

DARK MATTERS

ON THE SURVEILLANCE OF BLACKNESS

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"EVERYBODY'S GOT A LITTLE LIGHT UNDER THE SUN"

THE MAKING OF THE BOOK OF NEGROES

Thus despite the bland assertions of sociologists, "high visibility" actually rendered one *un-visible*—whether at high noon in Macy's window or illuminated by flaming torches and flashbulbs while undergoing the ritual sacrifice that was dedicated to the ideal of white supremacy.

—RALPH ELLISON, *Invisible Man*

Our history takes place in obscurity and the sun I carry with me must lighten every corner. —FRANTZ FANON, *Black Skin, White Masks*

Billed as "the ultimate cat and mouse chase through the Canadian wilderness," the reality television series *Mantracker* made its debut on the Outdoor Life Network in 2006. With only a compass, a map, and a two-kilometer head start, each episode sees the aptly named "prey" given thirty-six hours to reach the finish line, by foot, often some forty kilometers away. Riding on horseback with a lasso and spurs, the *Mantracker* carries neither map nor compass and supposedly has no idea where the finish line is located. He is equipped with binoculars and an assistant, however. The *Mantracker* is Terry Grant, and, as the show's website tells it, he is a "full-blooded cowboy living in the wrong century." *Mantracker* began its third season with the episode "Al and Garfield." In this episode, viewers are invited to "watch as these urban warriors draw on the history of the Underground Railroad for inspiration to escape the unflappable *Mantracker*." The *Mantracker*'s assistant in this episode is Barry Keown, a local horseman who cites John Wayne

as one of his idols and who is familiar with the area of Deerhurst, Ontario, where the episode was filmed. At one point in the program, Keown jokes, "I guess I'm a little bit of a redneck at heart," and "we'll have those pilgrims rounded up so fast they wouldn't believe it." With its greenish, grainy night-vision footage mimicking on-screen GPS transmissions, high-resolution satellite aerial photograph mapping, and contestants offering staged confessions into a handheld video camera called a "preycam," *Mantracker* has all the trappings of the surveillance-based reality television genre. Each one-hour episode also fulfills a certain pedagogical role as viewers are instructed on antitracking techniques and shown ambush plan schematics, and definitions for useful tracking terminology are flashed on the screen, such as "Prey Drive (*conj. v.*): Instinct to evade capture by a predator (flight or fight response)." That the human prey has to be accompanied by at least one camera operator, a boom mike, and proper lighting does not seem to interfere with the appearance that the prey are evading their predators unhindered by the film crew and equipment needed to stage such a production.¹

Described as "Toronto boys" from the "hard knocks hood of Toronto's Jane and Finch," contestants Al St. Louis and Garfield Thompson repeatedly invoke the Underground Railroad throughout the episode. At one point, the show's announcer even refers to the two as "fugitives." In one scene, the two remark,

AL: This definitely reminds me of, uh, the Underground Railroad and the slaves running away. You know, two black guys on the run, man. We're keeping that in mind and that's what's fueling us forward.

GARFIELD: It's kind of like we're doing it for our ancestors, man. You know what I mean?

AL: That's deep. That's deep. That's deep. That's deep.

ANNOUNCER: The prey draw on the past for inspiration.

I begin this chapter with the reality television program *Mantracker* to think about histories of black escape and the ways in which they inform the contemporary surveillance of the racial body. More specifically, I do this to question the surveillance technologies instituted through slavery to track blackness as property. When prey Garfield announces, "It's kind of like we're doing it for our ancestors," we should read this call on their self-emancipating ancestors for inspiration—as they attempt to outrun the

Mantracker—as offering a particular rendering of Canada and the tracking of black bodies within this nation that is often made absent from official narratives, that being the accounting of black people as recoverable property, with Al and Garfield playing the role of ex-slaves on the run. In one scene Al remarks, “We didn’t want to leave any tracks. Our ancestors, you know, when the hounds are chasing after them, you know, they’re sniffing, they’re sniffing, but as soon as you go through the water they lose the scent, right? So that was the whole premise of walking through the water.”

Later in the episode the Mantracker tells viewers that Al’s seemingly cunning evasion strategy is a “cowboy myth” and that it is easier to track people in the water than on the ground. Throughout the episode, Al and Garfield are called “prisoners” and “rotten smilers” on a “swamp face off” who “got game,” while Al mocks the Mantracker by calling him “cracker” and “redneck.” Rinaldo Walcott, in arguing for a refusal of the black invisibility that is produced through Canada’s official discourse of multiculturalism, suggests “it is crucial that recent black migrants not imagine themselves situated in a discourse that denies a longer existence of blackness” in Canada.² Al and Garfield could be doing just this, naming a black Canadian presence prior to 1960s migrations that “troubles and worries the national myth of two founding peoples.”³ However, this rendering is mediated for a television audience in a rather synoptic fashion, interpellating the viewer in a slick production of black escape as entertainment.⁴

In one scene that has Garfield complaining, “This bush is killing me, guy,” Al responds with, “Think of it like this, Garfield. This is what our ancestors had to go through and worse, you know, and they were literally on the run for their lives, you know. So, a little bush, that ain’t gonna do nothing. Suck it up. Let’s go.” In a voice-over of a campfire scene sometime later and shown for the audience in night vision, Garfield retorts, “There’s no comparison in, um, us reflecting back on probably what it was like for our ancestors running for their lives. So later on in the nighttime, you know, we really, ah, we really connected, Al and I, talking about that, you know, and, it was a pretty sentimental and very emotional moment for us.” The screen then cuts to Al and Garfield singing the Negro spiritual “Go Down Moses,” which accompanies a black-and-white flashback montage highlighting scenes from the day’s chase. The segment closes with the “prey” singing the line “let my people go” as the Mantracker’s face flashes across the screen, eventually fading to the show’s title card and then cutting to a commercial break. Also during the episode, Al makes reference to the

widely documented difficulties that black people, and black men in particular, experience when trying to catch taxicabs in New York City, and he mentions Radio Raheem, a central character in director Spike Lee's 1989 film *Do the Right Thing*. Radio Raheem is often seen in that film carrying a radio blasting rap group Public Enemy's "Fight the Power" and he dies at the hands of a New York Police Department officer. Al can also be heard saying that the Mantracker should not think of him and Garfield as "easy prey" because they are "two black guys from the city" with "baggy pants and hats turned backwards." We can think of these references here as Al's critique of contemporary racial profiling, "sagging while black," and the various ordinances enacted in U.S. cities such as Albany, Georgia, or by the Fort Worth Transit Authority, that label those wearing pants below the hip, where doing so might often reveal undergarments, as committing crimes of fashion. Those criminalized for these fashion infractions are issued fines. Bans of sagging pants form part of the ongoing fashion policing that criminalizes black styling and expression, including acts such as the South Carolina Negro Act of 1735 that legislated what sundry, or dress, could be worn by black people, down to the type of cloth. The Negro Laws of South Carolina sought to "regulate the apparel of slaves" by prohibiting the wearing of "any thing finer, other or of greater value than negro cloth."⁵ The episode of *Mantracker* closes with the Mantracker catching Al and Garfield. Upon their apprehension, images of their faces with a crosshair superimposed are put up on the screen with the word "captured."

Although this television program's website states that "the irony is not lost on these 'two black guys running from a white guy on a horse,'"⁶ this particular episode of *Mantracker* speaks to the historical presence of the surveillance technologies of organized slave patrols and bounty hunters for runaways, notably those journeying at the height of the Underground Railroad from the United States to Canada. The remains of such technologies and the networked resistance to them—namely Negro spirituals that were at once expressions of the desire for freedom and sousveillance strategies with "every tone a testimony against slavery"—in this case are now rendered as cable television entertainment.⁷ I bring up *Mantracker* here to serve as an entry into a deeper discussion of black mobilities, the visual culture of surveillance, lantern laws, and the *Book of Negroes*. The *Book of Negroes* is an eighteenth-century handwritten ledger that lists three thousand self-emancipating ex-slaves who embarked mainly on British ships

during the British evacuation of New York in 1783 after the American Revolution. A key argument here is that the *Book of Negroes*, and its accompanying breeder documents, is the first government-issued document for state-regulated migration between the United States and Canada that explicitly linked corporeal markers to the right to travel.⁸ The document also serves as an important record of pre-Confederation black arrivals in Canada, and as such it “ruptures the homogeneity of nation-space by asserting blackness in/and Canada” as it historicizes the links between migration and surveillance in the nation.⁹

In the three sections that follow, I offer a discussion of the racial body in colonial New York City by tracing the archive of the technologies of surveillance and slavery. The first section focuses on the technology of printed text, namely runaway notices and identity documents, in the production of the *Book of Negroes* during the British evacuation of the city. This section draws on archival documents to provide textual links that evidence the accounting of black people as intimately tied with the history of surveillance, in particular surveillance of black bodies by way of identity documents. In so doing, my methodology raises questions around my own surveillance practices in reading the archive: by accounting for violence, and counting violences done to the three thousand people listed in the *Book of Negroes* and those who did not make the cut, do my reading practices act to reinscribe violence and a remaking of blackness, and black bodies, as objectified? Thus, I am mindful of Katherine McKittrick’s caution that there is a danger of reproducing “racial hierarchies that are anchored by our ‘watching over’ and corroborating practices of violent enumeration.”¹⁰

To question acts of watching over and looking back, in the second section I turn to lantern laws in colonial New York City that sought to keep the black, the mixed-race, and the indigenous body in a state of permanent illumination. I use the term “black luminosity” to refer to a form of boundary maintenance occurring at the site of the black body, whether by candlelight, flaming torch, or the camera flashbulb that documents the ritualized terror of a lynch mob, as Ralph Ellison described. Think back here to my discussion of “the flashlight treatment” in chapter 1, where after a beating one could read the brand of a prison guard’s flashlight on the body of a prisoner, and also Rudi Williams in Caryl Phillips’s “The Cargo Rap,” who described the use of artificial lighting in solitary confinement as being like having a desk lamp shining in one’s face for twenty-four hours a day. Black luminos-

ity, then, is an exercise of panoptic power that belongs to, using the words of Michel Foucault, “the realm of the sun, of never ending light; it is the non-material illumination that falls equally on all those on whom it is exercised.”¹¹ Perhaps, however, this is a light that shines more brightly on some than on others. Here boundary maintenance is intricately tied to knowing the black body, subjecting some to a high visibility, as Ellison put it, by way of technologies of seeing that sought to render the subject outside of the category of the human, *un-visible*. My focus in the second section of this chapter is the candle lantern and the laws regarding its usage that allowed for a scrutinizing and racializing surveillance that individuals were at once subjected to and that produced them as the racial body. Following David Marriot in his reading of the spectacle of death that is lynching and its photographic archive, such laws, I suggest, operated “through visual terror” in the management of black mobilities, warning of the potential to reduce one to “something that don’t look human.”¹² Or maybe too human. Rather than looking solely to those moments when blackness is violently illuminated, this chapter uncovers moments of dark sousveillance by highlighting certain practices, rituals, and acts of freedom and by situating these moments as interactions with surveillance systems that are strategies of coping, resistance, and critique. This is to say, following Richard Sennett, that “ritual heals” and “constitutes the *social* form in which human beings seek to deal with denial as active agents, rather than as passive victims.”¹³

With the third section, I consider varied notions of repossession by examining the Board of Inquiry arbitration that began in May 1783 at Fraunces Tavern in New York City between fugitive slaves who sought to be included in the *Book of Negroes* by exercising claims to mobility rights as autonomous subjects and those who sought to reclaim these fugitives from slavery as their property. In particular, what I seek to question here is the working of race and property in these arbitration hearings where black women, men, and children, figured as escaped property, would be rendered to their said owners with crude annotations written in the *Book of Negroes*, such as that concerning “a Negroe Wench named Mercy,” which stated, “the Wench and her Children ought to be delivered to the Claimants to be disposed of as he may think proper.” With this judgment, Mercy and her children were made ineligible to travel away from New York City; in effect, they were put on a no-sail list.¹⁴ My use of the term “no-sail list” here is a play on post-9/11 no-fly lists, the U.S. Secure Flight program, the

Computer-Assisted Passenger Prescreening System maintained by the U.S. Transportation Security Administration, and Secondary Security Screening Selection, all of which subject certain travelers ("selectees") to additional scrutiny at U.S. and Canadian airports and other border crossings.¹⁵

In her discussion of the moments of narration through which racialized subjects "are brought into being," Hazel Carby considers the "creative, contested, contradictory and laborious work of constructing racial identities in narrative acts."¹⁶ Carby implores us to "be alert to the occasions when racialized subjects not only step into the recognitions given to them by others but provide intuitions of a future in which relations of subjugation will (could) be transformed."¹⁷ I am suggesting that the *Book of Negroes* is one of those occasions that Carby signals. At Fraunces Tavern, the pub-turned-courtroom on Wednesday afternoons, mobility rights were sought through decommodificatory narrative acts, disputing the claims made on the self as recoverable goods to be returned to slave owners. I conclude this chapter by turning to a different narrative act, Lawrence Hill's *The Book of Negroes: A Novel* (2007), as it extends the surveillance practices discussed in this chapter through its creative remembering of the brutalities of slavery. I begin and end this chapter with representations of black escape to argue that, in different ways, they allow for a rethinking of the archive of the technologies of slavery and surveillance, in that they reveal how this archive continues to inform relations of subjugation and unfinished emancipations.

The *Book of Negroes* lists passengers on board more than two hundred ships that set sail from New York between April 23, 1783, and November 30, 1783, during the British evacuation after the War of Independence. Ships, Paul Gilroy writes, "were the living means by which the points within the Atlantic world were joined."¹⁸ Following this, the *Book of Negroes* is not only a record of escape from New York on board over two hundred ships, but it can also be thought of as a record of how the surveillance of black Atlantic mobilities was integral to the formation of the Canada-U.S. border. Prior to the 1782 provisional peace treaty between Britain and the Congress of the Confederation, that being the governing body of the United States of America, which set out the terms of the *Book of Negroes*, such journeys by sailing ship would have been within British territories rather than crossings of an international border, for the most part.

Black Escape

With its crude inscriptions, such as “scar in his forehead” and “stout with 3 scars in each cheek,” the *Book of Negroes* is an early imprint of how the body comes to be understood as a means of identification and tracking by the state. In this section, I outline how the *Book of Negroes* became the first large-scale public record of black presence in North America. This handwritten and leather-bound British military ledger lists three thousand black passengers who left New York in 1783. Bound for Canada, mainly, and some for England and Germany, passengers listed in the *Book of Negroes* traveled as indentured laborers to white United Empire Loyalists or as free people, described in this ledger, for example, as “on her own bottom.” Around the same time, others left New York enslaved to white Loyalists. Some of those listed in the *Book of Negroes* set sail for Germany on ships named *Ladies Adventure* and *Hero*, most likely as the property of German Hessian soldiers, captured from rebel states as spoils of war. The travelers listed in the *Book of Negroes* would later be recognized by many as United Empire Loyalists for their efforts as soldiers, support staff, and wage workers (cooks, blacksmiths, laundresses, nurses, spies, and other skilled laborers) with the British forces during the War of Independence. The naming of those listed as Loyalists, or specifically Black Loyalists, is not without controversy, as many entered into the bargain with the British for freedom and not necessarily out of some loyalty to the Crown.

What follows is a discussion of the proclamations and the provisional treaty that eventually led to the *Book of Negroes*. I tell of the making of the *Book of Negroes* through the stories of black escape in and around the time of the evacuation of New York that are found in the archive: runaway notices and advertisements, official correspondence, a memoir, an early passport. With these texts we can understand how the tracking of blackness, rooted in the violence of slavery, was instituted through printed text. My argument here is that the body made legible with the modern passport system has a history in the technologies of tracking blackness. My discussion on the making of the *Book of Negroes* offers a historicizing of the ways in which the tracking, accounting, and identification of the racial body, and in particular the black body and black social life, form an important, but often absented, part of the genealogy of the passport.¹⁹

Linking identity to bodily markers and infirmities, such as scarring from smallpox, “blind right eye,” or “lame of the left arm,” the *Book of Negroes*

lists the names of each passenger falling under the Philipsburg Proclamation on board over two hundred ships that left New York in 1783. Each entry details the passenger's physical description, age, and places of birth and enslavement, and includes a section for comments or details of when and how each passenger came to fall under the Philipsburg Proclamation. Issued by British commander in chief Sir Henry Clinton on June 30, 1779, the Philipsburg Proclamation promised "to every negroe Who shall desert the Rebel Standard, full security to follow within these lines, any Occupation which he shall think proper."²⁰ Whether those who had voluntarily left their Patriot masters and found themselves with the British felt assured that by "full security" it was meant that they would be secure in the mutual recognition of their personhood or that they were fighting for what would ultimately lead to their emancipation is questionable; however, numerous slaves owned by Patriots deserted these slave owners and fled to the British holdings.

The fear of the loss of property that the proclamations and the ensuing black escape caused is reflected in a 1776 runaway notice for Cuffe Dix, in which slave owner Mark Bird of Pennsylvania claimed, "As Negroes in general think that Lord Dunmore is contending for their liberty it is not improbable that said Negro is on his march to join his Lordship's own black regiment, but it is hoped he will be prevented by some honest Whig from effecting it."²¹ Those enslaved by white Loyalists, whether owned previously or confiscated during raids on Patriot estates, were not a part of this arrangement of wartime service in exchange for freedom. Also detailed in the *Book of Negroes* were the names of the passengers' claimants, if any, as a caveat set out by Article Seven of the provisional peace treaty reached on November 30, 1782, between Britain and the Congress of the Confederation, which stated that the British withdrawal would be executed without "carrying away any Negroes, or other Property of the American Inhabitants." A Board of Inquiry consisting of American and British delegates was established to adjudicate Patriot claims of loss of human property. When the Treaty of Paris was signed on September 3 of the following year, this stipulation regarding "carrying away any Negroes" was included. If it was found that the British did indeed abscond with their property, Patriot owners could be duly compensated. The *Book of Negroes* was intended to serve as a record in case of claims for compensation.

At the time of the British evacuation, the circulation of printed text allowed for a certain "simultaneous consumption" of newspaper advertise-

ments for runaway slaves by a public that was assumed to be white and who by consuming at once the black subject, imagined as unfree, produced the readers of such advertisements as part of the “imaginary community” of surveillance: the eyes and ears of face-to-face watching, observing, and regulating.²² Through their detailing of physical descriptions, the surveillance technology of the fugitive slave advertisement was put to use to make the already hypervisible black subject legible as what Thelma Wills Foote terms “objectified corporeality.”²³ Beyond its primary function of surveillance, that being to serve as a public notification of runaways by announcing “property as out of place,”²⁴ the subjective descriptions employed by subscribers in runaway notices often reveal the subversive potential of being out of place. While runaway advertisements were a way of marking boundaries, making borders, and defining a slave as out of place, I want to think here of “out of place” as gesturing to the usage of the term in many African diasporic contexts, such as the Trinidadian saying “fast and out of place,” meaning crossing the line and being demanding or “intolerably impertinent,” or the term “bol’face” and its derivative “boldfacity,” meaning “open rudeness without hesitation or embarrassment.”²⁵ Similarly, the Jamaican term “facety” is understood to mean obtrusive, audacious, and “not knowing one’s distance.” Facetiness is not to be taken as having the same meaning as facetious; rather, facetiness, or facety acts, are a rejection of the colonial condition of lived objectification and a refusal to stay in one’s place. Along with “backchat,” these terms were and continue to be used to name subversive acts of looking and talking back.

The refusal to stay in spaces of dispossession, disposability, and lived objecthood can be observed in a June 14, 1783, runaway notice in the *Royal Gazette* that offered “twenty dollars reward” for sixteen-year-old Sam. Sam is described by the subscriber as “five feet high, slim made” and “remarkable in turning up the white of his eyes when spoke to.” Sam’s bold refusals, or his facetiness, are agential acts, at first ocular, looking back—to at once return and dismiss the gaze with the gesture of the eye roll—and then to go missing or steal himself and make his own place. With this notice for Sam, readers were cautioned, “all Masters of vessels and others are hereby warned not to harbour or carry off said Negro, as they will answer for the same at their peril.”²⁶ During this time, other notices were placed in newspapers for slaves to be sold, such as that for “a likely Negro man,” about whom it was promised that “any family looking to settle in Nova Scotia,

could not meet with one to answer their purpose better."²⁷ Other advertisements were placed by those wishing to purchase black men and women for enslavement in Canada, such as that in search of "a negro woman to live in a genteel family going to Port Roseway. For one who is a compleat house wench, and who is sober, honest and good natured, a generous price will be given."²⁸ These two advertisements for the purchase and sale of slaves make known that while many traveled to Canada as emancipated people, not all those who arrived in that country did so freely. As slave owners could make claims on their human property during the British evacuation of New York, this made for many start-ups in slave catching. In his memoirs, Boston King (1798), who is listed in the *Book of Negroes* as traveling to Nova Scotia on the ship *L'Abondance* on July 31, 1783, recounts the terror that spread at this time:

For a report prevailed at New York, that all slaves, in number 2,000, were to be delivered up to their masters, although some of them had been three or four years among the English. This dreadful rumour filled us all with inexpressible anguish and terror, especially when we saw our masters coming from Virginia, North Carolina, and other parts, and seizing upon their slaves in the streets of New York, or even dragging them out of their beds.

Some owners came to New York or sent representatives and slave catchers in their place to demand the return of the black women, men, and children whom they considered to be their property, making New York at once a space of terror and a site of freedom for those who came under one British proclamation or another.

It was not only Patriots who seized upon their slaves. British Loyalists also contributed to this atmosphere of anguish and terror, although many black women, men, and children undermined it. Valentine Nutter, a slave owner, placed a notice in the May 12, 1783, edition of the *New York Gazette and the Weekly Mercury* offering a reward of five guineas for "a negro man named Jack," described as around twenty-three years of age and wearing "check shirt, blue waist coat, blue coatee with a red cape, long white trousers" and as having a stutter and speaking "very little English." Notably, this advertisement drew detailed attention to Jack's skin as a means of identification, describing him as having "scars on his left arm and a small scar on his nose." Perhaps Jack evaded capture, as the following September Nutter

left for Port Roseway, Nova Scotia, aboard the ship *L'Abondance* with "Silvia," a woman described as a thirty-year-old "stout wench," and "Sam," a "tall" and "stout fellow" recorded as twenty-two years old, as his property.

During the time of the British evacuation, slave owner Thomas Walke of Princess Anne County, Virginia, journeyed to New York City, along with others, seeking to claim around three hundred black men and women who escaped to the city. Walke was remiss when he was rebuffed by the commander in chief of all British forces in North America, General Guy Carleton, who would not deliver those who had absconded from their owners by way of the proclamations. Though the Treaty of Paris stipulated that the British were not to "carry away any Negroes," for Carleton it did not require the British to readily facilitate the delivery of those deemed property. Detailed in a letter he penned to the Virginia delegates to the Continental Congress, Walke found this a "glaring piece of injustice" and sought to prevent "a further injury being done to the citizens of the country," suggesting, "if there is not an immediate check put to the proceedings of the British General in this matter, the injury will be inconceivable, as I am well assured several hundred of the above mentioned slaves sailed away last week to Nova Scotia."²⁹ Such protest was met with a preemptive move: the British began to issue Birch Certificates by order of Brigadier General Birch as de facto passports. These Birch Certificates served as status documents that identified the holder and confirmed the holder's right to cross an international border. Called also Certificates of Freedom, they also served as a certification of the holder's freedom. Birch Certificates would become breeder documents for the *Book of Negroes*. These early passports were a guarantee that the legitimate holder had resided voluntarily with the British before November 30, 1782, the date of the signing of the provisional peace treaty, as only those who had resided within British lines for twelve months or longer were deemed eligible for embarkation on British ships out of the United States. Birch Certificates, such as the one issued to Cato Ramsey, read as follows:

New York, 21st April 1783

This is to certify to whomever it may concern, that the bearer hereof Cato Ramsay a Negro, resorted to the British Lines, in consequence of the Proclamations of Sir William Howe, and Sir Henry Clinton, late Commanders in Chief in America; and that the said Negro has

hereby his Excellency Sir Guy Carleton's Permission to go to Nova Scotia, or wherever else he may think proper.

By the Order of Brigadier General Birch

Those who made use of such certification to embark on the ships to Canada, or British North America as it was called at the time, as well as England and Germany, had their names listed in the inventory that is the *Book of Negroes*. After General Birch departed New York in 1783, similar certification was issued by General Thomas Musgrave to close to three hundred black people who were eligible for evacuation.

The ledger, in its accounting for humans as commodity in the enterprise of racial slavery, according to Saidiya Hartman, "introduces another death through its shorthand."³⁰ The *Book of Negroes* is no exception. With each entry, quick assessments are made on the subject's being that are then jotted down in point form, sometimes by way of corporeal descriptors, first names and sometimes last names, gendered nouns such as "wench" and "fellow," adjectives like "fine," "thin," and "lusty," race and place of birth such as "better half Indian," and "Barbadoes" and "St. Croix," or sometimes referencing some specific labor that they performed; or the entry might describe a body made disabled by that very labor: "worn out," "stout healthy negro," "young woman," "born free," "blind of one eye," "Quadroon sickly," "ordinary fellow with a wooden leg," "free as appears by a Bill of Sale," "healthy negress," "a refugee," "11 months," "says she served her time," "stout labourer," "Boston King," "nearly worn out," "Dinah Archer," "stout wench with a mulatto child 7 months old," "ditto," "M, between an Indian & Span.," "thin wench, black," "squat wench," "he is Cook on board the ship," "stout man marked with small pox," "thick lips," "ordinary fellow," "passable," "thick set man," "stout, flat, square wench," "Mulatto from Madagascar," "Daughter to ditto," "came from Jamaica, can't understand him," or an "ordinary wench" named "Pusie." But in the fifteen pages that precede the ledger we are afforded, by way of a very crude transcript, a means to understand the Board of Inquiry hearings at Fraunces Tavern as moments of contestation for mobility rights where black subjects were often repossessed by claimants, but, importantly, they used legal channels and their own testimony to decommodify themselves through assertions of their right to freedom and autonomy. They were no longer recoverable goods. Often this was done with the aid of counterfeit identities, aliases, forged identity documents, and the telling of

necessary counternarratives that challenged a claimant's stated timeline. I take up this transcript further below. For now, two interlocking questions emerge: First, how are we to read the historical record of these hearings given the context in which they were written, where humans owned other humans? Second, how do we grapple with the textual meaning itself, given that the record of these hearings is composed not of verbatim transcripts but of records of proceedings and decisions rendered almost noneventful in their brevity, and that are only partial accounts meant to be put to later use in the service of Patriots for claims of injury, losses of property, and compensation? By situating the Board of Inquiry hearings at Fraunces Tavern as moments of repossession, what I am arguing for here is a mapping of Fraunces Tavern as a space where black women, black men, and black children challenged *un-visibility* through contestations for freedom and mobility that were simultaneously demands for recognition not as property, but as full subjects, as humans. For Mercy, the so-called negroe wench, and her children, in the end Fraunces Tavern was a space for the making of her and her children as disposable ("to be disposed of as he may think proper"). They were sentenced to a life back in slavery. In the section that follows, I take up eighteenth-century lantern laws to question how black luminosity as a means of regulating mobility was legislated and also contested. I do this to historicize the surveillance of black life in New York City.

Torches, Torture, and Totau: Lantern Laws in New York City

I am truly a drop of sun under the earth.
—FRANTZ FANON, *Black Skin, White Masks*

"Moment by moment" is the experience of surveillance in urban life, as David Lyon observes, where the city dweller expects to be "constantly illuminated."³¹ It is how the city dweller contends with this expectation that is instructive. To examine closely the performance of freedom, a performative practice, I suggest, that those named fugitive in the Board of Inquiry arbitration hearings at Fraunces Tavern made use of, I borrow political theorist Richard Iton's "visual surplus" and its B side, "performative sensibility."³² What Iton suggests is that we come to internalize an expectation of the potential of being watched and with this emerges a certain "performa-

tive sensibility." Coupled with this awareness of an overseeing surveillance apparatus is "the conscious effort to always give one's best performance and encourage others to do the same, and indeed to perform even when one is not sure of one's audience (or whether there is in fact an audience)."³³ Iton employs the term "visual surplus" to think about the visual media of black popular culture (graffiti, music videos) made increasingly available to the public through the rise of hip-hop in the five boroughs of New York City in the 1970s and the uses of new technologies (cellular phones, handheld cameras, the Internet, DVDs) to record and distribute performances. Applied to a different temporal location, Iton's analyses of visual surplus and performative sensibility are useful for how we think about fugitive acts, black expressive practices, and the regulation of black mobilities in colonial New York City two hundred years earlier. What I am suggesting is that for the fugitive in eighteenth-century New York, such a sensibility would encourage one to perform—in this case perform freedom—even when one was not sure of one's audience. Put differently, these performances of freedom were refusals of dispossession, constituting the black subject not as slave or fugitive nor commodity, but as human. For the black subject, the potentiality of being under watch was a cumulative effect of the large-scale surveillance apparatus in colonial New York City and beyond, stemming from transatlantic slavery, specifically fugitive slave posters and print news advertisements, slave catchers and other freelancers who kidnapped free black people to transport them to other sites to be enslaved, and the passing of repressive black codes, such as those in response to the slave insurrection of 1712.

April 1712 saw an armed insurrection in New York City, when over two dozen black slaves gathered in the densely populated East Ward of the city to set fire to a building, killing at least nine whites and wounding others. In the end, over seventy were arrested, with many coerced into admissions of guilt. Of those, twenty-five were sentenced to death and twenty-three of these death sentences were carried out. Burned at the stake, hanged, beheaded, and their corpses publicly displayed and left to decompose, such spectacular corporal punishment served as a warning for the city's slave population and beyond. With these events and the so-called slave conspiracy to burn the city in 1741, the codes governing black city life consolidated previously enacted laws that were enforced in a rather discretionary fashion. Here black city life is understood as being intricately tied with Indian city life, as laws regulated the mobility of both Negro and Indian

slaves.³⁴ On Sundays, for example, it was forbidden for three or more enslaved people to gather to play sports or make loud noises. Some of these laws spoke explicitly to the notion of a visual surplus and the regulation of mobility by way of the candle lantern. In March 1713, the Common Council of New York City passed a "Law for Regulating Negro & Indian Slaves in the Nighttime" that declared, "no Negro or Indian Slave above the age of fourteen years do presume to be or appear in any of the streets" of New York City "on the south side of the fresh water in the night time above one hour after sun sett without a lanthorn and a lighted candle."³⁵ "Fresh water" here refers to the Fresh Water Pond found in lower Manhattan, slightly adjacent to the Negroes Burial Ground, which supplied the city with drinking water at the time. Other laws put into place around light, lanterns, and black mobilities in New York City stipulated that at least one lantern must be carried per three Negroes after sunset and regulated curfews more tightly. In 1722, the Common Council relegated burials by free and enslaved blacks to the daytime hours with attendance of no more than twelve, plus the necessary pallbearers and gravediggers, as a means to reduce opportunities for assembly and to curtail conspiracy hatching.³⁶ Again, this law regulating mobility and autonomy through the use of the technology of the candle lantern was amended in April 1731 with "A Law for Regulating Negro's & Slaves in Night Time," where "no Negro, Mulatto or Indian slave above the age of fourteen years" unless in the company of "some white person or white servant belonging to the family whose slave he or she is, or in whose service he or she then are" was to be without a lantern lit so that it could be plainly seen and where failure to carry such a lantern meant that it was then "lawful for any of his Majesty's Subjects within the said City to apprehend such slave or slaves" and "carry him, her or them before the Mayor or Recorder or any of the Aldermen of the said City who are hereby authorized upon proof of offense to commit such slave or slaves to the Common Gaol."³⁷ That fire (candle lantern) was employed to deter fire (burning the city down) is not without irony.

Lantern laws made the lit candle a supervisory device—any unattended slave was mandated to carry one—and part of the legal framework that marked black, mixed-race, and indigenous people as security risks in need of supervision after dark. In this way the lit candle, in a panoptic fashion, sought to "extend to the night the security of the day."³⁸ Any slave convicted of being unlit after dark was sentenced to a public whipping of no more than forty lashes, at the discretion of the master or owner, before being dis-

charged. Later this punishment was reduced to no more than fifteen lashes. Such discretionary violence made for an imprecise mathematics of torture.

Mostly, punishment for such transgressions was taken into the hands of the slave owner. In 1734, a male slave of John van Zandt was found dead in his bed. The dead man was said to have "absented himself" from van Zandt's dwelling in the nighttime.³⁹ Although it was first reported that this slave was horsewhipped to death by van Zandt for being caught on the streets after dark by watchmen, a coroner's jury found van Zandt not negligent in this death, finding instead that "the correction given by the Master was not the cause of death, but that it was by the visitation of God."⁴⁰ In recounting physician Alexander Hamilton's narrative about his travels through New York City in July 1744, Andy Doolen details that one outcome of the alleged conspiracy of 1741 was the ruining, according to Hamilton, of the traditional English cup of tea. It was thought by Hamilton that

they have very bad water in the city, most of it being hard and brackish. Ever since the negroe conspiracy, certain people have been appointed to sell water in the streets, which they carry on a sledge in great casks and bring it from the best springs about the city, for it was when the negroes went for tea water that they held their caballs and consultations, and therefor they have a law now that no negroe shall be seen upon the streets without a lanthorn after dark.⁴¹

We can think of the lantern as a prosthesis made mandatory after dark, a technology that made it possible for the black body to be constantly illuminated from dusk to dawn, made knowable, locatable, and contained within the city. The black body, technologically enhanced by way of a simple device made for a visual surplus where technology met surveillance, made the business of tea a white enterprise and encoded white supremacy, as well as black luminosity, in law. In situating lantern laws as a supervisory device that sought to render those who could be, or were always and already, criminalized by this legal framework as outside of the category of the human and as *un-visible*, my intent is not to reify Western notions of "the human," but to say here that the candle lantern as a form of knowledge production about the black, indigenous, and mixed-race subject was part of the project of a racializing surveillance and became one of the ways that, to cite McKittrick, "Man comes to represent the only viable expression of humanness, in effect, overrepresenting itself discursively and empirically," and, I would add, technologically.⁴² With these lantern laws in place and

overrepresented Man needing no candle to walk after dark, these laws, then, were overrepresenting Man as the human.

When the lantern laws were again amended on March 2, 1784, it was not without public condemnation. With the amendment of this lantern law concerning “negroe & molatto slaves” also came the passing of laws against assembly, the carrying of weapons, riding on horseback through the city by “trotting fast” or in some other disorderly fashion, gaming, and gambling, along with other regulations to the racialized body in the city.⁴³ An excerpt of a letter published in the *New York Journal and State Gazette* questioned “the cruelty and inconsistency” in the laws that governed slave life.⁴⁴ Writing about the vagueness of the clause on being caught out in the street at an “unreasonable hour,” the unnamed author questioned a law that allowed “a white drunkard” to “disturb the street til midnight, with impunity; when a poor black girl of fifteen if a gale of wind unfortunately extinguishes the candle in the lanthorn, is hurried to gaol, and next morning ignominiously scourged in public.” This letter writer provided readers with a hypothetical: what if an enslaved person were to travel by horseback through the city on a Sunday in search of a doctor for a master that had fallen ill? If this said slave finds himself in the street when “the Chappel announces the fatal nine” and is without a lit candle and lantern and cannot “procure a light, or [is] so unguarded to unlock his lips (for he must not make a noise) or so forgetful as to have his whip in his hand (for it is a weapon) a prison or flagellation is his position and his master may perish for want of assistance.” The unnamed writer wondered “what the framers of the part of the law thought negro slaves were made of, when they interdicted almost everything which constituted a rational being: laugh, weep or speak, they certainly must not, for that is making a noise and almost every other action in common life; that is not sheer labor maybe constituted into sport or play. Happy would it be for the poor wretches, if by law, you could deprive them of reflection.” Of course, unsupervised leisure, labor, laughter, travel, assembly, and other forms of social networking past sunset by free and enslaved black New Yorkers continued regardless of the enforcement of codes meant to curtail such things.

Oftentimes social networking by free and enslaved black New Yorkers took place right under the surveillant gazes of the white population, in markets and during Sabbath and holiday celebrations. In these spaces of sometimes interracial and cross-class commerce and socializing, black performative practices of drumming, dancing, and chanting persisted. Just

as Frantz Fanon writes in *The Wretched of the Earth* that “the dance circle is a permissive circle,” in that it “protects and it empowers,” in New York City performative practices engaged in by black people empowered.⁴⁵ For instance, during celebrations of Pinkster marking the feast of Pentecost in the Dutch Reformed Church, free and enslaved blacks elected a governor who would serve as a symbolic leader resolving disputes and collecting monetary tribute, making this holiday an event for white spectatorship of black cultural, economic, and political production, although for many such celebratory resistance made this “a festival of misrule.”⁴⁶ The Common Council of Albany, New York, banned Pinkster celebrations in 1811, for reasons including a resentment of the space that it opened up for unsettling exchanges between blacks and whites.⁴⁷

The most controversial incorporation of black performativity into Pinkster was the Totau. On the Totau, Marvin McAllister writes, “A man and a woman shuffle back and forth inside a ring, dancing precariously close without touching and isolating most of their sensual movement in the hip and pelvic areas. Once the couple dances to exhaustion, a fresh pair from the ring of clapping dancers relieves them and the Totau continues.”⁴⁸ That such a performative sensibility was engaged in by black subjects in colonial New York City approximately two hundred years before the emergence of hip-hop in the Bronx is of much significance. The Totau and, later, the Catharine Market breakdown reverberate in the cypher of b-boys and b-girls. In Eric Lott’s discussion of black performances, he cites Thomas De Voe’s eyewitness account of the Catharine Market breakdown in mid-nineteenth-century New York City:

This board was usually about five to six feet long, of large width, with its particular spring in it, and to keep it in its place while dancing on it, it was held down by one on each end. Their music or time was usually given by one of their party, which was done by beating their hands on the sides of their legs and the noise of the heel. The favorite dancing place was a cleared spot on the east side of the fish market in front of Burnel Brown’s Ship Chandlery.⁴⁹

In this instance, the breakdown is performed in a market, allowing for white spectatorship and patronage in a space that is already overdetermined as a site of commerce within the economy of slavery. Later, De Voe was quoted in an 1889 *New York Times* article about the decline of Catharine Market. Recalling from decades earlier the “public negro dances” during Pinkster,

he described the various ways the dancers would adorn their hair, and he is quoted as saying that the dancers “would bring roots, berries, birds, fish, clams, oysters, flowers, and anything else they could gather and sell in the market to supply themselves with pocket money.”⁵⁰ Sylvia Wynter’s “provision ground ideology” is instructive here for an understanding of solidarity, survival, and the role of folk culture as resistance to the “dehumanization of Man and Nature.”⁵¹ Provision ground ideology names the slave’s relationship to the Earth as one concerning sustenance through the growing of produce for survival, rather than that harvested for the profit of the plantation. Where the “official ideology,” that of the plantation, as Wynter explains, “would develop as an ideology of *property*, and the rights of property, the provision ground ideology would remain based on a man’s relation to the Earth, which linked man to his community.”⁵² The idea of Earth here is not one of property or of land, but of the formation of community through spatial practices “concerned with the common good.”⁵³ Out of the provision grounds came the cultivation of ceremonial practices, including dance, that were, as Wynter tells us, “the cultural guerilla resistance against the Market economy.”⁵⁴ For Wynter, dance is one form of ceremonial observance by which the black subject “rehumanized Nature, and helped to save his own humanity against the constant onslaught of the plantation system by the creation of a folklore and a folk-culture.”⁵⁵ Here we see the centrality of folk practices, including dance, to the “emancipatory breaching” necessary for a liberatory remaking of humanness.⁵⁶ The remains of the Catharine Market breakdown can be found, I suggest, in the cardboard, turntables, b-girls, and b-boys of the breakdancing cypher.

What I have outlined here, and argue in the chapters that follow, is that then and now, cultural production, expressive acts, and everyday practices offer moments of living with, refusals, and alternatives to routinized, racializing surveillance. In so being, they allow for us to think differently about the predicaments, policies, and performances constituting surveillance. The predicaments: colonial New York City was a space of both terror and promise for black life. The policies: lantern laws, fugitive slave notices, public whippings, and the discretionary uses of violence by “his Majesty’s subjects” rendered the black subject as always and already unfree. The performances: acts, like the breakdown, that were constitutive of black freedom still persisted even under routinized surveillance and violence at the hands of his Majesty’s subjects. It is within this context, where certain humans came to be understood by many as unfree and the property of others

while at the same time creating practices that maintained their humanity by challenging the routinization of surveillance, that we should read the 1783 Board of Inquiry hearings at Fraunces Tavern.

Of Property and Passports:
The Board of Inquiry Hearings at Fraunces Tavern

What began as a meeting between Generals Carleton and Washington on the point of Article Seven in the provisional peace treaty regarding "Negroes, or other Property" ended with an exchange of letters between the two, with Washington reiterating his concern regarding the embarkation of escaped slaves. Carleton responded, in kind, with a letter dated May 12, 1783. On what he called Washington's "surprise" about the evacuation and Washington's accusation that such action "was a measure totally different from the letter and spirit of the treaty," Carleton reminded Washington that the British set up a register "to serve as a record of the name of the original proprietor of the negro, and as a rule by which to judge of his value. By this open method of conducting business, I hoped to prevent all fraud."⁵⁷ Further, alluding to both self-repossession and the *Book of Negroes* as a searchable database for the future tracking of those listed in it, Carleton suggested that "had these negroes been denied permission to embark they would, in spite of every means to prevent it, have found various methods of quitting this place, so that the former owner would no longer have been able to trace them, and of course would have lost, in every way, all chance of compensation." On the notion of black people as property, Carleton put it this way: "Every negro's name is registered and the master he formerly belonged to, with such other circumstances as served to denote his value, that it may be adjusted by compensation, if that was really the intention and meaning of the treaty." Given this, American and British commissioners charged with receiving and settling claims were appointed to inspect all embarkations in order to prevent evasion of Article Seven. Because of this article, ships were visually inspected for people who could be taken or repossessed as property, or rather, repossessed as if they were property. And with this came the setting up of the arbitration hearings that took place at Fraunces Tavern. At the corner of Pearl and Broad Streets in lower Manhattan, Fraunces Tavern served as the center of arbitration, where almost every Wednesday from ten in the morning until two o'clock in the afternoon, from May through

November 1783, the formerly enslaved came to argue for their inclusion in the *Book of Negroes* by asserting their right to leave New York as free people.

On August 2, 1783, merchant Jonathan Eilbeck brought a claim before the Board of Inquiry, questioning the legitimacy of the embarkation of a woman named Jenny Jackson for Nova Scotia. Jackson was brought ashore to be examined, and she produced for the board a Birch Certificate issued on June 5, 1783, which stated, "That a Negro named Jenny Jackson formerly the property of John Mclean of Norfolk in the Province of Virginia came within the British Lines under the Sanction and claims the Privilege of the Proclamation respecting Negroes theretofore issued for their Security and Protection." Eilbeck, a Loyalist, produced a bill of sale for a Judith Jackson from John Maclean dated July 16, 1782. Jackson admitted to the board that she was indeed Judith Jackson and formerly enslaved by Maclean and clarified that when Maclean departed for England and left her behind, she went with the British army to Charlestown and then New York. More detail on Jenny "Judith" Jackson's narrative of falling within the proclamation can be found in the May 6, 1773, edition of the *Virginia Gazette*. Between ads for the sale of slaves, tracts of land, and a "fashionable" chariot, and notices for a lost watch and for strayed and stolen livestock, a runaway announcement for a "Negro woman named Judith" was placed by John Maclean of Norfolk. Offering a reward of up to six dollars, Maclean's notice describes Judith as "tall and slender, not very black, appears to be between thirty and thirty-five years of age." In the notice, Maclean claimed that he could not offer much of a description as Jackson had only briefly been in his possession, as he had purchased her from Austin Smith of Middlesex the day before she made off, but Maclean noted that Jackson departed with her infant daughter and was perhaps pregnant. Maclean speculated in the fugitive slave notice that Jackson could be seeking to return to Smith and making her way back to Middlesex. It is supposed that Jackson stayed in and around Norfolk until responding to Dunmore's proclamation in 1775, taking up work with the British forces as a laundress.⁵⁸ Although Jackson had labored with the British for eight years in Charlestown, South Carolina, and New York, and was issued a Birch Certificate attesting to her right to depart, the board did not make a ruling in the dispute, perhaps because Eilbeck was a British Loyalist and the board was charged only with adjudicating American Patriot claims of loss of property. The board forwarded the case to General Carleton. Two women named Judith Jackson are recorded in the *Book of Negroes*. One woman, described as a twenty-four-year-old

"thin wench" and "mullato," departed from New York City on the ship *Ann* to Port Roseway, Nova Scotia, before the above case was heard. The other Judith Jackson left on the ship *Ranger* for Port Mattoon, Nova Scotia, on November 30, 1783. This Judith Jackson remained in New York until the final day that the ships departed as she petitioned Carleton for her passage to Canada and for the return of her two children, who were given to Eilbeck. She left for Canada without her children. She is described in the *Book of Negroes* as an "ordinary wench" of fifty-three years of age, and formerly the property of "John Clain" of Norfolk, Virginia, whom she is recorded as leaving in "early 1779." Eilbeck also makes an appearance in the *Book of Negroes* in the ledger entry for "Samuel Ives." This unusually long entry states, "Sold to Captain Grayson by Jonathan Eilbeck of New York who it does not appear had any right to sell him as he was the property of Capt. Talbot of Virginia from whence he was brought by the troops 5 years ago and had a pass from Lt. Clinton which Mr. Eilbeck destroyed." With this entry, Eilbeck's questionable means of claiming possession of others is revealed.⁵⁹

Not all who attempted to embark by altering their recollection of the time of their arrival within the British lines met the same fate. On August 2, 1783, Thomas Smith took issue with the pending embarkation to Nova Scotia of a woman named Betty, and she was brought ashore in order to appear before the board. Betty produced a Birch Certificate issued to one "Elizabeth Truant," detailing that she was formerly the property of Smith but "that she came within the British Lines under the Sanction and claims the Privilege of the Proclamation respecting Negroes therefore issued for their Security and Protection." Smith insisted that "the Wench [was] his property" and that she only arrived in New York City from his estate in Acquackanonk Township, New Jersey, on April 20, 1783. Perhaps out of terror and with the hope of reducing the punishment she might have imagined would ensue on the inevitability of her return, Betty relented and acknowledged that she escaped Smith the previous April, making her ineligible for the proclamation. The board ruled for the claimant and directed Betty to be "disposed of" by Smith "at his pleasure." On May 30, the board heard the case of Violet Taulbert. In an advertisement placed by David Campbell of Greenwich in the May 24, 1783, *Royal Gazette*, Taulbert is said to have escaped with her two boys, seven-year-old Willis and two-year-old Joe. A reward of five guineas was posted for their return. No decision was made by the board in this case as they could decide only on cases regarding those ready to embark.

In another case heard on July 17, 1783, Dinah Archer produced before the board a Birch Certificate issued to her on May 2, 1783. This passport stated "That the Bearer Dinah Archer being a free Negro has the Commandants permission to pass from this Garrison to whatever place she may think proper." Archer had been brought for examination before the Board through a claim by William Farrer. During the hearing, Archer testified "that she was formerly the Property of John Baines of Crane Island Norfolk County Virginia" and that she was sold by Baines to Farrer and lived and labored in Farrer's household for about three years until he left for England, leaving her behind. Archer told the Board that she was later informed by Baines that he never issued a bill of sale to Farrer, and Baines "compelled her to return to him." Archer remained in Baines's possession until she escaped to the British and arrived in New York City under Sir George Collier and General Matthews's "Expedition up the Chesepeake." The Board decided that they were "not authorized to determine the Question between the Claimant and the Negroe woman" and referred the case to the commandant of New York City. Recorded in the *Book of Negroes* as a forty-two-year-old "one eyed" "stout wench," Dinah Archer traveled on the ship *Grand Duchess of Russia* to Port Roseway on September 22, 1783. She traveled to Canada indentured to a Mrs. Savage. Although Archer had seemingly perjured herself to gain a passport, her narrative of coming behind the British lines before the signing of the provisional peace treaty allowed the British to deny William Farrer's claim on her as his property.

In total, the Board of Inquiry heard fourteen cases. Of those fourteen, five were children, two men, and seven women. The five children were all returned to their claimants; the two men were allowed to embark; and of the seven women, three were allowed to leave New York. All those whose cases were heard and then were prevented from embarking were put on a "no-sail list." In all, 1,336 men, 914 women, and 750 children are listed in the *Book of Negroes*. Once in Canada, they would find there enslaved black people, other Black Loyalists who were evacuated from Boston in 1777, and largely untenable land. Many labored on public works projects, feared slave catchers, and faced possible recapture and other forms of forced or coerced labor. After some time, many, including Boston King, left to establish what is now Freetown, Sierra Leone.⁶⁰ No doubt on their journey to Sierra Leone they passed slave ships traveling the Atlantic Ocean packed with Africans as cargo heading in the other direction.

While conducting the research for this chapter, I visited Fraunces Tavern. The tavern is said to be one of the oldest buildings in Manhattan. It was built by a member of the Delancey family in and around 1706. By 1762, Samuel Fraunces or "Black Sam" took ownership of the building, opening a social club, tavern, and inn, and he named it the Queen's Head. Fraunces Tavern is now part museum, part restaurant, and part brewery. The museum is run by the Sons of the Revolution, a hereditary society whose members promote and celebrate military and civil service during the American Revolution. I could only guess where the *Book of Negroes* arbitration hearings took place, but I figured that they might have happened in the main dining room. Maybe they were held someplace out of sight. There is no record, no plaque, nothing commemorating those Wednesdays in 1783 when black people would come to the tavern to argue for their freedom. The only discernible trace is a copy of Cato Ramsey's Birch Certificate mounted on a wall. One of the security guards working at Fraunces Tavern told me that "this building was Black Wall Street." This young, black security guard related to me that the museum director had removed any pictures of Samuel Fraunces that would signify Fraunces's blackness. There is some disagreement surrounding Jamaican-born Fraunces's racial identity, which reveals anxieties around race, and blackness in particular, then and now in America. Curated out of the category of blackness, to me at least, Fraunces is seemingly white in all the images now displayed around the tavern. Curious about this absencing of blackness, I asked the security guard if I could speak to the museum's librarian who was upstairs at the time of my visit in the summer of 2010. He went upstairs to inquire. When he returned, he said that she told him to tell me that she wasn't available to speak to me.⁶¹

Conclusion

In discussing the archive of transatlantic slavery, Hartman asks, "how might it be possible to generate a different set of descriptions from this archive? To imagine what could have been?"⁶² I close this chapter by considering *The Book of Negroes: A Novel* to ask if this creative work can offer an alternative imagining of the events surrounding the making of the *Book of Negroes* that could not be fully realized with the historical documents examined here. The novel traces protagonist Aminata Diallo's life from her capture in

West Africa, her enslavement in South Carolina, her journey to Manhattan, and her eventual escape from her slave master to become a bookkeeper at Fraunces Tavern. Diallo eventually works with the British under the proclamations, emigrates to Nova Scotia and then on to London, and finally returns to Africa. Through Diallo we are offered a remembering of Fraunces Tavern and those archived in the *Book of Negroes* as she is tasked by the British to interview, inspect, and register the names in the ledger: "I wanted to write more about them, but the ledger was cramped."⁶³ Diallo was set to leave New York City for Nova Scotia on the ship *Joseph*, but a claim was made on her person as recoverable property and she was taken in front of the Board of Inquiry at Fraunces Tavern, "wrists tied and legs shackled."⁶⁴ In this claims court, promises of freedom were broken, despite the pleas and testimony. Diallo narrates,

At the back of the room, I heard claims against two other Negroes who, like me, had been pulled off ships in the harbour. Both—one man, and one woman—were given over to men who said they owned them. I despised the Americans for taking these Negroes, but my greatest contempt was for the British. They had used us in every way in their war. Cooks. Whores. Midwives. Soldiers. We had given them our food, our beds, our blood and our lives. And when slave owners showed up with their stories and their paperwork, the British turned their backs and allowed us to be seized like chattel. Our humiliation meant nothing to them, nor did our lives.⁶⁵

Diallo voices a story of life, surveillance, and the making of the *Book of Negroes* different than one of acts of British compassion. By approaching surveillance technologies through stories of black escape—Al and Garfield's televisual escape, Sam's disruptive staring in "turning up the white of his eyes," lantern laws, Aminata Diallo's narrative acts—the brutalities of slavery are not subject to erasure; rather, such a renarration makes known the stakes of surveillance, emancipation, and freedom. The next chapter begins with another image of escape, *Wilson Chinn, a Branded Slave from Louisiana*, to enter into a discussion of branding, biometric technology, and the commodification of blackness.

balling disposition" that "defies the hegemony of racial supervision on its own terms" (141). Wallace is referring here, in part, to the references made in the file to Baldwin as "huge-eyed [if] undersized" (137). Also see my discussion in chapter 2 of ex-slave Sam and his "reckless eyeballing" that, in fact, was not so reckless, but an act of subversion.

125. Wallace, *Constructing the Black Masculine*, 141.

126. Glaser, *Bo-Tsotsi*. Glaser places the entry of the term "tsotsi" in township vocabulary at around 1943–1944, and as referring "to a style of narrow-bottomed trousers that became popular among African youth in the early 1940s. In American gangland slang, the narrow-bottomed pants were called 'zoot suits.' It is possible that the word tsotsi comes directly from the word 'zoot-suit,' with a pronunciation shift" (50). The term later gained connotations that associated "tsotsi aesthetic" with criminal gang activity.

127. Robin Rhode in "Robin Rhode and Catharina Manchanda in Conversation" in Manchanda, *Catch Air*, 19.

128. Bentham, *The Works of Jeremy Bentham*, vol. 4, 39.

129. hooks, *Talking Back*, 9.

2. "Everybody's Got a Little Light under the Sun"

1. After the race is complete, some scenes are reenacted with participants in order for the film crew to capture better footage. A secondary film crew is sent out during the race, to lessen the chance that sighting a full film crew will give the trackers an advantage over the prey. *Mantracker* has filmed episodes outside of Canada, including California and Hawaii, and began its seventh season in May 2012, without Terry Grant as *Mantracker*.

2. Walcott, *Black Like Who?*, 14.

3. *Ibid.*, 48.

4. Coined by sociologist Thomas Mathiesen, "The Viewer Society," the synopticon, in counterpoint to the Panopticon (where the few watch the many), allows for the many to watch the few, often by way of mass media in a viewer society, for example, reality television watching.

5. In this act, "negro cloth" includes duffel, kersey, osnaburg, blue linen, check linen, checked cotton, Scotch plaids, calico, and other coarse and unrefined cloths "and declares all garments of finer or other kind, to be liable to seizure by any constable as forfeited."

6. This quote is taken from the pair's application video, in which contestant Al St. Louis states incredulously, "Two black men being chased by a white man on a horse?" While it could be said that St. Louis and Thompson are framed in this episode through a narrative of uplift, it could also be argued that a certain element of minstrelsy or hamming it up for the camera is engaged by the two: losing a defective compass and leaving *Mantracker* to find it; paying homage to another reality television program that also makes use of surveillance footage of evasion and capture, *Cops*, by singing the lyrics to its theme song, reggae band Inner Circle's 1993 hit "Bad Boys." In deleted scenes avail-

able on DVD, contestant AI is filmed singing a rendition of the Negro spiritual "Nobody Knows the Trouble I've Seen" and alternately beatboxing "Go Down Moses."

7. Douglass, *Narrative of the Life of Frederick Douglass*, 33.

8. A "breeder" or foundation document is used to support one's identity claims in the application process for a more secure status document, such as a passport. In our contemporary moment, breeder documents, such as birth certificates and in some cases baptismal certificates, are said to be more easily forged and weak in terms of security. See Salter, *Rights of Passage*.

9. McKittrick, "Their Blood Is There," 28.

10. McKittrick, "Math Whips."

11. Foucault, *Psychiatric Power*, 77.

12. Marriot, *On Black Men*, 9.

13. Sennett, *Flesh and Stone*, 80.

14. Now that the *Book of Negroes* is digitized and searchable online (<http://www.blackloyalist.info/>), it could be argued that this inventory bears some of the hallmarks of contemporary centralized traveler databases, complete with a "no-sail" list. For a detailed accounting of the inventory that is the *Book of Negroes*, see Hodges, *The Black Loyalist Directory*. Hodges's appendix includes tables, by colony and gender, of "All Negroes Who Claimed to Be Born Free," "All Negroes Who Claimed to Have Escaped," "All Negroes Who Were Free by Proclamation"—those who were indentured, enslaved, and emancipated.

15. For a longer discussion on the various watch lists, data collection practices, and programs in the regulation of airline travel and Canada-U.S. border crossings post-9/11, see Bennett, "What Happens When You Book an Airline Ticket?"

16. Carby, "Becoming Modern Racialized Subjects," 625.

17. *Ibid.*, 627.

18. Gilroy, *The Black Atlantic*, 16.

19. In *Rights of Passage*, Mark B. Salter names the modern international passport system as a post-World War I formation that was codified by the League of Nations in 1920 with the expressed purpose of securing state borders and economic trade that is deemed legitimate, restricting the movements of refugees, and controlling the spread of disease through quarantine, all while facilitating travel between nations. Salter lays out the development of the modern passport from the doctrine of *ne exeat regno* (the right of the sovereign to determine who can leave the realm), to the emergence of safe conduct passes for merchants in thirteenth-century Europe, letters of marque issued to privateers that authorized the use of violence on the high seas in the name of the sovereign, and the post-Westphalian state system that saw the sovereign's monopoly on the legitimate means of violence. Radhika Mongia, in "Race, Nationality, Mobility," sees the passport system as having a "checkered, piecemeal, and counterintuitive development" (527), and considers the role of Indian emigration to Canada in the early twentieth century in this formation. I situate the *Book of Negroes* as part of this checkered development of the passport regime, notably because it emerged when the United States of America gained independence from Britain and it was written into

the terms of peace. Given that prior to the *Book of Negroes* what would eventually become the United States was still a British holding, no other document could have served the same function—a written record of the right to pass freely out of the United States that noted identifiers such as gender, race, place of birth, and, importantly, corporeal markers like scarring.

20. On November 7, 1775, John Murray, the fourth Lord Dunmore and governor of Virginia, issued a proclamation that promised freedom for male slaves who voluntarily fought with British forces. After the defeat of his forces in Virginia, Murray arrived in New York City in the summer of 1776 to occupy the city, establishing its military headquarters there. With Dunmore's Proclamation, and later Howe's 1778 Proclamation, then Clinton's Philipsburg Proclamation in 1779, this guarantee was extended to women and children, bringing about the "largest black escape in the history of North American slavery," with fugitives estimated at 25,000 to 55,000 in the "southern states alone" (Hodges, *The Black Loyalist Directory*, xiv). Sir Henry Clinton served as commander in chief of all British forces of North America from May 1778 until February 1782, when Sir Guy Carleton took up the post. See also Schama, *Rough Crossings*, 132–135.

21. *Pennsylvania Gazette*, July 17, 1776, quoted from Schama, *Rough Crossings*, 77.

22. Anderson, *Imagined Communities*, 35.

23. Foote, *Black and White Manhattan*, 190.

24. Hall, "Missing Dolly, Mourning Slavery," 70.

25. Allsopp and Allsopp, *Dictionary of Caribbean English Usage*, 110.

26. *Royal Gazette*, New York, June 14, 1783.

27. *Royal Gazette*, New York, July 21, 1783.

28. *New York Gazette*, October 27, 1783.

29. Walke, "Thomas Walke's Account of Capturing His Runaway Slaves in New York City."

30. Hartman, "Venus in Two Acts," 5.

31. Lyon, *Surveillance Society*, 51–53.

32. Iton, *In Search of the Black Fantastic*, 105. This term is also related to the performances that are often demanded and rendered necessary in dominant spaces (schooling, workplaces, the outdoors), so that minoritized peoples are not viewed as threatening to established norms.

33. *Ibid.*

34. The descriptions in the *Book of Negroes* of those who left New York also gesture to the intimate relations within the black and indigenous populations: "born free, her mother an Indian" or "better half Indian." Many thanks to Sharon Holland for pointing out this connection. For detailed discussions of the events of 1712 and 1741 in New York City and their effects on the regulation of the city life of black subjects, see Doolen, *Fugitive Empire*; Lepore, *New York Burning*; Harris, *In the Shadow of Slavery*; Burrows and Wallace, *A History of New York City to 1898*; Davis, *A Rumor of Revolt*. For seventeenth- and early eighteenth-century laws regulating free and enslaved blacks, see Hodges, *Root and Branch*.

35. City of New York, *Minutes of the Common Council of the City of New York, 1675-1776*, vol. 3, 30.
36. *Ibid.*, vol. 4.
37. *Ibid.*, vol. 4, 51.
38. Foucault, *Discipline and Punish*, 41.
39. *New York Weekly Journal*, vol. 113, January 5, 1735.
40. *Ibid.*
41. Hamilton, *Gentleman's Progress*, 88.
42. McKittrick, *Demonic Grounds*, 124.
43. City of New York, *Minutes of the Common Council of New York City 1784-1831*, vol. 1.
44. "Extract of a Letter from a Gentleman in Pennsylvania to His Friend in New York Dated March 24, 1784," *New York Journal and State Gazette*, April 15, 1784.
45. Fanon, *The Wretched of the Earth*, 19-20.
46. Harris, *In the Shadow of Slavery*, 41.
47. Lott, *Love and Theft*, 46; McAllister, *White People Do Not Know How to Behave*, 113; White, "Pinkster," 69.
48. McAllister, *White People Do Not Know How to Behave*, 112.
49. Thomas De Voe, *The Market Book*, cited in Lott, *Love & Theft*, 41-42.
50. "Where Slaves Danced: Catharine Market's Rise and Decline," *New York Times*, April 28, 1889.
51. Wynter, "Jonkonnu in Jamaica," 36.
52. *Ibid.*, 37.
53. *Ibid.*
54. *Ibid.*, 36. See also Wynter, "The Ceremony Found."
55. Wynter, "Jonkonnu in Jamaica," 36.
56. Wynter, "The Ceremony Found."
57. Carleton to Washington, May 12, 1783, in Carleton, Papers.
58. Hodges, *The Black Loyalist Directory*, xviii.
59. Eilbeck's death notice in the *American Beacon and Commercial Diary*, August 4, 1817, stated, "he never withheld from the labourer the reward of his industry, while hundreds can attest his forbearance towards those even who were the most unworthy of his indulgence." Here it is assumed that Eilbeck's "forbearance" was toward the laborer that was paid, and not enslaved.
60. Schama, *Rough Crossings*; Pybus, *Epic Journeys of Freedom*.
61. Lawrence Hill's *The Book of Negroes: A Novel*, has been adapted into a television miniseries that aired on Black Entertainment Television and the Canadian Broadcasting Corporation. The part of Samuel Fraunces is played by actor Cuba Gooding Jr., a casting decision that, I think, leaves Fraunces's blackness unambiguous.
62. Hartman, "Venus in Two Acts," 7.
63. Hill, *The Book of Negroes*, 294. For the novel's release in the United States, Australia, and New Zealand, it is titled *Somebody Knows My Name*, as the publisher reasoned that "Negroes" in the book's original title could cause offense with some audiences. The

Dutch edition of the book is titled *Het Negerboek*. A burning of the novel's cover was organized by a group of Afro-descended Dutch Surinamese to protest the book's title in Amsterdam in 2011. For more on this book burning, see Hill, *Dear Sir*.

64. Hill, *The Book of Negroes*, 306.

65. *Ibid.*, 307.

3. Branding Blackness

1. "An Instrument of Torture among Slaveholders," *Harper's Weekly* 6, no. 268 (February 15, 1862): 108.

2. "White and Colored Slaves," *Harper's Weekly* 8, no. 370 (January 30, 1864): 71.

3. Fanon, *Black Skin, White Masks* (2008), 89.

4. Gilroy, *Against Race*, 46.

5. "Branding Slaves," in *The Anti-slavery Almanac* (1840), Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division, Image ID: 413027, *North Carolina Standard*, July 18, 1838.

6. Wood, *Blind Memory*, 246.

7. Spillers, "Mama's Baby, Papa's Maybe," 67.

8. Atkins, "Voyage of John Atkins to Guinea," 269.

9. Omi and Winant, *Racial Formation in the United States*; Goldberg, *The Racial State*.

10. Goldberg, *The Racial State*, 110.

11. *Ibid.*, 110–111.

12. Barbot, "John Barbot's Description of Guinea," 293.

13. *Ibid.*, 294–295.

14. Feagin, *The White Racial Frame*, 2nd ed.

15. *Ibid.*, 55.

16. Long, *The History of Jamaica*, 273.

17. *Ibid.*, 382.

18. *Ibid.*, 328. See also Mimi Sheller, "Quasheba, Mother, Queen," in *Citizenship from Below*.

19. Young, *Colonial Desire*, 181.

20. Barbot, "John Barbot's Description of Guinea," 290.

21. Platt, *The Martyrs, and the Fugitive*, 22.

22. *Ibid.*

23. Hall, "The After-Life of Frantz Fanon," 16.

24. Fanon, *Black Skin, White Masks* (2008), 91, 92.

25. McClintock, *Imperial Leather*, 33.

26. *Ibid.*, 209.

27. Fanon, *Black Skin, White Masks* (2008), 93.

28. *Ibid.*, 95.

29. *Ibid.*, 94.

30. *Ibid.*, 89.