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Slave Patrols, “Packs of Negro Dogs” and Policing Black Communities

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Abstract

This paper explores the slave origins of southern law enforcement and an overlooked legacy of antebellum slave patrolling revealed in the 2015 *Department of Justice Report on the Ferguson, Missouri Police Department* (DOJRFMPD) – racialized police canine units. The Federal inquiry of Michael Brown’s death exposed patterns of excessive force in Ferguson’s police operations. Subsequent mass media and protests focused on the police shooting; the department’s militarized response to protestors; and lack of prosecutorial justice. Embedded in the DOJR was evidence of exclusive predatory use of dogs against African Americans as a regular police strategy. This paper surveys the history of southern slave patrols and fugitive slave hunting with bloodhounds from the colonial slavocracy to the Civil War to modern policing and racial crisis since Ferguson. Mass protests against police violence neglected Ferguson’s engagement of “packs of negro dogs,” currently known as canine (K-9) units as agents of racial repression. It traces the white supremacy origins, general acceptance and continuity of this inhumane police practice and its prosecution as a war crime following the Civil War. It challenges society’s diminution of the severity of race-based canine attacks and its correlation to past *slave law enforcement* practices while offering archival arguments for condemnation of *all* traces of *slave patrolling* as an essential reform issue for movements such as *Black Lives Matter*.

“The more random and ruthless aspects of slave patrols passed into the hands of vigilante groups...The Ku Klux Klan provided an outlet for the racial aggression that white southerners could no longer inflict through slave patrolling and slave ownership...The work of controlling “marginal” members of Southern society had merely shifted from slave patrollers to klansmen and policemen. Although slavery had died,

the white community’s need for racial domination lived on.” (Hadden 2003, 219-20)

Predatory policing exposed in Ferguson, Missouri provided millennial evidence of 18th and 19th century slave patrolling as the South’s standard law enforcement model. The preponderance of documentation supporting this inconvenient truth removes the veneer of unbiased law enforcement in the

region. The source and complex nature of Ferguson's racial and police crisis are rooted in the South's slavocracy. Few police and criminal justice executives are willing to look at chattel slavery as the womb that birthed and nurtured the region's law enforcement culture and practices. (Williams and Murphy 1990, 1-4) A century of studies by Howell Henry (1914), Seldon Bacon (1939), Richard Wade (1964), Harrison Trexler (1969), Stanley Campbell (1970), Samuel Walker (1977), Hubert Williams and Patrick Murphy (1990), Sally E. Hadden (2003), and Philip Reichel (2013) advanced the thesis that slave patrols, the colonial and antebellum law enforcement network organized to control slaves' activities were the precursors to contemporary patterns of Southern policing. As one historian explained, "throughout all of the states [before the Civil War], roving armed police patrols scoured the countryside day and night, intimidating, terrorizing, and brutalizing slaves into submission and meekness." In fact St. Louis, Missouri was one of 12 cities studied to understand the daily lives of slaves and their relations to local law enforcement. Ferguson is in St. Louis County, hence, the historical engagement with racialized law enforcement and justice in this city. (Wade 1964) It appears that law enforcement reformers have little interest or at a minimum, limited understanding of how slave patrolling influences present-day police operations in black neighborhoods and how this knowledge may play a constructive role in conversations about resolving conflict between police officers and black citizens. (Williams and Murphy

1990, 1-2) The literature purports that white society's fear of rebellious enslaved blacks required strict laws governing their lives and mobility. The need for repressive supervision of blacks led to the formation of local police to insure white domination and black subordination. This responsibility was given to a trinity of southern law enforcers: slave patrols, slave hunters and their non-human partners, "packs of negro dogs." (Anderson 1857, 48; Rawick 1972, 102) Williams and Murphy summarized the political function of these prototypical police forces:

The legal order sustained slavery, segregation, and discrimination for most of our nation's history—and the fact that the police were bound to uphold that order—set a pattern for police behavior and attitudes toward minority communities that has persisted until the present day. That pattern includes the idea that minorities have fewer civil rights, that the task of police is to keep them under control, and that the police have little responsibility for protecting them from crime within their communities.

(Williams and Murphy 1990, 102)

Currently, the mention of slavery in any social or political discourse invariably incurs skepticism and contemptuous accusations of "playing the race card." The ease in which society ignores slavery's depth and reach is an important source of the nation's unbroken sequence of police violence. Refusal to acknowledge links between slavery and Southern law enforcement

is contrary to numerous scholars supporting plantation origins of police forces. Rejection of slave patrolling as the root of modern policing is a slippery slope into political and emotional insensitivity to police crimes against citizens they were sworn to protect and serve. Scholars are obligated to assess the historical implications of the full range of archival evidence impacting Ferguson's police interactions with its black community, including, with all due respect, issues beyond the unspeakable death of Michael Brown.

Out of the Shadows: Slave Patrolling, Police Dogs and Black Oppression

Troubling facts outlined in the 2015 *United States Department of Justice Report on the Ferguson, Missouri Police Department* (DOJRMPD 2015, 7, 20, 22, 94) charged the police with "unconstitutional" practices, but did not bring criminal charges for any of its findings, including the killing of Michael Brown. The police officer walked away from the human slaughter on the city's roadway without legal consequences. This pattern of judicial ambiguity is part of a complicit process of tacit support for extra-legal racial practices by southern law enforcement. Through centuries of slavery, decades of segregation to the present, the black experience is rife with unresolved episodes of police violence. The nation has become accustomed to watching, condemning and taking limited measures to correct unjustified police violence in the black community. Since Ferguson, other cities

experienced similar waves of police brutality. Though all have not occurred in the South, it does not change the fact that the Ferguson Police Department has become the quintessential model of slave patrol methods in the modern era. An analysis of the *Ferguson Uprising* instructs observers to look beyond its deceptive integrated suburban profile to its slave and segregated history that shaped its present and future.

September 5, 2014, the U. S. Department of Justice (DOJ) began an investigation to determine whether Ferguson police were engaged in racial profiling and excessive use of force. The results released March 4, 2015 concluded that police routinely violated the constitutional rights of residents by discriminating against blacks and applying racial stereotypes in a "pattern or practice of unlawful conduct." (DOJRMPD 2015, 4)

The most thoughtful information about details surrounding Michael Brown's death was not found in eyewitness statements, television and journalistic coverage, or Ferguson police and grand jury reports, but the release of the DOJ Report (DOJR). Its penetrating text exposed the explosive conditions at the root of the tragedy—predatory and racial policing. It laid bare longstanding public corruption and patterns of excessive police violence. It drilled deep into police and judicial records and provided data to study the history and unfolding socio-economic events of the *Ferguson Uprising*.

The Report singled out a peculiar practice that breeched black residents' constitutional rights—targeted use of police canine units, historically known

as “packs of negro dogs.” (Ibid. 33) It concluded that the “Ferguson Police Department engages in a pattern of deploying canines to bite individuals when the articulated facts do not justify this significant use of force... leaving serious puncture wounds to nonviolent offenders, some of them children.” (Ibid, 31) Though all victims were black their injuries and trauma did not inspire public outrage and failed to generate significant media attention. The shocking disclosures were treated as less important than Brown’s death. The dog attacks and victims were not compelling enough to compete with the sensational optics and slogans surrounding the police shooting.

The public’s unresponsiveness to the DOJ’s reported biased and excessive use of canine policing may be indicative of its inability to place the abuses in a historical context which would have enabled the community to better understand the illegitimacy and violent nature of the attacks and the trauma to its victims. The DOJ’s uncovering of this long-standing police tactic derived from slave patrolling and hunting runaways with “bloodhounds” proved to be unworthy of mass public condemnation. Names of supervisors and canine officers were not divulged allowing them to escape accountability, as did the officer who killed Michael Brown. The officers’ procedural avoidance of criminal liability for death and torture of black citizens was not dissimilar to slave patrollers’ antebellum indemnity for similar violence. (Goodell 1899, 305-7)

The use of dogs to police plantations, and presently Ferguson’s black

neighborhoods, was a common thread running from slave patrolling to the modern police department. In enlightened circles, humans are never subjected to the ravages of bloodhounds. It is contrary to the sacredness of what it means to be human. The enabling rationale for subjecting enslaved blacks to canine violence was the prevailing idea of black inferiority – or *pseudohumanity*. (Rorty 1993, 1-3)

The DOJR described the composition of the canine force and the policies governing their deployment:

Ferguson Police Department currently has four canines, each assigned to a particular canine officer. Under its policy, canines are to be used to locate and apprehend ‘dangerous offenders.’ When offenders are hiding, it states, ‘handlers will not allow their K-9 to engage a suspect by biting if a lower level of force could reasonably be expected to control the suspect or allow for the apprehension.’ It also permits the use of a canine, however, when any crime – not just a felony or violent crime – has been committed. This permissiveness, combined with the absence of meaningful supervisory review and an apparent tendency to overstate the threat based on race, has resulted in avoidable dog bites to low-level offenders when other means of control were available. (DOJRFMPD 2015, 31)

The DOJR cautiously concluded that the dog attacks were racially motivated. It stated, “In every canine bite incident for which racial information is available,

the subject was African American. This disparity, in combination with the decision to deploy canines in circumstances with a seemingly low objective threat, suggests that race may play an impermissible role in officers' decisions to deploy canines." (Ibid, 32)

The Report offered an analysis of three canine incidents to support its case. The first examined an alleged home invasion that proved to be teenage boys playing "hooky" from school in an abandoned house. The police described the crime and arrest:

In December 2011, four officers deployed a canine to bite an unarmed 14-year-old African American boy who was waiting in an abandoned house for his friends. They arrested one boy on the ground level. The only plausible offense was trespassing. The report stated that the dog located a second boy hiding in a closet. The officer saw the boy, 5'5" and 140 pounds, curled up in a ball, hiding. The officer then deployed the dog, which bit the boy's arm, causing puncture wounds. (Ibid.)

The boy, later interviewed by the DOJ gave a different view of the event:

According to the boy, he never hid in a closet and never heard any police warnings. He was waiting for his friends in the vacant building where they went when they skipped school. When he heard footsteps thinking his friends had arrived he went to the stairs. He saw the dog and turned to run, but the dog quickly bit him on

the ankle and then the thigh, causing him to fall to the floor. The dog was about to bite his face or neck but instead got his left arm, which the boy had raised to protect himself. Ferguson officers struck him while he was on the ground, one of them putting a boot on the side of his head. He recalled the officers laughing about the incident afterward. (Ibid.)

The second case indicated "a recurring pattern of officers using a canine to extract a suspect hiding in a closed space." (Ibid.) The DOJ investigators were apprehensive about "The frequency with which this particular rationale (was) used to justify dog bites...(it) provides cause for concern." Again the only victims running or "hiding in closed space(s)" were black. The Report stated:

In December 2012, a 16-year-old African-American boy suspected of stealing a car fled from an officer, jumped several fences, and ran into a vacant house. A canine officer arrived. The dog reportedly located the suspect hiding in a closet. Without providing a warning outside the closet, the officer opened the door and sent in the dog, which bit the suspect and dragged him out by the legs. This force appears objectively unreasonable. (Ibid, 32-3)

Under closer scrutiny, the police report stated, "The first officer on the scene deployed his ECW (Taser) against the suspect three times as the suspect

struggled with the dog, which was still biting him.” The officers’ reports provide minimal explanation why apprehension by dog bite was necessary. The pursuing officer claimed the suspect had “reached into the front section of his waist area,” but the report does not say that he relayed this information to the canine officer, and no weapon was found. The DOJR concluded, “given the lack of a warning at the closet, the use of the dog and ECW at the same time, and the application of three ECW stuns in quick succession, their conduct raises the possibility that the force was applied in retaliation for leading officers on a chase.” (Ibid, 33)

The third case involved a black man walking on a street obviously trying to avoid any contact with a canine officer and his dog. He was stopped and frisked, a common police procedure for Ferguson black males. (Ibid, 16, 34, 67; Hennesy-Fiske 2015) The event concluded with the following canine attack and arrest:

November 2013, an officer deployed a canine to bite and detain a fleeing subject even though the officer knew the suspect was unarmed. He deemed the African American male who was walking down the street, suspicious because he appeared to walk away when he saw the officer. The officer stopped and frisked him, finding no weapons ran his name for warrants. When the man heard the dispatcher say over the police radio that he had outstanding warrants – the report does not specify whether the warrants were for failing to appear in municipal court or to

pay owed fines, or something more serious – he ran. The officer followed and released his dog, which bit the man on both arms. The officer’s supervisor found the force justified because the officer released the dog ‘fearing that the subject was armed,’ even though the officer had already determined the man was unarmed. (DOJRFMPD 2015, 34)

The Report’s canine data supported the racist culture and climate that contributed to the circumstances of Michael Brown’s death. Brown and the anonymous canine victims were considered less than human, thus subject to dehumanized treatment. The officers saw them not as “true” or “white” humans but “*psuedohumans*.” (Sanborn 2014; Rorty 1993, 2) Unleashing vicious dogs on blacks confirmed their devalued status. These behaviors were not simply actions of prejudiced individuals but protected institutional behavior permitted under the guise of lawful police policies that covertly supported white supremacist views. This philosophical condition in the Police Department enabled deliberate disregard of the inherent “human-ness” of all people. The DOJ Report highlighted Ferguson police practices that were classic slave patrolling and hunting behaviors. It concluded:

Officers command dogs to apprehend by biting even when multiple officers are present. They make no attempt to slow situations down, creating time to resolve the situation with less force...The use of canines reflects a culture in which

officers choose not to use skills and tactics that could resolve a situation without injuries, and instead deploy tools and methods that are almost guaranteed to produce an injury of some type...We reviewed many incidents in which it appeared that Ferguson Police used force to inflict punishment...(their) use of canines is part of its pattern of excessive force in violation of the Fourth Amendment...(and its) use of dog bites only against African-American is evidence of discriminatory policing in violation of the Fourteenth Amendment and other federal laws.
(DOJRFMPD 2015, 22)

The police canine supervisor and officers were anonymous and not charged with a crime. The canine victims remained out of the public eye and media spotlight. The canine violence story has not been told and brought before the nation. The media made obligatory comments on the Report's canine investigation. The problem was the data and news coverage did not have a historical context. In 1961, Martin Luther King wrote about an enduring truth that guided him in mobilizing people to join the movement to persuade the nation that racism was inherently evil. He said, "The world seldom believes the horror stories of history until they are documented via the mass media." (Letter 1961) This was the fate of black Ferguson's encounters with the city's canine forces. The victims did not have visual evidence of their experiences. In spite of the DOJR's inclusion of violent use of police dogs as routine law enforcement weapons, it

failed to get the attention it deserved and quickly faded into history's footnotes.

The sensational national story was the killing of Michael Brown. His death was the visible tip of a volatile iceberg moving to center stage of a long-standing American problem – the full recognition of black humanity. Ferguson's racist policing was formed and transferred to generations of police officers from the region's history of slave law enforcement, which included canine patrolling. Both are but two of slavery's bloody fingerprints on Ferguson's controversial black-white police relations. Its law enforcement heritage cannot be ignored.

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.

(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 Statutes 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;

(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; Stamp 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. (Stampp 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.

Though genteel classes saw slave hunters' sordid activities as beneath them, out of economic necessity, they invariably supported their work using bloodhounds to recapture fugitives. In white Southerners' minds there would always be a need for aggressive slave patrolling to enforce the deeply engrained values expressed by Alexander Hamilton Stephens, Vice President of the Confederacy:

"As a race, the African is inferior to the white man. Subordination to the white man is his normal condition. He is not his equal by nature, and cannot be made so by human laws or human institutions... The great truth, I repeat, upon which our system rests, is the inferiority of the African."
(Reese 1865, 361-62)

There was no escaping the influence of white supremacy. There were no Southern philosophical alternatives to black inferiority. It was just the way it was. Disobedience and unauthorized leave from plantations was forbidden. They were "chattel" and required mandatory accountability for their goings and comings. Slaves' unapproved absence changed their status to "fugitives" resulting in dreadful consequences and punishment. Every slave policing function enforced total submission of slaves' attitudes, behavior and movement to white authority.

Fugitive slave laws included compensation for their return. Slave hunters were also known as "bounty" hunters, dependent on "negro dogs" to catch runaways. Professional slave hunting

was a response to patrollers' failure to intercept runaways on local roadways and environs. Hunters were permitted to track runaways across state lines. Patrollers could serve as slave hunters and in some cases, most likely did, but their duties as police paid more than bounty hunters. (Hadden 2003, 79-82)

Solomon Northup's, *Twelve Years a Slave*, left a merged view of slave patrollers and hunters' duties. He wrote:

Patrollers, whose business it is to seize and whip any slave they may find wandering from the plantation... ride on horseback, headed by a captain, armed, and accompanied by dogs. They have the right, either by law, or by general consent, to inflict discretionary chastisement upon a black man caught beyond the boundaries of his master's estate without a pass, and even to shoot him, if he attempts to escape. Each company has a certain distance to ride up and down the bayou... (one slave) fled before one of these companies, thinking he could reach his cabin before they could overtake him; but one of their dogs, a great ravenous hound, gripped him by the leg and held him fast. The patrollers whipped him severely.
(Northup 1977, 180-81)

Newspaper notices of slave hunting and training of bloodhounds illustrated Missouri's acceptance of the enterprise. Antebellum Missouri's professional use of "negro dogs" was highlighted in a February 14, 1855 *Lexington Democratic Advocate* advertisement:

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 worser, '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

about something what happened at the big house, so she runned 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

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

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 Pocataligo Bridge between the 1st 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

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 Wirz 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

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

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

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

police dogs and protestors, Eugene “Bull” Connor’s decision the demonstrations had reached a point that it was time to introduce a proven black law enforcement weapon. LIFE magazine reported Connor “Ordering his men to let white spectators come near, he said: ‘I want ‘em to see the dogs work. Look at those niggers run.’” (LIFE 1963, 30) That decision changed the trajectory of the movement and stirred national awareness of segregation’s violent nature. The day after a photograph of a dog biting a high school student was nationally published. (Adams 1963) A Maryland woman wrote a letter to the *Washington Post* expressing her anguish:

Now I’ve seen everything. The news photographer who took that picture of a police dog lunging at a human being has shown us in unmistakable terms how low we have sunk and will surely have awakened a feeling of shame in all who have seen that picture, who have any notion of human dignity. The man being lunged at was not a criminal being tracked down to prevent his murdering other men; he was, and is, a man. If he can have a beast deliberately urged to lunge at him, then so can any man, woman, or child in the United States...If the United States doesn’t stand for some average decent level of human dignity, what does it stand for. (Hemphill 1963; Kasher 1996, 88-89, 95)

Ferguson’s unconstitutional use of dogs was not exposed to “the light of the day.” (King 1964, 27) Without electronic

and social media the issue of police dog violence did not surface as an important issue. Ferguson’s iconic photograph was Brown’s body sprawled on a city street. Though powerful and dramatic, it did not have the national legislative impact of Birmingham’s dog photographs. (Roberts and Klibanoff 2007, 313-22) However, the image of Brown’s death mobilized people to call for justice and birthed the *Black Lives Matter Movement*.

The DOJ canine data did not have potent optics to show the nation what the statistics and case laws meant. The victims were overshadowed by Brown’s martyrdom and *Cause célèbre*. As Martin Luther King once queried at perplexing intersections of social action, “Where do we go from here?”

Someone other than the victims of police and canine violence must “be held responsible for the consequences.” (Trial 1865, 811) It can begin with ending canine patrolling and kenneling and retraining the animals for purely humanitarian purposes. The DOJ could not manufacture appropriate community outrage about unlawful police canine practices. The Ferguson community had to know and act on its own.

The DOJ Report initiated closing the information gap about the predatory nature of Ferguson policing and racial deployment of police dogs. However, it failed to recommend radical solutions to the problem. Of its 137 corrective recommendations there was only one set of reforms that dealt with the issue of canine violence. (DOJRFMPD 2015, 90-102) It suggested that the police department, “Require onsite supervisory approval...when deciding

whether to deploy a canine to bite; require and train canine officers to avoid sending a canine to apprehend by biting a concealed suspect when the objective facts do not suggest the suspect is armed." (Ibid, 92)

The recommendation of "onsite" supervisory approval of dog biting and training of officers to better assess circumstances before using canine weapons is a standard bureaucratic response to police misconduct. What brought this issue to the public's attention was the singular application of the animals against blacks. Race was eliminated from the DOJ's reforms regarding canine policing. In fact, the recommendations merely reset the illusion that Ferguson's police were capable of conducting unbiased law enforcement.

Nevertheless, the culture, policies and practices of the Ferguson police department have been empirically exposed for future scholarly examination. Its racist use of canine forces and extensive patterns of racial profiling are not episodic but historical. Ferguson's police strategies are inseparable from the white supremacy traditions of southern law enforcement as a whole. Its local policing and criminal justice institutions cannot be extricated from the region's bitter slavery and segregationist heritage. No sustainable reformation movement can be forwarded until those enduring legacies have been directly confronted and multi-racially addressed.

Connecting an established pattern of slave patrolling to Ferguson's police department demands a commitment to a radical disruption to its traditional

mission – the continuity of white domination and black subordination. St. Louis County's recent recommendation banning police canine as crowd control resources during protest demonstrations is a self-serving response to the historical lessons learned about negative media optics projected across the nation and world. It does not address the problem of transparency and visibility of the use of canine during daily policing of African American communities outside of the critical glaring spotlight of concerned citizens and photojournalists. (DOJRCOPS 2015, xxvi, 51)

The challenge of the *Ferguson Uprising* is how does society acknowledge its slaveholding past and reshape its present interracial discord. The inability of Ferguson and similar cities to collectively respond to the illegality of excessive police violence is dependent upon the national will to robustly reject all relics of slave law enforcement and connect the expanse of the black experience and struggle with white supremacy and domination in ways that enable communities to pursue the complex work of seeking truth and reconciliation with the past and present, making clear the issues and remedies enabling the nation to construct a more equitable and just tomorrow for *all humanity*. (Ibid, ix)

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