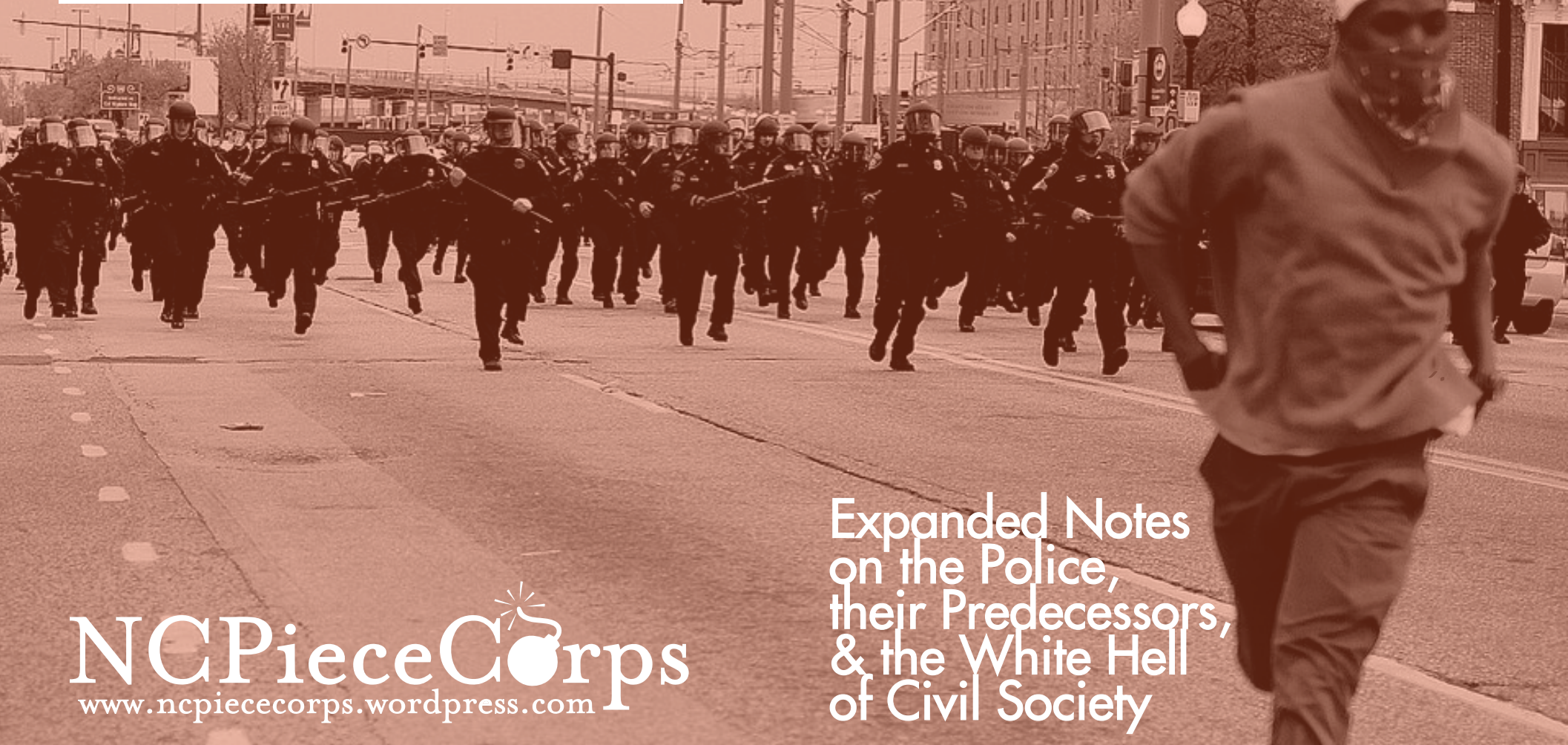


DELUSIONS OF PROGRESS



No amount of rhetoric geared towards “racial justice” can change this fact: if a struggle for liberation remains within a managed discourse of the citizen, the Public, and the responsible protester, then it will always reproduce the form of the state, and it will therefore always reproduce the police. Whiteness, civil society, the state, and the economy flow in and out of one another, and in all things policing is the structural and discursive glue that binds them together.



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Expanded Notes
on the Police,
their Predecessors,
& the White Hell
of Civil Society

For a full works cited, 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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The first version of 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. While many have a general awareness that American policing has its origins in slave patrols, we found some of the specifics of how and when that transition occurred to be illuminating and worthy of looking at in greater detail. We’ve since expanded some of the concluding notes to further discuss how this history is relevant to civil society and its attendant mechanisms of repression and control.

Delusions of Progress: Expanded Notes on the Police, their Predecessors, & the White Hell of Civil Society

“Many people find it astonishing that the police have predecessors. They seem to imagine that the cop has always been there, in something like his present capacity, subject only to the periodic change of uniform or the occasional technological advance.”

Kristian Williams, *Our Enemies in Blue*

“It is not my intention to argue that the differences between slavery and freedom were negligible; certainly such an assertion would be ridiculous. Rather, it is to examine the shifting and transformed relations of power that brought about the resubordination of the emancipated, the control and domination of the free black population, and the persistent production of blackness as abject, threatening, servile, dangerous, dependent, irrational, and infectious.”

Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*

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.² While the men were slaughtering a cow and preparing it for

1 All original research about Joe Forest and the maroon struggle of South Carolina in this section can be found in Timothy Lockley Maroon Communities in South Carolina: A documentary record (Columbia: University of South Carolina Press, 2009), 93-120. As well as Timothy Lockley and David Doddington “Maroon and Slave Communities in South Carolina Before 1865.” The South Carolina Historical Magazine Volume 113, No. 2 (April 2012). The sequence of events as evidenced by original court and newspaper documentation can all be found in those sources. The framing and stylizing of this narrative is our own.

2 “Maroon” is a term that originated from the Spanish “cimarron” meaning “wild, not tame” typically referring to domestic livestock that wandered 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

it possible for poor whites to participate in rebellion against the police in ways that begin to disfigure our own whiteness, or is this just an insurrectionary pipe dream?

In the current political moment we are witnessing the transition from a failed experiment in post-racial discourse during eight years of Obama to the stark reality of Bannon and Breitbart. How does Trump's regime change affect the way in which we discuss policing, race, class, and civil society? What fundamentally changes about policing from neo-liberalism to the proliferating alt-right agenda, if anything? What will it look like for "community policing" to co-exist with an open white supremacist in charge of the border and leading the National Security Council? The Obama era sought to pacify protest and achieve conciliatory, hollow reforms of some of the most foundational institutions to white supremacy, and failed miserably in even these superficial endeavors. Now those platitudes or delusions of progress are exposed for what they are. As the editors at *Crimethinc* have consistently observed, every struggle, every campaign will also be a struggle against the police. Those who have tried to reckon with policing will now be forced to take a side as our country boils over—as the tensions that have always been brewing, and at moments are barely beneath the surface, are left exposed.

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 specter 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.

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 2016, a year when police in the United States killed at least 1,151 people³ and a time in which 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, Baltimore, Oakland and Baton rouge, the occupation of a police precinct in Minneapolis, and the waves of solidarity marches, 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. 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 three 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 rioters, rebels, grandparents, storytellers, healers, artists, and lovers.

We argue that policing evolved as a method of control to enforce and protect slavery, an inseparable economic foundation in the development of American, and global, capitalism. Policing also functioned to produce a society grounded in the "social death" of Black people.⁴ Modern policing

American South. Lockley, *Maroon Communities*, ix.

3 This figure is from [killedbypolice.net](http://www.killedbypolice.net/kbp2016.html), an online database that tracks deaths at the hands of U.S. cops (<http://www.killedbypolice.net/kbp2016.html>).

4 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

flash mobs, the transformation of crews of friends and neighbors into fighting units, 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.

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. The democratization of white supremacy that defined the 20th century attempted to make racialized control of capital and bodies harder to confront. This was done in part by justifying the progress that had been made “since slavery times,” or by deploying the gratuitous violence of white mob law in the South to exceptionalize the rational, humane courtrooms of the North.⁵

In the downtimes between national crises around unarmed police killings, all but the tiniest sliver of our society’s discourse around the police isolates that institution as a “natural” arm of that other great “natural” phenomenon, the law—as a phenomenon without a history.⁶ 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.

the category of Human. The relationship between policing and “social death” is further articulated in our concluding notes.

5 To condemn slavery, economic abolitionists used slavery’s supposed backwardsness to point out that Progress (wage labor) would ultimately, inevitably evolve out of slavery because it was, they argued, not an efficient method of extracting labor and producing commodities. These claims prove highly dubious if not downright false: economic historians like Edward Baptist have conclusively demonstrated that *slavery was a highly profitable and efficient system* that made America what it was on the world stage, *and was in fact in a renewed state of growth rather than decline* at the time of the Civil War. Accordingly, the political movement of abolitionism never developed a vision or strategy that broke with police, wage slavery, or the rule of law. It did not seek to abolish bondage—it sought to democratize it.

6 Hartman writes on the insidious way in which the Law attempted to construct itself as neutral to the segregation of social life in the Jim Crow South while also creating its very legality in *Plessy vs. Ferguson*, the Supreme Court ruling that legalized “separate but equal” segregation in the South: “Therefore, although, it appeared that the state refused to intervene into private by declaring it a law-free and voluntary sphere, the state was already there and actively governing the conduct of individuals... The innocence of the law (it did not create prejudice and thus could not change it) and the state (it merely protected the public safety, health, and morals and promoted the general prosperity) was maintained by denying the public character of racism and attributing it to individual prerogatives.” (*Scenes of Subjection*, 201).

positionality of the worker (whether a factory worker demanding a monetary wage, an immigrant, or a white woman demanding a social wage) gestures toward the reconfiguration of civil society, the positionality of the Black subject (whether a prison-slave or a prison-slave-in-waiting) gestures toward the disconfiguration of civil society.¹⁷

Regardless of the post-racial period we supposedly inhabit, and regardless of which hands pull the levers, civil society must always, like policing, be an anti-black apparatus. It is characterized by the power and promise of whiteness, historically defined as the relationship of both privilege and responsibility to structures of power and the discourses that help to reproduce those structures. No amount of rhetoric geared towards “racial justice” can change this fact: if a struggle for liberation remains within a managed discourse of the citizen, the Public, and the responsible protester, then it will always reproduce the form of the state, and it will therefore always reproduce the police. Whiteness, civil society, the state, and the economy flow in and out of one another, and in all things policing is the structural and discursive glue that binds them together.

All of this 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 slavery, what forms of organizing against the police (and organizing ourselves!) are less limited by this terrain?¹⁸ Is

17 While we agree with this critique, we would argue that the current “workers’ movement,” which took as its aim the (capitalist) democratization of the workplace rather than its destruction and/or communization, only really took shape after violently suppressing (or acquiescing to the suppression of) more illegal, anti-industrial, and communistic expressions of earlier proletarian rage. The examples of this are myriad, from the Luddites of England to Sea Island maroons who refused to farm cash crops for the Union. We don’t believe this fact particularly challenges Wilderson’s main premise here, but it does give us some hope that, just as some early “workers” revolts resisted the formation of a civil society, in a time where the workplace no longer features prominently in proletarian insurgencies, many workers will again find a home in movements that seek to “disconfigure” that civil society rather than reproduce it.

18 Much of the last three 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 “organization” that reject the respectability of civil society: the sharing of looted goods, neighborhood block parties and impromptu assemblies in burned out parking lots, gang truces, twitter-promoted

neon vests to “keep you safe” and then spend their time policing the boundaries of legitimate protest and discourse. Echoing the words of Martin Luther King, Sr. after Atlanta’s Summerhill neighborhood riot in 1966, they say of those who fight, “Those are not my people.” Terrified of experiencing even a fraction of the unceasing violence the state imposes on other bodies, white people bail out for the higher, safer ground of ally politics, seeking shelter in the nearest credentialed leader of color who advocates a more “responsible” politics than the rioters they secretly fear. We imitate the state in our resistance, either because we secretly desire its version of power, or because we don’t trust or love ourselves enough to believe that another world is possible.

Civil society—that sphere of the capitalist world, outside of government but beyond “private” life, that supposedly makes living in a democracy so special—is the discursive and structural territory of this (white) fear of black and proletarian rage. Not coincidentally, it is this civil society that policing was designed to reproduce and protect. Look at the many words and phrases that are evoked in any discussion of policing: citizen, peaceful protester, the Public, order, property, good conduct, public safety. The police exist to protect these things as legitimate spheres of social life and custom; they also produce them.

Critical theorist Frank Wilderson writes, “There is something organic to the black positionality that makes it essential to the destruction of civil society.” This can be thought of through the lens of one’s relation to the economy and work:

The worker demands that productivity be fair and democratic (Gramsci’s new hegemony, Lenin’s dictatorship of the proletariat, in a word, socialism). In contrast, the slave demands that production stop, without recourse to its ultimate democratization.¹⁶ Work is not an organic principle for the slave...Whereas the

16 We’re reminded of a Worker’s World Party sign at an anti-police protest in our town several years ago. In a sea of Latino families and black, brown, and white youth carrying skateboards and screaming “Fuck the Police!”, some very out of touch Stalinist demanded with their milquetoast cardboard, “Community Control of the Police Now.” In seeking to democratize rather than destroy the site or structure of oppression—the workplace, the police department, the courtroom, Congress, the bourgeois family, whatever—the leftist is always trying to return moments of rebellion to a place that is at once radical but *legible* to the forces of order and good governance. The anarchist, the prison-slave, and the insurgent must find other ways out of this mess.

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 world that has been imposed upon us.

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.

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. This type of nepotism, wherein the Captain of a militia receives funds for the capture of an escaped slave while his son serves as a juror in the defendant’s “trial”, was simply business and law as usual for the Southern aristocracy.⁷

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

7 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. The modernization of medicine owes much of its “discoveries” to hundreds of years of experimentation on slaves, criminals, prostitutes, and the mentally ill (Lockley, *Maroon Communities*, 101).

to outsiders. While the general location was well known and advertised by the militias, patrols, and posses whose job it was to hunt escaped slaves in the area, the Camp's position allowed the maroons to see the confluence of three rivers and all who passaged in them without being seen themselves. They were well armed, trained in weaponry, and passed down an incredible knowledge of coastal and swamp geography. But most importantly, they rarely turned on one another. Many of the maroon men were described in the press not by their names but by their battle scars, simultaneously identifying them to white society and indulging the racialized hysteria surrounding them.

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 (temporally) 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 whiteness, was absolutely crucial during times like the 1820s when generalized slave insurrections were not a paranoid imaginary, but active armed conspiracy.

However, in the summer of 1822, not all whites were voluntarily hunting down maroons like Joe Forrest. Denmark Vesey, a free Black man in Charleston, conspired alongside hundreds of enslaved and free Blacks, as well as four (known) white men in coastal South Carolina to overthrow the white planter class of the coast, free slaves, and sail to Haiti. Purposefully buried in the bowels of history, the four white men who were tried and convicted of “inciting slaves to insurrection” refused mandatory militia service in the state's slave patrols and condemned white planter society while actively aiding an armed insurrection against whites in the South.⁸

8 There is only one scholarly investigation into the white conspirators of Vesey's Insurrection: Philip Rubio, “Though He Had A White Face He Was a Negro At Heart,” *The South Carolina Historical Review*, 2012. Rubio points out how the white men's court documents were filed as a separate appendix from the lengthy and infamous *Official Report* that detailed the trials of the 131 Blacks who were arrested.

state via inclusion in the social body, citizenship, and Humanity itself. The genesis of this duty is clear in the use of white, non-slave-owning volunteers in the early slave patrols and in the deputizing of white people for the posse comitatus, among many other possible examples.¹⁴ Civil society took root in the *horizontal* authority assembled to suppress Black rage. To return to Saidiya Hartman, “The slave is the object or the ground that makes possible the existence of the bourgeois subject and, by negation or contradistinction, defines liberty, citizenship, and the enclosures of the social body.” It follows that the brutally violent policing of Black people implies, again by contradistinction, a white inclusion in the social body that indicates a specific relationship to the state.

The whiteness we discuss here is not an individual identity or a mere consequence of individual privilege. Whiteness is an organizing principle of social relations, a material, historical, psychic, ontological, and collective force. We believe it is necessary to understand the development of whiteness and white exceptionalism while remaining critical and distinct from privilege theory, which deemphasizes structural understanding and in social movements has come to correspond with the specialized, professional, and often reactionary role of white allies. To destroy or “dismantle” whiteness will take the dismantling of the world as we know it, including the university, the non-profit, local city councils, and many other formal and informal institutions that the white ally calls home.

This also has real consequences in its challenge to the traditional sphere of activism we call civil society. The fledgling anti-police insurgencies that have sprung up around American cities in the last several years have been expressions of power, autonomy, and *divine violence*¹⁵ against the forces of oppression and social control. But inside this movement there are many who are confused and threatened, if not absolutely terrified by these gestures towards power. They contrast the peaceful protesters with the “bad ones,” they try to rip the masks off of youth, they don

14 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 just as a symbolic political support of law enforcement but as the expression of a conscious social contract between white citizens and the police.

15 Contrasted with law-preserving and law-making *mythic violence*, critical theorist Walter Benjamin presented a *divine violence* which corresponds with a proletarian strike that “lies absolutely ‘outside’ and ‘beyond’ the law.” Giorgio Agamben, *State of Exception*, trans. Kevin Attell, Chicago; London: University of Chicago Press, 2005, 53

or existential, with this contiguous march towards dispossession and misery? Slavery is not just the historical origin point of policing, but also its *continued* ontological force and psychological foundation. How could there ever be “accountability” with such an institution, and why would it be desirable even if it were achieved? What sense does it make to speak of accountability between a master and a slave? Between a state and the dispossessed?

Slavery itself can 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 dishonor or “social death,” the systematic rupture of familial ties and genealogical continuity, and gratuitous violence.

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 communities into the prison system, destroying Black social organization with programs like COINTELPRO¹³, or enacting limitless violence against young Black people in poorer neighborhoods across the country. By no coincidence, prisoners (black, brown, *and* white) across the country echoed this observation when announcing a historic national strike last year, with their call to “End Prison Slavery in America.”

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

William Allen, (who arrogantly thought he would lead the insurrection) nonetheless is remembered as telling black conspirators who were distrustful of him because he was white, that though he “had a white face, he was a Negro in heart.” While John Igneshias, a Spanish sailor, declared to the courts that he “disliked everything in Charleston but the Negroes and Sailors.” In an act of distancing himself from white society to gain trust from Black conspirators, Igneshias indignantly proclaimed, “Damn the whites, I would kill them all.” Little was shared by all four men except their status as outsiders-- as sailors, criminals, vagabonds, or non-Anglo whites (some had not assimilated to Anglo-southern accent and customs) and so in a way were only tenuously included in whiteness.

These men, who fraternized and conspired with Black insurrectionaries, exposed the fault lines and contradictions within the supposed white consensus of southern society. Similar to the way in which the white aristocrat viewed the threat of slave insurrections, at all times in the court proceedings the magistrates and judge attempted to control a double-edged myth: white men could be conspiring everywhere with slaves to overthrow our society, and simultaneously they refuted any credible evidence of such activity. As Rubio observes, “The appendix refers to four unimportant ‘degenerate white men’ that had nothing to do with the insurrection, yet they were a danger to the established order.” In the state’s view, white outsiders *had* to be responsible for inciting slaves to insurrection, since the idea of slaves rebelling of their own will perverted the narrative of a class of people providentially ordained to servitude. Yet, to desire to destroy the slave economy, aid in liberating slaves, and start a new society would be to refuse the very power that whiteness was constructed on, and who in their *right minds* would voluntarily destroy that privilege?

Judge Bay, who presided over the Vesey trials condemned 35 Black conspirators to death and 32 to exile, while begrudgingly sentencing the four white men to a host of fines and short jail time. Bay was outspoken that he believed the laws should change for white men aiding insurrection against slavery, and that any person, regardless of race, should be condemned to death. Yet, simultaneously, he spared them gallows on a fine technicality, convicting them of “inciting” insurrection, rather than materially aiding it. The trial in and of itself, similar to Jack’s trial in Georgetown, was not exemplary; it is only noteworthy for its ordinariness, for how normal the gratuitous and impunitive relationship

13 COINTELPRO was a covert government program designed to undermine, isolate, and destroy liberation movements during the 1960’s and 70’s, in particular the Black liberation movement.

of the law manifested on black bodies—how the white freeholder or white spectator in court secured civility through the condemnation and consumption of black death.

Meanwhile, during the Vesey trials, 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 promise to trade.⁹ 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,

9 In reaction to the Vesey Conspiracy of 1822, free blacks were subsequently banned from entering the state of South Carolina, while private manumission had been illegal for some years. This meant that the chances of securing freedom as a slave in South Carolina in 1823, *by legitimate means*, was a practical impossibility. In exploring potential motives for Royal to collaborate, Lockley also points out that the longer maroon gangs had to survive in the swamps at the periphery of plantation society and geography, the more tensions came to a head with neighboring field slaves due to the raids that they frequently made on plantations and farms, some of which impacted the food supply and resources for those enslaved. Similar to slaves who were mariners (a position outlawed after Denmark Vesey's conspiracy), river boat drivers had a *relative* amount of autonomy in movement beyond many field slaves and would have more incentive to protect that status.

making use of the very same systems of identifying 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 Freedmen'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 the periods defined by convict leasing, Jim Crow segregation, and the country's massive prison boom—the "afterlife 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, did the police become 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, political

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 Ogeechees!” In Robeson County, North Carolina, a band of Lumbee Indians, former slaves, and disaffected whites called the Lowry Gang exacted revenge on the plantation aristocracy by assassinating former Confederate officials, expropriating and redistributing crops, and refusing to work in the industrializing sectors of the economy.

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:

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.

It was not uncommon for northern white “liberators” to force former slaves to labor for their former masters at the point of a bayonet, often

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 an unfair trial in which she stood accused of killing a New Jersey cop during a traffic incident on May 2nd, 1973. Thirty years after the shooting, on May 2nd, 2013 the FBI renewed their investment to hunt down and capture Assata and now offer two million dollars for her extradition to the United States.¹⁰

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 the 18th and 19th centuries in ways that directly foreshadowed the institutional and structural character of modern police forces.¹¹

10 For more on Assata Shakur’s story read her own words in “An Open Letter from Assata Shakur” <https://repositories.lib.utexas.edu/bitstream/handle/2152/6046/Open+Letter+From+Assata+Shakur.pdf?sequence=1>.

11 Most of the research for this section can be found in the new edition of Kristian Williams’ exhaustive history of the police in, *Our Enemies in Blue: Police and Power in America* (Oakland: AK Press, 2015).

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 racial designations. Whiteness meant not only a structurally reinforced privilege, but implied a duty and *obligation toward 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. 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.

Policing bodies in the city evolved along similar lines, following the evolution of the slave patrols. In 1783 the city of 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 urban 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.

Though they varied in pace by city and region, these developments in social control—the slave patrols’ *preventative 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.¹² 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. Unfortunately, the

¹² We owe some of our taxonomies of police functions to Kristian Williams’ criteria that distinguish “modern” policing from its earlier forms. *Ibid.*, 53-54.