of folks will consider the painting of 21st century police as modern-day “slave catchers” as nothing more than metaphor and hyperbole. But as we (and many others) have already demonstrated, modernized police actually emerged in the South *during* slavery—they literally were slave catchers. We would ask those who desire an “accountable” or “just” police force: At what point in this history, in what period, do they believe that police became an institution that intended anything other than the reproduction of capital and the enforced social death of Black people? When has there ever been a break, either social or economic, politi-

cal or existential, with this contiguous line of flight towards dispossession and misery? Slavery functions not just as the historical origin point of policing, but also as its *continued* ontological force and psychological foundation. How could there ever be “accountability” with such an institution? What is the logic in demanding accountability between a master and a slave?

Slavery itself can of course be defined by and considered from any number of theoretical viewpoints, of which we can only scratch the surface in this space. Two perspectives do seem necessary to mention here. First is a materialist perspective, which primarily defines slavery as an economic condition of bondage and forced labor. The other, suggested by historians like Orlando Patterson, defines slavery not so much by forced labor as by a threefold condition of dis-

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people and controlling their movement developed under slavery. Those systems of policing were indispensable to disciplining former slaves into the new exploitation of the wage, and thus crucial to the project of industrializing the South after the war. Militia patrols, rewards, bounty hunters, informants, and court structures, for example, were used both by former Confederates in Robeson County as well as northerners and Republicans in an attempt to stem the Lowry Gang's rebellion.

Ultimately, there evolved in the post-war period a "hybrid" system of discipline and social control in the South. This system integrated private forms of discipline consistent with the plantation, the publicly authorized rural and urban patrols alongside Northern judicial practices, institutions of social work and management like the Freed-

men's Bureau, and industrialized modes of work and the wage. This meant that although there were already modernizing police forces in the South before the end of the war, those forces had to adapt to the post-war realities of controlling wage labor, unemployment, urbanization, and social codes of segregation all without the "help" of a legalized system of slavery.

Some Closing Notes on Policing, Whiteness, and Civil Society

It's beyond the scope of this piece to further elaborate on the continuity of anti-Blackness and white supremacy endemic to policing and the law after the period of Reconstruction. Suffice to say, white supremacy in America remained both literally and figuratively business as usual on into the 20th century, during

identity, was absolutely crucial during times like the 1820s when generalized slave insurrections were not only rumor, but planned conspiracy.

Poor whites, for instance, proved crucial when Denmark Vesey, a free Black man in Charleston, conspired alongside hundreds of enslaved and free Blacks in coastal South Carolina to overthrow the white planter class of the coast, free slaves, and sail to Haiti. This plot was uncovered in the summer of 1822, while forces north of Charleston struggled to control the threat that Joe and his gang posed on the Georgetown planter class. The two governing districts ended up collaborating to apprehend Joe. This collaboration between Georgetown and Charleston points to the evolving geopolitics of southern capitalism: the control of slaves, and especially escaped slaves, became less of a *private matter* of

the individual slave-owner and more a *public responsibility* of white society and capital. Thus, after two years of failed searches by militias and informal posses, in the fall of 1823, the citizens of Pineville looked toward a hybrid solution between the militia and the posse—the Police.

Instituting an elaborate system of rewards—including manumission (the buying of a loyal slave's freedom), the citizens surrounding Joe's camp formed their own Pineville Police Association in October of 1823, "specifically to deal with the threat posed by Joe and his gang." Their strategy was to force the collaboration of enslaved people against maroons. Within a few days, an enslaved river-boat driver named Royal, who had been dealing with Joe and the maroons in that area for years, volunteered to lure Joe out of the Camp with

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promise to trade. When Joe and three other maroons emerged from their encampment, they were fatally shot by 23 members of the Pineville Police Association. Joe's head was stuck on a pole at the mouth of the river, "as a solemn warning to vicious slaves." One year later, 81 planters from central South Carolina petitioned the Governor to free Royal for "bringing to merited punishment an offender, against the laws of the land and against the laws of God." The state agreed to pay Royal's owner seven-hundred dollars, declaring that it was "the policy of this state to reward those slaves who thus distinguish themselves by way of inducement to others to do so."

The hanging of Jack in 1821, of Denmark Vesey in 1822, and the shooting of Joe in 1823 did not mean defeat for fugitive slaves in South Carolina, and

both maroonage and northward escape would continue to pose viable threats to slavery up through the Civil War. Meanwhile, by 1839, the constitution of the Pineville Police Association clearly stated its purpose as "the enforcement of a rigid system of police and the suppression of all traffick with slaves." The documents left behind from the courts, the newspapers, and the small town police in the wake of Joe Forest's capture and death foreshadow a world 200 years later—a world where the FBI is still issuing rewards for self-identified fugitive slaves. Assata Shakur, an invaluable part of the black liberation movement of the seventies, lives in political exile in Cuba where she identifies as a "20th century escaped slave." Shakur fled the U.S. prison system after enduring a trial in which she stood accused of killing a New Jersey cop during a traffic incident on May 2nd, 1973. Thirty years af-

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promise to trade. When Joe and three other maroons emerged from their encampment, they were fatally shot by 23 members of the Pineville Police Association. Joe's head was stuck on a pole at the mouth of the river, "as a solemn warning to vicious slaves." One year later, 81 planters from central South Carolina petitioned the Governor to free Royal for "bringing to merited punishment an offender, against the laws of the land and against the laws of God." The state agreed to pay Royal's owner seven-hundred dollars, declaring that it was "the policy of this state to reward those slaves who thus distinguish themselves by way of inducement to others to do so."

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both maroonage and northward escape would continue to pose viable threats to slavery up through the Civil War. Meanwhile, by 1839, the constitution of the Pineville Police Association clearly stated its purpose as "the enforcement of a rigid system of police and the suppression of all traffick with slaves." The documents left behind from the courts, the newspapers, and the small town police in the wake of Joe Forest's capture and death foreshadow a world 200 years later—a world where the FBI is still issuing rewards for self-identified fugitive slaves. Assata Shakur, an invaluable part of the black liberation movement of the seventies, lives in political exile in Cuba where she identifies as a "20th century escaped slave." Shakur fled the U.S. prison system after enduring a trial in which she stood accused of killing a New Jersey cop during a traffic incident on May 2nd, 1973. Thirty years af-

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It's important to remember that "emancipation" was a program that many Black people had already interpreted on their own terms and had been carrying out before and during the Civil War. In that context, and that of the post-war period where open, armed rebellion by laboring people was a serious threat, the project of northern institutions like that of the Freedmen's Bureau often had more to do with ensuring labor discipline in the newly emerging wage-labor economy than ensuring any kind of meaningful racial "justice." That institution revealed itself to be the enforcer of the old economy in new terms:

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The "two evils" against which the Bureau had to contend, an army officer observed in July 1865, were "cruelty on the part of the employer and shirking on the part of the negroes." Yet the Bureau, like the army, seemed to consider the Black reluctance to labor the greater threat to its economic mission. In some areas, agents continued the military's urban pass systems and vagrancy patrols, as well as the practice of rounding up unemployed laborers for shipments to plantations. Bureau courts in Memphis dispatched impoverished Blacks convicted of crimes to labor for whites who would pay their fines.

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function; their *specialization* as a paid, permanent force; the establishment of *civilian rather than military* control over the patrols, ultimately by municipal authorities; and the patrols' role in *policing racialized neighborhood territories* of early industrial workers—all point directly towards modern policing. These forces were already a modern (and modernizing) apparatus of social control long before the Civil War.

The Same by Another Name: Transitions in Policing during Reconstruction

It might be comforting to demonstrate that the crises of the Civil War, Emancipation, and the subsequent project of Reconstruction offered a fundamental political-ethical break from the previously established patterns of white supremacist policing in the South. Un-

fortunately, the very opposite was true: the modernity, industry, and racial “reconciliation” of the post-war period, imposed in part by Northern liberators, directly relied on and enhanced the role and structure of police.

The Reconstruction period resulted in a power vacuum in much of the South, whereby experiments in freedom and self-determination could be undertaken with newfound brazenness. Maroons in places like North Carolina's Great Dismal Swamp and the Sea Islands continued their efforts at communal life, while former slaves in places like the Ogeechee Neck of lowcountry Georgia armed themselves, raided rice plantations, and occupied the(ir) land, declaring, “No whites between the Ogeeches!” In Robeson County, North Carolina, a band of Lumbee Indians, former slaves, and disaffected whites

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A Broader View of Early Policing Forces in the Antebellum South

The example of Joe Forest's rebellion and the emergence of Pineville's original Police Association offers one poignant snapshot of the origins of the police in the South. A broader picture, including the roles and development of policing bodies in both rural and urban areas, offers some more insight. Officially designated by authorities as “slave patrols,” “alarm men,” or “searchers,” and nicknamed “paddyrollers” or “paterolers” by those they policed, these emerging institutions changed during

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the 18th and 19th centuries in ways that directly foreshadowed the institutional and structural character of modern police forces.

The first slave patrols that emerged not only depended upon but often coercively required the help of white people in policing slaves, whether they were slaveowners or not. A 1690 law in South Carolina, for instance, demanded “all persons under penalty of forty shillings to arrest and chastise any slave outside of his home plantation without a proper pass.” These white people were volunteers, in the sense that they were unpaid and held other jobs, but they sometimes faced real punishment, such as fines or jail time, if they refused their duties. In this way, these slave patrols not only provided for the security of this highly profitable mode of production, but directly enforced and reproduced early

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racial designations. Whiteness meant not only a structurally reinforced privilege, but implied a duty and obligation toward a state and economy that was both constituted through slavery, and needed it to thrive.

Patrols of this kind were empowered to capture runaways and beat slaves caught travelling without a pass. As concerns of active revolt took hold, they would preemptively break up slaves' gatherings, search their homes, and seize their possessions.⁴ The distinction is important: the patrols performed their activities not simply as hastily assembled bands sent out to catch a group of runaways or put down an ongoing revolt, but as a *preventative body* of racial, social and labor control. In many places, these patrols were also tasked with governing disorderly whites, in particular vagrants, outsiders, and those who

would trade with fugitives and maroons.

The authority of slave patrols typically lied with the militia at first, though this came to change. In Mississippi, for example, the patrols were first performed by federal troops, then by militiamen, then finally by groups of white men appointed by the county. Many rural patrols started off as temporary or part-time, and eventually transitioned to full-time policing bodies. Accompanying those changes was the specialization of the police themselves. Though it varied across the South, in many places these patrols evolved from groups of able-bodied, white, male volunteers to paid employees, sworn in by the state and thus indemnified against lawsuits.

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Charleston formed a City Guard that patrolled as a company, wore muskets and swords, and was tasked with breaking up slave gatherings and cutting down on urban crime. In her book on slave patrols, historian Sally Hadden quotes an Englishman who visited Charleston in the 1850's: "It was a stirring scene when the drums beat at the Guard house in the public square...to witness the negroes scouring the streets in all directions, to get to their places of abode, many of them in great trepidation, uttering ejaculations of terror as they ran."

In cities like Charleston it was not uncommon for slaves to live in one part of the city while their owners lived in another, making difficult the more private system of discipline of the plantations. It was also common for owners to "hire out" their slaves, for a fee, to early ur-

ban manufacturing firms. Municipal and state governments recognized the threat to labor control represented by these developments—South Carolina banned the practice for 90 years—but the system of hiring out slaves was immensely profitable, and regulations against it went largely ignored. In this sense, urban police emerged and modernized during the historical and spatial intersection of industrialized labor and slavery. Industrialization and urbanization forced changes in and additions to the private, informal methods of discipline characteristic to the classical plantation system, but not with the intent to lessen white control over Black bodies, or to diminish an enormously profitable system of agrarian capitalism.

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