

Why Are the Police Like This?

BY

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The police were first created to suppress labor militancy and the Left, before becoming a tool to bludgeon the most marginalized in society, particularly poor black people. We must dismantle this brutal instrument of social control.

The police are out of control. They murder unarmed, poor, disproportionately nonwhite people with near total impunity. They provoke protests, antagonize protesters, arrest journalists, and violate civil liberties. They torture detainees and run black sites for interrogations. Their unions protect them from accountability, demand special legal protection, and undermine the political authority of any mayor, governor, or public figure that even mildly criticizes them. They refuse to collect and share national data on how often, when, and against whom they mete out violence while on the beat. They reject the minimal requirements of a democratic society to know how they operate.

The police have become an independent, organized body that relates to the public more or less the way an occupying army relates to the native population. How did they get like this?

Excellent work has shown how the police preserve racial hierarchies, in part by using force disproportionately against minorities, especially black people. The police were central to W. E. B. Du Bois's theory of how the ruling class used racial ideology to divide workers who shared economic interests. As recent protests have awakened the public to this "social control" function of the police, they have also opened up the space to ask a basic question: why are there police in the first place? What interests do they serve, and why have they become so militarized?

As it turns out, the institution emerged to police all people whose freedom the ruling class feared. In the United States, as in other countries, the police were created to manage the social problems of a capitalist society — poverty, crime, and class conflict — while suppressing radical challenges to that society. As those challenges became more serious, the police became more militarized. The institution that in the United States has been directed with special force and ferocity against black

people is, today, the most visible and violent part of an all-purpose apparatus of discipline and control. Once we grasp the origins of the police and why they militarized, we can recognize why all workers share an interest in transforming the police.

This history is also a reminder that there will be no full reckoning with the police without confronting the social interests that oppose serious social transformation. There are many, including the biggest names in corporate America, who are ready to proclaim the police intolerable in their current, totally unhinged form. But they have not objected to, and never will challenge, the basic social control function of the police. As the question of what to do moves forward, it is worth taking a hard look backward for where to draw the lines.

The Early Days of American Policing

The police are a recent invention. In the early American republic, formally constituted police forces were essentially unknown. Law enforcement took the form of posses and irregular patrols, comprised of citizens who temporarily came together under the color of law to apprehend specific individuals. Cities did not have regularly appointed police, fully and formally employed by the state, with special legal authority to use violence against the population.

The introduction of police forces was a response to a modern problem: social disorder created by the working class. The free urban poor unnerved the American ruling class. Unlike slaves and indentured servants, they were under no particular individual's juridical authority, and they possessed civil, and sometimes political, liberties, which they were free to use as they saw fit. "The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body," wrote Thomas Jefferson, who preferred slavery and small property holders to wage laborers. That way citizen militias would be sufficient; no police or standing armies necessary.

First formed in the United States (and England) in the early to mid-nineteenth century, the police enjoyed broad discretion to arrest anyone who could not give a socially accepted account of themselves. As Sam Mitrani observes in his history of the Chicago Police Department, the city council's Committee on Police, tasked in the 1850s with establishing a modern police force, stated that the police should have wide latitude, since "matters not criminal in particulars, but which if permitted to go unchecked in a dense population like ours, would result very injuriously to the

city.” So too in the major cities of the South. A quotation from Charleston in 1845 makes the point clearly:

Over the sparsely populated country, where gangs of negroes are restricted within settled plantations under immediate control and discipline of their respective owners, slaves were not permitted to idle and roam about in pursuit of mischief.... The mere occasional riding about and general supervision of a patrol may be sufficient. But, some more energetic and scrutinizing system is absolutely necessary in cities, where from the very denseness of population and closely contiguous settlements there must be need of closer and more careful circumspection.

As Alex Vitale has noted, slave patrols were predominantly “rural and nonprofessional,” functioning only to police slaves that managed to escape the normal juridical authority and physical violence of the slaveowner and his overseers. But in cities, slaves acquired de facto if not de jure civil liberties and mixed with the free workers who also spooked ruling elites: “They [slaves] could congregate with others, frequent illicit underground taverns and even establish religious and benevolent associations, often in conjunction with free blacks, which produced tremendous social anxiety among whites.” These cities, Vitale notes, set up formal police forces, sometimes called “city guards,” who were permanent, professional, round-the-clock regulators of “social peace.”

Even in the post-emancipation South, policing remained a primarily urban phenomenon because sharecropping, peonage, and similar arrangements tied black people so thoroughly to the land and their employers that they were only in the most minimal sense free. The police were not necessary in the countryside to enforce the racial caste system of Jim Crow agriculture. As the sociologist Christopher Muller has shown, black rates of policing and incarceration were lowest in former plantation counties: “Where elite white landowners were able to reconstitute a dependent agricultural labor force, they had little reason to use the convict lease system to punish their workers. But in urban counties and in counties where African-Americans had acquired considerable landholdings, black men faced comparatively high rates of imprisonment for property crimes.” Throughout the country, in coastal cities and industrial towns, the police came into being to control the relative freedom of the growing mass of workers.

In their early years, urban forces mainly policed working-class leisure activities. Arrest records tell the tale. In 1862, three-quarters of the arrests in Chicago were for “drunk and disorderly” conduct or for visiting houses of “disorder” or “ill fame.” In 1878, about half of the arrests fit that category,

and more than two-thirds of the city's arrests could be attributed to the "rum traffic," that first and longest-running of America's drug wars. In Chicago, Irish and Germans tended to be the ones thrown in the "paddy wagon," but soon other Eastern and Southern Europeans, like Poles and Hungarians, were added to the mix. Who faced the worst of it varied depending on the ethnic and racial hierarchies internal to the working classes of different cities.

While early police forces had wide latitude to arrest the poor, they were small, badly funded, and usually minimally equipped. The wealthy were often unwilling to pay the taxes necessary to maintain a substantial, professionalized, fully equipped police force. They preferred to hire private security guards, mercenaries, and "detectives" under their personal control, protecting only their property and factories.

But when the working class started fighting back, in large, industrial strikes, the capitalists found themselves overwhelmed. Their paid thugs and assassins were not up to the job. So they turned to the police.

Labor Repression, Militarization, and Professionalization

The major police forces became more militarized when they acquired a new role: strikebreaker. The inaugural event was the Great Strike of 1877, which ran up and down the burgeoning railroad system and briefly witnessed workers running the entire city of St Louis. While federal troops were used to suppress the strike, urban property owners started to think more seriously about permanent police forces able to deploy quickly, forcefully, and on a new scale. In Chicago, a group of wealthy citizens raised \$28,000, which they used to buy rifles, cannons, cavalry equipment, and a Gatling gun for public forces.

The strike wave of 1886 further concentrated the minds of the urban bourgeoisie. Strikes now included thousands — occasionally tens of thousands — of workers, sometimes armed, and able to paralyze whole cities even when not armed. This social force required a whole new scale of violence to suppress. During the 1886 lockout of the McCormick Reaper Works, two hundred police broke a wall of picketers and attacked the Union House saloon near the plant, beating

strikers. Cyrus McCormick, one of the city's wealthiest and most powerful employers, rewarded the police by giving free meals to officers guarding the entrance.

That spring, "citizens clubs" or "citizens associations" in various cities began to collect money for urban arms depots and more permanent police forces. After the Haymarket incident in Chicago, which saw four policemen killed and various anarchists rounded up in a witch hunt, the Chicago Commercial Club raised money to build an armory near the city center, so that arms would be available to police or, if necessary, troops. Other cities did the same, leaving a permanent residue of military occupation in US cities: well-armed military caches for use not against invading armies but workers.



Haymarket, 1886.

The famous Homestead strike of 1892, during which gun-wielding steel workers overwhelmed privately hired Pinkertons, was the final blow. The strike proved that the most highly trained private guards were no match for large-scale, industrial action, especially when workers were willing to bring their own weapons to the picket line. Employers and other wealthy individuals conceded that it was time to start paying taxes to fund a well-equipped police force empowered to act repressively.

The challenge was that police forces were nominally democratic, under the control of elected legislatures, and drawn from the population they were supposed to control. The ruling class

answer: “professionalization.”

Professionalization meant transforming the police into a branch of the civil service, less directly accountable to democratically elected city councils. It also meant inculcating a sense that they were a distinct political body from the general population. Police got better uniforms and received military-style training.

They also acquired new legal powers. During strikes in the 1880s and '90s, police in cities like Milwaukee, Buffalo, Chicago, and Akron often swore in privately hired detectives and security forces as “special deputies,” who enjoyed relative immunity from prosecution for what amounted to vigilante justice.

At times, the agents of the formally neutral state were indistinguishable from the employers it defended. From the mining towns of Colorado to the sugar parishes of Louisiana to the major cities of the Northeast, employers found various ways of pointing the police in the desired direction.

For instance, during the 1892 switchmen’s strike in Buffalo, the superintendent of the struck railroad doubled as the general leading five thousand state militia into the city to help the police break the strike. They closed taverns, seized pro-strike leaflets, arrested strike leaders on trumped-up charges, implemented a police chief order to clear the city of “tramps” and “troublemakers,” and enforced a mayoral proclamation that “forbade congregating in the streets in working-class districts.”

These practices extended well into the twentieth century. During the 1912 Lawrence strike, employers and corrupt city officials induced the police to beat and arrest families trying to send their children away from the stricken city. They stopped the families at the train station, seized their tickets, clubbed the children, and herded whole families into trucks that carted them off to the Lawrence police station. From the 1916 Everett Massacre, outside Seattle, to the 1934 Autolite strike in Toledo, Ohio, the pattern continued.



By the 1930s, the police had become a fully militarized, repressive apparatus whose core role was to suppress labor militancy and left-wing organizations. They were known to be especially brutal when dealing with more radical left elements like the Industrial Workers of the World (“Wobblies”). The anti-Wobbly campaign in the 1910s fell just short of all-out war, included outright assassination, and prefigured later terror campaigns against communists and Black Panthers.

In 1912, San Diego police turned fire hoses on Wobblies before rounding them up, locking them in extra-legal wired “bullpens,” and subjecting them to lethal beatings from business-funded vigilantes. According to one historian of the episode, the “incident probably marks the first time in the history of San Diego County that the police chief, the sheriff and the marshal had willingly worked together in the interests of law enforcement.” Nothing focused the mind like a little class war. And, in tones redolent of today, a special commissioner asked, “The question naturally arises, therefore, who are the greater criminals; who are the real anarchists; who are the real violators of the constitution; who are the real undesirables.”

When not up to the task, or when wanting extra help, the police have always been able to count on the National Guard and federal troops. As one study puts it, “substantially larger numbers of troops were deployed in response to labor disturbances . . . than were assembled for any other reason right up to the Spanish-American War.” For many decades, “the U.S. Army came close to being a national police force.”

It was perhaps more accurate to say the police were a domestic military force.

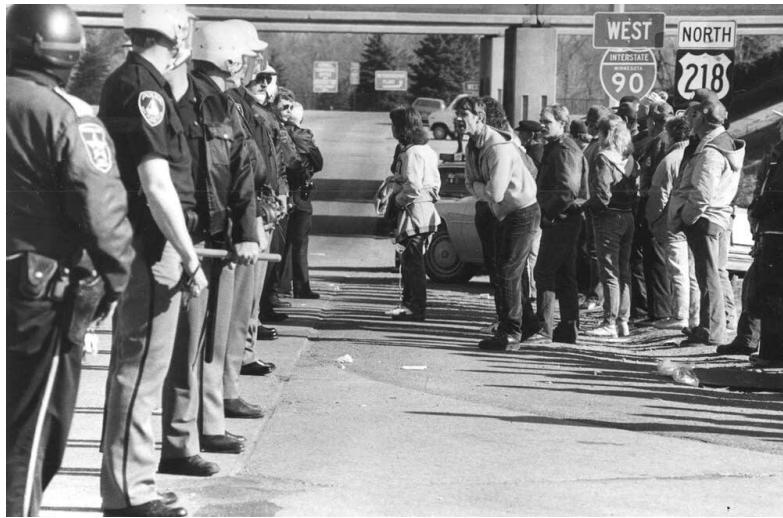
An Occupying Force

The police have always enjoyed the support of wider sections of the state, especially the executive and judicial branches. Josiah Lambert observes in his history of the right to strike:

The troubled history of industrial relations between 1877 and 1932 provides a dismal testimony to the affinity between strikebreaking and violations of civil liberties ... Employers routinely resorted to labor espionage, yellow dog contracts, discriminatory discharge, blacklists, and private armed forces to suppress strikes

during this era. Governors and presidents declared martial law, permitting mass arrests, suspension of habeas corpus and civil court proceedings, and the use of military force to quash strikes. Courts blanketed entire communities with labor injunctions, denying strikers' due process rights and the freedoms of assembly, expression, and movement.

This continued well after the establishment of collective bargaining rights in the 1930s. In 1968, the National Guard swarmed Memphis with tanks and bayonets to control the sanitation strike. As late as the 1986 Hormel strike in Austin, Minnesota, the National Guard "functioned like an occupying force ... taking whatever measures necessary to keep the plant open. The Guard cordoned off much of Austin. Access to residential and shopping areas, as well as the plant, was restricted. Cars were stopped, drivers questioned."



Hormel strike, 1986.

Many elements of Austin's local ruling class supported the police, feeling that strike repression mattered more than the law. As Peter Rachleff recounts in his history of the strike, "One local judge even admitted that he was infringing on the First Amendment rights of the P-9ers [striking union], but said he thought the protection of 'public order' necessitated such action ... The school administration in Austin decreed ... that the strike was not to be discussed in public schools ... At

the local Catholic high school, the principal was fired after he rented the gym to p-9 for a benefit basketball game.”

While the reaction to labor militancy and the Left gave birth to a fully militarized police, other twentieth-century developments completed the process of turning the police into the bloated power we see today.

Most importantly, the United States became a global empire while, eventually, labor militancy declined. Imperialism abroad found its way home. There are more former soldiers to recruit to the police, massive security funds to distribute, “riot” and counterinsurgency techniques to domesticate, military surplus to circulate, and new anti-terrorism/national security functions for the police to carry out. Police forces populated with veterans, using weapons developed by the Defense Department, building transnational bonds with other authoritarian national police forces are all the more inclined to act like the domestic wing of American imperium. Having operated according to different rules abroad, why follow them at home?

The decline of labor militancy, beginning in the early 1970s, meant that the original impetus behind the militarization of the police waned. But the massive, repressive apparatus it gave birth to remained. At the same time, the American state decided to address poverty, a spike in crime, and racial conflict in the most punitive way possible. Rather than turning to jobs programs, income guarantees, and universal health care, housing, and education, which would have required the well-off to pay considerably more taxes, federal and state governments chose the more repressive, cheaper option: prisons and police.

This gave us mass incarceration, “quality of life” arrests, the drug war, swollen police forces, and more aggressive policing. Geographically concentrated minorities, especially black people in poor and working-class urban neighborhoods, faced the worst of it. Police units with ever-increasing capacities for violence, whose size and firepower once bore some relationship to the threat that mass strikes and an organized left posed, were now let loose on an increasingly hapless and helpless population. The predominantly white middle and upper classes, insulated from police brutality, remained indifferent as whole sections of cities fell under extreme and arbitrary police authority.

Today, black people continue to face the worst and most disproportionate share of this overpolicing. But they are in the worst spot in a wide net of social control. Consider the most explosive issue: police killings. We have become vividly aware that police seem to have a special propensity for killing unarmed black people. It is rarely added that the police almost exclusively kill poor people, around half of whom are white.

Mass incarceration is a similar story. From the early 1970s to the present, overall imprisonment has quintupled. Black people are disproportionately more likely to be arrested and sent to prison. But that profoundly unjust disparity dates back to the 1940s — the era of black mass migration to Northern cities — and it has remained essentially, depressingly constant.

The dramatic change of the mass incarceration era has been in class disparities. As the sociologist Bruce Western shows, from the early 1980s to the 2000s the black-white ratio in prison admissions stayed roughly stable and did not increase above 5–1. During the same period, however, the high-school to college ratio among black people increased from under 5–1 to over 10–1. For whites the disparity widened even more, growing from just over 10–1 to well over 20–1.

A companion study shows that, in an earlier period, black men with a college education were still about 1.5 times more likely to be imprisoned at some point than white high school dropouts. But during the era of mass incarceration that ratio has flipped, such that a white high school dropout is now more than 4 times more likely than a black person with a college education to be imprisoned. Other studies have shown an even starker rise — while in 1970, someone in the bottom quartile of education was 7 times more likely to be institutionalized than someone in the top educational quartile, in 2017, that disparity had exploded to 48 to 1.

So over a period of time when the national imprisonment rate has quintupled, racial disparities have remained almost constant, while the class disparities, especially between those with no college/marginal employment and those with college/more secure incomes, have skyrocketed. The era of mass incarceration has seen a truly breathtaking period of police assault on the poor.

All of this reminds us that there is, or ought to be, a broad, trans-racial constituency for transforming policing. The police tend to act with special excess towards nonwhites. But, from their inception, and quite clearly today, they wield that power against large swathes of the population. There is a potential majority with a durable, shared interest in forcing society to find other, less punitive, more emancipatory solutions to the social problems of our capitalist society. That majority will have to forge itself into a unified movement powerful enough to extract those concessions not just from the police but from those social interests who have armed the police and who will look to the police again when push comes to shove. To extract those concessions the movement will have to, among other things, revive and extend the very labor militancy that the police spent so many decades repressing.

The Police Today

We have inherited a police force that was granted enormous powers, money, and arms to suppress labor and the Left, who were then turned on the urban poor, particularly black people, to ostensibly solve crime and manage disorder. In one of history's bitter ironies, even as the labor movement declined, the police created one of the most politically influential and socially effective unions — fanatically committed to its own internal culture and personnel. By the time all this was accomplished, the police had become its own independent political force.

Their political independence is also political isolation — and Trump's political support has only accelerated that trend. Many major capitalists no longer spontaneously and exclusively devote themselves to funding and supporting the police. Instead, corporations from Apple to Nike to Harvard University send out public messages of support for "black lives." Even after getting looted, Nordstrom's issued a statement backing the protests. From Amazon to Lyft, from TikTok to Bank of America, a fast growing list of major corporations and minor companies are suddenly falling over themselves to donate money to racial justice organizations like NAACP, Black Lives Matter, and Know Your Rights.

These are paper-thin exercises in product branding and virtue-signaling. If the same corporations were ever to face a real challenge to their profits, assets, and endowments, they would change their tune. They are still in the business of union-busting, residential segregation, undermining social welfare programs, and resisting new taxes. They still want to surround their property with guns, even if that means turning to minority owned private security firms. But their recent publicity stunts are also a sign of the times — of a sense that the police, as currently constituted, have become a social liability.

We live in the aftermath of a history. The police are out of control because they became such a massive, well-organized power in their own right and because they now train that outsized power on the most marginal, powerless elements in society. While this has long been true, the brave protesters of the past few weeks have exposed that truth for all to see. Los Angeles has now announced at least \$100 million in cuts to its police department, school districts have started suspending police contracts, and, most surprising of all, the Minneapolis city council has announced plans to dissolve and reconstitute its entire police force.

Perhaps the police hope the disorder they have created will win back support. Provocation and escalation looks like their main gambit to shore up their increasingly fragile authority — fragile

because their violence is no longer in the service of protecting an endangered social order. Property, the market, and corporations are currently secure even without fully armed battalions roaming American streets killing poor, unarmed black people and ramming their SUVs into nonviolent protestors.

No wonder the police have come to look simply like a marauding force lacking all moral authority. The other raiders don't need them, not like this anyhow.

But their reforms are not ours. It's up to us to draw the lines where they should be drawn.

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