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Police armored cars drive down a Baltimore street following the death of Freddie Gray in 2015. REUTERS/Lucas Jackson

DOJ report on Baltimore echoes centuries-old limits on African-American freedom in the Charm City

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African-American rights in Baltimore have always been in jeopardy. The recently released report from the Department of Justice on the Baltimore Police Department is sobering, but not surprising.

As a scholar of early African-American history in Maryland, I see similarities between laws regarding enslaved and free blacks living in Baltimore prior to the Civil War, and the overpolicing of African-Americans today. African-Americans in antebellum and contemporary Baltimore share the same problem: limits on black freedom.

Antebellum foundations for unequal treatment

On the eve of the American Revolution, Maryland was second only to Virginia in the number of people it held in bondage. By the beginning of the 19th century, the number of free blacks began to rise. Baltimore had a significant free black population well before the 14th Amendment made blacks citizens. According to the 1790 U.S. census, 927 free blacks resided in the county that included Baltimore city. By 1830, Baltimore city and the surrounding county was home to some 17,888 free African-Americans.

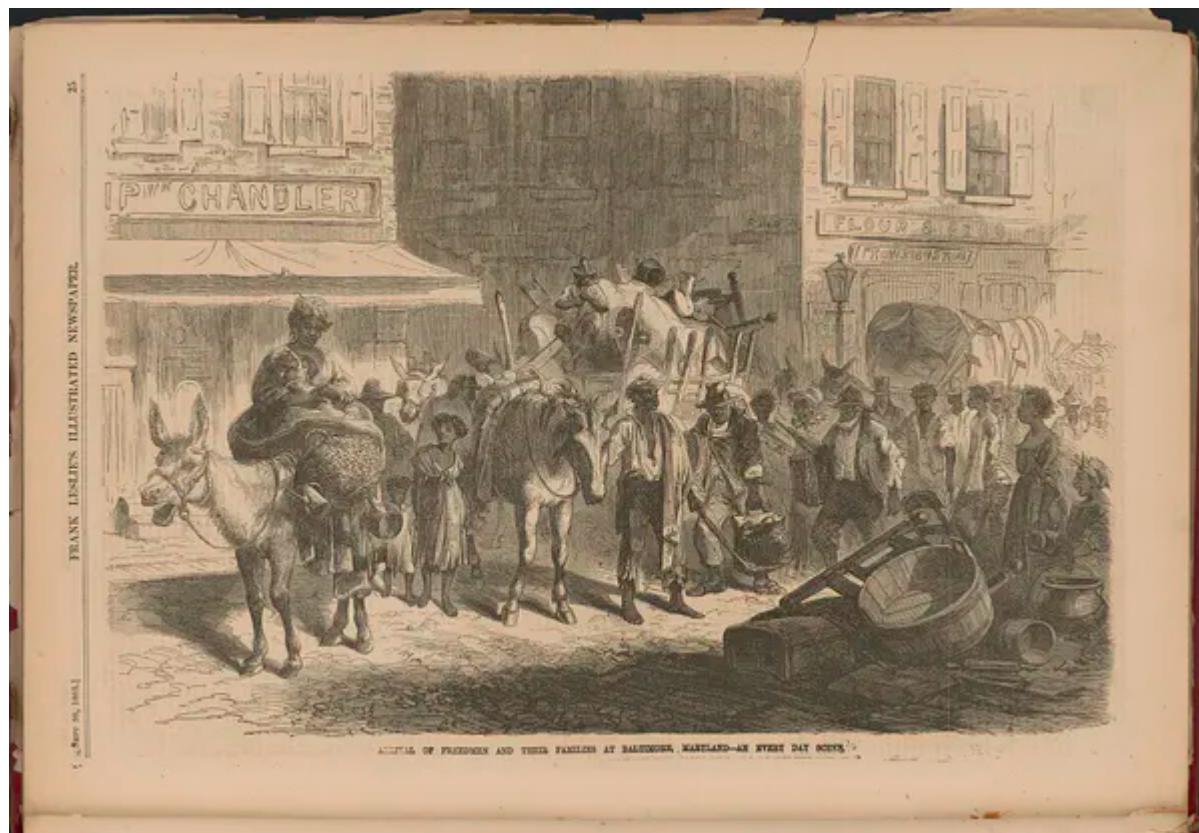
Author



Jessica Millward

Associate Professor of History, University of California, Irvine

Historian Barbara Field notes that the increase of free blacks in Maryland was a direct result of replacing tobacco harvesting, which required a full-time labor source, to wheat. Harvesting wheat did not require a year-round labor supply. Between the change in labor demands and African-Americans protesting their condition, the free black community in Virginia and Maryland grew.



Arrival of freedmen and their families at Baltimore, Maryland – an everyday scene. Library of Congress/Frank Leslie

This was a concern for lawmakers. Laws such as the 1790 Act Related to Freeing Slaves by Will or Testament were designed to extract the maximum amount of labor from the enslaved before they were awarded freedom, or their free black relatives could purchase it for them. This meant enslaved men were freed only when they ceased to be in peak physical condition, and enslaved women were freed after their childbearing years.

Once freed, African-Americans had to show “proof of a sufficient livelihood,” affirming their ability to care for themselves, or otherwise end up in the city jail or re-enslaved. The irony of this proclamation was that once freed, African-Americans found ways to stave off poverty by working in trades similar to the jobs they had while enslaved. If they avoided the county jail, free blacks were subject to curfews and sanctions against traveling. Many counties in Maryland passed laws requiring free blacks to move out of the state for fear they would incite the local enslaved population to rebel.

Perhaps the most alarming attempt to address the problem of black freedom was the development of the American Colonization Society (ACS) and its chapters in antebellum cities such as Baltimore.

Under the guise of Christianity and missionary work, the ACS promised enslaved African-Americans

all the rights and privileges of freedom, so long as they relocated to Liberia. Organized by white slaveholders, politicians and religious organizations, the ACS offered a solution to both slavery and the rise in free blacks in the United States – resettle blacks outside the country.

Black intellectuals of the time were divided over resettlement campaigns. Abolitionist newspapers published countless articles protesting the efforts of the colonization society. Historian Robert Brugger notes that a group of free blacks surrounded the gangplanks in the Baltimore harbor in an attempt to stop the forced removal of their friends and family to Liberia.

As these 19th-century examples demonstrate, policing African-American freedom has a long history in Baltimore. African-Americans could escape slavery, but they were not truly free. New laws were continually passed to limit, if not completely dismantle, the very few rights they possessed.

Baltimore today: DOJ report documents violations of civil rights

The findings in the DOJ report echo the restrictions on lives of antebellum free blacks in key ways. African-Americans were arrested in greater proportion than their nonblack peers. According to the report:

BPD made roughly 44 percent of its stops in two small, predominantly African-American districts that contain only 11 percent of the City's population. Consequently, hundreds of individuals — nearly all of them African American — were stopped on at least 10 separate occasions from 2010–2015. Indeed, seven African-American men were stopped more than 30 times during this period.

African-Americans were frequently arrested for loitering. If their presence became a problem, whether real or perceived, Baltimore police exercised a zero-tolerance policy when it came to African-Americans resulting in unlawful searches, seizures and arrests. As in the 19th century, the mere presence of African-Americans provided grounds for arrest.





People gather to remember Freddie Gray and all victims of police violence during a rally outside city hall in Baltimore, Maryland. REUTERS/Bryan Woolston

In the 19th century, attempts were made to remove blacks from society by, among other means, sending them to Liberia or forcing them to move away. Today, arresting and detaining African-Americans quarantines them from the rest of society. If the arrest sticks and the individual is prosecuted and found guilty, he is incarcerated. If convicted of a felony, he is not allowed to vote.

African-Americans make up 44 percent of the Baltimore police force and 63 percent of the population of Baltimore city. As the New York Times points out, “Baltimore’s police department has a lower percentage of blacks than the population it serves. But in contrast to other cities that have been wracked by tension and protests over police confrontations with black men, the city’s mayor, its police commissioner, the state’s attorney are all black, giving a somewhat different tenor to clashes between the power structure and its critics.” Indeed, arguments about policing that exclusively point to racism or bias among officers as the root of the problem don’t hold for cities like Baltimore. I believe the problem is also tied to anti-black aspects of the laws they are tasked with enforcing.

The DOJ report provides a critical opportunity to assess and reform disparities in the legal system, especially as we continually bear witness to the almost daily death dance between African-Americans and the police. It makes clear that African-American rights are in jeopardy. The key difference between African-Americans in Baltimore then and now is that blacks are now citizens. They are entitled to, among other things, the right to due process under the law.

However, the DOJ findings make clear that African-Americans in Baltimore are disproportionately harassed, searched, detained and, in the case of Freddie Gray, murdered. The fear is not that the DOJ report has unmasked truths that we prefer to deny. The fear is that there will be a failure to reform the system in light of these findings. Greater than the fear is the reality that policing black citizens will continue to include practices that are eerily reminiscent of the past.