STUDENT ACTIVITIES

The History of Slave Patrols, Black Codes, and Vagrancy Laws
This is the second Teaching Idea in a series designed to help you think critically about the long and troubling history between law enforcement and Black Americans, while not stereotyping or criminalizing all police officers. The activities in this series of Teaching Ideas will help you bring a historical lens to these complex issues, engage with a range of experiences with policing, and consider ways to build a society that ensures the safety of all people.
GET STARTED

This Teaching Idea contains the following activities:

**Activity 1:** Learn about the origins of policing in the United States

**Activity 2:** Examine Black Codes, vagrancy laws, and the criminalization of Black life after the Civil War
Activity 1: Learn about the Origins of Policing in the United States

Read the first seven paragraphs of *Time Magazine*’s article *How the U.S. Got Its Police Force*, stopping at the end of the paragraph that begins: “In the South, however, the economics that drove the creation of police forces . . .”

Reflect:

- What is the purpose of having a police force?
- How did early policing in the United States enforce racial boundaries?
Read the following passage from historian Khalil Muhammad, excerpted from the *Throughline* podcast episode *American Police*:

Perhaps the most revealing aspect of the way slave patrols functioned is that they were explicit in their design to empower the entire white population, not just with police power but with the duty to police the comings and goings and movements of black people...

[The slave patrol system] seems to have really effectively mobilized... not just land-owning whites who own[ed] slaves but people who didn't themselves own slaves. It gave them, both the men and presumably also the...white women in these societies, a sense of superiority almost over this whole class of people that they were now in charge of patrolling.¹

Reflect:

- What information in this passage surprises you? What information troubles you? What questions does it raise for you?
- How did policing the daily lives of Black people who were enslaved give white people a “sense of superiority”? Why would white people who were not enslavers also share this sense of superiority?
Activity 2: Examine Black Codes, Vagrancy Laws, and the Criminalization of Black Life after the Civil War

Historical Context:

- By the fall of 1865, after the end of the Civil War, most Southern state legislatures passed a series of laws known as Black Codes, which severely restricted the freedom of Black people living in the South.
- Black Codes were repealed in 1866 during the Reconstruction era.
- As Reconstruction ended, new laws targeting Black Americans were enacted. For example, vagrancy laws once again criminalized unemployment and other statutes allowed for harsh punishments for even the most minor crimes.
Watch a segment of the PBS documentary *Slavery by Another Name*, from 13:38 to 18:25.

**Reflect:**

- What are some examples of the behaviors that were criminalized as Reconstruction ended? Why do you think legislators chose to criminalize those behaviors?
- What impact do you think these restrictions had on the lives of Black Americans?
The myth of racial hierarchy—the belief that Black people are inferior—was created to justify the enslavement of Black people. Enslavement could not be sustained as legitimate without a false narrative about Black people being less human or worthy of freedom that would make it justifiable.
That racist belief survived the formal abolition of slavery and evolved to include the belief that Black people are dangerous criminals. This was reinforced during the decades of racial terror lynchings that followed enslavement when white people defended the torture and spectacle murder of Black people as necessary to protect their property, families, and way of life from Black "criminals.”
Criminalizing Black people was the basis for convict leasing, a system created to provide cheap labor after slavery was abolished. Southern lawmakers passed “Black Codes” so that African Americans could be arrested for “crimes” like loitering and forced to work in white-owned businesses and plantations throughout the South.

States passed laws to segregate Black people, banning them from sharing public accommodations, barring them from interracial relationships, and humiliating them by restricting them to marginalized spaces.
To this day, we have not adequately confronted the legacy of racial injustice and instead have let it evolve into the widespread presumption that people of color are suspicious, dangerous, and criminal—that young Black men are to be feared, monitored, and even hunted.

New language has emerged for the non-crimes that have replaced the Black Codes—driving while Black, napping while Black, jogging while Black. All reflect incidents in which African Americans were mistreated, assaulted, or arrested for conduct that would be ignored if they were white.¹

Reflect:

● How did Black Codes, vagrancy laws, and other racially discriminatory laws contribute to the false perception that Black Americans were criminals?

● How could the false association between Black Americans and crime influence how police officers and other members of society interact with Black people?

● What aspects of this history are similar to present issues around policing and the criminalization of Black Americans? What aspects look different?