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This research examines the unbroken historical link and connection of policing as an institution in the African American community. From slavery to the present, there has always been a history of police malevolence in African American communities. Although African Americans are no longer slaves, we cannot overlook the glaring similarities of slave patrols who over policed African slaves and freed Blacks in the framework of peace and order with violence and the over-policing of African Americans in contemporary America with violence and force at disproportional rates.

My research method involved the historical comparison of an oath of the slave patroller and the contemporary officer and its symbolization of power, allegiance, and transformation. In this case, the document comparisons establish a time, date, and unbroken pattern of behaviour to piece the puzzle together to explain that the long-term historical continuity is only a reproduction and duration of an institution that once policed slaves and freed Blacks during slavery and that now polices African Americans in contemporary America.

POLICE BRUTALITY AS AN EXTENSION OF WHITE SUPREMACY:
SOCIAL CONTROL OF AFRICANS AMERICANS IN
CONTEMPORARY AMERICA

by

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CHAPTER I

INTRODUCTION

I see them [Brown and Dorian Johnson] walking down the middle of the street. And the first thing that struck me was, they're walking down the middle of the street (the State of Missouri v. Darrin Wilson Transcript of Grand Jury Volume V p.207; 2014) ... And the next thing I noticed was the size of the individuals because the first one was really small or the second one was really big (the State of Missouri v. Darrin Wilson Transcript of Grand Jury Volume V p.207;2014) ...) He looked up at me, and had the most intense, aggressive face. The only way I can describe it, it looks like a demon, that's how angry he looked (the State of Missouri v. Darrin Wilson Transcript of Grand Jury Volume V p.225;2014) ... He turns, and when he looked at me, he made like a grunting, like aggravated sound (the State of Missouri v. Darrin Wilson Transcript of Grand Jury Volume V p.227;2014).

“Somewhere between man and cattle, God created a tertium quid and called it a negro; a clownish, simple creature, at times loveable within its limitations (Du Bois p. 68;2003)”. The “tertium quid” represents the identity of African Americans in a racist society, where they are devalued to a category between man and animal (i.e., not human nor animal). Although tertium quid was coined to represent the sentiments of Whites toward nonwhites during the colonial times, antebellum era, and early post-emancipation in America. We see similar sentiments manifested in the words of officer Darren Wilson of the Ferguson Police Department during a grand jury hearing in 2014. Wilson goes on record describing an encounter with Michael Brown, an unarmed eighteen-year-old African American male whom he had shot and killed. His words dehumanize a young

African American male to a level of a creature and or other species or something worthy of the least amount of empathy to be subdued under the disguise of legality (Owusu-Bempah p.27;2017). Those words by officer Wilson in contemporary America reflect a strong resemblance of the attitudes and behaviors that sustained slavery, early post-emancipation Black Codes, Jim Crow segregation in the south, and the police brutality that followed African Americans as they migrated to the North during the Great Migration of 1915-1965 in search of a better life. A similarity that ignites the question: are police brutality, violence, and misconduct toward African Americans in contemporary America a continuation of tactics that were used by slave patrols and militias as an extension of white supremacy to maintain social control of African Americans? Is so, this could explain why most African Americans in contemporary America directly or indirectly experience the insanity of police brutality.

My personal experience with police brutality came in the summer of 1979 at the age of 13. This experience occurred on a routine trip to the store in the south on a scorching Sunday evening in August. I watched while my 24-year-old brother was falsely accused of shooting inside a store after walking inside to make a purchase by the white storekeeper. Later, our car was searched by the police and no gun was found. My brother was handcuffed, arrested, and beaten while he strongly proclaimed his innocence. It was as if I was in a dream watching an out-of-the-body experience, standing outside looking in with no control, while my brother and my bodies were being controlled by an outside force. The entire incident was in slow motion leaving me with a feeling of helplessness as I watched my brother subjected to “gratuitous violence” at the hands of police. At that

moment I was able to speak for the entire African American community. We feel exposed to police brutality as if we are mere puppets and our master has us dangling on a string.

Six months later, I sat in a courtroom, missing a day in school to testify on behalf of my brother. I was convinced that he could not be convicted of this crime since he had not actually committed a crime. However, per my brother's attorney, the jury of eleven whites and one African American female would have sent my brother to prison for years if not for one lone juror refusing to convict my brother. My brother was not acquitted, but instead faced a mistrial allowing the prosecutor to retry the case later if he so chose.

Convincing myself that my family had encountered some rogue or bad cops. I began a career in law enforcement at the age of twenty-one. Unfortunately, I quickly realized that policing as an institution shared a culture that transcended the race of individual police officers. Police officers across all races, directly and indirectly, talk about the harshness that is needed to be directed towards African Americans, especially young African Americans in urban areas. In other words, even other minority police officers including African American police officers treated African American citizens with undue aggressiveness leading to disparate treatment. These observations encouraged me to look at police brutality as more than an individual racial animus towards African Americans, but rather a built-in component of policing, creating questions about the legitimacy of policing.

Hypotheses and Assumptions

This paper will take a historical sociology perspective on policing by comparing a slave patrol oath from 1852 with the contemporary law enforcement oath that I affirmed along with literature on police policy development and the brutality directed towards African Americans. I hypothesize that the ideology of white supremacy is consciously and unconsciously embedded in police policy development. I further theorize that individual racial animus is not the center of racial bias policing, but it is the inherently anti-black acuties that are too glaring to ignore that police violence upon African Americans is historically and contemporarily connected.

CHAPTER II

LITERATURE REVIEW

Police brutality is a social phenomenon in this country relative to all Americans, but the killing of unarmed African Americans men has become an epidemic. A Federal Bureau of Investigation analysis of more than 12,000 police homicides from 1980-2012 shows that African American men between the ages of 15-19 were 21 times more likely to get killed by police than their white counterparts (Chaney and Robertson p. 46; 2015). Furthermore, an African American was killed by law enforcement or someone acting in a capacity of law enforcement from January 1 – June 30, 2012, every 36 hours representing a total of 120 people. A total including 46 percent who were unarmed and 36 percent who were alleged to have a weapon including a cane, toy gun, and bb gun (Chaney and Robertson p. 46; 2015).

Police Brutality in Contemporary America

Virtually every objective investigation of a U.S. law enforcement agency finds that police policy treats African Americans with contempt. The U.S. Justice Department and federal courts have declared that the official practices of police departments violate the rights of African Americans at a widespread level. The police kill, wound, pepper spray, beat up, detain and frisk, handcuff, and use dogs against Blacks in situations or circumstances in which they do not do the same to White people (U.S. Department of Justice Report Baltimore Police Department 2016; U.S. Department of Justice Report

Chicago Police Department 2017; U.S. Department of Justice Report Cleveland Police Department 2015; U.S Department of Justice Report Ferguson Police Department 2015). Specifically, related to the above discovery, police reform discussion over the past decade have not improved the social phenomenon of police, race, and excessive force. Simply, because the focus has been placed on the individual rogue cop despite findings that note that police misconduct towards African Americans is widespread and that individual racial animosity accounts for only a small percentage of racially motivated conduct by police (Carbado and Rock p. 161; 2016). As well, the study of Black criminology and its scholars have inadvertently set back police reform. Illuminating the disproportionate rate of African Americans in crime statistics without due diligence and explanation bordering on intellectual malpractice. Disproportionate statistics of African Americans involved in crime links Blackness with crime. Overlooking historical and currently that many scholars Alexander (2012), Butler (pp. 73-75; 2017), Dubois (pp. 125-127: 2003), and Zack (pp. 37-40; 2015) contend with a proficiency that police tactics produce and or manifest African American criminals by policy. It is what Butler (2017) describes as the chokehold, a process of coercing submission that is self-reinforcing. The chokehold works through state violence with over policing. The consequences of the chokehold are mass incarceration Alexander (2012), while techniques used are stop and frisks or jump outs in urban areas. A chokehold justifies additional pressure on the body because the body does not come into compliance, but the body cannot come into compliance because of the vise grip that is on it. The chokehold does not stem from hate, but it is a key political economy component of the United States whereas elite Whites gain economic

advantage. It was key in slavery, Black Codes, Jim Crow in the south, and now mass incarceration. All are systems of legal means that produced economy gains by pushing African Americans down. This manifestation of political economy gain justifies harsher crime-fighting techniques, excessive force, and abuse of the fourth and fourteenth amendments by police towards African Americans and hinders the transformation of police policy. It allows police to interact with African Americans in ways that would not be tolerated in non-African American communities. It not only effects African Americans that interact with police, but also those who may not routinely encounter police. For instant the grandparents of my six-year-old son are instructing him not to wear hoodies, because of the way police and society may view him. Police are controlling African Americans before they step out of their own homes. Therefore, it is the institution, its policy, and its historical evolution that is the primary cause for concern and not the individual police officer. It is a system deserving of transformation and not reform.

Militia, Slave Patrols, and Police

Militia groups formed in the mainland colonies as the first settlers touched land in 1619 with slave control responsibility. The militia's original purpose was one of self-protection against Native Americans and foreign powers that wanted them out of the way for future conquest and gains (Hadden p. 43; 2003). After Native Americans, the Spanish posed the biggest threat. However, as slavery gained traction in colonial times and antebellum era, the enemy within for White colonists became the African slave and freed Black man (Champion p. 10; 2001). This sentiment was echoed in the words of Governor Drysdale of Virginia who said, "a strong militia could simultaneously appear terrifying to

slaves and formable to Indians” (Hadden p. 43; 2003). Less than fifty years later South Carolina, Lieutenant Governor William Bull wrote” the defense of the province as far as our power can avail, is provided for by our militia against foreign and patrols domestic enemies” (Hadden p. 43; 2003). In defense of the colonial communities, the militia became a military power of two; a power for foreign threat and a slave patrol with law enforcement duties for the domestic threat within. It was in 1704 when the colony of South Carolina created the first slave patrol from the pool of men assigned militia duty. For it became the duty of the captain of the militia to meet and provide a listing of all eligible White male citizens and assign a portion to slave patrol duty. The civil duty of slave patroller was restricted to White men between the ages of 18-45. Freed Black men who paid taxes and owned property were not allowed to serve. Not only were militia officers responsible for the assignment of slave patrols, but committees as well, such as The North Carolina patrol committee designed by the courts to appoint, supervise, dismiss, and hear complaints brought against slave patrollers (Hadden p 48; 2003). Those committees bear strong resemblances to today’s police internal affairs, whereas the police organization that is accused hears and decides on complaints against its own misconduct.

Once assigned to the slave patrol which relieved private citizens of paying taxes and other requirements. Special rituals transformed the private citizen into an authorized officer of the state, like a judge or a sheriff (Hadden p. 77:2003). An oath taken in a formal ceremony was a significant moment in the transformation of a patroller receiving legal authority. Once the patroller pledged his allegiance to the Oath in a ceremony. The patroller was provided with indemnity against civil and or criminal lawsuits brought by

slave owners. The patroller was completely shielded from litigation for vicious and excessive punishment of slaves (Hadden p. 78: 2003).

The slave patroller oath stated intentions and commitments in a general way; the enforcement of slave laws and regulations without any guidance, rules, or guidelines. The slave patrols who were referred to as patrollers, paddy rollers, and the police patrolling rural areas and paid by cities to patrol urban areas beginning in the 1810s until the Civil War, created their own strategy to control slaves and freed Black men (Hadden p.56;2003). The slave patrols were such an efficient form of racialized social control that in 1837 a 100-member slave patrol in Charleston, South Carolina was arguably the largest police force in the United States (Chaney and Robertson p. 51;2015). The slave patrollers strategy of racialized social control consisted of three primary duties which ensured contact and the possibility of use of force: searching slave quarters for contraband, i.e. weapons, knives, etc., dispersing slave gatherings, and safeguarding white communities by patrolling the roads and controlling the movement of slaves, which included the specific task of enforcing curfews and ensuring slaves and freed Blacks were off the street at night (Hadden pp. 106-110; 2003). Ironically, the strategy of patrolling the streets and controlling movement is considered a valuable tool in police work today, even though it produces racial disparity. Contacts whether vehicular or pedestrian stops are considered standard and an effective form of proactive policing according to Wayne Scott, Greensboro, NC police chief as he states; “The way we accomplish our job is through contact, and one of the more common tools we have is stopping cars”. Amazingly, Chief Scott made this statement after findings that police officers of the

Greensboro Police Department, which is the third-largest city in North Carolina, pullover African Americans drivers for traffic violations at a rate far out of proportioning with their share of the local driving population. They use discretion to search African American drivers or their cars more than twice as often as white motorists even though they found drugs and weapons significantly more often when the driver was white. Officers were more likely to stop African American drivers for no discernible reason and they were more likely to use force if the driver was African American even when they did not encounter physical resistance (LaFraniere and Lehren p.3;2015). In this case, as in others across the country, the disproportionate interaction of police and African Americans exposes African Americans to increase chances of police violence (Carbado and Rock p.167; 2016).

Slave Patrol Techniques

Slave patrollers would stop, detain, and question slaves and freed Black while making their rounds and demand to see their passes. Laws required slaves to carry passes, or tickets from their master which allowed the slave to leave the plantation, while freed Blacks had to carry their freedom papers. If caught without a pass, patrollers could administer physical force and punish the slave, while freed Blacks could be arrested. The possession of a pass by a slave did not guarantee safety. Passes were often torn up and the slave beaten without cause if the slave had offended the patroller (Hadden p. 113; 2003).

Patrollers used the most common form of transportation available at the time, traveling on horseback with speed and range in what is now designed as moving patrol by modern police. Patrollers were also proficient in stationary patrol, which is like modern-

day police stakeouts (Hadden p.121;2003). Patrollers patrolled at times when movement by slaves was most likely to occur. A technique used by modern-day police known as peak hour patrolling. Patrollers were assigned to beats or areas that they were familiar with in order to know who was traveling through the areas just as today's police officers (Hadden p. 121; 2003). The patrollers often faced unarmed slaves and freed Black men equipped with instruments of intimidation associated with slavery; guns, whips, binding rope, and, in some cases paddlers just as police today are equipped with guns, batons, handcuffs, and electric taser guns that are like cattle prods with approximately 50,000 volts (Hadden p.123;2003). Patrollers also used trained dogs that were referred to as "Negro Dogs". Negro dogs were trained to track and attack slaves. A former slave account of an attack: " Them hounds would worry you and bite you and have you bloodied 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 biting you on every side, and a man sitting on a horse holding a double shotgun on you (Spruill p. 53; 2016). This pattern of deploying canines is not new. A recent Department of Justice report found that the Ferguson Police Department engaged in a pattern of routinely deploying canines to bite individuals when the evidence did not support this significant use of force. Some of the victims were children, while all the victims who were attacked were African Americans. (U.S Department of Justice Report Ferguson Police Department p. 33; 2015).

Policing After Slavery

Slavery was a sophisticated system of power, property, and laws that used racial capitalism as its foundation. The creation of the institution of slavery was a strategic

move to grow a country without a paid labor force. The primary element involved in slavery and early post-slavery was the social control of people of African descendants with laws and policing for political economy gains.

Slave laws were no longer enforced after emancipation but instead replaced within a year of post-slavery with “Black Codes”. “Black Codes” involved scrutiny of freed African Americans and economic gain for whites. The central idea of slavery continued by creating laws and criminalizing freed Blacks under vagrancy laws. The “Black Codes” required that Blacks sign annual labor contracts with a plantation, mill, or mine owner. African Americans were required to show proof of employment just as slaves had to carry passes and free Blacks freedom papers during slavery. If not, they would be charged with vagrancy and put on the auction block and sold with their labor going to the highest bidder (Anderson p. 17;2016). The contract was more like a shackle, for African Americans were forbidden to seek better wages and working conditions, and if they left, they would be arrested, jailed and auctioned off (Anderson p. 19; 2016). In Louisiana Black adults had to sign a contract within 10 days of each new year that committed them and their children to work on the plantation, while in North Carolina orphans were sent to work for the former masters of their families rather than allowing them to live with grandparents or other relatives (Anderson p. 20 ;2016). As we see in the south after slavery, there is an evolution of control of African Americans. Law enforcement still is the fundamental element of control with the enforcement of laws. However, there is a shift of the primary methods used in slavery whereas searching slave quarters for contraband i.e. weapons, knives, etc. and dispersing slave gatherings are not

the focus after slavery. The primary tool of control by law enforcement while maintaining violence becomes safeguarding white communities by patrolling the roads and controlling the movement of African Americans by checking for proof of employment papers, enforcing curfews, and ensuring African Americans were off the street or faced the vacancy laws.

“Black Codes” diminished after the first reconstruction and was replaced by the emergence of Jim Crow laws in the south. Jim Crow laws presented a boundary between Whites and African Americans that was protected viciously by police and ensured economic gains for Whites. African Americans suffered horribly at the hands of police over bigoted laws based on race. Often beaten, falsely arrested, and sexually assaulted. Many African Americans fled from the south to the north for a better life during the early years of Jim Crow segregation laws. However, the bias and violent treatment that African Americans received in the south smoothly transition into police departments in the north. We see this in the 1965 Watts and 1967 Newark riots where African Americans were ignited with outrage over the violent treatment at the hands of police officers.

During the late 1960s and early 1970s, the political landscape changed in the country; blatant racial discrimination was no longer acceptable. President Richard Nixon successfully began using strategic calls to reform welfare, neighborhood schools, and crime prevention that provoked anti-Black responses (Anderson p. 104; 2016). As usual, it was the police that became the gatekeepers for white supremacy. The proclamation “war on crime” by President Nixon assigned African Americans as a criminogenic problem; for the “war on crime” focused on peace and order at a time that marches and

protests of racial inequality were frequent occurrences; police work was proclaimed to be one of preserving law and order even if discord was over racial discrimination. In spirit, law and order include preserving racial order.

Calling for “peace and order,” was the catalyst for politicians to use laws and policies in modern times to create racial disparity in law enforcement, especially through disproportionate arrest and imprisonment of African Americans (Alexander 2012; Anderson 2016; Beckett 1997; Zack 2015). For example, aggressive law enforcement tactics targeted African Americans through the “war on drugs” even though claims that crack was an epidemic, a plague, and instantly addictive have now been proven false or misleading (Alexander pp. 52,53;2012). Police were allowed during the “war on drugs” “to become a militarized presence in disadvantaged African Americans neighborhoods with tanks and SWAT teams. Police by policy over-police African American neighborhoods leading into mass incarceration and prison for profits, thus reinforcing African Americans into a second-class racial caste system due to civil penalties and sanctions imposed on ex-offenders and in certain situations whereas police were policing for revenues, gaining economic surplus for municipalities on the backs of African Americans (Alexander p. 188; 2012, U.S Department of Justice Report Ferguson Police Department 2015). Hence, the police are continuing the cycle of malevolence in African American communities and igniting the rage of African Americans under the pretense of law and order. Today cities have gone up in flames over things police have done to African Americans. Miami in 1980, Los Angeles in 1992, Ferguson in 2015, Baltimore in

2016, and Charlotte in 2016. Each of these cities went up in flames due to the police shooting, death, or beating of an African American man.

Former slave patrols and contemporary police pledge their allegiance to overlook discrimination, justice, and fairness to accomplish their jobs. It is the Oath of slave patrollers in colonial times, antebellum era, and police of today that transforms ordinary citizens into power and agents to enforce discriminatory laws. It is the historical link and contemporary connection that once sworn to, provided slave patrollers and modern police officers indemnity from civil and criminal lawsuits from civil and criminal.

CHAPTER III

METHODS

Comparative historical programs and approaches to social issues were inspired by Max Weber (Barkey p. 715; 2009). For some, history and sociology are entwined, and, in some circles joined at the hip. Although not a perfect marriage, it is attempted in some circles with success. The successful articulation of each requires the other, but not without difficulties. The challenge for historical sociology is removing constraints amid two imagines in time. However, Durkheim, Weber, and Marx all were in strong agreement with the question: How did we become modern (Clemens p. 33; 2006)? In policing what accounts for the emergence of modern malevolence by police in African Americans communities? The methodology I implement should be selected to best address the problem I examine (Gould p. 61:2019).

Historical sociology focuses on explaining why and how, while identifying generalized casual features. Critics point to the flawed conception of time and unilaterality, independence and equivalence of cases compared, and the small number of cases. All are concerns that ignite a rethinking of the methodology of comparative historical analysis that yield a variety of directions, combinatorial and uniqueness. Some historical sociologists turned towards a narrative-oriented perspective, which promote the reconsideration of temporality, narratives, and events as the source of historical process, other scholars concentrated on the combination of process, social mechanism and

temporality, such as refocused efforts into comparisons that were reframed within cases along temporal dimensions. Others still, especially those whom had conducted large-scale comparative questions, the institutionalists piece the puzzle together to explain long term historical continuity, the reproduction and duration of phenomena, through concepts institution inertia and change i.e. policing (Barkey pp. 714, 715; 2009).

The method used in my research, a document comparison method was used for its ability to examine historical events in order to create explanations that are valid beyond its time and place. In this case, document comparison establishes a time, date, and unbroken pattern of behavior. The assertion is that there is an established historical link and contemporary connection. I combined the historical document with literature on its importance in chapter II, while outlining through examples of social conflict and symbolic interactionism embedded in a racial caste system with political and economic motives.

Data Collection

This study uses a document comparative of the documents found in Appendix A and Appendix B. To obtain the documents, I traveled ninety minutes east from Greensboro to the North Carolina Archives Library located in Raleigh, North Carolina. I entered the building to the front and was requested by a Capitol Police officer to sign in with a valid identification stating reasons for the visit. I produced my North Carolina driver's license, signed in, and was directed to the library on the second floor. After exiting the elevator, I walked into a lobby area to the library. I spoke to an employee that was sitting in a small glass enclosure. I had no physical contact with this person but

spoke through the glass. I was advised to sign in once again and present my identification. I was then assigned an identification number and given special instructions. I was directed to use the assigned number when requesting any documents for that day. I was given a key that I was to use to unlock a small set of lockers to my right. I was told I could not take any bag or food, etc. inside, including my bookbag. I could only take a small note pad inside. I could not take off my clothing inside the library. For example, my jacket and scarf could not be taken off if I wore them inside the library. I placed my scarf, jacket, hat, and book bag inside the locker. I was then allowed to open a door to my right, which led me inside the library. The library was like any other library. There was a librarian at the front desk. He asked if I needed help. After explaining my research, he directed me toward the computers and provided a quick tutorial on searching their database. After finding data that interested me, I approached the front desk and filled out requests for it using my assigned identification number that I was given earlier. I could request as many items as I desired. The librarian would go back into the vault and retrieve the items that were requested. The items were in boxes with approximately ten to twenty folders with five to thirty pages in each. I requested several boxes but could possess one box at a time. I was instructed to place a large pink folder as a marker inside the box to reference any file that I took out of the box. This was to keep each file in order. I was also instructed to place the documents on the table and read them. I could not place any documents in my lap. The items that I requested were official original hand-written documents on the topic of slavery from the eighteenth and nineteenth centuries. I reviewed documents for approximately eight hours that day. I

came back a second day and followed the same process of research and entry into the library. During the fourth hour of research on the second day, I found a Slave Patroller Oath dated 1852 from Edgecombe County, North Carolina. I requested a copy of the document by using my assigned identification number. I approached the librarian and presented the request. The librarian took the document and produced a copy. I continue my research in the hope of finding another oath. The Slave Patrol Oath of Edgecombe County was the only oath found, even though the procedure is often mentioned in slave patrols formation. The use of only one oath provides a small sampling to compare. To discover additional slave oaths for my research. I contacted the archives' library of South Carolina due to the state's prominent role in slavery. I was advised by a state representative, that due to a fire that there was not a central archives location on slavery. I would have to travel to individual counties and search for their records. I was unable to take on the initiative for that research due to time constraints.

I compared the 1852 Slave Patroller Oath document to the contemporary Oath of a North Carolina State Trooper dated 1989, which was an Oath that I swore to along with twenty-nine other troopers in an official ceremony to become a law enforcement officer with special rituals. The Oath of the North Carolina Trooper was chosen because historically the State of North Carolina was influential in the policing of people of African descent with slave patrols.

CHAPTER IV

RESULTS

The oath taken by those working in a law enforcement capacity is significant. The oath of the slave patroller and contemporary officer symbolizes, power, allegiance, and transformation. It is important that the document itself along with its symbolization, material, and instrumental impact is examined.

In both cases as slave patroller and contemporary officer, it is only after swearing or pledging loyalty to the oath that transforms the ordinary citizen into an agent of power or extension of the government. As a slave patroller, the oath swearing-in ceremony was a public event with special rituals. Still today, the contemporary officer only becomes an officer with enforcement authority after the oath swearing-in. It is a public event with special rituals like the slave patrollers ceremony.

Once the slave patroller was sworn in with the oath, it provided a covering or protection from excessive force and violent behavior. The patroller was provided with indemnity against civil and or criminal lawsuits brought by slave owners. The patroller was completely shielded from litigation for vicious and excessive punishment of slaves (Hadden p. 78: 2003). The contemporary officer today receives similar privileges after the pledge to the oath; the officer of today receives a degree of indemnity from civil and criminal lawsuits not from the slave owners as the slave patroller, but private citizens that they offend. For example, the New York City Police Department, on the behalf of its officers' incidents paid

approximately seventy million dollars between 1994 and 1996 to settle complaints about assaults, excessive force, shootings, false arrests, and other civil rights violations. In approximately ninety percent of those cases, the lawsuit was never recorded in the officer's file. In other words, 63 million dollars was paid out without any consequences to the officers involved (Burris p. 22;1999). The Los Angeles Police Department paid 34.3 million dollars between 1994 and 1996 for 561 civilian complaints against officers that were not sustained by the department's internal affairs unit (Burris p. 22; 1999). The Chicago Police Department paid 29 million dollars between 1992 and 1997 for excessive force, false arrest, and improper search allegations (Burris p. 22:1999). Most recent the city of Chicago paid out 113 million dollars in 2018 alone for police misconduct (Newman 2019).

In the case of the slave patroller, the oath asserts loyalty to the enforcement of slave laws against the domestic enemy of the state at the time with representation at the state, county, and local government. The state of North Carolina, the county of Edgecombe, and the local judge signature are all represented on the face of the slave patroller oath. The contemporary officer's oath also represents the state, county, and local government. The state of North Carolina, the county of Wake, and the local judge signature are all represented. However, the contemporary officer's oath does bring in the federal government with its loyalty to the constitution of the United States. Even though there is no evidence to support that police policy reflects the United States or state constitution. Significant findings from the slave patroller and contemporary officer oath are that both oaths provide general intentions and commitments in an abstract way, lacking rules of application. Leaving it to the slave patroller to create techniques with indemnity from civil and criminal litigation to

accomplish its job of enforcing slave laws. While the contemporary officer tailors its prevention of crime techniques and apprehension to criminals to a classification as it deems effective despite racial data disparities with indemnity from civil and criminal.

The Oath

Slave Patroller

Formal ceremony with the transformation of patroller receiving legal authority to enforce slave laws.

Public event with special rituals symbolizing, power, allegiance, and transformation.
Special indemnity against civil or criminal lawsuits brought by slave owners for abuse of slaves.

Abstract or general guidelines of enforcement of slave laws.

Contemporary Police Officer

Formal ceremony with the transformation of police officer receiving legal authority to enforce laws.

Public event with special rituals symbolizing, power allegiance, and transformation.
Limited indemnity against civil or criminal ligation by private citizens.

Abstract or general guidelines of enforcement of laws. Loyalty to constitution without fairness or justice.

Figure 1. This is an Illustration of the Historical and Contemporary Connection of the Oath that Transforms Ordinary Citizens into Government Agents with Law Enforcement Capacities.

CHAPTER V

CONCLUSION

There has never been a time in the history of America, where African Americans and the police have been at peace. From slavery to the present there has always been a history of police malevolence in African American communities. Although African Americans are no longer slaves, we cannot overlook the glaring similarities of slave patrols who overpoliced African slaves and freed Black in the framework of peace and order, including maintaining white supremacy and racial order and the over-policing of African Americans in contemporary America. The historical link and connection are strong. Which prompts the question are police brutality, violence, and misconduct toward African Americans in contemporary America, a continuation of tactics that were used by slave patrols and militias as an extension of white supremacy to maintain social control of African Americans in colonial and antebellum times?

Every objective investigation of a United States law enforcement agency finds that police, as a procedure, treat African Americans with contempt. It is the general rule and not the exception that the official practices of police departments violate the rights of African Americans at a widespread level. The police kill, wound, pepper spray, beat up, detain and frisk, handcuff and use dogs against Blacks in situations or circumstances in which they do not do the same to White people (U.S. Department of Justice Report Baltimore Police Department 2016; U.S. Department of Justice Report Chicago Police

department 2017; U.S. Department of Justice Report Cleveland Police Department 2015; U.S Department of Justice Report Ferguson Police Department 2015).

Police in America over police African Americans using techniques that evolved directly from slave patrols with the policing of slaves and freed Blacks particularly those related to movement and violence are overrepresented in African Americans communities including the use of dogs. Although there are differences between slave patrols and contemporary police officers, there are inherited central elements that continue the malevolence of police toward African American communities beginning with the pledge of loyalty to the oath. In the present research, I relied on an oath comparison from a 1852 slave patrol and contemporary police officer. The oath provides a clear representation of the slave patroller's allegiance to slave laws and the contemporary polices officer's allegiance to state laws and mores. First, the oath is a symbolic gesture of allegiance to the government as its representative along with material and instrumental impact. Second, it is the oath that allows those with law enforcement duties to act in a macro mode of enforcement. Third, the oath proclaims loyalty to country, state, badge or local department, not to anyone in the community. Fourth, it is the official ceremonies that in the context of oath taking that responsibility, honor, and accountability to those whom they swear their oaths is mentioned. Finally, there is no mention of fairness or protection of rights at the oath ceremony, only the supported view usually by appointed leaders or elected officials that those who obey the law have nothing to fear from the police, only those who are a threat to peace. To carry out this, police or those operating in a law enforcement capacity must quickly distinguish between people who are likely to be

lawful and those who are likely to commit crimes. There is a fundamental supposition throughout colonial America, antebellum era, early post emancipation, Jim Crow, and in contemporary America that some people need to be protected from other people. Law enforcement generally have focused on protecting the group or class which is respectable, employed, low crime rates, and more likely than not the same race as those enforcing the law.

The slave patroller pledged their allegiance to protect slave laws that are unquestionably race-based and unjust, and the contemporary officer pledges their allegiance to laws and constitutions that are race-neutral, but in many cases create racial disparities that are considered by police leaders as effective crime prevention practices (LaFraniere and Lehren p.3;2015). Legal means of keeping African Americans down is just as American as the pledge of allegiance. Slavery bleeds over into the Black Codes, which was the catalyst for Jim Crow segregation in the south, the smooth transition to the North as African Americans fled from the South with The Great Migration North, the new Jim Crow of mass incarceration, and the over policing of African Americans by police disguised in laws and policy.

During my personally career in law enforcement of twenty-two years. I observed and reluctantly participated in the over policing of African Americans. For example, the DEA launched the federal program Operation Pipeline in 1984 in response to the ‘war on drugs’ when drug usage was reported to be decreasing. As we know the “war on drugs” became the war on Black and Brown people and the beginning of mass incarceration of African Americans. During the early 90’s as a young North Carolina state trooper, I

received training and participated in the federal program Operation Pipeline, stopping cars and working extra duty paid by the government on my day off known as SOP (Special Operations Patrol). The formal training emphasized not stopping vehicles based on race. However, the informal and formal taught indicators of drug carriers, were often culturally related. For instance, many African Americans culturally just as I did used air fresheners in their vehicles, particularly “Christmas trees” types dangling from their rear-view window mirror, from that air fresheners whether visible or not became a strong indicator of drug usage. Hair styles associated with African Americans, such as dreadlocks were targeted, while vehicles with any post factory modifications driven by African Americans were stopped frequently and searched, especially by those driven by young African Americans males.

During the SOP, I assisted the drug interdiction team, which was a product of the “war on drugs” campaign by the Reagan Administration to combat drug trafficking on the intercontinental highways in my assign work area. The Interdiction unit usually made the stop and search while I usually stood by and watched the suspects which was North Carolina Highway Patrol policy, no searching of vehicles unless there was another trooper on scene for safety reasons. This special unit of approximately five to six members were given the green light to stop more vehicles because of instant back up paid for by government. It was a game of quantity fishing for violations with classic pretext stops, which are just traffic stops motivated not by the desire to enforce traffic laws, but instead motivated by the desire to hunt for drugs in the absence of any evidence of illegal drug activity (Alexander pp. 67, 71; 2012). Even though officers did in some incidents

find drugs and contraband. African Americans were stopped at disproportional rate. The overwhelming majority of African Americans stopped and searched did not have drugs or contraband and were released. However, not until the officers exhausted themselves on futile searches determined to find drugs and contraband. To my disgust officers would often say after the motorist or motorists had driven off, “it’s in there, I will get them next time” as if these people could not be guilty of any wrongdoing.

The abuse of African Americans was prevalent, imaging standing there with your children and having your car torn apart by troopers and k-9s, your luggage opened and thrown around on the shoulder of the roadway, while you stood on the highway in the scorching southern summers or freezing winters, then allowed to go on your way when nothing was found , which happen significantly more than finding drugs and contraband. This conduct was like slave patrollers conducting intrusive searches of slaves and freed Blacks during slavery with negro dogs as intimidation. However, we cannot stop there, because this behavior also mimics police officers enforcing Blacks Codes post emancipation and later the consistent pictures of police officers with trained dogs attacking African Americans during peaceful civil rights marches during Jim Crow segregation. It became so bad that other African American troopers and I talked about it amongst ourselves, we wanted nothing to do with the Drug Interdiction Unit in the area. It should be mentioned that the present North Carolina Highway Patrol Commander who is African American and the previous North Carolina Highway Patrol commander not only served as members on the Drug Interdiction Teams, but also as supervisors in these units.

The most painful image of those vehicle stops etched into my memory forever was African Americans looking at me simply because I was the only one there that looked like them with hope that I would stop it. Followed by the disgust and contempt on their faces when they realized I couldn't or wouldn't stop it. My only alternative was not to be involved in the targeting of African Americans, so I stopped volunteering to work the drug SOP for the extra pay and spoke out on other injustices. My desire to stop discrimination and injustice was restrained by my sworn loyalty to policy and law, simply because certain acts would be considered insubordination or could be labeled as conduct unbecoming of an officer, both were firing offenses. Speaking out against injustice concerning race placed me in a position of deviant within police culture. However, it did not stop me from later in my career filing a racial discrimination lawsuit in the United States District Court, Middle District of North Carolina Federal Court and winning against the North Carolina Highway Patrol (see *Brand v. State of North Carolina*).

Secondly, there are identical and similar techniques that police use today that only slave patrollers used to control slaves and freed Blacks. The most mentionable one being controlling the slave movement with stop and seizure techniques. Today those techniques of stop and seizure techniques used by slave patrollers are given the name of stop and frisk by contemporary police, even though the Supreme court has labeled them as stop and seizures. Not surprising that the stop and seizures are known as stop and frisks, which can be described as police with a suspicion walking up to a person and searching them for weapons, disproportionately discriminated against African Americans. It should

be mentioned that it is the nation's leading crime control policy, with scant evidence that it works to make communities safe (Butler p. 83, 91-96; 2017; Zack p. 48-51; 2015).

Thirdly, the movement element is important in its correlation between violence and social control. Checking for passes of slaves and freedom papers of freed Blacks provide the slave patroller access to the slave and freed Blacks. It exposed the slave and freed Blacks to violence with each encounter. It allowed the slave patroller to exercise their authority of the use of force with indemnity from civil and criminal litigation brought by slave owners who felt that they had abused their property. The contemporary officer acts in the same manner as the slave patroller. African Americans are disproportionately represented in stop and frisks, driving while Black and other profiling situations. Often there are no arrests or contraband found in the incidents. However, the over-policing of African Americans exposes them to violence, and it invokes a resistance by African Americans to the authority or legitimacy of law enforcement. It also criminalizes, particularly the war on drugs which help imprisoned African Americans at a rate of eight times as high as Whites, despite evidence that both groups engage in drug offending at approximately the same rate (Garland p.478; 2013). The disparity of policing can also be seen in traffic stops, where African Americans are stopped for no discernible reason and force was used by police even when they did not encounter resistance (LaFraniere and LeHern p.2; 2015). Finally, exposure to law enforcement by African Americans lead to more criminal charges and sentencing to jail and prison, which by American standards criminals are defined. The stigma of criminal convictions and sentences of imprisonment creates difficulties for ex-offenders when they try to secure

employment, find housing, form relationships, or resettle in the outside world (Garland p. 479;2013). Those exposed to over-policing are reduced in contemporary America to a second-class racial American caste system just as slaves and freed Blacks were in colonial and antebellum times with law enforcement as the point of entry, enforcing and executing policies and practices that create racial disparity while displaying gratuitous violence. Only after the swearing of the oath by slave patrollers and contemporary police do we see a transformation of an ordinary citizen into an agent with law enforcement duties. It is not the training of the slave patroller or contemporary officer that provided legal authority. I was provided legal authority after the swearing- in ceremony. It is the pledge of loyalty in a public event with special rituals providing indemnity from civil and criminal litigation with abstract or general guidelines in performing my duties. Those abstract or general guidelines led me to participate and witness similar behaviors and patterns that have historically continued from slavery to modern America maintaining white privilege through rules, policies, laws, and rhetoric. Main elements that still exist are the social control of African Americans by way of controlling movement and sanctioned violence through policing. In closing, to see and not look at police brutality, an operational gaze of the institution of policing, policies, laws, customs, and development provides more in-depth knowledge than the micro glance of the individual police officer, which is fitting of the historical sociology perspective. This historical linking to contemporary America is the key to understanding how we arrived to the now regarding police and race relations.

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APPENDIX A

SLAVE PATROL OATH EDGECOMBE CAROLINA 1852

State of North Carolina. } Court of Pleas and Quarter Sessions,
EDGECOMBE COUNTY } FEBRUARY TERM, A. D. 1852

ORDERED by the Court that *C. H. Lunsford, J. C. Lunsford, Patrick*
Samuel St. Progenius, Ralph Rindgen, James Foster
R. D. Gentry and *Benjamin Keates*
be appointed and are hereby constituted as a Patrol Committee for District No. 10




Whose duty it shall be (under a penalty imposed by law) to appoint a Patrol of such
number of persons (not exceeding four) as they may deem necessary for said district
and to report at February Term next in writing whether the Patrol thus appointed have
discharged their duty in whole or in part, according to law. The Patrol to be governed
by the Patrol Law, Rev. Stat. Chapter 86, and the printed rules herewith furnished by the
Clerk — to serve until February Term next, at which time they will be entitled to receive
without pay & board at
next term or they may demand proper
pay for their services, provided the Committee reports that they have discharged their
duty.

Test, *J. C. Lunsford* Clerk

APPENDIX B

CONTEMPORARY POLICE OFFICER OATH OF 1989

State of North Carolina




STATE HIGHWAY PATROL

OATH OF OFFICE

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, do solemnly swear that I will support the Constitution of the United States, and do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are, or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, and do swear that I will well and truly execute my duties as Trooper of the State Highway Patrol faithfully and to the best of my skill and ability and according to law, so help me God.



Sworn to and subscribed before me

this the 8th day of November, 1989

Burley B. Mitchell, Jr
(Name)

Associate Justice, Supreme Court of North Carolina
(Title)