

Elizabeth Littell

Mr. Glider

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19th Century Policing in America

From the dawn of the nineteenth-century to the end of Reconstruction, policing in the United States varied greatly depending on the year, region, and city. Slave patrols policed the South up until the Civil War. Their sole purpose was to regulate and oppress slaves. After the Civil War, slave patrols evolved directly into the police and the Ku Klux Klan. In the North, night watches and constables were the only law enforcers at the beginning of the 1800s. At this time, organized police departments were nonexistent. In the middle of the century, Northern urbanization, immigration, and industrialization vaulted populations and widened the wealth gap, changing everything. Organized police departments were rapidly established across the North as a social control method to manage the poor and protect the elite's assets and interests from the "dangerous" bottom class. The South and North had quite different structures but their primary goal was the same: control the bottom class. In the South, this was primarily free blacks and slaves. In the North, it was black citizens and poor immigrants. This essay analyzes Northern and Southern police systems in the 1800s and the variety of factors they contained including structure, jurisdiction, enforcement methods, purpose, bias, and reform attempts that targeted and disproportionately hurt the lower class, especially black people.

Southern Police Systems

In the early to mid 19th century South, the main police system was slave patrols. Slave patrols evolved from Spanish and English colonial slave regulation systems in the Caribbean and

Latin America that dated back to the 16th century (Hadden 7). Slave patrols were a direct extension of local militias and performed a variety of tasks that are common in the police today such as breaking up rowdy gatherings, arresting criminals, and preventing crime. However, their main purpose was to regulate and oppress slaves. Southerners had an overwhelming and constant fear of a slave revolt. The structure, jurisdiction, punishments, and evolution of slave patrols reflect this unquenchable fear as almost everything they did was to control slaves (Hadden 1-5).

Slave Patrol Structure

A summary of slave patrol structures is needed to understand slave patrols and their innate racism and oppressive methods. Throughout the South, patrollers were white males who worked at night after their regular workday (Hadden 45). Captains were of military age, 18 to 45 years old (Williams 402). Patrols were most prevalent in areas with a high slave to white population ratio. By the 1800s, slave patrols were a regular civic duty for white male citizens in multiple states. In Virginia and South Carolina, slave patrollers were drawn directly from the region's militia, therefore, slave patrol and militia patrol districts were often identical (Hadden 24). Patrols consisted of 4-6 members. Patrol selection was similar to and treated like jury duty today (Hadden 69). Patrollers were fined for improperly performing their duty. This was a significant economic incentive for patrollers to correctly do their job to regulate and subdue slaves. The economic and slaveholding status of lead patrol captains varied from owning no slaves to dozens (Hadden 20-21). Basically, slave patrols were set up as a military-like control mechanism by race that put white male civilians in a great position of power over black slaves.

Patrol Duties and Jurisdiction

The essential purpose of slave patrols was to control slaves; this entailed preventing and stopping any suspicious and unlawful or potentially unlawful slave activities. This combined

with the South's constant fear of slave rebellion granted patrollers widespread, invasive, and often unchecked jurisdiction. One common patrol task was to thoroughly search slave residences for weapons, stolen goods, signs of education (books, writing, etc), and to make sure all slaves were accounted for (Hadden 106-107). Slave quarters were checked regularly. In 1835, Louisiana slave patrols in St. Tammany Parish were legally supposed to check slave residences at least once a month (Williams 406). This was an incredibly invasive process meant to keep slaves oppressed and eliminate any attempts to escape or rebel.

Patrols had other duties including breaking up slave gatherings. Gatherings were prohibited to prevent organized slave revolts or participation in other undesired activities. Patrollers broke up all gatherings, whether it be religious or a party (Hadden 108). Patrollers also had routes that they traveled on foot or by horse. They could stop and question any black person they passed. The patroller could detain slaves who did not have a pass and even freedmen if they did not have their papers. Patrols seized any item a slave had if, in their opinion, the slave did not adequately explain why they possessed it. Patrollers seized items that slaves had both lawfully and unlawfully (Hadden 109-110). Patrols strictly limited slave behavior and agency. This form of police denied the most basic rights and privileges from black people such as privacy, gathering, movement, speech, property, and more. Patrols did not benefit slaves in any way. They only served as prison guards and oppressors.

Methods and Punishments

Patrols were the judges, juries, and executioners. If a patrol determined a slave was out without permission, gathering illegally, had stolen goods, was not cooperating properly, was suspicious, or committed any other real or imaginary offense, patrollers would detain and physically assault the slave as punishment. Whipping was the most common form of punishment

(Hadden 107-111). For instance, in St. Tammany Parish, a slave caught with fire that was not being used for cooking or work was subject to 30 lashes (Williams 406). In North Carolina, a slave roaming without a pass was to be whipped up to 15 times. For additional offenses, the slave was to be whipped up to 39 times (Hadden 105). Slave masters discouraged excessive, regular whippings because it would lower the slave's value and productivity. Instead, brutal beatings were commonly inflicted as they would eventually heal without scarring (Hadden 113-114). To state the obvious, this was unspeakably harmful, inhumane, and dastardly.

On top of this, patrol also hurt slaves mentally and emotionally. Patrols were known to sexually assault female slaves, often during regular home searches. To assert dominance, patrollers would whip a male slave until he was powerless then they would sexually assault the slave's partner, permanently wounding both the man's and the woman's sense of honor and power (Hadden 117). Many slaves tried and failed to defend themselves from patrols. The most successful methods were attempting to avoid patrols when possible or complaining to their master in hopes they would stop the patrol violence (Hadden 113-114). Many patrol groups would play mind games with slaves. Patrols would threaten to whip a slave and let them go instead, or vice versa, making slaves constantly on edge and afraid. Patrols dehumanized slaves by making them beg to avoid a whipping (Hadden 118). To summarize, slave patrollers, the early Southern police, used extremely violent and abusive methods that were physically, emotionally, and mentally damaging to subdue, control, and dominate slaves. Words cannot do justice to the incredible cruelty slave patrollers inflicted.

Evolution

Every day the South expected the next slave revolt to be brewing just around the corner. Insurrections like Nat Turner's Rebellion and the Haitian Revolution combined with abolitionist

propaganda like *David Walker's Appeal to the Coloured Citizens of the World* fueled white agitation (Williams 399). Walker's words were a call to arms to slaves that struck fear in slaveholders: "You (whites) want slaves, and want us for your slaves!!! My colour will yet, root some of you out of the very face of the earth!!!!!!" (Walker 82). These threats of rebellion motivated Southerners to constantly reform police systems to increasingly oppress blacks in the early to mid-1800s.

Fear of slaves was especially great in Southern urban districts. Whites saw cities as ideal places for slaves and runaways to gather, hide, vandalize, commit arson, and steal. To increase policing and its effectiveness, paid and or professional patrols were instituted in cities like Charleston, Alexandria, and Georgetown. In theory, paid patrollers would be more productive and less corrupt and lazy than volunteers. They enforced curfew laws and performed similar duties to rural patrollers but were more sophisticated and prevalent. Whites felt like patrols were never enough and constantly needed reform whereas blacks felt patrols were extremely present and noxious (Hadden 52-53). Patrols also troubled free blacks. Around Norfolk Virginia, patrols were so harmful that almost 100 free blacks emigrated to Liberia to escape (Hadden 115). In Louisiana, new slave patrol ordinances and amendments were passed in 1813, 1815, and 1821 in response to rising slave populations and fear. They were intended to improve patrol security, organization, and efficacy. As slave rebellions occurred, Louisiana districts strictly enforced these laws (Williams 399-400). The immediate response to increased white fear of slaves shows the direct correlation between patrols and their main purpose, to oppress slaves.

Under the Civil Rights Act of 1866, all people, no matter their race, were granted equal rights to personal property, sue, make contracts and protection by law enforcement defending these rights ("the Civil Rights Act of 1866"). The 14th Amendment, ratified in 1868, expanded

this to equal rights to life, liberty, and property (“The Constitution: Amendment 14”). Police officers in the North and South failed their legal duty and did not protect these rights for blacks. After the Civil War, slavery was abolished and patrols were forced to evolve. Patrols turned into the KKK and the modern police system. These two systems worked together to keep blacks as oppressed as they were during slavery. During Reconstruction, violence against blacks was socially acceptable and widespread. Many whites believed blacks were innately lazy and criminal. They saw mass KKK violence as necessary law enforcement to keep order and economic, political, and social control (Hadden 203-204). This line of thinking was shared by the police. The police refused to punish Klansmen despite their horrific actions (Hadden 216). The police often committed violence themselves. They threatened blacks and their families to prevent them from gaining power. Officers brutally beat unarmed blacks and arrested them for no just cause. They verbally and physically provoked blacks to get a response to justify their abuse. In other cases, police officers did not even manufacture an excuse (Hadden 217). This shows a racist, hateful system that picked and chose whose rights it defended and whose it denied.

Northern Police

In the early 19th century, the Northern police system consisted of constables and night watches. Constables worked during the day on fees. The night watch were neighborhood-paid volunteers. These systems were largely unorganized and varied based on the town. Their main purpose was to protect private property (Monkkonen 136). Police forces were organized by the wealthy in direct response to growing populations and increased social class distinction. Organized policing was developed for the wealthy to regulate the lower class. Organized police were based on the London Metropolitan Police. London’s police were centrally controlled whereas the US Constitution granted police control to each state. From there, state constitutions

often gave police control to each town or community. This led to limited, inconsistent police oversight and a low ability for national reform. This meant that police development had few overarching checks and balances to keep it a just system. However, most police forces were relatively similar in structure because they copied each other (Monkkonen 136-137). Between 1840 to 1880 nearly every city in the North created a uniformed police department (Mitrani 2).

Structure and Power Dynamics

Northern police eventually adopted an organized internal structure. Ranks included marshal, captain, lieutenant, second lieutenant, sergeant, police constable, and policeman of the city. Policemen were easily identifiable in their uniforms (Mitrani 27-28). Like in the South, officers were all male and almost always white. Near the end of the century, a few police departments like Washington D.C. hired a couple black officers to appease reformers. The police, like in the South, were military-like and only put whites in power (Masur 62-64).

In most cities, a minuscule minority had all the power over the police. For instance, in Chicago, the police commissioner, mayor, and top businessmen had disproportional control over the police. Lawmakers would pass city ordinances but the mayor hand-picked which ones the police enforced and which they ignored. In other words, the mayor, a single entity, had more power than dozens of elected lawmakers and was not serving the common person's vote, demonstrating an undemocratic system (Mitrani 6). Politicians appointed the heads of the police, often in return for favors and say over police activity (Reisig 12). Also, the mayor could issue "Police Rules" that officers had to follow. On top of this, city officials like the mayor and alderman were granted equivalent jurisdiction to police officers, they had police power (Mitrani 20). This was a conflict of interest because a person in office seeking reelection had a massive ability to forcefully attain power and corruptly gain influential political support with favors. The

police were known to serve political agendas (Mitrani 20). The system was undemocratic and organized as a monopoly by the elite to keep their power and influence over the city.

Purpose

The institution of organized police was developed as a social control mechanism for the wealthy to control the poor. Disruptions like food riots, election riots, and wage strikes were increasing with population, immigration, and social stratification. The elite wanted to ensure that they would continue to monopolize wealth and power. As cities developed, organized police were needed to lower crime rates and keep order (Mitrani 1). Cities needed a preventive system, not just a responsive one. The police filled this role but also overextended its power often in corrupt, discriminatory, and abusive ways (Reisig 12).

In Chicago, a main police duty was strikebreaking. Officers would forcefully break up peaceful strikes, helping the wealthy in charge of the market economy and hurting the poor's chance for better wages and conditions (Mitrani 11). Throughout the North, the poorest people were typically immigrants and blacks. The police damaged these communities the most. Chicago arrest records prove the police targeted immigrants. In the 1800s, the Irish made up 20% max of the city population but accounted for two-thirds of all arrests. Decades later, the Irish took control of the police and Irish arrest rates dropped significantly (Mitrani 10). As white suffrage was growing, the police were known to alter elections by rigging ballots and intimidating voters, undermining the rights of the lower class (Reisig 12). Officers patrolled the city to ensure safety and order, keeping the city as the elite wanted it. The police could arrest anyone they deemed broke the law or violated city sanctity. This jurisdiction was widely interpreted, giving police lawful power to make arrests for illegal and legal activity. Keeping order entailed punishing

public drunkenness, union meetings, and “suspicious” behavior (Mitrani 19). Most police duties disproportionately targeted the poor and limited their activity, protecting the wealthy’s status.

Methods and Jurisdiction

Northern police had similar jurisdiction to slave patrols, however, their targets were poor immigrants and blacks, not slaves. The police could arrest any “suspicious” person or anyone for “disorderly conduct”. There were not any guidelines defining what qualified as suspicious or disorderly conduct. Basically, the police could arrest people they disliked and succumbed to personal biases at work (Mitrani 19). The police could forcefully enter any building if they believed there was illegal activity inside (Mitrani 20). In Chicago, the police were instructed to strictly regulate the poor and keep order. This came to fruition with over 1000 immigrants arrested for public drunkenness and over 100 arrested for participating in strikes. Police often broke up union meetings on behalf of the wealthy (Mitrani 5-6). The police had massive discretionary power to assert dominance and were proven to target the poor’s behavior.

Police officers lacked a code of conduct and used any means they deemed fit to maintain “quiet” and “order” (Mitrani 19). When dealing with the public, officers used verbal intimidation and physical force to control the city. Instead of arresting petty offenders, officers were instructed to use violence as punishment. Of course, these rules only applied to the lower class, especially immigrants and blacks. This treatment of the poor was totally expected and encouraged by supervisors. It was not surprising for officers to brutally beat a drunk person. However, when dealing with the middle and upper class, officers were respectful and calm. (Reisig 11-12). Additionally, the police were known for using extreme violence in black neighborhoods and abusing their power for racist and discriminatory purposes (Reisig 18). Policing was set up as a double standard, treating people differently based on class and race.

Biases factored into policing. Many officers believed immigrants were more inclined to illegal activity, therefore they monitored them heavier. Among whites, the belief that blacks were innately criminal and lazy was widespread (Masur 63). The police discriminated against blacks by denying them equal service, despite the 14th amendment and 1866 Civil Rights Act. In 1862, a black school's windows were smashed by rocks in D.C. When it was reported to the police they refused to come. Situations like this, where blacks were victims of criminal activity and denied police service were common (62-64). In 1850, the Fugitive Slave Law was passed. In response, a Boston pamphlet warned blacks: "if you (blacks) value your liberty, and the welfare of the fugitives among you, shun them (police) in every possible manner" ("Caution! Colored People of Boston"). The Fugitive Slave Law was largely unsuccessful due to community opposition but this shows the police were supposed to uphold laws, despite it being discriminatory.

Conclusion

The South and North established different systems that shared the same purpose: control the bottom class. Northern police did some good such as catching dangerous criminals and protecting civilians. Also, policing in the North and South was not equivalent. However, both systems were designed to be discriminatory. This was reflected in all aspects including structure, jurisdiction, methods, and reform efforts. Despite being independent systems, they had striking similarities including use of violence, unchecked jurisdiction, bias, military-like structure, the list goes on. This paper does have limitations. More research can determine the exact effects of the police and personal experiences with them to truly comprehend the harmful effects. Additional locations can be studied for a more widespread understanding. Also, a deeper comparison between Northern and Southern police can be made to reveal patterns. But, it can be determined that the police targeted and discriminated against the bottom class, especially blacks.

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